

## *Avinu Malkeinu on Shabbat*

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Rosh Hashanah coincides this year with Shabbat. And whenever that happens, or when Yom Kippur falls on Shabbat, most Reform congregations recite the prayer *Avinu Malkeinu*, even though most traditional *maḥzorim* tell us that this piece of liturgy is omitted on Shabbat. Does the Reform practice violate the rules of traditional Jewish prayer? No. Or maybe yes. Well, the fact is it's complicated. While many Orthodox and Conservative synagogues in North America omit *Avinu Malkeinu* when Rosh Hashanah or Yom Kippur occur on Shabbat, many other traditional communities recite it, and they've done so for a long, long time. The Reform custom, as it happens, is well supported by halakhic – or, in this case, *minhagic* – practice.

This difference in liturgical custom is attested in the *Shulḥan Arukh, Oraḥ Ḥayyim* 622, a chapter dealing with the *minḥah* service on Yom Kippur. In paragraph 3, the *m'haber* (R. Yosef Caro) states: *אם חל בשבת אומרים... אבינו מלכנו*, “when Yom Kippur falls on Shabbat, *Avinu Malkeinu* is recited,” while Rema (R. Moshe Isserles) counters: *ובמדינות אלו אין אומרים... אבינו מלכנו*, “in our communities *Avinu Malkeinu* is not recited.” Thus, the divide: S’fardim, for whom the *m'haber* is the chief authority, recite *Avinu Malkeinu* on Shabbat, while Ashkenazim, whose *minhag* is reflected by Isserles, do not recite it. Yet even the Ashkenazim recite the prayer at *N'eilah* when Yom Kippur occurs on Shabbat, because that service marks the moment when judgment is rendered on our atonement.<sup>1</sup>

To say “S’fardim... recite *Avinu Malkeinu* on Shabbat,” however, is to oversimplify matters. *Kitzur Yalkut Yosef*, the authoritative work emanating from the family of the late Rabbi Ovadyah Yosef, describes the state of contemporary S’fardic *minhag*:<sup>2</sup>

אחר החזרה אומרים אבינו מלכנו וכו'. ואם חל ראש השנה בשבת, יש נוהגים לאומרו, ומדלגים הזכרת חטא ועון, וכן פשט המנהג ברוב בתי הכנסת של הספרדים. וכן בשבת שובה, וכל שכן ביום הכפורים שחל בשבת, שהוא גם יום הדין. וכן ראוי לנהוג.

*Following the recitation of the (Rosh Hashanah) t'filah (by the shaliaḥ tzibur), Avinu Malkeinu is recited.* If Rosh Hashanah falls on Shabbat, it is the custom of some communities to recite it, though they omit the lines that mention “sin” and “transgression.” Thus is the widespread custom in most S’fardic synagogues. The same is true for Shabbat Shuvah, and all the more so when Yom Kippur falls on Shabbat, since on that day judgment is rendered. That is the proper practice.

So *most* S’fardic communities say *Avinu Malkeinu* on Shabbat, but some, like the Ashkenazim, skip it. And both sides, it turns out, can cite rationales for their practice.

<sup>1</sup> Isserles, *Oraḥ Ḥayyim* 623:5; *Magen Avraham ad loc.*, n. 3, and *Mishnah B'rurah ad loc.*, n. 10.

<sup>2</sup> *Kitzur Yalkut Yosef*, ch. 582, par. 25.

*Arguments Against Reciting Avinu Malkeinu.* The custom to omit *Avinu Malkeinu* on Shabbat might possibly be rooted in the Talmudic source of that prayer, *B. Ta'anit* 25b:

תנו רבנן מעשה ברבי אליעזר שגזר שלש עשרה תעניות על הצבור ולא ירדו גשמים. באחרונה התחילו הצבור לצאת. אמר להם: תקנתם קברים לעצמכם? געו כל העם בבכיה, וירדו גשמים. שוב מעשה ברבי אליעזר שירד לפני התיבה ואמר עשרים וארבע ברכות ולא נענה. ירד רבי עקיבא אחריו, ואמר: אבינו מלכנו אין לנו מלך אלא אתה. אבינו מלכנו למענך רחם עלינו, וירדו גשמים. הווי מרנני רבנן. יצתה בת קול ואמרה: לא מפני שזה גדול מזה, אלא שזה מעביר על מדותיו, וזה אינו מעביר על מדותיו.

A *baraita*: it happened that Rabbi Eliezer decreed thirteen fasts upon the community, but the rains did not come. At the end, when the people began leaving the synagogue, he said to them: “have you prepared graves for yourselves?” The people cried out in anguish, and the rain came.

On another occasion, Rabbi Eliezer went down before the ark [to act as *shaliach tzibur* on a public fast day] and recited the twenty-four *b'rakhot* [in the *t'filah* for fast days], but his prayer was not answered. Rabbi Akiva followed him and recited: “*Avinu Malkeinu*, we have no sovereign but You. *Avinu Malkeinu*, have mercy upon us for Your sake,” and the rain came.

The rabbis began to gossip about Rabbi Eliezer. A *bat kol* issued forth: “It was not because the one (R. Akiva) was greater than the other (R. Eliezer), but because the former was humble and forbearing with the people while the other was not.”

We learn from this *agadah* that *Avinu Malkeinu* originated as part of the liturgy for *ta'anit tzibur*, public fasts decreed in response to communal distress (drought being the prime example). From there, it entered the liturgy for the High Holidays. Since public fasts were never decreed on Shabbat, it's possible that *Avinu Malkeinu* was never meant to be recited on that day.

Another explanation comes from Rabbeinu Nissim b. Reuven Gerondi (Ran; Spain, d. 1376), in his commentary to the *Halakhot* of Alfasi, *Ta'anit*, fol. 9a:

ומנהגנו עכשיו שלא לאמרו בראש השנה שחל להיות בשבת אבל אומר אותו ביום הכפורים שחל להיות בשבת ואפשר דטעמא... כיון שהוא שאלת צרכים בשבת לא התיירו לאמרו אלא ביוה"כ (שחל להיות בשבת) שהוא שעת גמר דין שאם לא עכשיו אימתי?

Our custom today is not to recite *Avinu Malkeinu* on Rosh Hashanah when that day falls on Shabbat, but we do recite it on Yom Kippur when it falls on Shabbat. The reason, perhaps... is that since this is a supplication for our needs, it is not permissible to say it on Shabbat. But on Yom Kippur that falls on Shabbat, since it is the moment when judgment is passed upon us, if not now, when?

Ran gives us what becomes the standard *halakhic* (as opposed to Talmudic-historical) reason for omitting *Avinu Malkeinu* on Shabbat, namely that the Sabbath is not an appropriate day to petition God for our “needs” (צרכים, *tzorakhim*), whether material or spiritual, individual or communal. The most obvious evidence for this is the Shabbat *t'filah*, in which the twelve “middle” benedictions of the weekday *t'filah*, those dealing with petition, are replaced with the one benediction called *k'dushat hayom*. And the present-day text of *Avinu Malkeinu*, which has

expanded far beyond Rabbi Akiva's two-line prayer, is replete with petitions for all manner of good things. It's definitely a case of שאלת צרכים, of petitioning God for our "needs."

Ran's explanation is echoed by his student, R. Yitzhak b. Sheshet (Rivash; Spain-North Africa, d. 1408), the author of a detailed *t'shuvah* on our question.<sup>3</sup> Rivash notes that the communities are widely split over this point.

ובענין זה רבו המנהגות. כי פה סרקסטה נהגו לאמרו בשבת שובה ובשבת של ר"ה ויום הכפורים. ובברצלונה לא נהגו לאמרו בהם כלל מפני שהוא שאלת צרכים. וכן המנהג באשכנז. ובגירונד"א נהגו ג"כ שלא לאמרו בהם מן הטעם הזה זולתי ביום הכפורים שחל להיות בשבת, מפני שהוא גמר דין. ואם לא עכשו אימתי?... ומכל מקום המנהג הטוב והישר בעיני הוא מנהג ברצלונה. שלא לאמרו כלל בשום שבת אף ביום הכפורים. שכיון שאין זה מנוסח התפלה עצמה והוא נוסח שאלת צרכים לעצמו, אין לאמרו בשבת.

There are many differing customs on this matter. Here in Saragosa the *minhag* is to recite [*Avinu Malkeinu*] on Shabbat Shuvah as well as on Rosh Hashanah and Yom Kippur when those days fall on Shabbat. In Barcelona it is not recited on any of those days because it is a supplication for our needs. The same is true in Ashkenaz. In Gerona it is also the custom not to recite it for this reason, with the exception of Yom Kippur that falls on Shabbat, for that day is the moment that justice is passed upon us, and if not now, when?...

At any rate, I think the best practice is that of Barcelona, namely that we should not recite *Avinu Malkeinu* at all on Shabbat, even on Yom Kippur. Since it is not part of the fixed text of the *t'filah* and since it is in itself a supplicatory prayer, one should not say it on Shabbat.<sup>4</sup>

He acknowledges that there are exceptions to the rule that bans supplication on Shabbat, but in his analysis those exceptions fall into two categories: supplications that are part of the text of the weekday *t'filah*<sup>5</sup> or of a *b'rakhah* that is recited on weekdays.<sup>6</sup> But *Avinu Malkeinu* falls into neither of those categories - it's recited *after* the *t'filah*, and it's not a *b'rakhah* - so it does not qualify as an exception to the rule.

*Arguments in Favor of Reciting Avinu Malkeinu.* Those communities that *do* recite *Avinu Malkeinu* on Shabbat don't necessarily reject the rule forbidding supplicatory prayers on that day. But it is possible that they base their practice upon a distinction between individual and communal prayer. For a look at this distinction, let's begin with *B. B'rakhot* 34a:

אמר רב יהודה: לעולם אל ישאל אדם צרכיו לא בשלש ראשונות, ולא בשלש אחרונות, אלא באמצעיות. דאמר רבי חנינא: ראשונות - דומה לעבד שמסדר שבח לפני רבו, אמצעיות - דומה לעבד שמבקש פרס מרבו, אחרונות - דומה לעבד שקבל פרס מרבו ונפטר והולך לו.

<sup>3</sup> *Resp. Rivash*, no. 512.

<sup>4</sup> *Y. Shabbat* 15:3, 15b: אסור לתבוע צרכיו בשבת.

<sup>5</sup> He cites as an example the phrase בספר חיים ברכה ושלוש וכו' inserted into the final blessing of the *t'filah* during the Days of Awe.

<sup>6</sup> His example here is the phrase רעינו זוינו פרנסינו וכו' in the third blessing of *birkat hamazon*. This is a supplication, yet we recite it on Shabbat because it is part of the fixed text of the *b'rakhah* (טופס ברכות) that is recited on all other days. See *Y. Shabbat* 15:3 (15b).

Rav Yehudah said: one should never petition for one's needs in either the first three or the final three *b'rakhot* of the *t'filah* but rather in the middle *b'rakhot*. As Rabbi Hanina said: the first three benedictions are comparable to a servant reciting the praise of his master. The middle benedictions resemble a servant asking favor from his master. The final benedictions are like a servant who has received favor and takes his leave.

This description of the *t'filah*'s structure is a lovely one (that is, if the master-servant metaphor is your cup of tea). However, it is contradicted by the liturgical facts. We *do* make petitions in the final three *b'rakhot* of the *t'filah* (both *r'tzeh* and *sim shalom* are entirely supplication), and on holidays we insert petitions into the first three *and* last three benedictions (e.g., זכרנו לחיים and ברכה ושלום during the Days of Awe and יעלה ויבוא on festivals, *hol hamo'ed*, and Rosh Hodesh). Several *rishonim*,<sup>7</sup> however, explain that there is no contradiction: the Talmudic rule applies to individuals while the exceptions have to do with the community. An *individual* (יחיד) does not make petitions to God in these benedictions, but the *community* (רבים) are permitted to do so. The *Shulhan Arukh, Oraḥ Hayyim* 112:1, cites this distinction as authoritative *halakhah*.

If we accept this distinction between individual petitions (צרכי יחיד) and communal petitions (צרכי רבים), then it isn't much of a stretch to apply it to the prohibition against petitioning God on Shabbat. Perhaps that prohibition applies only to individuals but *not* to the community. At least, R. Ovadyah Yosef thinks so,<sup>8</sup> citing it in support of the S'fardic *minhag* to recite *Avinu Malkeinu* (which is all about צרכי רבים, praying for communal needs) on Shabbat.

*Our Own Minhag*. The Reform practice is coherent with R. Ovadyah's reasoning.<sup>9</sup> The rule "we do not pray for our needs on Shabbat" admits of too many exceptions to be taken literally. In our synagogues we recite various prayers for "communal need" on Shabbat: *Misheberakh*, the prayers for our country and for the state of Israel, and others in addition to the all those inserts for the High Holidays, *yopm tov*, and Rosh Hodesh. *Avinu Malkeinu*, recited before the open ark in the plural voice ("Avinu Malkeinu, hear *our* prayer... *we* have no sovereign but You," etc.) is the communal prayer *par excellence*.

Accordingly, it is entirely proper for us to join the many communities that recite it when Rosh Hashanah or Yom Kippur occurs on Shabbat. Of course, those who wish to follow the general Ashkenazic practice and omit *Avinu Malkeinu* are certainly entitled to do so. After all, as Rivash, acknowledging that many communities do recite it on Shabbat, concludes his *t'shuvah*: "everyone should follow the custom of their own community" (וכל אי יעשה כמנהג מקומו).

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<sup>7</sup> Tosafot, *B'rakhot* 34a, s.v. *al yishal*; *Hiddushei HaRashba, B'rakhot* 34a; HaMe'iri, *Beit Hab'hirah, B'rakhot* 34a; *HaManhig, Dinei T'filah*, p. 93; *Or Zarua*, I:20, *Hil. K'ri'at Sh'ma*. The distinction stretches back to the Geonic period; see *Resp. Ge'onim Sha'arei T'shuvah*, no. 151.

<sup>8</sup> *Resp. Y'haveh Da'at* 1:54.

<sup>9</sup> A statement that, given his fierce opposition to Reform Judaism, he would have found very annoying. But we appreciate the irony!

