

"Halacha Sources" Highlights - Differing Dates for Starting Selichos

Question: What's behind the *Ashkenazi minhag* to start saying *selichos* weeks later than *Sefardim* do?

Answer: Indeed, the fact that *Sefardim* begin saying *selichos* at the beginning of the month of Elul [*Shulchan Aruch* O.C. 581:1] seems more straightforward to understand - just as this is the time we begin to blow *shofar* (as explained in a previous "Highlight"), and the *Ashkenazi* starting time of "immediately following the Shabbos which is five to eleven days before *Rosh HaShanah*" [ibid.] seems strange in comparison. However, the *Gra* [R. Eliyahu of Vilna, Lithuania, 1720-1797, also known as the Vilna Gaon, commentary ibid.] sets forth a fascinating explanation of the two times based on the *Ran* in *Rosh HaShanah*, which we can study in three steps:

- (1) The sources (in the words of the Sages) quoted by the *Ran* in his analysis,
- (2) The analysis of the *Ran* of why the Judgment is on *Rosh HaShanah* (and when to "rise"),
- (3) How the *Gra* fleshes out the *Ran*'s analysis to fully answer our question.

Part 1: The Sources (in the words of the Sages) Quoted by the *Ran* in his Analysis

The *Ran* [*Rabbeinu* Nissim ben Reuven, Spain, ~1320 - ~1380, 3a of his commentary to *Rosh HaShanah*] discusses a **story**, a **disagreement**, a **Midrash**, and a **sugya**:

- (1) **The story** [to which our *Ran* makes casual reference] is related in the Midrash [*Seder Olam* 6, text as cited by the Rashbam (*Bava Basra* 121a), and similarly by Tosafos (*Bava Kamma* 82a)]:

Moshe went up [on Mount Sinai] to receive the first luchos ["tablets"], and he came down on the seventeenth of [the month of] Tammuz - i.e. after forty days. He went up [again] on the eighteenth and prayed for mercy concerning the sin of the golden calf, "forty days and forty nights," and at that time HaKadosh Baruch Hu was appeased towards Israel and said to Moshe, "Fashion two stone luchos like the first ones," and he went down on the twenty-eighth of [the month of] Av and fashioned two stone luchos, and [then] he went [back] up on the twenty-ninth, and spent another forty days [there] from the thirtieth of Av [i.e. the "first day" of Rosh Chodesh Elul - see previous "Highlight"] until the tenth of [the month of] Tishrei - i.e. Yom Kippur - when Hashem was "joyfully [i.e. completely] appeased" towards Israel.

- (2) **The disagreement** is in a Baraisa (*Rosh HaShanah* 10b-11a), and is discussed in two Gemaras (ibid. 12a and 27a):

The Baraisa says: R' Eliezer said [that] the world was created in [the month of] Tishrei, [etc.]; R' Yehoshua said [that] the world was created in [the month of] Nissan.

The first Gemara says (quoting a Baraisa) that "the Jewish Sages" make their practical calculations regarding the "tekufah" (i.e. the calendar as per the solar "seasons" - see "Halacha Sources" on "Birkas HaChamah") "in accordance with [the position of] R' Yehoshua."

The second Gemara says (quoting Rav Shmuel bar Yitzchak) that when we say in our Rosh HaShanah prayer service, "Today is the day of the beginning of Your works," this is "in accordance with [the position of] R' Eliezer."

(3) **The Midrash** (*Pesikta deRav Kahana* 23, *Vayikra Rabbah* 29:1) expands *one side* of "the disagreement":

*R' Eliezer taught: **The creation of the world was [begun] on the twenty-fifth of [the month of] Elul.** On "Rosh HaShanah" Man was created [and this is what was just described as "the beginning of Your works" (*Ran*)]: in the first hour he was "conceived of", in the second He "consulted" the angels, in the third He gathered his dirt, in the fourth He mixed it [with water], in the fifth He "outlined" him, in the sixth He formed his [lifeless] body, in the seventh He injected the soul into him, in the eighth He brought him into the Garden of Eden, in the ninth he was commanded - in the tenth he failed, in the eleventh he was judged - in the twelfth he emerged with [a judgment of] mercy. HaKadosh Baruch Hu said to him: "This is a sign for your children: Just as you came before Me in judgment on this day and you emerged with [a judgment of] mercy, **so too will your children come before Me in judgment on this day in the future and emerge with [a judgment of] mercy!**"*

(4) **The sugya** is the Mishnah in *Rosh HaShanah* (16a), and the Baraisa (brought by the Gemara there) explaining it:

*The Mishnah says: The world is judged in four segments: On Pesach [the world is judged] concerning the grain, on Shavu'os concerning tree fruits, **on Rosh HaShanah all citizens of the world pass before Him [in judgment]**, and on Sukkos [the world] is judged concerning water.*

*R' Yehudah explained in the name of R' Akiva: **Pesach is a [significant] time with respect to grain;** therefore, HaKadosh Baruch Hu said, "Bring the 'omer' offering before Me on Pesach, so that the grain in the fields be blessed for you." **Shavu'os is a [significant] time with respect to tree fruits;** therefore, HaKadosh Baruch Hu said, "Bring the 'two breads' before Me on Shavu'os, so that the tree fruits be blessed for you." [And similarly,] HaKadosh Baruch Hu said, "Pour [the] water [libation] **on Sukkos, so that the [upcoming] annual rainfall be blessed for you.**"*

Part 2: The Analysis of the *Ran* of Why the Judgment is on *Rosh Hashanah* (and when to "rise early")

The *Ran* points out that "the *sugya*" does *not* directly explain why *Rosh HaShanah* is an appropriate time of the year for judgment. He says that "the Midrash" supplies an answer - parallel to the Creation and the sin and judgment of the first Man - but this only fits the position of R' Eliezer (in "the disagreement") that the world "was created" (i.e. was completed) in Tishrei. To explain according to R' Yehoshua, the *Ran* gives the following reasoning: Hashem wishes our judgement to be favorable, and [accordingly] He chose for the judgment a time established as one of forgiveness and atonement, i.e. the period of *Yom Kippur* when He finally "was appeased towards Israel" (as in "the story" above), for so too in all generations has that day

been established for forgiveness; and accordingly the average person is given from *Rosh HaShanah* until *Yom Kippur* "to examine their deeds and return to Hashem" before the sealing of their judgment, "and perhaps" (says the *Ran*) "*HaKadosh Baruch Hu* was appeased toward Moshe [and Israel]" (at the end of "the story") "*beginning from Rosh HaShanah and from then until He was totally appeased on Yom Kippur.*"

The *Ran* explains that either approach can be defended as being the one to follow in Halacha, because (as presented in "the disagreement") each side has a Gemara which seems to support following it in practice (and the *Ran* says that either proof *can* be deflected in favor of the other).

Finally, the *Ran* applies all the above, by saying that following the first approach (and R' Eliezer), the *minhag* in some areas was to begin to "rise early" [i.e. for special prayer] on the twenty-fifth of Elul. On the other hand, in other places the *minhag* was to begin on the *first* of Elul - when the final forty days of appeasement in "the story" begin (i.e. following the second approach and R' Yehoshua).

Part 3: How the *Gra* Fleshes Out the *Ran's* Analysis to Fully Answer Our Question

The *Gra* says that the Ashkenazi *minhag* essentially follows the *Ran's* approach according to R' Eliezer (i.e. linking *Rosh HaShanah* and *selichos* to Creation), except that *a universal day of the week* was preferred for beginning *selichos*, and accordingly the focus must be Sunday (the *day of the week* on which the Creation was begun) and not the calendar date of the twenty-fifth of Elul.

As for why to necessitate at least four days before *Rosh HaShanah*, the *Gra* provides two explanations: (a) this way we parallel the six days of the Creation week (counting the second day of *Rosh HaShanah*) which led up to the original "emergence with mercy", (b) to fit together with the *minhag* (cited by the *Rema* *ibid.*) of ten days of fasting for repentance (of which only six can be fulfilled after *Rosh HaShanah*, since of the seven days between *Rosh HaShanah* and *Yom Kippur* - one is Shabbos - and the day before *Yom Kippur* one also may not fast), requiring setting aside at least four "days of repentance" *beforehand* [see the *Mishnah Berurah* for a third explanation of this point, based on us "becoming an offering" which calls for four days of "avoiding all blemishes"].

In contrast with all this, concludes the *Gra*, the Sefardi *minhag* follows the *Ran's* approach according to R' Yehoshua, i.e. linking *Rosh HaShanah* and *selichos* to the days of appeasement which began at the beginning of Elul, as explained above.

[Note: There used to be a *third* version of when to say *selichos* (mentioned by the *Ran*, and by the Tur O.C. 581 as in the name of the Gaonim): during the "intermediate days" between *Rosh HaShanah* and *Yom Kippur*. It should be apparent from our discussion that this can fit *either* position about when the world was created.]

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