



Weekly Shiur from Maran HaRishon
LeTzion HaGaon Rabbi David Yosef shlit"a,
Motzaei Shabbat Parashat Nitzavim -
Vayelech 5786, Shiur #367

English

Rosh Hashanah

The Order of Tefillah in the Aseret Yemei Teshuvah

Topics of the Shiur: Changes and Additions to the Tefillah of the Aseret Yemei Teshuvah | Erring and Saying "Melech Ohev Tzedakah u'Mishpat" in the Aseret Yemei Teshuvah | HaKadosh Baruch Hu Loves When We Execute Justice | Safek Berachot LeHakel Against Maran | The Original Custom in Baghdad | "Woe to Me from My Inclination, Woe to Me from My Creator" | Requesting in "Shema Kolenu" | In Tefillah, We Do Not Say Safek Berachot LeHakel | Erring and Saying "Ha'E-I HaKadosh" in the Aseret Yemei Teshuvah | A Shaliach Tzibbur Who Erred | Forgetting "Zochrenu LeChaim" and Similar Additions | "Oseh HaShalom bi'Mromav" | The Mitzvah of Teshuvah Is Not Far Off | Sefer Mesillat Yesharim

Additions to the Tefillah of the Aseret Yemei Teshuvah

Chazal established in *Masechet Berachot* (12b) that during the ten days between Rosh Hashanah and Yom Kippur, there are two changes in the concluding blessings of the *Amidah*: The first change is in the blessing of "Atah Kadosh," where one concludes with "HaMelech HaKadosh" instead of "Ha'E-I HaKadosh." The second change is in the blessing of "Hashivah," where one concludes with "HaMelech HaMishpat" instead of "Melech Ohev Tzedakah u'Mishpat." The Geonim added four more additions to the *Amidah*: 1. In the first blessing, before "Melech ozer u'moshia u'magen," one recites "Zochrenu lechayim." 2. Before "Vene'eman atah lehachayot metim," one adds "Mi kamocha av harachaman." 3. In the blessing of Modim, after "Vechol hochayim yoducha selah," one adds "U'chetov lechayim tovim kol bnei beritecha." 4. In "Sim Shalom," before the conclusion, one adds "U'bsefer chayim." If one forgot these additions, there is a dispute as to whether one repeats the prayer or not; in conclusion, one does not repeat it.

Changing the Formulation Instituted by the Sages

Let us focus on what the Gemara states: that during the Aseret Yemei Teshuvah (the Ten Days of Repentance), one must say "HaMelech HaKadosh" and "HaMelech HaMishpat." There are two fundamental disputes among the *Rishonim* on this topic. The first dispute is whether the enactment of the Sages is essential (*le'ikuvah*—invalidating the prayer post-facto if omitted). We have a general rule that if a person alters the established formulation instituted by the Sages (*meshaneh mi'matbe'a shetavu Chachamim*) in tefillah, he has not fulfilled his obligation. A person cannot invent an additional blessing in the middle of the *Amidah*, nor can he conclude a blessing differently from what the Sages instituted. Here, the Sages specifically established that one must alter the conclusion. Was their intention that one who did not make the change instituted by the Sages does not fulfill his obligation, or do we say that this is only *lechatchilah* (initially/ideally)—meaning that while this is the proper form of prayer, if he did not do so, although he did not pray properly, he still fulfilled his obligation after the fact (*bedieved*)? The opinion of the Rif, Rambam, Ramban, Rashba, Ritva, Ohr Zarua, and many other *Rishonim* is that both of these changes are *le'ikuvah*. The Sages instituted a different formulation for the tefillah of the Aseret Yemei Teshuvah. Therefore, whoever says "Ha'E-I HaKadosh" instead of "HaMelech HaKadosh," or "Melech Ohev Tzedakah u'Mishpat" instead of "HaMelech HaMishpat," is considered to have altered the formulation instituted by the Sages in tefillah. In contrast, the Ra'avad, Ba'al HaMa'or, Rid, and other *Rishonim* hold that all of this is only *lechatchilah*, in order to pray the proper tefillah as instituted by the Sages; however, it is not to the extent that one must repeat the prayer and that he has not fulfilled his obligation. He is not considered to have altered the formulation instituted by the Sages.

Maran the *Shulchan Aruch* (O.C. 118 and 582) cites these laws and rules in accordance with the majority of the *Rishonim*, that both of these changes are *le'ikuvah*. The Sages established a special formulation for the Aseret Yemei Teshuvah, and anyone who does not act according to what the Sages instructed has not fulfilled his obligation.

HaMelech HaMishpat

There is another dispute: The *Talmidei Rabbenu Yonah* say that what was stated that one must say "HaMelech HaMishpat" and that it is *le'ikuvah* does not apply to those who conclude throughout the year with "Melech Ohev Tzedakah u'Mishpat." There is evidence from the *Rishonim* that there were places where they would conclude all year with "Ha'E-I HaMishpat" and not "Melech Ohev Tzedakah u'Mishpat." Thus, someone who said "Ha'E-I HaMishpat" all year, and says "Ha'E-I HaMishpat" during the Aseret Yemei Teshuvah, certainly has not fulfilled his obligation. However, nowadays, when we say "Melech Ohev Tzedakah u'Mishpat," the *Talmidei Rabbenu Yonah* hold that since he mentioned the word "Melech" (King)—the kingship of HaKadosh Baruch Hu—and the entire reason for these two changes is that during these days HaKadosh Baruch Hu reveals His kingship over us, sitting on the throne of judgment and judging the entire world, as the verse says, "A King by justice establishes the earth" (*Mishlei* 29:4)—therefore, if he said "Melech Ohev Tzedakah u'Mishpat," he has fulfilled his obligation. However, almost all the *Rishonim* disagree with this opinion, and hold that even if he said "Melech Ohev Tzedakah u'Mishpat," he has not fulfilled his obligation.

There is a major question regarding the opinion of the Rambam on this matter, as there are also responsa of the Rambam on this topic. My revered father and teacher, Maran zt"l, discussed this at length in *Yabia Omer* (vol. 2, O.C. 8), and his unequivocal conclusion is that according to the Rambam as well, if one said "Melech Ohev Tzedakah u'Mishpat," he has not fulfilled his obligation. In practice, this is how Maran the *Shulchan Aruch* rules clearly: if one said "Melech Ohev Tzedakah u'Mishpat," he is made to return and repeat the prayer. On the other hand, the Rama ruled in accordance with the opinion of the *Talmidei Rabbenu Yonah* regarding "HaMelech HaMishpat," that if one said "Melech Ohev Tzedakah u'Mishpat," he does not repeat the prayer. In this, there is no doubt regarding the distinction between Sepharadim and Ashkenazim: Ashkenazim certainly follow the ruling of the Rama, who ruled that since he mentioned "Melech," he does not repeat the prayer. Sepharadim, however, do repeat it.

HaKadosh Baruch Hu Loves When We Execute Justice

Why, according to most of the *Rishonim*, does it not help that he mentioned the word "Melech"? There are two explanations written by the *Rishonim*: In *Sefer HaMe'orot*, Rabbenu Meir HaMe'ili explains that "Melech Ohev Tzedakah u'Mishpat" means that HaKadosh Baruch Hu loves justice, but it does not mean that He is judging right now. In contrast, "HaMelech HaMishpat" means that HaKadosh Baruch Hu is currently sitting on the throne of judgment.

There is another explanation among the *Rishonim*: "Melech Ohev Tzedakah u'Mishpat" refers to us—that HaKadosh Baruch Hu loves when we practice righteousness and justice, which matches the entire meaning of the blessing: "Hashivah shoftenu kevarishonah veyotzenu kevat'chilah" (Restore our judges as of old and our counselors as at first), so that they judge everything according to halachah and the law of the Torah, and "vehaser mimenu yagon va'anachah" (remove from us sorrow and sighing). We see what sorrow

and sighing we experience when we have a judicial system that constantly opposes the Torah and Judaism...

Judgment According to the Torah

One must notice how important this subject is. When *HaKadosh Baruch Hu* took *Am Yisrael* out of *Mitzrayim*, after the splitting of the *Yam Suf*, *Am Yisrael* could not yet receive the Torah until *Chag HaShavuot*. Yet *HaKadosh Baruch Hu* gave them two mitzvot at Marah: first, the observance of Shabbat; and the second mitzvah, "There He made for them a statute and a judgment" (*Shemot* 15:25)—to appoint judges (*dayanim*) according to halachah who will judge according to Torah law. Consequently, the blessing of "*Hashivah Shoftenu*" throughout the year refers to *Am Yisrael*—that *HaKadosh Baruch Hu* loves when we perform righteousness and justice. This is not the case during the *Aseret Yemei Teshuvah*, where the conclusion of the blessing means that *HaKadosh Baruch Hu* Himself is "*Melech HaMishpat*"—He is the King and He is the Judgment. If so, what does it help to merely mention "*Melech*" in "*Melech Ohev Tzedakah u'Mishpat*"? After all, that is a completely different meaning! That refers to *Am Yisrael*, whereas "*HaMelech HaMishpat*" refers to *HaKadosh Baruch Hu* Himself, as He judges the world. Therefore, the majority of the *Rishonim* hold that one has not fulfilled his obligation.

Safek Berachot LeHakel Against Maran

On this topic, many years ago, long before I was born, my revered father and teacher, Maran zt"l, insisted firmly on the ruling of Maran the *Shulchan Aruch*. On the other hand, the *Ben Ish Chai* (*Nitzavim* 1:19) took into account the opinion of the *Rama*, writing that *safek berachot lehakel* (when in doubt concerning blessings, one rules leniently), and therefore if one said "*Melech Ohev Tzedakah u'Mishpat*" and remembered after *toch kedai dibbur* (the time it takes to utter a brief phrase), he continues forward and does not repeat the blessing, in accordance with the opinion of the *Talmidei Rabbenu Yonah*. The reason he ruled this way is because we apply the principle of *safek berachot lehakel* even against the rulings of the *Shulchan Aruch*. In any situation where a doubt arises regarding blessings, since the prohibition of a *berachah levatalah* (a blessing recited in vain) is exceedingly severe, we say *shev ve'al ta'aseh* (passively refrain from acting). One should not enter into a potential *berachah levatalah*, and therefore one should not recite the blessing. Many *Acharonim* hold that this principle applies even when the *Shulchan Aruch* rules that one should recite the blessing: if there is a dispute among the *Rishonim* whether to recite a blessing or not, we say *safek berachot lehakel* even against the rulings of the *Shulchan Aruch*. However, my father, Maran zt"l, did not accept this; he wrote several responsa on this matter, especially in *Yabia Omer*, but also in his other works.

There are several arguments regarding this topic. The first argument, which my father does not mention often, though he does write it in other places, is that the rule that we say *safek berachot lehakel* against the *Shulchan Aruch* is not universally agreed upon. Many *Acharonim* state that just as we accepted the rulings of the *Shulchan Aruch* in matters of *eshet ish* (a married woman), the most severe areas in the Torah, so too regarding a doubt in blessings, we have accepted the rulings of the *Shulchan Aruch*. Maran the *Chida*, who is foremost among those who hold that we apply *safek berachot lehakel* against the *Shulchan Aruch*, writes in *Chayim Sha'al* (2:15) that whoever wishes to act according to the opinion of the *Shulchan Aruch* is permitted to do so, and he has on what to rely. Once, in a conversation between myself and my father when we were learning together, he told me that many *Acharonim* cite the rule of *safek berachot lehakel* against the *Shulchan Aruch*. He said to me: "I cannot go and rule against the greatest of the *Acharonim*. If it were up to me, I would say that we accepted the rulings of Maran even in a case of *safek berachot*." If so, here as well, Maran the *Chida*, who is among the greatest of the *Acharonim*, writes that *safek berachot lehakel* applies even against the rulings of the *Shulchan Aruch*; however, as stated, he himself writes that whoever wishes to rule like the *Shulchan Aruch* has on what to rely.

Where It Is Customary to Bless

There is a second, stronger argument: The *Terumat HaDeshen* (*Siman* 34) established a rule that in a place where it is customary to recite a blessing, we follow the custom. Even if there were no ruling of the *Shulchan Aruch*, and there is a dispute among the poskim whether to recite a blessing or not, where there is an established custom to bless, we do not say *safek berachot lehakel*. All the *Acharonim* agree with this rule. Here, my father cites in *Yabia Omer* that several prominent *Acharonim*, particularly in recent generations, testify that the custom among Sepharadim is that whoever erred and said "*Melech Ohev Tzedakah u'Mishpat*" repeats the prayer.

The Original Custom in Baghdad

My father cites there that in the previous generation, there was the Gaon, Rabbi Ephraim HaKohen zt"l, who was the Rosh Yeshiva of the kabbalists at *Bet El*, and a student of the *Ben Ish Chai*. He was the greatest of the kabbalists in the previous generation, and the father of Chacham Shalom Cohen zt"l. He loved my father with all his heart and soul. He related to my father—and this is what my father told me—that he was in the synagogue when the *Ben Ish Chai* delivered a *shiur*, and the *Ben Ish Chai* stated that one who said "*Melech Ohev Tzedakah u'Mishpat*" does not repeat the prayer because of *safek berachot lehakel*. Present there was the *Av Bet Din* of Baghdad, the Gaon, Rabbi Avraham Hillel zt"l, who was a great kabbalist and a *tzaddik yesod olam*, and the grandfather of the Gaon, Rabbi Yaakov Hillel shlit"a. He was the Rav of Baghdad. He stood up in the middle of the *Ben Ish Chai's shiur* and stated that he did not agree, and that the accepted custom was to act

in accordance with the *Shulchan Aruch* and repeat the prayer. Chacham Ephraim HaKohen told my father that he was present and witnessed this exchange. In light of this, there is an additional argument that the original custom was to repeat the prayer.

A Blessing in Vain Is a Severe Prohibition

However, there is a third argument, which is actually the strongest argument that my father presents against the *Ben Ish Chai*, and he brings several proofs for it. This is an argument based on logic (*sevara*): The meaning of *safek berachot lehakel* is that when there is a doubt whether to recite a blessing or not, the prohibition of a *berachah levatalah* is extremely severe. The *Mishnah Berurah* writes in *Sha'ar HaTziyun* that even according to those who hold that a *berachah levatalah* is only *de'rabbanan*—which is the opinion of *Tosafot* and the *Ran*—we nevertheless say *safek berachot lehakel*. We do not say *safek de'rabbanan lekula* to permit reciting the blessing, because *Chazal* (*Berachot* 35a) based the prohibition of a blessing recited in vain on a very severe Biblical prohibition: "You shall not take the name of Hashem your God in vain" (*Shemot* 20:7). *Chazal* say that the entire world trembled when *HaKadosh Baruch Hu* uttered "You shall not take." Therefore, we say *safek berachot lehakel*—*shev ve'al ta'aseh*—do not place yourself between the great mountains of halachic dispute. If so, my father argues: the *Amidah* prayer consists of nineteen blessings for which *Chazal* established a specific order, and if a person skips even one of the blessings, he has not fulfilled his obligation. The blessings are essential (*me'akvot*), and the order of the blessings is also essential. I would like to add even more: Regarding *Birchot Keri'at Shema*, there is also a dispute among the *Rishonim* whether the blessings are interdependent. For example, if an ignorant person does not know the blessings by heart, or someone who recently became observant does not yet know the blessings by heart, and he only has the text for the blessing of "*Emet VeYatziv*" but lacks the text for "*Yotzer Or*" and "*Ahavat Olam*," the halachah is that he cannot recite the blessing of "*Emet VeYatziv*," because several *Rishonim* hold that the blessings are interdependent and invalidate one another if omitted.

"Woe to Me from My Inclination, Woe to Me from My Creator"

In *Yabia Omer*, there is a discussion regarding someone who was reciting *Birchot Keri'at Shema*, was not paying attention to what was coming out of his mouth, and suddenly realized he was saying the words: "*HaGadol, HaGibor, veHaNora*." He stops and realizes he has a problem: in the first blessing, one says, "*Et shem Ha'E-I HaMelech HaGadol, HaGibor, veHaNora, Kadosh Hu*," while in the second blessing, one says, "*Ki v'shem kod-shecha HaGadol, HaGibor, veHaNora batachnu*." Now he does not know whether he is in the first blessing or the second. My father cites several prominent *Acharonim*, such as *Peri HaAretz*, *Sedeh HaAretz*, and others, who wrote that *safek berachot lehakel*, and therefore he should continue with the second blessing. I showed him that several *Rishonim* discuss this exact question and write that he must return to the first blessing. I told him that I believe the explanation of their words is that they hold the blessings are interdependent. The significance of whether the blessings are interdependent or not is that one cannot recite only part of the blessings. When this person said "*HaGadol, HaGibor, veHaNora*," he is in doubt whether he was in the first or the second blessing. If he was actually in the first blessing and proceeds to continue with the second, it turns out that he never concluded the first blessing! Consequently, by actively reciting "*HaBocher be'amo Yisrael be'ahavah*," he recites a *berachah levatalah*, and the blessing after *Keri'at Shema*, "*Ga'al Yisrael*," will also be a *berachah levatalah*, because he did not recite the first blessing properly. It is inapplicable to say *safek berachot lehakel* here.

To illustrate: imagine an unfortunate person walking along, and a bear attacks him, lies down on top of him, and falls asleep. Now this person is in a dire situation, trapped beneath the bear. If people come and begin debating whether to wake the bear or not, what would we tell them?! Whether you wake it or not, the situation is bad! The man is trapped under a bear. When a person is in the middle of the *Amidah*, and mistakenly says "*Melech Ohev Tzedakah u'Mishpat*," according to the *Talmidei Rabbenu Yonah* he should continue forward. If he were to repeat the blessing of "*Hashivah*," he would be reciting a *berachah levatalah*. However, according to the *Rif*, *Rambam*, and most *Rishonim*, if he continues forward, every single blessing he recites from that point on is a *berachah levatalah*! So there is a bad situation either way. This person who said "*Melech Ohev Tzedakah u'Mishpat*" has become entangled without a clean exit: "Woe to me from my inclination, woe to me from my Creator" (*Berachot* 61a). In any scenario, according to some opinions, he will be reciting a *berachah levatalah*.

Minimizing Damage

Therefore, in such a case, we tell him: according to the *Shulchan Aruch* and the majority of the *Rishonim*, if you continue forward, you are actively reciting blessings in vain from here until the end of the *Amidah*. That is the first problem. Secondly, according to the *Shulchan Aruch* and most *Rishonim*, you have not prayed at all! Furthermore, retroactively, all the blessings you recited are in vain, because you omitted the blessing of "*Hashivah*"; it is as if you never said it. Therefore, the only way out of this dilemma—as they say today, to minimize damage—is to return to the blessing of "*Hashivah*." It is true that you then enter into conflict with the *Talmidei Rabbenu Yonah*, who hold that you recited a blessing in vain; but at least you know: 1. According to all opinions, you have fulfilled the mitzvah of *tefilah*. 2. You have fulfilled your obligation, and you can continue forward according to the majority of our *Rishonim*. That is, my father's fundamental principle is that within the *Amidah* prayer, the rule of *safek berachot lehakel* does not apply. The truth is that this is also explicitly stated in the *Talmud Yerushalmi* (*Berachot* 2:4): if one said "*bimherah veyameinu*"

and does not know whether he is in the blessing of “*Velamalshinim*” (against the slanderers) or in the blessing of “*Tishkon betoch Yerushalayim*,” he returns to the blessing of “*Velamalshinim*.” This principle is very logical: in either scenario, there is a doubt of a *berachah levatalah*, but here you have a certainty that you have fulfilled the mitzvah of *tefillah*, and additionally, this is the explicit ruling of Maran the *Shulchan Aruch*. Furthermore, according to the *Chida*, even for those who hold that *safek berachot lehakel* applies against Maran, if one acts according to the *Shulchan Aruch*, one does not protest against him. Thus, one should certainly act this way.

There are several proofs for this principle. Let me give an example: I mentioned at the beginning of the *shiur* regarding “*HaMelech HaKadosh*,” that if one said “*Ha'E-I HaKadosh*,” he returns to the beginning of the prayer. I noted that this is not universally agreed upon. The *Ra'avad*, *Rid*, *Ba'al HaMa'or*, and other *Rishonim* hold that what the Gemara says is not *le'ikuvah*. If he did not say it as *Chazal* instructed, it is not a fully proper prayer, but he has fulfilled the mitzvah of *tefillah*, and he is not made to repeat it post-facto (*bedieved*). Yet regarding “*Ha'E-I HaKadosh*,” we rule that he must return to the beginning! The *Rama* agrees with this as well. Seemingly, why don't we apply *safek berachot lehakel* here too and refrain from repeating? It is true that Maran ruled that he returns, and so did the *Rama*, but let us say *safek berachot lehakel* against Maran! This is proof that within *tefillah*, we do not say *safek berachot lehakel*.

Requesting Dew and Rain

Another proof: Soon, on the 7th of Marcheshvan, we will begin to request dew and rain (*she'elot tal u'matar*). In *Birkat HaShanim* (the blessing for prosperity), one must say “*Veten tal u'matar livrachah*.” If one forgot, there are many detailed laws regarding this. However, if one forgot and remembered in one of the subsequent blessings, the Sages instituted that he can insert it into “*Shema Kolenu*”; before “*Ki Atah shome'a tefillat kol peh*,” he can say “*Veten tal u'matar livrachah al pnei ha'adamah*,” and continue: “*Ki Atah shome'a tefillat kol peh...*” This is explained in the Gemara, that he is not made to return because he can recite it in “*Shome'a Tefillah*.” What is the law if one also forgot in “*Shome'a Tefillah*,” started the next blessing—“*Retzei*”—and suddenly remembered that he did not request dew and rain? There is a dispute among the *Rishonim*: Some *Rishonim* say he returns to “*Shema Kolenu*,” since the Sages said that if he did not say it in “*Barech Alenu*,” he should say it in “*Shema Kolenu*.” In contrast, other *Rishonim* say that the request for dew and rain belongs primarily in *Birkat HaShanim*, and it is only if he did not say it there that they granted him the option to rectify it in “*Shema Kolenu*.”

“Shema Kolenu” Encompasses All Requests

The reason this request may be added in “*Shema Kolenu*” is that all the middle blessings of the *Amidah*, from “*Atah Chonen*” onward, each address a specific petition to *HaKadosh Baruch Hu*. “*Atah chonen le'adam da'at*”—we ask for intellect and wisdom, and so on. The final blessing among the middle blessings is “*Shema Kolenu*,” which is a comprehensive blessing encompassing all petitions. For example, if a person has an ill family member at home and wants to pray for them, he can pray in “*Refa'enu*,” but he can also add a personal prayer in “*Shema Kolenu*.” A person who lacks a livelihood and seeks *parnassah* can request it in the blessing of “*Barech Alenu*” in winter or “*Barchenu*” in summer, and if he wishes, he can also request it in “*Shema Kolenu*.” [Lately, I don't know why, people have started coming to me asking for blessings, and they don't talk about a livelihood, but about wealth! Nothing less! “*Rabbi, bless me that I become rich!*” Master of the Universe, what has happened to them?! How did this become their entire aspiration? They don't ask for Torah or fear of Heaven; they ask to become rich! Nothing more, nothing less. It does not look good that recently the lust for money has become so great; people just want to be rich.] “*Shema Kolenu*” is a comprehensive blessing. Therefore, if a person did not say “*Veten tal u'matar*” in *Birkat HaShanim*, he may say it in “*Shema Kolenu*.”

In Tefillah, We Do Not Say Safek Berachot LeHakel

Several of the *Rishonim* hold that if one did not say it and already continued to the subsequent blessing, we return him to the original place—to the blessing of “*Barech Alenu*”—which is the primary blessing designated for dew and rain. In practice, the *Shulchan Aruch* ruled that he returns to “*Barech Alenu*,” and the *Ben Ish Chai* agrees with this as well. Seemingly, why don't we apply *safek berachot lehakel* here? Since there is a dispute among the *Rishonim*, why not return him only to “*Shema Kolenu*”? Why make him return to “*Barech Alenu*”? Returning him to “*Barech Alenu*” is significant, because he will then have to repeat an entire series of blessings in order! Yet we see that within *tefillah*, it is inapplicable to say *safek berachot lehakel*, because “*woe to me from my inclination, woe to me from my Creator*.” Therefore, the *Shulchan Aruch* ruled that he returns to “*Barech Alenu*,” and we follow the *Shulchan Aruch* in this, because in *tefillah*, we do not say *safek berachot lehakel*.

There are further proofs for this, but there is no need to elaborate here; one could speak about this topic for hours. Whoever wishes to study the subject thoroughly should see what my father wrote in *Yabia Omer*, *Teshuvot Yechaveh Daat*, and his other works, but primarily in *Yabia Omer*, where he explains, brings proofs, and clarifies the subject very thoroughly, demonstrating that one must return to the blessing of “*Hashivah*.”

Erring and Saying “Ha'E-I HaKadosh”

Let us summarize the halachah: If a person erred and said “*Ha'E-I HaKadosh*,” and corrected himself *toch kedei dibbur* (within the time it takes to say the words “*Shalom alecha, rebbi*”), he may continue forward. There are differing opinions regarding *toch kedei dibbur*,

but this is the halachah; it is approximately one second.

If *kedei dibbur* passed, if he paused slightly, or if he already began the next blessing, that already constitutes a departure (*silluk*), and it will not help even within *kedei dibbur*; he must return to the beginning of the *Amidah*. Likewise, if he remembered in one of the subsequent blessings that he said “*Ha'E-I HaKadosh*,” he returns to the beginning of the prayer. This is because the first three blessings are devoted to the praise of *Hashem Yitbarach*; only from “*Atah Chonen*” do the personal petitions begin. Before that, we only praise *HaKadosh Baruch Hu*, as *Chazal* taught: “A person should always set forth the praise of the Omnipresent first, and only then pray” (*Berachot* 32a).

A Shaliach Tzibbur Who Erred

If a *shaliach tzibbur* erred and said “*Ha'E-I HaKadosh*,” if he remembered within *toch kedei dibbur*, he corrects himself immediately. However, if *kedei dibbur* has already passed, there is a major dispute on this topic between my father, Maran zt”l, and the Gaon, Rabbi Shlomo Zalman Auerbach, and the Gaon, Rabbi Ben Tzion Abba Shaul. They hold that a *shaliach tzibbur* also returns to the beginning of the prayer. However, my father's opinion is that he returns only to the beginning of “*Atah Kadosh*.” He brings proof from the *Yerushalmi*, that the recitation of *Kedushah* forms an interruption.

I was once in a place where my father, Maran zt”l, was present, and the *shaliach tzibbur* said “*Ha'E-I HaKadosh*.” Everyone immediately shouted, “*HaMelech HaKadosh!*” He did not understand what happened or what they wanted from him, until he realized he had not said “*HaMelech HaKadosh*.” My father then instructed him to return to “*Atah Kadosh*,” because he had already recited *Kedushah*. And that is how he acted in practice.

The Middle Blessings Have No Order

If one erred regarding “*HaMelech HaMishpat*,” we must know that the Gemara states: “The middle blessings have no order” (*Berachot* 34a). There is a dispute regarding this: Rashi's opinion is that one may recite one blessing before another; one could say “*Al HaTzaddikim*” first and then “*Velamalshinim*,” because they have no mandatory order. However, *Tosafot* disagree with Rashi, and the *Shulchan Aruch* rules like *Tosafot*, that “they have no order” means it is not like the first three blessings. If someone said “*Ha'E-I HaKadosh*,” he returns to the very beginning of the prayer; do not suggest that for the middle blessings one returns to their beginning—“*Atah Chonen*”—since “*Atah Chonen*” begins the middle blessings. Rather, “they have no order” means that he returns to the specific blessing in which he made the mistake. Therefore, if, for example, a person forgot to say “*Teka be'shofar gadol lecherutenu*,” and after “*Mevarech Hashanim*” began “*Hashivah shoftenu kevarishonah*,” and remembered only after continuing through several blessings, he must return to “*Teka be'shofar gadol lecherutenu*,” and then continue through “*Hashivah*,” “*Velamalshinim*,” and all the subsequent blessings in order. The order of the blessings is *le'ikuvah* even in the middle blessings. The only difference is that if he erred in one of the blessings, he returns to the specific blessing in which he erred.

“Haya Le'ayin Machmad Kol Ayin”

Consequently, if one said “*Melech Ohev Tzedakah u'Mishpat*,” remembered *toch kedei dibbur*, corrected himself immediately, and said “*HaMelech HaMishpat*,” that is excellent. By the way, one must be careful to enunciate “*HaMelech HaMishpat*”; there is a *heh* and a *heh*—“*HaMelech*,” “*HaMishpat*.” He is the King and He is the Judgment. “*HaMelech*” has the definite article *heh*, as does “*HaMishpat*.” This is very important. Nowadays, Israelis pronounce the *heh* and the *alef* identically; in fact, *ayin*, *alef*, and *heh* have all become the same to them. Like the line in the *piyyut*: “*Hayah le'ayin machmad kol ayin*”... If a person says “*HaMelech HaMishpat*” with an *alef* instead of a *heh* on “*HaMishpat*,” it carries an improper meaning, and there are *Rishonim* who hold that this invalidates the blessing.

Remembering After Finishing the Tefillah

If one said “*Melech Ohev Tzedakah u'Mishpat*” and remembered *toch kedei dibbur*, we explained that this is fine. But if he remembered after *kedei dibbur*, or if he already began the word “*Velamalshinim*” of the next blessing, here we enter the dispute I mentioned between the *Talmidei Rabbenu Yonah* and the *Shulchan Aruch*. According to Ashkenazim, he continues forward; but according to the custom of the Sepharadim, he must return to the blessing of “*Hashivah*.” He must rectify this blessing. Similarly, if he remembered later on—he continued his prayer and by the time he realized that he had said “*Melech Ohev Tzedakah u'Mishpat*” he was already in “*Modim*” or “*Sim Shalom*”—he must return to the blessing of “*Hashivah*.”

If he finished the prayer—meaning he completed the verse “*Yihyu l'ratzon*” that follows “*Elokai netzor*,” having truly concluded, even if he has not yet taken the three steps backward—according to the *Shulchan Aruch*, he cannot return to “*Hashivah*,” but must return to the beginning of the entire *Amidah*.

In this case, however, my father, Maran zt”l, writes that if such a situation occurred and he completely finished the prayer, he has an opportunity to fulfill his obligation according to all opinions. He should make a stipulation (*tenai*) and say: “If the halachah follows the majority of poskim and the *Shulchan Aruch* that I must repeat the prayer, I am repeating it; but if the halachah follows Rabbenu Yonah and the *Rama* that I do not need to repeat it, I intend to pray a voluntary prayer (*tefillat nedavah*).”

“Lamedeni Chukeycha”

Regarding “*Zochrenu*” and “*Mi Kamocha*,” in all four of these additions, if one omitted them, he does not repeat the prayer. Therefore, if a person did not say “*Zochrenu lechay-*

im," and said "Melech ozer u'moshia u'magen, Baruch Atah," and remembered, he should return and say "Zochrenu lechayim." However, if he said "Baruch Atah Hashem," mentioning the Name of Hashem, he should continue and say "Magen Avraham," and not say "Lamedeni chukecha"; he does not return. The same law applies to "Mi kamocha," "U'chetov lechayim," and "U'bsefer chayim": once he has said "Baruch Atah Hashem," he concludes the blessing and does not return.

"Oseh HaShalom bi'Mromav"

There is one addition that the Arizal added: to say "Oseh HaShalom bi'mromav" (with the definite article *heh*) at the end of the *Amidah*. This enactment to say "Oseh HaShalom" applies at the end of the *Amidah*, in *Kaddish Titkabal*, and also in the *Kaddish* recited after *Selichot*; during the *Aseret Yemei Teshuvah*, we say "Oseh HaShalom." However, in *Kaddish Yehe Shelama* or *Kaddish Al Yisrael*, we do not practice this, but say "Oseh shalom bi'mromav."

"It Is Not Far Off"

It is written in *Parashat Nitzavim*: "For this commandment which I command you this day is not too wondrous for you, nor is it far off. It is not in heaven..." (*Devarim* 30:11-12). The *Ramban* explains that this refers to the mitzvah the Torah speaks of immediately prior: "And you shall return to Hashem your God and obey His voice" (*ibid.* 30:2)—the mitzvah of *teshuvah* (repentance). That is the meaning of "it is not in heaven" to repent. What does "It is not in heaven" teach us about repentance? At first glance, *teshuvah* seems exceedingly difficult. It is certainly no simple matter. Yet the charge against someone who fails to repent is a powerful one.

To understand why, imagine a person driving recklessly until he crashes into a tree. His car overturns, and the accident leaves him paralyzed, Heaven forbid, and confined to a wheelchair. He sits and weeps: "Master of the Universe, I have sinned and transgressed! I regret what I did. I repent! I will never do it again!" But however bitterly he weeps, his remorse cannot undo the injury. The damage has been done.

Or consider someone who commits a crime and is brought before a judge. He weeps and pleads for mercy, expressing sincere regret and promising to change. Perhaps the judge will show some compassion. All too often, however, his pleas fall on deaf ears. As *Kohelet* says, "In the place of justice, there is wickedness" (3:16). His remorse does not spare him punishment.

Yet in our relationship with God, we have been given a precious gift: the opportunity to repent. A person may have sinned and violated even the most serious prohibitions, but he can still do *teshuvah*! Through *teshuvah*, his sins can be erased. And if he repents out of love for God—*teshuvah me'ahava*—his sins can even be transformed into merits (*Yoma* 86b). It is almost beyond comprehension! Having been offered such a precious gift, how can we fail to accept it? Our Sages illustrate this with a parable (*Midrash Kohelet Rabbah* 9:4). A group of prisoners decided to escape. With the help of an expert digger, they quietly dug a tunnel leading beyond the prison walls. One night, they all crawled through the tunnel and fled—all except one. When the warden arrived the next morning and discovered what had happened, he seized the prisoner who had remained behind. "You fool!" he exclaimed. "The way out was open before you! Why didn't you escape?" But surely the prisoner could have answered: "You are punishing me? You should be giving me a medal! I had the chance to escape, but I obeyed the law and stayed here. Why are you angry with me?" The answer is that a person naturally longs for freedom. Confinement goes against human nature. Even house arrest can be difficult to endure. A person may have an entire home in which to move about, eat, and enjoy familiar comforts. He is hardly sitting in a prison cell! Yet even under those conditions, many people find the loss of freedom unbearable. Shlomo HaMelech warned Shimi ben Gera not to leave Yerushalayim, yet he left (*Melachim* 12:36-46). Shlomo promised his father, David HaMelech, that he would put Shimi ben Gera to death; therefore, he told him: "Do not leave Yerushalayim; on the day you leave, your blood shall be upon your own head." Shlomo was so wise; he knew that to be restricted, when told "do not leave," creates an inclination precisely to leave! A person yearns to be a free man. It is fascinating: a person could live in Yerushalayim for twenty years without ever stepping outside the city; but the moment he receives an order not to leave, he suddenly desires to go out!

This is how we must look at *teshuvah*. Why did you not repent?! It is a sign that it is inconvenient for you; you want to continue committing sins! Thus, the complaint against one who does not repent is sevenfold. *HaKadosh Baruch Hu* says: "I gave you an open doorway, how can you not return in repentance?!" On the other hand, a person's habituation to committing sins is a powerful force. *Chazal* say: "Once a person commits a transgression and repeats it, it becomes permitted to him" (*Yoma* 86b).

The Goose Became Accustomed

I once read an article discussing *tza'ar ba'alei chaim* (causing pain to animals) in the force-feeding of geese. It is very interesting: they take a very thin pipe, insert food and various chemicals into it, force open the goose's mouth, push the pipe all the way down into its stomach, and inject the food there. When they do this, the goose shrieks; it is in immense pain. After they finish, it lies as if unconscious, unable to move. It takes several minutes for it to recover. The article reported that on the first day they do this to the goose, they truly have to fight with it until they succeed; it refuses, it shrieks, until they pry open its mouth and insert the pipe. Then again, and again. As time passes, the goose opens its mouth on its own! It shrieks, it hurts! Yet it opens its mouth on its own! It has become accustomed to it. A person commits a sin and repeats it; he becomes accustomed to the sin. It is not that

his soul stops shrieking, weeping, and wailing. The soul cries out: "What are you doing? You are damaging me!" But a state develops where he is so accustomed to it that he even craves it, just like the goose; he opens his mouth, feeling a need for it, because he has become habituated.

Acquiring One's World in a Single Hour

From this, we can understand how difficult it truly is to repent. But on the other hand, what is written, "It is not too wondrous for you, nor is it far off" (*Devarim* 30:11), means that a person simply needs to be strong and accept upon himself. A person has struggles all the time, sometimes good and sometimes bad. One simply needs to resolve and be strong, stubborn with his resolution: "I have accepted upon myself, and I am following through to the end! No games. I decided, and so it shall be."

Look at how many people today make decisions: his wife says one thing and he says another: "I have spoken, and I will not back down!" Come what may, the world can turn upside down, he is stubborn, unwilling to compromise even at a heavy price, destroying all his *shalom bayit*, because he is stubborn. Unfortunately, we see this in many people. You want to be stubborn? Let us see you be stubborn in *avodat Hashem* (the service of Hashem)! Accept upon yourself regarding a specific transgression that you resolve never to do again: "Come what may, the world can turn upside down—I am not returning to this sin!" When that happens, this is true *teshuvah*.

The *Rambam* writes in *Hilchat Teshuvah* (2:2), and Rabbenu Yonah writes at length in *Sefer Sha'arei Teshuvah*, that there are several stages: The very first thing is *azivat hachet* (abandoning the sin), "Until the Knower of secrets will testify about him that he will never return to this sin again"; he will never repeat this iniquity. After that come several stages: regret (*charatah*), weeping, and confession (*viduy*). But if a person passes the first stage and reaches *azivat hachet*, the moment there is genuine abandonment of the sin, all the subsequent stages will follow naturally.

We know of several stories that *Chazal* relate about *ba'alei teshuvah*, such as the account the Gemara tells (*Avodah Zarah* 17a) about Elazar ben Dordya, who was an exceedingly wicked man regarding immorality (*gilui arayot*). Once, there was a terrible sin, and his entire being and thought were consumed with how to commit this transgression. When he arrived at the point of committing the sin, he was suddenly terrified and filled with remorse, and he resolved to return in repentance. He sat, placed his head between his knees, and wept bitterly, crying out: "Mountains and hills, seek mercy for me! Heaven and earth, seek mercy for me!" He pleaded and begged, until ultimately he repented with such complete *teshuvah* that out of immense grief and anguish, his soul departed at that very moment. The Gemara says: Rabbi Yehudah HaNasi wept and said: "There is one who acquires his world in a single hour!"

He acquired his world! He did not have time to fulfill all the procedural stages of repentance, but he had absolute abandonment of sin. This man was so broken over the iniquity he had done that he would never return to that transgression again. He was immediately called a *ba'al teshuvah* and went straight to *Gan Eden*; there is one who acquires his world in a single hour! There are other similar accounts in the words of *Chazal* of those who acquire their world in a single hour.

We too can sit with ourselves and reflect upon several things we have done, where we stumbled, Hashem should protect us, for "there is no righteous man on earth who does good and does not sin" (*Kohelet* 7:20). We must focus on this very first point: *azivat hachet*. Above all, let it be crystal clear that we will not return to this iniquity. That is why the Torah says: "It is not too wondrous for you, nor is it far off; it is not in heaven." It is sufficient for a person to have the strength and a genuine desire, to sit and contemplate, and then he will understand these matters.

Sefer Mesillat Yesharim

I would suggest to anyone who wishes to repent: of course, we have *Sefer Sha'arei Teshuvah* by Rabbenu Yonah, and we have *Hilchat Teshuvah* by the *Rambam*. But if a person wants his repentance to not be fleeting, but to establish a path—a true path in *avodat Hashem*—he should learn *Mesillat Yesharim*. It is an incomparable work that charts the course, opening our eyes to how to serve *HaKadosh Baruch Hu*, what our thought process should be, and in which direction we should direct our minds. Whoever studies *Mesillat Yesharim* should learn each chapter once, twice, three times, and review it. When one finishes learning *Mesillat Yesharim*, he should review *Mesillat Yesharim* again, and once more *Mesillat Yesharim*. That is the way to truly become an incomparable servant of Hashem (*oved Hashem*).

Whoever can should also institute such a practice at home: at the Shabbat table, when all family members are gathered together, one should sit and prepare a short passage from *Mesillat Yesharim*, look for parables, stories, and examples, and deliver a brief *shiur*, even just a few minutes, during the Shabbat meal. This will bring immense benefit to all the members of the family.

With Hashem's help, we hope that we truly awaken to return in repentance, and that we merit to be inscribed and sealed in the Book of Good Life, in the Book of the Righteous and Pious, and in the Book of Sustenance and Good Livelihood. I bless the entire public listening to our *shiur*, as well as the public listening on Radio "Kol Berama," which, *Baruch Hashem*, sounds a resounding voice of Torah and fear of Heaven. May we merit to hear and be informed of good tidings, and may we all merit a *ketivah vechatimah tovah, amen ken yehi ratzon*.