

HALOCHOSCOPE

Congregation Shaaray Tefillah, Pittsburgh, PA

This week's question:

During the *Chazoras Hashatz*, the repetition of the Shemone Esrei, a number of people leave the room, leaving behind less than a *Minyan*, the quorum of ten men. May the customary Chatzi-Kaddish (The "half" Kaddish) be recited afterwards, or after Tachanun, as the case may be?

The issues to be addressed:

- (A) What is a Minyan and when is it required?
- (B) *Davar Shebikedusha*
- (C) When can one continue without a Minyan having begun with one?
- (D) What is Kaddish and what is Chatzi-Kaddish?

(A) The Minyan

Some religious services require public participation, or are better when a group attends the service. The Tefillah known as Shemone Esrei, or Amidah, is in this category. There is an obligation to say this Tefillah three times daily: in the morning, afternoon and evening, regardless of whether one has a quorum. However, there is an additional obligation to try to find a Minyan to pray with so that the Tefillah is *Betzibur*, communal. This also increases the power and value of the prayer exponentially. The minimum required to comprise a Tzibur, a communal group, is ten adult Jewish men. With regard to Tefillah Betzibur, they should all be praying together. However, since we often use the rule *Rubo Kekulo*, that the majority of something counts as the whole of it, it is customary to consider six out of the ten a Tzibur. This means that ten men should be in the room, six of whom are participating in the Tefillah, with the remainder completing the quorum. The origin of this custom is very questionable. Usually we do not apply *Rubo Kekulo* to a *Shiur*, a required measure, such as a Kezayis of food. If the Torah requires ten men for a Tzibur, it means a full ten. Furthermore when four out of the ten are doing something else, how is this considered one group? True, regarding answering to a *Davar Shebikedusha*, the ten men required to answer need not all be obligated, a majority is enough, but for a Tefillah Betzibur all indications are that all ten should be obligated and participate. The custom is based on the Mogen Avrohom who says that an individual who has missed Kedusha and has not yet prayed may by gather ten men to answer Amein and Kedusha as he says aloud the first three Brochos of his own silent Shemone Esrei. He then says that if there are six men available who have not yet prayed, they should not rely on this, but should first pray silently and then recite the full Chazoras Hashatz in the presence of a full Minyan. In

quoting this Magen Avrohom, some later Poskim say that six is *Rov Tzibur*, the majority of a Tzibur. Based on this, people consider six enough for Tefillah Betzibur. However, the Magen Avraham only says that Rov Tzibur is obligated in Chazoras Hashatz, not that their Tefillah is as meritorious as that of a full Tzibur. There is also some confusion about the actual Magen Avrohom; many other Poskim quote the number as ten. (It appears that the printed "Vav" and "Yud" got mixed up) Accordingly, although it has become accepted to count six as a Tzibur, one should try to gather ten people for Shemone Esrei. If only six are available, they should still pray together silently and say the full Chazoras Hashatz. [See Berachos 7b-8a. Shulchan Aruch Orach Chaim 90:9, commentaries 69:1. Magen Avrohom 4, Shulchan Aruch harav. Baer Haitev 2. 59:3. Magen Avrohom 5. Biur Hagra. Siddur R. Yaakov Emden. Igros Moshe Orach Chaim Vol 1. No 28-30.]

(B) Davar Shebikedusha

A *Davar Shebikedusha*, the general term used to describe the parts of the service that are a public sanctification of Hashem, requires a group of ten adult men present. A list of these in the Mishnah includes the repetition of the Shemone Esrei by the Chazan. It is agreed that the majority of a Minyan (at least six out of the ten) should be obligated to hear Chazoras Hashatz. This means that they said the silent Shemone Esrei together, as a group, and have an obligation to say the Kedusha and the other parts of the repetition service, also as a group. Therefore, if a Minyan was present during the silent Shemone Esrei, but some left, leaving less than a Minyan in the room, or, if there is still a Minyan in the room but less than six remain from the group that said the silent Shemone Esrei together, the Chazan may not say the repetition. There is an opinion that the "six men" means a majority of those present in the room, a minimum of ten. This means that if there are twelve people in the room, at least seven must still be obligated and so on, so that if there is a majority not obligated, some of them should leave.

[Note: Although it is not forbidden by the Talmud, leaving a Minyan with less than ten people is considered "forsaking G-d". It was later forbidden as a "Cherem D'Rabbeinu Gershom", an injunction of Rabbeinu Gershom.] [See Megillah 23b, Tosafos. Berachos 8a Tur, Sh. Ar. O.C. 55:1 etc.]

(C) Finishing Without a Minyan

If there was a Minyan present at the beginning of the Chazoras Hashatz, and then some left, with six remaining, the Chazan may finish the Chazoras Hashatz. The same is true for any *Davar Shebikedusha*. However, the next *Davar Shebikedusha* may not be started until a full Minyan gathers.

The question is: What is considered finishing the old *Davar Shebikedusha*? With regard to the Chazoras Hashatz, the whole of the Shemone Esrei read aloud, Kedusha, and the "Elokeinu" which is in place of the Kohanim's blessings, are part of one thing. However, the full Birkas Kohanim (on days when it is said) is not included, but counts as a separate *Davar Shebikedusha*. [See Megilla 23b, Tosafos. Sh. Ar. O.C. 55:2-3 commentaries, etc.]

(D) Kaddish and Chatzi-Kaddish

The recital of Kaddish is considered a *Davar Shebikedusha* even

though it is not enumerated by the Mishna. The Kaddish prayer is often not considered an independent Tefillah in its own right but is connected to what precedes or follows it. There are a few categories of Kaddish: Kaddish Yasom, the orphan's Kaddish, is recited at the end of a communal service. It is considered part of the service and is recited following Aleinu and other Pesukim of Tehillim said before or after Aleinu. It may be recited by a minor; in fact it was instituted so that an orphaned minor, who could not represent the Minyan as the Chazan, should be able to represent them with the Kaddish. Once instituted, it is considered by many Poskim to be an integral part of the service, and that it should be recited by someone else if no orphan is present. A Minyan must be present for Aleinu or the Tehillim preceding Kaddish Yasom, and for the Kaddish, since it is only a Minhag-like institution. [See Tur, Y.D. 376, Bais Yosef, Darkei Moshe 8-9. Sh. Ar. O.C. 55:3, 133, commentaries.]

Kaddish Derabonon is said following Torah-learning. Actually, the earliest sources in the Talmud for the Kaddish indicate that it was first instituted to be said following the Drasha on Agada. Torah is not a part of the prayer service so this Kaddish seems to be a *Davar Shebikedusha* by itself. Hence, the Poskim debate whether the whole Minyan need participate in the Torah learning, or be present for it, rather than just gather for the Kaddish afterwards. It is therefore customary to say a Passuk or other small Torah lesson after the Minyan has gathered, before starting Kaddish. [See Sotah 49a Sh. Ar. O.C. 55, Taz 2; 234 Magen Avrohom 1; and commentaries.]

Kaddish Shalem, or Tiskabel, is recited after the Shemone Esrei when it was said together by a Tzibur. For the Shacharis, Musaf and Mincha services, it is said after the Chazoras Hashatz and on weekdays' Shacharis after Uva Letziyon. It is an additional plea for the acceptance of the preceding Tefillah. Since it is connected to the Chazoras Hashatz, itself a *Davar Shebikedusha*, it is considered a part of it, so that if a Minyan was present for all or part of the Chazoras Hashatz, the Kaddish Shalem may be said even if only six people remain. In Maariv, where there is only the silent Shemone Esrei which is not really a *Davar Shebikedusha*, but still a Tefillah Betzibur, and is also connected to the Kaddish which is a *Davar Shebikedusha*, the Poskim debate the issue of saying the Kaddish after some of the Minyan leave. [See Sh. Ar. O.C. 55:3 Baer Haitev, Shaare Teshuva 6. Mishna Berura 22.]

Chatzi-Kaddish is used to separate between two parts of the service. For example, the Krias Hatorah on Shabbos is divided into seven Aliyos, after which there is an additional Aliya for Maftir. The Maftir is not one of the main Aliyos and to highlight this we say a Chatzi-Kaddish between them. There is a question whether this Chatzi-Kaddish stands alone as a separation, or if it can be considered connected to both the preceding and the following parts of the services. In this way, if there is a Minyan for the beginning of the Chatzi Kaddish before Borchu it may be finished even without the full Minyan, but can Borchu then be said as well? Accordingly, the Chatzi-Kaddish recited at Shacharis, after the repetition of the Shemone Esrei or after Tachanun, is there to separate between Chazoras Hashatz or Tachanun and Ashrei or Krias Hatorah. If there was a Minyan for the beginning of Chazoras Hashatz, it would now depend on whether the Chatzi-Kaddish is connected to Chazoras Hashatz or is a free-standing interlude. Although the Mishna Berura tends toward the opinion considering Chatzi-Kaddish standing alone with regard to Borchu, and with regard to saying

Chatzi-Kaddish after Yishtabach was begun with a Minyan, he rules in case of the Chatzi-Kaddish after Shemone Esrei/Tachanun that one may say it if one began Chazoras Hashatz with a Minyan. [It appears that even if there was no Minyan for Tachanun, since this Chatzi-Kaddish is really to separate between Chazoras Hashatz and Ashrei, it is connected to it.] One explanation may be that until the Kaddish Tiskabel after Uva Letziyon, the service of Chazoras Hashatz is considered unfinished, so this Chatzi-Kaddish is not a full separation but a sub-division. Therefore, although previously the Mishna Berura leans to the opinions considering Chatzi-Kaddish alone, here he considers it connected, as part of the continuing Chazoras Hashatz. [See megilla 23a, Tosafos, Bais Yosef O.C. 55. Levush. Mishna Berura 7,8,19,22. Aruch Hashulchan 3, Kitzur Shulchan Aruch 15:10, etc.]

In summary: One should try to get a Minyan for this Chatzi-Kaddish, but if this is not possible, one may rely on the opinions considering it part of Chazoras Hashatz and say it even without a full Minyan.

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ANNOUNCEMENTS

SCHEDULE:

SHABBOS SHACHARIS	9:00 AM
SHABBOS MINCHA	8:05 PM
SHACHARIS SUNDAY	8:00 AM
SHACHARIS MONDAY - FRIDAY	7:00 AM
MINCHA SUNDAY - THURSDAY	8:20 PM
CANDLE-LIGHTING RE'AY	8:03 PM
Plag Hamincha-earliest time to light candles	6:54 PM
MINCHA EREV SHABBOS RE'AY	7:00 PM

Kiddush is being given Dr. Danny Rosenblatt in honor of the Yortzite of his grandfather on the 11th of Av.

SHIURIM:

GEMORO MAKOS	SUNDAY 7:15 AM
HALACHA B'IYUN	MONDAY 9:00 PM
HALACHOS OF BUSINESS	THURSDAY 4:30 PM
HILCHOS SHABBOS	SHABBOS 8:15 AM
DAF YOMI:	SHABBOS 6:00 PM
	SUNDAY 8:50 AM
	MON-THURS 7:30 PM

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Comments and suggestions are welcome and can be addressed to:
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