

ליקוטי ופסקי הלכות "חוקי חיים"

ותלמוד
"התקף הימים"
לעשות רצונך
בלבב שלם



שע"י "חדר הוראה" שכונת מנחת יצחק פעיה"ק ירושלים תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

Please do not
read during
Davening or
Krias Hatorah

Minyan of Ten

Parshas V'Yishlach 5784

65

Matters of Kedushoh With Ten People

The Chiyuv

1. It says in the Torah, 'I will be sanctified among Bnei Yisroel' (ויקרא (כ"ב ל"ב). Chazal learn from here that words of kedushoh, e.g., Kaddish, Kedushoh, Borchu, and Krias Hatorah, are not said with less than ten men (גמ' ברכות דף כ"א ע"ב) who are at least thirteen years and one day old (ש"ע או"ח סי' נ"ה ס"א).
2. Most poskim hold that the chiyuv to have ten people is derabonon and the posuk is just an asmachto (פמ"ג, א"א סק"ז).

How to Count the Ten

3. When checking to see if there are ten, one should not count, "One, two etc." Instead, he should use a posuk (פרי"ח סק"א). The minhag is to use the posuk 'Hoshi'oh es amecho' which has ten words (קצשו"ע סי' ט"ו ס"ג). One may also look around and count in his head (כף החיים סק"א).

Who Counts?

Asleep

4. Some hold that one sleeping person – no more (מ"ב סק"ב) – may be counted for a minyan (ש"ע סי' נ"ה ס"ז) since the Shechinoh is present whenever there are ten men (מ"ב סק"ד). Nevertheless, many poskim argue and hold that a sleeping person is like a shoteh and does not count for a minyan (דרך החיים). Thus, if there are exactly ten, he should be woken up at least to the point that he is only dozing and not fully asleep (מ"ב שם).

Drunk

5. All agree that one who is drunk to the point of 'Lot's drunkenness', i.e., he is unaware of what he is doing, whose actions are disregarded (רמב"ם פ"ט מכירה ה"ח), does not count for a minyan.
6. However, if he is only drunk to the point that he stutters somewhat and does not walk perfectly straight, some say he does not count (מ"ב סי' צ"ט סק"י); others say he does (חיים סי' נ"ח סק"ב).

Koton

7. Although some allow including one koton if there is not a tenth man (ש"ע סי' נ"ה ס"ד) or at least in an extenuating circumstance (מ"ב סק"ד), we are machmir not to count a koton, even if he holds a sefer Torah, and even in an extenuating circumstance (מ"ב שם).
8. **13.** A boy who has started his 14th year, i.e., from the first night of his 14th year (הסכמת רוב הפוסקים, מ"ב סקמ"ב וסי' נ"ג סק"ג), even if it is unknown whether he has the signs of a godol [two hairs (ש"ע אה"ע סי' קנ"ה ס"ז)], may be counted for a minyan (רמ"א ס"ה) since the halochos of minyan are only derabonon (above, 2, מ"ב סק"א).
9. A boy is believed to say that he is a bar mitzvoh (אש"י ישראל פט"ו הע"ל הגרש"ז אויערבאך, 2, מ"ב סק"א).
10. There is a minhag for boys to put on tefillin one or three months before their bar mitzvoh. They also sometimes wear clothing of a godol. Sometimes, people do not realize that they are still ketanim and inadvertently count them for a minyan. Therefore, one cannot assume based on a boy's clothing or tefillin that he is a bar mitzvoh. He should come up with a clever way to figure it out so as not to embarrass a 14-year-old by asking if he is a bar mitzvoh.

We're happy to notify that the Kovetz Gilyonos Chanukah – Purim has arrived, in Hebrew. English coming soon. Could be obtained in the Cheder Horaha, or with a donation and request via email

Began With a Minyan, But Some Left

Davar Shebikedusha

11. The rule is that if a davar shebikdusha was started with a minyan of ten, but some people left in the middle, that part can be finished without a minyan, but a new part may not be started.
12. If a minyan began Kaddish or Kedushoh with ten, and then some left, they should finish, as long as the majority [i.e., six (מ"ב סק"א)] remain (ש"ע שם ס"ב). Still, those who left have an aveiroh and about them it says, 'Those who abandon Hashem will perish.' One may leave if there are ten without him (רמ"א). Even if one left, if there is a koton as the tenth, no one else may leave; since some allow including a koton (above, 8), if someone leaves, he definitely loses his minyan. If two of the ten leave and only eight gedolim remain, others may also leave (מ"ר בשו"ת שבט הקהתי ח"ב סי' ל"ח).
13. Anything which requires a minyan, e.g., Birkas Kohanim or Krias Hatorah, may be finished if there was a minyan when it started. However, nothing new may be started (מ"ב סק"ו).
14. **Kaddish.** If Kaddish – even just the word 'Yisgadal' (א"א בוטשאטש) – was started with a minyan, it may be finished even if some people left (ש"ע שם).

Shacharis

15. **Yishtabach.** If Yishtabach was started with a minyan, but some left before the following Kaddish, Kaddish may not be started (הכרעת מ"ב שם סק"ז).
16. **Kaddish before Borchu.** If Kaddish before Borchu of Shacharis was started with a minyan, but some left, some allow continuing with Borchu (א"ה, כף החיים סק"ד); others do not (מאמר מרדכי הובא) (מ"ב סק"ט). Borchu after Kaddish of Ma'ariv may not be said if some people left (תהילה לדוד סק"ד).
17. **Birchos Krias Shema and silent Shmoneh Esrei.** If Birchos Krias Shema, or even Shmoneh Esrei, were said with a minyan, but then some left, Chazoras Hashatz may not be started (מ"ב סק"ז).
18. **Chazoras Hashatz.** If Chazoras Hashatz was started – even just the word 'Boruch' (סתימת הפוסקים), or at least 'Boruch atoh Hashem' (א"א בוטשאטש סק"ב) – with a minyan, but then some left, the whole thing, including Kedushoh, may be finished. Birkas Kohanim is separate, so it should not be said. The chazron should still say 'Elokeinu vEilokei avoseinu' since that pertains to Shmoneh Esrei (מ"ב סק"ו).
19. **Birkas Kohanim.** If Birkas Kohanim was started with a minyan, but then some left, it may be completed (מ"ב סק"ו).
20. **Kaddish after Chazoras Hashatz.** Some say that the Kaddish after Chazoras Hashatz is separate and if some left mid-Chazoras Hashatz leaving behind less than ten men, they should finish Chazoras Hashatz, but not the following Kaddish. (דעת המחבר, ש"ע). This is the minhag of the Sfardi community (כף החיים סק"ה).
21. Some say that Kaddish after Chazoras Hashatz pertains to Chazoras Hashatz and may be said even if some people left (שם); some hold Chatzi Kaddish and Kaddish Tiskabeil after Uvo Letziyon may also be said (מ"ב סק"ט); others hold that the Rama only allowed Kaddish Tiskabeil, not Chatzi Kaddish after tachnun (ערוה"ש סי' ע).
22. If some left after Shmoneh Esrei but before Chazoras Hashatz, in which case Chazoras Hashatz is not said (above, 17), although the Mishnoh Bruroh (ביאה"ל ד"ה ותפלת) holds that Kaddish Tiskabeil is not said, others hold it may still be said (ש"ת אבן ישראל ח"ט סי' ט"ג).

Krias Hatorah

23. Krias Hatorah is a distinct section. Thus, it may not be started without a minyan (רמ"א שם), even if there was a minyan for Chazoras Hashatz.
24. Nevertheless, if Krias Hatorah started with a minyan by saying 'Boruch atoh Hashem' of the first brochoh ['Borchu' alone is not enough (מ"ב [סי קמ"ג סק"ד]), and then some left, Krias Hatorah should be completed (ש"יע שם) with all the aliyos for that day [e.g., three during the week, four on Rosh Chodesh etc. (מ"ב סק"ו)]. Aliyos may not be added and Maftir and Haftorah are not read, but Kaddish is said afterwards. The Haftorah may be read without a brochoh (מ"ב שם).

Minchah

25. **Ashrei.** If Ashrei was started with a minyan, but some left before Kaddish, Kaddish may not be said (סק"ז).
26. If some left during a short Minchah without Chazoras Hashatz (ש"יע), it could be that Kaddish Tiskabeil may be said after Shmoneh Esrei as is true by Ma'ariv (below, 29), at least according to the Rama (הג"ה קנייבסקי, אשי ישראל פט"ו הע"ק קל"ז).

Ma'ariv

27. If Kaddish was said with a minyan before Borchu, and then some left, Borchu may not be said (תהילה לודד). It is different than Borchu of Shacharis, which is debated by the poskim (above, 16).
28. **Birchos Krias Shema.** If there was a minyan for Birchos Krias Shema and then some left, the Mechaber holds Kaddish before Shmoneh Esrei may not be said; the Rama holds it may be said (מ"ב סק"ב). Kaddish after Shmoneh Esrei should not be said (רמ"א שם).
29. **Shmoneh Esrei.** If there was a minyan for Shmoneh Esrei and then some left, according to the Mechaber, Kaddish Tiskabeil should not be said afterwards; according to the Rama, it may be said.

Calling in a Tenth Man

30. If a minyan was missing a tenth man and they got someone from outside to be able to say a matter of kedushah, he must stay for the whole thing, but not for the next section. E.g., if they called him in to answer 'Borchu,' he does not need to stay for Chazoras Hashatz; if he joined for Chazoras Hashatz, he must wait until after Kaddish Tiskabeil since it is part of the same section (מ"ב סי נ"ה סק"ב).
31. Nevertheless, if the tenth man from outside said that he only has a minute, the chazzon should not start Chazoras Hashatz knowing from the outset that they will lose the minyan in the middle (ש"יע רב פעלים) (ח"א סי ה', מו"ד בש"ת שבט הקהתי ח"ה סי ל"ד).

Do All Ten Need to Hear?

Beginning Chazoras Hashatz

32. When the chazzon begins Chazoras Hashatz, the minyan must be silent, have kavonah during the brochos, and answer amen. If nine men do not have kavonah for the brochos, they are almost levatolah (ש"יע סי קכ"ד ס"ד). Therefore, after Shmoneh Esrei, lechatchiloh there should be nine men who can answer for the chazzon to be able to begin Chazoras Hashatz.
33. If there is just barely a minyan and some people are davening slowly, if it is a sha'as hadchak, they can rely on the opinions that hold that even for Chazoras Hashatz, it suffices to have six answering (מהר"ל הו"מ במג"א סי נ"ה סק"ח).
34. However, if it is not a sha'as hadchak or if it is a regular minyan with more than ten people, the chazzon should not begin Chazoras Hashatz until there are at least nine answering, in line with the poskim who hold that that is me'akeiv (ש"יע הרב סי', פמ"ג משב"ז ססק"ד). Still, it is best to wait for the majority of the average tzibbur who are neither davening quickly nor slowly (סידור יעב"ץ הנהגת חזרת התפילה אות א').
35. **'Table-knockers'.** Accordingly, those in the minyan who finish quickly and, thinking they are the only ones in shul, knock on the table to tell the chazzon to begin already while the chazzon is finishing his tefilah or waiting for others to finish so he can begin properly are acting improperly and disturbing those still davening.
36. **Beginning with the chazzon.** One who is waiting to begin his Shmoneh Esrei with the chazzon and will say it word for word with him counts as one of the nine or six answering (הליכות שלמה), איערבאך, הליכות שלמה).

Beginning Kaddish After Shmoneh Esrei

37. When the chazzon says Kaddish after Shmoneh Esrei, e.g., at Ma'ariv

[or after a short Minchah], strictly speaking, he may include someone who is still davening. I.e., it is enough to have eight answering besides for the chazzon (ש"יע סי נ"ה סי"ו, ח"א, באה"ט). Many poskim hold it is enough to have six answering (מ"ב שם סק"ב). One may rely on this in a case of tircho ditziburo, or if they are rushing to get to work.

38. Still, it is best lechatchiloh to wait for nine people who will answer before starting Kaddish (דרישה שם סק"א, סתימת ה"טו סק"ד), or the majority of the average tzibbur (above, 34).

Ten People in One Place

Two Rooms

39. All ten people, including the chazzon, must be in one place (ש"יע סי נ"ה סי"ג). They must all be in one room, and then they comprise a minyan even if they do not all see each other (מ"ב סקמ"ח).
40. If some are in one room and others in another, they do not combine if they do not see each other, even if there is an open door or a doorway with no door between the rooms (מ"ב שם). Some are machmir by two rooms even if they see each other (מ"ב שם). It is best to be machmir lechatchiloh (ביאה"ל ד"ה ולחוצ) unless it is a sha'as hadchak (מ"ב סקנ"ז).
41. **Doorframe as a separation.** Sometimes, there is one room with a doorframe dividing it in the middle. If its purpose is not to divide the room in two, e.g., the beis medrash was added on to and the support columns create a doorframe, it is not considered a separation (ש"יע מנח"י ח"ד סי ט').
42. However, if the doorframe was made to divide the room in two, e.g., there is a door in it which can be closed, it is considered two rooms even if the door is open and ten people must be on one side of the doorframe, or the chazzon must stand within the doorframe, in which case he links them (ש"יע סט"ו). Only the chazzon can link them, no one else (מ"ב סקנ"ד).
43. Once there are ten people in one place, anyone davening in an adjacent room is considered to be davening with a minyan. All the above was only if there are not ten in one room (חזו"א, ארוחת רבינו ח"ג) (עמ"ר ר"ח).

On the Street or in a Field

44. When davening on the street, in a field, or any open space, ten men only make a minyan if they can see each other and hear the chazzon and there is no walking path between them (ש"יע מנח"י ח"ב) (סי מ"ד). They also must make sure there is nothing dirty and no tzo'oh between them (ש"יע סי נ"ה סי"כ). Some say that lechatchiloh none of the ten should be four amos [1.92 meters] away from the next one (ש"יע דבר יהושע ח"ה סי ג').

Chuppoh

Birkas Eirusin and Nisuin

45. **Birkas Eirusin,** i.e., the brochoh that generally the mesader kiddushin makes, may only be made with ten people (ש"יע אה"ע סי ל"ד). A support for this is from the posuk, "They blessed Rivkoh" (ערוה"ש שם) (ביאור הגר"א סק"א). Nevertheless, if there are not ten, the brochoh may still be made (בית הילל שם סק"ד, ובית שמואל סק"ו).
46. **Birkas Nisuin,** i.e., the Sheva Brochos said under the chuppoh, also requires a minyan (ש"יע אה"ע סי ס"ב ס"ד), with the chosson counting as one (ש"יע שם). If there is not a minyan, the brochos may not be made (ש"יע הרשב"א סי אלף קס"ז). If the brochos were made without a minyan, some say they are yotzei bedieved (חכ"א כלל קכ"ט סי"ג). Still, if there is another chasunoh, it is advisable for the chosson and kalloh to stand there and have kavonah to be yotzei with their brochos (נב"י מהדו"ק סי נ"ו). Others say they are not even yotzei bedieved (ערוה"ש סי ס"ב סי"ח).
47. Not all ten men must stand under the chuppoh; it is enough for them to stand next to the ones under the chuppoh. If there is a separation between them, there is a concern that that is not considered a minyan in one place, since the chuppoh is its own reshus (נחלה לישראל) (ל"י יחיאל מיכל אב"ד זינוב, סי כ"ב). Therefore, those who arrange the chuppoh in such a way that the guests are at a distance should make sure that there are ten men close to the actual chuppoh to be able to make the brochos with a minyan and so they can hear the brochos

without the aid of a microphone (קונט' קול) (אומרים שבסוף סי כוצד מזמנין).

נתרם ע"י פטרוני המערכת רודף צדקה וחסד הרח"ח
ר' יהושע שמואל בלייער שליט"א - ירושלים
לע"נ אביו עמרת ראש המשפחה
הרח"ח ר' יצחק ב"ר מרדכי יהודה בלייער זצ"ל
תלמיד הדוק לרבו אב"ד גאלאנטא זצוק"ל
זענטא - דובלין - לונדון | נפטר ט"ז כסלו תשמ"ז

נתרם ע"י חבר
ותומך מלונדון
שיזכה להצלחה מרובה
בכל ענינים ונחת דקדושה
מכל יוצאי חלציו

נתרם ע"י ידידנו
הרב ר' שניאור פריעדמאן שליט"א
לזכות נחום בן בילא
לרפוש בקרוב
בתוך שאר חולי ישראל