

HILKHOT T'FILLAH 1:07-08 - TEFILLAT NE'ILAH

by Rabbi Yitzchak Etshalom

7. *[following the layout of the three daily T'fillot...] Similarly, they established a T'fillah after T'fillat Minchah just before sunset on a fast day only in order to add supplication and petition on account of the fast. This T'fillah is called **T'fillat Ne'ilah** (lit. "closing"), as if to say that the gates of heaven have closed as the sun has set, since we only recite it just before sunset.*

8. In sum, there are three T'fillot every day: **'Arvit, Shacharit** and **Minchah**. On Shabbatot, Festivals and New Moons [there are] four: The three of every day and **T'fillat haMusafin**. On Yom haKippurim [there are] five: These four and **T'fillat Ne'ilah**.

This shiur is presented in loving memory of R. Yisroel b. Katriel Gross, who returned his soul to his Maker on Sunday night, 24 Adar I of this year. May his memory be a constant blessing for all of us who knew him and may his family be comforted among all of us who mourn for Tziyyon and Yerushalayim. Y'hi Zikh'ro Barukh.

this shiur is largely based on a part of a shiur given by R. Aharon Lichtenstein; however, he has not reviewed this presentation and I have added a few points to the shiur. Any mistakes are my own.

I

INTRODUCTION

During the course of this shiur, we will focus on one aspects of T'fillat Ne'ilah: The time-frame.

This question itself raises two independent areas of inquiry. On what days is Ne'ilah said - and at what time of day is Ne'ilah said? Our major focus will be on the former, with some reference to issues relating to time of day.

TA'ANIT 4:1

Our first encounter with T'fillat Ne'ilah is from the Mishnah in Ta'anit (4:1):

*At three occasions during the year, Kohanim "raise their hands" (i.e. bless the people) four times during the day: At Shacharit (morning T'fillah), Musaf (the additional T'fillah immediately after Shacharit), Mincha (the afternoon T'fillah) and at Ne'ilat Sh'arim (lit. "the closing of the gates" - more on this later). [Those three occasions are:] **Ta'ani'ot** (fast days), **Ma'amadot** (to be explained below) and Yom haKippurim.*

Even though this Mishnah relates to **Birkat Kohanim** (the Kohanic blessing - see Bamidbar [Numbers] 6:22-27), it is clear that in order for there to be Birkat Kohanim, there must be T'fillah. The Yerushalmi in Ta'anit (4:1) states that although there can be T'fillah without Birkat Kohanim, there is no Birkat Kohanim without T'fillah. So, if our Mishnah lists these four times for Birkat Kohanim, there must be the institution of these four T'fillot on these three occasions.

We are only familiar with saying Ne'ilah on Yom haKippurim; however, it is clear from this Mishnah that there are other Ta'anit which have Ne'ilah. The Mishnah states **Ta'anit** separately from Yom haKippurim, implying that Ne'ilah is said on Yom haKippurim not because of its **Ta'anit** aspect (since then it would have been included in the category of Ta'anit - see, however, Rambam at MT T'fillah 1:7-8, where the implication is that Ne'ilah is said on Yom haKippurim specifically on account of the Ta'anit aspect), rather due to something else (which we will explore later) and it would have been said even if Yom haKippurim were not a fast day.

II

THREE TYPES OF TA'ANIT

Which Ta'anit have a T'fillat Ne'ilah? There are, generally speaking, three types of Ta'anit:

1. *Geshem (fasting for rain)*
2. *Tzarah (fasting to avert a calamity) and*
3. *Zikaron (commemorative).*

TA'ANIOT GESHEM

In Massechet Ta'anit, the central type of fast mentioned is a Ta'anit Geshem. There are three "sets" of Ta'anit Geshem found in the Mishnah (see M. Ta'anit 1:4-7):

4. *The first (earliest in the drought season) involves three fasts during which only the **Y'chidim** (special individuals - see our shiur at K'riat Sh'ma 4:7 on this topic) fast.*
5. *The second set involves another three fasts which are incumbent on the community - known*

as a **Ta'anit Tzibbur**. These fasts are not as stringent as the final set.
6. The final set is seven fasts which are the classic Ta'anit Tzibbur with all that implies - including a dusk-to-dusk fast, no business etc.

TA'ANIT "AL HATZARAH"

Besides the system of Ta'anot Geshem, there are occasional fasts declared to avert a disaster - **Ta'anit al haTzarah**. Rambam (MT Ta'anot 1:1) cites the verse in Bamidbar 10 to support the notion that it is a Mitzvat 'Aseh from the Torah to call out to God anytime when danger looms. In 1:4, he explains that the Rabbinic format for this Mitzvah includes fasting. Unlike the system of Ta'anot Geshem, these fasts have no calendar-control; they are not "planned" on a twice-weekly rhythm. Rather, they are declared whenever such a danger as warrants prayer and fasting (e.g. plague, war) looms over the community. It would seem that when our Mishnah lists "Ta'anot" among those occasions which warrant T'fillat Ne'ilah, it implies these fasts.

Although it would seem that Ta'anot Geshem should be a subset of Ta'anit al haTzarah, we see from Rambam's organization of Hilkhos Ta'anot that that is not necessarily the case. Ta'anot Geshem evidently have an independent standing within the matrix of fasting (see Shiurim l'Zekher Aba Mari z"l vol. I, pp. 179-180).

COMMEMORATIVE FAST DAYS

Besides Ta'anot Geshem and Ta'anot al Tzarah, there is a third category of fast days: The four fasts (Tishri 3, Tevet 10, Tamuz 17 and Menachem Av 9 - **Tish'ah b'Av**) which are commemorative of the destruction of Yerushalayim.

The Gemara gives us no indication as to which of these Ta'anot include a T'fillat Ne'ilah and which do not.

The Gemara does, however, give us some information about one of these categories. In Pesachim (54b), R. Yohanan is quoted as saying that Tish'ah b'Av is not a **Ta'anit Tzibbur**. The Gemara suggests several implications of this statement - and concludes that there is no T'fillat Ne'ilah on Tish'ah b'Av. This is the Halakhic ruling (see MT T'fillah 14:2). We will investigate this exception further on.

What about the other fasts (Geshem and Tzarah)?

III

RAMBAM'S APPROACH

From Rambam, it seems that all fasts (besides the commemorative ones) should include T'fillat Ne'ilah. We see this in our Halakhah:

Similarly, they established a T'fillah after T'fillat Minchah just before sunset on a fast day only in order to add supplication and petition on account of the fast.

This does indicate that any fast includes Ne'ilah. Although the next Halakhah - cited above - seems to contradict this, as Rambam leaves out fast days besides Yom haKippurim. It seems, however, that Rambam is just listing consistent T'fillot which take place on set days without fail.

RAN'S APPROACH

Rabbenu Nissim (Ran), at the beginning of the fourth chapter of Ta'anit, investigates our question. His inquiry is limited to the various steps of Ta'aniot Geshem - the first three, the middle three and the final seven. The Ran takes it for granted that Ne'ilah is said at the final stage; he questions the propriety of saying Ne'ilah at either the middle or first stages.

One word of introduction to the considerations about the middle stage: The Mishnah (Ta'anit 2:1) rules that on fast days the regular liturgy of T'fillah (originally 18 B'rakhot) is expanded to include six additional B'rakhot related to the fast. The Gemara (BT Ta'anit 13b) records a debate about these six B'rakhot and when they should be added; everyone agrees that they are added during the final stage of fasting, but there is a dispute about saying them during the middle stage.

Ran suggests that even according to the opinion that the six B'rakhot are not added during the middle stage, Ne'ilah should still be said. His argument is *e silentio* ; since the Gemara did not explicitly mention Ne'ilah as a difference between the middle and final stages (and did mention, following the Mishnah at the end of Ch. 1, other distinctions). Although he later brings support for the opposing view, he seems to prefer the position that Ne'ilah should be said during the middle stage.

The Ran then questions the status of the first stage. On the one hand, he argues, only individuals fast on these days, therefore there should be no Ne'ilah said then (more on this later). On the other hand, he argues (in the name of some anonymous authorities) that even the first stage should include Ne'ilah by *Kal vaHomer* reasoning, as follows: Since Ne'ilah is said during the fasts of Ma'amadot (see next paragraph), how much more so that it should be said during the first stage of Ta'aniot Geshem.

*Ma'amadot: The Torah obligates the community to offer up a morning and evening offering in the Beit HaMikdash. Based on the general rule that **Ein Korbano shel Adam Karev Ela Im Kein Omed Al Gabav** (a person's offering may not be brought unless he is standing over it), the Rabbis instituted Ma'amadot which involve a group of Yisra'elim convening in a nearby*

town and praying and fasting for the Sunday through Thursday of one week. This was done in a rotation. Ne'ilah was said on these fast days as we see in our Mishnah.]

The Ran concludes that all Ta'aniot Tzibbur must include T'fillat Ne'ilah except for the 4 commemorative fasts. (As mentioned before, we will discuss the reasoning for this exception further on.) In his investigation, Ran suggests (as mentioned above) that the issue of saying Ne'ilah during the middle stage of Ta'aniot Geshem might depend on the debate about adding the six B'rakhot to the liturgy on those days - but he doesn't explain the reason for this connection.

In order to find an explanation for this, we have to turn to the Yerushalmi.

IV

THE YERUSHALMI

The Yerushalmi (JT Ta'anit 4:1) states:

*What is the source for Ne'ilah? - R. Levi said: "Even if you say a lot of T'fillah, I will not hearken" (Yeshaya [Isaiah] 1:15) (implying that more T'fillah is impactful - and Yeshaya's message is that the people were so far from God that even if they add more T'fillah, God would still not pay heed to them) - from here, we learn that anyone who says a lot of T'fillah is answered. R. Levi's statement contradicts another statement of his [the Yerushalmi quotes a verse which indicates that increased T'fillah is harmful, upon which R. Levi comments that this is why Sh'muel died at the early age of 52, on account of his mother's (Hanna's) increased supplication before she conceived him.] One rule holds for the individual (extra T'fillah is harmful) and another rule holds for the **Tzibbur** (increased T'fillah is heeded). IR. Yohanan is quoted as disputing this interpretation of Hanna's extra supplication which he understands to have been heeded]*

From this passage we learn two things:

7. The essence of Ne'ilah is "increased T'fillah" (**Ribui T'fillah**). From this perspective, Ne'ilah is different from other T'fillot. Other T'fillot correspond with other events (e.g. Korbanot); whereas Ne'ilah is simply the notion of Ribui T'fillah.
8. [According to R. Levi] we also learn that this notion of Ribui T'fillah is only valid for the Tzibbur, not the individual. This seems to be the point which R. Yohanan challenges - maintaining that Hanna's (an individual) extra T'fillah was heeded.

The upshot is that according R. Levi, the entire issue of T'fillat Ne'ilah and its propriety on a given day depends on the measure of **Tzibbur** of that day.

V

T'FILLAT YAHID AND T'FILLAT TZIBBUR

The reason for limiting the individual's supplication (**T'fillat Yahid**) - but not praise or thanks - see MT B'rakhot 10:26, where Rambam maintains that a person should always call out to God when in need, but ends off the Halakhah by stating that the more that someone praises and thanks God, this is praiseworthy. When it comes to supplication, Rambam seems to feel that there is no carte blanche for the individual, whereas praise and thanks to God know no bounds.

The Tzibbur, on the other hand, is in a different league. For instance, the Gemara (Sotah 33a) notes that an individual is limited as to what languages he can use for T'fillah, whereas the Tzibbur is not limited in this fashion. Rambam, in his description of T'fillat Tzibbur (MT T'fillah 8:1), points out the greater power accorded to communal T'fillah. The Gemara in Yevamot (59b) makes a similar distinction; that God hears the individual's T'fillah only at set times, but whenever the Tzibbur calls out to God, He listens. (In reconciling the verse in Devarim that God hears us whenever we call and the verse in Yeshaya that we should seek God "when He is found".)

In summary, R. Levi would maintain that Ne'ilah should be said whenever the day carries a Tzibbur aspect. Ne'ilah is, then, different from other T'fillot. Even though all T'fillot have a Tzibbur aspect (and are most effective when said with the Tzibbur), they are all essentially individual obligations. Ne'ilah, on the other hand, is basically a communal obligation. Even an individual who says Ne'ilah alone (e.g. someone who is sick on Yom haKippurim and cannot attend synagogue), is saying it as a communal obligation - he is simply part of the community.

Now, when we look at the Ran's question about the various stages of Ta'aniot Geshem, we can resolve it by looking for the Tzibbur aspect of each of these days. As the Ran says, the final stage (the last seven fasts) are "pure" Ta'aniot Tzibbur. The question regarding the middle stage revolves around this very point - to what extent are these earlier fasts to be considered Ta'aniot Tzibbur. It is possible that even though the community fasts on the days of the middle stage, they may not be Ta'aniot Tzibbur - as much as individual obligations being fulfilled by a lot of people.

The Gemara in Pesachim (ibid) states that Tish'a b'Av is not a Ta'anit Tzibbur - that there is no T'fillat Ne'ilah. R. David (ad loc.) explains that Ne'ilah was only established to be said on days where the focus is T'fillah; the four fasts (Tish'a b'Av, Tishri 3, Tevet 10, Tamuz 17) were established for mourning.

R. David's explanation is a bit difficult within the wording of the Gemara - that that which

distinguishes Tish'a b'Av from other fasts is the community aspect, not the motif.

Rambam (compare the beginning of Hilkhot Ta'anot with the beginning of Chapter 5 *ibid*) seems to blur the distinction between the motif of Ta'anot al haTzarah and commemorative fasts (e.g. Tish'a b'Av).

R. Lichtenstein suggests another explanation: Ta'anot Tzibbur are fast days called because the whole community is under threat (war, drought etc.) - which is not the case with the commemorative fasts. Even though we are commemorating a public tragedy (the destruction of the Beit haMikdash), the obligation of the day is essentially a private one that applies to us as individuals. In this light, we understand why Ne'ilah has no place on Tish'a b'Av - because the communal aspect is not central to the day.

VI

BACK TO THE RAN

Now we can return to the Ran's inquiry about the first and middle stages of Ta'anot Geshem.

The Mishnah (Ta'anit 1:6) rules that the difference between the middle and final stage is the sounding of the shofar and the closing of business. This can be understood in two ways: That besides these two laws, the days are virtually identical and the middle stage is equally Tzibbur-driven as is the final stage. On the other hand, the fact that the final stage includes stringencies not found earlier may indicate that the community aspect is more intense - the closing of businesses implies a community that is totally focussed on the impending disaster, unlike earlier when they could still work.

Ran suggests that the Tzibbur aspect may depend on the addition of the six B'rakhot (see above) - or even without them, the middle stage may be a fully Tzibbur experience, as above.

Ran then moves on to the issue of the first stage of fasts. Why would he even think that a fast specifically undertaken by individuals would include Ne'ilah? Ran suggests that Ma'amadot serve as a possible obstacle - but this is itself a bit odd. The whole purpose of Ma'amadot is to serve as representatives of the community; why should it matter that the issue which drives Ta'anot is more severe?

We have to raise a basic question about the first stage of fasts. Are these purely Ta'anot Yahid (individual fasts), where those individuals who are most called to pray and fast do so? Perhaps not. These individuals are not fasting and praying for their own impending tragedy - they are suffering no more than the average person; they are just more sensitive to the needs of the Tzibbur and "volunteer" to fast for the whole community at the earlier opportunity.

Therefore, we can certainly ask about the nature of these days - are they essentially individual fasts (where Ne'ilah would not belong) or are they Ta'aniot Tzibbur undertaken by the exemplary members of that Tzibbur (not dissimilar from Ma'amadot).

This entire inquiry follows the approach of R. Levi in the Yerushalmi. What about R. Yohanan? Does he maintain that Ne'ilah belongs in the realm of T'fillat Yahid; or does he agree that Ne'ilah is essentially a T'fillat Tzibbur and he just disagrees about the more basic point of the permissibility of adding supplication by the individual?

In Pesachim (ibid), in following up on the statement that Tish'a b'Av has no T'fillat Ne'ilah, raises an objection in the name of R. Yohanan, who is quoted as saying "It would be fine if a person said T'fillah all day". The Gemara resolves this by saying "one refers to obligatory T'fillah (our ruling about Tish'a b'Av) and the other (R. Yohanan) refers to voluntary T'fillah. In other words, we are not trying to decide whether a person may add T'fillot - the question is simply whether he must.

Let's look at R. Yohanan's statement - what does he mean by saying that a person may say T'fillah all day? We would assume that he means that a person may say the regular T'fillot. Why is the Gemara asking about Tish'a b'Av? He should be able to say an extra T'fillah anyway.

In Berakhot 21a, Rashi explains that R. Yohanan means to say that an extra T'fillah does not constitute a violation of saying a blessing in vain. Here in Pesachim, on the other hand, the question is not whether a person may an extra T'fillah - rather, to say Ne'ilah qua Ne'ilah. The question is as follows: Since the whole idea of Ne'ilah is Ribui T'fillah, we are asking if he may say a T'fillat Ne'ilah.

In summary, R. Yohanan maintains that a person may even say an extra T'fillah - even Ne'ilah.

VII

POSTSCRIPT: YOM HAKIPPURIM

Along with Ta'aniot and Ma'amadot (which are both essentially Tzibbur-driven days, as explained above), Yom haKippurim is mentioned as a day of Ne'ilah. Yom haKippurim certainly has individual aspects; however, unlike Rosh haShanah (which is a day of judgement of each individual), it is basically a day of communal atonement (see Vayyikra [Leviticus] 16:30).

now, to the questions:

- Q1: Why did they add a T'fillah specifically on a fast day?

JHJoseph Harrar (harrar@pratique.fr):

First we have to distinguish between fasts . There are three types of fasts :

9. One and only one is a **de-Orayta** fast and it is Yom haKippurim: **V'initem et nafshoteikhem** (Bamidbar [Numbers] 29:7), you will afflict yourselves;
10. Then we have the four fasts of 3rd of Tishri (Gedalia), 10th of Tevet, 17th of Tammuz and 9th of Av which commemorate national tragedies. We can add **Ta'anit Esther** (the Fast of Esther), and **Ta'anit B'khorot** (the Fast of the Firstborn) on 'Erev Pessach.
11. and finally, the fasts which the Beit Din decrees in case of a calamity which is going to happen (no rains in Eretz Yisrael, famine, military invasion). Cf TB Taanit.

In the case of Yom haKippurim or for a fast which the Beit Din decrees, we are saying T'fillot either for the atonement of our sins or to stop the **magefa** (calamity) which is threatening us. And it is said that the more we say Tefillot, the more we have chances to be heard by God. So a supplemental T'fillah is added and it is the T'fillat Ne'ilah.

YE Yitz Etshalom (rebyitz@torah.org):
See shiur above.

- Q2: Which type of fast day generates a T'fillat Ne'ilah?

JH: From question 1, Yom haKippurim and fasts decreed by the Rabbis generate a T'fillat Ne'ilah because we are imploring God.

YE: See the shiur above.

- Q3: Why do we only say Ne'ilah on Yom haKippurim and not on other fasts?

JH: I think that there is a T'fillat Ne'ilah when someone asks for something. On Yom haKippurim, to atone for our sins, and on on fasts which the Beit Din decrees to avoid a threatening calamity. But I think that there are no more fasts that a Beit Din decrees, so there is a T'fillat Ne'ilah only on Yom haKippurim. Fasts like Tish'ah b'Av are fasts of mourning to remember the tragedies which happened to our people (destruction of the First and Second Beit haMikdash on Tish'ah b'Av, idol brought inside the Beit haMikdash etc.. - described in TB Ta'anit 26b).

YE: See MT Ta'anit 5:1 - Rambam seems to understand that we are also asking for something on "commemorative" fast days. See the shiur above.

- Q4: Why is this T'fillah said just before sunset, leading to the name "Ne'ilah"?

JH: The name of T'fillat Ne'ilah comes from Ne'ilat Che'arim : the closing of the doors of the Beth haMikdache and the closing of the doors of heaven. T'fillat Ne'ilah on Yom haKippurim begins with the sunset, when the sun is over the trees' summit and ends at nightfall. It marks the end of the period which began on Roch haShana and during which all of us are judged for what we did during the preceeding year. During this period we ask to be written down in the Book of Life (*nikatev besefer ha'hayim*). The final decision of the Heavenly Court occurs during the Ne'ilah period and

then, everybody asks to be **ne'htam** (sealed) in the Book of Life for the upcoming year. From there comes the wish we exchange: **'Hatima Tova!**