



לעילוי נשמת
 יואל אפרים בן אברהם עוזיאל זלצמן ז"ל

Mincha after Sunset

Question: I am careful to finish *Mincha* by *shki'ah* (sunset), but one day I remembered a few minutes after it, that I had not *davened*. I decided to *daven* then with the following condition – if it was still time for *Mincha*, it should count, and if it was too late, it should be a *tefillat nedava* (voluntary prayer). Was that correct? Also, what was I supposed to do when I went to *daven Ma'ariv*, considering that I am unsure if I fulfilled *Mincha*?

Answer: Indeed, one should *daven Mincha* by *shki'ah*. Although the Rama (Orach Chayim 233:1) says that those who *daven Mincha* after *plag hamincha* (now widely

practiced) have until [close to?] *tzeit hachavim*, the Mishna Berura (233:14) argues that one must *daven* by *shki'ah*. However, at least for several minutes after sunset, it is possible that *b'di'eved* one may still *daven Mincha* (ibid.).

You seem aware of the above and do not want to rely on the opinions (many do for at least several minutes) that when one must *daven Mincha* after *shki'ah*, he may assume it works. Your idea of dealing with the doubt contains positive points. Let us analyze it and determine how you should have proceeded.

Classical sources discuss *tefillat nedava* in two cases – #1. One who is unsure if he already *davened* may do *Shemoneh Esrei* (=SE) as a *nedava*; #2. One who wants to *daven* a second time and adds new elements to SE (Shulchan Aruch, OC 107:1, based on Berachot 21a). Your idea relates to #1, with the doubt being not whether the *tefilla* is necessary but whether it works as desired (for *Mincha*). There is no clear precedent for a *tefillat nedava* at a time that is not viable for *tefilla*, but your assumption (the Be'ur Halacha to 233:1 concurs), is that if it is too late for *Mincha*, it must be possible to *daven Ma'ariv*. Your *nedava* faces another challenge. If your *tefilla* did not work for *Mincha*, it is *nedava* of *Ma'ariv* ... before you do the obligated *Ma'ariv*. This might be possible (see Ohalei Shimon, Tefilla 20), but it is difficult to determine if all agree with this possibility.

We now follow your system to *Ma'ariv*.

Rabbi Immanuel Bernstein
Zoom Parsha Shiur

Monday Evenings at 8pm

For Link Visit: journeysintorah.com

**Discover a New Dimension
 in the Weekly Parsha!**

ALL WELCOME

Eretz Hemdah, the Institute for Advanced Jewish Studies, Jerusalem, is headed by Rav Yosef Carmel and Rav Moshe Ehrenreich, founded by Rav Shaul Yisraeli, zt"l, to prepare rabbanim and dayanim to serve the National Religious community in the Israel and abroad. Ask the Rabbi is a joint venture of the OU, Eretz Hemdah, and OU Israel's Torah Tidbits.



If your *tefilla* did not count for *Mincha*, you needed *SE* at *Ma'ariv* twice, the second as *tashlumin* (makeup) of *Mincha* (Shulchan Aruch, OC 108:2), for a total of three *SEs* that evening. On the other hand, you could not be sure the third one is necessary, because if the first counted for *Mincha*, no *tashlumin* was necessary. Therefore, the third *tefilla* would also need to be done as a *tefillat nedava* (a variation of scenario #1 above).

However, *poskim* (see *Ishei Yisrael* 27:6) do not embrace your system of dealing with the *safek*, but that of the Be'ur Halacha (ibid.). He says that post-*ski'ah SE* should be on condition that if it does not work for obligatory *Mincha*, it should be for obligatory *Ma'ariv*. If the first was for *Ma'ariv*, then you missed *Mincha* and the later *SE* (which will be preceded by *Kri'at Shema* and its *berachot*) will be *tashlumin* of *Mincha*.

The Be'ur Halacha's system has weak points **if** your first *tefilla* did not fulfill *Mincha*. *SE* of *tashlumin* should be directly after the *SE* of the present *tefilla* (Mishna Berura 108:15). In this case, if the *SE* after *shki'ah* ended up being for *Ma'ariv*, then the *tashlumin*, done with the *Ma'ariv* of everyone else, is likely to be several minutes and perhaps much more after the first *SE*. However, when need be, there can be a break, as long as it is within the timeframe of *Ma'ariv* (ibid.). Also, *Kri'at Shema* and its *berachot* will turn out to be (perhaps, significantly) after the main *SE* of *Ma'ariv* (the first *tefilla*). Once again, while not ideal (Shulchan Aruch, OC 236:2),

Flawless Service
25 years +

Highest Prices Paid

Buying

Gold, Jewelry, Silver

WANTED

Diamonds, Gems, Precious Stones, Jade, Carvings,
Fine Mineral Specimens, Etc.

*** Alan Sussman, "The Collector" ***

052-854-4504

Please call live, Text message or WhatsApp

Member Diamond Club
 (All Types)

it is permitted when there is need (ibid. 3).

The Be'ur Halacha avoids two weaknesses in your system that exist even if, as is likely, your first *tefilla* worked for *Mincha*. 1) You need three *SEs* instead of two; 2) We try to avoid *tefillat nedava*, which should ideally be done only if one concentrates throughout *SE* (Shulchan Aruch, OC 107:4).

While we can further debate the merits of each system, we expect that next time you will follow the Be'ur Halacha. ■

Having a dispute?

For a Din Torah in English or Hebrew contact:

Eretz Hemdah-Gazit Rabbinical Court

077-215-8-215 • Fax: (02) 537-9626
beitdin@eretzhemdah.org

Maayan Levy

Property Management
Trusted by Owners Since 2008

☎ +972-54-255-6162