

תנא דבי אליהו, כל השונה הלכות בכל יום מובטח לו שהוא בן העולם הבא

IT WAS TAUGHT IN THE ACADEMY OF ELIYAHU, WHOEVER STUDIES TORAH LAWS
EVERY DAY IS ASSURED THAT HE WILL BE PRESENT IN THE 'WORLD TO COME'

Is one allowed to confess their sins on Rosh Hashanah ?

Rosh Hashanah is a Yom Tov and like all Yamim Tovim there is a mitzvah to be joyous and mark the special day by eating delicacies, drinking wine, wearing nice clothing, etc.¹ However, despite the genuine festive notions associated with our New Year, most people also internalise that it is a very **serious** and solemn 48 hour period. Our Sages reveal that the whole of Rosh Hashanah is in fact one long **court case!** For it is in this time of the year when Hashem judges all of humanity, both as a whole, as well as on an individual basis.²

Who will live this coming year? Who will prosper? Who will be cured of illness? Who will succeed? Who will fail? Whilst we are busy praying, eating, sleeping, or simply walking along the way, we cannot even begin to fathom the commotion that is taking place in the upper realms on this awesome day.

The Holy Zohar³ describes how all of our deeds from the previous twelve months are being recalled before Hashem's Throne of Glory on Rosh Hashanah. Flights of **Mekatregim** (Accusing Angels) congregate at Hashem's 'Left side' and read out a long tale of dread and darkness, which seems to be all about you! Simultaneously, their accusations are intercepted by a merry band of **Sanegorim** (Defending Angels) who gather at Hashem's 'Right side' and paint a pretty picture of a multitude of merits that also points to you. Your personal 'weighing scale' of judgement begins to gravitate - the left pan bearing the weight of your dark deeds, the right pan bearing the mass of your myriad of mitzvot. What will the outcome be?

1. טור סימן תקצ"ע"פ הפסוק בנחמיה ח, י

2. ע' גמ' ר"ה דף טז. וע"ע שע"הכ דרוש ב' דר"ה, וביאור הענין באריכות במכתב מאליהו ח"ב דף 74

3. זוה"ק פרשת פנחס דף רלא:

One could logically assume that since Rosh Hashana is essentially a day of judgement, part of the duty of the day should be to openly confess our sins and beg Hashem for forgiveness. Surely this is the correct time to admit our faults and wrongdoings?

Yet it may come as a surprise to learn that Rosh Hashanah is in fact **not** a time to recall one's sins at all... quite on the contrary!

Unlike **Yom Kippur**, where the main service of the day is to admit and verbalise all of our sins in as much detail as possible and to ask Hashem for forgiveness, the theme of Rosh Hashanah is not so and this is clearly evident from our Rosh Hashanah prayers, which have almost no explicit mentioning or confessing of sin. Mar'an, HaRav Yosef Caro,⁴ clearly stresses that we should not say *vidui* (**confession**) on this day and this is also the opinion of the Ari z'l.⁵ The reason for this restriction is because since Rosh Hashanah is a time when there is extreme measures of judgement in the world, we should not add to the harsh atmosphere by confessing our sins and thus aiding the Mekatregim in their accusations against us... they are no doubt doing an excellent job without our help!

The Ben Ish Hai⁶ also rules in accordance with the Zohar above and says that it is forbidden to loudly recall one's sins on Rosh Hashanah for the same reason. Furthermore, seeming as Rosh Hashanah is a time when Hashem's Kingship is more greatly manifest in the world, it is considered improper to mention one's sins whilst standing before the King in such close proximity.

So our New Year is actually a very serious and apprehensive time! If that is the case then why is Rosh Hashanah still treated as a Yom Tov? We mentioned above that it is a big mitzvah to be joyous and festive on Rosh Hashanah, just like all of the other Festivals of the year. Is this the appropriate approach one should have to, what is essentially, our 'Day of Judgement'?

4. ב"י סי' תקפד

5. שער הכוונות דף צ. וע"ש שחילק בין אמירת וידוי בלחש לבין אמירה בכל רם

6. פרשת נצבים אות יג

The Tur gives us the following insight to explain why such a dichotomy exists on this awesome day:⁷

שמנהג של עולם אדם שיש לו דין לובש שחורים ומתעטף שחורים ומגדל זקנו ואינו חותך צפרניו לפי שאינו יודע איך יצא דינו. אבל ישראל אינם כן לובשים לבנים ומתעטפים לבנים ומגלחין זקנם ומחתכין צפרניהם ואוכלים ושותים ושמחים בראש השנה לפי שיודעין שהקדב"ה יעשה להם נס.

The custom of the world is that when a man has a court judgement [against him] he wears black and en-wraps himself in black and grows his beard and does not cut his nails, for he does not know what the outcome will be. But Israel does not [behave] in such a way; they wear white and en-wrap themselves in white and trim their beards and cut their nails and they eat and drink and rejoice on Rosh Hashanah for they know that the Holy One Blessed is He will perform a miracle for them.

Of-course anyone who has internalised what this holy day is all about cannot help but tremble at the thought of what the coming year holds. Nevertheless, the Tur explains that our attitude must be a positive one. We put on a confident front and show immense joy and trust in our ability to succeed in our service of Hashem for the coming year. At the same time we must emanate a strong sense of fear and subjugation to Hashem's Kingship and His undeniable Sovereignty of the world, acknowledging that all goodness comes forth from Him and from Him alone. We must crown Hashem as **our King** and proclaim our allegiance as His unflinching subjects and servants in this world. But again, no confessing of sins takes place on this day.

However, having said all the above, there is one exception to this rule. What comes as a surprise is that there is a well known *minhag* (custom) prevalent in some Ashkenazi, most Chassidish and **most** Sephardi communities of the world to actually recite *vidui* on Rosh Hashanah during the sounding of the **Shofar**! Let us look into the source of this minhag and analyse how much weight it holds in the eyes of our Poskim.

7. ס"ס תקפא

The custom entails reciting a specific text of vidui in-between the series of shofar blasts, i.e. in-between the series of *Tashrat*⁸ תשר"ת and *Tashat*⁹ תש"ת and between the series of *Tashat*¹⁰ תש"ת and *Tarat*¹⁰ תר"ת. This was the custom of the **Ben Ish Hai**¹¹ who clarifies that even though the Zohar states one should not confess their sins on this day, this was only referring to confessing them out loud, but to do so בלחש (quietly), in-between the shofar blasts, is actually permitted and very much necessary!

The Ben Ish Hai upheld this custom as it is routed in the Kabbalistic teachings of the **Holy Ari z'l** in Sha'ar HaKavanot,¹² who is quoted by his student HaRav Haim Vital (the author) as follows:

ומורי ז"ל היה נוהג להתוודות על חטאיו בלחש שלא ישמעו הדברים לאזניו.

והיה אומר כי המאמר... שבס' הזוהר לא אסר אלא בקול רם ולא בלחש.

And my teacher (the Ari z'l) had the custom to confess his sins quietly so that his words could not be heard by his ears. And he would explain that the statement in the book of the Zohar only forbade [saying vidui] in a loud voice and not in a quiet one.

The Ari z'l explains that the reason why we are permitted to say *vidui* at this time is because during the sounds of the shofar blasts the Satan (Accusing Angel) becomes מתערבב **confused** and he is therefore not able to read out his list of accusations against us.¹³ The Ari z'l then reveals a fascinating phenomenon that occurs whilst vidui is recited in-between the shofar blasts. The words of our confessions become literally **infused** with the sounds of the shofar, which enables them to ascend to the Heavens without any obstructions and we are thus able to fully do *teshuva* (**repentance**) on this holy day. Why exactly the medium of a "shofar" (the horn of a Ram) is required for this special חסד (Kindness) to occur is an interesting topic for another time b'e'H.

8. Tekiah, Shevarim, Teruah and Tekiah

9. Tekiah, Shevarim and Tekiah

10. Tekiah, Teruah and Tekiah

11. שם

12. צ ד

13. גמ' ר"ה, דף טז.

The custom to recite vidui during the sounding of the shofar is also in line with the opinions of several great Ashkenazi halachic authorities like the **Shl'ah HaKadosh** (Rabbi Yishaya Horowitz, 1565-1630) and the **Ya'abetz** (Rabbi Ya'akov Emden, 1697-1776), as well as many more authorities who all upheld the custom. It should be noted that even though one is permitted to say vidui very quietly, it is evident from the Ari z'l that it can only be said between the shofar blasts and not at any other time on Rosh Hashanah.

One would have thought that such a widespread and accepted custom amongst so many communities in Klal Yisrael would have never come under any sort of criticism. After all this minhag carries the approval of the Ari z'l, the Ben Ish Hai and so many more giants of the Torah world. However, we find that several Acharonim have questioned the legitimacy of this custom, amongst them being the Chofetz Chaim (Rabbi Yisroel Meir Kagen HaCohen, 1838-1933), the author of the Mishnah Berura.¹⁴

Let us attempt to legitimise the custom through a process of halachic mediation.

We will start with the source of the dispute, which is routed in the Talmud in tractate Rosh Hashanah.¹⁵ A debate is recorded between the Sages regarding how one is meant to blow the **shofar** on Rosh Hashanah. The word "**teru'ah**" is mentioned **three** times in the Torah and it is accepted by all that each teru'ah blast is accompanied by a tekiah blast before it and a tekiah blast after it. So we have in total **nine kolot** (sounds) from the Torah that must be blown on Rosh Hashanah. The issue the Talmud grapples with is that during the Talmudic period there were three different opinions on what exactly a 'teru'ah' sound is. In order to solve this issue the Amora, **Rebbi Abahu**, concludes that **all three** sounds should be sounded in order to fulfill all three opinions. Therefore, the **shevarim-teru'ah** blast that form the **תשר"ת** series (once you add the tekiah before and after) is multiplied by three - yielding twelve kolot. The shevarim (**תש"ת**) and teru'ah (**תר"ת**) series are also multiplied by three - yielding nine kolot each. Altogether we now have **thirty sounds** and this is the practical halacha today.

14. ס' תקצ"ב אות ב, וע"ש בשעה"צ אות טו.

15. דף לד.

The **Rambam**¹⁶ subsequently concludes from the Talmud above that since we are in **doubt** what the correct sound of the 'teru'ah' is, we should therefore sound the shofar according to all the opinions. It is over here that we find that the debate arises of whether one is allowed to recite the vidui confession in-between the series of shofar blasts.

According to the Rambam, who holds that **only one** of the shofar series is the correct one, there should be no interruptions from the beginning of the beracha of the shofar until the end of the blowing of the shofar, i.e. until all three opinions are fulfilled. Therefore, a serious issue could arise if one recites vidui in-between the blasts as this may constitute as a *hefsek* (interruption) and thus nullify the beracha, which was recited on the mitzvah of shofar, as well as possibly necessitating a second beracha.

HaRav Hai Gaon¹⁷ and **Rabbeinu Hanan'el** (Tunisia, 990-1053),¹⁸ upon analysing the Talmud above, disagree with the Rambam. They bring a proof from the prophetic words of Devorah HaNeviyah¹⁹ (the Prophetess), regarding the nature of the cries of the mother of King Sisera - an evil King of that time. The Talmud cited above describes her cries as either a **גנח ganach** sound (shevarim) or a **יליל yalil** sound (teru'ah), or both of them together. Their conclusion is that all of these sounds are really **one and the same teru'ah sound** and there were different customs during the Talmudic period where each village or community blew the teru'ah according to their custom. Therefore, the halacha was established that we blow all the sounds according to the following series of shofar blasts; תשר"ת in *Malchiut*, תר"ת in *Zichronot* and תש"ת in *Shofarot*, in the Musaf of Rosh Hashanah (for example).

Unlike the Rambam who rules that all the sounds are made out of safek (doubt), HaRav Hai Gaon and Rabbeinu Hannan'el hold that **any one** of them are correct. So according to HaRav Hai Gaon & Rabbeinu Hannan'el reciting vidui immediately after the first series of תשר"ת would not be considered a hefsek, as one would have already fulfilled his obligated immediately after the first sound!²⁰

16. בפ"ג מהל' שופר ה"ב.

17. הביא הר"ן שם.

18. ר"ה דף לד.

19. שופטים ה, כח.

20. וע' יביע אומר חלק ז, תשובה א, שמוכרח משם שאין הפסק בין התקיעות.

It is remarkable to learn what the **Holy Zohar**²¹ reveals on this subject. According to the Zohar not only are all of these thirty sounds correct, they are in fact **all required** on Rosh Hashanah! The great Tanna, Rabbi Shimon bar Yohai, surprisingly proclaims that the Sages of the Talmud did not know this Kabbalistic truth:

לא ידעי הני בבלאי רוא דיבבא ויללותא, ולא ידעי דתרווייהו אצטריכו, יללותא דאיהו דינא
תקיפא, תלת תבירין דאיהו דינא רפיא, גנוחי גנח רפיא.

These Babylonians do not understand the “secret” meaning of the sounds of the shofar and they do not know that they are all needed; the ‘yallil’ sound [subdues] the harsh judgements, the three ‘shevarim’ sounds and ‘ganach’ sound [subdue] the softer judgements.

Had the Sages known the mystical aspects of the shofar blasts, as revealed by the Zohar, they would have realised that **all** three sounds are needed according to the Kabbalah and would not have debated which sound is correct. Therefore, according to the Zohar, since all of the sounds are correct and needed, reciting vidui could **not** be considered a hefsek between the recital of the beracha and the mitzvah, **as you would have already started the mitzvah!**

Now, there is a known rule established by the Beit Yosef²² that whenever there is a debate between the Sages of the Talmud and we find that the Zohar has an opinion on the same matter, the halacha is established according to the Zohar. In our case the debate is between the Rambam and HaRav Hai Gaon etc and the Zohar supports HaRav Hai Gaon’s opinion. Reciting vidui is therefore permitted and necessary at this holy time.

Nevertheless, we should note that even though we are allowed to **quietly** recite vidui between the shofar blasts, no other prayer should be added.

פנחס דף רלא ע"ב. 21.

בס"ל לא, גבי הנחת תפילין בחוה"מ. 22.

We learnt from the Talmud above that Rabbi Abahu decided to institute all three opinions because there was a doubt which opinion is correct, so he established a new halachic edict that fulfills all of them. The Ran²³ gives us a beautiful explanation as to why Rabbi Abahu took this unique approach:

וכשבא רבי אבהו ראה לתקן תקנה שיהיו כל ישראל עושין מעשה אחד
ולא יראה ביניהן דבר שההדיוטות רואין אותו כחלוקה

And when Rabbi Abahu came he foresaw to establish an edict that all of Israel should do one action, so that a division should not be seen amongst them in the eyes of simple folk!

There is a deep and fundamental message one can learn from this. It is interesting to note that it is generally acceptable that each community should follow their own customs and practices. But when it came to the mitzvah of shofar on Rosh Hashanah, Rabbi Abahu perceived an urgency for a sense of unity amongst the Jewish people on the Day of Judgement! His message runs deep to all of us who are sensitive enough to understand b'e'H.

May Hashem Yitbarach accept our prayers and enlighten our eyes in His Torah... amen!

Ketiva v'Hatima Tova!

Rabbi Yosef Haim David

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²³ר"ה, ר"ן דף יודף פ. 23.