

לוקוטי ופסקי הלכות "חוקי חיים"

ותלמוד
"תקופת התעוררות"
לעשות רצונך
בלבב שלם



שע"י "חדר הוראה" שבכונת מנחת יצחק פעה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Halachos of Tachanun – 2

Parshas Pinchas 5784

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Halachos of Tachanun

Different Minhagim

1. It should be noted that there are different minhagim about saying Tachanun. Some are based on reliable sources and have been adopted by various communities; members of those communities should follow them. We are not coming to raise issues with established community minhagim. However, some people are lenient due to disregard and indifference for anything having to do with Tachanun, either because they are rushing to work or because they are part of a group of people who daven just to have davening behind them and who look for every excuse to not have to say Tachanun. This is the conduct we are coming to oppose.
2. As we mentioned (Issue 335), some say Tachanun is a chiyuv as a continuation of tefila (ibid., par. 9). Even according to those who hold it is not a chiyuv (10), we mentioned that we accepted it as a chiyuv (11). Thus, where there is in fact a basis to omit Tachanun, one may omit Tachanun. However, in a place or situation where it may not be omitted, one may not just skip it. On the contrary, we must say it with kavana and patience as an additional opportunity to plead more to Hashem.
3. **ספק תחנון להקל**. Thus, although there is a rule about Tachanun that when it is unclear if it should be said, we are meikel (שערי) (תשובה סי' קל"א סק"ד בשם מהר"י מולכו, שעה"צ שם סקט"ז), that is only when there is an actual halachic consideration or opinion to be meikel, not when it comes from disregard or a weak rationale.

At Night

4. We do not put the face down at night (ש"ע סי' קל"א ס"ג) because it hints to the Midda of night, and there is an element of danger in doing it at night (ב"י בשם מהר"י אבוהב). However, there is no issue with saying the paragraph of Tachanun without putting the face down (מ"ב סקט"ז). Nevertheless, the accepted minhag in the world is not to say the paragraph either and to say Kaddish instead.
5. **Until shekia**. The main issue is after tzeis, which is night; one may put the face down during bein hashemashos (מ"ב סק"ז). However, the minhag in Yerushalayim and the world is not to say Tachanun after shekia either because of the seriousness of the danger even during bein hashemashos, which has an uncertain status whether it is night (הע"י סי' ד), תפילה כהלכתה פ"ח הע"י סי' ד, א"ר, הגרישי"א, תפילה כהלכתה פ"ח הע"י סי' ד, הגרש"א, הליכות שלמה תפלה סי' ד.
6. **Chassidish minhag for Mincha**. Chassidim in some places never say Tachanun at Mincha. It seems the reason is that they are often meikel and daven Mincha after shekia, close to night, so they usually do not say Tachanun. That being the case, they expanded the leniency as a sort of blanket rule to never say Tachanun at Mincha, even when they daven before shekia (הזכר באוצר הלכות סי' קל"א אות ח"י).
7. However, this minhag has no source in halacha, and we don't make these blanket rules on our own, just as we do not make a blanket rule in a shul that usually doesn't say Tachanun because there are brissim on most days. On a day or at a time when Tachanun is omitted, we omit it; on a day or at a time when there is no exemption, Tachanun should be said (תשו"ב ח"ג סי' נ"ג).

Women

8. **At home**. Women who daven at home do not say Tachanun. As we mentioned (Issue 335, par. 13), the basis behind Tachanun is to daven in three manners – sitting, standing, and bowing. Since women have no chiyuv to daven sitting, they have no reason to say the part said bowing (ש"ת מחזה אליהו ח"א סי' כ').
9. **In shul**. However, when women daven in shul with a tzibbur, they can say Tachanun with the tzibbur.

Aveil's House

10. Tachanun is not said in an aveil's house (ש"ע קל"א ס"ד), i.e., during shiva, as Middas HaDin is hanging over him. This is similar to the reason we do not say Tachanun at night (above, 4) (מ"ב סק"ב).

Chosson

11. A chosson does not say Tachanun, as it is his Yom Tov. He also exempts the tzibbur davening with him (ש"ע סי' קל"א ס"ד) since there is a mitzva to rejoice with him (מ"ב סק"ג). The minhag is not to say Tachanun for the whole week of Sheva Brachos (מ"ב סק"ו).
12. **Chosson left**. If a chosson had to leave before Tachanun, the tzibbur still does not say Tachanun (תשובות והנהגות ח"ג סי' נ"ה).
13. **From the chuppa**. One is called a chosson from the time of the chuppa and on, not before that (מ"ב סק"א). However, some are also meikel at Shacharis on the day of the chuppa if the chuppa will take place by day (מ"ב שם).
14. **Chuppa at night**. When a chuppa only starts at night, the tzibbur says Tachanun at Shacharis and Mincha. However, if they are davening at mincha ketana with the chosson close to the time of the chuppa, and certainly if they are davening in the hall or the place of the chuppa, even if the chosson is not with them, they do not say Tachanun (שו"ת שבט הלי ח"ז סי' ח"י).
15. **Should a chosson go to shul?** The poskim argue if it is better for a chosson to go to shul, thereby exempting the tzibbur from saying Tachanun, or if it is better that he not go.
16. Some say it is better for a chosson not to go to shul so that they do not refrain from saying Tachanun all seven days because of him (ט"ז סק"ב, מ"ב סק"ו, אהל ברוך בהג' לסי' קל"א בשם הגה"צ משינאווא). Thus, a chosson who wants to daven at home has poskim to rely on.
17. However, many poskim hold there is no reason for a chosson to avoid going to daven with a tzibbur because of Tachanun. When he goes, everyone rejoices with him in his celebration, and then the halacha is that he exempts the tzibbur from Tachanun (כף החיים) (סקפ"ז, חז"א ארחות רבינו ח"ג עמ"ר, תשובות והנהגות ח"ג סי' נ"ה).

Bris Mila

In Shul

18. When there is a bris in the shul itself, Tachanun is not said in that shul (ש"ע סי' ד). Even if the bris is going to take place in a later minyan, the minhag is that all the minyanim in that shul until the bris takes place are potur (מ"ב סק"ב, מ"ב סק"ו, ש"ת דברי משה ח"א סי' ג, כף) (החיים סוף ס"ק ע"ז). This is because the joy of the mitzva of bris mila itself exempts the shul, apart from the joy of the baalei bris (מגן גיבורים סק"ג).
19. **Different room**. However, if a shul has multiple rooms, e.g., in shtieblach or another room with an aron kodesh that has other minyanim, people davening in the other rooms are not potur from Tachanun just because there is a bris in the main shul (משמעות המ"ב סק"ד).

Baalei Bris

20. Tachanun is not said in a shul where "baalei bris" – the father, mohel, or sandek – are davening even if the bris will not take place in that shul. However, only that minyan is potur. Earlier and later minyanim are not potur, and certainly other minyanim in the building are not potur.
21. **Uncertain**. If it is uncertain whether a bris will take place that day, Tachanun is not said due to the rule of ספק תחנון להקל (above, 3) (הגר"ח קנייבסקי, אשי ישראל).

At Mincha

22. **Bris at Mincha time**. When a bris takes place around Mincha time and the davening is near the baby, either before the seuda or in the middle of the seuda, Tachanun is not said. If it is after Birkas HaMazon and the baby is not there, Tachanun is said (מ"ב סק"ה).
23. **Baalei bris**. However, the baalei bris themselves, i.e., the father, mohel, and sandek, do not say Tachanun at Mincha either because the whole day is a Yom Tov for them (מ"ב שם). They do not exempt the tzibbur davening Mincha with them though.

Beis Medrash of a Popular Mohel or Sandek

24. A popular mohel who has a bris every day or a tzaddik or Rebbe who is honored as a sandek every day always exempts his regular minyan from Tachanun. Thus, some suggest it is highly proper for him to leave the shul before Tachanun (שירת רדב"ז ח"א סי קנ"ט, א"א בוטשאטש). However, based on what we wrote (12), that if he was at davening he exempts the tzibbur even if he leaves before Tachanun, him leaving does not help anyway; the tzibbur is still potur.
25. There is also no room to say that a mohel should daven at home and avoid going to shul so that he does not always prevent a tzibbur from saying Tachanun (similar to a chosson – above, 17).
26. **מעשה רב**. Rav Chaim Kanievsky was once asked the following: since Tachanun was never said in the Lederman shul where he davened – as he was honored as a sandek daily – should they perhaps establish that Tachanun should be said every day, despite the occurrence of the bris, so that the minhag of Tachanun is not forgotten by the children? Rav Chaim responded that instead of conveying to them the significance of saying Tachanun, one should convey to them and make them aware of the great significance of the celebration of a bris mila – another child is being inscribed with the King's seal. Since this is the psak in Shulchan Aruch, the significance of a bris takes precedence.

הטפת דם ברית

27. When a baby is born circumcised and a drop of blood is drawn from the site of the bris [הטפת דם ברית], Tachanun is not said that day (הלכות קטנות הובא בבאר היטב סי קלא סק"ג).
28. **Bris of a ger**. Tachanun is not said on a day when a bris mila is performed for the geirus of a ger (ק"י נועם מגדים להפמ"ג סוף סי א').
29. **Bris of a ger l'chumra**. We often arrange a geirus l'chumra. For example, sometimes a feigned geirus without kabbalas mitzvos is done (see Issues 252-253 at length), and after some time, the ger himself realizes that it was just a formalized ceremony and a mockery of Yiddishkeit. He is inspired to truly keep Torah and mitzvos, so he comes to a G-d-fearing beis din to arrange a new geirus. Since he already has a bris, they just perform הטפת דם ברית. Some hold that such a case of הטפת דם ברית of a geirus l'chumra also exempts a tzibbur from saying Tachanun (הגרמ"א פריינד, מרא דשמעתתא אות מ"ב).

Yahrtzeit of a Tzaddik

Chassidische Minhag

30. There is an accepted minhag among Chassidim not to say Tachanun on the yahrtzeit of a tzaddik known to everyone who illuminated the world with his Torah and his light.
31. **Reshus**. The source for this is based on the opinion of most poskim that Tachanun is not a chiyuv (Issue 335, par. 10) [incidentally, Maariv is also a reshus and no one disregards it (דברי תורה ממדולג אות מ"ו פ"ג בשם שם שלמה)]. That being the case, any day with a particular source of joy can be exempted from Tachanun, even if it is not one of the joyous occasions or days mentioned by the poskim.
32. **"Regel" of a tzaddik**. The yahrtzeit of a tzaddik is called a "regel." As Rashi (יבמות דף קכ"ב ע"א ד"ה תלתא ריגלי) cites from the Geonim, "יגלי דאמוראי," i.e., *the day a great man dies is fixed in his honor. Every year when that day arrives, talmidei chachamim from his entire area gather by his kever with the rest of the people to hold a learning session there* ["להושיב שם ישיבה"].
33. Based on this, a minhag developed not to say Tachanun on the yahrtzeit of a tzaddik when people gather at his kever and learn his Torah (משמרת שלום סי י"ב ס"ד, נימוקי אור"ח אות ח'). This is like the accepted custom not to say Tachanun on Lag B'Omer because it is the yahrtzeit of R' Shimon bar Yochai (זוה"ק), when many in fact gather at his kever and his Torah is learned throughout the world.
34. Even among the Chassidim, there are only a few yahrtzeits of tzaddikim when it is widely accepted by Chassidim all over not to say Tachanun, e.g., on 21 Adar, the yahrtzeit of the Noam Elimelech. Also, each Chassidus omits Tachanun on the yahrtzeit of their Rebbe since they are the ones who primarily benefit from his influence.
35. Tzaddikim in earlier generations were very careful to say Tachanun. They were only meikel not to say Tachanun in certain cases, e.g., for the founding Rebbes of Chassidus or when they made a siyum or held a tish in memory of their primary Rebbe and basked in his Torah, as those days were actually like Yamim Tovim for them. For example, the Divrei Chaim said Tachanun every day except for three days, including 21 Adar (דברי יחזקאל). The Divrei Yoel also said Tachanun every day except for when he held a tish in honor of the late tzaddik.

Complete Disregard

36. **"Luach studiers."** However, many people show disregard for everything related to saying Tachanun. When there is no chosson, bris, sandek, or mohel in shul, they stand next to the luach and study it with great intensity [not to see when sof zman tefila is... but] to see which yahrtzeit they can find to exempt the minyan from Tachanun and to ensure it is a sufficiently recognized name to the public so that their decision will be happily accepted.
37. Tzaddikim from earlier generations already bemoaned this, writing that it is a foolish and frivolous minhag. There is no day without yahrtzeits of multiple well-known geonim, rabbanim, and holy people, so with this "minhag," Tachanun is never said, and the whole concept of Tachanun is completely skipped over (נימוקי אור"ח שם, הלכות יהושע מאמר ו').
38. **Tachanun gabbai**. Thus, every minyan should have a sort of "Tachanun gabbai," who will decide, based on instructions he receives from the rav of the beis medrash, whether Tachanun is said on a certain day, and for which tzaddikim it is in fact accepted by Chassidim worldwide not to say Tachanun, e.g., the founding Rebbes of Chassidus.
39. Similarly, Tachnun can be determined if there is learning session from the tzaddik's Torah with a siyum, or at least "tikun" [a l'chaim and "lekach" cake] for the tzibbur in memory of the tzaddik's neshama; learning from his sefarim; and rejoicing in the Torah he left. However, not to say Tachanun just because there was once a tzaddik who this person has no connection to, does not know about his sefarim at all, and can barely pronounce his name, is simply a total disregard for tefila. This is something that needs improvement. The purpose of all this is to not disregard the importance of saying Tachanun on a day Tachanun should be said, and to restore things to the proper way they used to be.

Putting the Face Down

Place with No Sefer Torah

40. Some hold we only put the face down in a place where there is a sefer Torah. An allusion to this is the posuk (יהושע ז, ו) "ויפול על פניו" (רוקח סי ש"ד עמ"ר); this is the psak of the Rama (סי קלא ס"ב) and the Ashkenazi minhag. Thus, when people gather in a temporary place to daven without a sefer Torah, they do not put their faces down.
41. **Still say Tachanun**. Although we do not put the face down when there is no sefer Torah there, we still say the paragraph of "רוחם ויחונן וכי" without covering the face, as it is part of the structure of tefila (כף החיים סק"מ).
42. **Posul sefer Torah**. Even if there is only a posul sefer Torah, one can put the face down, as our putting the face down is not the falling on the ground they used to do (Issue 335, par. 6); it is just a reminder of what once was. Thus, we can be meikel on some points in this matter (שו"ת דברי יציב ח"א סי ע"ד). Similarly, some are meikel to put the face down in a room with sifrei kodesh (ה', ארחות רבינו ח"א עמ"ס"ז).
43. **Minhag Yerushalayim**. The minhag in Yerushalayim is to put the face down even in a room without a sefer Torah, and even if it is not a set place for tefila. Since the kedusha of Yerushalayim is permanent, it is like one is always before the Aron of Hashem (ש"ת אג"מ ח"ה סי כ' אות). Many poskim hold this also applies to modern Yerushalayim outside the walls (ש"ת אג"מ ח"ד סי כ"א).

Days When Tachanun Is Not Said

Various Times

44. These are the days Tachanun is not said: Shabbos, Erev Shabbos at Mincha (מ"ב סי רס"ז סק"א), Rosh Chodesh, Yom Tov, Chol HaMoed, Erev Rosh Hashana and Erev Yom Kippur [even at Shacharis], Chanuka, Tu B'Shvat, two days of Purim, two days of Purim Katan (מ"ב סק"ג); the whole month of Nissan, Lag B'Omer, Rosh Chodesh Sivan through 12 Sivan, Tisha B'Av, Tu B'Av, 11 Tishrei through the end of the month, and 14 Iyar [Pesach Sheini].
- Mincha Prior**
45. Whenever Tachanun is not said due to a day's kedusha or specialness, Tachanun is also not said at the prior day's Mincha (מ"ב סק"ה), e.g., Tachanun is not said at Mincha on Erev Rosh Chodesh. The exceptions are the days before Erev Rosh Hashana and Erev Yom Kippur, when we do say Tachanun at the prior Mincha (מ"ב סק"ג). Tachanun is also said at Mincha prior to Pesach Sheini (אשי ישראל פכ"ה סי"ח).
46. **Tzaddik's yahrtzeit**. Those whose community minhag is not to say Tachanun on the yahrtzeit of their righteous Rebbe (above, 30) still say Tachanun at Mincha prior to the Yahrtzeit.



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