

יום כיפור RECITED AMONG SEPHARDIM סדר קדושה

Current Sephardic practice follows the rule not to recite פיוטים either during the recital of the ברכות of שמע or while the שליח ציבור repeats עשרה שמונה. If פיוטים are to be recited, they are said before commencing the silent עשרה שמונה. That is why you will find both תפלת גשם and תפלת טל presented in Sephardic מחזורים before שמונה מוסף before עשרה on the two holidays on which those תפילות are said. It is therefore notable that on יום כיפור, during the repetition of עשרה שמונה of each תפלה, after the ברכה of מחיה מתים, many Sephardic synagogues recite a פיוט described as סדר קדושה. That the סדר קדושה recited in those Sephardic synagogues only begins after the ברכה of מחיה מתים distinguishes the Sephardic practice from the Ashkenazic one in that Ashkenazim recite the form of פיוט known as קדושתא beginning with the first ברכה of עשרה שמונה and continuing until after קדושה is completed.

Whether פיוטים should be recited within the repetition of the first three ברכות of שמונה עשרה has been debated in Sephardic Rabbinic circles for over a thousand years. Professor Ruth Langer in her book: *To Worship G-d Properly*, HUC Press, 1998, pages 110-187, presents a thorough review of the different sources in which the issue is considered. The following is one of those sources:

טור אורה חיים הלכות יום הכפורים סימן תרכ"ו—ומה טוב ומה נעים מנהג טוליטולה שכשמסיים שליח ציבור חזרת כל התפלה אחר כך מתחיל הפיוטים והסליחות, ומאריך בהן כפי רצונו כמנהג אשכנזי שאומרים כל הפיוטים והסליחות בתוך התפלה. וטוב לקצר בפיוטים ובסליחות שחרית כדי למהר בענין שיתפלל מוסף קודם שבע שעות כי אם יאחרו עד ז' שעות שכבר הגיע זמן המנחה יצטרכו להקדימה כיון שהגיע זמנה לכך צריכין למהר כדי שיתפלל מוסף קודם שעה שביעית וא"א הרא"ש ז"ל כשהיה רואה שהיו מתאחרין היה מתפלל מוסף יחיד כדי להתפלל בזמנה!

Translation: How wonderful is the following practice of the Jews who reside in the city of Toledo, Spain. Only after the prayer leader completes the repetition of Shemona Esrei does he begin to recite Piyuttim and Selichos. He can then spend as much time as he chooses to reciting them as is the custom among Ashkenazim who recite similar liturgical poems during the repetition of Shemona Esrei. It is best to limit the number of such poems that are recited during Tefilas Shacharis on Yom Kippur out of concern that Tefilas Mussaf should be commenced before the start of the seventh hour. If Tefilas Mussaf is not commenced by that time, those present will be required to recite Tefilas Mincha first because once the time for reciting Tefilas Mincha is reached, it should be recited. To avoid such a conflict, it is best to hurry

1. I included the second half of the טור's comment because it may help explain why Ashkenazim began to omit סליחות from תפלת מנחה in שחרית; i.e. to assure that תפלת מוסף is commenced before the time to recite תפלת מנחה arrives.

through Tefilas Shacharis so that Tefilas Mussaf will be commenced before the seventh hour. My father, the Rosh, ז"ל, when he would see that Tefilas Mussaf would be delayed past the seventh hour, he would recite Shemona Esrei of Tefilas Mussaf on his own in order to recite that prayer before the time to say Tefilas Mincha would arrive.

It is worth noting that the טור is commending those who postpone the recital of סליחות as well as פיוטים until after the conclusion of חזרת הש"ץ. Yemenite Jews still follow that practice today. In fact they also postpone the recital of the סדר העבודה, which is written and recited as a פיוט, until after חזרת הש"ץ.

Former Chief Sephardic Rabbi Ovadia Yossef in his ספר חזון עובדיה, ימים נוראים, ספר חזון עובדיה, presents the following opinion concerning the current practice in many Sephardic synagogues to recite the סדר קדושה during the repetition of יום כיפור on שמונה עשרה:

מנהג ספרד לומר סדר קדושות שתיקנו משוררי ספרד רבי יוסף בן אביתור (שהיה בדורו של רבינו האי גאון), ור' יהודה הלוי וחבריו, שמתחילות "ובכן נקדישך מלך", "ובכן ולך תעלה קדושה כי אתה א-להינו". ונוהגים שהשליח ציבור שותק, והסומך שעל ידו אומרם, ובמקום שאין עוזר וסומך רשאי השליח ציבור לאומרם, שכולם מענינא דיומא.

Translation: It is the Sephardic practice today to recite the Seder Kedushos that were composed by such poets as R. Yossef ibn Avitur (11th Century-who lived in the same generation as Rav Hai Gaon), R. Yehudah Ha'Levi and his colleagues, which are introduced by the words "Oo'V'Chain Nakdishach Melech," "Oo'V'Chain Oo'Lecha Sa'Alah Kedusha Ki Ata Elokeinu." It is customary for the prayer leader to remain silent, while his assistant, who stands by him, recites the Piyuttim. Prayer leaders, in synagogues which do not provide the prayer leaders with assistants, are permitted to lead the recital of the Piyuttim since the theme of the Piyuttim match the theme of the holiday.

In the following תשובה, Former Chief Sephardic Rabbi Ovadia Yossef explains his position in greater detail:

שו"ת יביע אומר חלק י' – אורה חיים סימן מה'–ועינא דשפיר חזי בשו"ת הרדב"ז ח"ג (סי' תקלב') שכתב, שאלה: אודות מקצת חכמים שביטלו מנהג האומרים ביוהכ"פ סדר קדושות שסידרו הראשונים, באמרם שאין להוסיף דבר בשלש ברכות ראשונות, זולת מה שהנהיגו הגאונים לומר זכרנו ומי כמוך וכו'. תשובה, לא יפה עשו אותם חכמים שבטלו דבר קדוש כזה, שכל שהם צרכי רבים מותר לאומרם גם בשלש ראשונות.

Translation: My eyes clearly saw in the Responsa of the Radvaz, third volume (Siman 532) that the Radvaz wrote the following: Question: What is your opinion concerning a minority of sages who abolished

2. Rabbi David ben Solomon ibn Avi Zimra was born in Spain in 1479 and died in Israel in 1573. He left Spain in 1492, as a result of the Spanish expulsion of the Jews. Like many other scholars, he emigrated to Safed, which had become an important center of Jewish life. In 1513, he left Israel for Cairo, where he became head of the local Jewish community, chief rabbi, head of the rabbinic court and yeshivah, and executor of the charity fund. (Bar Ilan Digital Library)

להבין את התפלה

the practice of reciting the Seder Kedushah on Yom Kippur, Piyuttim that were composed by our early sages. They did so on the grounds that the Piyuttim are improper additions and that the only extra material that can be inserted into the first three Brachos of Shemona Esrei are additions that the Geonim placed such as the lines of Zochreinu and Mi Kamocha, etc. Answer: Those sages who discontinued such a holy activity are not providing proper direction to their communities. Any composition that presents requests for assistance with the needs of the community may be inserted into Shemona Esrei, even in the middle of the first three Brachos of Shemona Esrei.

וכן אמר רבינו תם בשם בה"ג ורבינו האי גאון, וכן הסכימו ר' יוסף טוב עלם, וגם ר' אליעזר הקלירי תיקן קרובין לאומרם, והיה תנא, ובודאי שעליו יש לסמוך, וכן נהגו כל הגאונים. ואפילו לדעת החולקים, הני מילי פיוטים שאינם מעניין וסגנון הברכה, אבל הקדושות שחיברו הראשונים שהם מן העניין לא נחלק עליהם אדם מעולם, דכולהו קדישתא אריכתא נינהו. והלא מהברי הקדושות היו גדולי עולם, כמו הרב רבי אברהם בן עזרא, ורבי יהודה הלוי, ורבי שלמה בן גבירול, והיו בזמנו של רבינו יוסף הלוי בן מינאש. וכמה גאוני עולם באו אחריהם ושמעו הקדושות, ולא מיחו, מפני שהיו חכמים באמת, וידעו שסדרי קדושות אלו אינן מקום לבטלם כלל. עכת"ד.

Translation: So said Rabbeinu Tam in the name of the Hilchos Gedolos. R. Hai Gaon and R. Yom Tov Elem agreed with them. So conducted himself R. Elezar Ha'Kaliri who composed Keruvos for Shemona Esrei and who lived in the era of the Mishna. Certainly we can rely on R. Ha'Kaliri's opinion as did all the Geonim. Even those who disagreed in principle only did so concerning Piyuttim that do not present the theme of the holiday and do not match the style of the Bracha. They would agree that Piyuttim that are recited before Kedushah which were composed by our early sages and which matched the theme of the holiday, are not objectionable and are deemed to be an extension of Kedusha. Is it not true that among those who composed those Piyuttim were giants of their generation, men such as R. Avrohom ibn Ezra, R. Yehudah Ha'Levy, R. Shlomo ibn Gavriol and were they not contemporaries of R. Yosef Ha'Levi ibn Mi'Gash? Many important sages lived in subsequent generations, heard the recital of the Seder Kedushah and did not interfere with the practice. They truly understood the issue and recognized that the recital of those Piyuttim should not be at all abolished.

וכן הגאון מהר"ח בן עטר³ בספר הפי"ח (ברכות יא, א) כתב לחזק מנהג ישראל שאומרים פיוטים וסדר קדושות בתפלת י"ח ביוהכ"פ, ודלא כהאומרים שיש להמנע מלאומרם. ע"ש. גם בשו"ת ויקרא אברהם (דף קכ"ב ע"ג) קרא תגר על מי שרצה לבטל סדרי הקדושות הנ"ל. וכתב, שגם הוא נוהג לאומרם, והרועה לבטלם עונו ישא האיש ההוא. ודינו בעוה"ב עם רבי יהודה הלוי וחבריו. ע"ש. (וע' בשו"ב סי' קי"ב סק"ב). ועלינו להמשיך מנהג רבותינו הראשונים והאחרונים, ולא לבטל מנהגים שנתקדשו במשך כל הדורות. והוקבעו בכתרו של מלך. ואף על פי שנהגו שהחזן שותק והסומך אומר סדרי הקדושות הנ"ל, מ"מ במקום

3. R. Hayyim b"r Moshe ibn Attar was born in Sali, West Morocco in 1696. As a child he studied with his father and grandfather, R. Hayyim ibn Attar the Elder, and upon achieving maturity, continued his studies, eventually teaching and involved himself in public affairs, becoming famous for his acumen and piety. In 1732 he published his first book Hefetz haShem (commentaries to some tractates). Afterwards he wandered from city to city in Morocco and Algeria, finally deciding to immigrate to the Land of Israel. (Bar Ilan Digital Library)

שאינן סומך ועוזר להש"צ, רשאי הש"צ לאומרם בעצמו, ולא יבטל מנהג ישראל קדושים. וכן הורתי לש"צ בצה"ל, שיאמרו בעצמם את סדרי הקדושות ולא ימנעו מלאומרם.

Translation: In addition, the illustrious R. Hayyim b"r Moshe ibn Attar in his book, Chafetz Hashem (Maseches Brachos 11a) wrote that it is customary to recite Piyuttim and Seder Kudushos during the repetition of Shemona Esrei on Yom Kippur in order to strengthen the customs of the Jewish People. He further averred that one should not follow those who recommend abolishing the practice. Furthermore, in the Responsa known as Va'Yikra Avrohom (page 122, 3) the author calls out those who want to abolish the recital of Seder Kedushos. He wrote that he was accustomed to reciting them and that anyone who wanted to abolish the practice would be held responsible for his error and would be forced to confront R. Yehudah Ha'Levi and his colleagues in the next world. (end of excerpt from the Radvaq). It is incumbent upon us to continue the customs of our early and more recent forefathers. We should not be abolishing customs that were imbued with holiness over the generations. Although some follow the custom of having the prayer leader remain silent and then his assistant leads the congregation in reciting these Piyuttim, if a synagogue does not employ an assistant, the prayer leader may lead the recital of the Piyuttim himself so that this practice is not forgotten. So I have advised those who act as prayer leaders among the men of the IDF- that they should not hesitate to lead those present in the recital of the Seder Ha'Kedushos

It is fair to ask: why would Sephardic tradition distinguish between **יום כיפור** and the other days of the year as it concerns the rule of not interrupting the repetition of **שמונה עשרה** with the recital of **פיוטים**? The simple answer may be that the **יום כיפור** of **תפילות** are already different in that we insert **פיוטים** within the middle **ברכה** of **שמונה עשרה**; i.e. **סליחות** and the **סדר העבודה**. In support of that answer, we can point to the practices of the Yemenite Jews. They too follow the rule of not interrupting the recital of the repetition of **שמונה עשרה** with the recital of **פיוטים** but they defer the recital of **סליחות**⁴ and the **סדר העבודה** to after the completion of **הזרת הש"ץ**. A further explanation for the Sephardic practice may be that **קדושה** itself is a **פיוט** or a remnant of a **פיוט**. As such, adding a **סדר קדושה** is tantamount to lengthening a pre-existing **פיוט**. That may explain why the **רדב"ז** defined the **סדר קדושה** as a **קדישתא אריכתא**, an extended Kedushah.

The practices of those who currently follow the customs of **ארם צובא** are worth noting as well. The following is the only interruption during **הזרת הש"ץ** found in the **מתחור שלום**⁵ **ירושלים שלם-יום כיפור**, seventh edition, 1989. The excerpt is recited just before **קדושה** of **יום כיפור** on **תפלת שחרית**:

4. This practice should not be surprising because even Ashkenazim recite **סליחות** on fast days after the completion of **הזרת הש"ץ** and not during **הזרת הש"ץ**.

5. Available for downloading at: <http://hebrewbooks.org/46429>.

הסומכים אומרים:

יִרְאָה לְזֹבְטִים וּמִתְבּוֹשְׁטִים
מִתְאַוְשְׁטִים לְעִבְדָּהּ וּמִתְקוֹשְׁטִים
חָטִים וְלֹא מַחְשִׁים, מְעֲרִיצִים וּמְקַדִּישִׁים
וּקְדָשָׁה מְשֻׁלְּטִים, לְאֵל גַּעְרָץ בְּסוּד קְדוּשִׁים:

In the ⁶יום כיפור on תפלת שחרית for סדר הקדושה, 1995, edited by אברהם חמוי, the editor adds the following notes just before the הכפורים:

דיגי קדושה ופיוטים

א' בפיוטים הללו שנהגו לאומרים קודם קדושה עיין להכרכ"י ז"ל סי' ס"ח וסי' יק"כ סכתב מסס שהכ"הג דהמהדרין אין אימרים פיוטים דר"ה ויו"הכ משום הפסק ויע"ס כן ראוי לעשות החרד על דבר ה' כנענה בינו לבין עצמו ולא יפרסם הדבר מפני המחלוקת ומפני כבוד גאוני עולם שתקנוס ואומרים אותם - ומהר"ש ויט"ל כס"הכ כתב שאביו מוהר"ו ז"ל לא היה אומרים - אך כשהיה עובר לפני המיכה היה אומרים - עכ"ד וכ"ן למוהר"ש ז"ל הרשב"א סי' רנ"ה וסי' סנ"ט - ובמקב"ר כתב נמי במקומי אני עומד שלא לאומרים כמנאי סיהיה כלנעה - ויע"ס ועי"ל בסמוך :

ב' מה שאין אומרים הפיוטים דהיינו סי' קדושה למוהר"י הלוי ז"ל מחמת דלפי דעתם הפסק הוא - עיין להרכ חות יאיר סי' רח"ל דקכ"כ דכתב דנחזרת ס"ן אין להקפיד - ועיין להרדכ"ז ח"ג סי' תקל"ב ועיין להרב יוסף לאמר נקונטרים מקום שנהגו כתב ז"ל וכשאני לעצמי כבית הכנסת שאני מתפלל סס אני אומרים - ואני אומר למי שיבא אחרי כב"הכ ורואה לבטלס עונו יסא ודינו עם הרב המחבר מהר"י הלוי זיע"א - ואחד הרואה ואחר השומע חסמר עצרות בסיו כיום האדייר הלזה איך יכול למנוע אמירחם מאחר דים לו על מה לסמוך הנכו וברווחא והרדכ"ז והרב חות יאיר וכו' דמשום הפסק ליבא קעידא - ומס לו ולזרה הזאת דיסא דין עם הרב המחבר אשר מקדושת דכריו הקדושים השקולים נשקל הקדש והמלהיכים את הלככות ניכר עוגס גדולתו וחסידותו וקדושתו - ומשם המכטלס עינו יסא - ועיין לקמן נח"כ כדיגי קדושה רמוסך נס"ד באורך :

Translation: 1. Concerning the practice of reciting these Piyuttim just before Kedushah, see the opinion of the Birchei Yossef, Siman 68 and Siman 112. He writes in the name of the Knesses Ha'Gidola that those who are very careful do not recite Piyuttim on Rosh Hashonah and Yom Kippur during the repetition of Shemona Esrei because they constitute an interruption in the repetition of that prayer. Those who are fearful should follow this practice quietly. Do not publicize how you are conducting yourselves so as to not stir up controversy and out of respect for the great Torah scholars who composed these Piyuttim and those who do recite these Piyuttim. Rabbi Vital wrote that his father, ז"ל, did not recite these Piyuttim but if he was leading the service, he did say them. The Rashbets in Siman 255 and Siman 359 wrote that in his locale he maintained the practice of not saying these Piyuttim but that he did so in an unassuming manner.

6. Available for downloading: <http://hebrewbooks.org/39941>.

2. The practice of not reciting these Piyuttim; i.e. the Seder Ha'Kedushah of R. Yehuda Ha'Levy, is based on the view that to recite it would cause an interruption in the repetition of Shemona Esrei. Nevertheless some disagree; see the opinion of the Chavas Yair (above) who held that it is not a concern. The Chavas Yair cites the opinion of the Radvaḥ (above). The editor then interjects: in my opinion anyone who witnesses and hears the recital of these Piyuttim must be emotionally stirred by saying them considering the awesomeness of the day. How can he avoid reciting these Piyuttim when he has many opinions upon which he can rely in saying them including the opinion of the Chavas Yair and the Radvaḥ. Moreover, why should anyone pick a fight with the composers of these poems who because of their holiness and integrity, are recognized by the Jewish as composers of great works. He who abolishes the practice of reciting these Piyuttim will have to await his judgment in heaven.

These commentators raise an important issue. If such distinguished sages as ר' יהודה הלוי and ר' שלמה אבן גבריו, who composed these פיוטים, they did so expecting the פיוטים to be recited. That is strong evidence that in the era in which they lived and in the localities where they resided, the accepted custom was to interrupt the recital of שמונה עשרה on יום כיפור with these types of פיוטים.

A word about the role of the סומך or סומכים, assistants. I could not uncover the origin of the practice. It would appear that the practice began as a compromise between those who believed that interrupting ה"ש with פיוטים was improper and those who believed that it was permitted. By using a סומך or סומכים, the congregation could recite the פיוטים but the שליח ציבור would not be the one responsible for causing the interruption. I question whether having the שליח ציבור remain silent is not an interruption. Silence is a non-verbal form of prayer. By remaining silent, the שליח ציבור is still interrupting the service despite his not saying anything. Perhaps that is why former Chief Rabbi Ovadia acquiesced in allowing the שליח ציבור to recite the סדר הקדושה in the absence of a סומך.

Editor's note: I presented this discussion about Sephardic practices because one of the realities of Jewish life today is that more and more Jewish communities both in Israel and in the Diaspora are becoming a mix of Sephardic and Ashkenazic Jewry. Perhaps by studying each others customs, both groups can be drawn closer to the other. In addition, after spending a significant time studying Jewish prayer customs, I have reached the conclusion that in order for me to understand my נוסח התפלה, I have to study your נוסח התפלה.