

THE YESHIVA PIRCHEI SHOSHANIM PRESENTS:
THE ROADMAP TO PRAYER PROJECT

The Roadmap to Prayer

Lesson 41

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The Roadmap to Prayer

Lesson

41

Selichos: Getting Close to Hashem Again

Selichos Preparations

Al Netillas Yadayim before Selichos

Each day when we arise in the morning, we wash our hands and we recite the blessing of *Al Netillas Yadayim*. The *Rosh*¹ maintains that the reason to do this is in preparation for prayer (*Tefilla*); since a person tends to touch uncleanness during the course of the nighttime. Accordingly, one would wash and recite the blessing in preparation for each *Tefilla* of the day, if in fact one came into contact with unclean things. On the other hand, the *Rashba*² maintains that the purpose of washing is because after awaking from one's sleep at night, one is refreshed and invigorated with new energy like a new creation. Therefore, one washes one's hands each morning to serve *Hashem*, the Creator, like a *Kohen* who washes his hands from the *Laver* (*Kiyor*) in preparation of service in the *Beis HaMikdash* (Holy Temple). According to this, one should recite the blessing *Al Netillas Yadayim* right after washing in the morning even if one is not yet approaching the daily prayers³.

The *Shulchan Aruch* does not rule definitively as to which interpretation is correct⁴; therefore, we must satisfy both opinions before reciting the blessing *Al Netillas Yadayim*.

¹ *Rosh* – Rabbi *Asher ben Yechiel Born*: Germany, c. 1250. Died: Toledo, Spain, 1327. **Notes:** Talmudist and Halachist, one of the most important in Jewish history. He was a descendant of the *Meor HaGolah* and a leading student of the *Maharam M'Rottenberg* and his successor as the leader of Germany. Left Germany in 1303 in the aftermath of the *Rindfleisch* massacres and was welcomed by the *Rashba* in Barcelona. Became *Rav* and *Av Beis Din* of Toledo in 1305 and became the leading authority in Spain after the death of the *Rashba*.

² *Rashba* – R' *Shlomo Ben Avraham Ibn Aderet* - Born: Barcelona, Spain, c. 1235. Died: Barcelona, Spain, c. 1310. Student of *Rabbeinu Yonah Gerondi* and the *Ramban*. Rabbi of Barcelona and leader of the Spanish Jewry.

³ See *Aruch Hashulchan Simon 4:5, 6* for a totally different perspective of the opinions of the *Rosh* and the *Rashba*

⁴ For an in-depth study of this see *Shulchan Aruch Orach Chaim Simon 4 se'if 1*, *Magen Avraham*, *Taz* and other commentaries. See also *se'if 13* and commentaries.

Accordingly, one would normally wash and recite the blessing *Al Netillas Yadayim* when washing before praying (*davening*) *Shacharis* in the morning, not before any other *Tefilla* (prayer). One should still wash his hands before starting any prayer of *Shemoneh Esrei*, but without reciting the blessing *Al Netillas Yadayim*.

Waking Up Early in the Morning before Davening

The blessing *Al Netillas Yadayim* becomes problematic when one wakes up early in the morning before prayers (*davening*). If one recites *Al Netillas Yadayim* first thing in the morning⁵ and then prays (*davens*) *Selichos* before *Shacharis*, then if before *Shacharis* one would use the washroom again to relieve himself, he would render himself *Halachically* unclean. According to the opinion of the *Rosh* this causes the first washing to become invalid, requiring him to wash again; this time without the blessing of *Al Netillas Yadayim* since according to the *Rashba* the first washing fulfilled its purpose.

If on the other hand one waits to recite *Al Netillas Yadayim* later on after washing a second time before starting *Shacharis*, one would not be allowed to recite a blessing then because the first washing is still valid. Still, the first washing is too far removed for him to recite a blessing for that washing just now.

Therefore, if one anticipates in advance that he will need to use the washroom again before *Shacharis*, then one should definitely delay reciting *Al Netillas Yadayim* until after using the washroom before *Shacharis* and washing properly again. *Asher Yatzar*⁶ should nevertheless be recited after relieving oneself the very first time in the morning, repeating it again later the second time one relieves himself before *Shacharis*.

The *Shulchan Aruch*⁷ mentions an opinion that one may wait to recite *Al Netillas Yadayim* when one recites the *Birchos Hashachar* at *Shacharis* in *Shul* even without washing again. However, the *Mechaber* states that Sephardim do not follow this

⁵ This would only be if it is already after *Alos Hashachar*. Otherwise one couldn't recite *Al Netillas Yadayim* according to the opinion of the *Rashba* since in middle of the night one is not like new as the *Pasuke* (verse) states: *Chadashim Labekarim Rabba Emunasecha* - They are new every morning; great is Your faithfulness (*Eichab* 3:23, *Biur Halacha* *Simon* 4 D"b *Kol Halayla*).

⁶ This blessing is recited once each morning as part of the many blessings recited each morning. It is also recited each time one relieves oneself or defecates.

⁷ 6:2

ruling. Other Rabbinic Authorities (*Poskim*) also recommend not following this opinion as mentioned by the *Mishna Berura* to that *Halacha*.

Therefore, the *Mishna Berura* suggests doing one of the following two methods:

1. Either one should delay reciting the *bracha Al Netillas Yadayim* later on just before *Shacharis*, making sure to first relieve oneself and wash again before reciting the blessing *Al Netillas Yadayim*, thereby satisfying the opinion of the *Rosh*. One should also make sure to recite all the *Birchos Hashachar* at that time as well in order to satisfy the opinion of the *Rashba*¹⁰.
2. Alternatively, one who is reasonably sure that he won't find it necessary to use the washroom again before praying (*davening*) *Shacharis* may recite the *bracha Al Netillas Yadayim* before going to *Selichos*. One should first wash *Negel Vasser*¹¹ without reciting a blessing, relieve oneself, dress oneself and wash again with a cup and recite the *bracha Al Netillas Yadayim*. At that time one should also recite the blessing of *Asher Yatzar* and *Elokaye Neshama*¹².

THE MISHNA BERURA PREFERS THE FIRST OPTION

It would be safe to say that on *Erev Rosh Hashanah* when *Selichos* prayers usually take between 1.5 to 2 hours to recite¹³, and the possibility that one may need to use the washroom again before praying (*davening*) is increased, one should be mindful to evaluate one's own personal need and recite the blessing of *Al Netillas Yadayim* accordingly.

⁸ S"K 9

⁹ *Simon 6:9 and Simon 4 Biur Halacha d"b Ve'afilu Lo Assa Tzgerachav*

¹⁰ Please see *Beis Yosef* 6:2 who explains that the *Rashba* agrees in such a case to recite the blessing for the first time when reciting all the rest of the daily *Birchos Hashachar*

¹¹ *Lit. Negel Vasser in Yiddish means Nail Water. It is a commonly used as an expression to describe the washing of ones hands in the morning to remove the uncleanness of the night that rests on ones hands from sleep. It is said as well that if one sleeps more than a half hour during the day they should as well wash.*

¹² *Birchos HaTorah* is also recited as this time as discussed further in this lesson

¹³ *According to Ashkenazic custom*

Washing again after Alos Hashachar - Dawn

When one wakes up before dawn (*Alos Hashachar*) and washes his hands, one is allowed to study Torah and recite blessings. However, once *Alos Hashachar* arrives, the Mechaber brings in *Simon 4*, that a *Ru'ach Ra'ab*¹⁴ rests upon his hands and he must wash again. Nevertheless, one who washed his hands before *Selichos* and started praying (*davening*) does not have to wash again if in the middle of reciting *Selichos* comes *Alos Hashachar*¹⁵. It does suffice that he washes again after completing *Selichos*, before davening *Shacharis* (the Morning Prayer).

Birchos HaTorah before Selichos

In *Orach Chaim Simon 46*¹⁶ the Mechaber¹⁷ brings two opinions whether one is permitted to recite *Torah Pesukim* (verses) before reciting *Birchos HaTorah* when they are recited in way of prayer and not for the sake of Torah study. The *Rama*¹⁸ mentions that on *Selichos* days, the custom is to recite *Birchos HaTorah* after *Selichos*. The *Mishna Berura*¹⁹ concludes that even according to the *Rama* one should preferably recite *Birchos HaTorah* before reciting any *Pesukim*. Accordingly, one should recite *Birchos HaTorah* before reciting *Selichos* as well.

Tallis and Tefillin

It is customary for the *Shali'ach Tzibbur* (Prayer Leader) to don a *Tallis* for the *Selichos* prayers since he will be the one leading the congregation in reciting the *Thirteen Attributes of Mercy*. When *Hashem* demonstrated to *Moshe Rabbeinu* (Moses our Teacher) at *Har Sinai* (Mt. Sinai) how the *Thirteen Attributes of Mercy* should be said, He appeared as a *Shali'ach Tzibbur* (Prayer Leader) wrapped in a *Tallis*. Since the optimal time for *Selichos* is towards the end of the nighttime where there is a *Halachic*

¹⁴ *A specific undean spirit*

¹⁵ *Ishei Yisrael 45:8*

¹⁶ *Se'if 9*

¹⁷ . **R' Yosef Karo** - Born: Toledo, Spain, 1488. Died: Safed, Israel, 1575. **Notes:** Also known as **the Mechaber** (the Author). He is one of the most authoritative Talmudists and codifier of Halacha whose decisions have been accepted as binding in Jewish Law. Born in Spain just before the Expulsion, he was exiled with his family in 1492. He moved to Lisbon, Portugal, and then to Turkey, where he served as the Rav of Adrianopolis and Nicopolis for many year. He moved to Eretz Yisrael in 1536 where he settled in Safed.

¹⁸ **Rama – R' Moshe Isserlis** - Born: Cracow, Poland, 1525. Died: Cracow, Poland, 1572. Talmudic commentator and Halachist. Descendent of a wealthy and illustrious family from Cracow, he served as Rabbi of Cracow where in 1552 he founded a prestigious Yeshiva that he led until his death. Arguably his most famous work is *Mapah*, Glosses on the *Shulchan Aruch*, where he brings the Ashkenazic views into what is otherwise mostly a Sephardic work thereby making it into a universal Code of Jewish Law. Leader of Polish Jewry he is a major halachic authority for the Ashkenazic world

¹⁹ *S"K 27*

dispute whether to recite a *bracha* over the *Tallis*²⁰, the *Shali'ach Tzibbur* should therefore borrow someone's *Tallis* and use it without reciting a blessing²¹. He should also have in mind when borrowing the *Tallis* that he doesn't wish to *Halachically* acquire it, even for temporary ownership, and that his sole purpose in wearing it is just a sign of respect to the congregation. Even once daylight arrives, the *Shali'ach Tzibbur* does not recite a *bracha* (blessing) for the *Tallis* he borrowed. If one needs to wear one's own *Tallis* because there aren't any others available, he should do the same as when borrowing a *Tallis*. However, in this case, once daylight (*Mishheyakir*²²) arrives, he should move the *Tallis* around on his body and recite the blessing²³.

A *Tallis* that belongs to the congregation is considered like one's own *Tallis* for this particular *Halachic* application²⁴.

It goes without saying that the rest of the congregation shouldn't don their *Talleisim* when *Selichos* is recited before *Alos Hashachar*. Nowadays when *Selichos* is generally recited after *Alos Hashachar*, if it is already past *Mishheyakir*, the time that one may don a *Tallis* with a *bracha*, it would be acceptable for anyone who wishes to don a *Tallis* for *Selichos*, to do so. Those who wish to don their *Tefillin* may do so as well. However, it is not necessary to wear either of them for the recital of *Selichos*.

The Shali'ach Tzibbur (Congregational Leader)

The *Shali'ach Tzibbur* who leads the *Selichos* prayers is supposed to be *Shali'ach Tzibbur* for all the prayers of that day. According to some opinions he leads the prayers for *Shacharis* and *Mincha* of that day. Others say that he should be the *Shali'ach Tzibbur* for *Maariv* (Evening prayers) the night before²⁵. According to many opinions, the obligation of the leader of the *Selichos* prayer takes precedence over the obligation of a mourner or that of a *Yabrzeit*²⁶. Others say that if the one who has *Yabrzeit* is also fasting, he takes precedence in leading the congregation in the *tefillos* (prayers) of the day. One who is in mourning should still be given the

²⁰ *Orach Chaim Simon* 18

²¹ *Mishna Berura* 581:6

²² "When one can discern" i.e. it is beginning to get light enough in the morning to recognize someone

²³ *Ishei Yisrael* 45:13

²⁴ *Ibid.*

²⁵ *Orach Chaim Simon* 581:1

²⁶ *Yearly* anniversary of the death of a parent

opportunity to recite the prayers from *Ashrei U'va LeTziyone* and on²⁷. Nowadays, some congregations are not particular to have the same *Shali'ach Tzibbur* for *Selichos* and the rest of the day²⁸.

Standing for Selichos

According to the Ashkenazic custom, one should stand for the entire *Selichos* prayer. If one is weak and cannot stand for the entire prayer, one should at least stand while reciting *Keil Erech Apayim*, *Keil Melech Yoshev*, *the Thirteen Attributes of Mercy*, and *Viduy*²⁹. It is customary for everyone to stand while the prayer *Shema Koleinu* (Ashkenaz) is recited verse by verse by the *Chazzan* and the congregation.

According to the Sephardic custom, everyone in the congregation sits for most of the *Selichot* except for *Keil Melech Yoshev*, *the Thirteen Attributes of Mercy* and *Viduy* (Confession prayer).

The Preface to a Selicha

Each *Selicha* should be prefaced with an introduction of *Elokeinu Ve'Elokei Avoseinu* unless the *Selicha* begins with the Name of *Hashem*. If it only begins with a reference to *Hashem* like *Adon* (the Master) one would still say the introduction *Elokeinu Ve'Elokei Avoseinu* since it is not one of the main names of *Hashem* and there is no prohibition to erase such a reference to *Hashem*³⁰.

Tachanun at Night

Although the general rule is not to recite *Tachanun* at night³¹, according to many Rabbinical Authorities (*Poskim*) we do recite *Tachanun* on *Selichos* nights if it is at least after *Chatzos Layla* (*Halachic* midnight)³². Nevertheless, it is still preferable to try to end the daily *Selichos* prayer after *Alos Hashachar* so that *Tachanun* will be recited during the daytime³³.

²⁷ *Mishna Berura* s"t 14

²⁸ *Aruch Hashulchan* 581:6. *Tefilla Kibulchasa* 23 footnote 8 quoting Rav Eliashuv *Shlit"a* that in *Yerushalayim* they are not particular about this

²⁹ *Ishei Yisrael* 45:14

³⁰ *Likutei Maharich* page 601, as well as other *Poskim* in citing *Aishel Avraham (Butchatd)* *Simon* 581

³¹ *Simon* 131:3

³² *Mishna Berura* s"t 18, *Mateh Ephraim* 581:19

³³ *Mishna Berura* s"t 19

Additional Laws Regarding the Recital of Selichos

At the end of the *Keil Melech Yoshev* prayer we say the words *Vayikra Besheim Hashem* (and HE called the Name *Hashem*). When reciting this verse, it is proper to pause between the word *Besheim* and the word *Hashem* because it refers to *Hashem* demonstrating to *Moshe Rabbeinu* how we should call out the *Thirteen Attributes of Mercy* that starts with *Hashem, Hashem*³⁴. However, even if one says these words together it's not considered wrong since the *Targum* interprets the verse (*pasuke*) that way and *Rashi* in his commentary quotes that interpretation as well. In fact, *Likutei Maharich* says that although one should have a separation (*Hefsek*) between *Besheim* and *Hashem*, one should bear in mind both interpretations.

When reciting the verse (*Pasuke*) *Vayaavor Hashem Al Panav Vayikra*, the congregation waits for the *Chazzan* to repeat those words so that everyone will begin saying the *Thirteen Attributes of Mercy* in unison when the *Chazzan* reaches that point. This is important since this is a *Davar She'bikdusha*³⁵, which requires a *Minyan* of 10 adult males to say it together.

When reciting the *Thirteen Attributes of Mercy* itself, one must be careful to pause slightly between the first *Hashem* in the verse and the second one, since there is a separation in the verse's punctuation.

Although some people tend to raise their heels when saying *Hashem, Hashem*, similar to when reciting *Kedusha*, the prevalent custom is not to do so by *Selichos*.

Reciting Selichos in Aramaic without a Minyan

Whenever one recites a prayer in private without a *Minyan*, it is important that one pray in *Lashon Hakodesh* (Hebrew) or in any language one is familiar with. The only language that one shouldn't use is *Aramaic*, as this language according to tradition is not understood by the *Malachim* (angels). Otherwise, one should recite the rest of the *Selichos* prayers as one would normally do when praying with a *Minyan*. One who prays (*davens*) *Selichos* without a *Minyan* doesn't have to wrap himself in a *Tallis*.

Minyan that's Late in Coming

If there was no *Minyan* present at *Shacharis* when *Ashrei* was recited, the *Kaddish* is not recited until a *Minyan* arrives. Then, the *Chazzan* should recite a few *Pesukim* (Torah verses) out loud in their presence and recite *Kaddish*.

³⁴ *Magen Avraham* 565:5

³⁵ *The Proclamation of Hashems name in Public*

All the *Selichos* prayers that have *Aramaic* phrases are to be omitted when there is no *Minyan* present. They should be recited later when there is finally a *Minyan* in *shul*. Once there is a *Minyan* saying *Selichos* together then anyone may say the prayers that are in *Aramaic* even if there aren't 10 people saying it at once.

Generally, when there's a *Minyan* present for a *Tefilla* (prayer) of *Shemoneh Esrei*, even if there is less than a *Minyan* of men remaining before *Kaddish Tiskabel* was said, the *Chazkan* may still recite it as long as there is a majority of a *Minyan* present. Therefore, the *Mateh Ephraim*³⁶ maintains that the same *Halacha* is true for *Selichos* and the *Chazkan* may still recite *Kaddish Tiskabel*. However, the *Yalkut Yosef* writes that it would be a mistake to apply this *Halacha* even to *Sephardim* since the *Halacha* mentioned is based on the opinion of the *Rama*³⁷ and not the *Mechaber*. According to the *Mechaber*³⁸, *Kaddish Tiskabel* can never be recited unless there is a *Minyan* present at that time. Therefore, the same *Halacha* applies to the *Kaddish* after *Selichos* according to the *Mechaber's* opinion.

One Who Can't Keep Up

If when praying (*davening*) *Selichos* one has a hard time keeping up with the pace of the congregation, one should recite each *Selicha* at his own pace interrupting it only to say the *Thirteen Attributes of Mercy* with the congregation³⁹. In such a situation we apply the dictum, *Echad Hamarbeh Ve'echad Hamamit, U'bilvad She'yechaven Es Libbo Lashamayim* (Whether one who does a lot or whether one does a little (they are both important) provided they do it for the sake of Heaven⁴⁰ i.e. *Hashem*). Since the *Thirteen Attributes of Mercy* are a *Davar She'bikedusha* (Matter of Sanctification) that must be recited together with a *Minyan*, one should skip parts of the regular *Selicha* prayers in order to recite these special prayers with the *Minyan*. *Shema Koleinu* (Ashkenaz), and *Viduy* (confession) should also be recited together with the congregation.

³⁶ *Mateh Ephraim* – R' Ephraim Zalman ben Menachem Margulies, Born: Galicia, 1760. Died: Brody, Russia, 1828. Author of *Yad Ephraim*, a commentary on the *Shulchan Aruch*, *Mateh Ephraim* and the *Beis Ephraim*, a collection of *Responsa*.

³⁷ *Simon* 55:3

³⁸ *Teshuvos HaRambam Simon* 61 and *Beis Yosef Simon* 55

³⁹ If one won't have time to finish reciting all the *Selichos* at his own pace, one may choose to recite just a portion of each *Selicha* skipping to the last stanza when the congregation is about to recite the *Thirteen Attributes of Mercy*

⁴⁰ *Berachos* 5b, *Menachos* 110a

When Selichos is Recited by Individuals

When reciting *Selichos* in private without a *Minyan* present, *Asbrei* should be recited even though *Kaddish* is not recited. Also and that one shouldn't recite the *Thirteen Attributes* of *Mery* since they too require a *Minyan* to be present as they are both considered *Devarim She'bikedusha*⁴¹.

Since one doesn't recite the *Thirteen Attributes* of *Mery* when praying (*davening*) *Selichos* without a *Minyan*, there are opinions who maintain that one should also omit any other reference to the *Thirteen Attributes* of *Mery* that may come up in any of the *Selichos* prayers. Otherwise, it would be considered as if one were lying about his efforts in praying (*davening*). Other *Poskim* do not consider these references to hint of lying since it is a prayer to *Hashem* beseeching His mercy as stated in the *Thirteen Attributes* of *Mery*.

If one wishes to recite the *Thirteen Attributes* of *Mery* when davening without a *Minyan*, one could recite the *Thirteen Attributes* of *Mery* if he says them with their *Trop* (cantellations) or at least in a tune one usually uses when learning Torah *Pesukim* (verses); not saying them as a prayer. When doing this, one would then be required to recite the entire *Pasuk* (verse). This means that one cannot conclude reciting the *Thirteen Attributes* of *Mery* with the word *Venakkei* since that is in the middle of the *pasuk* (verse). However, *Raw Ovadiab Yosef sblita* maintains that one could read it with its *Trop* (cantellations) without finishing the *Pasuk*.

Reciting Tachanun during Selichos on Erev Rosh Hashanah

On the day before *Rosh Hashanah* according to Ashkenazic custom a greater than usual amount of *Selichos* prayers are recited. Just like every other time we recite *Selichos*, we close the *Selichos* of *Erev Rosh Hashanah* with the *Tachanun* prayer as well. Since *Erev Rosh Hashanah* is considered to be somewhat like *Yom Tov*, one is not supposed to recite *Tachanun* on that day. Therefore, when finishing *Selichos* before Dawn (*Alos Hashachar*), one would recite *Tachanun* at the end of *Selichos* even though it won't be recited at *Shacharis*. The Rabbinical Authorities (*Poskim*) maintain that as long as *Selichos* started before Dawn (*Alos Hashachar*), one would complete the *Selichos* by reciting *Tachanun* even when it is finished after Dawn (*Alos Hashachar*). The Rabbinical Authorities (*Poskim*) add that even if *Selichos* only begins after Dawn (*Alos Hashachar*), *Tachanun* should still recited at its conclusion since commonly *Selichos* takes place before (*Alos Hashachar*)⁴². However, there are Rabbinical Authorities (*Poskim*) who maintain that when *Selichos* is recited after (*Alos Hashachar*),

⁴¹ A *Minyan* is required for all matters of sanctification

⁴² *Mishna Berura* 581:23, *Mateh Ephraim* 581:3

Tachanun should not be recited⁴³. There are also some phrases in the *Selichos* which apply only to nighttime prayer. Any such reference should be omitted when reciting *Selichos* during the day.

Selichos on the day of a Bris Milah (Circumcision)

If a *Bris Milah* (Circumcision) will take place in this *Shul* (Synagogue) on a morning of *Selichos*, or if the father of the child, the one performing the *Bris* (*Mobel*), or the one holding the baby during the actual *Bris Milah* (*Sandek*) is present, *Tachanun* will not be recited by *Shacharis* that morning. Still, *Tachanun* is recited by the closing of *Selichos* when *Selichos* is completed before Dawn (*Alos Hashachar*). However, when *Selichos* continues past Dawn (*Alos Hashachar*), then there is an issue amongst the *Poskim* whether *Tachanun* should be recited, since by now it is already *Halachically* day when the *Bris* may be performed and *Tachanun* should be omitted. Nevertheless, the prevalent custom is to recite *Tachanun* even in such a case. One reason for this is that a *Bris* only suspends *Tachanun* from the single prayer, which precedes it. Since *Selichos* is a self-contained prayer with *Kaddish* at its beginning and at its end, it doesn't get suspended by the *Bris Milah* which will only take place after *Tefillas Shacharis* (the Morning Prayer)⁴⁴. Others explain that we always try to include *Tachanun* in the *Selichos* prayer since it is an integral part of its arrangement; therefore we recite it even in such an instance. Still, the custom is to refrain from reciting *Tachanun* in the presence of a **Chassan** (groom) during his seven festive days (*Sheva Brochos*)⁴⁵. The congregation including the *Chassan* is however required to recite all the rest of the *Selichos* prayers.

Selichos in the House of a Mourner

It is customary to omit *Tachanun* from the daily prayers that take place in the house of a mourner during the week of *Shivah*. The issue amongst *Poskim* is whether the same applies to *Tachanun* of *Selichos*. The *Pri Megadim*⁴⁶ writes that during the week of *Shiva* we refrain from reciting *Tachanun* because of one of two reasons. Either because *Tachanun* is associated with strict judgment and in the house of a mourner we do not wish to raise this issue since it has already been visited upon by this attribute. Another reason is because the verse states in Amos (*Vahafachti*

⁴³ *Orach Chaim* 131:3, *Magen Avraham* s"t 9

⁴⁴ *Lenuchei Montecheai Orach Chaim* Simon 226

⁴⁵ *Mateh Ephraim* 581:22, *Pri Megadim* *Aishel Avraham* end of *Simon* 685

⁴⁶ *Simon* 131:9: *Pri Megadim* – R' Yosef Ben Meir Teomin - **Born:** Lemberg, Poland, c. 1727 **Died:** Frankfurt, Germany, 1792. **Notes:** Author of *Pri Megadim* a two-part commentary including *Mishbatzos Zahav*, commentary to the *Taz* and *Eshel Avraham*, commentary to the *Magen Avraham*. Author of *Rosh Yosef*, *Chidushim* on several *Talmud*

*Chageichem Le'Avel*⁴⁷, *Hashem* will cause our holidays to turn into days of mourning because of our wayward behavior. Since this *Pasuk* (verse) connects mourning (*Avel*) with holidays (*Chag*), it follows the same laws like the holidays. Therefore, it is possible that according to the first reason we are allowed to recite *Tachanun* by *Selichos* since it is considered a part of the *Selichos* format. However, according to the second reason, it follows the laws like that of the holidays, which exempts not only *Tachanun*, but *Selichos* as well. The *Halacha Le'maaseh* (applied law) is that *Selichos* including *Tachanun* is recited⁴⁸ in the house of the mourner even when the mourner himself participates in *Selichos*. There are however various opinions as to how much of the *Selichos* is recited. Some *Poskim*⁴⁹ (deciders of *Halacha*) mention that *Viduy* (prayer of confession) is not recited in this house. The *Gesher HaChaim*⁵⁰ writes that *Selichos* should be said as usual up until the final phase of *Selichos* starting *Z'chor Rachamecha*. The congregation then skips from there until *Shema Koleinu* and says the first three verses only (according to Ashkenazic version of *Selichos*).

If a mourner doesn't have a *Minyan* for *Selichos* in his home, he may not come to *shul* to recite them except on *Erev Rosh Hashanah* when we say a much greater amount of *Selichos*⁵¹. Once the mourner is there for *Selichos*, he may remain there for the rest of the Morning Prayer (*Shacharis*).

⁴⁷ 8:10, *And I will turn your festivals into mourning, and all your songs into lamentation* והפכתי חגיכם לאבל וכל שיריכם לקינה

⁴⁸ *Mateh Ephraim* Ibid.

⁴⁹ *Responsa Mahari Assad* 353

⁵⁰ *Gesher HaChaim* – Lit. The Bridge of life – Yechiel Michael Tukachinsky - Died: 1955, Israel. Authoritative work on the Laws of Mourning.

⁵¹ The *Magen Avraham* notes that in communities that increase the *Selichos* on *Erev Yom Kippur*, the same would apply. The prevalent custom is to actually decrease the amount of *Selichos* normally recited on that day.

Questions:

- 1) What is the main purpose of washing one's hands in the morning according to the *Rosh*?
- 2) What is the main purpose of washing one's hands in the morning according to the *Rashba*?
- 3) "The first washing in the morning becomes invalidated when someone uses the washroom before *Tefillas Shacharis* (the Morning Prayer)". According to whose opinion is this true?
- 4) "One could recite *Al Netillas Yadayim* in the synagogue without any recent washing along with the rest of the *Birchos Hashachar*". According to whose opinion is this true?
- 5) Why should one wash again when starting *Selichos* prior to *Alos Hashachar* (dawn)? When should this be done?
- 6) Should *Birchos HaTorah* be recited before *Selichos* if one does not plan to learn before prayers?
- 7) Whose *Tallis* should the *Chazqan* use for pre-dawn *Selichos*? His own, the *Tzibbur's* (congregations), or a borrowed one? Why?
- 8) Which prayers does the *Shali'ach Tzibbur* of *Selichos* usually lead?
- 9) May *Tachanun* be recited during the nighttime?
- 10) What language should one avoid using in prayer when praying (*davening*) individually?
- 11) Can *Kaddish Tiskabal* be recited if less than a *Minyan* of men is present after *Selichos*?
- 12) What must one do in order to recite the *Thirteen Attributes of Mercy* without a *Minyan*?
- 13) When is a Mourner permitted to leave his house during *Shiva* (The Seven days of Mourning) to pray (*daven*) with a *Minyan* in the synagogue? Can he also stay to pray *Shacharis* in the synagogue (*Shul*)?

Answers:

- 1) According to the *Rosh* one should wash his hands each morning before praying (*davening*) because most likely one touched an unclean part of the body during the course of the nighttime while he was asleep.
- 2) According to the *Rashba* one washes his hands each morning after awaking refreshed like a new creation in preparation to serve *Hashem* like a *Kohen* before his service in the *Beis Hamikdash*.
- 3) The *Rosh*.
- 4) The *Rashba* (according to *Beis Yosef*).
- 5) Because at *Alos Hashachar* there is possibly another *Ruach Ra'ah* that descends upon a person's hands.
- 6) The *Rama* suggests that one should recite *Birchos HaTorah* even though that *Pesukim* (verses) are said in a way of prayer and for Torah-study.
- 7) It's best for the *Chazzan* to borrow a *Tallis* without intent to acquire a *Halachic* temporary ownership to avoid having to recite a blessing during the pre-dawn period.
- 8) He should lead the *Shacharis* and *Mincha* prayers. Some have the custom that he should also lead the *Maariv* prayer the night before.
- 9) One may recite *Tachanun* by *Selichos* if it's after *Chatzos Layla* (*Halachic* midnight). Some prefer that it be delayed until after dawn.
- 10) Aramaic.
- 11) According to Sephardim not, but according to Ashkenazim it should be recited.
- 12) One must read the *Pasuk* (verse) with the *Trop* (cantillation) and one must read the entire *Pasuk* (verse) until the end past the final attribute of *Ve'nakkei*. One may also read it in a tune that one uses for regular Torah study. *Rav Ovadiah Yosef sblita* rules that it is not necessary for one to finish reading the *Pasuk* (verse) until its end.
- 13) He may do so on *Erev Rosh Hashanah* when it is customary to recite a greater than usual amount of *Selichos* (*Ashkenaz*), if there is no *Minyan* available to pray (*daven*) *Selichos* in his house. He may choose to stay in the synagogue (*Shul*) for *Shacharis* afterwards.