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ותלמוד  
"תקופת התנאים"  
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Making Up a Missed Tefillah

Parshas Lech Lecha 5784

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## תפילת תשלומין [Making Up a Tefillah]

### The Chiyuv

- Chazal established (ברכות כו.) that one who did not daven a particular Shemoneh Esrei due to an אונס or mistake must make up the missed tefillah at the next tefillah. E.g., if one didn't daven the Shacharis Shemoneh Esrei due to an אונס, he should daven the following Minchah Shemoneh Esrei twice. The first tefillah is for the chiyuv of Minchah; the second is a tashlumin for the Shacharis he missed (ש"י א"י"ח סי' ק"ח ס"א). (ש"י א"י"ח סי' ק"ח ס"א).
- There are many halachic details about tefillas tashlumin. Sometimes there is a chiyuv to make up the tefillah; sometimes one cannot make it up; and sometimes it is unclear, in which case the only solution is to daven a tefillas nedavah [voluntary tefillah] with a stipulation, as will be explained. We will discuss some rules and halachos for common cases.

### שוגג, אונס, and מזיד

#### מזיד

- If one intentionally did not daven a tefillah, he cannot make it up. It falls under the description, "מעוות לא יוכל לתקון", ש"י שם סי' ז' (גמי ברכות שם, ש"י שם סי' ז'). However, he can daven a tefillas nedavah, as will be explained.
- Definition of מזיד.** The poskim explain that מזיד is defined as not davening out of contempt or laziness. However, as long as one had a reason – albeit not enough of a reason to justify not davening – and it wasn't out of contempt, it is not considered מזיד, so he can make up the tefillah (מ"ב סק"ג). Below we will give some examples from the poskim.
- Forgot two tefillos.** Forgetting two tefillos in a row, e.g., Shacharis and Minchah, and not making up a missed tefillah at the next tefillah is also called מזיד. Forgetting twice is considered negligent, so one cannot make up both tefillos. Thus, after Maariv, he should daven an additional Shemoneh Esrei to make up Minchah, but he lost that Shacharis (מ"ב סק"ה).
- Should've checked for tzoah.** If one davened in a place where he should've questioned whether there might be tzoah and then subsequently found tzoah, he must daven again (ש"י ע"ו סי' ח). This is also called negligence, so if he found the tzoah after zman tefillah had passed, he cannot make it up – it is considered מזיד (מ"ב ס' ק"ה סוף סק"א).

#### אונס

- If, for a reason beyond someone's control, he was unable to daven Shemoneh Esrei, e.g., he was sick (מ"ב סק"ב), and zman tefillah passed, he should make up the missed tefillah at the next tefillah.
- Drunk.** If someone drank wine and became too drunk to daven, but by the time the alcohol wore off, zman tefillah had passed, he must make up the missed tefillah, as that is considered an אונס (מ"ב סק"ב). Even if he began drinking after zman tefillah arrived, he can still make it up, provided that when he started, there was still enough time for the alcohol to wear off before the end of zman tefillah. Otherwise, he is a מזיד and cannot make up the tefillah (מ"ב ס' צ"ט סק"ו). This is applicable Purim afternoon for someone who did not daven Minchah and began to drink wine during the Purim seudah without time for the alcohol to wear off before shekiyah; in such a case, he cannot make up the tefillah.
- Made a mistake in davening, remembered after the zman.** If one made a mistake in davening that would require him to daven again, but he only realized after zman tefillah had passed, he is an אונס and must make up the tefillah. The same is true if one made a mistake with a phrase in davening or a paragraph added on certain days, e.g., he did not say ותן טל ומטר in the winter, but he thought he did not need to repeat the tefillah and only found out he must repeat it after zman tefillah had passed.

- Didn't daven, then ended up with an אונס.** If one put off davening until near the end of zman tefillah without a good reason, but then he forgot to daven or had some matter come up that occupied him and prevented him from davening due to an אונס, he is not considered a מזיד. He may daven a tefillas tashlumin, as he did ultimately have an אונס (נימוקי יוסף ב"ק דף י' ע"ב בדפי הרי"ף, ש"י סי' ק"ח ס"ח). אונס אה.
- Went to sleep.** If one went to sleep intending to wake up before the end of zman tefillah, e.g., there was enough time before the end of the zman that he should have woken up by himself or it was close to the end of the zman but he took steps to wake up [e.g., he set an alarm clock or appointed someone to wake him up], but in the end did not get up to daven before the zman passed, he is considered an אונס – as sleep is considered an אונס – and must make up the tefillah (מ"ר בש"ת). However, if he went to sleep close to the end of zman tefillah and did not take steps to ensure he would wake up, he is considered a מזיד and cannot make up the tefillah since the situation started with negligence ["תחילתו בפשיעה" (ש"י)].

### Someone Patur from Tefillah

- Onen.** Someone who is inherently patur from tefillah, e.g., an onen [an aveil in the time between the petirah and the kevarah], does not make up missed tefillos at the next tefillah, as at that time, he was totally patur from tefillah. This is true if he was patur for the entire time the tefillah could have been said. However, if he was not yet patur as an onen for some of the time the tefillah could have been said, he must make up the tefillah (מ"ב ס' ע"א סק"ד).
- Busy with community needs.** Someone busy with community needs is also inherently patur from tefillah and doesn't need to stop to daven (ש"י ע"ו סי' צ"ג סוף ס"ד) if there's no one other than him to do it (מ"ב ס' ע"א סק"ד) and he cannot stop even for a short time to daven an abridged davening. Some examples: a doctor tending to a patient, someone involved in protecting the public's welfare, or someone involved in the kevarah or levaya of a meis (ש"י ע"ו סי' י"א).
- Some poskim say that someone who was busy with community needs for the entire duration of zman tefillah must make up the tefillah afterward (מ"ב ס' ק"ה סק"א). However, most poskim hold he does not need to make up the tefillah since someone involved in a mitzvah is also inherently patur from the chiyuv of tefillah (מג"א), אונס and cannot fulfill the mitzvah of tefillah (מ"ב ס' ע"א סק"ה). Some poskim say that this situation is a safeik and he should have in mind that his tefillas tashlumin is also a nedavah (פמ"ג סי' ק"ה משב"ז) and add something new to it (see below, 35).

### Procedure of a Tefillas Tashlumin

#### First the Current Chiyuv, Then the Tashlumin

- Order is essential.** When making up a missed tefillah, the first Shemoneh Esrei is for the current chiyuv and the second one is the tashlumin. If one missed Shacharis, for example, he makes it up after Minchah. The first Shemoneh Esrei is for Minchah, and then he daven another Shemoneh Esrei to make up for Shacharis. If he did the opposite and intended the first one for Shacharis and the second for Minchah, he is not yotzei the tashlumin and must daven again to make up for Shacharis (דרך החיים).
- However, some poskim hold one is only not yotzei if he clearly revealed that the first one was for tashlumin and the second one was for the current chiyuv (see 26 below, for example); but if he did not clearly reveal it, he is yotzei b'dieved (מג"א). In practice, he should daven again for tashlumin and stipulate, "If I am not obligated to daven again, I am davening as a nedavah" (פמ"ג הובא במ"ב סק"ו).

## Tashlumin Right After the Current Chiyuv

17. L'chatchilah, one should daven the tashlumin Shemoneh Esrei as soon after the chiyuv Shemoneh Esrei as possible, as the tashlumin must be while the person is still involved in his obligatory tefillah (מ"ב סק"א). There should be no interruption other than something for the purpose of tefillah, as will be explained.
18. B'dieved though, one can daven a tashlumin as long as it is still within the zman of the current tefillah, even if a long time passed since he finished his obligatory tefillah. If the current tefillah is Shacharis, one has until the end of the zman for Shacharis; if it is Minchah, until shekiyah; if it is Maariv, until alos (מ"ב סק"ב). It is best in such a case to stipulate that if he is not chayav, it is a nedavah (שם) (פמ"ג ומ"ב שם).
19. **Tashlumin with a minyan.** One should not search for a minyan when davening a tashlumin, as it is better to daven immediately after the obligatory tefillah, without any interruption (הגר"ח ז"א). However, if one is in a place with multiple minyanim one after the next, e.g., a shtieblach, and he can easily join a minyan immediately after his first Shemoneh Esrei, it is best to join a minyan (הגר"ח קנייבסקי, אשי ישראל פ"ל הע"מ מ"ג).
20. **Making up Shacharis after Minchah.** If one missed Shacharis and is making it up after Minchah, he should l'chatchilah not eat anything until he makes up Shacharis (מ"ב ס"י ע"י סק"ב). Thus, he should daven Minchah promptly; wait until after Chazaras HaShatz and Tachanun (מ"ב ס"ק י"א וי"ב); say Ashrei, having in mind that it is not for tefillah but like reading Torah so that the tashlumin also comes amid words of Torah (מ"ב סק"ג); then make up the Shacharis Shemoneh Esrei (מ"ב סק"ד). If he finished the first Shemoneh Esrei before the Chazaras HaShatz starts, he can daven with the shliach tzibbur, thereby gaining Kedushah and tefillah with a minyan (הגר"ח קנייבסקי).
21. **Making up Minchah after Maariv.** Some say one who missed Minchah and is making it up after Maariv should say Ashrei, as above (רמ"א ס"ב); others say he should not say Ashrei, as Ashrei should not be said at Maariv for Kabbalistic reasons (מג"א הובא במ"ב סק"ד). Instead, after taking three steps back and saying עושה שלום following his first Shemoneh Esrei, he should wait the amount of time it takes to walk four amos, and then daven another Shemoneh Esrei as a tashlumin for Minchah. The reason for the pause is so that his mind is settled and he can daven in a manner of supplication (ש"ע ס"י ק"ה).
22. **Making up Maariv after Shacharis.** If one missed Maariv and is making it up after Shacharis the next morning, he should wait until after Chazaras HaShatz (מ"ב סק"א) and Tachanun (מ"ב סק"ב); say Ashrei and Uva L'Tziyon; and then say Shemoneh Esrei as a tashlumin for Shacharis (מ"ב סק"ג). If he finishes his first Shemoneh Esrei before Chazaras HaShatz, he can daven with the shliach tzibbur (see above, 20).

## Both Like the Current Tefillah

23. A major rule for tefillas tashlumin is that the content of the second Shemoneh Esrei is like the content of the Shemoneh Esrei of the current chiyuv, not like the content of the missed Shemoneh Esrei. We will bring some examples.
24. **Erev Shabbos Minchah.** If one missed Minchah on Erev Shabbos or Erev Yom Tov, he should daven on Shabbos/Yom Tov night two Shabbos/Yom Tov Shemoneh Esreim, even though he missed a weekday Minchah; the first is his chiyuv, the second is the tashlumin. B'dieved though, if he said a weekday Shemoneh Esrei for his second one, he does not daven again (מ"ב סק"ה).
25. **Shabbos night.** If one missed Maariv on Shabbos night, he should make it up the next morning after the Shacharis Shemoneh Esrei, saying ישמח משה in both (ערוה"ש ס"י רס"ח ס"ז). Similarly, if one missed Shacharis and is making it up at Minchah, he says אתה אחד in both. However, if he did not do this, he is yotzei b'dieved (ערוה"ש).
26. **Shabbos Minchah.** If one missed Minchah on Shabbos, he should daven two weekday Shemoneh Esreim at Maariv. He must say the Havdalah of Atah Chonantanu in the first one, which is his chiyuv of Maariv, not in the second one, which is his tashlumin for Minchah (ש"ע ס"י), as Havdalah only needs to be said once (מ"ב סק"ח). If he said Havdalah in the second one and not the first, thereby revealing that the first was the tashlumin and the second was the chiyuv, he is not yotzei and must daven the tashlumin again (see above, 15) without Havdalah. However, if he did not say Havdalah in either or he said Havdalah in both, he is yotzei (ש"ע ס"י"א ומ"ב סק"א).
27. **Erev Rosh Chodesh Minchah.** If one missed Minchah on Erev Rosh Chodesh, he should daven twice at Maariv, saying יעלה ויבוא in both. If he only said it in the second, he is not yotzei (רמ"א ס"ט). If he only said יעלה ויבוא in the first or did not say it in either, he is yotzei (שם).
28. **Rosh Chodesh Minchah.** If one missed Minchah on Rosh Chodesh, he should daven twice at Maariv. If it is no longer Rosh Chodesh, he should not say יעלה ויבוא in either, as it is no longer Rosh Chodesh.

## Women and Children and Tashlumin

### Women

29. Women must also do tashlumin (מ"ב ס"י רס"ג סק"ג), but it depends on what she regularly davens, as will be explained.
30. **Three tefillos.** If a woman normally davens Shacharis, Minchah, and Maariv, the halachos of tashlumin for men apply equally to her.
31. **Shacharis and Minchah.** If she normally only davens Shacharis and Minchah and she missed Shacharis, she should daven Minchah and then a tashlumin for Shacharis afterward.
32. If she davened Shacharis but missed Minchah, the poskim discuss whether she can daven Maariv and then a tashlumin for Minchah, considering that for her, Maariv is not a chiyuv since she does not usually say it, and a tashlumin can only come after a chiyuv (אשי ישראל פ"ל הע"מ מ"ה). Thus, it is better for her not to make up the Minchah she missed. If she wants, she can daven Shemoneh Esrei for Maariv in place of Minchah without an additional tefillah to make up Minchah. However, she cannot make up the Minchah she missed at Shacharis the next day since that is not the next tefillah.

### Children

33. Children who miss a tefillah do not need to be trained to do tashlumin for the missed tefillah (ש"ת בצל החכמה ח"ה ס"י קס"ט).

## Tefillas Nedavah

### Conditions for a Tefillas Nedavah

34. A person can daven a tefillas nedavah, i.e., he can daven Shemoneh Esrei voluntarily, without any chiyuv at all. However, there are some conditions that must be satisfied to daven a tefillas nedavah.
35. **Something new.** To say a tefillas nedavah, one must add something new so that it is clear it is a nedavah and not a chiyuv (ש"ע ס"י ק"ז ס"ב). I.e., in Shemoneh Esrei, he should add something related to the brachah he is saying that he does not normally add in his other tefillos (ואם חידש). L'chatchilah, he should add something in each of the brachos besides the first three and last three; b'dieved, at least in one of the middle brachos (ש"ע). Some say it is only called something new if he now needs something new that he did not need before (רמ"א שם).
36. **Kavanah for all the brachos.** In a regular Shemoneh Esrei, one must l'chatchilah have kavanah for the meaning of the words in all the brachos, but at a minimum, he must have kavanah for the first brachah (ש"ע ס"י ק"א ס"א). However, for a tefillas nedavah, one must know he is zealous and careful and he must assess that he is able to have kavanah in his tefillah for all the brachos of Shemoneh Esrei, from beginning to end. If he cannot have kavanah properly, he should not daven additional tefillos; if only he would be able to have kavanah for the three set tefillos per day (ש"ע ס"י ק"ז ס"ד)!
37. **Nowadays that it is hard to have kavanah.** Some poskim write that nowadays, one should refrain from davening a tefillas nedavah. It is possible that there is no one today who can have full kavanah from beginning to end (חיי אדם כלל כ"ז סט"ז, קיצור ש"ע ס"י) (כ"א, שלחן הסוהר ס"יא (פמ"ג הובא במ"ב ס"י צ"ד סוף סק"ז)).

### Tefillas Nedavah Instead of a Tashlumin

38. **Intentionally missed a tefillah.** Even if someone can't make up a tefillah with a tashlumin, e.g., he missed a tefillah intentionally (above, 3), he can still daven a tefillas nedavah in place of the tefillah he missed if he wants. When davening a tefillas nedavah at the tefillah following the intentionally missed tefillah it is taking the place of, the Mechaber (ס"י ק"ה, ס"ז) rules one does not need to add anything new. However, some hold one must add something new even in this case (ב"ת, גר"א הובא במ"ב סק"ב).
39. **After the following tefillah.** There is only tashlumin at the following tefillah. If one accidentally missed Shacharis and Minchah, he davens Maariv twice – the first is for Maariv and the second is for Minchah – but Shacharis can no longer be made up (ש"ע ס"ד). Nevertheless, if one wants, he can daven a tefillas nedavah to take the place of Shacharis and add something new to it (ש"ע ס"ה). However, since there are opinions that tashlumin can be done even after several tefillos have passed – in which case it is a tashlumin, not a nedavah – it is proper for one to stipulate, "If I am chayav to daven, this is for my chiyuv; if not, this is a nedavah." Doing this satisfies all opinions (פמ"ג הובא במ"ב סק"ט).

### Tefillas Nedavah on Shabbos

40. While one may not daven a tefillas nedavah on Shabbos and Yom Tov (ש"ע ס"י ק"ז ס"א) – because neder and nedavah korbanos were not brought at those times (מ"ב סק"י) – tashlumin does apply to Shabbos and Yom Tov. Thus, there is no option of davening a tefillas nedavah instead of a tashlumin or in a situation of safeik on Shabbos or Yom Tov. However, in a situation where strictly speaking one can say a tashlumin but during the week it is proper to make a stipulation (as in 39 above), on Shabbos he should daven the tashlumin without the stipulation (הגר"ח קנייבסקי, אשי ישראל פ"ל הע"מ ל"ה).