

# The Enigma of the Prayer Insertions of Aseret Yemai Teshuvah

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The seven days between Rosh Hashana and Yom Kippur of the *Aseret Yemai Teshuva* (Ten Days of Repentance) are a bit of a halachic enigma. There is no reference to them in the Torah. The Torah (Vayikra, Chapter 23) mentions the first day of Tishrei (*chodesh hashvi'i*) as being *kodesh* (sanctified) as well as the tenth day of Tishrei as being *kodesh* but does not make any reference to the days between these two dates. In contrast to the first and last days of Pesach and Succot respectively, which the Torah links, as belonging to the same holiday and forming a bridge (commonly known as *chol hamoed*) between two book ends of Yom Tov, or even the forty nine days of *sefirah* between Pesach and Succot which are minimally linked by counting from one to the other, the Torah does not mention any link between Rosh Hashana and Yom Kippur and certainly does not afford a status to the seven days between Rosh Hashana and Yom Kippur. One would be tempted to say that the status of *Aseret Yemai Teshuva* is in fact limited to custom. Customs developed to keep the focus of the *Yamim Noraim* (High Holidays) and to help focus our efforts of introspection and *teshuva*. The practices we associate with these days, be they assorted *chumrot* (stringencies) or added *tefillot* (*Selichot*, *Avinu Malkeinu* and other insertions) are not reflective of any inherent status of the days themselves. Nothing is different about these days, with regard to their essential nature, and they should be classified as a regular *yom chol* (ordinary day).

It would be halachically appropriate to declare *Aseret Yemai Teshuva* as having no true status except for one important fact. If all we were doing was recognizing the powerful bookends surrounding these days then all of the inserts we are supposed to add to reflect this awareness would not be critical; they are there to add awareness but are not to be confused with other insertions relating to the nature of the day that **must** be mentioned. The inserts of *Zachrenu Lechaim*, *Mi Kamocha*, *Uketov*, and *B'sefer Chaim* in fact fit well with such a hypothesis. As *Shulchan Aruch*, *Orach Chaim* 682:5, states, if one omitted these insertions, no corrective action is required. From a practical perspective, even if one mistakenly recited the wrong formulation for the *bracha* of *Hashiva Shoftenu*, and did not conclude with *Hamelech Hamishpat*, no

corrective action is required. This is because according to Rama, *Orach Chaim* 118:1, if one ordinarily mentions “*Melech*” in that *bracha*, it is sufficient. Yet as we all famously know, there is one major exception to this rule. *Shulchan Aruch, Orach Chaim* 682:1, states that if one forgets to replace **Hakel Hakadosh** with **Hamelech Hakadosh** then one must repeat the entire Amida! The *tefillah* is deemed meaningless and invalid because one did not recognize the status of *Aseret Yemai Teshuva*. This seems to prove that the *Aseret Yemai Teshuva* do in fact have a recognized halachic status. This insertion has an even stronger status than the insertions of rabbinic holidays (i.e. if one forgets *Al Hanisim*, on Chanuka or Purim, during *tefillah*, the *Amida* is still valid). The critical status of an insertion seems to be reflective of a biblical holiday. If so, we must ask the question, from where do these “intermediary days” of the *Yamim Noraim* get such a lofty status and why is this not mentioned in the Torah?

Before attempting to explain this conundrum, I would like to mention another enigma that has bothered me with regards to the *hazkarot* (insertions) of *Aseret Yemai Teshuva*. In every other instance of alterations we make to our *tefillot* to recognize the status of a day, be they biblical or rabbinic holidays, the alterations are reflected both in the *Amida* and the *Birkat Hamazon*. Every time we are required to say *Al Hanissim* or *Ya’aleh Veyavo*, the requirement to recognize the day applies to *Birkat Hamazon* as well. Yet, nowhere is it ever suggested that we recognize *Aseret Yemai Teshuva* in *Birkat Hamazon*! If the recognition is so essential, that it actually is critical to our *tefillah*, why don’t we mention the *Aseret Yemai Teshuva* in *Birkat Hamazon*?

To answer this conundrum, I would like to suggest that the nature of our obligation to recognize other holidays in our *tefillah* through various insertions and the nature to recognize *Aseret Yemai Teshuva* in our *tefillot* are very different. On other holidays, the themes of the day are powerful enough to demand recognition. A *tefillah* on any of those days that does not mention the theme of the day would be lacking in relevance and not adequately express the day’s spiritual texture. By contrast, during *Aseret Yemai Teshuva*, there is, in fact, no specific spiritual texture to the day that demands mentioning. As was pointed out, the Torah mentions no special nature to the day at all and none must be recognized. What changes during *Aseret Yemai Teshuva* is not the nature of the day but the nature of our relationship with G-d and his connection to us. As the Gemara states:

[The verse (*Yeshayahu* 55:6) states] ... “Seek out G-d when He can be found” ... *Rabbah b. Avuha* said: These are the ten days between *Rosh Hashana* and *Yom Kippur*

### **Rosh Hashana 18a**

דרשו ה' בהמצאו ... אמר רבה  
בר אבוה אלו עשרה ימים  
שבין ראש השנה ליום  
הכפורים.  
ראש השנה יה.

We change our *tefillah* because all *tefillot* must address Hashem in order to be valid and the way we relate to and the posture He takes towards humankind changes during *Aseret Yemai Teshuva*. Without changing the *tefillah*, one is not addressing Hashem correctly. All year long, the way we see G-d and the posture that Hashem takes towards *Am Yisrael* is defined by one word- **Kel**. That word is the term which we use to give some definition to the posture of G-d and His connection to us. It implies awareness, care, oversight and a myriad of other unknowable attributes. Ultimately however, it has a veiled and slightly distant connotation to it. Hashem is aware and caring but not as imminent and present as can be. It is comparable to a business

owner who manages the business from a distant land. Even on the *Shalosh Regalim*, where there is an added affection and something special added to our relationship with Hashem, the basic connection and veiled nature does not change. He is still *Kel* and still addressed as such.

On Rosh Hashanah however, the entire posture that Hashem takes towards the world changes. It changes from that of a distant yet concerned overseas owner to one who is present and felt every second with palpable imminence. It is the very nature of Rosh Hashana and its theme of *Malchiyot* (kingship) that Hashem opens the gates (*seu shearim rashechem*) and comes to spend time with humankind which causes us to view, relate to and address Him in a very different way. This posture is definitively described by the term **Melech**. It implies closeness, majesty, and ultimately accountable judgment. In terms of the aforementioned parable, G-d is no longer a distant landowner caring about the field, but rather one present on site, observing, and making decisions. This new posture begins on Rosh Hashana and lasts until the gates close after *Neilah* on Yom Kippur and Hashem returns to his original posture of *Kel*. If one says *Hakel Hakadosh* instead of *Hamelech Hakadosh*, it is not simply missing a reference to *Aseret Yemai Teshuva*, rather it is distorting the way we relate to G-d during these days. Addressing Hashem without an awareness of the posture that Hashem is taking with us at the time is an inappropriate way of addressing Hashem.

It is for this reason that the changes we make to the *Amidah* during *Aseret Yemai Teshuva* are in the *bracha* of *Hakel Hakadosh*, a blessing that does not reflect the nature of the day but rather the nature of G-d. We mention events and themes of the day in *Retzeh* and *Modim*, we never change the first three *brachot* to express the nature of the day.

Understanding our obligation to mention *Hamelech* in this matter and not as a reflection of some sort of quasi-*chol hamoed* status afforded to the *Aseret Yemai Teshuva*, also explains why no mention of *Aseret Yemai Teshuva* is necessary in *Birkat Hamazon*. Despite its Biblical mandate and origins, *Birkat Hamazon* does not demand the status of “*omed lifnei Hamelech* (standing before The King)” that *Amida* does. During *Birkat Hamazon*, one does not take three steps forward, nor put their feet together, nor bow nor do any of the rituals that display the intensity of directly standing before G-d, all of which are part of the *Amida*. Since *Birkat Hamazon* does not require *omed lifnei Hamelech*, *Birkat Hamazon* does not demand such a nuanced posture to connect. It is only in *Amida* where one addresses G-d so directly and recites a blessing about the nature of G-d, that one has to be so sensitive to the nature of Hashem’s posture and mention *Hamelech*.

As we prepare for the *Yamin Noraim* and *Aseret Yemai Teshuva*, let us recognize that we are about to enter a period where the very nature of the way we are supposed to connect with Hashem changes. The word *Hamelech* is not just a word noting the theme of the day of Rosh Hashana. It is a word which tells us that the posture Hashem takes towards the world is different now and that we must be focused enough and aware enough to recognize that. Every utterance of the word *Hamelech* is a call to wake up to the fact that Hashem is not just a caring but distant overseer, but rather is here in front of us. To *daven* without that awareness between Rosh Hashana and Yom Kippur is to miss the very nature of Hashem’s connection to humankind and to, in fact, incorrectly define Hashem’s interaction with the world. Such a lack of awareness

completely voids the *tefillah*. It is like sending a letter to someone who has temporarily moved. The letter being addressed to a place where the recipient no longer lives will come back with a return-to-sender stamp.

Interestingly enough, this sensitivity to Hashem's posture in connecting to the world invalidates a *tefillah* not only when one substitutes Hashem's less imminent connection (*Hakel*) for the more imminent one (*Hamelech*), but it also invalidates a prayer the other way around. For example, if after Yom Kippur one uses *Hamelech* in place of *Hakel*, the *tefillah* is equally invalid. Just as we must properly describe our enhanced relationship with G-d during the *Aseret Yemei Teshuva*, we must also properly describe the relationship that we have with G-d throughout the year.

It is interesting that the word which defines G-d's interaction with us, namely *Hakel* or *Hamelech*, is mentioned in the *bracha* of *Kedusha*. We call Hashem by many attributes including *Gadol* (great), *Gibor* (mighty), and *Nora* (awesome), yet only the attribute of *Kadosh* (holy) is the defining nuance of G-d's interaction with us. I believe this is a reflection of the central nature of *Kedusha* in terms of defining what Godliness is in Judaism. *Kedusha* is the word we always use to express what it is that Hashem brings to the world. Yes, Hashem is great and mighty and awesome, but those are attributes that allow Hashem to endow the world with the essence of what the Torah is all about: *kedusha*. When Hashem has a special nation He endows it with *kedusha* (*mekadesh Yisrael*), and when Hashem has a special day, He endows it with *kedusha* (*mekadesh Hashabbat*). G-d Himself, the primary source of spirituality, is defined as *Kadosh* and shares that attribute with *Am Yisrael* through the mitzvot of the Torah (*kideshanu bemitzvotav*). If there is a word that sums up what Hashem is and wants us to be it is *kedusha*:

Speak to the congregation of Israel and tell them: you shall be holy because I, the Lord your G-d, am holy.

**Vayikra 19:2**

דבר אל כל עדת בני ישראל  
ואמרת אליהם קדשים תהיו כי  
קדוש אני ה' אלקיכם.  
ויקרא יט:ב

There is no other word to describe the spiritual essence of Torah and there is no other *bracha* that demands such nuanced recognition of Hashem's essence other than the third *bracha* of the *Amida*, *Ata Kadosh*.

May we merit the spiritual sensitivity to notice and experience the interactions Hashem has with us in *Olam Hazeih*.