

RECITING ON YOM KIPPUR - ONCE OR TWICE?

The basis for an individual reciting **וידוי** as part of his silent **עשרה** during **תפלת** **שמונה עשרה** is the following:

תלמוד בבלי מסכת יומא דף פז ע"ב - תנו רבנן: מצות וידוי ערב יום הכפורים עם השכה. אבל אמרו חכמים: יתודה קודם שיאכל וישתה, שמא תטרף דעתו בסעודה. ואף על פי שהתודה קודם שאכל ושתה, מתודה לאחר שיאכל וישתה, שמא אירע דבר קלקלה בסעודה. ואף על פי שהתודה ערבית, יתודה שחרית; שחרית, יתודה במוסף; במוסף, יתודה במנחה; במנחה, יתודה בנעילה.

Translation: Our Rabbis taught: The obligation of expressing contrition begins on the eve of Yom Kippur, as it grows dark. Nevertheless, our Sages declared: a person should express his contrition before he eats and drinks in case he becomes upset during the course of the meal. Although he has expressed his contrition before eating and drinking, he should do so again after having eaten and drunk because perchance something went wrong during the course of the meal. And although he has expressed his contrition during the evening prayer, he should do so again during the morning prayer; and although he has expressed his contrition during the morning prayer, he should do so again during the Mussaf prayer. And although he expressed his contrition during the Mussaf prayer, he should do so again during the afternoon prayer; and although he had done so in the afternoon prayer, he should confess again in the Ne'ilah prayer.

The **תוספתא** presents the same requirement but adds some wording:

תוספתא מסכת יומא (כפורים) (ליברמן) פרק ד, הלכה י"ד - מצות וידוי ערב יום הכפורים עם השיכה אבל אמרו חכמים מתודה ארן קודם שיאכל וישתה שמא תטרף דעתו בתוך אכיל' ושתיה ואף על פי שהתודה קודם שיאכל וישתה צריך שיתודה לאחר אכילה ושתיה שמא אירע דבר קלקלה בסעודה ואף על פי שהתודה לאחר אכילה ושתיה צריך שיתודה ערבית ואף על פי שהתודה ערבית ואף על פי שהתודה שחרית ואף על פי שהתודה שחרית צריך שיתודה במוסף ואף על פי שהתודה במוסף צריך שיתוד' במנחה ואף על פי שהתודה במנחה צריך שיתודה בנעילה שמא אירע בו דבר קלקלה כל היום כולו.

Translation: Our Rabbis taught: The obligation of expressing contrition begins on the eve of the Day of Atonement, as it grows dark. Nevertheless, our Sages declared: He should express his contrition before he eats and drinks, lest he become upset during the course of the meal. And although he expressed his contrition before eating and drinking, he should express his contrition again after having eaten and drunk, because perchance something went wrong during the course of the meal. And although he has expressed his contrition after having eaten and drunk, he should do so again during the evening prayer. And although he has expressed his contrition during the evening prayer, he should do so again during the morning prayer; and although he has expressed his contrition during the morning prayer, he should do so again during the Mussaf prayer. And although he expressed his contrition during the Mussaf service, he should do so again during the afternoon prayer; and although he had done so in the afternoon prayer, he should expressed his contrition again in the Ne'ilah prayer in case he has done something wrong during the course of the day.

The **ראשונים** debate which text represents the authentic one; the version found in the **גמרא** or the one found in the **תוספתא**. The following source expresses the opinion that the text of the **תוספתא** is in error:

תוספות ישנים מסכת יומא דף פז' עמ' ב'—והכ"א צריך שיתודה קודם אכילה כו'. ובתוספתא (פ"ד) גרס שיתודה אחר אכילה ושתיה ואף על גב שהתודה אחר אכילה ושתיה יתודה ערבית כו' וידוי יתירא זה לא מצינו אותו בתלמוד, ושמא טעות סופר הוא לשם. ובה"ג גרס כן אבל אמרו חכמים מתודה קודם אכילה ושתיה שמא יארע דבר קלקלה בסעודה ואף על פי שהתודה קודם אכילה ושתיה יתודה אחר אכילה ושתיה שמא תטרף דעתו עליו ואף על פי שהתודה ערבית כו' ונראה כי הגירסא שם הוא בשיבוש וצ"ע באחרות.

Translation: Our Sages say that he should express his contrition before having his meal on Yom Kippur eve. In the Tosefta (Chapter 4) this rule is stated as follows: it is necessary to express contrition after eating the meal on Yom Kippur eve and although he expressed his contrition after the meal, he still expresses his contrition again as part of Tefilas Arvis, etc. This extra expression of contrition, the one that follows the meal, is not referred to in the Talmud and perhaps represents an error that entered the text during transcription. The book: Hilchos Gedolos includes the version found in the Tosefta. Nevertheless it appears to me that the version found in the Tosefta is in error. To be sure, it would be necessary to examine additional handwritten copies of the Tosefta.

The following expresses the opinion that the text found in the **תוספתא** is the accurate text:

חידושי הרמב"ן מסכת יומא דף פז' עמ' ב'—נראה לפי דקדוק הלשון הזה שאין הוידוי שהוא מתודה לאחר אכילה בתפילת ערבית, מדלא קתני ואף על פי שהתודה קודם שיאכל וישתה מתודה ערבית וכדקתני ואף על פי שהתודה ערבית, ועוד הא (ד) קתני דמצות וידוי ערב יוה"כ הוא עם השיכה דהיינו לאחר שיאכל וישתה אלא שהקדימו לו חכמים להתודות קודם שיאכל משום שמא תטרף דעתו בסעודה, ועלה קאמר שאע"פ שהצריכו לו להקדים ולהתודות, עיקר הוידוי לא הפסיד את מקומו וצריך להתודות לאחר שאכל ושתה דהיינו עם השיכה, ואלו ערבית לא מיקרי לאחר שאכל ושתה דלאו סמוך לאכילה הוא, ותפלת ערבית שמה עלה.

Translation: It appears to me that the correct understanding of the wording is as follows: the expression of contrition that should follow the meal is not the one that is part of Tefilas Arvis. Otherwise, the rule would have been stated as follows: although he expressed his contrition before the meal, he still has to express his contrition as part of Tefilas Arvis. Instead it is written: although he expressed his contrition as part of Tefilas Arvis. In addition, the excerpt opens with the statement that it is a Mitzvah to express contrition as the sky darkens on Yom Kippur eve. That means after eating. Nevertheless, our Sages added one more opportunity to express contrition; i.e. before he eats his meal on Yom Kippur eve. That additional expression of contrition was not meant to lessen the requirement to express contrition as the sky darkens on Yom Kippur eve. Its purpose was to add an additional opportunity to express contrition in case an unexpected event occurs to the person during his meal. None of that lessened the requirement to express contrition just as the sky darkens on Yom Kippur Eve. It is therefore necessary to express contrition one additional time after eating which is as the time that the sky darkens. The term Arvis used in the excerpt

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was not meant to be defined as after eating or the time the sky darkens on Yom Kippur eve. The definition of Arvis is well known. It represents the prayer that is said after the sky has darkened.

The מצות וידוי ערב: נמרא תוספתא appears to be clarifying the opening statement of the מצות וידוי just before יום הכפורים עם השכה; that there is an independent obligation to recite וידוי just before יום כיפור begins. That appears to be an additional requirement beyond the obligation to recite וידוי before eating the meal on ערב יום כיפור. I learned that such an obligation may exist from what my Rebbe, Rabbi Isaiah Wohlgemuth, z"l, writes on pages 303-304 of his book: A Guide to Jewish Prayer:

The beraisa also tells us that the proper way to accomplish this commandment of Vidui on Erev Yom Kippur is עם השכה. Rashi interprets עם השכה as after one has eaten and has already begun the observance of the fast day. This means that there should be another Vidui when Erev Yom Kippur becomes Yom Kippur, as the Torah says כי ביום הזה יכפר עליכם לטהר אתכם מכל הטאתיכם לפני ה' תטהרו ("because on that day you will receive atonement to become absolved from all your sins; you will be pure before G-d"). The verse has been interpreted to mean that we ought to start the day of Yom Kippur in purity.

It has been the custom of many Jews, as they prepare for Kol Nidre, to say a prayer that contains all the ingredients of Vidui. In recent years this custom has been forgotten because many Machzorim (Holy Day prayer books) did not print it. For this reason Rav Soloveitchik required that before Kol Nidre the congregation¹ rise to recite Vidui together. This is done to carry out the obligation of Vidui after one has eaten and already begun the observance of the fast day. Now Machzorim are again including it. Each Jew can prepare himself for the sanctity of Yom Kippur by expressing the important sentiments brought out in this prayer.

The Encyclopedia Ha"Talmudit provides a concise summary of the issues:

אנציקלופדיה תלמודית כרך יא, [ודוי] טור תלא- "עם השכה" שאמרו שהוא זמן מצות וידוי בערב יום הכפורים, פירושו בערבית, משקידש היום, ואחר שיאכל וישתה שאמרו שצריך שיתודה, היינו בתפלת ערבית, שעיקר זמן הודוי הוא בתחילת זמן הכפרה ולא קודם לה. ויש מן הראשונים חולק וסובר שעיקר מצות וידוי של ערב יום הכפורים הוא קודם יום הכפורים, כדי שיכנס ליום בתשובה, וזהו "עם השכה" שאמרו, היינו סמוך ליום עצמו, כדי שלא תהא שהות לחטוא בין הודוי והיום, אבל חששו חכמים שמא תיטרף דעתו בסעודה ותמנענו שיכרותו מן הודוי ולפיכך החמירו עליו להתודות קודם אכילה, אבל עיקר הודוי לא הפסיד את מקומו, ולכן אף שהתודה קודם אכילה חוזר ומתודה בזמנו עם השכה סמוך ליום עצמו, ואף על פי שהתודה בערב יוהכ"פ סמוך ליוהכ"פ לא פטר את של ערבית, שהוא חיוב וידוי של יוהכ"פ עצמו כבשחרית ומוסף וכו'.

1. This is a reference to the minyan that gathers at Maimonides School, Brookline, Massachusetts, on שבת and on holidays.

Translation: The term “as the sky darkens” that is employed by the Talmud as the time when the Mitzvah of expressing contrition arrives on Yom Kippur eve has been defined as Tefilas Arvis, when a person declares the sanctity of the day in the middle Bracha of Shemona Esrei. The requirement to express contrition “after eating and drinking” is also defined as being during Tefilas Arvis. The ideal time to express contrition is the moment when forgiveness becomes available and not before that time. Some early Rabbinic authorities disagreed and opined that the ideal time to perform the Mitzvah of expressing contrition on Yom Kippur eve is just before the onset of Yom Kippur, so that a person begin his celebration of Yom Kippur only after having sought repentance. That is why they define the term “as the sky darkens” as being just before the onset of Yom Kippur. In other words, by expressing contrition just as Yom Kippur begins, a person guarantees that no time was available to commit any new sins after he has expressed contrition. Why did our Sages require that a person also express contrition before the meal on Yom Kippur eve? In case an unexpected event occurs during the meal. That rule was not meant to lessen the requirement that an expression of contrition be said just before the onset of Yom Kippur. That is why despite having expressed contrition before the meal, the person must once again express contrition “as the sky darkens,” just before the onset of Yom Kippur. And despite having expressed contrition “as the sky darkens,” he must do so again during Tefilas Arvis which is done as part of the declaration of the sanctity of the day, as it is done in the other prayer services on Yom Kippur.

להלכה כתבו אחרונים שהעיקר כרוב הראשונים שאין אלא וידוי אחד, לפני הסעודה, והשני הוא בתפלת ערבית, אלא שראוי להחמיר גם כדעה השניה, וכשרואה בין השמשות ממשמש ובא יעמוד ויתודה, ולכן יש נוהגים שקודם שיתפללו ערבית אומרים כל הקהל בקשה המתחלת “לך א-לי תשוקתי”, שיש-טור תלב-בה וידוי כדי לצאת ידי חובת שיטה זו, ובמדינות אשכנז יש נוהגים לומר “תפלה זכה”. ויש שכתבו שאחר זה יאמר בלחש ביחיד הוידוי בקצרה אשמנו עם השכה ממש.

Translation: In establishing the proper way by which we should be conducting ourselves, later Rabbinic authorities held that the essential expression of contrition is the one being recited as part of Tefilas Arvis and that only one additional expression of contrition, the one expressed just before the meal on Yom Kippur eve, is necessary. The second expression of contrition is made in Tefilas Arvis. Nevertheless, those same Rabbinic authorities decided that it would be better to also follow the opinion of those who acted more stringently and who insisted that an additional expression of contrition be made after the meal and before Tefilas Arvis. They recommended that when a person sees darkness falling on Yom Kippur eve, he should express his contrition. That is done before Tefilas Arvis when some congregations recite the prayer known as: “To You my G-d, my Beloved” which includes an expression of contrition². In communities that follow Ashkenazic customs, it is their practice to recite the prayer known as “Tefila Zakah.” Others wrote that after reciting Tefila Zakah, a person should say quietly and for himself an expression of contrition that begins with the word: Ashamnu, as the sky reaches darkness.

To my regret, Rabbi Wohlgemuth did not identify the תפלה that was said just before כל נדרי by those gathered at the Maimonides School minyan. The Encyclopedia Ha’Talmudit points to תפלה זכה as such a prayer. It may have been the וידוי that was recited at

2. A custom followed by Sephardic congregations.

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Maimonides School just before כל נדרי. Nevertheless, it could not have been the וידוי referred to in the תוספתא since תפלה זכה is a prayer that was composed by Rabbi Abraham Danzig (1748-1820), the author of the חיי אדם: ספר. Rabbi Danzig, in his book: חיי אדם asserts that one of his goals in encouraging others to recite תפלה זכה is to be in compliance with those who hold that וידוי should be recited "עם השכה" and that is an expression of וידוי that is recited in addition to the וידוי included in תפלת ערבית:

חיי אדם חלק ב' (הלכות שבת ומועדים) כלל קמד-סעיף כ'-אחרי זה ילך לבית הכנסת באימה ורעדה. והמנהג בקהלתנו בכל בתי מדרשים להוציא ספר תורה מהיכל כמו שכתוב בכתבי האר"י ז"ל, וכבר נדפס בחמדת הימים התפלה שסידר. ואמנם לא כל אדם מבין הדברים רק מי שבא בסוד ה'. ומי שאינו יודע, הוא לו כדברי ספר החתום. ולכן העתקתי מספרים קדמונים תפלה בלשון קל, כי בלאו הכי לדעת הרבה פוסקים מצות וידוי היא סמוך ללילה דוקא וראוי לכל אדם, וזה נוסחתה, ואשרי מי שיאמר אותה גם בשחרית.

Translation: After the meal on Yom Kippur eve, he goes to synagogue overwhelmed by feelings of fear and trepidation. It is the custom in our community and in our study halls to then remove a Torah scroll from the ark, as it is written in the compositions of the AR"Y, ז"ל, and to recite the prayer that the AR"Y composed for that moment found in the book: Chemdas Yomim. A person cannot understand the meaning of what the AR"Y wrote unless he is well versed in matters of Kabbalah. For everyone else, it is a closed book. That is why I copied a prayer that consists of simple wording that all can understand. If you do not recite this prayer, you will not be in conformity with the opinions of those who hold that an extra expression of contrition must be recited just as the sky darkens on Yom Kippur eve, an act that is appropriate for all to perform. This is its wording. Happy is he who recites this prayer again as part of the morning prayers on Yom Kippur.

The משנה ברורה recommends the practice as well and for the same reasons:

משנה ברורה סימן תרו – (א) קודם סעודה המפסקת – שמא יארע לו דבר קלקלה בסעודה שיחנק או שתטרף דעתו ולא יוכל להתודות אח"כ. ויש פוסקים שסוברין שצריך להתודות גם אחר אכילה קודם השיכה. וראוי להחמיר כדעה זו (של"ה) וכן נהגו בזמנינו שאומרים אז תפלה זכה:

Translation: A person should include an expression of contrition in the Mincha prayers that he recites before consuming his meal on Yom Kippur eve in case something unexpected occurs to him during his meal; i.e. he chokes or his mind is disturbed to the point that he is unable to utter an expression of contrition on Yom Kippur itself. Some Halachic decisors hold that a person should express his contrition again after the meal, as the sky darkens. It is appropriate to act stringently and to follow those opinions (such as the opinion of the Shlah). To fulfill that obligation, it is customary, in our era, to recite the prayer known as Tefila Zakah, just as the sky darkens on Yom Kippur eve.

The other prayer cited by the Encyclopedia Ha'Talmudit, "לך א-לי תשוקתי", was composed by the אבן עזרא (1097 to 1167 CE). It is a פיוט that is recited before כל נדרי in Sephardic synagogues. In composing the פיוט, the אבן עזרא was placing himself in the

camp of those who believed that it was necessary to recite "עם השכה" וידוי and in addition to the וידוי included in תפלת ערבית. Here are the opening lines of the פיוט:

לך אלי

לפייסן הספרדי ר' אברהם ך עזרא

לך אלי תְּשׁוּקָתִי, בְּךָ הִשְׁקִי וְאַהֲבָתִי.
 לך לִבִּי וְכִלְיוֹתַי, לך רוּחִי וְנִשְׁמָתִי :
 לך יָדַי, לך רַגְלִי, וּמִמָּוָה הִיא תְּכַוֵּנָתִי.
 לך עֲצָמַי, לך דָּמִי, וְעוֹרִי עִם גּוֹיֹתַי :

Here are the lines that contain וידוי:

וּמִי יַעֲמֹד לִפְנֵיהֶ, וּמִי יִהְיֶה תְּמוּנָתִי.
 וְאִיךָ חֲשַׁבּוֹן לְךָ אָתָּה, וְאִיךָ אֲצַדֵּק בְּטַעֲנָתִי :
 וְאֲשַׁמְתִּי, וְאַרְבֵּתִי, וּבִגְדֹתַי וּבִזְיֹתַי.
 וְגִזְלֹתַי, וְגִנְבֹתַי, וְדַבָּרֹתַי וְהַבְּחָתִי :
 הַרְעוֹתַי, וְהַרְשָׁעֹתַי, וְגַם זְדוּתִי וְחַמְסָתִי :
 וְטַעֲיֹתַי, וְיַעֲצָתִי, וְכַזְּבֹתַי וְכַפָּרֹתַי :
 וְלוֹצְצָתִי, וְגַם לִצְתִי, וּמְרֻדֹתַי וּמְרִיתִי.
 וְנֹאצָּתִי, וְנֹאפָתִי, וְסַרְדֹּתַי וְסַרְהָתִי :
 וְעוֹנִיתִי, וְהַעֲוִיתִי, וּפְשָׁעֹתַי וּפְגַמָּתִי.
 וְצַרְדֹּתַי, וְצַעֲרֹתַי, וְקַלְלֹתַי וְקַלְקַלְתִּי :
 וְרַשָּׁעֹתַי, וְשַׁחֲתִי וְתַעֲבֹתַי וְתַעֲיִיתִי.
 וְסַרְדֹּתַי מִדְּרָכֶיךָ, וְכַסְתָּנִי כְּלַמְתִּי מִפִּי :
 וְהַגְּבַלְתִּי עֲשׂוֹת רָשָׁע, וְהַחֲזַקְתִּי בְּרַשָּׁעֹתַי.
 וְכַחֲשָׁתִי, וּמַעַלְתִּי, וְעֲשָׂקְתִּי וְרָצוֹתִי :
 וְחֲטָאתִי בְּרֹאשִׁיתִי, וְרַשָּׁעֹתַי בְּאַחֲרֵיתִי.
 וְאֲשַׁמְתִּי בְּיַלְדוּתִי, וּבִגְדוּתִי בְּזִקְנָתִי :