

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY

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NE'ILA: THE NATURE OF A SINGULAR PRAYER
AN ANALYSIS OF ITS SOURCES AND LAWS

Yom Kippur, a day unique in many aspects, concludes with a singular tefilla (prayer): that of ne'ilat she'arim, the metaphorical "closing of the gates," symbolizing the end of this holiest day in the Jewish calendar. Ne'ila, as it is commonly known, is thus a desperate last-minute attempt to petition God for a successful and fulfilling year. Yet, ne'ila's precise nature is a matter of some contention, as we will soon discover.

THE FORMULA OF NE'ILA

The most basic issue of ne'ila's identity debated in the gemara concerns the format of this tefilla. Yoma 87b cites an argument between Rav and Shemuel. According to the former, ne'ila actually entails an additional "amida," the basic formula of praise, request, and thanksgiving, which is at the core of all tefillot of the year. The latter, however, holds that only an extra confessional section is recited, without actually adding a new prayer to the day's program. Evidently, Rav and Shemuel are debating the essence of tefillat ne'ila: do we view it as a completely new and independent prayer, or merely as an extension and broadening of the original and routine prayer schedule? Shemuel apparently believes that the idea of ne'ila suggests merely an expansion of the existing framework; therefore, introducing one additional paragraph of confession is sufficient. Rav, however, claims that the concept of ne'ila mandates an entirely new and independent prayer, and therefore a new amida must be recited. To emphasize his point, Rav claims that under certain conditions, e.g. if one recited ne'ila immediately after

nightfall, rather than preceding it, that individual might be exempt from the ensuing ma'ariv. Essentially, ne'ila, as a self-contained unit of prayer utilizing the standard formula, becomes the evening prayer.

NE'ILA AND ALIYOT

The gemara in Megilla 22a also highlights this question of ne'ila's character. The amount of "olim" called to the Torah during a public reading follows a particular hierarchy. The base unit of three is added to in correspondence with the unique degree of holiness which a particular day enjoys. For example, an extra "aliya" is provided on Rosh Chodesh, the first of the month, to reflect the extra "mussaf" sacrifice absent on a regular day. A yom tov enjoys two extra aliyot, for a total of five, to reflect both its mussaf sacrifice as well as the prohibition of most types of work. Shabbat sits atop this highly structured system with seven aliyot. The gemara ponders the amount of aliyot on a "ta'anit tzibbur," a communal fast-day (which, in talmudic times, as per the model of Yom Kippur, mandated its own tefillat ne'ila). In some respects, the gemara admits, there is little sanction for adding an aliya, since no mussaf sacrifice was offered on a ta'anit (and in this respect a ta'anit falls short of the Rosh Chodesh model). However, the gemara wonders whether the "tefillat mussaf" (which according to the Ramban refers to the "extra prayer" of ne'ila recited on a ta'anit) might be sufficient to mandate an extra aliya. We might explain the gemara as addressing the basic nature of tefillat ne'ila. If we view it as merely a broadening of the daily tefilla diet, we would not be inclined to add a corresponding aliya. A ta'anit is not fundamentally different from a regular day: each enjoys three basic tefillot; a ta'anit merely calls for an expanding of the standard size of tefillot. A ta'anit, being no different from a regular day, should not deviate from the standard three aliyot. By contrast, if we view ne'ila as the introduction of an entirely new and independent prayer, we would certainly notice the difference between a ta'anit and a regular day and accordingly add an extra aliya during the Torah recitation.

THE SOURCE OF TEFILLAT NE'ILA

We might further define our question by studying the source for tefillat ne'ila. The Yerushalmi in Berakhot (4:1) searches for a source and bases it on two verses, Yeshayahu 1:15 and Shemuel I 1:12, each of which discusses the virtues of "ribui tefilla," increasing prayers and pushing beyond the standard limits. We might suggest an alternative source for tefillat ne'ila. Many are familiar with the famous argument between the Rambam, who rules that prayer once a day is biblically ordained, and the Ramban, who claims that all tefilla stems from rabbinical decree. (See Rambam's Sefer Ha-mitzvot positive commandment #5) The Ramban suggests that if there were indeed to be a type of prayer which stems from a biblical source, it might be prayer on a fast-day in response to a national crisis. Indeed the Torah (Bemidbar 10:9) does address a specific form of prayer spurred by such a threat. The Ramban does not discuss in depth the expression of this unique and intriguing obligation, but he does maintain that prayer on this type of day is different from standard prayer both in its source (biblical versus rabbinical) as well as its motivation (extraordinary circumstances versus daily communication). Based upon this position, we might suggest that to accentuate the unique obligation of fast-day prayer, we recite a novel and distinct prayer, namely ne'ila.

These two sources suggest very different views of ne'ila. The verses quoted by the Yerushalmi do not suggest a new unit of prayer; instead it casts ne'ila in the role of manifesting added or extended prayer. To highlight the need for prayer on a ta'anit, we do not maintain the daily boundaries of prayer, but instead we extend our standard prayer by adding to it. Ne'ila thus creates a "ribui tefilla" precisely by stretching the existing prayers. By contrast, if we base ne'ila upon the verse in Bemidbar, we would certainly view this tefilla as an independent and distinct unit of prayer, just as the obligation to pray on this day of national crisis is fundamentally different from the daily obligation.

NE'ILA RECITED DURING THE NIGHT AFTER YOM KIPPUR

We may now examine another technical question regarding ne'ila: for what time of day is ne'ila scheduled? The aforementioned Yerushalmi in Berakhot suggests two opinions: according to Shmuel it is recited when the gates of the Temple are closed--namely pelag hamincha, 9.5 hours after sunrise; according to Rav the prayer is to begin during sunset, when the gates of heaven are closed. The more startling position clearly belongs to Rav, who schedules ne'ila immediately prior to nightfall, so that most of this prayer is actually recited after the ta'anit has concluded. To consider the validity of this position we might return to our original query. If ne'ila entails an additional prayer meant to evince the unique obligation of prayer on a ta'anit, we would be hard-pressed to justify reciting this prayer the night after the ta'anit. On the other hand, if we define ne'ila as an attempt to add to the standard structure and boundaries of daily tefilla, we might better justify starting ne'ila prior to sunset, even though it only concludes afterwards. The very idea of continuing to pray after we would normally cease establishes an environment of extra and desperate tefilla, and concluding the day while still in the midst of a prayer would be acceptable - or perhaps even optimal.

THE PARADOXICAL OPINION OF RAV

Though this analysis might seem logical, it should be noted that it poses no consistent explanation for Rav's view. On the one hand, he defines ne'ila as an extra independent prayer and even suggests that it may exempt ma'ariv. Inversely, he schedules ne'ila on the edge of nightfall, suggesting that it should be viewed not as an additional ta'anit prayer, but rather a ta'anit's customary broadening of the extant prayers. To fully develop R's position, we would have to rethink our understanding of his approach.

We have thus examined the status of tefillat ne'ila - particularly whether it was fashioned as an independent and self-contained tefilla or as an addendum. We have inspected this issue in the source of the tefilla as well as specific questions regarding its formula and timing. May the greater

understanding of this once-a-year occurrence lead us to a more fulfilling experience in all the prayers of Yom Kippur.