

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

Translated by Elli Fischer

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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 Ralbach* §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.

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