

Overview

Halacha Highlight

Siman 55 Seif 3:

If one began the *beracha* of *avos* and some of the *minyan* left it is permitted to finish even *kedusha*. If some of the *minyan* left after they began יצר the *shaliach tzibbur* may not begin *chazaras hashatz* since he already finished the *beracha* of יוצר. If they left after he began *chazaras hashatz* and *kedusha* it is permitted to finish the *sefer kedusha* that follows as well as the full *kaddish* since they are associated with *shemone esrei* since we ask Hashem to accept our *tefilos*. In such a circumstance, however, they may not read from the Torah since that is a separate matter. *Shemone Esrei* and the *kaddish* that follows is not related to *Shema* and its *berachos*.

- ❖ The *shaliach tzibbur* is allowed to complete the entire *shemone esrei*. (M.B. 15)
- ❖ Although Rema mentions *kedusha* the halacha is that once the *shaliach tzibbur* began *shemone esrei* he may complete it. (M.B. 18)
- ❖ In addition to the full *kaddish* the *shaliach tzibbur* may also recite the half-*kaddish*. (M.B. 19)
- ❖ The *kaddish* after *aleinu* should not be recited without a *minyan* even if there was a *minyan* when *aleinu* began and certainly the other *kaddishim* should not be recited unless there is a *minyan* for the *kaddish*. (M.B. 20)
- ❖ If *maariv* began with a *minyan* and some people left the *shaliach tzibbur* may only recite the half *kaddish* before *shemone esrei* but if there was a *minyan* when they began *shemone esrei* the *shaliach tzibbur* may even recite the *kaddish* that follows *shemone esrei*. On *motzai Shabbos* he may also recite the half *kaddish*, *sefer kedusha* and the full *kaddish* that follows. (M.B. 22)

Siman 55 Seif 4:

There are those who permit saying *devarim she'b'kedusha* with a minor completing the *minyan* as long as he is older than six and knows to whom one *davens*. This does not seem accepted by the major *Poskim*. Slaves and women also are not counted as part of the *minyan*. Even if the minor is holding a *chumash* he should not be counted as part of the *minyan*. However, in a difficult circumstance the custom is to be lenient about this matter.

- ❖ According to Rema one may use one minor even if he does not hold a *chumash*. (M.B. 24)
- ❖ Nowadays the custom is to use a minor holding a *chumash* but only for *ברכו* and *kaddish* that are obligatory. Later authorities are stringent and do not use a minor unless it is a pressing circumstance. (M.B. 24)
- ❖ An *אונן* does not count towards the *minyan*. (M.B. 24)

May a child be included in the *minyan*?

Shulchan Aruch Siman 55 Seif 4

יש מתירין לומר דבר שבקדושה בתשעה וצורף קטן

There are opinions who permit saying *Devarim she'bekedushah* with nine adults and a minor

Shulchan Aruch (סעי' ד') writes that there are opinions who permit the reading of *devarim she'bekedushah* with nine adults and a child who is six years old and knows to whom one *davens*. He then mentions that the leading *Poskim* do not accept this position. Rema adds that one should not include a minor even if he holds a *chumash*, but the common custom is to be lenient in a pressing circumstance. Mishnah Berurah (סי' כ"ד) explains that according to the custom mentioned by Rema the child may be counted in the *minyan* even if he is not holding a *chumash*. He then writes that in our times the custom is to include a minor who is holding a *chumash* but that leniency applies only for *Devarim she'bekedushah* that are obligatory, e.g. *ברכו* and essential *kaddishim*, but not to recite *Devarim she'bekedushah* that are not essential, e.g. *kaddish* that follows *aleinu*. He concludes, however, with an acknowledgement that there are *Poskim* who maintain that one should not include a minor even in pressing circumstances.

The exact definition of שעת הדחק—pressing circumstance – is subject to debate. Maharsham (שו"ת מהרש"ם ח"ג סי' קס"ב) writes that it is permitted to include a minor in the *minyan* if not including him will cause the others to have to *daven* elsewhere with a different *nussach*. He adds, however, that this allowance may be utilized only when the minor holds a *Sefer Torah* and grasping a *chumash* is not sufficient. Rav Moshe Feinstein (שו"ת אג"מ או"ח ח"ב סי' י"ח) rules that if a *Bais HaKnesses* has a regular *minyan* and they do not wish to disband that *minyan* they may include a minor who grasps a *Sefer Torah* that rests upon the *bimah*. He adds that when exercising this leniency the *shaliach tzibbur* should not *daven* a silent *shemone esrei*; rather he should stand silently while the others say *shemone esrei* and he should say his private *shemone esrei* out loud. This procedure circumvents potential questions related to reciting unnecessary *berachos*. Teshuvos Mishnah Halachos (שו"ת משנה הלכות ח"ד סי' ח') cites authorities who maintain that a "pressing circumstance" is where there is no other *minyan* in town and the only way to have a *minyan* is to include a minor.

But the Igros Moshe added a warning regarding this opinion of the Chazon Ish. "Even the Chazon Ish never meant that a minyan formed of six who are required to pray and four who are not has the same status as praying with a full minyan. He only meant to say that this is better than praying alone!"

אג"מ, ח"ג, ט"ו

A certain man woke up late and had two choices: either to pray with a minyan comprising six who were actually praying or with a full minyan that had already begun. He knew that if he went to the minyan of ten regular participants, he would only manage to catch the repetition of the *amidah* with the *chazzan*. Although he chose to do so, he had no real knowledge if this was the right course of action. Afterward, he decided to ask which is superior.

Rav Yosef Shalom Elyashiv, ז"ל, ruled that davening with a full minyan is better even in this situation. He explained. "One who prays with the *chazzan* in a regular minyan is considered to have davened with a minyan according to some authorities, since there were ten men present while he prayed with the *chazzan*. But one who does so in a minyan comprising only six actual participants is not considered to have davened with a minyan at all!"

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Stories to Share

Better than the Alternative

ש"ע סי' נ"ה, ד': "יש מתירין לומר דבר שבקדושה בתשעה וצורף קטן..."

Today's amud discusses the composition of a minyan. But what should one do if there simply are not ten men who have not prayed available? Some say one can daven with a group of ten if at least six people who have not yet prayed. Since most of the minyan hasn't davened, the other four can join to form the minyan.

When someone asked the Chazon Ish, ז"ל, if this is permitted, he ruled that it usually works but not always. "Although this is not like praying alone, nevertheless one may only rely on such a minyan for *shacharis* and *minchah*. If only six people have not yet prayed *maariv*, four who have already prayed may not join them to make up a minyan. It is only where there is a *chazzan's* repetition that a minyan so comprised is effective. For *maariv*, it is not."

אורחות רבינו, ח"א, סי' ק"ס