YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**YHE-HALAKHA: TOPICS IN HALAKHA**

**Mashiv Ha-ruach Ve-ten Tal U-matar**

**by Rav Yair Kahn**

 At the onset of the rainy season in Israel, there are a number of changes introduced into the tefilla. From Shmini Atzeret on, we insert the phrase "Mashiv ha-ruach u-morid ha-geshem" into the second berakha (birkat ha-gevurot). While we begin to request rain in birkat ha-shanim on the seventh day of Cheshvan (around December 4 in the Diaspora). At first glance, this conforms with the general halakha "be-khol yom ten lo me'ein birkhotav" which requires that tefilla be responsive to special occasions and specific seasons (see Berakhot 40a). Based on this rule, we recite "al ha-nissim" on Chanuka and Purim, and "aneinu" on fast days. However, omission of inserts based on this halakha, do not normally disqualify the tefilla. Nevertheless, the gemara in Berakhot (29a) rules explicitly that if one unintentionally omitted these additions, he must repeat his tefilla. [If one recited morid ha-tal instead of mashiv ha-ruach, he needn't repeat his tefilla. See OC 114:5.] Apparently, these inserts constitute more than merely updating one's tefilla. In order to gain a greater insight into the nature of mashiv ha-ruach and ve-ten tal u-matar, we will examine this sugya in Berakhot.

If One Failed to Mention Rain

 Rav Assi rules that if one erred and neglected to mention mashiv ha-ruach, he must repeat the entire tefilla. However, if one omitted tal u-matar, he does not have to repeat, because he can compensate by requesting rain in the berakha of "shome'a tefilla." Furthermore, if one deleted havdala during the tefilla of motza'ei shabbat, he needn't repeat, since havdala can be recited later over a cup of wine. The gemara quotes a tosefta which appears to contradict Rav Assi's ruling. According to the tosefta if one skipped either mashiv ha-ruach or tal u-matar he must repeat the entire tefilla. The gemara's initial suggestion is that Rav Assi is referring to a situation where the tefilla was recited together with a minyan. Therefore, the omission of tal u-matar is tolerable, since it is possible to fulfill one's requirement by listening to the tefilla of the shaliach tzibbur. The tosefta, on the other hand, refers to a case where a person prayed in private. Therefore, the option of hearing the shaliach tzibbur doesn't exist, and the tefilla must be repeated. The gemara proceeds to reject this explanation for technical reasons. The sugya concludes that Rav Assi is referring to one who remembered to request rain prior to "shome'a tefilla," while the tosefta, deals with one who didn't remember until later. Nevertheless, the gemara accepts the premise of the initial explanation that there is an option of fulfilling one's requirement by listening to the shaliach tzibbur. [In general, we don't rely upon this. See Mishna Berura 124:40.]

 However, the suggestion to limit the statement of Rav Assi to a case of tzibbur is baffling. True, it explains why the omission of tal u-matar is ignored. However, Rav Assi also claimed that mashiv ha-ruach is indispensable. The gemara's assumption seems to lead to the startling conclusion that it is insufficient to have heard mashiv ha-ruach during the repetition of the shaliach tzibbur. Furthermore, we are forced to concede that there is a discrepancy between mashiv ha-ruach and tal u-matar regarding this issue. This distinction demands clarification.

The Tefilla of the shaliach tzibbur

 Before proceeding, it is important to understand how one can fulfill his requirement by merely listening to the shaliach tzibbur. After all, if one chooses to listen to the shaliach tzibbur instead of personal prayer, there is an argument at the end of masekhet Rosh Hashana (34b) whether or not he fulfills his obligation. The gemara (35a) seems to conclude that he does not, unless he is incapable of personal prayer. At first glance this gemara in Rosh Hashana seems to contradict our sugya in Berakhot.

 Tosafot both in Rosh Hashana (34b s.v. Kakh), and in Berakhot (29b s.v. Ta'a), respond that the gemara in Rosh Hashana refers to an individual who chooses not to pray. Only in such a case does the gemara rule that the tefilla of the shaliach tzibbur is insufficient. However, in a situation where the person prayed but erred, like the case in Berakhot, he can rely upon the prayer of the shaliach tzibbur. Apparently, Tosafot reason that basically one can fulfill his obligation by listening to the shaliach tzibbur. This is presumably based on the principle of "shome'a ke-oneh" - hearing is like reciting. Therefore, even if a critical error totally disqualifies a person's tefilla, he can fulfill his obligation by listening to every word of the tefilla of the shaliach tzibbur. If, however, a person refuses to pray he is penalized, thereby canceling his ability to rely upon the shaliach tzibbur. On the other hand, in a situation where a person prayed but erred, there is no reason to apply this penalty.

 According to this approach, the nature of the error is irrelevant. As long as it is an unintentional mistake, it is possible to fulfill the obligation of prayer by listening to the shaliach tzibbur. This conclusion corresponds with the opinion of the BaHaG (see Tosafot Berakhot) that one can compensate for any error that normally disqualifies prayer, by listening to the tefilla of the shaliach tzibbur from beginning to end. Moreover, this ruling is reasonable even if an entire berakha was unintentionally omitted. Since the omission is unintended, a penalty is unwarranted, and listening to the prayer of the shaliach tzibbur should suffice. However, Tosafot quote the opinion of R"M, that if an entire berakha was omitted, the tefilla of the shaliach tzibbur cannot be relied upon. This opinion suggests an alternate approach.

Communal Prayer

 The Ritva in Rosh Hashana (34b s.v. Matni), claims that shome'a ke-oneh cannot be applied to the obligation of prayer. Tefilla, according to the Ritva, is a personal obligation, and cannot be fulfilled by merely listening to somebody else's prayer. The principle which enables the shaliach tzibbur to pray for those incapable of personal tefilla is not shome'a ke-oneh. Rather, the shaliach tzibbur functions as a mouthpiece for the entire community. Thus, we consider anyone who is part of the community as having actually prayed by being included in the communal tefilla of the shaliach tzibbur. The ability of the shaliach tzibbur to pray for those in the fields (Rosh Hashana 35a), although they couldn't hear his prayer, is apparently based on this understanding.

 According to halakha, only one who didn't have the possibility of personal prayer, can rely on the communal tefilla. A person who is capable, is obligated to pray as individual. Therefore, the distinction suggested by Tosafot, between one who intentionally refused to pray as an individual, and one who made an unintended error, is no longer an attractive solution. Presumably, even a person who accidentally disqualifies his tefilla should be required to fulfill his individual obligation, and should not rely on the communal tefilla of the shaliach tzibbur. How, then, can the sugya in Berakhot conclude that if one forgot tal u-matar, he can fulfill his obligation by listening to the shaliach tzibbur, instead of repeating the entire tefilla?

Two Types of Errors

 Apparently, the omission of tal u-matar does not disqualify the tefilla. Although there is a necessity to repeat, this does not necessarily indicate that the original tefilla is invalid. One who omits tal u-matar has fulfilled his personal obligation of prayer, but nevertheless is required to repeat his tefilla because of his omission. A good example of this phenomenon is havdala. At the beginning of this shiur we noted that if one omits havdala, he is not required to repeat his tefilla since he has the opportunity of reciting the havdala over a cup of wine. It is clear that havdala is not an integral part of tefilla, and its omission therefore cannot invalidate the tefilla. Nevertheless, had the opportunity of havdala over wine not been available, one would presumably have to repeat his tefilla. Clearly, this is not because his tefilla is invalid. Rather, it is because every person is obligated to make havdala, and tefilla (aside from wine) is the only context within which the havdala can be recited.

 Similarly, with regard to tal u-matar, we can claim that the request of rain is not an integral part of birkat ha-shanim. After all, Rav Assi explicitly enables the appeal for rain to be made in shome'a tefilla. (This argument is not conclusive. See Bi'ur Halakha 117 s.v. Im. Furthermore, one could argue that although tal u-matar is not an integral part of birkat ha-shanim, it is nevertheless intrinsic to shemoneh esreh.) Rather, it is crucial for every Jew to petition to Hashem for the proper amount of rain. The only framework available for this appeal is tefilla. Therefore, if one omitted tal u-matar, although his tefilla is valid, he must nevertheless repeat his prayer in order to appeal for rain. If, however, he listens to the request made by the shaliach tzibbur, this obligation is fulfilled.

 If, on the other hand, one invalidates his tefilla by mistake, he cannot rely on the tefilla of the shaliach tzibbur, since he has not fulfilled his obligation of personal prayer. Therefore, the R"M rules that if one totally deleted a berakha, he must repeat the entire tefilla even if he is with a tzibbur. Moreover, we can extend this ruling to any error which invalidates the tefilla. Therefore, if one omitted a crucial component of a berakha, listening to the shaliach tzibbur is insufficient, even though the entire berakha was not deleted.

 In conclusion, there are theoretically two types of errors that demand repeating the entire tefilla. The first is when an external but critical item is deleted. Although the tefilla is valid, one must repeat in order to achieve mention of that item. However, in this case it is possible to rely on the tefilla of the shaliach tzibbur, since the basic prayer is valid. The second is when an integral component of the berakha is omitted. This totally disqualifies the individual prayer, and obligates repetition, with no option of listening to the shaliach tzibbur.

Hazkara vs. She'eila

 The model which we developed enables us to distinguish between errors that can be corrected by listening to the shaliach tzibbur, and those that cannot. We are, therefore, ready to return to our sugya in Berakhot. We noted that this sugya seems to indicate that only tal u-matar can be corrected by listening to the shaliach tzibbur, while mashiv ha-ruach cannot. We already established that tal u-matar is not an integral part of the tefilla, and therefore its omission can be corrected by listening to the shaliach tzibbur. If mashiv ha-ruach cannot be corrected in like fashion, it is apparently, an integral part of tefilla. Why is this so? What is the difference between tal u-matar and mashiv ha-ruach?

 Masekhet Ta'anit opens with an argument regarding the exact date to begin reciting mashiv ha-ruach. R. Eliezer maintains that one should begin on the first day of Sukkot. R. Yehoshua argues that rain should not be mentioned until the final day of Sukkot, since rainfall during the festival of Sukkot is a bad omen. R. Eliezer counters that he is only referring to hazkara (mashiv ha-ruach) which is a mere mention of rain, not she'eila (tal u-matar) which constitutes an actual appeal for rainfall. The distinction between hazkara and she'eila is presumably accepted by R. Yehoshua as well. After all, even he agrees that tal u-matar is not introduced simultaneously with mashiv ha-ruach. The appeal for rain begins only when the rain is actually wanted (the beginning of Cheshvan).

 What is the difference between hazkara and she'eila? She'eila is the actual appeal for rain. We pray to Hashem to supply a blessed amount of rain. Therefore, tal u-matar is placed in the middle section of the tefilla, which is reserved for requests. Hazkara, on the other hand, is not an appeal for rain. It is referred to as "gevurot geshamim" (see Ta'anit 2a). It is an expression of the power of the Almighty specific to the rainy season. Therefore, it is reasonable to claim, that during the rainy season, mashiv ha-ruach is an integral part of birkat ha-gevurot which is a berakha of shevach focusing upon the power of the Almighty. Hence, its omission will invalidate this berakha, thereby disqualifying the entire tefilla. (See Or Sameach Hilkhot Tefilla 10:8, Shiurim le-zekher Abba Mori z"l vol. 1 pg. 195.) It is noteworthy, that the Talmud Yerushalmi argues with the Bavli on this point. According to the Yerushalmi, omission of mashiv ha-ruach can be corrected by inserting it into shome'a tefilla. (See Tosafot Berakhot 29b s.v. Ha.) This would seem to indicate that the Yerushalmi does not view mashiv ha-ruach as an integral part of birkat gevurot. (It is clear from the Bavli that omission of mashiv ha-ruach cannot be corrected during shome'a tefilla. Nevertheless, we cannot prove from this that mashiv ha-ruach is intrinsic to birkat ha-gevurot. Even if mashiv ha-ruach were extrinsic, it is not necessarily suitable for shome'a tefilla, since it is shevach and not bakasha.)

Summary

 There are many alterations in tefilla over the course of the year. Regarding additions which are due to the halakha of be-khol yom ten lo me'ein birkhotav, omission does not require repetition. Omission of certain inserts, however, obligates repeating the entire tefilla. If the phrase in question is integrated into the berakha, then its omission can invalidate the berakha, thus disqualifying the entire tefilla. If the phrase is crucial, but nevertheless not an integral part of the berakha, the tefilla itself is valid. However, the tefilla must be repeated to fulfill the obligation to recite the critical phrase. One possible indication that a phrase is not integral to a berakha, is the ability to insert the phrase elsewhere in the tefilla. According to the BaHaG, any error can be corrected by listening attentively to the entire tefilla of the shaliach tzibbur. However, according to R"M, an invalid tefilla can not be corrected by listening to the shaliach tzibbur. Nevertheless, the omission of a crucial phrase can be corrected in this fashion. We concluded that tal u-matar is a crucial addition to the tefilla. Nevertheless, it is not an integral part of birkat ha-shanim. Mashiv ha-ruach, on the other hand, is an integral part of birkat ha-gevurot according to the Bavli. The Talmud Yerushalmi, however, seems to argue this point.