

HALOCHOSCOPE

This week's question:

When *davening* in a *minyan* with a *mohel*, one does not recite *tachanun*. If one finishes *shemone esrai* some time after the *minyan*, should he recite *tachanun* by himself? If the *mohel* is present, but not *davening* with them, should the *minyan* say *tachanun*?

The issues:

A) *Tachanun*

B) Omitting *tachanun* when a *mohel* is present

C) What is considered participating with the *minyan*, in this context?

A) *Tachanun*

The *Avos* and *Nevi'im* often said a prayer while falling on their faces. This was institutionalized together with the formalization of *shemone esrai* as we know it, by the *Anshei Keneses Hagadolah*, Ezra's Great Assembly. While it has little dedicated Talmudic discussion, by combining the various references to it, we learn its nature and laws.

One Talmudic sage was excommunicated by his brother-in-law, the *nasi*, Jewish leader. His wife (the *nasi's* sister) stood over him every day when he *davened*, to interrupt him between *shemone esrai* and *tachanun*. One day, thinking it was *Rosh Chodesh*, she did not interrupt him. As it turned out, *Rosh Chodesh* was the next day, and the scholar said *tachanun*. The potency of his *tefillah* combined with his *tachanun* had the effect of marshaling persecutory forces in Heaven against the *nasi*. The *nasi* died immediately. This teaches us: that *tachanun* is extremely potent; that it should be said right after *shemone esrai*, with no interruption; and that interruption weakens its potency.

From its initial institution, *tachanun* was said with *nefilas apayim*, falling on the face. The poskim explain, having just prayed in a standing position, we then bow or prostrate ourselves, and then we sit, to pray in three positions. We then arise again and say: "*Va'anachnu lo naida ...*, we do not know ..." That is: "We know we do not deserve anything. *Tachanun* is the term used when asking for grace, to be granted wishes as an undeserved free gift. We have presented our *tefilos* in three ways, as did Moshe at *Har Sinai*. We know no other way to ask for our needs!" Some say that the sitting prayers refer to *pesukei dezimra*, standing refer to *shemone esrai*, and prostrate refer to *tachanun*.

Tachanun, (or '*selichos vetachanunim*'), is an extension of *tefila*. While *tefila* was formalized in the *shemone esrai* as we know it, *tachanun* was always meant to be personal. It is a form of total subordination. It is also *piyus*, appeasement, as a prelude to begging forgiveness and pleading for one's needs. Later, the various communities formalized it in their liturgies, to include *tehilim*, other *pesukim* and assorted *tefilos*. The part said face down or face covered is said quietly. The rest is said audibly.

Nefilas apayim is considered more potent than *tefila* in a standing position. A prominent person should not do *nefilas apayim* in public unless he is as confident as Yehoshua

bin Nun of being answered. If his powerful *tefila* is not answered his greatness will be questioned. This refers to prostration. All *tefila* involves subordination, and its most extreme demonstration is prostration. In addition, covering the face shows shame.

The Talmud refers to sages turning slightly sideways while doing *nefilas apayim*. Two reasons are given. First, this way, one does not face directly downwards and thus avoids the embarrassment of being unanswered. Second, one may not prostrate on a stone floor. Therefore, all prostration is restricted. [On *Rosh Hashanah* and *Yom Kippur*, we avoid prostrating ourselves directly on the floor. But place something loose, not connected to the building, between our faces and the floor.]

Nowadays, we do not prostrate ourselves on the floor, but put our heads down on our hands. We turn sideways in keeping with the Talmudic passage. In many communities it is customary to lower oneself to the left, except when wearing *tefilin*. According to the view that the main point is covering the face, we may lift part of our clothing or *talis* to cover the face, even in a standing position. Skin is not considered covering. Some *poskim* maintain that *tachanun* should never be said standing, for *kabalistic* reasons. Therefore, we only resort to this when absolutely necessary. [See Vaeschanan 3:23, Yirmeyahu 38:26 42: 9 Daniel 9:3, Brochos 13a 16b-17a 21a-b Taanis 14b 25b Megillah 22b-23a Baba Metzia 59b, Poskim. Avudraham Tefilos Chol. Tur [BY DM] Sh Ar OC 119:1 122 131:1 etc, [MA 8 Levushei Serad. Shaarei Teshuva 3.] commentaries.]

B) Omission of tachanun in presence of a mohel

The content of *tachanun* includes references to Divine Judgment, the Destruction and exile, and other sad events seen as punishment for our sins. It contains confession, repentance and acknowledging Hashem's justice. Depending on one's custom, it can include the *shlosh esrai midos*, thirteen attributes of Divine Justice. After the sin of the golden calf Moshe was instructed by Hashem to call out these words in any time of distress. On festive occasions one may not make mention of many of these matters. Therefore, *tachanun* is not recited on *Shabbos* or *Yomtov*. This includes *Rosh Chodesh* and other days that are celebrated as minor holidays, though there is no cessation of work.

Tachanun is not recited on the afternoons preceding these special days. The basis for this is the Talmudic debate on restricting fasts and eulogies before days that are restricted in their own right. A private individual can also be restricted from fasting or eulogizing or both, on his personal holiday. One example of a private holiday would be the day one offers a *korban*, offering in the temple. He may not mar his festivities. In the same way, on a calendar date that involves such celebrations one does not recite *tachanun*. The Talmud discusses days when an entire community had to limit its restrictive behavior due to the celebration of one part of them. During temple times, various families earned the privilege to donate wood for the altar on specific dates. [These corresponded to the days that their ancestors had donated it for the first time.] The *maamad* services, special prayers for the *korbanos'* acceptance, were restricted based on these family holidays.

In similar vein, when individuals in a group celebrate a festive occasion, the entire group refrains from saying *tachanun*. These include a mourner in his house of mourning. One should not invoke the attribute of Justice. In addition, mourning is compared to a festival. If the *avail* is in a *shul*, the *poskim* say that he refrains from *tachanun* himself, but does not exempt the congregation. A groom on his wedding day, and according to

common custom for the following week of festivities, exempts the congregation. When a *bris milah* is held in a *shul*, the entire congregation does not say *tachanun*, so as not to mar the joy of the celebrants. The poskim cite a consensus that even if the *bris milah* will not take place in that *shul*, but either the *mohel*, the father, or the *sandek*, one honored with holding the child, is present, the entire congregation does not say *tachanun*. This even applies on a communal fast day. While all but the main celebrants fast, and even recite *selichos*, *tachanun* is omitted.

The poskim say that in cases of doubt or of differing views, one tends to leniency with regard to *tachanun*. One should omit *tachanun*, rather than include it. Some suggest the reason based on the inclusion of the *shlosh esrai midos*. These potent prayers should never be recited without proper *kavanah*, concentration on their meaning. Nowadays, few people can even understand their true meaning. Of those who can understand a variation of their basic simple meaning, few take the care to recite them properly, let alone with *kavanah*. However, not all versions include the *shlosh esrai midos*, due in part to this very reason. Nonetheless, there are other reasons to tend to leniency. Although it is part of *tefila*, it is anyhow omitted on certain days. Thus, it seems to be somewhat dispensable, as opposed to the main body of *shemone esrai*. Despite its potency, *tachanun* is meant to be a personal prayer, added by the individual. It was formalized to assist the individual. If the individual has no *kavanah*, this is a case for the dictum: 'better a small amount with *kavanah*, than a large amount without'. Hopefully, the personal needs one includes at the conclusion of his silent *shemone esrai* will be said with *kavanah*. [See Taanis 26a, Poskim. Tur Sh Ar OC 131:1 4-7, commentaries. (eg Shaar Hatziyun 15.)]

C) What constitutes participating with a minyan?

Usually, a congregation *davening* together is treated as a unified group. This often means that one follows a majority in questions of custom, or when deciding what to include based on events. The unifying factor is usually the *minyan*, and that usually depends on whether they are all participating in the same section of *tefila*. For *tachanun* purposes, how is the 'congregation' determined? Once it is determined, in what way does the individual become subordinate to the group, despite his being somewhat separate? *Nefilas apayim* is done in a room with a permanent *sefer torah*. In another room is open to this one, *tachanun* may be recited. An individual *davening* at home may do *nefilas apayim* only if he coordinates his *tachanun* to be at the same time as the congregation. In our case, the group is omitting *tachanun*. The individual is in the same room, but has not reached that point at that time. Is he nonetheless compelled to be a part of the group?

Tachanun seems to be connected to *tefilah*, as we mentioned in section A. This seems to be the rationale for a *minyan* omitting it, due to the presence of a *mohel*. Accordingly, it would appear that if the *minyan* recites *tefilah* together, specifically the silent *shemone esrai*, this combines them for *tachanun* purposes. Perhaps one who begins with them, or joins them during their *shemone esrai*, is also considered part of them. Or perhaps, even if he is present to say *borchu* with them, he is considered part of the *minyan*, as long as he is in the middle of *davening* at the time. Perhaps if he is needed as one of the ten, he is automatically considered part of the *minyan*.

The omission of *tachanun* by the entire congregation is dealt with on a graduated scale. Within this scale there are many variations in local custom. In the house of a

mourner, *tachanun* is omitted. If the mourner goes to a *shul*, the congregation does recite *tachanun*. The mourner is *batel*, secondary, to the rest of the congregation. A groom is the matter of debate. There is no common custom to hold services in the house of the groom. In former times, the groom never left his house of celebration. The joyous atmosphere rendered the house a '*tachanun*-free zone'. However, when he attends a *shul*, some maintain that he has the same status as an *avai*. Others say that he causes the rest of the congregation to be exempt. The exemption for an *avai* is based on different reasons than that of a *choson*. Some suggest that the *choson* should not go to *shul*. Some say he should leave before *tachanun*. This indicates that although the congregation said *shemone esrai* together with the *choson*, *tachanun* is dealt with separately in its own right. Those present, and perhaps participating, at that moment are obliged or exempted. Others say that one need not ask a *choson* to leave. Why should he not attend *shul*? It is better to exempt the congregation. If he is present but not part of the current *minyan*, especially if he did not put on *talis* and *tefilin* with them, that *minyan* should say *tachanun*. This seems to imply that if he did put on *talis* and *tefilin* with them, but could not keep up with them, they are exempt due to his presence. One could suggest that the same applies to others who join the same *minyan* but cannot keep up with them.

For a *bris*, there are many customs. One original *minhag* was to omit *tachanun* when the *bris* took place in the *shul* after *davening*. Other *minyanim* in the same *shul* are debated. Some exempt all *miyanim*. Some even exempt all *minyanim* in town, if the *bris* takes place in the main town *shul*. Most exempt any *minyan* taking place concurrently, in a part of the building that is dependent on the *bris shul* for *tachanun*. Some exempt all *minyanim* up to the time of the *bris*. Some exempt the first *minyan* only. Nowadays, we exempt any *minyan* that includes a *mohel*, father or *sandek*. Some say that as long as the chair used for the *bris* (*kisai shel eliyahu*) is still present, *minyanim* after the *bris* took place are also exempt. The *poskim* say that latecomers who get to *shemone esrai* after the *bris* took place and after the participants have left, should say *tachanun*. It seems that saying *shemone esrai* with the celebrants present is a deciding factor. [See Tur Sh Ar OC 131:4, commentaries. Eshel Avraham. Kaf Hachaim 81.]

In conclusion, from these customs it seems that one who joined the *minyan*, but could not catch up in time for *tachanun*, or rather its omission, should still omit it.

On the Parsha [The *sefer torah*] shall be with [the king], and he shall read in it all the days of his life, so that he learn to fear ... [17:19] The Talmud says that this *sefer torah* would accompany the king everywhere [Sanhedrin 21b]. This way, he would be humbled and realize that he was no greater than his brethren, and he would be reminded to stay on the middle path. There is some question as to the custom, cited by *Rema* [OC 131:2], to require the presence of a permanent *sefer torah* in the room where one does *nefilas apayim*. Perhaps the Torah teaches us here that in order to fully feel the humility and subordination of *tachanun*, one must feel the presence and holiness of a *sefer torah*.

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