

ing *shofar*. In addition, some *mitzvos* are enhanced in public. *Selichos* is not a *mitzvah*, and is not fulfilled, nowadays, by listening to the *shatz*. On the other hand, the *shlosh esrai midos* are not recited by individuals. The *shatz* is necessary to unite the congregation.

Selichos involves reciting Hashem's Name and *shlosh esrai midos*. The first question here is whether one may simply recite *selichos* more than once. This would also apply to one who wishes to satisfy more than one view as to the most opportune time. Second, assuming it requires a *shatz*, may one serve as *shatz* a second gathering?

Uttering Hashem's name in a *tefilah*, *techinah*, or *passuk*, or in the course of study, is not considered in vain. Assuming that *selichos* were composed after the era of the Prophets, the composers were clearly comfortable with inserting divine Names in *techinahs*. The *piyutim* also include them, as well as *passuk* fragments. Earlier, we raised the issue of reciting a part of a *passuk*. This is compounded when that partial *passuk* has divine Name. We may assume that in the context of *tefilah* neither of these arises. However, an unnecessary *brocha* it is forbidden. What about an unnecessary *techinah*? The poskim debate the case of one who omits *yaaleh veyavo* in *bircas hamazon* on *Rosh Chodesh*. He fulfills his obligation without it. May he insert it later in the *harachamans*? Though it is a *techinah*, the uttering of Hashem's Name when not obliged is debated. Some say that *yaaleh veyavo* is more like a *brocha* than a *techinah*, since it fulfills an obligation. True *techinah* or voluntary praise is permitted. In former times, one was permitted to say *shemone esrai* additional times as voluntary praise. Thus, repeating as a praise, which is neither a *brocha* nor an obligation, is always acceptable. Nowadays, people are unable to have the required *kavanah*, concentration. Therefore, we limit repeating to obligations. Other totally voluntary *techinahs* are allowed at any time.

Selichos are not totally voluntary *techinahs*, (though one may recite them the first time voluntarily if he has no *minyan*, following the procedure in section A). Accordingly, nowadays one should not repeat *techinahs*, even voluntarily. Thus, repeating *selichos* unnecessarily is not recommended. It seems that trying to satisfy many opinions is not sufficiently 'necessary'. However, it is not actually forbidden. Therefore, if one is asked to serve as *shatz*, because no-one else can do the job, he may serve in more than one *minyan*. [See B'tzel Hachochmah IV:52. Nitei Gavriel Yamim Noraim 5:26.]

On the Parsha ... *To pass you into this covenant and curse .. Lest there be amongst you .. who will say .. I will go as I see fit .. Hashem shall separate him for evil .. [20:8]* When present in a congregation that is reciting the *bris shlosh esrai*, the covenant of thirteen attributes, that Hashem made with Israel, one must participate, even if the individual is not part of that *minyan*. Some suggest that this is a *davar shebikedusha*, like *kedusha*. Perhaps it is more like *alainu*, which includes bowing. One may not stand out by not bowing, lest he be seen as disagreeing with the concept of *alainu*. In the case of *shlosh esrai midos*, by separating himself from the group, one will appear to have excluded himself from the *bris*.

⚡ Sponsored by Parke and Beverly Americus in memory of Moishe Leib ben Benjamin

Americus a"h, whose *yahrzeit* is on the 25th of Elul. ♠

© Rabbi Shimon Silver, September 2011.

Subscriptions and Sponsorships available. (412) 421-0508. halochoscope@hotmail.com

HALOCHOSCOPE

This week's question:

May one person be the *shliach tzibur* at two *minyanim* for *selichos*? He would lead one *minyan* at midnight, and the second *minyan* early the next morning.

The issues:

- A) *Selichos*
- B) *Ais ratzon*, the most opportune time for *selichos*
- C) The *shliach tzibur* for *selichos*
- D) Repeating to exempt a second gathering

A) *Selichos*

Selichos vesachanunim refers to imploring Hashem with references to His promises of forgiveness. After the sin of the golden calf, Hashem said that whenever the Jews 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 that He entered into a covenant with us that He would never forsake us. The decree would be removed, softened or relaxed. The idea is for Jews to remember their connection to Hashem and to return to Him. *Selichos* focus on the covenant, our violations of it, decrees, hardships, repentance and return to Hashem. *Shlosh esrei midos* are included, preceded by a *techina*, supplication. A form of confession is usually included as well.

The Talmud mentions *selichos* for two occasions. On fast days, decreed due to lack of rain, famine and war, extra *tefilos* were recited, including *selichos*. On *Yom Kippur*, the day of forgiveness for the sin of the golden calf, *selichos* are recited. On the Seventeenth of *Tamuz*, Moshe descended from *Har Sinai* with the *luchos*, and smashed them when he saw the idol. He prayed for forty days until the end of *Av*. Hashem then told him to ascend the mountain to receive the second *luchos*. He descended forty days later on *Yom Kippur* with the new *luchos*. This signified reconciliation.

The Talmud discusses special services on a public fast day. During the *shliach tzibur's* repetition of *shemone esrai*, *selichos* were recited. For the most part, they are added at the end of the *shemone esrai* part of the repetition, before the additional *tachanun*, which is also a form of *selichos*. Hence, *selichos vetachanunim*.

Selichos consist of *piyutim* and *techinahs*. *Piyutim* are liturgical poems and collections of *pesukim* or fragments thereof to arouse our *teshuva* and Hashem's compassion. They often follow the *alef-bais* in some way. They were composed by scholars, beginning during the Talmudic era. These were written with very deep allusions based in *kalalah*, or on words and phrases that were known to invoke mercy. *Techinahs* are ancient prayers, recorded by the *Gaonim*. *Techinahs* are followed by the *shlosh esrai midos*. *Piyutim* may be recited alone, congregationally or responsively. *Shlosh esrai midos* may only

be recited in the presence of ten males, together. One present when the congregation says them must join in, regardless of whether he is part of the group. Without a *minyan*, one may read them as *pesukim* in the chant reserved for reading the Torah. Generally, one may not break a *passuk*. These involve a half-*passuk*. During *tefilah* one may break a *passuk*. The poskim debate whether this applies to individual recital. Therefore, it is preferable to complete the *passuk* when doing this.

B) Ais Ratzon

During the forty days that Moshe was receiving the second *luchos*, Hashem was in a conciliatory 'mood', so to speak. Therefore, this is always considered an *ais ratzon*, time of divine appeasement. Nowadays this corresponds to the month of *Elul* and the first ten days of *Tishrei*. In many *Sefaradic* communities *selichos* are recited the entire period. According to another *minhag* they begin on the fifteenth of *Elul*. A third *minhag* is to recite specifically during the ten days of repentance. A fourth source cites reciting them from the twenty-fifth of *Elul*. According to many, this was the day the world was created (see below). On this day Noach sent the dove for the second time, to see if the land had dried from the flood. Towards evening the dove returned with an olive leaf in its mouth. Hashem was appeased. Another *minhag* is to recite *selichos* four days prior to *Rosh Hashanah*. *Selichos* should be accompanied by fasting, for ten days at the beginning of *Tishrei*. Four of those days cannot be observed as fasts: *Rosh Hashanah*, *Shabbos*, and *Erev Yom Kippur*. To make up for them, four days are added before *Rosh Hashanah*. An additional reason is that we inspect ourselves like an animal prepared for offering. Offerings were inspected for the four days before being offered. In addition, assuming *Elul* at the time of Creation was thirty days, and that *Rosh Hashanah* was the sixth day, when Adam was created, the world was created on the twenty-sixth of *Elul*. Nowadays, *Elul* is twenty-nine days. Four days before *Rosh Hashanah* is the anniversary of Creation, when Hashem began bestowing the good that we experience in this world. Since the world was created on *Motza'ei Shabbos*, the prevailing practice is to begin *selichos* on the *Motza'ei Shabbos* prior to *Rosh Hashanah* for a minimum of four days. If *Rosh Hashanah* falls on Monday or Tuesday, it is pushed back to the preceding *Motza'ei Shabbos*.

All *selichos* are recited at the best *ais ratzon* available. Public fasts were proclaimed on Mondays and Thursdays. These correspond to the days of the week that Moshe ascended and descended the mountain. *Elul* adds a dimension. A verse in *Eicha* teaches us that the most opportune time for appeasement is the night. The Talmud debates whether this is immediately preceding dawn, or at the beginning and end of the *mishmaros*, 'watches' of the ministering angels. The night is divided into parts, during which angels rotate shifts. There are three or four *mishmaros*. If there are three, some maintain that the optimum time for *selichos* is at the beginning of the second, or middle *mishmeress*. On a simple twenty-four hour clock, this would be 10 pm. If there are four watches, the beginning of the third is midnight. Another tradition, based primarily on *kabalah*, is that Hashem is 'at large' in all of the many worlds throughout the night. At the end of the night, right before dawn, He is at large in this world. This is a special *ais ratzon*.

Accordingly, the optimum time is at the beginning of the second of three *mishmaros*, at the beginning of the third of four *mishmaros* or midnight, or at dawn. Common

practice is to recite the first night at midnight.

According to *kabalah*, the *shlosh esrai midos* may not be recited before midnight. Those who follow *kabalah* strictly maintain that it is actually harmful. This period is controlled by harmful forces, whose powers are curtailed by this *tefilah*. This arouses their jealousy and wrath, endangering the entire world. *Kabalistically*, saying them at this time is near-heresy. They especially decry a practice to recite *selichos* at *maariv*, which incidentally does not comply with any of the times for *ais ratzon*. Others maintain that they are not as effective, because the primary *ais ratzon* is in accordance with the view of midnight. Thus, while they have the advantages of regular *tefilah*, they lack their inherent additional power. In addition, *viduy* may be recited before midnight, but not on *Motza'ei Shabbos*. [See Brochos 3b, Taanis 15a, Rosh Hashanah 15a-18a, Yuma 87b. Rambam, Teshuva 3:4. Abudraham, Rosh Hashanah. Tur Sh. Ar. OC 1:2, 581:1, 565:MA:5, commentaries. Nitei Gavriel Yomim Noraim 5:1,3.]

C) The shliach tzibbur (shatz)

The *shliach tzibur* for *Yamim Noraim* should ideally meet a number of requirements, foremost among them that he be a respected G-d-fearing person with an inspiring voice, and that he be intimately familiar with the tunes. It is customary to require the same for *selichos*, at least on the first day. It is customary for the *shatz* of *selichos* to lead all *tefilos* of the day. In many congregations, this *shatz* supersedes the standard *chiyuvim*.

Some say this is because he who begins a *mitzvah* should complete it. [It must be remembered that in Talmudic times, *selichos* was appended to *shemone esrai*.] Others say serving as *shatz* is an honor. The Talmud discusses one honored with *maftir*, the additional aliyah on *Shabbos*, a minor honor. He is also honored with leading *musaf*, so that he is not offended. Leading *selichos*, a minor honor compared to a regular *tefilah*, is rewarded with leading the other *tefilos*. Another reason is that if a qualified *shatz* is chosen for *selichos*, which are secondary to *tefilah*, it is inappropriate to have a regular person for the real *tefilos*. Another reason is that the *selichos* sound like personal prayers. It is appropriate to use the same *shatz* for the regular common *tefilos*. Thus, the appearance of 'hiring a special agent' for personal needs will be avoided. Another reason is that the *shatz* fasts on the days of *selichos*. If the everyday *shatz* leads *selichos*, he will fast all the days. Therefore, others recite *selichos*, and each one fasts on his day. Since each is already fasting, he is asked to lead the other *tefilos* as well. According to all reasons, the *shatz* is indeed leading the service, but not discharging an obligation. He is needed to coordinate the recital of *shlosh esrai midos* in unison, and to inspire. [See Sh Ar OC 581:1, commentaries. Moadim Uzemanim VI:2. Nitei Gavriel Yamim Noraim 6:3, notes.]

D) Repeating at a second gathering

Usually, one may not repeat an utterance. This involves uttering Hashem's Name in vain. One who has already fulfilled his personal obligation may still serve to discharge others' obligation through *shomaia keoneh*, the listener is like the respondent. Nowadays, this only applies to one discharging the obligation of an unlearned person. Others should say it themselves. The regular repetition of the *shatz* remains as an institution, but other repetitions are discouraged. The exceptions to this are *mitzvos* that require expertise for which regular congregants are unlearned, such as reading the Torah, *Megillah*, and blow-