

HALOCHOSCOPE

This week's question:

Someone with a foot problem has a hard time standing unaided. He can stand while leaning or holding on to a piece of furniture, or aided by a cane. When the *aron hakodesh* is open, how critical is it that he stands? May he stand supported by something else? During the recitation of the *shlosh esrai midos*, the thirteen attributes of divine mercy, the congregation must stand. What is the best way for this person to fulfill this, sitting or standing with support? When saying *viduy*, the confession prayer, one must stand. If one is unable to stand unsupported, may he sit down, or should he at least stand with support?

The issues:

A) *Kavod sefer Torah*, standing when the *aron hakodesh* is opened

B) *Shlosh esrai midos*

C) *Viduy*

A) *Kavod sefer Torah*; standing for an open *aron hakodesh*

The Talmud says, the *sefer Torah* has within it the words of the *Luchos Habris*, tablets of the covenant, and must be treated with respect. We are commanded to respect students of the Torah, so we must certainly respect the Torah itself. A *sefer Torah* must be written with sanctity, and its materials are manufactured in the same way. The sources for the *mitzvah* to respect a *sefer Torah* include the *mitzvah*, *umikdashi tira'u*, revere [My] sanctuary. This applies to the *Bais Hamikdash*, but also to *shuls* and holy artifacts. A *sefer Torah* is considered *kedusha atzma*, holiness itself. It is on the highest level of *kedusha* that we have nowadays. One may not sit on the same level as a *sefer Torah*, nor do anything mundane in its presence. It must be treated with extra care, and a special place must be designated for it. Some derive this from the *pasuk* stating that the *sefer Torah* written by Moshe was placed beside the *Aron Habris*, holy ark in the Tabernacle. The same *pasuk* states that the *Sefer Torah* will serve as a witness. In its presence one must feel profound awe.

Mipnei saivah takum is the Scriptural *mitzvah* to rise for an approaching Torah scholar and to remain standing until he passes by or reaches his seat. This is also part of a more general *mitzvah* to respect a Torah scholar, which is, in turn, derived from the language of the *mitzvah* to revere Hashem Himself. From this *mitzvah* we learn that if one must rise for those who study the words, one must certainly rise for the *sefer* itself. From a further *passuk* we learn that one must walk along to accompany a *sefer Torah*, as it says, 'you shall follow behind Hashem your G-d'.

In addition to respect, one must beautify the *sefer Torah*. This is part of the general *hidur mitzvah*, beautifying any *mitzvah*, but for this *mitzvah* in particular stronger terms than the usual are used. *Rambam* uses a term, *lehadro yosair midai*, overly beautify it. It

must be written beautifully and adorned with beautiful coverings. As mentioned, a special place must be designated for the *Sefer Torah*. The *aron hakodesh* has a special level of *kedusha*, by virtue of its housing the *Sefer Torah*. It is built into the Eastern wall of a *shul* and called a *haichal*, or is a self-contained chest called a *taivah*. This word is used to describe both the *aron hakodesh* and the table on which the Torah is placed for reading.

While one may not usually turn his back on the *aron hakodesh*, the *rav* addressing the congregation, the *kohanim* blessing the congregation and the elders seated at the front face the congregation, do so. This is out of respect for the *tzibur*. The justification for this rests on the principle that the *aron hakodesh* is kept closed at all times, except when a *sefer Torah* is removed or returned. The poskim debate the purpose of the *aron hakodesh*. Some say it is to keep the *sifrei Torah* secure, while others maintain that it is to honor them. All agree that it is kept closed, apparently to give the *sifrei Torah* space of their own. As long as it is closed, some activities otherwise be restricted in the presence of the *sefer Torah* are relaxed. We are also given instructions about when the *aron hakodesh* is opened during services, and to keep it closed at all other times.

As well as standing up when the *sefer Torah* is carried, one should also follow it for a short distance. The rules for rising in the presence of a scholar apply as long as he is in sight and moving. Once he comes to his place, one may sit down. This is derived from the way the *Benai Yisroel* honored Moshe even after he had passed by, until he arrived at his tent. Some connect this to standing for the person performing the *mitzvah* of carrying the *sefer Torah*. We find this with regard to the *bikurim*, first fruit offering. It is taken to the *Bais Hamikdash* in a procession. When it passes by, people stop work and stand. This honors those doing the *mitzvah* of taking it. Taking the *sefer Torah* from the *aron hakodesh* to the *bimah* is not a *mitzvah* in its own right. Rather, the honor is shown to the item being carried, the *sefer Torah*.

Sifrei Torah are removed from the *aron hakodesh* to read from them, to fix them, to use them as a holy item accompanying a special utterance, such as *kol nidrei*, and in their honor or the honor of other *sifrei Torah*, such as when all are removed before reading on *Simchas Torah* and we dance with them. As mentioned, there are parts of the service for which the *aron hakodesh* is opened but *sifrei Torah* are not removed. One source for this is that when the people prostrated themselves, there is an opinion that it is only permitted in the presence of the *aron*, referring to that of the *Bais Hamikdash*. The prostrations of the *Yanaim Noraim* services are based on these. This concept is extended to other parts of *tefillah* that are considered deep supplication. The presence of the *aron hakodesh* itself allows certain things to be done that may not be done in its absence, such as *tachanun* falling on one's face and *magen avos* on *Shabbos*. It gives a holy stability to the *shul*. Opening it and showing the *sifrei Torah* also adds to the potency of the *tefillah*.

When the *aron hakodesh* is opened on these occasions the congregation stands in respect. The question is, why do we stand? There does not appear to be a Talmudic source for this. In fact, there is a Scriptural source that seems to say that when "it" was opened, the people stood. In that context, "it" refers to the actual *sefer Torah*. This might imply that listeners must stand when the *sefer Torah* is opened to read it. [The *korai* and the

oleh must stand for a different reason.] Most poskim maintain that "stand" in that context refers to being silent while it was read. The consensus is that there is no requirement to stand during the reading, even for special sections. However, one may stand, and if the entire congregation stands, one may not remain seated. This seems to show that there is no need to stand when the *aron hakodesh* is opened, for even when the *sefer Torah* is removed, one need only stand when it is being carried. Therefore, while it is stationary in the *aron hakodesh*, there is no reason to stand either.

In some congregations it is indeed not considered necessary to stand merely for the opening of the *aron hakodesh*. They stand for certain *tefilos*, such as the Thirteen Attributes, that are said with an open *aron hakodesh*. However, in many other congregations, especially *Ashkenazi* ones, it is common practice to stand when the *aron hakodesh* is opened during services. The main reason for standing seems to be *kavod* and *hidur*. This word can mean *hidur mitzvah*, glorifying and beautifying the *mitzvah*. It can also refer to *hidur*, the respect shown for elders, and in this case, for the *sifrei Torah* inside the *aron hakodesh*. The poskim debate whether this is an obligation or a *chumra*, a stringency that was adopted. The issue seems to be: how strong was the initial adoption? There is another reason given. The reason not to stand when listening to the reading is that once the *sefer Torah* has been put down on the *bimah*, it is itself in a 'sitting' position. However, as long as it is 'standing', one should not remain seated in front of it.

In any event, the custom does not seem to relate specifically to the particular prayer being said at the time. It relates to showing respect for the *sifrei Torah* when they are not concealed. Accordingly, one should stand at any time the *aron hakodesh* is opened.

Standing up means not leaning or getting other support. In our case, it is too hard to stand unassisted. Since standing in this instance is a *minhag*, the main objection to sitting is that one is behaving differently from the congregation. Standing while being supported will satisfy this. This should work for *ne'ilah* as well. In reality, by the time *ne'ilah* is being repeated by the *shliach tzibur*, there are always some congregants too weak to remain standing. In this case, one would not necessarily stand out by sitting. Before relying on this, one should look around the *shul* to check whether there are a number of people sitting down. [See *Brochos* 25b-26a *Eruvin* 91a *Megilah* 26b (*Tosefta* 3:14) 32a *Sotah* 39a *Kidushin* 33a-b *Avos* 4:6 *Sofrim* 3:11-13, *Poskim*. *Rambam Tefila* 11:2 *Sefer Torah* 10:2-11 (*Kiryas Sefer*). *Shibolei Haleket OC* p.142. *Tur BY Sh Ar OC* 134:2 141:1 146:4 (*Kaf Hachayim*, *Shaar Hatzayn* 18) 147:1 154:3-6 *YD* 142: *Taz* 13 *Ar Hash* 49 282, commentaries. *Shaarei Efrayim* 10:20. *Ketzai Hamateh (Mateh Efraim)* 592:2. *Panim Meiros* 1:74 (end). *Chasam Sofer CM*:73 (end). *Igros Moshe OC IV*:40:22.]

B) *Shlosh esrai midos*

When He forgave us for the sin of the golden calf, Hashem promised that whenever the Jews would sin and bring on a harsh decree they should pronounce before Him the *shlosh esrei midos shel rachamim*, the thirteen attributes of divine mercy. This would 'remind' Hashem of His covenant that He would never forsake us. The decree would be removed, softened or relaxed. We remember our connection to Hashem and to return to Him. The Talmud describes it "as though Hashem cloaked Himself with a *talis* like a

shliach tzibur.” It seems that this would be the source for the requirement to stand while saying *shlosh esrai midos*. It is as though we are reenacting the original pronouncement. The Torah says that Moshe immediately prostrated himself before Hashem. We do not do this. Some poskim maintain that one should bow slightly while saying them. Normally, we have a rule that one does not bow while saying the name of Hashem. One would need to stand upright while saying the beginning of *shlosh esrai midos*, at least. Thus, it seems that the poskim say one should stand upright all the time. Nonetheless, due to the explicit mention of Moshe prostrating, we may bow slightly in this case. The poskim say that the old and infirm may lean. This answers our question. The person with a foot problem should stand, but may lean for support, rather than remain seated. Here, too, one must try not to appear different from the congregation. This is even more important with regard to *shlosh esrai midos*. The rule is that when the congregation is saying them, anyone present must say along with them, even if he is not part of that *minyan*. [See Rosh Hashanah 17a-b, Poskim. Tur BY Sh Ar OC 130:1 565:5 581:1 (Matei Efraim 18) 607:3, commentaries. Nitei Gavriel Rosh Hashanah 11.]

C) Viduy

Viduy, confession, is a *mitzvah* in the Torah. It applies every time one offers a *korban*, sacrifice to atone. It is also a specific *mitzvah* on *Yom Kippur*. It must be said standing. Some poskim question whether one who was leaning for support during *viduy* fulfills his obligation. Normally, one would redo it to be sure. However, there are reasons not to repeat *viduy* unnecessarily. *Viduy* is said during the silent *amidah tefilah*. The poskim debate whether it is said with the *shliach tzibur* in his repetition, but all agree that one must stand while it is repeated. *Viduy* is said with a bowed head. The basic *viduy* is a confession that one sinned. However, one should really enumerate his sins in detail. Since this is often not possible, the standard text lists ways one might have sinned in general terms in the order of *alef-bais*. For each time one strikes his heart with his right fist.

One of the reasons we say *viduy* on *Yom Kippur* is in place of the *viduy* said by the *Kohain Gadol* over the offerings. To do so, he would lean with all his weight on the head of the animal. Some poskim learn from here that one may lean for *viduy*. Others contend that the *viduy* of *teshuva* on *Yom Kippur* is a form of submission and subordination. One is required to show this by standing, the same way as one who is saying *tefilah*, the *amidah* prayer. Accordingly, it is not the same as the *viduy* on the *korban*, and one may not lean. Nonetheless, the poskim say that an old or infirm person may support himself while trying to stand. In our case, it is suggested that for the first few words, before the *alef-bais*, he should make the effort to stand unsupported. For the rest of the *viduy*, he may rely on the poskim who permit leaning for the infirm. [See Yuma 87b, Poskim. Tur Sh Ar OC 130:1 607:3, commentaries. Nitei Gavriel Yom Kippur 34:16-18, notes.]

In conclusion, one who has trouble but can manage to stand for a short while should not sit down for any of these, but may stand with support from furniture or of a cane.

גמר חתימה טובה

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