

# Halachically Speaking

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## Hilchos Tachnun Part 2

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לרפואה שלמה חנה חיה בת מזל

### How To Perform Tachnun

In earlier days when one recited the *tachnun*, the custom was to fall on the ground before *Hashem*. Today, we do not do this, rather one leans his head on his arm.<sup>1</sup> Placing ones' head on his hand is not permissible because of *sakana* (refer to footnote).<sup>2</sup> A garment must be used as a separation between the arm and the head.<sup>3</sup> In order to fully concentrate one should place his hand on his arm and cover his face.<sup>4</sup> The *poskim* stress that one may not lift his hand to his head, rather his head should be placed onto his arm.<sup>5</sup> At *shacharis*, when one dons *tefillin*, many *poskim* say that one should lean his hand on his right arm, and at *mincha* lean his head on his left arm.<sup>6</sup> Others say, based on *kabbalistic* reasons, one should always place his hand on his left arm.<sup>7</sup> The custom of the majority of people is that of the first opinion.<sup>8</sup> In regard to lefties, it would seem that they have the same *halacha* as a *righty*.<sup>9</sup> Whichever way one is leaning his head, his head should be tilted.<sup>10</sup> *Horav Moshe Feinstein zt"l*<sup>11</sup> had the custom to place his head onto both arms during *tachnun*. When one is reciting *tachnun*, he should be careful not to lean on a *sefer*.<sup>12</sup> Some say the *shatz* and the *mispalaleim* sitting near the *Aaron Kodesh* should try to face the direction of the *Aaron Kodesh*.<sup>13</sup>

<sup>1</sup> Refer to *Gemarah Megilla* 22b-23a, *Rosh* 3:4, *Tur* 131, *Bais Yosef*, *Rama* 8, *Shulchan Aruch Harav* 1, *Mishnah Berurah* 3, *Aruch Ha'shulchan* 4.

<sup>2</sup> The *Elya Rabbah* 2 says since ones sins are written on his hand. Refer to *Ben Ish Chai Ki Sisa* 1:13, *Moreh B'etzvah* 3:88. This applies even if one is wearing a garment which separates his body from his hand (*Be'er Moshe* 5:35).

<sup>3</sup> *Magen Avraham* 131:2, *Shulchan Aruch Harav* 1, *Ben Ish Chai* *ibid*, *Mishnah Berurah* 3, *Aruch Ha'shulchan* 7, *Ketzos Ha'shulchan* 24:3, *Bais Boruch* 32:161, *Be'er Moshe* 5:35.

<sup>4</sup> *Sefer Chassidim* 455, see 1586.

<sup>5</sup> *Yosef Ometz* 308, *Teshuvos V'hanugos* 1:133, Refer to *Emes L'Yaakov* 131:footnote 167.

<sup>6</sup> *Darchei Moshe* 131, *Rama* 131:1, *Taz* 2, *Pri Megadim Eishel Avraham* 3, *M.Z.* 3, *Shulchan Aruch Harav* 1, *Mishnah Berurah* 6, *Meshmeres Shalom* 12:1, *Aruch Ha'shulchan* 7, *Ketzos Ha'shulchan* 24:3, *Otzer Dinim V'hanugos (Chazon Ish)* page 45:36, *Banim Chavivim* page 329.

<sup>7</sup> *Bach*, *Bais Yosef*, *Shulchan Aruch* 131:1, *G'ra* 5, *Levush* 1, *Magen Avraham* 3, *Sharei Teshuva* 2, *Ateres Zekanim*, *Chai Adom* 32:33, *Kaf Ha'chaim Palagi* 16:14, *Chesed L'alafim* 131:11, *Shulchan Hatohar (Karmarna)* 131:3, *Kaf Ha'chaim* 30.

<sup>8</sup> *Mishnah Berurah* 6, *Aruch Ha'shulchan* 7. If one *davens* in a place that does like the *Rama* (right hand at *shacharis*) one should follow the *shul's* custom. (*Chai Adom* *ibid*, *Mishnah Berurah* *ibid*).

<sup>9</sup> *Shulchan Shlomo* 131:1, *Be'er Moshe* 2:3:12, see *Orchos Rabbeinu* 1:page 67.

<sup>10</sup> *Avnei Yushfei* 1:21:5, see *Shulchan Aruch* 131:1, *Magen Avraham* 2, *Pri Megadim Eishel Avraham* 2, *Biur Halacha "l'hatos," Shulchan Aruch Hamikutzar* 1:21:footnote 5.

<sup>11</sup> *Igros Moshe O.C.* 5:20:19, *Rivevos Ephraim* 3:86, *Teshuvos V'hanugos* 1:133.

<sup>12</sup> Refer to *Ginzei Ha'kodesh* 3:13:footnote 27.

<sup>13</sup> Refer to *Machtzis Ha'shekel* 131:3, *Shulchan Aruch Harav* 1, *Mishnah Berurah* 6, *Aruch Ha'shulchan* 7, *Sheilas Rav* 2:11:21. Those who are not sitting near the *Aaron Kodesh* do not have to lean in the direction of the *Aaron Kodesh* (*Bais Boruch* 32:165).

### After Shekia

Based on *kabbalah*, *tachnun* is not recited after dark,<sup>14</sup> however, during *ben hashmushos* it is permitted to recite *tachnun*.<sup>15</sup> Some say one has up until thirteen minutes after *shekia* to recite *tachnun*,<sup>16</sup> however, the custom is not to recite *tachnun* during *ben hashmushos*.<sup>17</sup> If one began to say *mincha* before dark, and the *tefilla* continued until nightfall, then one should not recite *tachnun*.<sup>18</sup> In earlier days *mincha* was always followed by *maariv*, and when it was time to say *tachnun* it was after *shekia*, therefore, no *tachnun* was recited.<sup>19</sup> Today, many places do not recite *tachnun* at *mincha*, even if they *daven* before *shekia*. However, many *poskim* stress that this is not commendable,<sup>20</sup> and if one does *daven* in a place that has this custom, he should say *tachnun*, but only by placing his head on his arm, without saying any other *tefillas* (*ash'amnu*, *shomer yisroel* etc.)<sup>21</sup>

### Mondays And Thursdays

Mondays and Thursdays are *Yemey Ratzon* being that *Moshe Rabbeinu* went to accept the second set of *Luchos* on Thursday, and he came down on Monday. Therefore, we add *tachnunim* after *chazaras hashatz* on these days.<sup>22</sup> We say *v'hu rachum* on these days because of the miracle that happened many years ago.<sup>23</sup> One should say it slowly and with great concentration.<sup>24</sup> According to the *Shulchan Aruch*,<sup>25</sup> one should recite it in a loud voice, and according to the *Rama*<sup>26</sup> in a quiet soft tone. The *Mishnah Berurah*<sup>27</sup> says that whichever way arouses ones' concentration more effectively, is the manner in which he should recite the *v'hu rachum*. One is required to say this *tefilla* while standing.<sup>28</sup> If one does not say it standing then he is a *poretz geder*,<sup>29</sup> and some

<sup>14</sup> *Shulchan Aruch* 131:3, *Taz* 8, *Be'er Heitiv* 9, *Pri Megadim M.Z.* 8, *Levush* 3, *Elya Rabbah* 8, *Shulchan Aruch Harav* 4, *Birchei Yosef* 2, *Kesher Gadol* 19:11, *Yufei Leleiv* 10, *Ben Ish Chai Ki Sisa* 1:8, *Shulchan Hatohar (Karmarna)* 232:5, *Mishnah Berurah* 16, *Aruch Ha'shulchan* 11, *Yechaveh Da'as* 6:7, *Halacha Berurah* 131:16:page 23 in depth. (In regard to *Selichos* at night refer to *Magen Avraham* 9, *Elya Rabbah* 8, *Aruch Ha'shulchan* 11, *Kaf Ha'chaim* 51, 52) The *Tur* 237 quotes some who had the custom to recite *tachnun* at *Maariv*, however, this is not the custom (*Bach, Darchei Moshe* 2, see *Da'as Torah* 131:3).

<sup>15</sup> *Taz* 8, *Be'er Heitiv* 9, *Shulchan Aruch Harav* 4, *Mishnah Berurah* 17, *Kaf Ha'chaim* 51, *Rivevos Ephraim* 6:pages 69-70.

<sup>16</sup> *Yechaveh Da'as* 6:7, *Ohr L'tzyion* 2:9:3:footnote 3, *Halacha Berurah* 131:25. *Horav Moshe Feinstein zt"l* maintained one has until eight minutes after *shekia* to recite *tachnun* (*Divrei Chachumim* 16:203).

<sup>17</sup> *Shulchan Hatohar* 131:22, 232:5, *Halichos Shlomo Tefilla* 13:4:footnote 6, *Ve'alu Lo Uvol* 1:page 298, *Tefilla K'hilchoso* 18:footnote 64 quoting the opinion of *Horav Elyashiv Shlita*.

<sup>18</sup> *Magen Avraham* 9, *Elya Rabbah* 8, *Shulchan Aruch Harav* 4, *Mishnah Berurah* 17, *Aruch Ha'shulchan* 11, *Kaf Ha'chaim* 51.

<sup>19</sup> *Divrei Torah* 3:83, *Nemukei Orach Chaim* 131:3, *Darchei Chaim V'sholom* 323:page 97, *Yabea Omer O.C.* 3:12:3:page 31, *Shraga Hameir* 3:46.

<sup>20</sup> *Horav Yisroel Belsky Shlita*, see *Teshuvos V'hanugos* 1:134, 3:53, 3:56, *Chai Ha'Levi* 2:15:4, *Be'er Sarim* 6:14:1, *Shemiras Haguf V'hanefesh* 80:footnote 2, *Minhag Yisroel Torah* 131:page 224. If you have the custom not to say *tachnun* at *mincha*, and you are in a *shul* that does, say it with them (*Shraga Hameir* 3:46). Some say the reason why no *tachnun* is ever recited at *mincha* is because *tachnun* needs great concentration and this is hard to accomplish at *mincha* because it is in middle of the day and everyone's mind is busy with other things (*Zivchei Tzedek* 3:9, *Teshuvos V'hanugos* 1:134, 3:53). Refer to *Avodas Ephraim* 1:pages 262-263.

<sup>21</sup> *Horav Yisroel Belsky Shlita*, see *Ishei Yisroel* 25:footnote 46, *Ve'alu Lo Uvol* 1:page 95:103, *Avodas Ephraim* 1:pages 260-261.

<sup>22</sup> Refer to *Kol Bo* 1:18:page 36 (new), *Shebaley Haleket* 277:page 262, *Tur* 134, *Shulchan Aruch* 134:1, *Levush* 134:1, *Taz* 1, *Pri Megadim M.Z.* 1, *Elya Rabbah* 134:1, *Chesed L'alafim* 131:17, *Mishnah Berurah* 6, *Aruch Ha'shulchan* 1, *Kaf Ha'chaim* 6. If by mistake the *tzibbur* forgot to recite *tachnun* on Monday or Thursday and they realized after the *Sefer Torah* was taken out, they should first *lain*, and then recite *tachnun* (*Halichos Shlomo Tefilla* 11:2:footnote 5).

<sup>23</sup> *Kol Bo* *ibid*, *Bais Yosef* 134, *Prisha* 1, *Taz* *ibid*, *Levush* I, *Elya Rabbah* 2, *Mishnah Berurah* 2, *Aruch Ha'shulchan* 2, *Kaf Ha'chaim* 1. One should not be lenient with saying *v'hu rachum* (*Shulchan Hatohar* 134:1).

<sup>24</sup> *Elya Rabbah* 2, *Mishnah Berurah* 2, *Kaf Ha'chaim* 3, *Siach Tefilla* page 217.

<sup>25</sup> 134:1, see *Bais Yosef* 134, *Kaf Ha'chaim Palagi* 16:22, *Shulchan Hatohar* 134:1, *Kaf Ha'chaim* 2.

<sup>26</sup> 134:1, see *Magen Avraham* 1, *Pri Megadim Eishel Avraham* 1, *Elya Rabbah* 2, *Mishnah Berurah* 5, *Aruch Ha'shulchan* 2, *Kaf Ha'chaim* 25.

<sup>27</sup> 134:5.

<sup>28</sup> *Bais Yosef*, *Shulchan Aruch* 134:1, *Rama*, *Levush* 1, *Shulchan Hatohar* 134:1, *Aruch Ha'shulchan* 2, *Kaf Ha'chaim* 4, *Siach Tefilla* page 217. Refer to *Levush* *ibid* for the reason to stand.

<sup>29</sup> *Bais Yosef*, *Shulchan Aruch* 134:1, *Halacha Berurah* 134:4, see *Aruch Ha'shulchan* 134:2, *Yisroel B'mamadam* page 311:footnote 68 why this is so.

say if one does not recite it at all he is considered a *poretz geder*.<sup>30</sup> If one is old or weak he may sit while saying *tachnun*.<sup>31</sup> One is only required to stand until *Hashem Elokey Yisroel*.<sup>32</sup> Those who *daven Nusach Sefard* say *tachnun* and then *v'hu rachum*,<sup>33</sup> while those who *daven Nusach Ashkenaz* recite *y'hu rachum* and then *tachnun*.<sup>34</sup> Some say that although one stands by *v'hu rachum* on Monday and Thursday, when one reaches *shomer yisroel*<sup>35</sup> he should sit, and then stand by *ma nasseh*.<sup>36</sup>

### ***Nusach Sefard And Nusach Ashkenaz***

It is very common for a person who regularly *davens Nusach Sefard* to find himself *davening* at a *Nusach Ashkenaz minyan*. The question arises whether he recites *tachnun* according to his custom, or the custom of the *shul* that he is *davening* in. If one *davens Nusach Sefard*, and he finds himself at a *nusach Ashkenaz minyan*, he should recite *nefilas apayim* as he regularly would, however, without reciting the thirteen attributes or hitting his heart.<sup>37</sup> If a person *davens Nusach Ashkenaz*, and he is *davening* at a *Nusach Sefard minyan*, he should say the *tachnun* of *Nusach Sefard*.<sup>38</sup> On Mondays and Thursdays, if one finds himself in the aforementioned situation, he should recite *tachnun* and *v'hu rachum* according to the way the *tzibbur* does.<sup>39</sup> If one did not have the time to recite *v'hu rachum* during *davening* it may be recited at any time during the day.<sup>40</sup>

### **On A Yartzeit**

*Rashi* in *Mesechtas Yevomos*<sup>41</sup> states that the *yartzeit* of a *tzaddik* is a *regel*, and some *poksims* say based on this, no *tachnun* is recited on this day.<sup>42</sup> *Horav Yaakov Kamenetsky zt"l*<sup>43</sup> maintains that one does not recite *tachnun* on a *yartzeit* only if a *siyum* is conducted in memory of the *tzaddik*. Many *poskim* say that there is no exemption of saying *tachnun* on the day of a *yartzeit* (when no *siyum* is made).<sup>44</sup> In the aforementioned situation, *tachnun* would never be said because each day of the year a *yartzeit* is observed for a *tzaddik*.<sup>45</sup> In addition, choosing among different *yartzeit's* and only refraining from saying *tachnun* on some of them, could be misconstrued as implying that the *tzaddik* on whose *yartzeit tachnun* is not said is "greater" than other *tzaddikim* on whose

<sup>30</sup> *Levush* 1, *Elya Rabbah* 3, *Mishnah Berurah* 3, *Kaf Ha'chaim* 3.

<sup>31</sup> *Chai Ha'Levi* 4:13:5, *Divrei Shalom* 3:23, *Orchos Rabbeinu* 1:page 70:23.

<sup>32</sup> *Ishei Yisroel* 25:footnote 19 quoting the opinion of *Horav Chaim Kanievesky Shlita*.

<sup>33</sup> *Be'er Heitiv* 134:1, *Kaf Ha'chaim* 1, *Tehilla L'Dovid* 134:1, *Lekutei Maharich* *ibid*, *Mishnah Berurah* 1, *Teshuvos V'hanhugos* 3:56, *Piskei Teshuvos* 134:2, *Siach Tefilla* page 217.

<sup>34</sup> *Tur* 134, *Levush* 1, *Shulchan Aruch Harav* 134:5, *Lekutei Maharich* page 177 (new), *Piskei Teshuvos* 134:2, *Siach Tefilla* page 217. Those who follow this custom do not have to wait for the *shatz* to say *tachnun*. (*Sharei Teshuva* 134:1, *Mishnah Berurah* 134:5, *Siach Tefilla* page 217, see *Pri Megadim Eishel Avraham* 134:1, *Be'er Heitiv* 1, *Elya Rabbah* 2, *Halacha Berurah* 134:5).

<sup>35</sup> The *G'ra* did not say *Shomer Yisroel* on a daily basis (*Masei Rav* 50:page 79).

<sup>36</sup> *Horav Yisroel Belsky Shlita*, see *Doleh U'mashka* page 91.

<sup>37</sup> *Igros Moshe O.C* 4:34, *Divrei Chachumim* page 45:91, *Siach Tefilla (sefer zichoron)* page 474, *Be'er Sarim* 6:14:3, see *Ohr L'tzion* 2:9:1 who says one should say the thirteen attributes in a secluded quiet place. Refer to *B'mechitzas Rabbeinu* page 52.

<sup>38</sup> *Igros Moshe O.C* 3:89, *Rivevos Ephraim* 2:46:2, 6:pages 70-71, 7:47:1, *Teshuvos V'hanhugos* 1:114, *Ishei Yisroel* 25:1, *Sheilas Rav* 2:11:27, *Siach Tefilla (Sefer Zichoron)* page 688:5, see *Orchos Rabbeinu* 1:page 68:13.

<sup>39</sup> *Horav Yisroel Belsky Shlita*, *Bunim Chavivim* 10:8:page 326, *Halichos Shlomo Tefilla* 5:footnote 38, *Yugel Yaakov* page 74:2, *Halacha Berurah* 134:footnote 2, *Bais Avi* 3:49, *B'mechitzas Rabbeinu* page 52, see *Maharam Brisk* 1:51:3, *Kinyan Torah* 2:18 who argue.

<sup>40</sup> *Rivevos Ephraim* 3:141, 6:61:2, 8:48.

<sup>41</sup> 122a "Tulsa." Refer to *Meshmeres Shalom* 12:4, *Avodas Ephraim* 2:pages 510-515 on why some have the custom not to recite *tachnun* on a *yartzeit* of a *tzaddik*. Some say a *yartzeit* is like a *chasuna* (*ibid*). See *Kaf Ha'chaim* 580:24 who brings that the day of a *yartzeit* of a *tzaddik* is a day to fast not a *regel*. Refer to *Shem Aryeh O.C* 14.

<sup>42</sup> *Meshmeres Shalom* *ibid*, *Ketzos Ha'shulchan* 24:badi 19.

<sup>43</sup> As heard from *Horav Yisroel Belsky Shlita*, see *Avodas Ephraim* 2:page 483.

<sup>44</sup> *Lekutei Sichos* 1:page 175, *Sharei Halacha U'Minhag* 1:page 175, *Ketzos Ha'shulchan* *ibid*, *Vayivorech Dovid* 1:24, *Nishmas Yisroel* 2:37:29 *Minhag Yisroel Torah* 131:page 168, *Chai Ha'Levi* 2:15:4, *Be'er Sarim* 6:14:2. If a *chazzon* recited *kaddish* after *mincha* by mistake refer to *Dinim V'hanhugos Chazzon Ish* 8:6, *Lehoros Nosson* 6:7, *Orchos Rabbeinu* 3:page 225:29.

<sup>45</sup> *Divrei Torah* 3:46, *Nemukei Orach Chaim* 131:page 72.

*yartzeit tachnun* is recited.<sup>46</sup> Many *shuls* have the custom that *tachnun* is not said when it is the *yartzeit* of a *tzaddik*, and this is not the proper way.<sup>47</sup> If one finds himself in a *shul* that has this “custom,” then he should recite *tachnun* in a corner without saying *ash’amnu, shomer yisroel*, etc.<sup>48</sup>

### **On The Road/Erev Shabbos/Sunday**

Many *Chassidim* do not recite *tachnun* when they are traveling.<sup>49</sup> Some do not recite *tachnun* on *Erev Shabbos* at *shacharis* because reciting *tachnun* might diminish from the preparations of *Shabbos*.<sup>50</sup> Certain *shuls* do not say *tachnun* on Sunday, because the warm and holy feeling from the *melava malka* is still felt.<sup>51</sup> One who does not have the aforementioned customs should not accept them upon himself.

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<sup>46</sup> *Divrei Torah* 3:83.

<sup>47</sup> Refer to *Yabea Omer* 3:11:9. Most *Chassidisha shuls* do not say *tachnun* on the *yartzeit* of the *Noam Elimelech*, and *Horav Mendel M’Riminov*, because of their *shleimos* (*Otzer Chaim* 77, *Darchei Chaim V’Sholom* 193, *Nishmas Yisroel* 2:37:29, *Minhagei Mahariv* 91, *Avodas Ephraim* 2:page 360). The same is true for *Moshe Rabbeinu’s yartzeit* (*Avodas Ephraim* 2:pages 322-323).

<sup>48</sup> *Horav Yisroel Belsky Shlita*, see *Tefilla K’hilchoso* 15:18:footnote 37 quoting the opinions of *Horav Moshe Feinstein zt”l* and *Horav Elyashiv Shlita*, *Ishei Yisroel* 25:footnote 46 quoting this as being the opinion of *Horav Chaim Kanievesky Shlita*, *Sharei Halacha U’Minhag* 1:page 175, *Rivevos Ephraim* 2:46:2, *Divrei Chachumim* page 45:footnote 91, *Hatefilla V’hilchoseha* page 408, *Ohr L’tzyion* 2:9:2, *Nishmas Yisroel* 2:37:29, *Siach Tefilla (Sefer Zichoron)* page 688:4. Refer to *Kinyan Torah* 5:12, *Bais Boruch* 32:191 *Halichos Shlomo Tefilla* 13:5:footnote 7, who say one should not recite *tachnun* in the above situation.

<sup>49</sup> *Shulchan Hatochar* 131:23, *Otzer Ha’chaim* pages 70-71, *Ohelecha B’amisecha* page 119:69, *Minhag Yisroel Torah* 131:page 228, *Avodas Ephraim* 1:pages 328-330.

<sup>50</sup> *Lekutei Maharich* 2:page 305 (new), *Minhag Yisroel Torah* 131:pages 225-226, *Vi’hiy B’nsoa* pages 70-71.

<sup>51</sup> *Lekutei Maharich* ibid, *Minhag Yisroel Torah* 131:page 225.