

HALOCHOSCOPE TOI

Someone followed the custom of reciting *Mashiv Haruach Umorid Hageshem* ninety or one hundred and one times on *Shemini Atzeres*. He then caught himself omitting it during *Shemone Esrei* a few days later. If, at a later time he has some doubt as to whether he mentioned it, does he need to presume that he omitted it? Or, may he assume that he recited it from habit?

The issues:

- (A) *Mashiv Haruach Umorid Hageshem*,
- (B) Repeating *Shemone Esrei* if one has a doubt whether he omitted it
- (C) The “trick” of reciting it ninety times
- (D) Our situation

(A) *Mashiv Haruach Umorid Hageshem*

This is a praise to Hashem about His power to dispense rain. The items referred to in the second *Brocha* of *Shemone Esrei* are considered His “powers” due to the futility of human intervention. The Talmud says that rain is one of four things that Hashem guards the “keys” to Himself. This indicates a more direct Divine Hand than with other laws of nature. Some say that though there are times by which the rain is definitely expected, the advent of the rains themselves is not predictable. Rain is indispensable for the food supply and critical for sustaining life. Thus, it is included in the *Brocha* about Hashem’s life-giving.

This part of *Shemone Esrei* varies according to the season. During the summer we refrain from mentioning rain. During winter we must mention rain. It is inserted at *Musaf* on *Shemini Atzeres*, and is included until the *Musaf* on the first day of *Pesach*. The choice of these times is actually a matter of debate in the Talmud. *Tishrei* is the beginning of the rainy season. We do not mention the rains during *Sukos*. To do so would indicate that rain then is desirable. Since the Jewish people wish to sit in the Sukah, they do not want rain during this time. [Rain causes one to be *Mitzta’er*, excessively uncomfortable. The *Mitzvah* only demands that one live in the Sukah as he would live in his home the rest of the year. He would not tolerate a rainy home. Therefore, rain on *Sukos*, is taken as a sign that Hashem rejects our service.] *Shemini Atzeres* is the first opportunity during the month to mention it as a seasonal praise. Later, once the pilgrims

have returned home, we also plead for rain by saying *Vesayn Tal Umatar*. [If we asked for it while people were returning home, we would be davening for rain while they were getting waterlogged on the highway.]

Rain after *Nissan* is considered a curse. It can do nothing for the winter crops' growth, and can spoil what is ready to be harvested. Pesach is meant to occur during *Aviv*, the barley ripening season. This must be preceded by the *Tekufa*, vernal equinox. After this time, we would not want to mention the rains.

By rights, we should begin mentioning (or omitting) at *Maariv*. The reasons we wait until *Musaf* are that at *Maariv* not all are present. Consequently, some people will know about the change, while others will continue their old habit. This presents a divided Jewish nation. Ideally, all Jews should be serving Hashem uniformly. At *Shacharis* it could be mentioned, but those who were not at *Maariv* would think that the others had begun the night before. The following year they would begin at *Maariv*, raising the aforementioned problem. Furthermore, at *Musaf* the *Gabbai* is permitted to speak before the silent Shemone Esrei begins, warning everybody of the upcoming change in the Tefilah. At *Shacharis*, one may not interrupt between the beginning of Shemone Esrei and the part of the service preceding it. [See Taanis 2a-5a, Poskim. Tur Shulchan Aruch Orach Chaim 114:1, etc., commentaries.]

(B) If it was omitted

If one omitted the mention of *Mashiv Haruach Umorid Hageshem* in Shemone Esrei during the winter, he must repeat Shemone Esrei. If he caught himself before he finished the Brocha, he should mention it right then. There is a minority view that he should return to the part of the Brocha where it is meant to be mentioned. If one already finished the Brocha, but had not yet begun the next Brocha, he must mention it right then without adding anything from the preceding Brocha. If he began the next Brocha, or *Kedusha*, he must go back to the beginning of Shemone Esrei. It is not good enough to go back to the beginning of the second Brocha. The first three Brochos must be treated as one Brocha with regard to their repetition.

If one is in doubt about whether he mentioned it or not, he must assume that he said what he was used to saying. Thus, if he was in the habit of saying it already, he may assume that he did so. If he was still in the habit of omitting it, he must have omitted it. The Talmud determines this habit to depend on the same transition period for everyone. This is the first thirty days. Before the thirty days are up one is presumed to have persisted in his old habit. He must repeat Shemone Esrei if he has any doubt. [See Taanis 3a-b Yerushalmi 1:1, Poskim. Tur Sh. Ar. O.C. 114:4-8,

commentaries.]

(C) Saying it ninety times

The Poskim debate the reason for the thirty day transition period. Some say that it takes this long to change one's habit. Actually, even if one was not one hundred percent sure, he would still not repeat a Brocha, let alone Shemone Esrei. This involves uttering Hashem's Name, possibly in vain. If there is a genuine doubt, one refrains from uttering it. Before this time period one is safe in assuming that he did not yet change his habit. This is called a *Chazaka*, presumption of no change. The *Chazaka* allows one to mention Hashem's Name, even though he has a doubt. He may treat it as though he has no real doubt. After this period there is reasonable doubt, and he may not repeat Shemone Esrei.

Others maintain that the amount of times it is repeated is really what determines one's habit. Accordingly, if it was repeated the number of times one normally does in a thirty day period, ninety times (assuming that one davens three times daily, and excluding *Musaf* on Shabbos from the count), the habit may be changed earlier. Thus, if one repeated the excerpt of Shemone Esrei (including the preceding and following words) ninety times on Shemini Atzeres, he could assume that he no longer has his old habit. There is reasonable doubt, and he has lost his *Chazaka*.

One Posek adds a vignette. Why thirty days? He cites a Talmudic dictum that one who repeats his studies one hundred and one times will not forget them easily. In the Diaspora, there are eight days of Pesach. Beginning on the first day at *Musaf*, one has three Tefilos a day for thirty days, adding up to ninety. Add eight *Musafin* for Pesach, and an additional three for Shabbos, and subtract two for *Maariv* and *Shacharis* of the first day. You have one hundred and one. Therefore, he maintains, the main idea is to repeat it one hundred and one times.

However, this alone is not the reasoning of the second view. The main determining factor is repeating it. If one who repeats it over an extended period can affect his habit, one who does so in a shorter period should certainly be able to. This may be learned from a discussion in the Talmud regarding an ox who develops a habit of goring. To be liable as a *Muad*, warned ox, and make his owner pay damages in full, he must gore on three consecutive days. One view treats him as a *Muad* if the three times were all on the same day, based on the above logic. The original opinion cited does not agree — the Talmud does not follow this view with regard to the ox. However, the Poskim counter this by saying that the Talmud only rejects it based on the possibility that the ox had a bad day, or that ox was different. In practice the

majority of the Poskim conclude that if one did repeat it ninety times, he may not repeat Shemone Esrei. He has lost his Chazaka.

(D) Our situation

In our case, the person has repeated it ninety times. In his present position he should not have a Chazaka. However, he has caught himself omitting it. True he checked himself, but does this not reveal that he has not yet changed his habit?

One could argue that people are always liable to make mistakes in their Tefilah, even forty days after changing. One mistake does not mean that one has not changed his habit. Since the Talmud maintains that people normally do change their habits with the repetition theory, he must assume that he changed as well.

On the other hand, this might depend on how the whole issue is to be viewed. The Chazaka is needed to determine whether one may repeat Shemone Esrei due to doubt. With no Chazaka, there is a true doubt. Accordingly, any chance of the loss of the Chazaka should preclude repetition. However, it is possible that in the absence of a Chazaka to the contrary habit, the initial Chazaka is presumed. Certain physiological patterns are presumed constant until a new pattern uproots the old one. If the old one lapses three times, it is put on hold. If one reverts to it one time, it is assumed to have returned. Assuming speech patterns are the same, if the Talmud presumes that after thirty days a new Chazaka has taken the place of the old one, reverting to the old habit one time does nothing. However, if the old one has lapsed and is simply on hold, (not having the power to allow the mention of Hashem's Name), reverting to it one time might restore it.

There is no indication in the Yerushalmi that a new Chazaka is established after thirty days. According to the view that one does not forget after repeating a hundred and one times, the implication is that the object is to establish a new Chazaka, especially if it is compared to a Muad. Furthermore, at some point one does indeed establish the new practice as a Chazaka. This is the Chazaka that will be there when the time comes for the next change. At what point is the new Chazaka established? It is reasonable to say that this Yerushalmi holds it to be after thirty days, or, after repeating it that amount of times. Most important, the terminology of the Poskim leaves no doubt that in their view a new Chazaka is indeed established. Accordingly, in our case, the person may not repeat Shemone Esrei. [See Yerushalmi Taanis 1:1 Tur, Sh. Ar O.C. 114:9, commentaries.]