

Yom Tov Insights from The Rav: Excerpts from Batei Yosef

Selichos

The recitation of the Thirteen Attributes of Mercy can only be performed in the presence of a *minyan*. Rav Soloveitchik explained that this is not simply because the Thirteen Attributes are considered a *davar sheb'kedusha* like Kaddish and Kedusha that require a *minyan*. Rather, the whole concept of reciting the Thirteen Attributes is only relevant to a congregation, not to an individual.

We see this from a ruling of Rama OC 565:5, who writes that if there is no *minyan* for Selichos on a fast day, not only may one not recite the Thirteen Attributes, one may not either recite the *piyyutim* that are recited between these recitations. Magen Avraham, 565:6, and others ask: Why is it problematic to recite these *piyyutim*? They should be no different than the many other prayers that don't require a *minyan*. Rav Soloveitchik answered that Rama apparently holds that because the Thirteen Attributes are only relevant to a congregation, these *piyyutim*,

which serve as an introduction to the recitation of the Thirteen Attributes, are only relevant to a congregation.

However, Rav Soloveitchik noted, Rama's ruling only applies to Selichos that are recited on a fast day. If someone recites Selichos without a *minyan* during Aseres Yemei Teshuva (or the days before Rosh HaShanah), these *piyyutim* may be recited. This is because Selichos of a fast day and Selichos of Aseres Yemei Teshuva are fundamentally different. The Selichos of a fast day were originally recited during *chazaras hashatz* (the chazzan's repetition), and nowadays, we recite them immediately after *chazaras hashatz*. Selichos are part of Tefillas Shacharis of a fast day. In contrast, Selichos of Aseres Yemei Teshuva are recited before Tefillas Shacharis. They are an independent tefillah that is added during these days because, as Rambam (*Hilchos Teshuva* 2:6) teaches, the Aseres Yemei Teshuva are auspicious days for teshuva and prayer.



Batei Yosef (Hebrew) is a collection of insights into the laws and customs of the holidays through the rulings of The Rav as well as those of current Roshei Yeshiva at RIETS.

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The Gemara, *Rosh HaShanah* 18a, teaches that the Aseres Yemei Teshuva are so auspicious for prayer that the prayer of an individual is also elevated during these days. For this reason, we can understand why the individual recites the *piyyutim* of Selichos during Aseres Yemei Teshuva. During these days, these prayers are relevant not only to the congregation but also to an individual. Therefore, while the Thirteen Attributes cannot be recited without a *minyan*, the *piyyutim* may be recited.

Choice of a Chazzan

The Mishna, *Ta'anis* 15a, tells us that when a fast day is declared for a crisis, the *chazzan* should be a *zaken v'ragil*, a wise and experienced person of good character. While *Shulchan Aruch*, OC 53:4, mentions this as the criteria for a *chazzan* at all times, many Acharonim (see *Ba'er Heitev* no. 7) note that it really only applies to the *chazzan* on a fast day. Nevertheless, Rama, OC 581:1, writes that these criteria also apply to the *chazzan* who leads during the Yamim Noraim.

Rav Soloveitchik explained that ordinarily, the *chazzan's* primary role is to assist those who don't know how to pray to fulfill their obligation (*Rosh HaShanah* 34b, *l'hotzi es mi she'aino baki*). On a fast day, the *chazzan's* primary role is to represent the *tzibbur* and pray on behalf of the whole *tzibbur*. This is why we specifically choose a *chazzan* of good character. The reason we apply these criteria to the *chazzan* of the Yamim Noraim is that on some level, we view the *chazzan* as a representative of the *tzibbur*. In the *Hineni* prayer that is recited by the *chazzan*, he says "basi la'amod ul'hischanen lifanecha al amcha Yisrael asher shelachuni," I come to stand and

pray before You on behalf of Your nation Israel who has designated me (to represent them). His role is similar to the role of *chazzan* on a fast day, and therefore, we have the same criteria.

The Blowing of Shevarim-Teruah

The biblical requirement of shofar is fulfilled by blowing three sets of *tekiah-teruah-tekiah*. However, the Gemara, *Rosh HaShanah* 34a, notes that there are two traditions among the Tannaim as to what a *teruah* sounds like. One opinion is that it is three truncated blasts, what is commonly known as *shevarim*. Another opinion is that it is nine staccato blasts, what is commonly known as *teruah*. The Gemara also introduces a third possibility, that it is a combined *shevarim-teruah*. R. Avahu instituted that one should blow all three versions three times.

There is a dispute among the Rishonim as to whether this combined *shevarim-teruah* should be blown with a break between the *shevarim* and the *teruah*. For this reason, *Shulchan Aruch*, OC 690:4, recommends blowing the *shevarim-teruah* sounds that are blown before *Mussaf* (the *tekios d'meyushav*) in a single breath, and the *shevarim-teruah* sounds that are blown during *Mussaf* (*tekios d'meumad*) with a breath between the *shevarim* and the *teruah*.

Rav Soloveitchik explained that the question about whether to take a breath can be explained as follows. Those who hold not to take a breath are of the opinion that *shevarim-teruah* is a single unified sound that has its own identity separate from the *shevarim* or the *teruah*. As such, taking a breath between the two components would not be appropriate. The other opinion holds that the *shevarim-teruah* requirement is fulfilled by blowing a *shevarim* and then

a *teruah*. Each sound retains its identity and the added feature is not the creation of a hybrid sound, but the blowing of both sounds consecutively. Therefore, one should take a breath between each sound so that the *shevarim* and the *teruah* can each have its own identity.

Rav Soloveitchik felt that the opinion to blow *shevarim-teruah* in a single breath is the primary opinion. Therefore, he thought that this should be followed both for the *tekios d'meyushav* and the *tekios d'meumad*. In order to fulfill the other opinion, Rav Soloveitchik suggested blowing the *shevarim-teruah* of the additional blasts (after *Mussaf*) with a breath between the *shevarim* and the *teruah*.

Teshuva

Rambam opens *Hilchos Teshuva* with the following statement:

כל מצות שבתורה, בין עשה בין לא עשה, אם עבר אדם על אחת מהן, בין בזדון בין בשגגה,CSI:שעשה תשובה וישוב מחתאו חייב להתודות לפני הא-ל ברוך הוא ... וידיו זה מצות עשה.

If one violates any of the commandments of the Torah, whether a positive commandment or negative commandment, whether intentionally or unintentionally, when he repents and returns from his sin, he is obligated to confess before G-d. ... This confessional is a positive commandment.

A number of Acharonim have deduced from Rambam's statement that there is no mitzvah of *teshuva* and that the only mitzvah is *vidui* (confession).

Rav Soloveitchik noted from his grandfather, Rav Chaim, and his father, Rav Moshe, that it is difficult to assume that Rambam doesn't consider *teshuva* to be a mitzvah. We find that Rambam elsewhere in *Hilchos Teshuva* (2:7 and 7:5) references an obligation to perform *teshuva*. Why, then, does Rambam open

Hilchos Teshuva by instructing us about *vidui* and not *teshuva*?

Rav Soloveitchik explained that regarding most mitzvos, the act itself creates the fulfillment of the mitzvah. When someone eats matzah or picks up a lulav (with the other species), the act was performed and the mitzvah was fulfilled. However, there are some mitzvos where the act is performed and the fulfillment takes place from the resultant experience (*kiyum balev*). For example, when someone is mourning (*aveilus*), there are certain specific acts that are performed that are intended to bring about a proper emotional state of mourning, and the mitzvah is fulfilled by experiencing the mourning. The mitzvah of *simchas Yom Tov* (rejoicing on the festival) entails engaging in specific acts (in the time of the Mikdash eating the korban shelamim), and the fulfillment takes place when those acts lead to an inner joy. Here, too, the *ma'aseh mitzvah*, the act of *teshuva* is *vidui*, but the essence and fulfillment of the mitzvah takes place when that person has made an inner commitment to change. That inner commitment is *teshuva*.

Vidui of Yom Kippur

Rambam (*Hilchos Teshuva* 1:1) writes that the text of *vidui* is “*ana HaShem chatasi etc.*,” please, HaShem, I have sinned. Use of the word “*ana*” is found in the Mishna’s description of the *vidui* of the Kohen Gadol (*Yoma* 35b), and we use this formulation as well, when we recite the *avodah* of the Kohen Gadol in the chazan’s repetition of Mussaf.

A number of *machzorim* include the word “*ana*” in the introduction to the *vidui* that we recite throughout Yom Kippur: “*ana tavo lifanecha tefillaseinu*,” please allow our prayer to come before you. Rav Soloveitchik was particular about using the version that contains “*ana*.” He explained that there are really two components to the *vidui*: First, a delineation of one’s *aveiros* and a request for atonement. Second, a prayer.

What is the nature of this prayer? The text of *vidui* gives no indication as to what we are praying for. The text only provides a means of delineating our *aveiros*. Rav Soloveitchik explained that before requesting atonement, we must first request that HaShem accept the *vidui*. Rambam (*Hilchos Teshuva* 7:7) tells us that before *teshuva*, the sinner stands isolated from

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HaShem, he screams to HaShem and his prayers are not heard. Therefore, before reciting *vidui*, we begin with a prayer that we are ready to do *teshuva* and HaShem should reopen the door and allow our request for atonement to be answered. We reference this idea in the *piyyut* “*V’Chol Ma’aminim*” when we say “*haposeach sha’ar l’dofkei b’seshuva*,” He opens the door for those who knock with [requests of] *teshuva*. HaShem, in His great mercy, will welcome us back when we are ready to do *teshuva*, but first we have to make that request. That is why we recite “*ana*” before *vidui*.

The Exemption of an Ill Individual from the Sukkah

The Mishna (*Sukkah* 25a) teaches that an ill person is exempt from sitting in the sukkah. The Gemara (26a) adds that this doesn’t only apply to someone in a life-threatening situation; it even applies to someone who is sick without any life-threatening conditions. The Gemara (25b) also teaches that a *mitzta’er*, someone who is uncomfortable, is also exempt from sitting in the sukkah. Tosafos (26a, s.v. *Holchei*) suggest that the source for this exemption is *teishvu k’ein taduru*, we are only required to live in the sukkah the same way we would live in our homes. If something happened to our home that made it too uncomfortable to live there, we would find temporary shelter elsewhere. Similarly, if the situation in the sukkah is such that it is too uncomfortable, we can leave the sukkah and go back to our home.

Why is there a need to specifically exempt an ill individual if there is a broader exemption for someone who is uncomfortable? Rav Soloveitchik explained that the exemption of *mitzta’er* only applies when leaving the

sukkah will eliminate the discomfort. If it is raining in the sukkah or extremely hot, going inside the home will eliminate the discomfort. However, if one has an ailment that makes him uncomfortable regardless of where he is, the exemption of *mitzta’er* does not apply. The exemption for an ill person is more expansive. An ill person is exempt from sitting in the sukkah even if the symptoms of the illness are not mitigated by leaving the sukkah.

The Shaking of the Lulav

The Gemara (*Sukkah* 32b) concludes that a lulav must be one *tefach* (handbreadth) longer than the hadasim and aravos so that one can shake it properly. The size of the lulav (including the extra *tefach*) seems to be a biblical requirement. We also find in the Mishna (*Sukkah* 42a) that the proper age to train a child to take a lulav is when he is old enough to know how to shake the lulav.

These two ideas indicate that shaking the lulav is part of the mitzvah of lulav. Rambam (*Hilchos Lulav* 7:9-10) writes that the proper way to fulfill the mitzvah is to shake the lulav upon taking it and at the time of Hallel. Tosafos (*Pesachim* 7b, s.v. *B’Idnei*) present a similar idea in trying to explain how to recite a beracha on the lulav. They are bothered by the following dilemma: normally, one recites a beracha while holding the item used for the mitzvah so that the mitzvah can be performed immediately *after* the recitation of the beracha. However, once someone picks up the lulav (and the other species), the mitzvah is complete. How is one supposed to recite the beracha immediately before the performance of the mitzvah? One of the answers suggested by Tosafos is that even after picking up the lulav, there

is still an additional fulfillment when one shakes the lulav during Hallel. Therefore, the beracha is appropriately recited prior to the fulfillment of shaking the lulav.

Rav Soloveitchik noted that it is for this reason that the tradition in his family is to recite the beracha on the lulav immediately before Hallel (and not in the morning before prayers). This is so that the beracha can cover the fulfillment of shaking the lulav during Hallel without any significant interruption between the beracha and the shaking of the lulav.

Reading the Torah on the Night of Simchas Torah

Many communities have the custom of reading the Torah on the night of Simchas Torah. We don’t find any mention of this practice in the Talmud and we don’t read the Torah at night on any other occasion. Rav Soloveitchik presented two suggestions as to why we read the Torah at night on Simchas Torah. First, because we take out the *sifrei Torah* to dance with them, it is only appropriate that we also read from the Torah to show it the proper honor. Second, on Simchas Torah night, we open some of the *sifrei Torah* to roll them to Bereishis for part of the next day’s Torah reading. When opening the Torah, we show honor to the Torah by reading from it.