

תפלת מנחה DURING נפילת אפים AND תחנון, וידוי OMITTING

Some do not recite וידוי and perform תפלת אפים during מנחה. The primary basis for omitting וידוי and תפלת אפים is that they are acts that are considered to be a רשות, voluntary. That view of וידוי and תפלת אפים is based on the following:

תשובות רב נטרונאי גאון – ברודי (אופק) אורח חיים סימן לז–ורב נטרונאי כתב: נפילת אפים בצבור על פניהם אחר התפלה רשות היא.

Translation: Rav Notrani wrote: falling on one's face while praying with nine other men after reciting Shemona Esrei is optional.

טור's position is quoted by the טור:

טור אורח חיים סימן קלא–ורב נטרונאי כתב נפילת אפים בצבור על פניהם אחר התפלה רשות היא.

This rule became the basis to omit וידוי and תפלת אפים on many days of the year and whenever a שמחה takes place.

A second reason to omit וידוי and תפלת אפים is given as follows:

שו"ת משנה הלכות' חלק ח' סימן כח'–בענין אמירת תחנון במנחה–בדבר שאלתו באמירת תחנון למנחה אי יש לומר, ששמע שיש קפידא שלא לומר תחנון במנחה. הנה בש"ע ארוח חיים סי' קל"א מבואר שיש לומר תחנון במנחה, ומה שנהגו בקצת מקומות שאין אומרים תחנון במנחה הוא שהני מקומות נהגו להתפלל מנחה לאחר השקיעה הראשונה שנהגו כשיטת ר"ת וכחכמים דמתפללין מנחה עד הלילה ולא כרבי יהודה עד פלג המנחה; ועיין ש"ע א"ח סי' רל"ג ובספרינו משנה הלכות ח"ז סי' ל"ב הארכת קצת בזה עיין שם. וכתב המגן אברהם בסי' קל"א סק"ט דאם נמשכה תפלת מנחה עד הלילה אין נופלין על פנים ובא"ר דמשמע מדברי המג"א דגם בין השמשות אין נפילת אפים, ועיין ב"י בשם המהרי"א דנפילת אפים רמז למדת הלילה ואין נופלין על פנים וקרוב לקצץ בנטיעת. והביאו הט"ז סק"ח אלא שכתב דאין לחוש כ"ז שאינו ודאי לילה אלא בין השמשות דלא גרע מליל אשמורת שהוא קרוב ליום. ועיין מחצית השקל שם ומיהו הפרי מגדים ובן איש חי פ' תשא והכפ החיים פסקו כהמג"א דאפילו בין השמשות אין לומר תחנון וזה טעם המנהג שאין לומר תחנון. ומשום כך די ש בזה הקפדה נראה ודאי דכוונתם אדברי מהרי"א שהוא "קרוב לקצץ בנטיעות" ומיהו פשוט דזה רק אחר השקיעה אבל קודם השקיעה ודאי אין שום טעם שלא לומר ולבטל אמירת תהנה המבואר לאמרה גם במנחה כנלפענ"ד.

1. Rabbi Menashe Klein who was born in Ungvar, Slovakia in 5685 (1925 CE) and who currently lives in Brooklyn, New York.

Translation: You asked: should one recite Tachanun at Tefilas Mincha or is there a valid basis not to do so? The Shulchan Aruch, Orach Chaim, in Siman 131 provides that it is necessary to recite Tachanun at Tefilas Mincha. Nevertheless, some have the custom not to do so. They base their practice on the fact that they recite Tefilas Mincha after sunset. They are following the opinion of Rabbenu Tam and the Sages who held that Tefilas Mincha can be recited until nighttime. They do not follow the opinion of Rabbi Yehudah who held that Tefilas Mincha can be recited only until Plag Mincha. Check in the Shulchan Aruch Orach Chaim Siman 133 and in my book Mishna Halachos 7th Volume Siman 32 in which I discuss the issue at length. The Magen Avrohom wrote in Siman 131 section 9 that if the recital of Tefilas Mincha extends until nighttime, one should not fall on his face. It appears that the Magen Avrohom follows the same rule concerning the time known as Bain Ha'Shemashos. Check the Beis Yosef in the name of the Ar"i that falling down on one's face at night is inappropriate because the night represents G-d's attribute of justice and it is as if one is "nearly cutting down young trees." The Taz refers to this point in Siman 108 but indicates that it is not such a major concern during Bain Ha'Shemashos which is not quite nighttime which is no worse than early morning. Check the Machatzis Ha'Shekel there. But the Pri Megadim and Ben Ish Chai in Parshas Ki Tisa and the Caf Ha'Chayim concluded like the Magen Avrohom that even during the period known as Bain Ha'Shemashos it is inappropriate to recite Tachanun and that is the reason that some do not recite Tachanun at Mincha. It appears that this practice is based out of concern for what the Ar"i said that it is a period in which one is "nearly cutting down young trees." However such a concern only applies to the time that begins after sunset. If one is reciting Tefilas Mincha any time before sunset, there is no reason to omit Tachanun and to allow the complete discontinuance of the recital of Tachanun at Mincha.

In Newsletter Vol. 5, No. 6, we reviewed a similar comment made by the בית יוסף on the issue as to whether one should recite תפלת מעריב, תפלת מפילת אפים, תחנון, and וידוי during תפלת מעריב. It is significant that Rabbi Menashe Klein agrees that the same reasoning may justify not reciting וידוי and תחנון and performing תפלת מפילת אפים during תפלת מפילת אפים when תפלת מפילת אפים is recited after שקיעה but in an important caveat, Rabbi Klein cautions against using that justification as a basis for omitting וידוי and תחנון and performing תפלת מפילת אפים during תפלת מפילת אפים when תפלת מפילת אפים is recited before sunset.

The חיי אדם presents the same reasoning but describes it in different words:

חיי אדם חלק א כלל לג-סעיף ג-אם נמשכה תפלת המנחה עד הלילה, לא יאמר תחנון, דעד חצות תגבורת דינים. אבל באשמורת הבוקר, כיון שהיא אחר חצות, אומרים.

Translation: If the recital of Tefilas Mincha extends to the nighttime, one should not recite Tachanun because the first half of the night is a period in which G-d's attribute of Justice rules. However, in the early morning, like the time at which we recite Selichos during the period of the Yomim Noraim, it is permitted to recite Tachanun because it is after the time considered the first half of the night.

The concept of "תגבורת דינים" has other practical implications:

להבין את התפלה

שו"ת יחוה דעת חלק ד סימן כ-שאלה: האם נכון הדבר מה שיש אומרים, שאסור להסתפר בשעות אחר הצהרים, וכל שכן בלילה, אף על פי שכבר התפלל, מפני שיש קפידא על כך בתורת הסוד? תשובה: בספר חמדת הימים (הלכות ערב שבת פרק ג', דף י"ט ע"ב) כתב, נכון להקדים תספורת שערות הראש לפני חצות היום, ואין לאחר התגלחת עד אחר חצות, אפילו אם התפלל מנחה גדולה, מפני שבאותו זמן הוא עת תגבורת הדינים ביותר, וכמו שאמרו בזוהר הקדוש (פרשת חיי שרה דף קל"ב ע"ב): שבשעת הבוקר מתעוררים חסדים בעולם שנאמר יומם יצוה ה' חסדו, ומשעת מנחה עד חצות לילה מתעוררת מדת הדין הקשה בעולם, ולכן בענין חורבן בית המקדש נאמר, אוי לנו כי פנה יום כי ינטו צללי ערב, פנה היום שהוא מדת החסד, ונטו צללי ערב שהתעוררו הגבורות והדינים בעולם עד שגרמו לחורבן.

Translation: Question: Is it correct what I heard that it is not permitted out of concern for a mystical issue to take a haircut in the afternoon and certainly not at night even if one has already recited all the Tefilos?
Answer: In the book Chemdas Ha'Yamim (Halachos Erev Shabbos, 3rd Chapter, Page 19 side 2) it is written: it is better to take a haircut before the end of the first half of the day and to not delay until after the first half of the day even if one recited Tefilas Mincha at its earliest time because the time after the first half of the day is considered a time in which G-d's attribute of Justice rules as it is written in the Zohar (Parsha Chayei sarah Page 132 side 2): that in the morning G-d's attributes of compassion awake in the world as it is written: Yomam Yitzaveh Hashem Chasdo. From Mincha time forward until half of the night, G-d's attribute of Justice prevails. That is why concerning the destruction of the Beis Hamikdash it is written: Oy Lanu Ki Phanah Yom Ki Yi'Natu Tzalilei Erev; the words: Panah Yom represent G-d's attribute of compassion; Natu Tzalilei Erev represent the awakening of G-d's attribute of Justice which led to the destruction of the Beis Ha'Mikdash.

שו"ת אפרקסתא דעניא חלק ד - עניינים שונים סימן שעב-ג) כ"ת תמה על שנוהגין שלא לנחם אבלים בלילה. ומצא במכ"ע וילקט יוסף שנת עת"ר סי' ק"פ, שכ' שם אולי יש סמך לזה ממ"ש בס' מבע"י הגדול אמרי נועם מאמר ה' פל"ה דענין ניהום אבלים הוא מתוך הדינים לעורר תגבורת רחמים ע"ש, אם כן כיון דלילה הוא שעת תגבורת דינין תקיפין לכן נמנעים מלנחם אבלים בלילה. עכ"ל.

Translation: He was surprised about the custom not to visit mourners at night. He found a source that provided a possible justification. The concept behind comforting mourners is to arouse the forces of compassion. Since the nighttime is a time when G-d's attribute of Justice prevails, some avoid visiting mourners at night since it is not possible to arouse the forces of compassion at such a time.

שו"ת ויען יוסף אורח חיים סימן רי-א) על דבר אשר נתקשית מה ענין תענית בכורים בערב פסח, הלא אדרבה ראוי להיות יום שמחה על נס ההצלה. הנה בזה צריכין אנו לדברי אגדה, דידוע מהמדרש (עיין שמות רבה פכ"א אות ז') דהיה קמרוג על ישראל ביציאת מצרים מה נשתנו אלו מאלו הללו עובדי עבודה זרה וכו' וכפרש"י בפ' בשלח על פסוק (שמות י"ד י"ט) ויסע מלאך הא' וגו' מלמד שהיו ישראל נתונים בדין באותה שעה אם להנצל וכו' עיי"ש,

והוצרכו ישראל לתגבורת של מדת הרחמים, וכן היה גם בשעת מכות בכורות, אף שאינו מפורש אבל הוא דבר הלמד מענינו דאמר הכתוב (שם י"ב כ"ז) אשר פסה על בתי בני ישראל וגו' ואת בתינו הציל, מכלל דהיה קטרוג עליהם אם להנצל, דאל"כ לא היה נקרא בשם הצלה, וכל ענין שנעשה לכלל ישראל בימים קדמונים מתעורר כל שנה כידוע מספרים הקדושים, ואולי קודם התעוררות הגאולה שבליל התקדש חג ג"כ יש חשש התעוררות קטרוג כעין שהיה אז, על כן מתענין הבכורים לפעול תגבורת מדת הרחמים כעין שהיה אז להבכורים שלא שלט עליהם מדת הדין, כנלענ"ד. וזהו גם ענין תענית אסתר שקודם פורים שגם על זה יש להקשות כקושייתך ויש לתרץ כעין שכתבתי.

Translation: You asked: why is it customary for the first born to fast on Erev Pesach. Should not the day before Pesach be celebrated as a joyous day since it commemorates the miracle of our redemption? To understand this issue we need to consult with the Aggadab. A well known Midrash (Shemos Rabbah chapter 21, section 7) teaches us that before the exodus from Egypt there were forces in heaven that argued against the redemption of the Jewish People. Those forces expressed the objection that the Jews were as guilty of idol worship as the Egyptians as Rashi explained concerning Shemos 14, verse: 19, on the words: the angel travelled. Rashi said that these words teach us that the Jews were being judged at that moment as to whether they should be saved. The Jews needed G-d's attribute of compassion to prevail. The same happened at the moment that the first born of the Egyptians were killed. We see from the words of the verses that G-d passed over the houses of the Jews. At that moment G-d was being urged not to exclude the Jews from that decree. That explains why the verse includes the word: V'Hi'Tzeil, G-d saved the first born of the Jews. G-d saved them from those who were urging that the Jews be treated equally with the Egyptians. We know that we recall each year what occurred to the Jewish people in the days of old. Before remembering the Great Redemption on Pesach, we have to be concerned that there are still forces in heaven which are questioning the special status of the Jews as they did earlier in history. Therefore the first born fast on Erev Pesach in order to assure that G-d's attribute of compassion prevails over G-d's attribute of justice. This concept also serves to answer the question you may be ready to ask concerning why we fast on the day before Purim.

Query: Although an argument can be made that it is proper to omit נפילת and תחנון, וידוי and תפלת מנחה in אפים and at other times, is it appropriate that we be seeking to forego an opportunity to put forward personal requests to the רבונו של עולם?

CHANUKAH SUPPLEMENT

הרבים ביד המעטים

It is fair to ask the following question about הנוכה: how was it that the few did overcome the many? Was it solely a miracle or were there any other factors involved? Ben Zion Kahana in his introduction to the Book of the Maccabees, page 75-76, may provide an answer when he describes the occupations that the Jews in ארץ ישראל pursued at the time of the הנוכה story:

אומה זו שביהודה עיקר עסקה בעבודת אדמה היא. יוסיפוס מעיד: אין אנו עם של מסחר. חוץ מזה, היו מעטים בגליל שהיו עוסקים גם במשלח יד ממקצעות אחרים: מסביב לים כנרת היו עוסקים בדיוג ובאכספורט של דגים מלוחים. צפורי שבגליל היתה עיר של אורגים, נצרת, עיר של חרשי עץ.

Translation: This nation that dwelled in Judea undertook farming as its primary occupation. Josephus testifies: we were not a nation of businessmen. In addition to that occupation, some in the Galilee were involved in other occupations: around the Sea of Galilee they were involved in fishing and in the export of salted fish. The city of Tzipori in the Galilee was known as a city of weavers; Nazareth, as a city of woodworkers.

חוץ מעבודת האדמה היה להם, ליהודים, עוד מקצוע שהצטיינו בו: עבודת הצבא. במקצוע זה היו מפורסמים בעולם הרחב. ביב שבמצרים היתה מושבת של חיילים יהודיים עוד במאה החמישית לפני סה"נ. התלמיים היו יוצאים הרבה יהודים מארץ ישראל ומושיבים אותם כאנשי חיל במצרים, ובסוף המאה השניה לפני סה"נ היו שרי צבא יהודיים אצל התלמיים. אנטיוכוס III הגדול העיר אלפים משפחות יהודיות מבבל ללודיה ופוגיה (שבאסיה הקטנה) שישמו לו שם מצב צבאי. מלכי היוונים במזרח היו משתמשים החיילים שכירים מן היהודים, ועוד.

Translation: In addition to working in farming, the Jews occupied themselves in another area: as mercenaries. The Jews were known worldwide as excelling in that occupation. Bayeb in Egypt was the home of a group of Jewish mercenaries already in the fifth Century BCE. The Ptolemies deported many Jews from Israel and placed them as soldiers in Egypt. At the end of the second Century BCE there were Jewish military officers in the armies of the Ptolemies. Antiochus III the Great transplanted 1000 Jewish families from Babylonia to Lod and Puglia which were in Asia Minor to establish a military stronghold. The Greek kings in the East made use of Jewish mercenary soldiers and so did others.

החיילים היהודים היו ידועים בגבורתם: הם היו בזים לפצעים ולמות (המושג העברי הלל כולל את שניהם!) הכל היה הפקר לגבי היהודי כשהיה נלחם על ענין שהיה קרוב אל לבו. העולם היווני – הרומי היה חרד מפני הגבורים היהודים: שונאי ישראל הראשונים היו מונים

להם, ליהודים, בעיקר שהם קשים להכנעה ועומדים בהתלהבותם המרדנית. כשנתגבשו הגייסות של הרומיים בשנות הששים של המאה הראשונה לסה"נ עם קנאי היהודים שבגליל הודו שבימיהם לא נפגשו באויב מר כזה.

Translation: The Jewish mercenaries were known for their courage: they would plunder despite knowing that they could be wounded or die (the Hebrew concept of being killed in battle includes both ideas). A Jew who fought for what he believed in would hold nothing back. The Greco-Roman World was wary of Jewish war heroes: the enemies of the Jews considered them hard to cause to surrender and steadfast in their rebellious nature. When the Roman recruits encountered the zealous Jews in Galilee in the year 60 of the Common Era, they conceded that in their time they had never encountered a more difficult enemy as the Jews.

Part of the basis for the military success that the Jews enjoyed at the time of the **הנוכה** story must be attributed to their abilities as soldiers. (Notice the parallel with Israel's War of Independence). The following excerpts support Ben Zion Kahana's position that in ancient times Jews excelled as military personnel.

The Lifetime of a Jew throughout the Ages of Jewish History, by Hayyim Schauss; Union of American Hebrew Congregations, 1950, page 139:

An Ancient Marriage Record. . . At the beginning of this century, an actual marriage record of a Jewish family during the period of the return from the Babylonian exile was discovered giving real names and facts, the oldest marriage contract in Jewish history.

The marriage did not take place in Palestine or among the exiles in Babylon, but among the Jews of Elephantine and Assuan, at the southern border of Egypt, by the first cataract of the Nile (see p. 27).

Jews came to that remote part of Egypt as soldiers hired into foreign service. They were organized as a military colony among mercenaries of many other nations. Most of the soldiers in the garrison apparently were Jews. It seems that they were originally hired and brought over by the Egyptian kings from poor homes in Palestine in the latter days of the First Temple, when Egypt had regained her independence. Later, when Egypt was conquered by the Persian Empire, these Jewish mercenaries continued in military service under the Persian government. All of the records unearthed at Elephantine and Assuan belong to the time of the Persian domination. They are papyri inscribed in Aramaic, the universal language of the Persian Empire west of the Euphrates.

The Jews of Elephantine and Assuan were professional soldiers, obliged to go to war to defend the southern frontier of Egypt. This vocation was transmitted from father to son. They were soldiers and also colonists who owned property. They married, had families and had ample leisure for peaceful occupations. Some soldiers even engaged in trade with the

people with whom they lived. As soldiers, the Jews of Elephantine and Assuan were an integral part of the military organization. They were called officially "Jewish army" and were divided into groups, each of which had a flag of its own. As Jews, they had autonomy, their own religious community, their own Jewish court, and a temple in which sacrifices were offered to the God of Israel.

Most of the business documents which were unearthed in Elephantine and Assuan belonged to the family of a well-to-do Jewish soldier named Machseiah, the son of Yedaniah. In the documents, his daughter, Mibtachiah, married and received a valuable piece of property as dowry from her father. Her first husband died and she remarried, this time a non-Jew, an Egyptian by the name of As-Hor, who was called "the architect of the king." In the documents of his sons, As-Hor bears the Jewish name Nathan. Apparently he became a proselyte to the Jewish faith, and his sons bore Jewish names.

We are concerned with the marriage contract of Mibtachiah and As-Hor. It began with a declaration of marriage by As-Hor to Mibtachiah's father. "I came to thy house for thee to give me thy daughter, Mibtachiah, to wife; she is my wife and I am her husband from this day and forever" (see p. 130). Following this declaration of betrothal, all terms of the marriage contract were written in detail. As-Hor paid Machseiah, the father, five shekels, Persian standard, as a mohar for his daughter. Besides, Mibtachiah received a gift of 65 1/2 shekels from As-Hor. From this we gather that the mohar which fathers received for their daughters was then merely a nominal payment, the formality of a lingering custom of olden times.

Of the 65 1/2 shekels that Mibtachiah received from As-Hor, twelve shekels were in cash, the remainder in clothing and utensils. A complete list of the gifts Mibtachiah received is given and fully described, in regard to quality, size, and value: one garment of wool, dyed new, embroidered, on both sides, 8 by 5 cubits; one closely woven shawl, new, 7 by 5; another garment of spun wool, 6 by 3; one mirror, one tray, two cups, and one bowl, all of bronze. Each one of these items is also appraised in cash. According to the marriage contract, Mibtachiah had equal rights with her husband. She had her own property which she could bequeath as she pleased, and she had the right to pronounce a sentence of divorce against As-Hor, even as he had the right to pronounce it against her. All she had to do was to appear before the court of the community and declare that she had developed an aversion to As-Hor. We do not know to what degree the equality of rights enjoyed by Jewish women of Elephantine was due to Jewish or to Persian-Babylonian law.

Mibtachiah impresses us as a very active woman. She was energetic and enterprising, had property of her own and was on an equal footing with her husband. She was also very particular about the cosmetics with which she beautified herself. Among the articles which she received from her father was mentioned a new ivory cosmetic box.

At the conclusion of Mibtachiah's marriage contract, the name of the scribe appeared. He was Nathan, the son of Ananiah, who had written the deed at the dictation of As-Hor. The names of three witnesses appeared on this remarkable document, which was written about the time Nehemiah was rebuilding the walls of Jerusalem.

The betrothal of Mibtachiah to the Egyptian architect AsHor presumably took place at the house of Machseiah, son of Yedaniah. Imagine the house crowded with Jews as well as Egyptians, the relatives and friends of both the Jewish bride, Mibtachiah, and the Egyptian groom, As-Hor. After paying the mohar and delivering the gifts to Mibtachiah, the robust and simple folk of this military colony partook of a festive meal amid boisterous joy and merriment.

Christianity and Its Judaic Heritage: An Introduction with Selected Sources by Carl E. Purinton; Ronald Press, 1961 page 94

The Elephantine Papyri, 450-400 B.C.

[These papyrus letters reflect the life of a Jewish military colony located on the island of Elephantine at the first cataract of the Nile, near the present Aswan. Egypt at this time was a province of the Persian Empire and Jewish mercenaries were stationed there to guard the southern boundary. The longest of the eight letters is a request addressed to Bagoas, governor of Jerusalem, for permission to rebuild the temple to Yahu, which had been destroyed in an outburst of anti-Semitic violence. From other published correspondence it is known that the Jews of Elephantine wrote letters to the high priest in Jerusalem and to the sons of Sanballat, former governor of Samaria, for assistance in rebuilding the temple. No reply was received from the former, but the rulers of Samaria and Bagoas, governor of Judah, recommended a petition to Arsham, the Persian satrap of Egypt. The letter to Bagoas is printed here. The most surprising letter is one listing contributions to the cult of Yahu and also to two other deities apparently worshiped along with Yahu in the temple at Elephantine.]