

HALOCHOSCOPE

This week's question:

On Erev Rosh Hashanah many congregations recite many more *selichos*. One rises before dawn to recite them. Many have the practice to fast for part or most of the day. However, *tachanun* is not recited during *shacharis*, as it is *Erev Yomtov*. At the end of *selichos* on the other days, *tachanun* is recited. The poskim say that one recites *tachanun* at the end of *selichos* on *Erev Rosh Hashanah*, because they usually finish before dawn. Therefore, even if they finish after daybreak, one may recite *tachanun*. What if a congregation began *selichos* after daybreak? What if they began after sunrise?

The issues:

- A) *Fasting Erev Rosh Hashanah*
- B) *Tachanun on Erev Yomtov*
- C) *Selichos and tachanun*

A) Fasting on Erev Rosh Hashanah; Tachanun on Erev Yomtov

Fasting is prescribed as a way to practice penitence. Abstinence from worldly pleasures subdues temptations and indulgences. This allows for focus and resolve to mend one's ways. The one real Scriptural fast, *Yom Kippur*, is the day of atonement. In addition, angels do not eat or indulge in anything physically nourishing. On *Yom Kippur* we resemble angels. Moshe abstained from food and drink for the forty days and nights he ascended the mountain to receive the Torah, and when he prayed for Israel following the sin of the golden calf. This was a sign of his ascending to the level of angels and the 'supernatural'. It was also a sign of self-deprivation to enhance his prayers for forgiveness.

Other fasts are generally in three categories. Some were instituted by *Neviim*, with quasi-Scriptural-Rabbinical level of severity, in mourning and penitence, to commemorate the destruction of the *Bais Hamikdash*, the exile, and the sins that led to these events.

Others were proclaimed by the Rabbis when the need arose, including lack of rainfall and other immediate troubles. We recognize troubles coming directly from Hashem as a warning or punishment, to make us abandon our waywardness. Fasting for rain in *Eretz Yisroel* followed a specific order. The first series, Monday, Thursday and Monday, was observed only by great leaders who could answer queries in *halacha* in any subject. Their students could voluntarily fast. The Talmud debates whether others may fast. In one view, since this involves pain and self-affliction, anyone may volunteer. We follow the view that doing so is considered arrogant. The later series of fasts involved the entire people. Prominent leaders and *tzadikim* would engage in more intense abstentions.

The third type is a *minhag* or a privately adopted fast. *Taanis Esther* was adopted communally, to commemorate the war with *Amalek*. While the army goes to battle, the people fast for their success. An individual can adopt fasts for repentance, or due to a bad dream. A *minhag* adopted by the people voluntarily has the binding effect of a *neder*. It

also has the caveats of a *neder*. It depends on the frame of mind of the person or people adopting it. Therefore, if it can be assumed that under certain circumstances it would not have been adopted, it is relaxed in those situations.

The fast on *Erev Rosh Hashanah* is in the third category. This *minhag* is mentioned by the poskim as originating in medieval Germany. After saying 'most' people fast on the *first* day of *selichos*, the poskim say that in Germany 'everyone' fasts on *Erev Rosh Hashanah*. The poskim cite various bases for this fast. The Midrash says that the first day of *Sukos* is also the first day of a new accounting of sins. All old sins have been wiped clean by then. On *Erev Rosh Hashanah* the great people fast. Hashem forgives one third of the sins. During the *Aseres Yemei Teshuva* the righteous people fast, and Hashem forgives a second third of the sins. On *Yom Kippur* all fast, and Hashem forgives all remaining sins. Until *Sukos*, the people are too busy to sin.

This implies that it is appropriate to fast on *Erev Rosh Hashanah*, at least for the greatest among us. Some poskim say that in this case, anyone may consider himself great. Usually, this involves *yuhara*, undue pride and haughtiness. Why may anyone may assume the title? Some suggest that in this case we follow the other view in the Talmud, but this would pose a contradictory ruling. Others suggest that when leaders fast on behalf of the larger group, they have been selected as representatives. For a junior person to assume that role is presumptuous. However, on *Erev Rosh Hashanah* people are mainly fasting for themselves and for their own sins. Furthermore, some people fast even more penitent fasts. Therefore, it is not considered presumptuous. Since the leaders fast on this day, we know that it is a good day for such fasts. Therefore, each individual can undertake his own fast. The implication based on the Midrash is that more people fast during *Aseres Yemei Teshuva* than on *Erev Rosh Hashanah*. To resolve this, some say that we are not strong enough, or that by fasting *Tzom Gedalia* one satisfies this issue.

There were days that the Rabbis forbade fasting. These were generally holidays to commemorate something. To avoid fasting on some of these days, fasting was also restricted on the preceding days. The Talmud debates whether the same rules were applied to Scriptural holidays. Since they are more stringent it is less likely that people will fast on the holiday itself. The poskim maintain that *Rosh Hashanah* is a day that fasting is forbidden. Nonetheless, the Yerushalmi says that a great sage fasted every *Erev Rosh Hashanah*. This proved that either the original institutions restricting fasting had been abolished, or that on the day preceding a Scriptural holiday it is permitted. In any event, these sources indicate that this day is a good day to fast.

Due to its nature as a *neder* type *minhag*, those who practice this *minhag* may also practice leniencies. These include eating a *bris milah* or other *seudas mitzvah*. On the day a relative is buried, there is a special meal eaten. The poskim debate whether one should eat this meal on *Erev Rosh Hashanah*. From this debate, some show that the fast is not on the level of the institutionalized fasts, when the bereaved may not eat this meal. Accordingly, a person who is weak or mildly sick may eat, even if he has previously adopted the *minhag*. It is assumed that in such circumstances it was never meant to be adopted. If the person has adopted additional fasts on his own, he has shown that he is fasting due to personal vows. This person would need to gain a *hataras nedarim* in order

to break his fast. This list of exceptions indicates that the original fast was not necessarily based on the aforementioned sources as an institution. Rather, they just served as proof of the relevance of a fast on this day. Thus, the fact that they indicate that only great people fasted does not mean that it is presumptuous for lesser people to undertake it nowadays.

Since one may not fast on *Rosh Hashanah*, those who fast must eat before the day is over. This means that the type of fast can be viewed in one of two ways. The Talmud describes a fast that is begun but is not completed. This is practiced by certain individuals who begin fasting but later break their fast due to circumstances. For example, the father of a baby who has his *bris milah* on some types of fast breaks his fasts after the *bris*.

Another type that is called *taanis sha'os*, a fast for part of the day. The question is whether this applies to the first hours of the day or the last hours, including the end of the day. A commitment to fast can only be considered if it was undertaken the day before. If one happened to refrain from eating, and he decided half way through the day to undertake the remaining hours as a fast, this is called *taanis sha'os*. The poskim debate the validity of such fasts. The same term is borrowed when the poskim discuss a fast for part of the day, even if it is undertaken the day before. On the assumption that this is a valid *taanis*, some have the *minhag* to fast on *Erev Rosh Hashanah* until after midday, rather than breaking the fast right before *Yomtov* begins. Since it does not necessarily meet the requirements of a valid *taanis*, people who follow this practice do not insert the *taanis* prayers. Most poskim say that the fasts of *Erev Rosh Hashanah* and *Aseres Yemei Teshuva* do not require prior undertaking. Furthermore, they may be observed for a slightly shorter period, until after *mincha*. Nonetheless, many refrain from adding the *taanis* insertion. The poskim also rule that the standard special Torah reading for a fast day is not read on this fast day. Thus, the fast is clearly not on the same level as a standard *taanis*. [See Taanis 10a-b 11b-12a 17b 22b 25b Yerushalmi 2:13, Poskim. Tanchuma Emor 22. Hagahos Maimoni Hl. Shofar 1. Tur Sh Ar OC 562 569 575:1 etc. 581:2, [Levush 2-4, MTE 38 46 57] commentaries.]

B) Tachanun on Erev Yomtov

The Hebrew word *tachanun* means grace, favor, and giving an undeserved gift. The Talmud discusses personal *tachanunim* at the end of the formal *tefilah*. As we know it, *tachanun* is viewed as an extension of *shemone esrai*. We admit that we do not deserve what we prayed for, but plead for it anyhow. We do this standing, as an addendum to *shemone esrai*, prostrated, as *nefilas apayim*, and sitting. Nowadays, we are not worthy enough to prostrate, so we satisfy this with covering the face and leaning down.

Just as one does not fast on a *Yomtov*, and this restriction is extended to the days before and after *Yomtov*, *tachanun* is also restricted before and after *Yomtov*. Thus, we have a contradictory practice, wherein the people fasting still do not recite *tachanun*. One resolution is that the fast is indeed not as official as the usual fasts, as mentioned. [See Va'eschanan 3:23 Yirmiyah 38:26 42:2 9 Daniel 9:3. Brochos 13a 21a-b 29b Taanis 14b Megillah 22b Baba Metzia 59b, Poksim. Avudraham, Tachanun. Tur Sh Ar OC 119:1 122 131:1 etc., commentaries. Refs to section A.]

C) Selichos and tachanun

The original *selichos vesachanunim* refers to imploring Hashem with references to

His forgiveness. In forgiving the sin of the golden calf, Hashem promised that in the advent of future decrees due to sinning they should recite *shlosh esrai midos shel rachamim*, the Thirteen Attributes of divine mercy. This should “remind us and Hashem” of the covenant with Him, and soften the punishment. *Selichos* generally focus on the covenant, sins, decrees, punishments and hardships, and repentance. The Attributes are preceded by a *techina*, supplication. *Viduy*, confession of sins, is included after *selichos*.

The Talmud describes two occasions for *selichos*: communal fasts and *Yom Kippur*, the day that Hashem finally forgave the sin of the golden calf. This was preceded by Moshe's forty days of supplication. Thus, the month of *Elul* and first ten days of *Tishrei* became days of *ratzon*, divine conciliation and appeasement. The various Jewish communities recite *selichos* on given days during this period. On public fasts, they are said after *shemone esrai*. During *Elul*, another dimension is added. *Megilas Eicha* teaches that night is a time for appeasement, at the head of the four angelic watches. Furthermore, rising early shows dedication to Hashem. Thus, there are varying practices, including rising at midnight, at the watch-changes, before dawn, and before *davening*, to recite *selichos*.

Following *selichos*, *viduy* is recited, followed by *kaddish tiskabel*, that is usually recited after *tefilah*. One explanation is that the *pesukim* that precede *selichos* represent *pesukei dezimra*, the Attributes represent *shemone esrai*, and *viduy* represents *tachanun*.

In general, one does not prostrate himself by night. If *selichos* end after daybreak, we may do *nefilas apayim*. The *Yomtov* aspect of *Erev Rosh Hashanah* begins at daybreak. However, even if *selichos* end after dawn, *tachanun* is recited, in contradiction to the omission during *shacharis*. *Nefilas apayim* is permitted for *selichos* even if they end before dawn. Since this usually is the case on *Erev Rosh Hashanah*, it is permitted even after dawn. From this language, it appears that one may only say *tachanun* if *selichos* began before dawn. However, a number of poskim rule that it applies even to those who recite it later. The discussion arises when a *bris* is celebrated on one of the other days of *selichos*. In the shul where the *bris milah* takes place, *tachanun* is not recited at *shacharis*. What about at *selichos*? One of the reasons given to recite it at *selichos* is that, unlike *shacharis*, *tachanun* is an integral part of *selichos*. Therefore, it is always included. On a real *Yomtov*, such as *Yom Kippur*, the *selichos* are inherently *tachanun*-free. *Erev Yom Kippur* is also considered a real *Yomtov*. *Erev Rosh Hashanah* is not a *Yomtov* in its own right. Its *Erev Yomtov* restrictions do not extend to *selichos*. In addition, we have shown that despite the usual restrictions against fasting, which are the very reason to refrain from *tachanun*, people do fast. Thus, the *tachanun* restriction is also relaxed somewhat, specifically when it comes to *selichos*. [See Brochos 3b Taanis 15a Rosh Hashanah 15a-18a Yuma 87b, Ramabam, Teshuva 3:4, Abudraham Rosh Hashanah. Refs to sections A and B. Pnai Maivin YD:319:5. Shevet Halevi IV:54:5.]

In conclusion, *tachanun* may be considered a standard part of *selichos*, which may be recited after dawn. Therefore, it may be recited even if the *selichos* began after dawn.

כתיבה וחתימה טובה

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