The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ס"ט סעיף א'

Overview

Siman 69 Seif 1 (a):

If there are a group of people who had *davened* to themselves and did not hear *kaddish* or *kedusha*, one of them can get up and say *kaddish*, ברכו and the *beracha* of יוצר אור and this is called פורס על שמע, meaning a piece or half, since they only say a part of *davening*. Nowadays the custom is that people do not say all of יוצר אור, instead they say *kaddish*, ברכו and the people respond ברכו ה' וכו'. Some say that we are פורס על שמע for *ma'ariv* the same as for *shacharis* but we do not follow that practice since there is no *kaddish* before ברכו in *ma'ariv*. **After יוצר אור they say אבות, גבורות, קדושה ואתה קדוש and collectively this is called עובר לפני התבה. This procedure is not practiced unless there are ten men present since it is a sacred matter. One should look for six people who have not heard *kaddish* or *kedusha* which is the majority of the *minyan*. However, even if just one person did not hear these prayers this procedure cold be followed. Even someone who heard these prayers may act as *shaliach tzibbur* for these matters. It is preferable, however, that someone who did not hear these prayers should serve as *shaliach tzibbur* than for someone who has already heard these prayers to serve as *shaliach tzibbur*.**

- Some places פורס על שמע for those who come after the silent *shemoneh esrei* and in some places it is for those who come after the last *kaddish*. Magen Avrohom requires the reading of some *pesukim* if it is done after the last *kaddish*.
- When there is no concern for starting a fight, the *shaliach tzibbur* should not repeat ברכו unless there is someone who did not yet hear ברכו. Even if he already read יוצר אור they may say ברכו. Similarly, if someone already heard ברכו but as he *davens* to himself he reaches the place of ברכו and there is a *minyan* present he may be פורס על שמע. If, however, he already heard ברכו and is not before the *beracha* of יוצר אור he may not be פורס על שמע to say ברכו.
- Radvaz disagrees with Shulchan Aruch to be פורס על שמע if everyone already *davened* but agrees that if there is one person who has not yet *davened* he may be פורס על שמע and עובר לפני התבה and he should begin *shemone esrei* out loud. If there is one person who did not *daven* one of the people who did *daven* could lead this prayer service. (M.B. 1)
- Before *kaddish* is recited some *pesukim* must be read. (M.B. 2)
- יוצר אור is read so that the phrase of ברכו should be tangibly expressed, i.e. a *beracha* is recited. (M.B. 3)
- According to Rema since the *tzibbur* responds ברכו את ה' וכו' it is unnecessary to read the *beracha* of יוצר אור. (M.B. 4)
- Pri Megadim writes that if someone did not *daven ma'ariv* he may say ברכו and the first *beracha* out loud which is acceptable even for the Shulchan Aruch and he may even be allowed to say the *kaddish* before *shemone esrei*. (M.B. 6)
- Magen Avrohom writes that if there aren't six people *davening* the *shaliach tzibbur* should not read *shemone esrei* quietly; rather he should read out loud through *kedusha* but if there are six or more *davening* they are considered a full fledged *tzibbur*. (M.B. 8)
- If someone heard ברכו during Torah reading we do not go back on his account. (M.B. 10)

Stories to Share

The Latecomer's Argument

ש"ע ס' ס"ט, אי "כל ישראל ערבים זה לזה..."

A certain person was a regular latecomer to his small out-of-town minyan. Although there were ten men without him, it was difficult for them to stay after davening most. The latecomer, however, was in no rush. He made sure to reach the end of yishtabach just as the regular minyan was finishing. As they finished he would begin kaddish to ensure himself a minyan for kaddish and borchu. And if enough people lingered in shul for a few minutes he would also say the first three brochos of *shemoneh esrei* out loud, forcing them to remain. This put pressure on those who had to commute to work, who really didn't want to give up the extra time.

Once when this man came late, a few of the more annoyed congregants rushed out of shul right before the latecomer had a chance to start. This left him with only eight men and made him very angry. "I may not know much halacha but I have studied the siman on latecomers reciting borchu. The Mishnah Berurah explicitly rules that even one person who has not yet heard borchu may say it with nine who have because of arvus. Isn't it obvious that you are obligated to stay for my recital since כל ישראל ערבים זה לזה?"

When this question was raised before Rav Chaim Kanievsky, zt"l, he disagreed with the latecomer's reasoning. "The Mishnah Berurah is merely saying why it is permitted for nine people who have already heard kaddish and borchu to form a minyan for one who has not. But these people are definitely not required to oblige such a person!"

שאלת רב, ע' קע"ט

Halacha Highlight

How many people must *daven* for a *minyan* to be considered *tefila b'tzibbur*

Mishnah Berurah Siman 69 Seif Koton 8

אבל כשיש רוב מנין הם כמו צבור גמור

But when there is a majority they are considered comparable to a full-fledged *tzibbur*

Mishnah Berurah (סק"ח) writes in the name of Magen Avrohom that if there are not six people who haven't *davened,* the *shaliach tzibbur* should not say a silent *shemoneh esrei*; rather he should begin *shemoneh esrei* out loud. The reason is that the primary intent in repeating *shemoneh esrei* is to be able to say *kedusha*. In this circumstance the first three *berachos* should be read out loud and the remainder should be read quietly. In the event that there are six people who have not *davened* they are considered a full-fledged *tzibbur*.

When discussing the issue of *davening* with a *tzibbur,* Mishnah Berurah (לקמן סי' צ' ס"ק כ"ח) writes that a *tefila* is classified as *tefila b'tzibbur* only when there are ten people who *daven shemoneh esrei* together. This is as opposed to the erroneous perception of many that the primary purpose of *davening* with a *minyan* is so that one will be able to answer *kaddish* and *kedusha* and for that reason they are only particular to have ten people present for *shemone esrei* but are not concerned with whether all ten of those people are *davening*. Rav Moshe Feinstein (אג"מ או"ח סי' כ"ח) explains that when the Mishnah Berurah here (הנ"ל) writes that the majority of a *minyan* is comparable to the entire *minyan* his intent was only regarding saying *kedusha*. In order for it so be considered as though everyone needs to say *kaddish* it is sufficient to have the majority of a *minyan*. However, in order to qualify as *tefila b'tzibbur* ten people *davening* are necessary. He equates this with measurements. When there is a particular quantity or length required for a *mitvah* we do not apply the principle that the majority is considered comparable to the entire thing. So too with regards to a *minyan* that principle does not apply.

Teshuvas Minchas Yitzchok (ח"ט סי' ו'–ז') cites the Mishnah Berurah in our *siman* and then cited the Mishnah Berurah below that contradicts our Mishnah Berurah and he concludes as follows. *L'chatchila*, one should make sure that he *davens* with a *minyan* of ten people who are *davening*. *B'dieved* one may rely on the presence of the majority of a *minyan*.