

K'rias HaTorah and Birkas Kohanim on Porches

Translated by Elli Fischer

Erev Rosh Chodesh Nissan 5780

I HAVE BEEN ASKED whether those who are davening on porches can join together for *K'rias HaTorah* and *Birkas Kohanim*, since one rabbi noted that since the view on which we rely to make *minyanim* in this way is based on a *teshuvah* of the *Rashba* that is subject to dispute, perhaps it is better not to recite *berachos* on these mitzvos.

In truth, I see no practical difference between the *berachos* on these mitzvos and the *berachos* of *chazaras ha'shatz*; if there is no *minyan*, then the *berachos* of the *shatz* are also *berachos l'vatalah*, and with respect to these *berachos*, as well, we say "*safek berachos l'kulah*." (It does not make sense to say that one must have *kavanah* for it to be a *tefillas nedavah*; we will not discuss that here.) Rather, I wrote what seems correct in my humble opinion: Since *Shulchan Aruch*, the *Nosei Keilim*, and most major *poskim* ruled in accordance with *Rashba*, one should rely on them, especially when we cannot gather together, as I have written. The same rationale applies to *Birkas Kohanim* and *K'rias HaTorah*.

But there is another reason to discuss *Birkas Kohanim* and *K'rias HaTorah*, as I will explain.

With regard to *Birkas Kohanim*, there is a straightforward *halachah* that the *Kohanim* must stand facing the

congregation, as explained in *Sotah*¹ and in *Shulchan Aruch*.² However, it seems that we can be lenient on this matter, and the *Kohanim* on one porch should turn to face the other porches where some of the other *mispalelim* are standing. Moreover, when an entire congregation is comprised of *Kohanim*, they still recite *Birkas Kohanim* and bless the people who are out in the fields,³ and the same applies to the present case. It therefore seems that *Kohanim* should certainly raise their hands and recite *Birkas Kohanim*.

K'rias HaTorah, however, requires further study. The *Gemara* explains⁴ that even though it would technically be enough to recite one *berachah* at the beginning of the reading and one at the end, the *Chachamim* ordained that each of the seven *olim* recited the *berachos*, out of concern for those who come late and leave early. The main institution is that seven people are called up, but only the first *oleh* makes the first *berachah* before the beginning of *K'rias HaTorah*, and the seventh *oleh* makes the second *berachah* at the conclusion of *K'rias HaTorah*.

1 38a.

2 *Orach Chayim* 128:10.

3 *Orach Chayim* 128:25.

4 *Megillah* 21b.

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Nevertheless, it is still necessary for seven people to be called up to the Torah, and it seems quite clear that when each person is standing on his porch, it is impossible to go up, “*la’alos*,” to the Torah.

One of the *gedolim* wrote that since Ashkenazic practice is to give an *aliyah* to a blind person, as *Rema* writes,⁵ the same applies to someone standing on a different porch. I completely disagree, because one nevertheless must go up to the Torah and stand next to the *Sefer Torah*, which is impossible from a distance. Even if we offer a constrained explanation that calling a person up with “*ya’amod Ploni ben Ploni*” is itself the *aliyah*—which does not seem correct at all, in my opinion—it still seems that he may not recite the *berachah*, and even though the *minhag* is for a blind person to go up to the Torah and say the *berachah*, this is a *chiddush*, and we should not expand it; indeed, *Magen Avraham*⁶ wrote that a blind *am-ha’aretz* should not get an *aliyah*. In my view, the same principle should apply in the present case.

Yet even though someone who is at a distance cannot be called up to the Torah, there are two ways to have *K’rias HaTorah* with *berachos*:

- If there is a family with three adults, such as a father and two sons, we may be lenient and call them up one after another. *Shulchan Aruch* states:⁷

One can call two brothers one after another or a son after a father, but only because of ayin hara we do not allow them to ascend [to the Torah]. Rema: Even if one is the seventh aliyah and the other is the maftir, the latter is not called up by name, because of ayin hara (Maharil)

As a technical matter of *halachah* there would be no problem, but there is *ayin hara*. *Mishnah Berurah* writes⁸ that if the brother or son was *oleh*, they should not go back down, because the concern is only *l’chatchilah*. *Sha’ar HaTziyun* cites this⁹ from

Derech Chayim, in the name of several *Acharonim*. *Aruch HaShulchan*¹⁰ writes that one who is not concerned about *ayin hara* can get an *aliyah* right after a brother or father, but this contradicts the language of *Shulchan Aruch*: “*Ein menichin lahem la’alos*—We do not allow them to do so.” Nevertheless, it seems that under pressing circumstances, so that the main institution of *K’rias HaTorah* is not neglected, one may be lenient about this matter. We should not be astonished that there is no discussion of this in the *poskim*, because it is very uncommon that there would be a need to call up two brothers one after another. *Mimah nafshach*: If there is no *minyan*, there is no *K’rias HaTorah*, and if there is a *minyan*, why would it be necessary to call up brothers consecutively? However, in the present case, it seems that it is proper to be lenient. Moreover, in the present case, since there is no other way to have *K’rias HaTorah*, it would seem that there is no *ayin hara*.

- In truth, it seems that all of this is unnecessary. Rather, the *ba’al korei* should ascend to the Torah, make the *berachos*, and then repeat the process seven times. As explained in *Tur* and *Shulchan Aruch*,¹¹ this is the practice where there is no one who knows how to read. And even though the *poskim* write that according to our custom, even a blind person or an *am-ha’aretz* who cannot read along with the *ba’al korei* can get an *aliyah*, they did not question the essential, underlying *halachah*. It therefore seems that this is what should be done in the present situation.

*B’yakra d’Oraysa v’ahavas olam,
Asher Weiss*

These essays were written during various stages of the coronavirus pandemic. Facts and knowledge about this virus change daily. Torah is forever.

5 Orach Chayim 139:3.

6 139:4.

7 141:6.

8 141:18.

9 17.

10 141:8.

11 143:5.

Reciting the *Berachah Me'ein Sheva* (*Magen Avos*) at *Minyanim* in Yards and on the Street

Translated by Elli Fischer

Nissan 5780

TO MY HONORED and beloved student, Rav Chaim Rosen, *shlita*, Rosh Kollel Toras Efrayim Shlomo, Yerushalayim:

You have asked my opinion about whether it is proper to recite the *Berachah Me'ein Sheva* on Friday night at *minyanim* in yards, on balconies and porches, or in open public spaces.

Many have asked this question, and ever since the shuls closed down, I have been considering what the proper practice should be. One should not object to those who recite it in yards and public parks, since even in the case of a *minyan* at a house of mourning or a wedding celebration, one should not object, as explained by *Radbaz*¹ and *Maharalbach*² as quoted in *Magen Avraham*.³ (But see *Pri Megadim* there, who questioned this and suggested that perhaps one should object to the recitation of the *berachah* on the grounds of *safek berachos l'hakel*, as cited by *Mishnah Berurah* 268:25.)

Nevertheless, in my opinion, it is better not to say it in parks and open areas, and certainly not in *minyanim* on porches and balconies. I will now explain.

The source of this halachah is in the Gemara in *Shabbos*.⁴ They instituted this *berachah* because of danger. *Rashi* explains that their *batei knesses* were outside of settled areas, so they instituted the *berachah* to extend the davening, so that latecomers would not walk home alone, which would place them in danger of *mazikin*.

The Rishonim consequently were *mechadesh* that one does not recite this *berachah* when davening alone, only with a *tzibbur*. So say the *Mordechai*⁵ and *Tur*⁶ in the name of the *Ra'avyah*. The *Beis Yosef* there quotes the *Semag*⁷ in the name of *Ri* that someone who recites it while davening alone makes a *berachah l'vatalah*—against what *Mordechai* writes in the name of the Geonim, namely, that even someone davening alone must recite the *Berachah Me'ein Sheva*.

1 *Teshuvos HaRadbaz* 4:18.

2 *Teshuvos Raibach* §122.

3 *Orach Chayim* 268:14.

4 *Shabbos* 24b.

5 *Shabbos* §284.

6 *Orach Chayim* §268.

7 *Esin* §79.

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Shulchan Aruch thus writes:⁸

One does not recite the Berachah Me'ein Sheva in the house of a wedding celebration or of mourning, for the reason, that latecomers might be harmed, does not apply.

And *Mishnah Berurah* writes:⁹

"In the house of a wedding celebration," meaning, when they daven in their home with a minyan, and certainly those who occasionally daven with a minyan at home. However, when there is the permanence [kevius] of several days, and they have a sefer Torah, as at fairs, it is like a permanent beis ha'knesses, and they recite it.

Thus, this *berachah* is not recited except in a permanent place of *tefillah*, not in a temporary place. Therefore, one who occasionally davens at home does not say this *berachah*. Even in a house where there is a wedding celebration or mourning, which have a certain *kevius*, they should not recite this *berachah*.

We find the halachah that this *berachah* is not recited in a house where there is a wedding celebration or mourning in the writings of three *gedolei olam*: *Rivash*,¹⁰ *Radbaz*,¹¹ and *Maharalbach*.¹² We learn from all of them that it is not recited except in a permanent *beis ha'knesses*. *Ralbach* and *Beis Yosef* cite this halachah in the name of *Mahari Abohab*—but *Radbaz* writes that it is also recited when davening in a *beis midrash*, even if it is not a *beis ha'knesses*. This is quoted by *Magen Avraham*.¹³

On the other hand, *poskim* were *mechadesh* that when a place is designated for *tefillah*, even if it is not completely permanent, the *berachah* is recited. *Taz* states:¹⁴ "It nevertheless seems that those who make a fixed place to daven for several days, as they regularly do at fairs,

it is like a permanent *beis ha'knesses*, and they recite it." *Mishnah Berurah* says the same, as cited above.

*Eliyahu Rabbah*¹⁵ writes that this only applies if there is a *sefer Torah*, for without a *sefer Torah*, there is no *kevius*. However, *Igros Moshe*¹⁶ writes that if there is a certain amount of *kevius*, a *sefer Torah* is not necessary.

We find another *chiddush* about this in *Sefer Tehilah LeDavid*:¹⁷ If the entire *tzibbur* (or most of it) davens at a different house for whatever reason, outside of the *beis ha'knesses*, they recite this *berachah*.

Let us now return to the case at hand in light of all this.

At first glance, it would seem that the *Berachah Me'ein Sheva* should indeed be recited, for *Taz* writes that if people make a fixed place to daven for several days, they should recite the *berachah*, so the same should apply to the case at hand. However, in truth, this does not seem correct, as I will explain.

We learn from the language of all of the *poskim* that this halachah is not contingent on a *tzibbur* but on a *beis ha'knesses*, since the initial enactment was made because their *batei knesses* were outside the settled area and it was dangerous to walk home alone from the *beis ha'knesses*. They therefore instituted the recitation of this *berachah* in the *beis ha'knesses*, and even though there is no danger at all nowadays, this halachah nevertheless remains intact, and the enactment remains in force—but only in cases where the original enactment applied. Therefore, this *berachah* is only recited in a **permanent *beis ha'knesses***.

Regarding this, the *poskim* were *mechadesh* that even the *kevius* of a few days is considered a *kevius*. However, it is still necessary to have a permanent *beis ha'knesses* for several days. Presumably, this was the practice at the fairs. When masses of Jewish merchants came to the fair, they would designate a specific place for *tefillah* for the duration of the fair. For this reason, I *pasken* every year for the masses who travel every summer to vacation in various places, where they stay in hotels that have been

8 268:10.

9 268:25.

10 *Teshuvos Rivash* §40.

11 *Teshuvos HaRadbaz* §1092.

12 *Teshuvos Ralbach* §122.

13 268:13.

14 268:8.

15 268:19.

16 *Orach Chayim* 4:69.

17 268:13.

rented by Jews, and where the common practice is to set aside a specific room as the shul, that they should recite the *Berachah Me'ein Sheva* on Friday night—because they established a *beis ha'knesses* for a specific amount of time. However, in my view, this is not akin to the present case, for even if people daven in a public park or square, it is obvious that it is not a *beis ha'knesses*—not even for a short time—since every hour of the day the place functions as a park or a street. It was never set aside or designated to function as a *beis ha'knesses*. Rather, people daven there for lack of choice.

The same applies when every person davens in his yard or on his porch; yards and porches are not defined as *batei knesses* since they serve the members of the household for the rest of the day as they do all year. It is clear to me that even according to the *poskim* who say that *kevius* of just a few days is sufficient, this applies only to a place that functions as a **permanent *beis ha'knesses*** for those few days—unlike in the case at hand.

With respect to *minyanim* on porches and in yards, there seems to be another reason not to say the *Berachah Me'ein Sheva*: The entire enactment was for those who return home from the *beis ha'knesses*, and here people did not even leave their homes. Each person sits in his home or yard; there is nothing more dissimilar to the original enactment of Chazal to recite the *Berachah Me'ein Sheva*. It would be very peculiar to recite the *Berachah Me'ein Sheva*.

The words of *Sefer Tehilah LeDavid* make a great deal of sense: If the entire *tzibbur*, or most of it, left the *beis ha'knesses* for a different house, then that house becomes like the permanent *beis ha'knesses*. However, this is not similar at all to our case, for two reasons:

- It was only said in a case where most of the *tzibbur* actually chose a different place to daven—unlike in the present case, where there is no one place where most people daven. Rather, everyone davens at a different place, close to home, or even in the yard of his own home.
- It was only said in a case where they established a **house** in which to daven. That house is then

considered an established *beis ha'knesses* by most of the *tzibbur*—unlike in the present case, where, as explained, there is no *beis ha'knesses*.

However, some Acharonim say that the *minhag* of Yerushalayim is to recite the *Berachah Me'ein Sheva* in any place, under any circumstance. So states *Ben Ish Chai*,¹⁸ so is written in Rav Yechiel Michel Tukachinsky's *Sefer Eretz Yisrael*,¹⁹ and so is cited in *Shu"t Har Tzvi*²⁰ and *Pischei Teshuvah*.²¹

But the nature of this *minhag* is not clear to me. *Pischei Teshuvah* states only that the *minhag* was to say it in most places **where they daven every night**, even if there is no *sefer Torah* there. Thus, he is speaking of a place where they daven **every night**. *Har Tzvi* says that the custom was to recite it in a **house where there is a wedding celebration**. Only *Sefer Eretz Yisrael* writes that the *minhag* is to say it even in a place that is not set aside for davening.

I personally am very perplexed by this whole idea of *minhagei* Yerushalayim and whether they have any significance now that Yerushalayim has become a city comprised of every Jewish community, a great metropolis where the exiles are gathered. It makes sense to me that only the Prushim, who are the descendants and carry on the traditions of the Yerushalmim in the way they dress and act, may be lenient and follow the *minhag* of Yerushalayim. However, residents of the city who follow, in all matters, the customs that their communities brought with them from Europe, the Middle East, or North Africa—it would be problematic for them to follow the leniency of *minhag* Yerushalayim.

One final point. I know that according to the sages of Kabbalah, the *Berachah Me'ein Sheva* is very important and is in lieu of *chazaras ha'shatz*, and that they recite this *berachah* wherever they daven, as *Ben Ish Chai* writes (cited above), and as *Kaf HaChayim*²² writes as well.

18 *Parashas Vayera*, second year.

19 5:3.

20 *Orach Chayim* 1:152.

21 268:10.

22 268:50.

However, I have written at length elsewhere that when words of Kabbalah contradict the words of the *poskim*, one should follow halachic sources and ignore the view of the *mekubalim*. Even though *Mishnah Berurah*²³ writes in the name of *Knesses HaGedolah* that when there is a dispute among *poskim*, one should follow the view of the *mekubalim*, in my opinion, once the *mechaber* of *Beis Yosef* has made a clear ruling in *Shulchan Aruch*, it closes the door to us and we can no longer follow the view of

the *mekubalim* against the decision of the *poskim*. This is the case with regard to the matter at hand; even though there are opinions among the Rishonim that even an individual recites the *Berachah Me'ein Sheva*, *Shulchan Aruch* rules that it is not recited in a house of a wedding celebration or of mourning, as explained.

In conclusion, one should not object to someone who recites the *Berachah Me'ein Sheva*, but, in my humble opinion, it is better not to recite it.

Affectionately,
Asher Weiss

23 25:42.

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