The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן נ"ג סעיף ז'-י'

Overview

Siman 53 Seif 7:

If no one can serve as *shaliach tzibbur* other than someone who is thirteen years old it is better that he should serve as *shaliach tzibbur* than to miss hearing *kaddish* and *kedusha*.

Siman 53 Seif 8:

Someone who does not have a beard but it is discernable that he reached the age where he could grow a beard is considered one who has a full beard. Therefore, one who is twenty may be chosen as *shaliach tzibbur* even though he does not have a beard. Similarly, if one has even a small beard he is considered one who has a full beard once he has reached his eighteenth year.

Siman 53 Seif 9:

A *saris* may be chosen as *shaliach tzibbur* if he is older than twenty.

- Shulchan Aruch refers to one who displays signs of being a *saris*. (M.B. 28)

Siman 53 Seif 10:

One can justify the practice of those places that have the practice of sending a minor as *shaliach tzibbur* to daven *ma'ariv* on *Motzai Shabbos*. Those places that do not have this custom should not send a minor to serve as *shaliach tzibbur* even for *ma'ariv*. Even if he will become thirteen on Shabbos he should not serve as *shaliach tzibbur* for *ma'ariv* on Shabbos night since he is not yet thirteen.

- The same custom allows a minor to serve as *shaliach tzibbur* during the week. (M.B. 31)
- The reason a minor should not serve as *shaliach tzibbur* is that he must say ברכו. (M.B. 32)
- Rema refers to places that *davened ma'ariv* on *erev Shabbos* while yet day and the reason he may not serve as *shaliach tzibbur* is that he has not yet become an adult. (M.B. 33)
- When halacha refers to one who is "thirteen and a day" it does not mean that one must be a day past his birthday; rather once one's birthday arrives he is already considered an adult. (M.B. 33)

Halacha Highlight

When does a child become an adult?

Mishnah Berurah Siman 53 Seif Koton 33

ומה שאמר בכל מקום שלש עשרה שנה ויום אחד וכו'

That which is mentioned in many places "thirteen years and a day" etc.

Mishnah Berurah (סי"ק ל"ג) writes that when *Chazal* and *Poskim* teach that one who reaches the age of "thirteen and a day" is an adult they do not mean that a young man is not considered an adult until the day after his thirteenth birthday. What they intend is that as soon as he reaches his thirteenth birthday he is considered an adult and he does not become an adult even a few hours in advance of his birthday. As soon as it becomes dark the night of his birthday he is already considered an adult. This represents the majority opinion of the *Poskim*. Other *Poskim* adopt a more stringent position and maintain that a boy does not become an adult until thirteen years to the hour pass from the day of his birth. According to this opinion, if a boy was born at three in the afternoon and his birthday occurs on Shabbos, he would not be permitted to have an *aliyah* at *shacharis* even though it is his thirteenth birthday since thirteen full years have not passed since his birthday. He would, however, be allowed to receive an *aliyah* in the afternoon since that would be past the time of day that he was born. Netziv, in his commentary to the Sheiltos, asserts that had earlier *Poskim* known that Sheiltos maintained the stringent position they would not have been so quick to dismiss this position (ע' פסקי תשובות סי' נ"ה אות ט"ז והע' 124).

If a child is born during *bein hashemashos* we adopt a stringent approach. If, for example a boy was born during *bein hashemashos* between the 4th and 5th he should begin to wear *tefillin* on the 4th (assuming that he wasn't already wearing *tefillin* in advance of his *bar-mitzvah*) and perform all other *mitzvos* on that day. He may even be counted as part of a *minyan* on that day but he may not discharge the obligation of others for matters that are Biblical since for those matters we are stringent that he is not yet an adult (ע' פסקי תשובות שם).

Stories to Share

The Underage Chazzan

ש"ע סי' נ"ג, ז': "אם אין שם מי שיודע להיות שליח צבור..."

A certain American rav was involved in kiruv in an area of New York that was far from established Orthodox institutions even though it was full of unaffiliated Jews. This rav struggled to maintain a steady minyan. Even when he finally had a fledgling minyan, virtually none of the people in the minyan were able to lead the tefillah. In addition to reading the Torah, the rav had to deliver an inspiring drasha in an attempt to reach his estranged congregation. He simply did not have the strength to lead the tefillah as well, so he appointed his son to be chazzan. Although the young bochur certainly had no beard, he had a good voice and could lead the prayers.

When the rav told a colleague about this arrangement, his colleague objected. "The Mishnah Berurah explicitly writes that one may not be appointed chazzan if he has no beard and that the community's waiving of its honor doesn't allow this. How can you justify the practice?"

The rav brought his question to a posek who permitted them to continue as they had begun.

A similar question was brought before Rav Chaim Kanievsky, zt"l. The questioner asked, "Why is it that people are not careful about young bochurim leading the tefillah? After all, the Mishnah Berurah rules that a chazzan should have a beard!"

Rav Chaim explained, "They permit because there is no one else like him."

The author of Doleh U'mashkeh, shlit"a, explains Rav Chaim's terse answer through reference to a statement on today's amud. "We find in Orach Chaim 53:7 that if there is no one else to lead the prayers it is better to allow a thirteen year old than nullify the prayers. Perhaps if no one else volunteers to daven, this is considered as if there is no one else since they may not have the ability or energy to lead the davening!"

דולה ומשקה, ע' נ"ג