


HALOCHOSCOPE



es of *devarim shebikedusha*. His title says that he represents the *tzibur*. The *tzibur* should not read along with him, for if they would, how could he be called their 'agent'! In this role, he must conform to the *minhag* of the congregation. Thus, in Talmudic times, there were varying *minhagim* on how to read *halel*. A visiting *shliach tzibur* had to follow the *minhag* of the host congregation.

The same rule is applied nowadays, when someone wishes to serve as *shliach tzibur* in a *shul* that uses a different *nusach* than his own. In fact, if the *shul* uses a different accent of Hebrew, some poskim maintain that one may not serve as *shliach tzibur* using his own accent. All of this applies to a difference in *minhag*. The reasons for this are that one may not have two *minhagim* practiced by two groups at the same time, a rule derived from the Scriptural *mitzvah lo sisgodedu*. In its original meaning this refers to scratching and scarring one's skin in grief. There are some beautiful explanations on how this can be interpreted to connect to the other interpretation, not to break up into splinter groups. Specifically, it refers to two groups following different rulings in the same location. Different communities may follow different opinions. Another reason is to prevent discord, as mentioned. These do not apply to differences based on circumstance, as mentioned. However, in light of the debate about whether *Chutz-la'aretz* outside *Bavel* should insert *tal umatar* early, one who does insert it is really breaking with the accepted local ruling.

This poses a problem for an Israeli who has already begun inserting *tal umatar* in his own *shemone esrai*, when he wishes to serve as *shliach tzibur Chutz-la'aretz* before December 5th. If he does not insert it, he is changing his practice. Since he is *shliach tzibur*, he may not insert it. Is it preferable that he does not serve as *shliach tzibur*?

It would appear that he may serve as *shliach tzibur* and omit it, for a few reasons. First, there is the view that one always prays with the community in which he is present. This view would say that he should always omit it *Chutz-la'aretz*. It is questionable whether this view would maintain the same if he had already begun before he left Israel. However, in this case of doubt, coupled with the issues raised, he should rather err on the side of omission. Second, since in his present capacity he is *shliach tzibur*, the *tzibur's* practice comes first. He is qualified to serve, and may do so, even if he is not fulfilling his own obligation at the same time. Third, anything recited aloud must concur with what the congregation says, regardless of what the individual usually says. Therefore, while in his quiet *shemone esrai* he should continue inserting it, in his repetition, he must do what the congregation does, and omit it. [See Brochos 34a-b Taanis 15a Megilah 23b Rosh Hashanah 33b Sukah 38a-b, Poskim. Tur Sh Ar OC 53 69 124-126. Igros Moshe OC III:23 104 IV:65. Shemesh Marpay OC:2.]

On the Parsha ... And may Hashem give you of the dew of the heavens ... [27:28] This is not a blessing of dew. Dew comes anyhow, everywhere. The dew will bring you abundance of wheat and wine. [Ramban] Dew brings joy to everyone. [See Sforno] When we pray for dew, we ask that the accompanying dew bring other blessings. This is why we ask for dew with rain.

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This week's question:

An Israeli is *Chutz-la'aretz* after the Seventh of *Cheshvan*, but before December 5th. He began saying *vesain tal umatar* before he left Israel. Now that he is *Chutz-la'aretz*, may he serve as *shliach tzibur*, and how should he recite the ninth *brocha* of *shemone esrai*?

The issues:

- A) *Tal umatar*
- B) When does one begin inserting it?
- C) An Israeli *Chutz-la'aretz*
- D) *Shliach tzibur*, and *minhag hamakom*, following the local custom

A) *Tal umatar*

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, or *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 our needs. We pray for a category, and the specific needs that we have [that we might have in mind at the time as well] are addressed by Hashem. Rain corresponds to material sustenance, *parnasah*. There is no human control over this, despite appearances. It is totally in Hashem's hands. Sweat of one's 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, mainly, in the success of the crops of the land, that depend on rain in its proper season. During winter the crops are growing 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* there are some insertions that are really integral to the *tefilah*. 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. Therefore, if one omitted it in winter or included it in summer, he must repeat *shemone esrai* the right way. However, if one omitted *tal umatar* in winter, and realized before *Shema kolainu*, he may insert 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 *shemone esrai*.

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 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 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 still remain in *Bavel*. This raises the question, 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. 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 in *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 communities Rabbis and their *minhagim*. He may not defy the authority of the local community, nor create *machlokkess*, 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 *teflah*, some say he should follow the *tefilas nedavah* procedure. 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, commentaries. Igros Moshe OC II:102 Tzitz Eliezer VI:38 Beer Moshe VII:bnei EY vCHL 117:1.]

D) Shliach tzibur

The original job of the *shliach tzibur* was twofold. He recited the parts of *davening* aloud, to exempt those who did not know them, through *shomaia ke'oneh*, by listening and concentrating. Some parts of the service are always fulfilled this way, such as *kaddish*, certain *pesukim* of *halel* and *krias hatorah*. He also led the congregation in respons-