

HALOCHOSCOPE

ings. Some offerings are made *nedava*, voluntary. Accordingly, one should be able to make a voluntary *tefilah*. Nowadays, people do not customarily do this, due to the risk of a *tefilah* without proper intent. However, if one adds something new, it may be done. The existence of a doubt whether one fulfilled it the first time counts as a new insertion.

In the case of *Bareich aleinu*, if *tal umatar* was inserted or omitted incorrectly, the consensus is to require repetition. What if a resident of a place that requires rain during summer forgot and inserted it? He may repeat as *nedava* without the insertion, but he is not obliged to. Since the entire concept is really based on need, breaking with the institutionalized practice is insufficient to obligate repetition. Accordingly, the same should apply in reverse. In a place that does not require it in winter, omission should not require repetition. Nonetheless, this is not mentioned openly. Some suggest that inserting it in winter is a *halachic* requirement, while insertion during summer can relate to need. Yet some poskim say that the matter is left undecided.

Accordingly, in our case, the Israeli is in a country that does not require the rain at this time, at least according to the way we rule. He happened to follow the view that an Israeli should start on the 7th of *Cheshvan* even *Chutz-la'aretz*. However, if he omitted it in a subsequent *tefilah*, he has two reasons not to repeat. The local *minhag* is not to insert it at this time. Furthermore, if the local country does not require rain, some would say that he does not have an obligation to repeat. The only question is whether this Israeli should follow the *nedava* procedure? The issue is whether his 'obligation' to insert it is sufficient to be considered a new request. On the other hand, perhaps this place *Chutz-la'aretz* happens to need rain earlier. The reason that they wait until December is to comply with the majority ruling. The Israeli could follow one of three views. Some say that he should follow local custom, since the community where he is right now responds to their own needs. He should join with them, especially because right now he shares their needs. Some say that he should always respond to the needs of his family back home in Israel. Some say that it depends on when he plans to return. Of these, there are varying views on how this plan affects his status. If so, the Israeli inserting it is both following one ruling for Israelis, and complying anyhow with the minority view for this location *Chutz-la'aretz*, if they need rain. While he might not really be obliged, due to the controversy, it could still be considered a fresh request. [See refs to Section C.]

In conclusion, we may apply the basic concept that he may undertake a *tefilas nedava*, but that he is not obliged to do so.

On the parsha ... Hashem sent rains of blessing, giving [Sedom] a chance to repent. Then He sent sulfur and fire .. [19:24, Rashi, Targumim] This took place on *Pesach* [19:3]. This is a time when rains are not considered a blessing, and we stop praying for them! Moreover, why not destroy them with destructive rains? Perhaps *Sedom*, due to its extremely bountiful nature, was a place where rain can be a blessing year round!

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This week's question:

An Israeli resident is *Chutz La'aretz* on the 7th of *Cheshvan*. He begins saying *vesain tal umatar* during his own *shemone esrai*. One time, he forgot and said *vesain beracha*. Should he repeat *shemone esrai*?

The issues:

- A) *Tal umatar*
- B) When does one begin inserting it?
- C) An Israeli *Chutz-la'aretz*
- D) Omission and repetition

A) *Tal umatar* [Sections A-C are mostly reproduced from Halochoscope XI:09.]

While we pray for all needs, the provision of the rains is singled out for *tefilah*. In *shema* (*vehaya im shamoa*) the two are juxtaposed – *ule'avdo bechal levavchem*, serve Hashem with your heart – *tefilah ... venasati metar artzechem be'ito*, and I will provide rain in its season. Accordingly, there is special mention of rain in our daily service.

The *brochos* of *shemone esrai* categorize needs. We pray for a category, and specific needs that we have are addressed by Hashem. Rain corresponds to material sustenance, *parnasah*. There is no human control over this. Sweat of the brow is the fulfillment of the curse of Adam. The only true effect we can have over *parnasah* is through our *tefilah*. The ninth *brocha* of *shemone esrai*, *Baraich alainu*, covers *parnasah* and includes the request for seasonal rains. Abundant material sustenance is provided in successful crops that depend on rain in its proper season. During winter the crops grow and the ground absorbs and contains the rain. During summer the crops are grown and begin ripening. This is not the time for rain. The water reserves come to the surface as the ground warms. Therefore, we ask for rain in the winter, and we do not ask for it in the summer.

In the *shemone esrai* some insertions are integral. They only appear like insertions because they are not part of the standard *tefilah* year-round. *Tal umatar* is integral in its season. Rather than commemorating an event, it is part of the main request. If one omitted it in winter or included it in summer, he must repeat *shemone esrai* the right way. If one omitted *tal umatar* in winter, and realized before *Shema kolainu*, he inserts it there, according to the consensus of poskim. *Shema kolainu* is a general *brocha* that covers any need that was not yet included. Once he passes this point, he has no choice but to repeat.

Winter and summer are reversed in the Southern Hemisphere. Nonetheless, the poskim maintain that both hemispheres say the same *shemone esrai*. [This is interesting in light of the variation between *Eretz Yisroel* and *Chutz-la'aretz*, in the date when *tal umatar* begins.] The bulk of the inhabited world is in the Northern Hemisphere, and that determines the standard. Individuals who have specific needs may insert them in the ap-

appropriate *brocha* in *shemone esrai*. *Tal umatar* is an exception. It should not be inserted by an individual during summer. Rather, he may insert it in *Shema kolainu*. A group may not use this method in the *chazaras hashatz*, which is read aloud. Some poskim maintain that an entire group may not recite it in their silent *shemone esrai* either, as this is the same as changing the standardized version for one group. In cases of dire drought, insertions may be made in the form of additional *tefilos*. They may not appear as a fixed integral part, which is what *tal umatar* would become, almost by definition. In a part of the world, such as Australia, where rain is needed during the Northern Hemisphere's summer, if one inserted it by mistake, he need not repeat *shemone esrai*. He could recite a voluntary *shemone esrai*, but nowadays, this is not advised. [See Brochos 31a 33a Taanis 2a 3a-b 14b Avoda Zara 8a, Poskim. Tur Sh Ar OC 117:1-5, commentaries.]

B) When does one begin inserting tal umatar?

The reason to ask for rain specifically in winter is two fold. It is needed more in the 'rainy' season, and the crops could be damaged in the summer. The 'rainy season' begins, theoretically, at the beginning of fall. However, there are still crops in the fields. Therefore, we should wait to begin requesting the rain until the harvest is totally over. An additional factor is the sowing of the new crop. If it is not watered immediately, it could be eaten by birds and animals. As soon as sowing is underway, we should be requesting rain. Taking all this into account, the ideal time for *she'ayla*, asking for rain, is around *Sukos*, or more correctly, *Tekufas Tishrei*, the autumnal equinox, that must always fall right before *Sukos* [as the Torah instructs us to fix *Sukos* at the *Tekufas Hashanah*]. It would be very unpleasant to have a rainy *Sukos*, so *she'ayla* is postponed to after the holiday. In Temple times, the pilgrims returning after *Sukos* would encounter waterlogged roads, if it rained then. Therefore, it was instituted at the time that the last pilgrim reached home, estimated at two weeks later, on the Seventh of *Cheshvan*. This remains the practice in *Eretz Yisroel*, where the pilgrimage continues in some form. In addition, there are few rivers and the primary source of water is the winter rainfall.

Bavel, where the bulk of the Diaspora communities was concentrated during the era of the Second Temple and beyond, is on a lower elevation and is sustained by rivers. Rain is not needed right away at the *Tekufah*. In addition, crops are left out for longer periods. They wait for *she'ayla* until the appropriate time locally. This was set at the sixtieth day following the *Tekufah*. The solar calendar is based on these *Tekufos*, and in the Gregorian calendar this date is December fifth or sixth. [It is affected by the adjustments made for leap years and centuries.] Beginning at *maariv* on the preceding evening [the 4th or 5th], *tal umatar* is inserted in *Bavel*.

Few Jews remain in *Bavel*. Should we not adjust the dates according to new settlements of Jews? The Mishna only mentions the 7th of *Cheshvan*. The *Bavel* date is itself a variation. If our settlement is not like *Bavel*, should we not adhere to the Mishnaic date? [One prominent commentator raises the issue that outside *Eretz Yisroel*, they could begin right after *Sukos*!] This issue is raised, and some poskim maintain that indeed other countries should begin on the 7th of *Cheshvan*. However, the consensus is to consider the entire Diaspora an extension of the *Bavel* community. There are exceptions in special situations, combined with other *halachic* considerations. [See Taanis 4b 10a, Poskim. Tur,

BY, Sh Ar OC 117, commentaries (Dirshu MB *n13*). Tzitz Eliezer XIV:93.]

C) An Israeli Chutz-la'aretz

An Israeli visiting *Chutz-la'aretz* could face a few situations. He could be outside *Eretz Yisroel* when they begin in his home country. He could have been there when they began *she'ayla*, then leave before *Chutz-la'aretz* begins. He could plan to return, before or after they begin *Chutz-la'aretz*. The issues would be whether he should follow the practices of his home, or of the location in which he finds himself at present, and whether his intentions of returning, and if so, when, affect his current *halachic* status. Similar issues face a resident of *Chutz-la'aretz* in *Eretz Yisroel*. This is part of a larger issue. Any visitor to a community with different *minhagim* than those of his home town must deal with this. He may not neglect the views of his community's Rabbis and their *minhagim*. He may not defy the authority of the local community, nor create *machlokes*, discord, within his host community. Where the variations are not due to *minhag*, but to circumstances, he may follow the local practice. In our case, the original variation was not due to differences of opinion and *minhag*, but due to the varying need for rain.

The Talmud discusses a similar case regarding *megillah* reading. In un-walled cities it is read on the 14th of *Adar*, and in walled cities, on the 15th. A resident of either, who finds himself in a city of the other type, follows the local practice. If he plans to return home that day, he follows his home-town practice. He will resume his own obligation then, like all residents. In our case, once an Israeli has begun *she'ayla*, he continues, regardless of where he goes later. If he will be crossing paths, possibly missing the beginning date, he is in a more difficult situation. It is possible that *she'ayla* is different. On the one hand, his request is part of the general request for *parnasah*, mainly applicable to his personal situation. This would logically follow his home-town community, especially if he has dependents back home. On the other hand, while in a different town, sustained by their community, he should share with their 'pain', and participate in their requests.

The poskim come to differing conclusions. The consensus is that an Israeli *Chutz-la'aretz*, planning to return before December 5th, should begin on the 7th of *Cheshvan*. If he forgets, he should not repeat, since there are so many reasons to say he need not have begun yet. If he did begin, then forgot to mention it in a later *tefilah*, some say he should follow the *tefilas nedavah* procedure. [See section D.] If he began in *Eretz Yisroel*, he should continue. Other cases are debated. Some maintain that one should always pray for his hosts needs, just as a visitor would be required to join a community in their publicly proclaimed fasts. Others say that if one plans to return to Israel within the year, he should act as he would back in Israel. Some say he may insert it in *Shema kolainu*, but should not behave differently from the community in regard to the main text of *shemone esrai*. [See Sh Ar OC 117:1, Kaf Hachayim 9-14, Ar Hash 8, commentaries. Igros Moshe OC II:102 Tzitz Eliezer VI:38 Beer Moshe VII:bnei EY vCHL 117:1.]

D) Omission and repetition

In general, when an integral part of *tefilah* was omitted, one must repeat *shemone esrai*. It is as though the entire *tefilah* was not said. If there is some doubt about the requirement to repeat, this raises a larger issue. One may not utter the Names of Hashem in vain. One may not recite a *brocha* for no true purpose. However, *tefilah* represent offer-