

Halachically Speaking

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Hilchos Tachnun Part 1

Sponsored

לרפואה שלמה חנה חיה בת מזל

If one would realize the great importance of saying *tachnun*, he would be careful to recite it with great fervor and concentration. Some say the reason for saying *tachnun* is so that our *tefilla* is set up like *Moshe Rabbeinu's tefilla*; beginning the *tefilla* with sitting, then standing (*Shemonei Esrei*) and then *nefilla*.¹ The *Zohar* writes that at the time one says *tachnun* it is an *Eis Ratzon*.² The *seforim* say that at this time, one is *zocheh* to many wonderful things (see footnote).³ If one says *tachnun*, it is a *segula* that his *tefillas* will be accepted.⁴ It is interesting to note that reciting *tachnun* is not an obligation, but rather a *reshus*.⁵ One who recites *tachnun* properly is greatly rewarded.⁶ Women are exempt from reciting *tachnun*.⁷

Hefsek Between Shemonei Esrei And Tachnun

Based on *kabbalah*, one may not be *mafsik* between *Shemonei Esrei* and *tachnun*.⁸ Others say that one should not do any activities that are not directly related to the *davening*, but talking out a couple of words is permissible.⁹ If one spoke out more than a couple of words, then he should still recite the *tachnun*.¹⁰ Some say the reason for not talking is because the *tefilla* and *tachnun* is one long *tefilla*.¹¹ One is permitted to answer to *devarim sh'bekedusha*, which he might hear between *Shemonei Esrei* and *tachnun*.¹² If one is middle of reciting *tachnun*, answering to *devarim sh'bekedusha* is permitted.¹³ If the *shatz* starts reciting *kaddish*, and one is still

¹ Refer to *Avudraham* page 119, *Tur* 131, *Bach*, *Lekutei Maharich* page 172 (new), *Aruch Ha'shulchan* 131:1, refer to *Yesodo Yeshurun (Siddur)* pages 556-557.

² *Parshas Vayekhel* page 200b.

³ *Pela Yoetz* "nefillas apayim," page 425 (new), he says one is *zocheh* to added knowledge, closeness to *Hashem*, made like a new person. Refer to *Rama M'Pano* 2:72.

⁴ *Aruch Ha'shulchan* 131:2, *Teshuvos V'hanhugos* 3:53.

⁵ *Tur*, *Darchei Moshe* 131:5, *Shulchan Aruch Harav* 1, *Aruch Ha'shulchan* 2, *Doleh U'mashka* page 89. Just because it is a *reshus* does not mean that *tachnun* should be dealt with in a light manner (*Doleh U'mashka* *ibid*).

⁶ *Rabbeinu B'chai Ki Sisa* 1:13.

⁷ *Machzei Eliyahu* 20, *Halichos Beisa* 7:footnote 1, *Halichos Bas Yisroel* 2:12, *Rivevos Ephraim* 4:34.

⁸ Refer to *Gemorah Bava Metzia* 59b, *Ritva*, *Shulchan Aruch* 131:1, *Levush* 1, *G'ra* 1, *Shulchan Aruch Harav* 1, *Kitzur Shulchan Aruch* 22:1, *Chai Adom* 32:33, *Shulchan Hatohar* 2, The *Aruch Ha'shulchan* 3 says there is no *issur* to talk but if one does his *tefilla* will not be as accepted.

⁹ *Magen Avraham* 1, *Machtzis Ha'shekel*, *Pri Megadim Eishel Avraham* 1, *Mishnah Berurah* 1, *Shulchan Aruch Harav* 1.

¹⁰ *Elya Rabbah* 1, *Sharei Teshuva* 1, *Chesed L'alafim* 13, *Mishnah Berurah* 2, *Yugel Yaakov* page 107, Refer to *Hamesivta* 5754:pages 369-372. The *Shulchan Hatohar* 131:2 says if one spoke he may say *tachnun* but he may not put his head down.

¹¹ *Chai Adom* 32:33, *Kaf Ha'chaim* 131:1, *Yesodo Yeshurun (Siddur)* page 551, *Avodas Ephraim* 1:page 65.

¹² *Pri Megadim M.Z.* 1, *Mishnah Berurah* 1, *Kaf Ha'chaim* 2.

¹³ *Sharei Teshuva* 1, *Mishnah Berurah* 1, see *Kaf Ha'chaim* 2 who argues. One should not say *va'yihey b'nsoa* if one hears it being recited while he is saying *tachnun* (*Shevet Ha'Levi* 7:12:2).

in middle of *tachnun*, some say you are obligated to answer to the *kaddish*.¹⁴ Although one is not allowed to be *mafsik* between *Shemonei Esrei* and *tachnun*, one may learn from a *sefer* or recite *tehillim*¹⁵ before *chazaras hashatz* begins. One does not have to recite *tachnun* in the same place that he *davened* in.¹⁶

Tachnun With A Sefer Torah

Many *poskim* say that *tachnun* may only be recited if one is in a place that has a *Sefer Torah*.¹⁷ This is true even if the *Sefer Torah* is in the *shul* and not placed in an *Aaron Kodesh*,¹⁸ some are stringent with this.¹⁹ An *Aaron Kodesh* which only holds a *Sefer Torah* on Mondays and Thursdays has the same *Din* as if a *Sefer Torah* was there throughout the week. Therefore in the aforementioned situation, one may say *tachnun* by putting his head down.²⁰ If one only has a *posul Sefer Torah*, the regular *tachnun* is still recited.²¹ The custom of the *Sefardim* is that they always recite *tachnun* even if there is no *Sefer Torah* present.²² (They never cover their face by *tachnun*).²³ If one is not in *shul*, but he can see the *Aaron Kodesh* from where he is sitting, i.e., the yard of the *shul*, then he recites *tachnun*.²⁴ If a *Sefer Torah* is in a different room, and there is no foul odor between the two rooms, one may recite *tachnun* with his head down.²⁵ If one is not reciting *tachnun* with his head down, because he is not in the presence of a *Sefer Torah*, one may stand while reciting *tachnun*,²⁶ however, the custom is not like this.²⁷

The Custom Of Yerushalayim

The custom in the Old City of *Yerushalayim* is to always recite *tachnun* with ones' head down, even if there is no *Sefer Torah*, since the Old City has great *kedusha*.²⁸ There is an uncertainty amongst the *poskim* whether or not this *halacha* would apply to *Yerushalayim*, as it is today, whereby the borders extend well past the Old City.²⁹ The custom to always recite *tachnun* with one's head down is only for the Old City and does not apply to the rest of *Yerushalayim*.³⁰

¹⁴ Refer to *Ishei Yisroel* 25:footnote 27 (old).

¹⁵ *Avodas Ephraim* 1:page 77-81, see *Birchos Shomayim* 1:66:4, *Doleh U'mashka* page 91:footnote 257.

¹⁶ *Rambam Hilchos Tefilla* 5:14, *Sefer Chassidim* 18, *Magen Avraham* 1, *Machtzis Ha'shekel*, *Pri Megadim Eishel Avraham* 1, *Shulchan Aruch Harav* 1, *Mishnah Berurah* 2, *Aruch Ha'shulchan* 7. This is referring to a person who *davens* in his house as well (*Pri Megadim M.Z.* 1). Some say even from one house to another is permitted (*Avodas Ephraim* 1:page 86).

¹⁷ *Bais Yosef*, *Darchoi Moshe* 3, *Rama* 131:2, *Shulchan Aruch Harav* 3, *Aruch Ha'shulchan* 10, *Shulchan Hatohar (Karmarna)* 131:8, *Shulchan Shlomo* 131:2. The *Aruch Ha'shulchan* *ibid* says the rooms around the *Shul* have the same *din* as a *Shul*.

¹⁸ *Taz* 5, *Mishnah Berurah* 11, *Igros Moshe O.C.* 4:21:1.

¹⁹ *Teshuvos V'hanhugos* 2:79, see *Avodas Ephraim* 1:page 129-131

²⁰ *Horav Yisroel Belsky Shlita*, see *Ishei Yisroel* 25:footnote 36 (old) quoting the opinion of *Horav Shlomo Zalman Aurbach zt"l*.

²¹ *Ishei Yisroel* 25:footnote 36 (old) quoting the opinion of *Horav Chaim Kanievesky Shlita*, *Rivevos Ephraim* 4:44:77.

²² Refer to *Kaf Ha'chaim* 131:40.

²³ *Birchoi Yosef* 131:1, *Ben Ish Chai Ki Sisa* 1:14, *Kaf Ha'chaim* 131:4, *Chesed L'alafim* 131:12, see *Nemukei Orach Chaim* 131:2, *Teshuvos V'hanhugos* 1:134, *Halacha Berurah* 131:23. Refer to *Kaf Ha'chaim Palagi* 16:14 who questions this custom. If an *Ashkenazi davens* by a *Sefardi minayn* he may cover his face at *tachnun* (*Shraga Hamier* 8:38:4).

²⁴ *Darchoi Moshe* 3, *Rama* 2, *Magen Avraham* 7, *Mishnah Berurah* 13.

²⁵ *Horav Yisroel Belsky Shlita*, see *Elya Rabbah* 131:6-7, *Mishnah Berurah* 14.

²⁶ *Elya Rabbah* 131:4, *Pri Megadim Eishel Avraham* 131:5,7.

²⁷ *Kaf Ha'chaim* 131:38.

²⁸ *Ketzos Ha'shulchan* 24:4, *Air Hakodesh V'hamikdash* 3:25:page 341:8, *Igros Moshe Y.D.* 3:129:2, *Bais Boruch* 32:170, *Ishei Yisroel* 25:footnote 32 quoting the opinion of *Horav Shlomo Zalman Aurbach zt"l*, *V'alu Lo Uvol* 1:page 96, see *ibid* page 398.

²⁹ Refer to *Halichos Shlomo Tefilla* 11:footnote 37.

³⁰ *Minhagei Eretz Yisroel* page 49:footnote 3, *Bais Boruch* *ibid*, *Teshuvos V'hanhugos* 2:79, *Siach Tefilla* pages 206-207, see *Teshuvos V'hanhugos* 4:41 who says the custom is in all of *Yerushalayim*.

Tachnun In Front Of Seforim

There are many *poskim* who say that one may recite *tachnun* (with ones' head down) even if there is no *Sefer Torah*, as long as there are *seforim* in the room.³¹ Others say *tachnun* may only be recited if there is a *Sefer Torah*, and having *seforim* in the room is not sufficient, and this seems to be the custom.³² According to those who are stringent, *tachnun* is recited, but without covering ones' face.³³

Sitting vs. Standing

Some *poskim* say that one is permitted to stand when reciting *tachnun*.³⁴ Based on *kabbalistic* reasons, one should sit while saying *tachnun*,³⁵ as this brings a person to humility.³⁶ If it is hard for one to sit, then he may stand, i.e.; if someone is *davening* a long *Shemonei Esrei* behind you, and it is not permissible to sit down in front of him, one may stand in his place and recite *tachnun*. Additionally, if one is in middle of taking the three steps back after the conclusion of the *Shemonei Esrei*, and the *tzibbur* is up to *tachnun*, then one may recite *tachnun* while standing.³⁷ In regard to the *shatz*, most *poskim* say that he may recite *tachnun* while sitting, even though he did not take three steps back at the end of *Shemonei Esrei*.³⁸ When one reaches the words of *ma naaseh*, it is proper for him to stand,³⁹ however, if one did not stand, it is not *meachev*.⁴⁰

V'duy

The custom of the *Nusach Sefard* is to recite *v'duy* before covering ones' face.⁴¹ The *v'duy* needs to be recited while standing.⁴² One who is old or weak may recite it sitting,⁴³ and one should say it slowly and wait between each word.⁴⁴ When saying the *v'duy*, one hits the spot where the heart is.⁴⁵ The reason for this is because all sin originates from the heart,⁴⁶ however, some say the reason is based on *kabbalah*.⁴⁷ Some say the *v'duy* should be

³¹ *Sheira Knesses Hagedolah* 131:page 114, *Birchei Yosef* 131:1, *Igros Moshe O.C.* 5:20:5, *Avnei Yushfei* 3:10, *Orchos Rabbeinu* 1:page 67:9, *Teshuvos V'hanugos* 2:79, *Katzei Hamatei* 581:51, see *B'mechetzas Rabbeinu* page 52. Those who say a *sefer* helps, then many *siddurim* also help for this purpose (*Horav Yisroel Belsky Shlita*, see *Avnei Yushfei* *ibid*, *Sheilas Rav* 2:11:12). One *sefer* is enough (*Sheilas Rav* 2:11:11).

³² *Horav Yisroel Belsky Shlita*, see *Elya Rabbah* 131:5, *Kitzur Shulchan Aruch* 22:4, *Mishnah Berurah* 11 is not *machria*, *Kaf Ha'chaim* 45, *Halacha Berurah* 131:23, *Bais Boruch* 32:171, *Siach Tefilla* page 206, *Bais Avi* 4:85, *V'ysi B'nsoa* page 69:1.

³³ *Kitzur Shulchan Aruch* 22:4, *Avodas Ephraim* 1:page 170.

³⁴ *Rivash* 412, see *Magen Avraham* 8, *Taz* 4, *Be'er Heitiv* 5, *Pri Megadim Eishel Avraham* 4, *Shulchan Aruch Harav* 1, *Kitzur Shulchan Aruch* 22:3, *Mishnah Berurah* 10, *Aruch Ha'shulchan* 8, *Kaf Ha'chaim* 38.

³⁵ *Bais Yosef*, *Shulchan Aruch* 131:2, *Magen Avraham* *ibid*, *Levush* 131:2, *Shulchan Aruch Harav* *ibid*, *Kesher Hagadol* 19:15, *Yesod V'shoresh Hu'avoda shar* 5:7, *Shulchan Aruch Hatochar* 131:5, *Mishnah Berurah* 10, *Yisroel B'mamadam* 13:10. If the *shatz* started *kaddish* there is no need for the one saying *tachnun* to get up. (*Ishei Yisroel* 25:footnote 33 quoting the opinion of *Horav Chaim Kanievesky Shlita*).

³⁶ *Levush* 131:2.

³⁷ Refer to *Kitzur Shulchan Aruch* 22:3, *Mishnah Berurah* 10, *Aruch Ha'shulchan* 5. See *Magen Avraham* 5, *Shulchan Aruch Harav* 1.

³⁸ *Rambam Hilchos Tefilla* 9:5, *Magen Avraham* 104:2, *Atzei Halevonon* 1:3: page 7, *Da'as Torah* 131:1, *Mishnah Berurah* 9, *Be'er Moshe* 5:34, *Sheilas Rav* 2:11:18, see *Aruch Ha'shulchan* 104:5 and *Shevet Ha'kehusi* 3:60:2 who argue.

³⁹ *Rambam Hilchos Tefilla* 7:17, *Rama* 131:1, *Levush* 1, *Magen Avraham* 4, *Pri Megadim Eishel Avraham* 4, *Machtzis Ha'shekel*, *Be'er Heitiv* 3, *Elya Rabbah* 3, *Lekutei Maharich* page 180 (new), *Mishnah Berurah* 9, *Aruch Ha'shulchan* 9. See *Maseh Ish* 1:page 126 who says the *Chazzon Ish* sat until after *kaddish* recited after *tachnun*. Some say all the *pesukim* while standing (*Machzor Vitrey* 1:page 124 new). Refer to *Yisroel B'mamadam* 13:footnote 62 in depth.

⁴⁰ *Ketzos Ha'shulchan* 23:bad 4, *Yaskil Avdi* 8:2:28, *Rivevos Ephraim* 2:57, 4:33.

⁴¹ Refer to *Kaf Ha'chaim Palagi* 16:1, *Yufei Leleiv* 1, *Kesher Hagadol* 19:1, *Kaf Ha'chaim* 131:5, *Yesodo Yeshurin* 2:page 82, *Halacha Berurah* 131:footnote 2. See *Lekutei Maharich* page 175 (new).

⁴² *Gemora Yoma* 87b, *Rosh* 8:19, *Shulchan Aruch* 607:3, *Birchei Yosef* 131:7, *Kaf Ha'chaim Palagi* *ibid*, *Kaf Ha'chaim* 131:8,9, *Da'as Torah* 131:2. The reason is because *v'duy* needs to be said with humility (*Levush* 131:2, *Mishnah Berurah* 607:10).

⁴³ *Birchei Yosef* 131:8, *Kesher Hagadol* 19:7, *Ben Ish Chai Ki Sisa* 1:17, *Kaf Ha'chaim* 131:10, *Yisroel B'mamadam* 13:6.

⁴⁴ Refer to *Kaf Ha'chaim Palagi* 16:3, *Kaf Ha'chaim* 131:21, *Halichos Shlomo Tefilla* page 135:3.

⁴⁵ *Magen Avraham* 607:3, *Ben Ish Chai Ki Sisa* 1:3, *Kaf Ha'chaim* 131:5.

⁴⁶ *Medrash Rabbah Koheles* 7:5. Refer to *Avodas Ephraim* 1:page 40.

⁴⁷ *Tefilla V'hilchoseha* 24:10.

recited in the position that one is in when reciting *modeim*,⁴⁸ however, the *minhag* is not like this opinion.⁴⁹ While saying *v'duy* one should not lean on anything.⁵⁰

The Thirteen Attributes

After the *v'duy* is recited, one says the thirteen attributes of *Hashem*. When saying *V'yikra B'shem Hashem*, one should be *mafsik* between the *B'shem* and *Hashem*.⁵¹ A person who is *davening* without a *minyan* does not recite the thirteen attributes.⁵² If one is at a point in *davening*, where he is permitted to be *mafsik*, then he may recite the thirteen attributes with the *tzibbur*.⁵³ If one is *davening* with the *tzibbur* and they have already recited the thirteen attributes, then one may say it at his own pace.⁵⁴

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⁴⁸ *Magen Avraham* 607:4, *Machtzis Ha'shekel*, *Kesher Hagadol* 19:5, *Matei Ephraim* 607:11, *Elef Hamugen* 8.

⁴⁹ *Kaf Ha'chaim* 131:12.

⁵⁰ *Magen Avraham* 607:4, *Elya Rabbah* 4, *Shulchan Aruch Harav* 7, *Mishnah Berurah* 10.

⁵¹ Refer to *Kaf Ha'chaim* 131:20, *Halacha Berurah* 131:footnote 8.

⁵² *Kesher Hagadol* 19:9, *Igros Moshe Y.D.* 3:21, *Minchas Elazar* 4:22, *Halacha Berurah* 131:footnote 4.

⁵³ Refer to *Haelef Lecha Shlomo* 44, *Kaf Ha'chaim* 131:20, *Shevet Ha'Levi* 9:1, *Teshuvos V'hanugos* 1:114, *Piskei Teshuvos* 131:footnote 61, *Halichos Shlomo Tefilla* 9:6.

⁵⁴ *Torah L'shma* 96, see *Ben Ish Chai Ki Sisa* 1:4, *Kaf Ha'chaim* 131:24, *Shevet Ha'Levi* 7:12, 9:24:2.