



Overview

Siman 55 Seif 18:

If some of the people are in the *Bais HaKnesses* and others are in the courtyard they do not constitute a *minyan*.

- ❖ The same halacha applies if only one person is in the courtyard. (M.B. 57)
- ❖ There is a disagreement whether a person *davening* in a separate room is considered to be *davening* with the *tzibbur* or not but he may certainly answer to *kaddish* and *kedusha*. (M.B. 58)

Siman 55 Seif 19:

If the *shaliach tzibbur* is in a tower and nine others are in the *Bais HaKnesses* they constitute a *minyan* even though the tower is ten *tefachim* high, four *amos* wide and has walls ten *tefachim*. The reason is that the tower is subordinate to the *Bais HaKnesses*. There is an opinion who maintains that this applies only if the walls of the tower do not reach the ceiling.

Siman 55 Seif 20:

If ten people are in a single location saying *kaddish* or *kedusha* one may respond even if he is not in the same location. There are those who maintain that there may not be a separation of filth or an idolater between the individual and the *minyan*.

- ❖ Even someone in another building may answer *kaddish* and *kedusha*. (M.B. 60)
- ❖ Since Shulchan Aruch introduced the *halacha* with the words, "There are those who maintain" he implies that this *halacha* is not so clear. Chaye Adam writes that one should answer רבא שמיה רבא and *kedusha*. (M.B. 62)
- ❖ An idol as well as an idolater constitutes a barrier between the individual and the Divine Presence. (M.B. 65)

Siman 55 Seif 21:

A city that has only ten men and one of them wants to leave for the *Yomim Noraim* the others can force him to stay or pay for someone to replace him. If there are eleven men in town and two want to leave they can share the cost of hiring someone to complete the *minyan*. If one is wealthy and the other poor half the cost should be calculated according to each one's wealth and the second half should be shared equally. The cost of the *chazzan* is shared by those who leave together with those who will remain. It doesn't matter how far in advance of Yom Tov one plans to leave as long as he will not be present for Yom Tov.

- ❖ Later authorities write that this *halacha* applies only when it is necessary to hire two people but when only one person will be hired they must share the cost equally. (M.B. 68)
- ❖ Someone who cannot return home due to circumstances beyond his control is exempt from having to pay for a replacement. (M.B. 69)
- ❖ If a town needs to hire people to complete the *minyan* and a *chazzan* and there are people from neighboring towns who come to town to *daven* they are not obligated to contribute to pay for the *chazzan* or for the people who will complete the *minyan*. (M.B. 69)

Siman 55 Seif 22:

The only time we can force members of the community to pay for someone to complete the *minyan* is for the *Yomim Noraim* and if they are only missing one or two people unless there is an established and well-known custom to hire three or four people to complete the *minyan*. If there is a *minyan* of residents they can be forced to pay for a *chazan*. Similarly, in a place that does not have a regularly scheduled *minyan* they can compel one another by force of penalties that they should help make the *minyan* so that it should remain constant. See *Siman 150* whether residents may force one another to build a *Bais HaKnesses*.

- ❖ In small communities the students can be compelled to come to the *Bais HaKnesses* to *daven* but in large communities they should *daven* where they learn since there is a *minyan* without them. (M.B. 73)
- ❖ A person should not refrain from putting in the effort to gather together a *minyan*. (M.B. 73)

Halacha Highlight

The importance of assuring a *minyan*

Mishnah Berurah Siman 55 Seif Katan 73

ובקהלות קטנות יש לכך הבחורים והלומדים שילכו לבית הכנסת

In small communities we may compel the young men and the learners to come to the *Bais HaKnesses*

Mishnah Berurah (ס"ק ע"ג) mentions that in small communities the young men and those who are studying Torah can be forced to come to the *Bais HaKnesses* to *daven* if there would otherwise not be a *minyan*. If, however, it is large community and there would be a *minyan* even without the young men and those who are learning, it is preferable that they *daven* where they learn. Aruch HaShulchan (סעי' כ"ו) also writes that when there is more than one *Bais HaKnesses* in town one cannot be compelled to *daven* at a particular *Bais HaKnesses*. Rav Moshe Feinstein (סי' ט"ז) infers from this that members or regular *daveners* of a *Bais HaKnesses* must be concerned that there should be a *minyan* in *shul*. Even if it is difficult at times for some of the people to be able to attend they can nevertheless be compelled to come to assure a *minyan*.

Sefer Chaye Moshe (לסעי' כ"ב) cites a disagreement about what is the correct course of action in the following scenario. One *davens* in a *Bais HaKnesses* that has exactly a *minyan* of *daveners*. If there is also a mourner in the neighborhood and there is a *minyan* in the house of mourning, where should one *daven*? Some maintain that he should *daven* with the mourner whereas others maintain that it is more important to assure that there is a *minyan* in the *Bais HaKnesses*. Hilchos Aveilus, written by the author of Yad Ephraim (סעי' ז'), notes that the mourner cannot force people to come to his house to *daven* but if people are interested they may perform a kindness for him by *davening* with him. Mikor Chaim (סעי' י"א) writes that even the mourner may leave the *shiva* house in order to assure that there is a *minyan* in the *Bais HaKnesses*.

Stories to Share

Heard at a Distance

ש"ע סי' נ"ה, כ': "ואומרים קדיש וקדשה אפילו מי שאינו עמהם יכול לענות..."

A certain person liked to learn after davening. To ensure that he shouldn't be disturbed by the later *minyan* in his *shul*, he would learn in the women's section. Although he would hear *kaddish* and *kedushah* from downstairs he would ignore this since he had already answered *kaddish* and *kedushah* during his *minyan*. But when he reached Orach Chaim 55:20 where we find that one may answer if hears *kaddish* and from another room he felt a bit confused. Perhaps he was required to respond to *kaddish* and *kedushah* after all?

When this question reached Rav Chaim Kanievsky, zt"l, he ruled if the man heard, he must answer. "If you are so involved in your learning that you do not hear the *kaddish* or *kedusha* you need not worry. But if you hear the *kaddish* or *kedushah* you must answer."

שאלת רב, ע' קס"ח, ודולה ומשקה, נ"ה-נ"ו

But when someone asked the same question of Rav Yosef Shalom Eliyashiv, zt"l, he dissented. "If one is in the middle of learning he is only required to answer *kaddish* and *kedushah* if he is in the same room with the *minyan* since failing to do so is a disgrace and makes him appear to reject Hashem. But if he is in another room, although it is a *mitzvah* to answer he is not obligated. And the same is true regarding one in the middle of *tefillah* or *birkas keriyas shema* in a place he would be obligated to interrupt to answer if he was in the same room."

פסקי הלכות ע"י י"ג ושו"ת רבבות אפרים, ח"א, סי' פ"ט, א'

Rav Elyashiv concluded by clarifying the halachah of a prevalent and similar situation. "The same is true regarding someone who is davening outdoors and another *minyan* is also davening at a different pace, which is common at the Kosel. He need not reply to the *kaddish* and *kedusha* of any other *minyan*. Instead he should focus on his davening and respond only to the *kaddish* and *kedushah* of his own *minyan*."

קונטרס הלי תפילין, סי' י