

HALOCHOSCOPE ^{TOI}

Continuation of last issue:

Ideally, *Mincha* is davened during the afternoon hours, and *Maariv* is davened after nightfall. In a pressing situation, such as on a long summer *Erev Shabbos*, in is common to daven them both close together after *Plag Hamincha* but before dark. Someone is in a town where all the shuls daven them together this way. May he opt to daven one of them alone, either *Mincha* earlier or *Maariv* later, while davening the other with the congregation? Is there a preference for which one he should do with the *Minyan*?

To recap, the latest time for *Mincha Shemone Esrei* is debated by the Talmud. One opinion says it must be said before *Plag Hamincha*, the other, before nightfall. The end of the time for *Mincha* is the earliest time for *Maariv*. The times of the two *Tefilos* should not overlap — if it is night, and late enough to daven *Maariv*, it is no longer day to daven *Mincha*. An overlap is called *Tartei Desasrei*.

The Talmud rules inconclusively on the debate. Therefore, one may choose which view to follow. Some *Poskim* say that one must consistently follow one view or the other. Others say that one may choose on a day by day basis, but may not daven *Maariv* earlier than nightfall on a day that he davened *Mincha* after *Plag*. Many *Poskim* suggest that one should adopt a consistent policy of davening *Maariv* at night, since this is the majority view, and it is more rational.

Maariv includes *Krias Shema*, a Scriptural *Mitzvah* which must be said by night when people “lie down.” Most *Poskim* maintain that *Plag* truly only works for *Tefilah* (*Shemone Esrei*), and that one must therefore repeat *Shema* after dark. Accordingly, some individuals remain silent when the congregation says early *Shema*, and daven with them for *Shemone Esrei*. Some *Poskim* condemn this practice; it involves showing of one’s piety in public. Some commend those who always say *Shemone Esrei* after dark, albeit without a *Minyan*. A practice is attributed to the Gaon of Vilna to refrain from davening *Maariv* at all until dark, even on *Erev Shabbos*. This follows the view that *Shemone Esrei* should always be after dark. He would say *Kabolas Shabbos*, recite *Kiddush*, eat, then daven *Maariv* after dark.

This conflicts with the general rule of *Tefillah Betzibur*, to pray with the congregation. For *Krias Shema* this is not as important as for *Shemone Esrei*. Those who even daven *Shemone Esrei* alone are sacrificing their opportunity and obligation to daven with a *Minyan*. One reason suggested for this is that *Tefilas Maariv* is called

Reshus. Normally, this means that it is voluntary. However, in this context it means that it was never instituted as formally as Mincha. Some explain it to refer to the timing of Maariv. Thus, one who wishes to delay his Maariv may disregard the Tzibbur praying at a time which he personally considers questionable. He is adopting a personal piety in the face of the conclusions of the Poskim. The answer to this problem is that the Poskim initially supported the early Maariv time to save the congregation, but not as an ideal.

All of the above considerations apply even when the congregation is davening Mincha before Plag and Maariv after Plag. One may follow personal stringencies to disregard Tefilah Betzibur. This would appear to resolve our question. Apparently, one may practice stringency with regard to Tartei Desasrei. To continue ...

However, in the practices discussed, the issue is the true time for Maariv. The Talmud, uncharacteristically, does not rule conclusively. This is based on reports about different sages following the different views. Many Poskim maintain that the true time is after dark, in accordance with the majority opinion cited in the Talmud. Individuals may anyhow consistently follow this Talmudic view. However, in our case, the question is whether to daven Mincha without Minyan before Plag, then to daven Maariv with Minyan after it, while it is still light.

Does the Tefilah Betzibur obligation for Mincha override the Tartei Desasrei?

Alternatively, should our questioner daven Mincha with the shul after Plag and Maariv by himself after dark? If this were his consistent practice, he would be permitted to do this. However, our questioner regularly davens Maariv early, disregarding the later Zman. He may not inconsistently choose to disregard Tefilah Betzibur. May he disregard it this time to avoid Tartei Desasrei?

We may resolve the issue based on the acceptability of the pious practice of davening a late Maariv. The Talmud rules inconclusively on the latest time for Mincha. One may choose which view to follow. Having committed himself to the Talmudic view that allows Mincha until dark, one would be precluded from fulfilling his obligation for Maariv before dark. If he mistakenly davened after Plag while it was still light, he must repeat Maariv. The only reason for this is that it is the time for Mincha, and he faces a true Tartei Desasrei. If one were always permitted to daven Maariv immediately after finishing Mincha, he could always daven Maariv early. The reason he may delay and daven without Minyan is due to the idea that the two do not overlap — Tartei Desasrei.

Apparently, this is based on the Passuk source for Maariv, that one should daven all the time, evening morning and afternoon. The other source is the burning of the fats of the afternoon Tamid offering. The fats could be burned immediately

after throwing the Tamid's blood. Based on this source there should be no issue of Tartei Desasrei. According to the first source one may, and possibly should, ignore the rules of Tefilah Betzibur, since Tartei Desasrei is a problem. According to the second source, there is no issue of Tartei Desasrei, and Tefilah Betzibur is a major concern. Since both sources are cited, both options seem valid. Thus, while one could disregard Tartei Desasrei in favor of Tefila Betzibur, one could also adopt stringency and disregard Tefila Betzibur in favor of Tartei Desasrei.

The source for Maariv based on the Passuk is cited by Poskim. The Talmud's source is the timing of the offering and the burning of its fats. Accordingly, the Talmud should not be able to prove the end of Mincha time by showing the earliest Maariv time. The fats could, after all, be burned right away, while it is still day. There should never be an issue of Tartei Desasrei. Yet, the Talmud's basis to rule inconclusively on the end time for Mincha is that there are conflicting accounts of sages having davened early Maariv on Erev Shabbos. Thus, the time for Maariv is used to prove the end of the time for Mincha. Evidently, Tartei Desasrei as a general timing factor is indeed an issue even if the source is the offering times. [See Brachos 2a-b 26a-28b, Poskim. Rambam Tefila 1:6 3:4 6 7 Temidin 1:3. Tur Sh. Ar. O.C. 233:1 235:1 (Ar. Hash. 1-5) 267:2, commentaries.]

Following this reasoning, in cases where there is an inevitable Tartei Desasrei according to all views, one may certainly opt to avoid it, disregarding Tefilah Betzibur. In fact, the support for the practice on Erev Shabbos is hotly debated by the Poskim. Most base it on the controversial practice during the week. Accordingly some maintain that one who does not follow it during the week should not really be following it on Erev Shabbos.

(D) Which Tefilah to daven without Minyan?

This leaves us with another question. Having decided that one may disregard Tefilah Betzibur to avoid Tartei Desasrei, which Tefilah is the preferred one to daven without Minyan? Is it better to daven Mincha earlier than Plag without a Minyan, then to daven Maariv in shul after Plag, which is anyhow an acceptable time for Maariv? Or should he daven Mincha after Plag with the Minyan, then wait to daven Maariv after dark alone?

At first glance, Mincha would seem to be preferable to daven with Minyan. One must always be especially conscientious with Mincha. Eliyahu Hanavi was only answered at Mincha time. Thus, this is considered the foremost of all Tefilos in some references by the Talmud. The Poskim add, partially by way of explanation, that the timing of Mincha lends itself to neglect and forgetfulness. *Shacharis* one

davens upon rising, before leaving for the day's work. Maariv one davens upon returning from work. These times are easy to set and follow. Mincha comes in the middle of the day, and requires interrupting one's work. Accordingly, there are stringencies on what may be done once the time for Mincha has arrived. There are restrictions placed on activity before Shacharis, because one should not preoccupy himself with personal needs before addressing Hashem. Before Maariv also, one should not start certain activities because he might fall asleep and forget to daven. However, the Talmud chooses to list restricted activities specially before Mincha. This is due to its tendency to be forgotten. This does not underline the importance of trying to get a Minyan specially for Mincha. However, davening at a set time, with a Minyan, especially if the Minyan is gathered to daven Maariv afterwards, is considered a help in remembering it.

The Talmud debates whether one should commended or derided for davening Mincha as close to sundown as possible. It seems to be the most admirable time, but it leaves the possibility of going overtime. On the other hand, if one could daven earlier, he should not normally delay a Mitzvah. The Poskim debate the ideal time, many maintaining that when possible, one should daven after Plag. Either way, davening later with a Minyan would seem the most desirable. [See Brochos 6b 29b Shabbos 9b, Poskim Tur Sh. Ar. O.C. 232, commentaries.]

In addition, Maariv would seem to be the preferred Tefilah to daven alone. As mentioned, it is *Reshus*, and one should try to daven after dark.

However, according to many Poskim, on Erev Shabbos one should daven Maariv early. One should try to usher in Shabbos with Kiddush before night, or as close to the beginning of Shabbos as possible. The fats were always burned early on Erev Shabbos. Furthermore, one accepts Shabbos by reciting *Borchu* at the beginning of Maariv. This should be said at the onset of Shabbos. Though there is a practice to daven Maariv consistently at night even on Erev Shabbos, this is not widespread. Accordingly, it would seem more justifiable to daven Mincha earlier without a Minyan. [See Sh. Ar. O.C. 267:2, commentaries.]

In conclusion, one may daven one of these Tefilos without Minyan to avoid Tartei Desasrei. This might even be commendable. The preference seems to be to daven Mincha early, especially since for this questioner, Maariv is being davened at a time which he considers acceptable.