

# Hilchot Selichot

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These notes serve to summarize some of the discussions of some Poskim, from the Shulchan Aruch through contemporary authors. Nothing here is intended to be Halachah Lema'aseh, and each individual should ask their Rav any relevant Halachic questions.

If you have any questions or comments that would help me fix any errors or improve this in any way, please email me at [ediena@torontotorah.com](mailto:ediena@torontotorah.com).

## Timing of Selichot

Selichot are supposed to be said early in the morning, at the end of the night, which is supposed to be a particular auspicious time.<sup>1</sup> Nevertheless, many have the custom now to recite the Selichot during the daytime.<sup>2</sup> Others choose to recite Selichot immediately following Chatzot (of the night), since it is also an auspicious time.<sup>3</sup> In the last few years, it has become popular to hold Selichot following Ma'ariv; while there may have been an early custom to recite Selichot after Ma'ariv,<sup>4</sup> and while there may have been special permission to hold Selichot after Ma'ariv under extreme circumstances,<sup>5</sup> this is certainly not recommended.<sup>6</sup> Note that if the Selichot are nevertheless being recited long before the morning, various portions should be omitted.<sup>7</sup>

## Berachot Before Selichot

Although Rema<sup>8</sup> notes that the custom is to recite Birchot Hatorah after Selichot in accordance with a view in Shulchan Aruch,<sup>9</sup> based on many earlier authorities,<sup>10</sup> Mishnah Berurah<sup>11</sup> rules that one should recite Birchot Hatorah prior to Selichot. However, even now, many do not do this, and their stance is justified.<sup>12</sup> In regards to washing one's hands, one should wash Netilat Yadayim with a Berachah at home before coming to Shul, and then wash again without a blessing afterwards before Shacharit.<sup>13</sup> In regards to a Tallit and Tefillin, often times Selichot begin before the earliest time that one may put them on, and regardless, common custom is that people put them on after Selichot before Shacharit.<sup>14</sup> However, many require the Shaliach Tzibbur to wear a tallit,<sup>15</sup> but if he will be leading Selichot while it is still nighttime, they recommend that he borrow a Tallit from another to

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<sup>1</sup> Magen Avraham Orach Chaim 581:1.

<sup>2</sup> Aruch Hashulchan Orach Chaim 581:4; see some opposition to this in Nitei Gavriel Rosh Hashanah 8:7.

<sup>3</sup> See Piskei Teshuvot Orach Chaim 581:2 footnote 16, citing Magen Avraham Orach Chaim 1:4.

<sup>4</sup> See Sha'arei Teshuvah Orach Chaim 581:1.

<sup>5</sup> See Shu"t Igrot Moshe Orach Chaim 2:105.

<sup>6</sup> See Sha'arei Teshuvah Orach Chaim 581:1, who notes that reciting the 13 Middot at that time of night is Kabbalistically dangerous. This view is followed by Mishnah Berurah Orach Chaim 565:11 and Aruch Hashulchan 565:7.

<sup>7</sup> Viduy and Nefilat Apayim among them; see Piskei Teshuvot Orach Chaim 581:2.

<sup>8</sup> Orach Chaim 46:9.

<sup>9</sup> Orach Chaim 46:9, that one may recite prayers that incorporate Torah verses in advance of Birchot Hatorah.

<sup>10</sup> E.g. Magen Avraham Orach Chaim 46:15, Levush Orach Chaim 581:1, who argue that we follow the view that Birchot Hatorah should be recited before any verses.

<sup>11</sup> Orach Chaim 46:27.

<sup>12</sup> See Mishnah Berurah Orach Chaim 6:11.

<sup>13</sup> Kitzur Shulchan Aruch 128:5. Aruch Hashulchan Orach Chaim 6:6 writes "we have never heard of anyone who does otherwise", yet Mishnah Berurah Orach Chaim 6:11 writes that the overwhelming majority do not even wash Netilat Yadayim before Selichot, and he decries this. He offers that alternatively, people may wash without a Beracha upon rising, and after using the bathroom following Selichot, wash again with a Beracha.

<sup>14</sup> If the Selichot begin after the time that Tallit and Tefillin may be put on with a Beracha, and the Minyan does not allot time for people to put on Tallit and Tefillin before Shacharit, it seems to me that it would be preferred to put them on before Selichot.

<sup>15</sup> Taz Orach Chaim 581:2, Magen Avraham Orach Chaim 581:3, due to Kavod Hatzibbur, as well as based on Rosh Hashanah 17b, where it describes Hashem as "wrapped in a Tallit like a Shaliach Tzibbur" when He showed Moshe the 13 Middot, which we mention during Selichot. One could argue that it might be appropriate for an individual to also wear a Tallit for the latter reason, although it seems that common custom does not follow that view.

avoid the possibility that he will need to make a Beracha if he wears his own (or the communal) Tallit (although even there, he would not).<sup>16</sup> In the event that no Tallit is available, the 13 Middot may still be recited.<sup>17</sup>

### Various Halachot of the Recitation of Selichot

Elyah Rabbah<sup>18</sup> gives the following list of Halachot for Selichot. Since many of them are cited by others,<sup>19</sup> we will bring them here, and note where there is a dissenting opinion:

- Selichot begin with Ashrei followed by a Chatzi Kaddish. In the event that a Minyan has not arrived by that time, one should continue to recite the Selichot, and once the Minyan arrives, one should recite three Pesukim, and then say Kaddish where they are.<sup>20</sup>
- One should ideally stand for the entire Selichot, but if one is unable to, they should stand for the recitation of the 13 Middot, beginning with Kel Melech/Kel Erech Apayim.<sup>21</sup> (Some also have the custom to stand while the Aron is open, but this is not strictly required and one who is weak or elderly need not stand.<sup>22</sup>)
- When reciting the 13 Middot, one should group the words Vayikra Beshem together, pause slightly, and then say Hashem's name.<sup>23</sup>
- One should not talk or make any other Hefsek from the beginning of the 13 Middot until after the words Vesalachta La'avoneinu... Unechaltanu.<sup>24</sup>
- Each Selichah should begin with the words Elokeinu Velokey Avoteinu, unless it already begins with Hashem's name.<sup>25</sup>
- One should not recite any Selichot which contain clear lies based on the situation, rather, they should skip or modify those words.<sup>26</sup>

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<sup>16</sup> Taz Orach Chaim 581:2, Mishnah Berurah Orach Chaim 581:6, since there is a debate as to whether daytime clothing worn at nighttime requires Tzitzit; if it is exempt, one may not recite a blessing over it, and therefore, to avoid a situation of doubt, they recommend using a Tallit that one would not be allowed to recite a blessing over (since it is borrowed from another, and the person had intent not to borrow it; Sha'ar Hatziyun Orach Chaim 581:5). Although Elyah Rabbah Orach Chaim 581:11 and 14:6 writes that one should not borrow a Tallit, common custom follows the former authorities.

<sup>17</sup> Kitzur Shulchan Aruch 128:6.

<sup>18</sup> Orach Chaim 581:9-13.

<sup>19</sup> See some of those Halachot in e.g. Peri Megadim Eshel Avraham Orach Chaim 581:17, Mishnah Berurah Orach Chaim 581:4.

<sup>20</sup> Elyah Rabbah himself (OC 581:13) notes that Taz Orach Chaim 55:3 (and possibly Levush Orach Chaim 581:1) do not require any Pesukim to be recited.

<sup>21</sup> Nitei Gavriel Rosh Hashanah 10:9; see Harerei Kedem Volume I, 1:1, who explains that Selichot have some elements of the status of Shemoneh Esrei.

<sup>22</sup> Peninei Halacha Yamim Noraim 2:12, and see footnote 6 there for further sources.

<sup>23</sup> This follows the division of the Te'amim to Shemot 34:5.

<sup>24</sup> Since they may be part of the 13 Middot according to some opinions (see Sefer Chassidim 250).

<sup>25</sup> Quoting Magen Avraham Orach Chaim 581:17; Eshel Avraham of Buchach to Magen Avraham Orach Chaim 581:17 writes that there is some question as to whether it should be recited before Selichot which open with the word "Adon". He concludes that they should be recited.

<sup>26</sup> Elyah Rabbah (citing from Sefer Chassidim 250) gives the example of reciting the Pizmon known as the Shelosh Esrei Midot, which contains various references to tears/crying, and says that one may not recite that Pizmon unless they themselves or the community is crying. Aruch Hashulchan Orach Chaim 581:4 gives further practical examples: many of the Selichot use language that refers to fasting and/or nighttime, so if an individual is not fasting, or it is not nighttime when the Selichot are being recited, one should omit or change those words. Nevertheless, it is very hard to catch every instance of this, and some Poskim are lenient (see Nitei Gavriel Rosh Hashanah 8:3, and especially footnote 12).

Fascinatingly, Piskei Teshuvot Orach Chaim 581 footnote 81 cites some who did not say the Viduy beginning Ashamnu Mikol Am, since it is possibly untrue as well!

## Tefillot at the end of Selichot

There are those who are opposed to the Tefillah of Machnisei Rachamim<sup>27</sup> recited towards the end of Selichot,<sup>28</sup> however, others permit reciting it.<sup>29</sup> Others are opposed to the practice of reciting Viduy more than once, however common custom follows the view to recite it three times.<sup>30</sup>

## Praying Without a Minyan

Shulchan Aruch<sup>31</sup> rules that if there is no Minyan present,<sup>32</sup> an individual may not recite the 13 Middot,<sup>33</sup> unless they say them “in a manner of reading”, which various authorities understand to mean as with the Te’amim/cantillation notes.<sup>34</sup> Although many suggest following the latter option, simply skipping them seems to be more appropriate.<sup>35</sup> Rema<sup>36</sup> adds that even Selichot and “Vaya’avor” may not be recited by an individual without a Minyan. However, we rule that any Selichot which do not mention the 13 Middot may be recited.<sup>37</sup> Others add that an individual should not recite any Aramaic prayers.<sup>38</sup>

## Assorted Halachot of Selichot

It is also worth noting a few relevant comments from Nitei Gavriel:

- If one arrives late to Selichot, they should skip to where the community is, and make up the rest afterwards.<sup>39</sup>
- Women did not accept any obligation to pray Selichot, although they used to have a custom to attend at least the first night.<sup>40</sup>
- One should make every effort to understand the Selichot that they will read; this may include using commentaries or Siddurim with translations.<sup>41</sup>
- If one is davening in an Avel’s house, Selichot are recited, but not Viduy and Tachanun.<sup>42</sup>

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<sup>27</sup> As well as the Pizmon of Shelosh Esrei Midot Ha’amurot.

<sup>28</sup> Since it is praying to beings that are not Hashem, it is prohibited (Piskei Teshuvot Orach Chaim 581:12, citing Maharal, Netivot Olam Netiv Avodah 12). Piskei Teshuvot Orach Chaim 581 footnote 80 notes that some change the text so that it is directed at Hashem, which would permit it.

<sup>29</sup> Piskei Teshuvot Orach Chaim 581:12 and footnote 81, since it is a traditional Jewish belief that these angels do offer some sort of support on our behalf (presumably, it is expressed as a wish that they do so, not that we pray to the angels).

<sup>30</sup> See Eshel Avraham of Buchach to Magen Avraham Orach Chaim 581:17.

<sup>31</sup> Orach Chaim 565:5.

<sup>32</sup> If one is behind the rest of the Minyan, they may not recite the 13 Middot on their own, but may recite the other portions normally not recited by an individual, so long as the rest of the Minyan has not completed Selichot entirely (Piskei Teshuvot Orach Chaim 581:12).

<sup>33</sup> Since they are considered a “Davar Shebikdusha” which requires a minyan to be recited (Shulchan Aruch Orach Chaim 565:5; see Harerei Kedem Volume I, 1:2 for an expansion on this point). Sha’arei Teshuvah Orach Chaim 581:1 cites an opinion that it is prohibited to recite the 13 Middot without Kavanah.

<sup>34</sup> See e.g. Mishnah Berurah Orach Chaim 565:12 and Aruch Hashulchan Orach Chaim 565:7.

<sup>35</sup> There are debates as to which portions of the verse must be read, one may have to read it out of a text, and Kabbalistically, it is considered inappropriate to read it even in that manner (see Piskei Teshuvot Orach Chaim 565:5)

<sup>36</sup> Orach Chaim 565:5.

<sup>37</sup> Rema’s comment is hard to understand. Many who interpret it literally, that an individual may not recite Selichot, disagree (see e.g. Mishnah Berurah Orach Chaim 565:13; see also Harerei Kedem Volume I, 1:2 who explains that Rema only refers to Selichot of a Ta’anit Tzibbur). Some interpret the word “Selichot” as referring to Selichot during Shemoneh Esrei (Magen Avraham Orach Chaim 565:6). Others understand it to mean any Selichot which do not reference the 13 Middot (Taz Orach Chaim 565:5). Thus, according to the vast majority of authorities, one may recite Selichot not during Shemoneh Esrei, and even according to those who are stringent, an individual may recite all Selichot which do not mention the 13 Middot.

<sup>38</sup> Mishnah Berurah Orach Chaim 581:4; see various opinions on this in Shulchan Aruch Orach Chaim 101:4. The reason for those who prohibit is that since individuals who daven alone require assistance from the angels to transmit their prayers to Hashem, the prayers must not be in Aramaic, since the angels ignore Aramaic prayers (Mishnah Berurah Orach Chaim 101:18).

<sup>39</sup> Nitei Gavriel Rosh Hashanah 10:15.

<sup>40</sup> Nitei Gavriel Rosh Hashanah Chapter 10 footnote 26\*.

<sup>41</sup> Nitei Gavriel Rosh Hashanah 10:4; see footnote 6 as well.

<sup>42</sup> Nitei Gavriel Rosh Hashanah 10:15, although see footnote 28. See further Piskei Teshuvot Orach Chaim 581:4-5 on this topic, as well as what should be done in the case of a Chatan or Brit Milah present in Shul.

### Custom to Lead Other Prayers

Some communities have the custom that the one who leads Selichot leads the full day of prayers,<sup>43</sup> including the preceding Ma'ariv,<sup>44</sup> and that that person has priority over various others.<sup>45</sup>

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<sup>43</sup> Rema Orach Chaim 581:1.

<sup>44</sup> Rema writes Ma'ariv without specifying, and almost all commentaries explain that as the preceding Ma'ariv; see Hagahot Chatam Sofer to Magen Avraham Orach Chaim 581:7 for an explanation of the view that it refers to the Ma'ariv following.

<sup>45</sup> See Magen Avraham Orach Chaim 581:7 and Mishnah Berurah Orach Chaim 581:14 for differing views as to who else may daven what; one should always follow any local customs.