

## *Tahanun After Sukkot*

By: MOSHE BECKER

A unique liturgical element, *Tahanun* is formally included in both the morning and afternoon prayers of every regular weekday but is omitted from the service at the slightest hint that the day—or even the service in question—is in any way not regular. As a set of cries for God’s mercy on His people, it is deemed inappropriate when any celebration, however minor, is in the air.<sup>1</sup> Thus, the mere presence of a *mobel* at the *minyan* releases all its members from the requirement (or opportunity, depending on one’s perspective<sup>2</sup>) to say *Tahanun*, even if the *brit milah* in question will take place hours later in a different venue. Numerous circumstances might give rise to questions about *Tahanun*’s recitation; this essay will focus specifically on its inclusion during the week following Sukkot.

We shall start with a review of normative practice as it is universally accepted today. It is important to note, however, that what might be widely agreed upon today may not have always been so. Thus, we find *Shulhan Arukh* noting a “*minhag pasbut*” not to say *Tahanun* on certain days, though a deeper look, even in the author’s own *Beit Yosef*, shows that these practices may have been contested at an earlier point.<sup>3</sup>

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<sup>1</sup> Reasons to skip *Tahanun* are not limited to joyous ones. *Tahanun* is not included in the prayers conducted in a house of mourning or on Tishah B’Av, the darkest day on the Jewish calendar.

<sup>2</sup> Notwithstanding the custom that *Tahanun* is omitted when a groom is present, at the morning service on my wedding day, I was asked by the *gabbai* to step out when the time for *Tahanun* arrived so the other attendees could say *Tahanun*.

<sup>3</sup> See *Tur* and *Shulhan Arukh*, *Orah Hayyim*, 131.

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## I. Shabbat, Yom Tov, and Rosh Hodesh

All agree that *Tahanun* is not said on Shabbat or any Yom Tov, including Rosh Ha-Shanah and Yom Kippur, or on Rosh Hodesh.<sup>4</sup> To these were added one day immediately before and after each holiday. Hence, all agree that the total number of potential “*Tahanun* days” is greatly limited during the months of Nissan and Tishrei.

A word of explanation should be added here. *Tahanun*, in its original format, was intended to be a personal supplication whereby each individual would complement his or her formal prayer, the *Amidah*, by making personal and individual requests or prayers pertaining to his or her specific needs of the moment. Such personal supplication involves thinking about and articulating that which one is lacking or is troubled by at that time. Doing so on Shabbat or a holiday runs contrary to the prescribed mode of the day, one of joy and contentment with G-d’s blessing.

## II. Nissan

*Tahanun* is eliminated during the entire month of Nissan as follows: the original *Mishkan* was dedicated on 1 Nissan, in the year following the Exodus from Egypt. *Masekhet Soferim* teaches that on each of those first 12 days a *Nasi* from one tribe brought his offering of dedication, thereby turning that day into a festive day. These 12 miniature holidays are added to the 7 days of Pesah, resulting in a total of 19 days (7 days of Pesah + 12 days of *Nesiim*) on which fasting would be prohibited and *Tahanun* would not be recited.<sup>5</sup> With more than half the month assuming an elevated status, we extend the joyous nature of these days to the entire month and avoid fasting or *Tahanun* throughout.<sup>6</sup> Thus, *Tahanun* is not recited at all during the month of Nissan.<sup>7</sup>

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<sup>4</sup> There appears to be some indication that the Yerushalmi held otherwise, at least at some point. See Elbogen, I. (1993). *Jewish Liturgy: A Comprehensive History*. Israel: Jewish Publication Society, notes to p. 70.

<sup>5</sup> The two laws are, by implication, joined at the hip; if fasting is prohibited because the day is too joyous for a fast, then *Tahanun* is likewise omitted for the same reason.

<sup>6</sup> An exception to this is the custom for the firstborn to fast on Erev Pesah, which is a separate topic and will not be discussed here.

<sup>7</sup> *Masekhet Soferim* Ch. 21. *Megilat Ta’anit* offers slightly different reasons for two sets of days: 1–8 and 8–22 of Nissan. Noteworthy that neither of these sources get into the “math” of 12 days plus Pesah, rather just note the days and corresponding events and say, “therefore, we don’t fast etc.” *Beit Yosef* adds the explanation that in conjunction with Pesah, most of the month is already special

The above is universally followed today; the *Shulhan Arukh* includes the entire month of Nissan in the list of days on which there is a “straight-forward *minbag*” not to recite *Tahanun*.<sup>8</sup> Nevertheless, this was not always the case. At least some *rishonim* contested this *minbag* centuries earlier, arguing that the authority of *Megilat Ta’anit* had previously been abolished.<sup>9</sup> This sentiment may have persisted into the 16<sup>th</sup> century.<sup>10</sup> Be that as it may, the custom not to recite *Tahanun* during Nissan prevailed, almost certainly reinforced by the overall seasonal nature of Pesah.<sup>11</sup>

### III. *Aseret Yemei Teshuvah*

While Nissan ultimately became a *Tahanun*-free month in its entirety, it was almost never suggested that Tishrei would be the same. Thus, with the exception of the holidays themselves, the first third of the month is replete with supplications such as *Tahanun* and *Selikhot*, the content and style of the latter being a very similar and much elongated version of the former.

It is striking that even on Rosh Ha-Shanah and Yom Kippur themselves the prayers contain themes that echo those found in *Tahanun*: request for forgiveness of our sins, prayer for salvation from the exiles, and expressions of yearning for G-d’s love. Thus, for example, *Avinu Malkeinu*, a supplication that is added to the *Tahanun* on certain days, is in fact recited on all days of *Aseret Yemei Teshuvah*, including Rosh Ha-Shanah and Yom Kippur, with the exception of Shabbat. It would appear that the

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and therefore we make the entire month festive. Although I haven’t seen this explicitly noted, the concept almost certainly derives from, or is at least inspired and supported by, the Torah’s repeated reference to the “*hodesh*” of Pesah as significant. From these references we learn that the season of Pesah is part and parcel of Pesah itself, so it is not particularly surprising that we’d allow Pesah to “take over” the entire month it resides in.

<sup>8</sup> *Orah Hayyim* 131.

<sup>9</sup> *Beit Yosef* cites *Siddur Rashi* and *Sefer Ha-Pardes*, who reference *Rosh Ha-Shanah* 18b.

<sup>10</sup> *Beit Yosef* seems to subscribe to the objection, assuming the words “and this is the *minbag* by us—that we are not concerned and do fall on our faces” are R’ Yosef Karo’s. They do not appear in *Sefer Ha-Pardes* or *Siddur Rashi*, so presumably they are from Karo. This premise, however, raises a different problem, as Karo then pivots in his *Shulhan Arukh* to “*minbag pashut*” about the very same thing he said in *Beit Yosef* is not his *minbag*. This seems odd.

<sup>11</sup> One might propose that some resistance to abolishing *Tahanun* may have intensified in the wake of the First Crusade, which began its path of destruction at the end of Nissan.

character of these particular days is not necessarily compromised by the recitation of *Tahanun*. Nonetheless, whether or not the intuition suggested above as to why *Tahanun* is omitted on holidays holds true for these particular days, *Tahanun* is omitted from the Rosh Ha-Shanah and Yom Kippur service, nor is it recited on the day before Yom Kippur. *Tahanun* is included on all other weekdays of the *Aseret Yemei Teshuvah*.

#### IV. Between Yom Kippur and Sukkot

Further consensus is found in the next set of days, the weekdays between Yom Kippur and Sukkot. Depending on the calendar configuration one of these might be eliminated by Shabbat anyway, but all agree that on these days *Tahanun* is not said.<sup>12</sup>

Two reasons are provided to explain the exclusion of *Tahanun* on these days. The primary reason is that these were the days during which King Shlomo dedicated the first *Beit Hamikdash*. The great celebration with which this event was associated is described at length in the book of *Melakhim*<sup>13</sup> and the calendar days retain a remnant of that joy today; hence *Tahanun* is omitted.<sup>14</sup>

The second reason offered by some is that these days are in effect a continuation of Yom Kippur in the sense that the Jewish nation is free of sin. This idea is based on the midrashic statement that our sins are only “counted” from the first day of Sukkot. A day free of sin is certainly cause for celebration.<sup>15</sup>

In some rulings, these two explanations converge into a general sense that the days nestled between the joyous holidays of Yom Kippur and Sukkot, during which everyone is focused on holiday preparations, are themselves inherently connected to those holidays. Accordingly, these days take on certain attributes of joy, one of which being the omission of *Tahanun*.

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<sup>12</sup> Perhaps worth noting here that omission of the weekday *Tahanun* has significance even on Shabbat. The rule is that *Hazkarat Neshamot*, whether in the form of *Kel Malei Rahamim* or the *Av Ha-Rahamim* prayer, is not said if that Shabbat would have been a weekday on which *Tahanun* was omitted, for any reason. These could include Rosh Hodesh, the entire month of Nissan, and several others.

<sup>13</sup> I Kings Ch. 8.

<sup>14</sup> See *Beit Yosef* and *Shulhan Arukh*, *Orah Hayyim* 131; *Magen Avraham*, *Orah Hayyim* 624. It should be noted that this suggestion is somewhat troubling, as the *Navi* tells us that the celebration of Shlomo began on the 8<sup>th</sup> day of Tishrei. Yet, all mainstream customs do include *Tahanun* on the 8<sup>th</sup> of Tishrei.

<sup>15</sup> See *Levush*, *Orah Hayyim* 624.

## V. After Sukkot Until Rosh Ḥodesh Cheshvan

Thus far, we've discussed those days regarding which all are today in agreement that *Taḥanun* is not said. We now proceed to the main source of contention and confusion: the days between the end of Sukkot and Rosh Ḥodesh Cheshvan.

First, we must cut this question down to its correct size. As noted above, one of the universally agreed upon “no *Taḥanun*” days, at least today, is the day immediately following any holiday, known as *isru ḥag*. As some remnant of the holiday's holiness lingers on *isru ḥag*, the joy of the holiday is not yet fully dissipated and *Taḥanun* is avoided.<sup>16</sup> Hence, the day after Simḥat Torah, which is the 23<sup>rd</sup> of Tishrei in Eretz Yisrael or the 24<sup>th</sup> of the month in the Diaspora, is *isru ḥag*, upon which all agree that *Taḥanun* is not recited. Furthermore, *Taḥanun* is never said at *Minḥab* preceding a day on which *Taḥanun* is omitted, so according to all it is not recited at *Minḥab* before Rosh Ḥodesh Heshvan either. Our discussion is thus relevant to the intervening opportunities for *Taḥanun*, from *Shāḥarit* on the day after *isru ḥag* through *Shāḥarit* of the 29<sup>th</sup> of Heshvan, either 5½ or 6½ days.

### a. In Favor of *Taḥanun*: Early Sources

Numerous authorities rule that *Taḥanun* is not said on the days between Yom Kippur and Sukkot as well as on *isru ḥag*, while remaining silent about the days following *isru ḥag*. While, admittedly, much of this argument is adduced from their silence on the topic, the simple and obvious inference is that according to these authorities nothing had to be stated about the days after *isru ḥag*. These are, in all respects, “regular” days.<sup>17</sup> *Tur* and *Shulḥan Arukh* are included in this group; the latter, in particular, having otherwise provided a long list of days without *Taḥanun*. Moreover, no Talmudic source hints at anything “special” about the days before

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<sup>16</sup> See *Shulḥan Arukh, Oraḥ Ḥayyim* 131. It turns out that this particular rule really only applies today on the day after Simḥat Torah, in communities that do recite *Taḥanun* on the following days. Otherwise, the *isru ḥag* rule is never relevant as such. Nissan is already a *Taḥanun*-free month; Shavuot is followed by a full week without *Taḥanun*, for a different reason; and in many communities, as we shall see, *Taḥanun* is not said at all after Sukkot.

<sup>17</sup> At a minimum, even if the opposing custom already existed in their times, such practice was not well known or widespread enough that they felt a need to address it explicitly.

Rosh Hodesh Heshvan that would necessitate or justify a departure from the normal daily liturgy.

In support of the above are numerous reports recording the customs of many communities that said *Tahanun* on the days between *isru hag* and Heshvan.<sup>18</sup> Most of these records tell us of the practices in German, Polish, and Italian communities during the medieval period; we know less about the practice among the various Sephardic regions. Still, the Shulhan Arukh's exclusion of this week from his list of days on which "the widespread practice" is to omit *Tahanun*, should be read as substantial evidence that the Sephardic communities with which he was familiar, those of and near Spain, Egypt, and Tzfat, did in fact recite *Tahanun* after Sukkot.

Nothing, however, is quite that simple. In parallel to the above rulings and records, we have similar medieval authorities telling us of their local custom not to recite *Tahanun* after *isru hag*. Here too, the argument is pieced together from inferences as well as reports of local custom, though at a later point it becomes widely acknowledged that there exist opposing practices.

#### **b. Not to Say: Early Sources**

The earliest source for the omission of *Tahanun* during these days is a Geonic responsum, attributed to R' Hai Gaon, in which the author asserts that Nissan and Tishrei are days of joy and *Tahanun* should thus not be said during those months in their entirety.<sup>19</sup>

Further indication that *Tahanun* was not said in some Ashkenazic communities since medieval times can be adduced from references in the *Raavyah*,<sup>20</sup> *Hagahot Ashri*,<sup>21</sup> and other *rishonim*, that in the days between Sukkot and Rosh Hodesh Heshvan, "justification of the decree is said while walking."<sup>22</sup> As part of the funeral service, it was customary to accept upon oneself the Heavenly decree with the *צדוק הדין*, the "justification of the decree." Doing so, however, given its extremely mournful nature, was not allowed on days of joy. However, on many such days, some *rishonim*

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<sup>18</sup> See long list of sources in *Minbagei Ha-Kehilot*, beginning p. 184.

<sup>19</sup> *Teshuvot Ha-Geonim (Shaarei Teshuvah)*, *siman* 337. As we have seen above, this position has not persisted with respect to Tishrei. Virtually all communities do recite *Tahanun* in Tishrei prior to Yom Kippur. Nevertheless, the halakhic characterization of Tishrei as "*yemei simḥah*" is extremely important for the purpose of our discussion.

<sup>20</sup> R' Eliezer ben Yoel Ha-Levi (Germany, 12<sup>th</sup> century).

<sup>21</sup> R' Yisrael of Krems (Austria, 14<sup>th</sup> century).

<sup>22</sup> See *Raavyah*, *Hilkhot Avel*, p. 546 and *Hagahot Ashri* comment in *Rosh* at the end of *Mo'ed Katan*.

established a compromise, allowing the “justification” to be said “while walking,” meaning casually as the mourners were leaving the burial, rather than in a dedicated ceremony. *Tahanun* and the Justification have long been thematically connected—both are forbidden on the same types of days—and are usually bundled, i.e., we can infer the status of one from the other. Hence, if some *rishonim* limited the Justification on the days after Sukkot, we can assume that they likewise did not recite *Tahanun* on those days.

During the same time period, but in an entirely different part of the world, we find R’ Shimon ben Tzemach Duran (*Tashbetz*)<sup>23</sup> ruling for his community in Algeria that *Tahanun* should not be said from the day before Yom Kippur through the end of the month.<sup>24</sup>

Indeed, many communities in fact did not say *Tahanun* during this period for many centuries. We have reports telling us about the practices of specific German communities, such as Frankfurt<sup>25</sup> and Amsterdam,<sup>26</sup> as well as general references to the “custom of Ashkenaz.”<sup>27</sup> The Algerian custom likewise remained consistent with the ruling of Tashbetz, as reported in a 19<sup>th</sup> century compilation of that community’s practices. As we shall see shortly, numerous sources indicate that such was also the practice in many communities throughout the Sephardic world.

<sup>23</sup> R’ Shimon ben Tzemach Duran (Algiers, 14<sup>th</sup> century).

<sup>24</sup> *Responsa Tashbetz*, Vol. 2:248.

<sup>25</sup> See, for example, *Divrei Kobelet*, p. 364. A comprehensive review is in *Minbagei Ha-Kebilot*, *ibid*.

<sup>26</sup> *Minbagei Amsterdam* (5762), p. 136. This work is intended to be an expanded version of work done by members of the Ashkenazi community several centuries earlier. Further research is needed to verify that this in fact was the long-standing custom of the community in Amsterdam.

<sup>27</sup> Hatam Sofer (Slovakia, 18<sup>th</sup>-19<sup>th</sup> century), in *Hoshen Mishpat* 77, citing Maharil. Aside from the conflicting reports with respect to Maharil’s practice, this general statement is obviously problematic given the very localized reports we have of diverging practices. Moreover, it should be noted that Hatam Sofer’s own practice is unclear. While he cites without disagreement the position of Maharil and “custom of Ashkenaz” not to say *Tahanun*, accounts of his passing, which occurred on the 25 of Tishrei, include references to Hatam Sofer saying *Tahanun* in the morning shortly before passing. It has been pointed out, by the author of *Minbagei Ha-Kebilot* and others, that the local custom in Pressburg could have diverged from that of Ashkenaz.

**c. *Shulhan Arukh* and Later**

All of which brings us to the more recent period of halakhic literature, i.e., the *Shulhan Arukh*, its commentaries, and the associated literature. As noted above, the *Shulhan Arukh* is silent on our question. In the list of days on which *Tahanun* is omitted, *Shulhan Arukh* includes the days between Yom Kippur and Sukkot, but nothing further about the days at the end of Tishrei. Rema does not note any varying Ashkenazic custom in his glosses, and Levush,<sup>28</sup> who explicitly notes the omission of *Tahanun* on *isru hag*, is silent with respect to the ensuing days. The implication of all the above is that these authorities not only held that *Tahanun* should be recited on the days following *isru hag* until Rosh Hodesh Heshvan, but also that doing so was the straightforward custom and required no special mention.

As we have seen, however, this was clearly not the case. In fact, *Seder Ha-Yom*, a work published only a few decades after the *Shulhan Arukh* by R' Moshe ben Machir, a member of the same cadre of Kabbalists in Tzfat as the author of *Shulhan Arukh*, attests that the custom in his locale was not to say *Tahanun* on the days following Sukkot.<sup>29</sup> He then goes on to provide a number of reasons for this custom. Included in these, he notes that the preponderance of holidays, as well as having achieved atonement on Yom Kippur, are all reasons enough to elevate the remainder of the month to a festive status.

Doubtless, the position of R' Moshe ben Machir and the local custom he references were influenced by his other famous associate, the great Kabbalist R' Yitzchak Luria, the Arizal.<sup>30</sup> In *Sha'ar Ha-Kavanot*, the Arizal taught that the month of Tishrei, beginning with Yom Kippur, is characterized by the Heavenly attribute of *Hesed*, G-d's kindness and mercy.<sup>31</sup> This theme would further suggest that *Tahanun* be omitted, as a prayer beseeching G-d for mercy wouldn't be necessary in such a time.<sup>32</sup>

It is exceedingly difficult to explain how the *Shulhan Arukh* could have been either unaware of the local custom and the view of his colleagues to omit *Tahanun* or felt no need to address these. In his responsa *Hayyim*

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<sup>28</sup> R' Mordechai Yaffe (Poland, 16<sup>th</sup>–17<sup>th</sup> century).

<sup>29</sup> *Seder Ha-Yom*, end of *Hilkhos Sukkot*.

<sup>30</sup> Eretz Yisrael, 1534–1572.

<sup>31</sup> *Sha'ar Ha-Kavanot, Sukkot, Derush 3*.

<sup>32</sup> *Kaf Ha-Hayyim* explicitly draws the connection between these strands.

*Shaal*, Hida<sup>33</sup> minimizes the question, saying that R' Yosef Karo was pre-occupied with his work and may not have noticed the local custom. While so doing, Chida reinforced the practice not to say *Tabanun*, asserting that this was the widespread custom with which he was familiar.

Chida also provides additional support for omitting *Tabanun* on these days, drawing on the earlier comments of R' Hayyim Benveniste.<sup>34</sup> The latter cites a ruling in the *Tur* and *Shulḥan Arukh* to postpone the three post-holiday fast days until Cheshvan.<sup>35</sup> In *Beit Yosef*, R' Yosef Karo explains that Tishrei is a joyous month because of all its holidays.<sup>36</sup> In explanation thereof, Chida references a midrash that originally each month of the year was intended to “host” a holiday. When the Israelites sinned at the Golden Calf, the holidays were suspended from the months of Tammuz, Av, and Elul. The missing holidays were then all returned in the month of Tishrei. At the end of Tishrei, says Hida, we celebrate the fact that our holidays were restored. This celebration, independent of the holidays themselves, is cause for omission of *Tabanun* until the next month begins.

Hence, we not only have conceptual support for the idea of omitting *Tabanun* at the end of Tishrei, but it appears that the author of *Shulḥan Arukh* himself did indeed recognize the elevated status of these days. In fact, the author of *Pri Ḥadash* goes so far as to say that the *Shulḥan Arukh*'s ruling that *Tabanun* is not said between Yom Kippur and Sukkot was meant to include the days after Sukkot as well.<sup>37</sup>

<sup>33</sup> R' Hayyim Yosef David Azulai (Italy and Jerusalem, 18<sup>th</sup> century) in *Hayyim Shaal*, Vol. II, Responsa 35.

<sup>34</sup> Turkey, 17<sup>th</sup> century, in *Shiyarei Knesset Ha-Gedolah*, *Orah Hayyim* 131. This author also dispels the possible theory that *Tabanun* is omitted during the week following Sukkot for the same reason it is after Shavuot, namely, because these are days on which one would still have been allowed to offer the holiday offerings had he missed doing so on the holiday. This is incorrect, as the later part of the holiday, Shemini Atzeret, does not require the *Hagigah* offering, and the earlier part of the holiday already had its full “make-up” week during *Hol Ha-Moed*.

<sup>35</sup> Often referred to as “ב"ב”, which stands for Monday (ב), Thursday (ה), Monday (ב), these fasts were meant to atone for any sinful excesses one may have indulged in during the holiday. The development of this custom is worthy of its own essay.

<sup>36</sup> *Tur* and *Beit Yosef*, *Orah Hayyim* 492.

<sup>37</sup> R' Chizkiah di Silva (Italy and Eretz Yisrael, 17<sup>th</sup> century), in *Pri Ḥadash* to *Orah Hayyim* 624. He simply dismissed the *Shulḥan Arukh*'s language as “לא דוקא”. It is noteworthy that even Hida, who agreed that *Tabanun* should not be said, was not comfortable with completely ignoring the clear implication of *Shulḥan*

#### d. Two Customs, Side by Side

It is clear that by the 17<sup>th</sup> century, the two opposing customs were well recognized by the commentaries and halakhic authorities. Interestingly, by this time, the more obvious macro geographic patterns one often discerns when exploring customs no longer are apparent. Thus, we find the 17<sup>th</sup>-century Polish commentator on the *Shulḥan Arukh*, R' Avraham Gombiner,<sup>38</sup> referencing R' Moshe ben Machir's *Seder Ha-Yom*, a work that reflects the practices of the Kabbalists of Tzfat, when informing us of the custom not to recite *Taḥanun* after Sukkot. Thus, this is certainly not a matter of Ashkenazi versus Sephardic custom.

By the early 19<sup>th</sup> century, the two customs are not only recognized, but endorsed as both legitimate. R' Hayyim Margaliyot,<sup>39</sup> in his *Sha'arei Teshuvah*, a gloss to the *Shulḥan Arukh* that compiled later rulings, acknowledges the two different customs. While noting that the practice in his area is to say *Taḥanun*, he nevertheless hastens to add that there is no reason to object if someone has a different custom. Almost a century later, R' Yechiel Michel Epstein,<sup>40</sup> author of *Arukh Ha-Shulḥan*, likewise notes that there are different customs. Here again, while his own custom was to recite *Taḥanun*, he fully recognizes the existence of the opposing view.<sup>41</sup> In the same time period, R' Ya'akov Hayyim Sofer<sup>42</sup> cites extensively in *Kaf Ha-Hayyim* the aforementioned views of the Arizal, R' Hayyim Benveniste, and Chida. While recognizing that such was likely not the position of *Shulḥan Arukh*, he appears to endorse the omission of *Taḥanun* as the widespread custom throughout the Sephardic communities.<sup>43</sup>

In Eretz Yisrael today it is exceedingly uncommon to find a community where *Taḥanun* is recited. It appears that the custom of Eretz Yisrael has been for many generations, likely at least as far back as the days of the *Peri Hadash* (17<sup>th</sup> century), to omit *Taḥanun*. Hence, R' Yechiel Tokizinsky,<sup>44</sup> in his authoritative compilation of the customs of Eretz Yisrael,

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*Arukh's* silence, and rather preferred the equally unusual explanation that R' Yosef Karo was unaware of the local custom.

<sup>38</sup> Poland, 1633–1683.

<sup>39</sup> Poland/Ukraine, 1780–1823.

<sup>40</sup> Lithuania, 1829–1908.

<sup>41</sup> *Arukh Ha-Shulḥan, Orach Hayyim* 131 and 669. Interestingly, in 131 he is slightly critical of the custom to omit *Taḥanun* ("אינו עיקר"), while in 669 he simply records the existence of the custom.

<sup>42</sup> Iraq and Eretz Yisrael, 1870–1939.

<sup>43</sup> *Kaf Ha-Hayyim, Orach Hayyim* 131:98.

<sup>44</sup> Eretz Yisrael, 1871–1955.

categorically states that *Tabanun* is not said until after Rosh Hodesh Heshvan.<sup>45</sup>

Outside Eretz Yisrael, less uniformity exists. Chassidic communities, which are generally minimalist with respect to *Tabanun*, do not recite *Tabanun* during this week. The most variation exists in the non-Chassidic world outside of Eretz Yisrael. Some communities, especially those with ties to originally German communities, do say *Tabanun* after *isru hag*. Similarly, some communities that maintain customs that are based on the earlier Lithuanian practices characterized by *Arukh Ha-Shulhan*'s rulings also recite *Tabanun*. At the same time, many communities with ties to the Chassidic world or to yeshivot in Eretz Yisrael where *Tabanun* is omitted as a matter of course, and others, omit *Tabanun*.<sup>46</sup>

Even the widely used *Luah Beit Knesset*, published by Ezras Torah under the guidance of R' Yosef E. Henkin, which usually provides authoritative guidance for many non-Chassidic communities in the USA, wavers on our issue. The *Luah* notes in parentheses (and has for many decades) that some communities omit *Tabanun* until after Rosh Hodesh, thus leaving it once again to the prevailing custom of the community, or, in some cases, perhaps to the wishes of the local Rabbi.

Perhaps the most intriguing explanation for those who do not recite *Tabanun* is offered by R' Isser Zalman Meltzer,<sup>47</sup> who became a leading figure in the Jerusalem community in the beginning of the 20<sup>th</sup> century. He suggested that following Simchat Torah, on which we celebrate a *Hatan Torah* and *Hatan Bereishit*, the days have the celebratory status of *Shivat Yemei Ha-Mishteh*. As is well known, *Tabanun* is not said anywhere a *hatan* or *kallah* are present throughout their week of *Sheva Berakhot*. Given that Simchat Torah is a nationwide celebration, we are all celebrating a *Sheva Berakhot* together and therefore do not recite *Tabanun*.<sup>48</sup>

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<sup>45</sup> See *Luah Eretz Yisrael*, published annually based on Tokizinsky's original work. Apparently, even in Jerusalem the custom was challenged. R' Bentzion Yadler relates in his work *Be-Tuv Yerushalayim* (p. 365) that R' Eliyahu David Rab-inowitz-Teomim (1843–1905) suggested reintroducing *Tabanun* after Sukkot, as he could not find halachic justification for omitting it. According to this account, R' Shmuel Salant, the leader of the old community of Jerusalem, strongly opposed this change with the argument that, once established, the local custom should not be changed.

<sup>46</sup> Likely due to Kabbalistic influences introduced by the Vilna Gaon.

<sup>47</sup> Belarus and Eretz Yisrael, 1870–1953.

<sup>48</sup> Reported by R' Y. Cheshin, *Divrei Yeshayahu*, Vol. 2, p. 52.

## VI. Conclusion: *Tahanun* as *Minhag*

Each of our customs has its own story, often overlapping narratives and explanations that become woven into history and present practice. Yet, with respect to the rules governing *Tahanun*, it should not surprise us to find even significant variations.

Such was already alluded to by R' Moshe Isserles, who categorizes the entire matter of *Tahanun* as one of “*reshut*.”<sup>49</sup> While technically this word translates to “voluntary,” in our context it should not be understood quite so. Rema is noting that *Tahanun* was never formally instituted with a Rabbinic decree. In the context of the liturgy, this would be in sharp distinction to the *Amidah* for example. The latter is not only a statutory enactment, but also follows a tightly prescribed formula that even diverging customs all abide by.

In *Kaf Ha-Hayyim*, R' Sofer goes so far as to rule that any situation of doubt (“*safeke*”) regarding the recital of *Tahanun* should be resolved in the negative. Meaning, when in doubt, *Tahanun* is omitted.<sup>50</sup> The logic of this ruling is clear: by definition, a doubt about the recital of *Tahanun* indicates that there is no clear custom to recite it. Given that *Tahanun* is governed entirely by custom, absent such custom one would have no compelling reason to recite it.

To fully appreciate all the above, it behooves us to glance at the original Talmud sources that introduced *Tahanun*. Earlier, we mentioned the personal nature of *Tahanun* and its resulting incompatibility with the Shabbat spirit. We now return to the basis for this idea. *Tahanun*, as we know it, begins to emerge from the Talmud’s references to “falling on one’s face” and the correct manner to do so.<sup>51</sup> While it is taken for granted in that discussion that one is praying for mercy while in this position, no formula for this prayer is provided or even alluded to. Elsewhere the Talmud describes at length the various prayers that great sages of the time would offer after they completed the regular *Amidah*.<sup>52</sup> Thus, Rav

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<sup>49</sup> *Darkei Moshe, Orach Hayyim* 131:5. Rema is merely endorsing the view of Rav Natronai as cited by *Tur*; I refer to Rema however because his position is more directly pertinent to the practices in force today.

<sup>50</sup> *Kaf Ha-Hayyim, Orach Hayyim* 131:95.

<sup>51</sup> *Megillah* 22a–b. The primary concern in that discussion is whether “falling on one’s face” can run afoul of the prohibition against prostrating oneself on a stone floor.

<sup>52</sup> *Berakhot* 16b–17a.

Natronai Gaon, Rav Amram Gaon, and Rambam<sup>53</sup> all refer to an unscripted opportunity for individual supplication that follows the *Amidah*.<sup>54</sup>

Clearly, *Tabanun* originated as a personalized supplication, one that was meant as a vehicle for one to pour his or her heart out in a direct plea to G-d, without the “constraints” of formalized prayer. Initially, *Tabanun* did not have a prescribed text. A prayer of such personal character could not, by its nature, be subject to a formal enactment. Thus, though we now do follow a set text for *Tabanun*,<sup>55</sup> its fundamental character nonetheless remains one of a personal prayer. Accordingly, absent a Rabbinic decree, a clear *minhag* can be the only source of obligation to say *Tabanun*.

In summary, there are, and have been for many generations, variations of practice with respect to *Tabanun* between Sukkot and Rosh Hodesh Heshvan. We have learned that both customs rest on the broad shoulders of previous generations and their respective understandings of *Tabanun* and the nature of these days. We have also, hopefully, learned about the power and significance of local custom, to the point that commentators who are otherwise most deferential to the *Shulhan Arukh* ignored his silence when its implication ran contrary to the local practice. ❧

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<sup>53</sup> All cited in *Tur, Orach Hayyim* 131.

<sup>54</sup> See I. Elbogen, *Jewish Liturgy*, pp. 66-68, for an expanded discussion of the origins and nature of *tabanun*.

<sup>55</sup> For the most part: there are some variations in the *Tabanun* text. Most notably, the Chabad custom is quite different than most others.