

HALOCHOSCOPE TOI PE

Dear readers, I apologize for the long break in Halochoscope. Throughout the summer it was difficult to organize production and publication. Once back at home, the many duties that I was immediately immersed in, combined with the slowing of momentum, led to a further delay. hopefully, after the Yomim Tovim, we will be able to make up a little with extra issues.

Correction to Issue 11. On the issue of Tzitzis on snap-pants. One factor mentioned was the fact that the slits do not go the full length of the garment. In one view, if the slit does not separate the cloth, but there is a small connection at the top, it does not require Tzitzis. Actually, the snap-pants in question are not connected at the waistline. Accordingly, this factor will not help in mitigating the obligation of Tzitzis. However, another factor now comes in to play. When unbuttoned the pants have eight corners. There is a view that a garment with more than four corners is exempt. We do not follow this view, but require Tzitzis on the four furthest corners. However, in our case, where other factors apply to exempt the garment, we may add this view to decrease the likelihood of an obligation. [See Tur, Shulchan Aruch Orach Chaim 10:1, Bias Yosef, Bach, Magen Avraham 1, Pri Megadim, commentaries.]

A shul has the practice of omitting *Tachanun* that is normally said following *Shemone Esrei*, on days that *Selichos* are recited before davening. The origin of this practice is unknown. Is it possibly an erroneous *Minhag*? If no source can be found on which to base it, may it be changed, or must it be respected, due to the possibility that it has a sound basis?

The issues:

- (A) *Tachanun* following *Shemone Esrei*
- (B) *Selichos*, and *Tachanun* following it
- (C) Possible bases for error in this practice; possible reconciliations
- (D) The importance of maintaining a *Minhag*
- (A) *Tachanun* Following *Shemone Esrei*

The roots of the Hebrew *Tachanun* are to be gracious, confer favor and give a free, undeserved gift. Prayers are a plea for undeserved but needed help and sustenance. The Talmud discusses adding personal *Tachanunim* at the end of one's recital of the formal Tefila of *Shemone Esrei*.

Tachanun as we know it is viewed according to most Poskim as an extension of *Shemone Esrei*. Some cite the aforementioned Talmudic discussion as the source, while others cite the reason given for the *Tachanun* itself. At the end of *Tachanun* we turn to Hashem saying "we do not know what to do .." I.e.: "We do not deserve anything, but know no other way to get it. We have presented our Tefilos in three ways, as did Moshe Rabeinu at Har Sinai, sitting (Pesukei

Dezimra), standing (Shemone Esrei), and prostrated on the ground.” This is the source for *Nefilas Apayim*, prostration. Nowadays, one is not assured of his prayers being answered in the way they were requested. Therefore, he may not prostrate himself. Prostration expresses submission and unworthiness before Hashem. This may be expressed by sitting down and covering the face. One says a *Mizmor* of *Tehilim*, varying according to custom (*Sefard* or *Ashkenaz*) reflecting this theme. [See Va’eschanan 3:23, Yirmiyah 38:26 42:2 9, Daniel 9:3. Brochos 13a 16b-17a 21a-b 29b Taanis 14b Megillah 22b Baba Metzia 59b, Poskim. Avudraham, Tachanun. Tur, Shulchan Aruch 119:1 122 131:1 etc., commentaries. Otzar Tefilos.]

(B) Selichos; Tachanun following it

The original version, *Selichos Vesachanunim*, refers to imploring Hashem with references to His promises of forgiveness. When Hashem forgave the Jewish people for the sin of the golden calf, He promised that any time the Jewish people would sin and bring on a harsh decree, they should pronounce before Hashem the *Shlosh Esrei Midos*, thirteen attributes of mercy. This would “remind” Hashem that He entered into a covenant with the Jews that He would never forsake them. Thus, the decree would be removed, softened or relaxed. Hashem does not need to be “reminded” of anything. The object is to get the Jewish people to remember their own connection to Hashem, and to return to Him. *Selichos* focus on the covenant, the sins (violations of the covenant) the decrees, hardships, repentance and return to Hashem. The *Shlosh Esrei Midos* are always included, preceded by a *Techina*, supplication. Usually, a form of *Viduy*, confession of sins is also included.

Two occasions for *Selichos* are mentioned in Talmudic literature. On a fast day decreed due to difficult times, extra Tefilos are recited, including *Selichos*. During the *Yamim Noraim*, one of which is a fast day, *Yom Kippur*, *Selichos* are recited. These “remind” of the forgiveness associated with that day. Jewish dates reflect events that happened that day. *Yom Kippur* was the day that final forgiveness for the golden calf was issued. The sin took place on the 17th of Tammuz, when Moshe came down from Mt. Sinai with the first *Luchos*, subsequently smashing them on seeing the golden calf. He proceeded to pray for forty days, beginning the next day, culminating at the end of Av. Then, Hashem commanded him to ascend Mt. Sinai to receive the second *Luchos*. He descended forty days later, on *Yom Kippur*, with the second *Luchos*. This signified reconciliation, along with specific *Mitzvos* to atone for the golden calf every *Yom Kippur*.

During these forty days that Hashem was in a conciliatory mood, so to speak. Thus, this is always considered an *Ais Ratzon*, period of Divine appeasement. Various *Minhagim* reflect this. The *Shofar* is blown at the end of the services, an extra Psalm is recited. In Many communities, these are the days that *Selichos* are recited. Some recite them for the entire Elul, some begin on the 15th of Elul, the

25th of Elul, or four days prior to Rosh Hashana. The most prevalent practice of Ashkenazim is to begin on a Motzai Shabbos at least four days before Rosh Hashana. [For reasons for the *Minhagim*, see *Halochoscope* VII:25]

The Talmud discusses two aspects of davening on a public fast proclaimed due to events. Before the Tefilah, an elder addresses the people with references from the *Tanach* to repentance and to cause them to cry. During the *Shliach Tzibbur’s* repetition of *Shemone Esrei*, *Selichos* are recited. In addition, the regular *Tachanun*, also a version of *Selichos*, was always recited. Nowadays, both are recited following *Shemone Esrei*. Another dimension is added for Elul. A Passuk in *Eicha* teaches us that night is the time for appeasement. The Talmud debates exactly when the ideal time is. One view puts it as the period immediately preceding dawn. Others place it at the beginning or end of the *Mishmaros*. The night is divided into equal parts, during which the *Malachim* rotate “watching.” The Talmud debates whether there are three or four watches. If there are three, some maintain that the best time is at the beginning of the second watch, i.e., at about 10 PM. If there are four watches, the beginning of the third watch is at midnight. This is considered the ideal time to recite *Selichos*. In addition, as a gesture of sincerity and repentance, one should rise to serve Hashem earlier than the rest of the year. Thus, *Selichos* are recited before davening, before dawn or at night. [See Brochos 3b Taanis 15a Rosh Hashana 15a-18a (Ran) Yuma 87b, Rambam, Teshuva 3:4, Avudraham, Rosh Hashana. Tur, Sh. Ar. O.C. 581, commentaries.]

Following the *Selichos*, one recites a *Viduy*, confession. During Elul when they are recited before davening, one also recites *Tachanun*, followed by *Kadish Tiskabail*, which usually follows *Shemone Esrei*. One explanation for this is that *Selichos* resemble regular Tefilah. The *Pesukim* represent *Pesukei Dezimra*, the *Shlosh Esrei Midos* represent *Shemone Esrei*, and *Tachanun* follows. [One may sit for the *Pesukim* or *Piyutim*.] [See Levush O.C. 581:1.]

(C) Possible explanations for the practice

One should not prostrate himself by night. However, if one finishes *Selichos* after daybreak, he may do *Nefilas Apayim*. On Erev Rosh Hashana *Tachanun* is not said. However, during *Selichos*, which are said before dawn, one may say *Tachanun*, even if it finishes after dawn, contradicting the omission during *Shacharis*. If a *Choson* or participants in a *Bris Milah* are present *Tachanun* is omitted. There is a controversy on whether this applies to *Selichos*, or only to *Shacharis*. From such discussions it is clear that normally *Tachanun* is repeated during *Shacharis*.

It is possible that the practice arose to omit *Tachanun* on all days when *Selichos* were recited. Perhaps a generation only remembered going to *Selichos* on Erev Rosh Hashana. It is possible that these *Selichos* were presumed to be the same as those recited after *Chazaras Hashatz*, transposed to before davening. They “took” the

Tachanun with them, so that it was no longer said at its normal time.

On a deeper level, many congregations avoid Tachanun whenever possible, due to its holiness and the lack of concentration that is usually had for it. Some congregations do not recite Tachanun at all following Selichos. Nefilas Apayim can involve spiritual danger. They feel that one should only do it when having already recited Shemone Esrei, and with the entire congregation. Thus, the later recital is applied to Selichos as well. Another Minhag is cited not to recite Kadish Tiskabel after Selichos if Shacharis follows immediately. The Kadish Tiskabel following Shemone Esrei (and Tachanun) is applied to both. When Selichos are recited following Shemone Esrei we do not recite Tachanun twice. Thus it would appear that Selichos is considered an addition to the regular davening, but that the parts of it that also appear in the regular davening need not be repeated for Selichos. Accordingly, it is possible that the practice in question is based on the idea that one formal Tachanun is sufficient as part of one extended service. Rather than recite it following Shemone Esrei, it is recited following Selichos, maybe to connect it to the many times Shlosh Esrei Midos were recited. [See Sh. Ar. O.C. 581:3 602:1, commentaries. Ktzai Hamateh 581:42 44, Nitei Gavriel 5:19-21 25.]

(D) Respecting existing Minhagim

The Poskim vehemently oppose abandoning a *Minhag*, even if the *Minhag* has little basis. For example, while *Halacha* is usually decided in favor of a majority, if a *Minhag* favors the minority it is followed. When a *Minhag* has been followed for a very long time, if it can be reconciled in any way, it is attributed to great Torah scholars who are unknown to us. As such, it may not be argued with. Generally, the basis for adhering to a *Minhag* is that the members of a community have the power to adopt practices that are binding on future generations as a *Neder*, vow. Once a community has begun to practice a stringency, others may not teach them that Halachically they may give it up. Many sources point out that this is also true of leniencies, especially since any leniency can lead to a stringency, and vice versa. If a *Minhag* has no source in traditional Torah works, there is a view that considers it a mistake. However, if one is able to find any justification or basis, however far-fetched, one must humbly accept the possibility that the originators were more scholarly than himself. This applies whether it is stringent or lenient. Unless the situation changes in a way that the *Minhag* would be better left unobserved, one must make the effort to maintain it. [See Brochos 43a, 45a, Psachim 40b, Tosfos. Yerushalmi Maaser Sheini 5:2. Rema O.C. 690:17, Mogen Avraham 22, Rema Y.D. 196:1. Shach Y.D. 65:7. Leket Hakemach, end Mezuzah.]