

***Vesein Tal Umatar* in the Southern Hemisphere**

During the coming week, the residents of *chutz la'aretz* will begin reciting “*vesein tal umatar*” in the *bracha* of *bareich aleinu* during *shemoneh esrei*. In honor of this event, in this week’s article we will examine the question of when the residents of the Southern Hemisphere begin reciting *vesein tal umatar*.

Please note that in *Chazal*’s terminology, “*mashiv haru'ach umorid hageshem*” is referred to as “*hazkaras geshamim*,” “mentioning rain,” and “*vesein tal umatar*” is referred to as “*she'eilas geshamim*,” “asking for rain.” When discussing each of these additions throughout the course of the article, we will interchangeably use both *Chazal*’s term as well as the words of the added stitch.

Due to space limitations, it was necessary to leave out several important views in the *Rishonim*, as well as in contemporary responsa. Thus, the focus of this article is not the final *psak halachah* on the issues under discussion, but rather a historical overview of the development of the various *halachic* rulings over the course of the last four centuries. Therefore, the readers should not use the information here to decide practical *halachah*. That is the job of one’s *rav* or *posek*.

Introduction

In *Eretz Yiisrael*, *she'eilas geshamim* begins on the evening preceding the seventh of *Cheshvan*, while the residents of *chutz la'aretz* begin sixty days after “*tekufas Tishrei*,” i.e., the fall equinox. This coincides with either December 4 or 5, and *vesein tal umatar* is first recited at *maariv* of one of those two days (depending on the year). All locations continue this until the first day of *Pesach* (*Shulchan Aruch, Orach Chayim* 117:1).

If the earth’s axis was positioned ninety degrees to its orbital plane, we would never experience seasons. Instead, we would have spring and fall-like weather all year round. However, since the earth’s axis is tilted 23.5 degrees off center, we have four seasons throughout the year. When the Northern Hemisphere is tilted towards the sun, that area of the globe experiences summer, and when it is tilted away from the sun, it is winter. Spring and autumn occur during the months of transition when neither hemisphere is pointed completely towards the sun.

Of course, when the Northern Hemisphere experiences winter, the Southern Hemisphere has its summer, and vice versa. This fact of nature has given rise to a question which is not at all discussed in *Shas* or in the *Rishonim*. The question was raised only some 400 years ago. The question is: when should the residents of the Southern Hemisphere recite *vesein tal umatar*? The reason why this question is so relatively recent is because, prior to then, there was probably no community of Jews living in the Southern Hemisphere.

The premise of the question is that while it is completely appropriate to recite *vesein tal umatar* in the Northern Hemisphere between *Sukkos* and *Pesach* because that is

the winter and the rainy season in that part of the globe, this is not the case in the Southern Hemisphere. The Southern Hemisphere's winter falls between *Pesach* and *Sukkos*, while its summer falls between *Sukkos* and *Pesach*. Thus it seems inappropriate to recite *vesein tal umatar* at that time. The problem is that *Chazal* did not institute to recite *she'eilas geshamim* between *Pesach* and *Sukkos*, and we lack the authority to make such changes.

This question is also relevant to *hazkaras geshamim*. In the Northern Hemisphere it is recited from *Shemini Atzeres* until *Pesach*. However, is it appropriate to be said at that time in the Southern Hemisphere, when they are experiencing their summer?

A Possible Proof from Nineveh

Aside from the famous story of Yonah *Hanavi* mentioned in *Nach*, the great city of Nineveh, the capital city of Assyria, has another claim to fame. The *Gemara* (*Taanis* 14b) records a *halachic* inquiry sent by the residents of Nineveh, to Rebbe Yehudah *Hanasi*, usually referred to simply as *Rebbi*. Since they required rain during the summer, they were at a loss as to how to pray for rain. Are they considered like individuals who should ask for rain during the *bracha* of *shomei'a tefilah*, no different than any other private request; or are they to be considered a large populace and they should ask for rain in *bareich aleinu*? *Rebbi* responded that they are considered individuals and they should petition for rain in *shomei'a tefilah*.

The *Shulchan Aruch* (*Orach Chayim* 118:2) rules that individuals who require rain in the summer should recite *vesein tal umatar* in *shomei'a tefillah*, and this includes whole cities such as Nineveh and whole countries such as Spain or Germany.

At first glance, one might be tempted to reason that the case of Nineveh could be used to establish the ruling for the Southern Hemisphere, as they both require rain in the "summer," i.e., between *Pesach* and *Sukkos*.

However, the cases are not parallel, so the ruling for Nineveh does not necessarily apply to the Southern Hemisphere. This is because the ruling that is applied to Nineveh is perhaps relevant only to those places that need rain both between *Sukkos* and *Pesach*, as well as between *Pesach* and *Sukkos*. However, since this is not true regarding the Southern Hemisphere, the ruling does not apply.

The Earliest Responsum

The earliest recorded inquiry and response concerning this issue came from the Jewish community in Brazil some 400 years ago. Jews began arriving in Brazil during the late sixteenth and early seventeenth centuries. In 1636, they formed the first *beis knesses* in the Americas, *Kahal Tzur Yisrael*, in Recife, Brazil, located near the eastern tip of South America.

They sent their *shaylah* to Rav Chayim Shabtai (also known by the acronym of his name *Maharchash*), who was a *rav* and *rosh yeshiva* in Salonika during the first half of the seventeenth century, eventually becoming its Chief Rabbi some ten years before his passing in 1647. As an interesting historic aside, his father's name was Shabtai, and the custom at the time in that region was to assume the father's name as the family name.

In the opening lines of his response (*Shu"t Toras Chayim*, vol. III, #3), Rav Chayim Shabtai outlines the issues involved:

- 1) The rainy season in Brazil (or at least in the region where those Jews lived) is from *Pesach* until *Sukkos*.
- 2) If it were to rain between *Sukkos* and *Pesach*, it would be detrimental to people's health due to the damp air.

Because of these considerations, the petitioners were at a loss concerning what to do about both *mashiv haru'ach umorid hageshem* and *vesein tal umatar*.

Rav Chayim Shabtai cites the words of the *Rambam* in his commentary to the Mishnah (*Taanis* 1:3): "There are lands where the time of rain begins in *Nissan*, and there are lands where *Marcheshvan* is the summer, and the rain at that time is not a blessing, but destruction and devastation. How can the people of that place ask for rain in *Marcheshvan*? Is this not falsehood?"

Based on this, Rav Chayim Shabtai ruled that between *Sukkos* and *Pesach*, when it is summer in the Southern Hemisphere, they should not recite *vesein tal umatar*, as the rain at that time is detrimental. And between *Pesach* and *Sukkos*, they should include the phrase "*vesein tal umatar*" in the *bracha* of *shomei'a tefillah*, as was ruled for the residents of Nineveh. Including this phrase during *shomei'a tefillah* was intended only for people in their private *shemoneh esrei*. In *chazaras hashatz*, however, it is not recited. Concerning *mashiv haru'ach umorid hageshem*, Rav Chayim Shabtai ruled that it should be omitted throughout the year in Brazil.

This ruling was followed by the Jewish communities in Brazil for hundreds of years. Additionally, when the Jewish community in Argentina was organized some 150 years ago, the majority also followed this ruling.

Australia

When the Jews settled in Australia over 200 years ago, they turned to the *rabbanim* of London for guidance in this matter, as Australia was a British colony at the time. The *rav* of London, Rav Shlomo Hirschell, and after him, Rav Nosson Marcus Adler, the first two Chief Rabbis of the British Empire, both *paskened* to follow the ruling of Rav Chayim Shabtai. This was the custom in Australia for at least the following 100 years.

A Controversy Arises

Between the years of 1884 and 1922, Rav Avraham Eiver Hirshovitz, a *talmid* and *musmach* of Rav Yitzchak Elchanan Spector, the *rav* of Kovno, served as a *rav* in numerous cities around the world, including London, Melbourne and New York. In 1922, he moved to Yerushalayim where he passed away in 1925 at the age of 85.

When he arrived in Melbourne in 1890, he established an independent community called "*Chevras Torah*" and opened his own *shul*. As mentioned, at the time, the custom in Australia was to follow the ruling of Rav Chayim Shabtai regarding *hazkaras* and *she'eilas geshamim*. However, Rav Hirshovitz disagreed with the custom. Concerning *hazkaras geshamim* in the *bracha* of *mechayei hameisim*, Rav Hirshovitz contended that it is independent of *she'eilas geshamim* and even if one is

not asking for rain, he still must recite *mashiv haru'ach umorid hageshem* between *Sukkos* and *Pesach*, as *Chazal* instituted. Furthermore, that which Rav Chayim Shabtai ruled concerning Brazil that they should not recite *vesein tal umatar* in *birkas hashanim* at all is a ruling directed at Brazil where the rain during their summer is detrimental. However, in Australia where the rain is beneficial during their summer, there is no reason not to recite it in *birkas hashanim*, as *Chazal* instituted.

Rav Hirshowitz therefore ruled that in his *shul* they should recite *hazkaras geshamim* and *she'eilas geshamim* as is done in the Northern Hemisphere. He then sent letters to various *rabbanim* and *poskim* asking for their opinions on this matter. The first response that he received was from his *rebbe*, Rav Yitzchak Elchanan, who agreed with his ruling.

The Response of Rav Shmuel Salant

One of the *rabbanim* who Rav Hirshowitz asked was the *rav* of Yerushalayim, Rav Shmuel Salant. He wrote to Rav Hirshowitz that he already received this inquiry from a group of *Yerushalmi* Jews who were living in Melbourne. They had informed Rav Salant that rain during their summer was detrimental. Based on this, Rav Salant had instructed them not to change the local custom that was based on the ruling of Rav Nosson Marcus Adler, the British Chief Rabbi, a major *talmid chacham*, who had *paskened* like Rav Chayim Shabtai. Concerning *hazkaras geshamim*, Rav Salant was originally in doubt whether they should follow the practice of the rest of the world to recite it between *Sukkos* and *Pesach*, or to follow the accepted custom in Australia not to say it at all.

However, Rav Salant continued, now that he was informed by Rav Hirshowitz that summer rain in Australia is beneficial, he is retracting his original ruling and he agrees with the Kovno *Rav* that the residents of Australia should follow the practices of the Jews in the Northern Hemisphere.

At the bottom of the letter, he adds that perhaps in those areas where rain is detrimental in their summer, the *halachah* follows the ruling of Rav Chayim Shabtai and *vesein tal umatar* should not be said.

More Letters and a Retraction

As could be expected, the rulings of these two towering *halachic* authorities caused a firestorm in Australia. Several people wrote letters to Rav Shmuel Salant requesting clarification of his ruling. They explained that the *minhag* in Australia was to follow the ruling of Rav Chayim Shabtai and that indeed rain during the Australian summer is detrimental. Thus, how can it be that they were expected to recite *vesein tal umatar* during that season? (In all likelihood, there was a lack of clarity at the time as to whether rain during the summer months was detrimental or beneficial.)

Rav Shmuel Salant sent a letter to Rav Hirshowitz that due to contradictory information that he received concerning the summer rains, plus that several petitioners claimed “*kevar horah zakein*,” “the elder has already ruled,” referring to the ruling of Rav Nosson Marcus Adler, he decided that he was currently not issuing a ruling on this matter.

Rav Shmuel Salant's Advice

Apparently, even after Rav Salant had made known that he was not ruling on the matter, he continued to receive inquiries on the subject from both *rabbanim* and community leaders in Australia. In a letter to Rav Hirshowitz, Rav Salant suggested that they carefully investigate the matter of summer rain in Australia in order to determine whether it is harmful or helpful. Afterwards, they should submit a unified inquiry to three *rabbanim* in Yerushalayim: Rav Yehoshua Leib Diskin, the *rav* of Brisk, Rav Shneur Zalman of Ladi, the *rav* of Lublin (not to be confused with the *Baal Hatanya* who had the same name and come from the same town some 60 years previously), and himself (Rav Salant). Rav Salant provided the addresses of the other two *rabbanim* and wrote that after the petitioners informed him that they sent the inquiry to the other *rabbanim*, he would sit with them and decide the matter.

Indeed, after *Pesach* in 1894, Rav Hirshowitz and one of the Australian lay leaders, R' Klonimus Zev Davis, wrote letters to the three *rabbanim* in Yerushalayim, laying out their inquiry including the history of the previous rulings. They also included detailed information concerning the planting and harvesting dates of the various types of produce (grains, fruits and vegetables). Their conclusion was that, in general, summer rains are beneficial, provided that it does not rain heavily as it does in the winter. However, they wrote that this rarely occurred.

Unfortunately, Rav Hirshowitz's *sefer*, *Beis Avraham*, does not include the letter of response from the Yerushalayim *rabbanim*. We do not know the cause of this omission. Was the response never written, or perhaps it was sent but never received?

In any event, we know from other sources that the custom in Australia changed to reflect the ruling of Rav Yitzchak Elchanan Spector, his *talmid*, Rav Avraham Hirshowitz, as well as Rav Shmuel Salant in his letter to Rav Hirshowitz. Namely, that they should recite *mashiv haru'ach umorid hageshem* between *Sukkos* and *Pesach*, and *vesein tal umatar* in *birkas hashanim* from the beginning of December until *Pesach*, as is done by the Jews in the Northern Hemisphere. If they require rain during their winter (*Pesach* to *Sukkos*), they should say *vesein tal umatar* in *shomei'a tefillah*.

Back to Argentina

As we mentioned, the original *minhag* in Argentina mirrored that of Brazil, based on the ruling of Rav Chayim Shabtai. This practice was confirmed as the correct one by the *rav* of the Argentinean capital, Buenos Aires, Rav Shaul David Sathon (*Shu"t Divrei Shaul, Orach Chayim* #3), who was *rav* there over 100 years ago. He and Rav Ezra Hakohen Traub (*Shu"t Milei De'ezra*, the *rav* of Damascus exchanged letters and came to the same conclusion.

However, due to the influx of Jews from all over the world, the *minhag* began to change, as not everyone agreed to follow local practice. Eventually, the community became divided based on ethnic lines, as most *Sefardim* followed the established practice, while most *Ashkenazim* followed the custom of Jews of the Northern Hemisphere.

Do Like the Ashkenazim

In more recent times, experts determined that the rains which fall during the Argentinean summer are beneficial. Furthermore, due to advancements in technology, aside from the fact that the water provided by the summer rainfall is put to good use, methods have been developed to minimize any detrimental effect the rains might produce, such as flooding. Because of these developments, Rav Ovadyah Yosef instructed the *rabbanim* of the *Sefardic* community in Argentina that they should recite *she'eilas geshamim* like the Jews in the Northern Hemisphere, starting sixty days after the fall equinox until *Pesach*.

This ruling generated some disagreement in the community and some argued that since not everyone would follow the ruling, doing so would create a situation of “*lo sisgodedu*” – a reference to the prohibition of having dissimilar practices in one community. Rav Yosef responded to this argument with the contention that this would not be an issue, as the *Ashkenazim* in Argentina are already practicing this approach, and everyone should do like the *Ashkenazim* (see responsum of Rav Ovadyah Yosef, cited in *Halachah Berurah* [Rav David Yosef], vol. VI, *Otzros Yosef* #4).

Following Chazal's Dictates

After reading this discussion, one might be tempted to ask: Why are the starting points for *hazkaras* and *she'eilas geshamim* such an issue? What is wrong with expressing one's needs before Hashem? Is this not the entire point of *tefillah*? In order to answer this question, let us examine the words of the *Bach* (*Orach Chayim* #117):

“I have a tradition that one may ask for rain only during the time when *Chazal* have established to do so, even if he wishes to do so in the *bracha* of *shomei'a tefillah*. Rather, one is allowed to appease Hashem through fasting, reciting *selichos* and the Thirteen Attributes of Mercy and by reciting *pesukim* and *Tehillim* that are related to rain. However, we do not say ‘*vesein tal umatar*.’ This concept is hinted to with the incident with Rava (*Taanis* 24b).” The *Gemara* there relates that Rava asked for rain during a summer drought. He was told in a dream that by doing so he “imposed upon Heaven,” and he was nearly killed for doing so. The *Bach* adds that he heard of two “*gedolim*” who ruled that “*vesein tal umatar*” should be added to *shomei'a tefillah* during *chazaras hashatz* when there was a drought during the summer, and they both died during the year.

The *Bach*'s son-in-law, the *Taz*, explains (*Orach Chayim* 117:2) that the issue here is reciting the phrase “*vesein tal umatar*” publicly in *shomei'a tefillah*, i.e., during *chazaras hashatz* (see also *Mishnah Berurah* 117:9). However, it is completely permissible for individuals to do so in their own *shemoneh esrei* during *shomei'a tefillah*, as it says in *Shulchan Aruch*.

We see from the above the *she'eilas geshamim* has to be precisely according to the dictates of *Chazal* and *halachah*, and one is not allowed to do so based on his own initiative. Also, the *Kaf Hachayim* (117:17) writes that according to the *Kabbalah*, *hazkaras geshamim* in the *bracha* of *techiyas hameisim* is recited only between *Sukkos* and *Pesach*.

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