

HALOCHOSCOPE

This week's (and last week's) question:

A *shliach tzibur* is in the middle of his own silent *shemone esrai*. He can't remember whether he said *mashiv haruach* or not. Should he go back and repeat the entire part of *shemone esrai* that he already said? Or should he rely on inserting *mashiv haruach* in his *chazaras hashatz*, to discharge his personal obligation?

The issues:

In last issue:

A) *Mashiv haruach* – omitting it and doubts about omission

B) *Chazaras hashatz*; the silent *shemone esrai* of the *shatz*

In this issue:

C) Our case

C) *Our case and similar cases*

To recap from section A, repeating even a part of *shemone esrai* involves the possibility of uttering Hashem's Name in vain. Each part of *shemone esrai* is in fact a *brocha* in its own right. Each contains an area of praise, and each in the middle group also include a prayer for a specific need. These were established and formalized by the Rabbinical panel convened by Ezra, including the last of the prophets. Together they comprise the *shemone esrai*, eighteen *brochos* [a nineteenth was added a few hundred years later]. When recited in their correct order and time, and without mistakes, they are an obligation. This is obviously not in vain. One may not, however, undertake to recite them at any time of his choosing. Since it is forbidden, uttering all of the Divine names involves *brocha levatalah*, a blessing in vain, or *she'ainah tzricha*, unnecessary. These are generally considered Scriptural violations of the *mitzvah* forbidding uttering Divine Names in vain. Some say that in the context of a praise, it could never be a Scriptural violation, since praise is never in vain. However, it touches on taking lightly the reverence required, a different Scriptural *mitzvah*, or it is a related Rabbinical prohibition.

There is actually a Talmudic debate on repeating *shemone esrai* at will. We follow the view that it is forbidden. However, there are ways to add a prayer. *Tefillah* corresponds to the *tamid* offering, a daily burned offering made every morning and afternoon. This was an obligatory offering. One may not add his own obligatory offering, but anyone may bring a *nedava*, voluntary offering. To make one's *tefillah* into *nedava*, he must add a request that was not included in his original obligatory *tefillah*.

One who must repeat *shemone esrai* due to an omission, faces the issues mentioned. The reason it is not considered in vain could be because the first recital was totally invalid, due to the omission. Therefore, he still has his original obligation. We shall discuss other possible explanations for the repetition shortly. If he is in doubt, he is in a

quandary. On the one hand, he might still have the obligation. On the other hand, he might be reciting everything in vain. He should recite it with the provision that if he is indeed not obliged, it is a *nedava*. While he would normally need to add a new request, in this case, doing it to satisfy the doubt counts as the new request. The main reason a new request is required is to demonstrate that it is *nedava*, rather than *chova*, a repetition of the obligation. Repeating due to the doubt, with the stated provision, is automatically considered *nedava*, without the need for a demonstration.

Thus far, we have been discussing one who realizes his omission, or his doubt, after finishing *shemone esrai*. What if he realizes it during *shemone esrai*. There are different solutions for different omissions. For some, he is required to repeat from the omission on. For others, he may insert it at a later point. For some, according to some poskim, he may ignore the doubt and continue on. For some, he must start over from the beginning of *shemone esrai* anyhow. In general, the issue can be boiled down to whether the omission invalidated the entire *shemone esrai*, or a block of it, or whether it is seen as an insertion that can be made up later, or whether it is not even essential to the *shemone esrai*. A second consideration is whether the doubt may be resolved by a habit.

[To illustrate the first consideration, say one forgot to insert *yaaleh veyavo* at *mincha* on *Rosh Chodesh*. He realized this at *maariv*, when it was no longer *Rosh Chodesh*. If the entire *shemone esrai* was invalid, his obligation to repeat expired with nightfall. He now has an obligation of *tashlumin*, to recite a make-up *tefilah* in addition to his *maariv tefilah*. Though this will not include the insertion, he will still satisfy the *tefilah* requirement. If, however, his obligation to repeat was only to allow for the insertion of *yaaleh veyavo*, he will gain nothing by adding a *tefilas tashlumin* without it. The poskim debate this very question, showing that they are on the two sides of the issue.]

To recap the end of section B. The Talmud suggests a different solution for one praying with a *tzibur*. If he omitted certain things in his silent *shemone esrai*, he may rely on the *chazaras hashatz*. The usual ruling follows the opinion that this is only relied on for the unlearned. However, in this situation, the poskim follow the view that he may rely on the *shatz*. Since he really did recite his own *shemone esrai*, he fulfilled, somewhat, his own basic obligation. He relies on the *shatz* to compensate for the omission. [Some say that this does not apply to omission of an entire *brocha*, but to omission of an insertion.]

This implies that the person finished his entire *shemone esrai* already. This could mean one of two things. Either he only realized his mistake after he finished. This would mean that if he realized it earlier, he could not rely on the *shatz*. He would be required to go back to where the mistake happened, or to the beginning. Or, even if he realized it before the end, he should rather finish, then rely on the *shatz* to compensate for the omission, than repeat the intervening *brochos* 'in vain'. This could only mean that one may intentionally finish the *shemone esrai* having omitted an insertion, and yet the remaining *brochos* would not be considered in vain. [If he omitted an entire *brocha* it would not work, because the entire *shemone esrai* would be considered invalid.]

Some object to this idea. They maintain that if the person had not finished *shemone esrai*, he could not continue. He would need to wait for the *shatz* to say what he omitted, and continue his own *shemone esrai* after that. This solution raises its own problems. He

can only rely on the *shatz* through *shomaia keoneh*, hearing counting as saying. He would be 'saying' the missing insertion in the wrong place, based on where he is up to right now. Therefore, he would need to hear the *shatz* saying the intervening *brochos* as well, and finish off together with the *shatz*. As mentioned, others reject this solution. The Talmud does not seem to be recommending such a complicated solution. Rather, the language indicates that he may rely on the *shatz* for the omission only. This would then apply whether he had already finished or realized his omission in the middle. In practice, it is not recommended to rely on a *shatz* nowadays. Most people are unable to concentrate enough to listen to every word. Nonetheless, the discussion is illuminating for our case.

In cases such as ours, questions are raised. If the *shatz* has already spoiled his silent *shemone esrai*, does this disqualify him from serving as *shatz* for the repetition? Indeed, some suggest that in a case where the *shatz* knows with certainty that he made an omission, he should not serve as *shatz* for the *chazarah*. Someone else should step forward. Then he may listen to him to compensate for his own mistake. This is not always feasible, can be embarrassing, and others maintain that he need not do so. In addition, it seems to be based on a difference between *halachic* and *kabalistic* practice. The basic *halachic* practice allows the *shatz* to rely on his *chazarah*. The debate hinges, in part, on whether one fulfills his personal general *tefilah* obligation with a deficient *shemone esrai*.

This depends on two issues. Firstly, we already mentioned the debate on whether the omission invalidates the rest of *shemone esrai*, or it is a valid but deficient *tefilah*. The repetition would compensate for the deficiency. An insertion cannot be said independent of the rest of *shemone esrai*, which is why the entire thing is repeated. Second, what is the nature of the silent *shemone esrai* of the *shatz*? In the aforementioned Talmudic debate on the role of the *shatz*, the question is asked, if the repetition discharges the obligation of some congregants, why does the *shatz* need to recite a silent *shemone esrai*? The answer is: *lehasdir*, to practice it. Accordingly, does the *shatz* need to practice a complete *shemone esrai* with all insertions? Are the insertions essential to the practice?

The poskim rule that the *shatz* should indeed rely on his *chazarah*, which is the basic *halachic* practice. We mentioned earlier the issue with trying to hear every word of the *chazaras hashatz*. This does not apply here. Nonetheless, why should he not try to make the best of his silent *shemone esrai* by going back to his mistake and continuing from there? After all, some say that the omission invalidates his *shemone esrai*. The answer is, *tircha detzibura*, placing an undue burden on the congregation. An individual could repeat without holding the congregation up. The *shatz* will delay the congregation. Invoking this concept appears to lend credence to the view that the omission does not invalidate the *tefillah*. Rather than rectify it as an individual, the *shatz* may rely on *chazarah*. However, some suggest that when the insertions were instituted, they were indeed meant to invalidate the *tefillah*. Nonetheless, the institution was made with the provision that this does not cause *tircha detziburah*. Accordingly, the *shatz* may not retrace his *tefilah*. He must rely on his *chazarah*.

Of those who allow the *shatz* to rely on his *chazarah*, there are varying views on what to do when he realizes his omission. As mentioned, some maintain that he should stop right there. Although he is the *shatz*, and will now inevitably repeat the *brochos* he

already said, this is better than repeating a lot more in vain. According to the other view, he may finish his silent *shemone esrai*. However, some say that this does not apply to *mashiv haruach* or other insertions in the first three *brochos*. There is some question about the source of this view. Therefore, the poskim say that a *shatz* may rely on the view that even for this, he need not retrace his *shemone esrai* to that point.

Thus far, we have discussed cases where there was a known omission. In our case, the *chazan* is in doubt. We mentioned in section A that a doubt about *mashiv haruach* is resolved based on the habit. This concept, known as *vesto*, or *sirchai naktai*, is based on the rules of deciding a doubt. However, the doubt is decided but not removed. Thus, if other considerations are introduced, the original doubt can often resurface to mitigate the question. In light of the factors mentioned, the *chazan* might be able to continue anyhow.

The factors in favor of continuing are: (i) the view that the *chazan* should continue anyhow, even in the case of a definite omission, and even if the omission was in the first three *brochos*; (ii) the issue of *tircha detziburah* that is applied to avoid delaying the congregation by repeating from his mistake; (iii) the objections to a *chazan* who did not complete his silent *shemone esrai*; though this *chazan* might also not have completed it, this is not definite. Since the objection is based on *kabalah*, and *halacha* allows him to serve, in balance, he should be allowed to serve; (iv) the complications involved with interrupting his *tefilah* at this point and rendering his first part of *shemone esrai levatalah*; (v) the problem with handing over *chazaras hashatz* to another, to satisfy the alternative views. Namely, there will be (a) some *tircha detzibura* involved; (b) the *chazan* will need to gesture in the middle of his *shemone esrai*, an issue involving *hefsek*, unnecessary interruption; (c) there will be an issue of *kavod habriyos*, embarrassment. This is invoked under certain circumstances to allow a *chazan* to continue when an individual would have to stop; (vi) the fact that this does not involve a definite omission, but a doubt decided by *chazakah*; and (vii) the possibility that his *shemone esrai* is still valid *per se* despite the omission, especially as a doubt, and at least *lehasdir*. [See Brochos 12a 21a-b 26b 29a-b Rosh Hashana 33b-35a, Poskim. Tur Sh Ar OC 69:1 107 108:9-12 109:1-2 114:3-6 8 117:3-5 119 124:1-3 10 (RAE, Afikei Maginim, Berur Halacha, Sharei Bina) 126:4 (Berur Halacha) 294 422:1 591:1 593:1, commentaries. Chayei Adam 24:21, Nishmas Adam, 29:4, Bais Baruch 16. Kehilos Yaakov (I:1) Brochos 12 13.]

In conclusion, the *shatz* should continue his silent *shemone esrai* and his *chazara*.

On the Parsha ... Please tell me with which merit will [my descendants] remain in the Land? In the merit of the *korbanos*. [Rashi 15:6-9] Each of the animals used for the *bris bain habesarim* alludes to a *korban* – notably, all are types of sin-offerings. No *olos*, burned offerings are included. An *olah* can be a voluntary or obligatory offering. Perhaps, an offering that can be voluntary raises questions about its intent. This is why *tefilas nedava* is discouraged.

Sponsored by Lenny and Erel Plotkin in honor of Aron and Guila Pfeffer's wedding, Jacob Shraga Weisenfeld's *bar-mitzvah* and Jonathan and Susan Jablow's newborn son, Shlomo Zalman. *Mazal tov*.

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