

Halacha Highlight

Making up a missed *mincha* from *erev Shabbos*

Shulchan Aruch Siman 108 Seif 9
טעה ולא התפלל מנחה ערב שבת

If one erred and did not *daven mincha* on *erev Shabbos*

Shulchan Aruch (סעי' ט') rules that one who did not *daven mincha* on *erev Shabbos* should *daven* twice during *ma'ariv* and he should recite the Shabbos *tefila* for both *tefilos*. Mishnah Berurah (ס"ק כ"ה) explains that even though one is making up a *tefila* that was missed during the week, since he is making it up on Shabbos he must *daven* the Shabbos *tefila* as the make-up. If, however, he erred and *davened* the weekday *tefila* as the make-up, he is not obligated to *daven* again.

Pri Megadim (סי' קכ"ד משב"ז ז') adds that one who missed *mincha* on *erev Shabbos* may not rely upon the recitation of אבות to serve as the make-up *tefila*. Even if he is serving as *shaliach tzibbur* he may not rely upon that as his make-up *tefila* and must *daven* a second time. Teshuvos HaElef L'cha Shlomo (סי' נ"ג) also ruled that one may not rely upon the recitation of אבות to discharge his obligation to *daven* a make-up *tefila*. Additionally, when one is required to *daven* a second *tefila* during *ma'ariv* to make up a missed *mincha* that second *tefila* is considered obligatory even though *davening ma'ariv*, in general, is considered optional. Since it is obligatory that obligation may not be discharged with אבות מן.

Other authorities (עי' חיי משה שמביא כמה אחרונים דס"ל הכי) follow the opinion of Maharil who maintains that an individual may choose to skip *ma'ariv* and merely listen to the *shaliach tzibbur's* recitation of אבות מן. The rationale of these later authorities is that since *ma'ariv* is an optional *tefila* that could be discharged with אבות מן, the make-up *tefila* that one recites together with *ma'ariv* is also considered optional. Once it is only considered an optional *tefila* one may discharge that responsibility with the recitation of אבות מן.

Stories to Share

Clouded Understanding

ש"ע, ס' ק"ח, ב': "וכן מי שהוא שכור ולא התפלל..."

On today's amud we find the halachah of one who failed to daven because he was drunk.

The Midrash Tanchumah in parshas Shemini tells a very striking story about how overindulging in wine can warp one's understanding: "When a drunk is inebriated he sits joyfully as though in Gan Eden. There was a pious man whose father drank publicly, much to the humiliation of his son. The pious man said, 'Father, I will purchase fine wine and bring it to your house if you will only stop frequenting bars. When you go to such places you shame me and yourself.' Each day he would bring his father spirits to drink in the morning and the evening. When his father would pass out, the son would place him in bed to sleep it off.

"One rainy day, as the upstanding son walked through the market on his way to shul, he noticed a drunk lying in the middle of the market-place. Water was streaming over him as children hit him and threw dirt in his face and stuffed it in his mouth. The son thought, 'I will bring my father here. Seeing the shame of this drunk will finally cure him of his obsession to drink wine.' When his elderly father witnessed this spectacle, the son was pleased to see a reaction: his father bent down to speak to the drunk directly.

Yet when the son overheard his father's words, his hopes of somehow breaking his father's addiction were dashed. The elderly man spoke

Overview

Siman 108 Seif 8:

Someone who did not *daven* when there was still time because he thought that he would have time to finish his present activity and ended up missing the time for *davening* or if someone was involved in monetary pursuits to prevent a loss and as a result he missed *davening* or if one was drunk and did not *daven* – in all of these cases he is considered an *ones* and the missed *tefila* may be made up. However, *l'chatchila* one should not allow the time for *davening* to pass out of concern for a potential financial loss.

Siman 108 Seif 9:

If one erred and did not *daven mincha* on *erev Shabbos* he should *daven* two *ma'ariv tefilos*, the first for Shabbos and the second is the make-up. The same *halacha* applies if one did not *daven mincha* on *erev Rosh Chodesh* he must *daven* two Rosh Chodesh *tefilos* and if he did not mention יבא יעלה in the first *tefila* but mentioned it in the second *tefila* he must *daven* again but if he did not include יבא יעלה in either or if he included it in the first *tefila* but not the second he is not required to *daven* again.

- ❖ If he read the weekday *shemone esrei* for the second *tefila* he is not required to *daven* again. If one did not *daven mincha* but already said מזמור שיר and it is still day he must *daven ma'ariv* twice using the *Shabbos amidah* but if in the first *tefila* he recited the weekday *shemone esrei* and in the second *tefila* he recited the Shabbos *amidah* he may have discharged his obligation. (M.B. 25)
- ❖ One who missed *ma'ariv* on Rosh Chodesh and will *daven* twice for *shacharis* and then forgot יבא יעלה in the second *tefila*, he is not required to repeat the *tefila* again. Similarly, if one missed *mincha* on the first day of Rosh Chodesh and when he makes it up the second night of Rosh Chodesh he forgets יבא יעלה he is not required to repeat the *tefila*. (M.B. 26)
- ❖ If Rosh Chodesh was two days and one forgot *mincha* on the first day and when *davening* twice at *ma'ariv* he forgot יבא יעלה in the first *tefila* he is not required to *daven* again since it is not evident that he intended the first *tefila* to be the make-up. Later authorities add that if one clearly intended the first *tefila* to discharge his obligation and for the second *tefila* to be the make-up he has discharged his obligation. (M.B. 27)

Siman 108 Seif 10:

If one erred and did not *daven mincha* on Shabbos he must *daven* twice after Shabbos (two weekday *tefilos*), in the first *tefila* he recites *havdala* but not in the second. If he did not include *havdala* in the first *tefila* and included it in the second *tefila* he is credited for the second *tefila* but not the first. If he included *havdala* in both or if he did not mention *havdala* in either *tefila* he has discharged his obligation.

- ❖ If one intended for the first *tefila* to discharge his obligation and he simply erred when he mentioned *havdalah* in the second *tefila* rather than the first he is not required to *daven* again. (M.B. 29)

softly to the filthy drunk lying in the gutter, 'Tell me, my friend, where did you ever manage to get such strong stuff?'

The mortified son cried, 'Father, is that what I brought you here for? Do you not see the horrible shame that this man suffers because of his habit?'

"The elderly father replied, 'My son, I have no pleasure in life besides drinking. This is my Gan Eden.'"