

Shoel U'Mashiv

Did I Daven Maariv?!

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Q - Sitting at my dining room table one night, my phone buzzed and I received the following text: "I can't remember if I *davened Maariv*, what do I do?" When I asked how unsure he was, he told me 50/50.

A - What is the potential problem?

Since we are talking about *Maariv*, there are two potential problems. The first is in terms of whether *Krias Shema* was said and the second is in terms of whether *Shemonah Esrei* was said. The Torah tells us in *Devarim* 6:7 to recite the words of *Krias Shema* "when you lie down and when you get up." The *Mishna Brachos* 1:3 tells us that this means they should be recited at the time people typically lie down and at the time people typically get up—meaning once at night and once in the morning. In the next *Mishna* we learn that at night there are two *Brachos* before *Krias Shema* and two *Brachos* after and in the morning, there are two *Brachos* before and one *Bracha* after. Therefore, our question is whether he should repeat *Krias Shema* and if he does repeat, whether he should include the *Brachos*? The *Shemonah Esrei*, on the other hand, does not have a source in the Torah. Rather, it was authored by the *Anshei Keneses HaGadolah*, the men of the great assembly. Therefore, our question is since it is a Rabbinic enactment, should it be repeated?

What are the possible solutions?

We have a rule that *Safek D'Orisa L'Chumra*, when a person has a doubt on a Biblical command, then we are stringent. In this case, that would mean he should repeat *Krias Shema* with all the *Brachos* and that is exactly what the *Shulchan Aruch O.C.* 67:1 says to do. The *Shulchan Aruch* says to repeat *Krias Shema* and the *Brachos* if one is unsure whether they said them at all, but if they know they said *Krias Shema* and they're simply unsure if they said the *Brachos*, they should not repeat anything.

We have another rule that *Safek D'Rabanan L'Kula*, when a person has a doubt on a Rabbinic command, then we are lenient. In this case, that would mean that they should not repeat. However, the *Shulchan Aruch O.C.* 107:1 says one who is unsure if they said *Shemonah Esrei*, then they should recite it. The *Mishnah Berurah* 2 says that one should stipulate and say, "if I haven't said *Shemonah Esrei* yet, then this should fulfill my obligation and if I have, then this *Shemonah Esrei* should be a voluntary prayer."

What did I tell him to do?

I told him, "*Daven Maariv* and stipulate about your *Shemonah Esrei* that if you didn't *Daven* it is to fulfill your obligation and if you did, then it is a voluntary *Tefillah*."