כא. נער שמלאו לו שלש עשרה שנה, נעשה בר מצוה, וחייב בכל המצות, ומצטרף לעשרה לכל דבר שבקדושה. ומיד עם מלאת לו י"ג שנה עם צאת הכוכבים של הלילה של אותו היום שנולד בו, נעשה כגדול לכל דבר, ואין צורך להמתין עד לאותה שעה שנולד בה מעת לעת. כלומר, אם נולד למשל ביום ט"ו בסיון בשעות של אחר הצהרים, מיד בליל ט"ו בסיון נעשה בר מצוה, ואין צורך להמתין שלא לצרפו למנין עד לאותה שעה שנולד בה ביום ט"ו בסיון. וגם אין הדבר תלוי בהנחת התפילין, אלא במלאת לו י"ג שנה, וכאמור. [גילקו"י מהדו"ק עמ' צ, ע"פ יבי"א ח"ה חיו"ד סי' כה אות א. וע"ע משנ"ב ס"ק מב]

Day 57

The moment a boy becomes bar mitzvah

21) Once a boy reaches his thirteenth birthday, he gains the status of a bar mitzvah and he becomes obligated to observe and fulfill all the mitzvot. Moreover, he now can count as a member of a minyan and validate it for all purposes. A boy becomes a bar mitzvah at dusk of the evening that begins the date of his birth thirteen years earlier, even if he was born at a much later hour on that day. For example, if a boy was born in the afternoon of 15 Sivan, he becomes a bar mitzvah at the moment of dusk after the day of 14 Sivan thirteen years later. It is not necessary to wait until the following afternoon.

Also, a boy becomes bar mitzvah whether or not he puts on tefillin. It depends on his birthdate only.[327]

Sofer (55:42), noting that this appears to be the opinion of Maran in the *Shulhan Arukh*. Maran the Rishon Letziyon discussed this issue at great length in responsa *Yabia Omer* (Vol. IV, #9) and came to the same conclusion.

Responding Amen to a minyan that counts a child

The *Or Letziyon* (Vol. II, 5:4) ruled that if nine adults counted a child as the tenth member of a minyan, it is permissible to respond Amen to the blessings that they recite. In a footnote he noted that Sefardic Jews may never form such a minyan, but since there is a basis in the halakha for those who practice leniently, it is permissible to respond Amen.

This corresponds to the ruling of the *Or Letziyon* permitting a Sefardic Jew to respond Amen to Ashkenazic Jews who recite a blessing for Hallel on *Rosh Hodesh*. Maran the Rishon Letziyon, however, disagreed with this position, as explained in the *Yalkut Yosef Tefillin English Edition* (25:29).

327. The Mishnah states (*Avot* 5:25): "Age thirteen is for mitzvot." Rabbenu Asher asserted (responsa 16:1) that this is a halakha that was taught to Moshe Rabbenu when he was on Mount Sinai. It is one of the details of the general teaching of the Talmud (*Sukkah* 5b): "All halakhic measurements were taught to Moshe Rabbenu on Mount Sinai."

Rashi (comment to *Avot* 5:25; *Nazir* 29b) explained that a male is not called *ish* – man – until he is at least 13 years old. The proof is the verse (*Bereshit* 34:25): "וַיִּקְחוּ שְׁנֵי בְנֵי יַעֲקֹב שִׁמְעוֹן וְלֵוִי אִישׁ חַרְבּוֹ – The two sons of Yaakov – Shim'on and Levi – each *ish* took his sword...." Levi, the younger brother, was 13 years old at the time. Harav Yaakov Moelin (responsa of Mahari"l #51) countered that this is no proof, since this verse does not demonstrate that a boy younger than 13 cannot be called *ish*. He insisted that there is no textual proof to this halakha, and that it is a tradition directly from Mount Sinai. He added that there is an allusion to this halakha in the verse (*Yeshayahu* 43:21): "עַם זוּ יָצַרְתִּי לִי תְּהִלָּתִי יְסַפֵּרוּ – The nation that I formed for Me shall relate My praise." The word *zu* is spelled *zayin vav*, and the numerical value of the two letters equals 13. See more about this in responsa *Yabia Omer* (Vol. II, *Y.D.* #17:2).

According to the *She'iltot* of Rav Ahai Ga'on (#116), a boy becomes bar mitzvah only on his thirteenth birthday at the time of day that he was born. Several *Poskim* concurred with this, but in practice this is not the halakha. According to Tosafot (to *Nidda* 47b), Ramba"n, Rashb"a, Rashbe"tz, Rashba"sh, Mahari"l, *Sefer Me'irat Enayim* and *Sifte Kohen* (on *H.M. Siman* 35), *Bayit Hadash* (*O.H. Siman* 53), a boy becomes bar mitzvah at the moment of dusk when his thirteenth birthday begins. See more about this in responsa *Yabia Omer* (Vol. V, *Y.D.* #25:1).

A boy born during twilight

If a boy is born during twilight (*ben hashemashot*), we cannot know whether the moment of birth counts as part of the previous day or part of the new day that is just

כב. לכתחלה אין להסתמך על עדות הנער עצמו שאומר שמלאו לו כבר שלש עשרה שנה, כדי לצרפו למנין לאמירת קדיש וקדושה. ואף שרואים שהוא מניח תפילין, אין זו ראיה, כי יש לחוש שהקדימו להניח לו תפילין קודם שיגיע למצות, כדי לחנכו במצות תפילין.

ולכן צריכים לשמוע מפי אביו של הנער שאומר שמלאו לבנו י"ג שנה, או שישמעו מפי איש אחר שמעיד ששמע כן מפי אביו, ואף על פי שהוא עד מפי עד, נאמן.

ומכל מקום אם אי אפשר למצוא איש שיעיד כן, ויש טורח צבור להמתין להשלמת המנין, יכולים לסמוך על עדות הנער להשלימו לעשרה לכל דבר שבקדושה, ואפילו לומר כל החזרה עם קדושה וברכת כהנים על סמך עדות הנער, שפיר דמי. [ילקו"י מהדו"ק עמ' צא. ע"פ יבי"א ח"ד או"ח סי' י]

וכל זה לענין לצרף הנער לדברים שבקדושה, אבל למנותו לשליח צבור, אין להקל למנותו אפילו באקראי, אלא אם כן שמעו מפורש כן מפי אביו של הנער שמלאו לבנו י"ג שנה, וכמו שנתבאר לעיל בסימן נ"ג הלכה כ"ז.

Asking the boy if he is bar mitzvah

22) We should not rely on the boy himself to tell us whether or not he is already thirteen years old and can be counted as a member of a minyan. Even if he is dressed as an adult and puts on tefillin, this does not constitute proof. It is possible that his father is training him to pray with tefillin, but he has not yet become a bar mitzvah. To be sure that he is, we must hear his father or some other adult assert that he has reached that age. Even if someone gives third-hand testimony, saying, "I was told by his parents that he is already thirteen," that is acceptable testimony.

If there is no adult to give such testimony, and the congregation needs to proceed with the prayers, they may rely on the boy's own testimony that he is a bar mitzvah. They may proceed with the prayers as usual, including the cantor's repetition of the *Amida*, and the *kohanim* may bless the congregation.[328] Nevertheless, the congregation must not appoint the boy to be the cantor even temporarily unless the boy's father has told them that his son is now thirteen years old. See above in *Siman* 53:27.

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beginning. The *Mishna Berura* (55:42) ruled that in such a case we must take the stringent position regarding each Torah mitzvah. Based on this, the responsa *Shevet Halevi* (Vol. IV, #26) ruled that the boy must consider himself obligated to fulfill all the mitzvot beginning on the earlier date. That being the case, the family should celebrate the occasion on the earlier date, since that is the day when the boy actually begins observing the mitzvot as a Torah obligation.

The *Halakha Berura* (page 154) ruled that this boy should not serve as a cantor on the earlier date, but he can serve as cantor for the *arvit* prayer of the earlier date. In his *Otzerot Yosef* (#7) he explained that this is based on a compound doubt. First of all, there is an opinion in the Talmud that twilight is definitely part of the previous day, and if so his birthday is the earlier date. Second, according to Rabbenu Tam *ben hashemashot* begins long after the time we call twilight, and the birth was certainly during the day. We can rely on this compound doubt and assume that his bar mitzvah is the earlier date regarding the *arvit* prayer, since there are no extra blessings involved. In fact, there is a basis to permit the bar mitzvah to serve as cantor for *shaḥarit* and *minḥa* of the earlier date as well, since everyone recites the *Amida* for himself, and the cantor does not recite the repetition on behalf of any individuals. The boy can also be counted as a member of a minyan on the earlier date, since the concept of needing a minyan is an institution of our Sages, and that allows us to assume the lenient position.

328. This is the ruling of Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IV, *O.Ḥ.* #10). Harav Shelomo Zalman Auerbach ruled (*Halikhot Shelomo Tefilla* page 64, halakha 10) that it is sufficient to ask the boy if he is already thirteen years old. He argued that we need not fear that the boy is lying since we will eventually find out the truth. Besides, he would not want his father to discover that he lied and misled the congregation.