

In The Four Amos of Halachah



The Halachos of Kaddish

Practical Halachah along with a concise in-
depth analysis of its origin

Special Edition:

לעילוי נשמת

מרת שרה טובא בת הרב חיים צבי זעליג אדאמס ע"ה.
נפטרה בשבת קודש ערב שבועות ה' סיון ה' תשע"ו

ת.נ.צ.ב.ה

By: Rabbi Yisroel Yoseph Adams

In The 4 Amos
of Halachah
The Halachos of
Kaddish

Written BS”D in Kiryat Sefer, Eretz Yisrael, Year 5,777

By: Rabbi Yisroel Yoseph Adams

Contents

Dedication	7
Chapter #1	12
Kaddish, the great and awesome praise of Hashem:.....	12
What is Kaddish and when was it instituted?	13
Why was Kaddish established in Aramaic (as opposed to Hebrew)?	13
There are ten types of praises in Kaddish; which correspond to the ten utterances with which Hashem created the world:.....	13
The highlight of Kaddish is the response of “yihei Shimei rabah mivaroch” etc.:.....	15
One should pay attention to Kaddish and answer “yihei Shimei rabah” with all of his strength:.....	15
The requirement to pay attention to Kaddish and the prohibition against talking during Kaddish:.....	17
It is incorrect to be involved in any activity during Kaddish:	18
One should run to hear Kaddish:.....	18
Answering to Kaddish is greater than answering to Kedushah or Borchu:	19
The Seven Required Kaddaishim:.....	20
Preparation before Kaddish:	20
It is erroneous to recite numerous Kaddaishim:.....	21
The special merit of the Kaddish after Aggadah:	21
Chapter #2	24
How and when to recite and respond to Kaddish:.....	24
Kaddish follows either pesukim or Aggadah:.....	25

Three types of Kaddish:.....	27
Kaddish Dirabanan:	28
Whole Kaddish:	30
Half Kaddish:.....	30
When is it proper to recite v'atah yigdal nah etc.?	31
One should stand while listening to Kaddish:	31
The correct way to recite and to respond to Kaddish:.....	33
It is improper to recite yisgadal viyiskadash etc. along with the chazan: 33	
Laws pertaining to the words "yisgadel, viyiskadeish, yisbaroch, and viyis'halal":	33
Laws pertaining to the words "di virah chiriusei":	34
Laws pertaining to the words "bizman kariv v'imiru amen":.....	35
The congregants should pause between amen and yihei Shimei rabah: 37	
Shimei should be read with a mapik hey:	37
One shouldn't pause between the words Shimei and rabah or between the words rabah and mivaroch:	40
The proper pronunciation of mivaroch, lialom, and ulialimei:	40
The kavanah of the amen of yihei Shimei rabah:.....	40
Laws pertaining to the words "min kol/ lieilah ul'ailah":.....	41
Should one answer amen to Yisagadal viyiskadash Shimei rabah, to yisbaroch, and to Berich Hu?.....	41
It's a terrible error for the congregants to respond "Berich Hu lieilah": .	42
Should one pause between diKudesha and berich Hu and between Berich Hu and lieilah etc.?	42

There are various minhagim whether or not to add yisbaroch to the response of yihei Shimei rabah after the word alimayah: 44

The chazan must wait until most of the congregants have completed their response of yihei Shimei rabah etc. before continuing. He must also wait until most of the congregants finish responding amen before continuing:..... 46

The chazan should recite yihei Shimei rabah silently to himself and without repeating the word amen:..... 47

The chazan should continue from yisbaroch out loud for the congregation to hear:..... 47

How to answer Kaddish if one didn't hear the chazan: 47

According to the Shulchan Aruch the chazan should bow a total of five times during Kaddish:..... 49

At the end of Kaddish the chazan takes three steps back: 50

Should only one person recite Kaddish or can numerous people recite it together?..... 50

When two people who are reciting Kaddish finish at different times; when should the congregants answer? 51

Can a katan recite Kaddish? 52

Chapter #3 54

The requirements of a minyan for Kaddish:..... 54

The requirement of a minyan (ten people):..... 55

When Kaddish is being recited after Torah learning how many people from the minyan must be participating (in the Torah learning)? 55

Can someone who didn't participate in the Torah learning recite the Kaddish? 56

When must the entire minyan be present?	56
Who qualifies to be counted in the minyan?	59
a) Adult males (but not) women or children under the age of bar mitzvah:	60
a1) Who has the status of an adult male?	62
b) An onain:	63
c) People davening Shemona Esrei:	63
c1) It is proper to wait for someone who is still in the middle of Shemona Esrei in order that he may also have the merit of answering to Kaddish:	65
d) People donning tefillin:	65
e) People that are talking or that won't be paying attention:	65
f) People who are sleeping:	68
g) Shoteh i.e. madman, and people that are both deaf and dumb:	68
h) Someone who is a shoteh only part of the time:	69
i) Deaf people:	69
j) Dumb People:	69
k) Sinners:	69
l) Atheists and heretics:	70
m) Sinner, atheists, and heretics out of ignorance:	70
When people leave in the middle of Kaddish:	71
Times when the chazan can begin reciting Kaddish even though there is no longer a minyan present:	74
a) If the chazan began Chazaras Ha'Shatz with a minyan present:	74
b) At Ma'ariv if there was a minyan for Borchu:	74

c) The Kaddish after Yishtabach (during Shacharis), after Ashrei (at Minchah), and after the silent Shemona Esrei (at Ma'ariv): 75

d) Reciting Kaddish after the silent Shemona Esrei of Shacharis or Minchah (when there is no minyan to recite the Chazaras Ha'Shatz): 77

e) The Kaddish that is recited after Aleinu, Shir shel Yom, Shir Ha'Yichud, or after Torah learning: 78

f) The Kaddish that is recited after selichos: 78

The seriousness of the transgression of leaving in the middle of Kaddish: 79

When is it permissible to leave the shul?..... 79

Chapter #4 81

How to properly gather the minyan for Kaddish: 81

The ten people and the one who is reciting Kaddish must all be together in one area: (These halachos are quite relevant; for example when a small minyan forms in a house of mourning and the people are "walking around" between the hall and the room of the tefilah or in other similar situations where there isn't a complete minyan in the room of the tefilah). 82

A person is only considered halachically in a room or area if both his head and the majority of his body are there: 82

Here are the halachos for different situations that occur when forming a minyan:..... 82

a- Two rooms with a dividing doorway: 82

b- The (status of the) doorway area: (This issue is also quite relevant since many times people are requested to enter the place where the Kaddish is being recited to complete the minyan and, without realizing the possible problems involved, they remain in the doorway). 89

There is an exception when the one who is reciting Kaddish is standing in the doorway area:	98
c- In a smaller room that is completely open to a larger room:	100
When the chazan himself is in the smaller or in the larger room:.....	103
When an inner room can only be reached through an outer room:	103
e- If the chazan or some of the minyan are standing on two sides of a wall or partition that doesn't reach the ceiling:.....	105
f- Behind a curtain that was drawn for privacy:	106
g- Behind a curtain that was drawn for a halachically required division of the areas:	106
h- At a bimah or at an amud which is surrounded by walls:	108
i- In a sukkah that is inside a room:.....	110
If Kaddish is being recited in the presence of a minyan and someone hears the Kaddish from outside should he answer?	111
If the presence of feces, avoda zara, or idol worshipers disrupts the status of a minyan or divides between someone who is outside and wants to participate with a minyan:	113
Halachah:.....	113
Table of the halachos of when the chazan can begin Kaddish without a minyan:.....	117
What the minyan recited together:	117
Can they recite Kaddish (if there are at least six remaining people)? ...	117

Dedication

This sefer was written *l'iluy nishmas* imi morasi Sarah Toiba bas Harav Chaim Tzvi Zelig a"h. My mother was born to her parents Rav ChaimTzvi Zelig and Chaya Faiga Berliner z"l who were extremely pious Jews of the past. My zadie was the *Gabai* of the famous Polisher Shteible in Williamsburg. He raised the money in order to ransom the *Heiliger* Gerrer Rebbe, the Imrei Emes, from the Nazi's ysv"z. My zadie also supported other Rebbes including the Amshinover Rebbe z"l and the Modzitzer Rebbe z"l. There is an amazing story how the Modzitzer Rebbe once said to my zadie "You will be with me" without explaining his intentions. Years later my bubby was nifter on a rainy day and the grave diggers made a mistake and dug her grave in an entirely different *Chelka* (section) of Har Hazeisim - Mt. of Olives. After the fact that my bubby was already buried in the "wrong" grave my zadie was given the grave that was next to hers which by *hashgacha pratis* - by Hashem's Divine Providence was the grave next to the Modzitzer Rebbe!

My bubby a"h was very *tznius'dik* (modest) in her dress and she also scrupulously kept the mitzvos. She had a glowing smile which she radiated to everyone around her. Another unique quality that I witnessed was how she tangibly waited for Mashiach.

I have so much *hakaras hatov* - feelings of gratitude to my mother a"h. She raised me and tried her best to help me with her selfless love and concern. She was always **my strength and my comfort** in every situation that arose in my life. Her house was also *pasuach lirvacha* - open to offer relief to those that really needed her. She accomplished so much in her humble way. As a married teenager she was already a devoted Rebitzen to the religious community that my father avi mori Harav Alexander Yitzchak Adams shlit"a was forming and developing. My mother had many functions at the time; a devoted wife, a young mother, a teacher at the Talmud

Torah, the backbone of the ladies auxiliary, and as I just mentioned the Rebitzen whose advice and sympathetic ear was sought by the community.

My mother was someone who really cared about people. She also enjoyed their company. For me personally the most inspiring thing about my mother is that despite how much she enjoyed my father being around the house and spending time with her she sent my father to learn in the Bais Medrash with his chavrusas (study partners). She also willingly sacrificed my company and sent me for almost four years to learn in Yeshivas Poneviz in Eretz Yisrael. This was way before the times of cellphones and inexpensive long distance phone services and I was only able to call home at best for a short call once a week. Even when I was home my mother would let me disappear to the Bais Medrash with her sweet words of bracha “Learn *gishmak* and *shteig* - enjoy your learning and grow great in your Torah knowledge”.

After I was married with a family of my own and lived in Eretz Yisrael, my parents spent half of each year nearby in order to be with us. Still, my mother was satisfied with spending around twenty five minutes a day with me studying the halachos of Shabbos before I began my night session of Torah learning. Every night, when I would leave I would bless her “Mommy, sleep well, have pleasant dreams, and wake up fresh with strength to serve Hashem” and my mother would reply with her “Learn *gishmak* and *shteig*”. As the Gemara (*Brachos 17a*) explains נשים במאי זכיין באקריוי בנייהו לבי כנישתא ובאתנויי גברייהו בי רבנן ונטרין לגברייהו עד דאתו מבי רבנן - in what merit do women receive their share in the World To Come? By sending their children and their husbands to learn Torah and waiting patiently for them to return home.

My mother was attached to her Tehilim. She also was very insistent that people should answer amen to her brachos. Towards the end of her

life, my brother Avraham shlit" a had the zechus to come over after davening to answer amen to all of my mother's morning brachos.

It's hard to believe that a year has passed since her *petirah* - her passing. There is no doubt in my mind though that it's her merit that has empowered this entire year's accomplishments. I'm sure that this sefer which I undertook to write and publish in her zechus and memory has been made possible through her heavenly intervention. May she be a *malitzah tovah* for our whole family and for Klal Yisrael.

ת.נ.צ.ב.ה.

I want thank my father shlit" a for all of his support in all of my endeavors. His constant encouragement and advice have molded me into all that I am today. I am fortunate to be able to say thank you, my father and my teacher. May Hashem Yisbaroch grant you *chaim tovim vi'aruchim*; that you continue to be the crown of our family and reap much *yiddishe nachas* from all of us.

If you have questions or comments to make about this *sefer* you can reach me at ysisadams@gmail.com

You can also download these *halachos* in audio at www.kolhalashon.com

Introduction

מָה אֲשִׁיב לַיהוָה כֹּל תַּגְמוּלוֹהִי עָלַי - How can I repay Hashem for all of the kindness that he has bestowed on me? “Thank you Hashem Yisbaroch, that I was able to complete this sefer on the halachos of Kaddish. Thank you for guiding me and strengthening me from its inception until its completion”. I also thank Hashem Yisbaroch for being able to study Your Torah and particularly this subject which greatly enhanced the Kaddish that I recited these eleven months of my mourning through the in-depth study of its halachos.

I’m sure that the readers would expect that as an introduction to this sefer on Kaddish I would give a preface and an overview to what Kaddish is all about. This is unnecessary though as I have set aside the entire first chapter called “Kaddish the great and awesome praise of Hashem” for this purpose. Instead I am going to devote this introduction to the importance of in-depth study of halachah. This sefer attempts to convey the beauty of the history and source for each of its halachos in the hope that it will impress upon the reader how crucial each detail of the halachos are. I also hope that through a better understanding of the halachah, we will be able to fulfill them more accurately. May this work find favor in the Eyes of Hashem Yisbaroch and may He grant me that it find favor in the eyes of Klal Yisrael.

I very much enjoyed working with my good friend and editor HaRav Dov Bilgrei shlit”a. May Hashem repay him for his devoted efforts to make this sefer as good as it is.

I will conclude with my tremendous *hakaras hatov* to my devoted wife who has always supported and continues to support my Torah learning with every ounce of her abilities. As Rabbi Akiva said to his many students

in Ketubot (63a), “*Sheli vishelachem shelah hu-* my and your Torah is all in her merit”.

In The 4 Amos of Halachah The Halachos of Kaddish

Chapter #1

**Kaddish, the great and awesome
praise of Hashem:**

What is Kaddish and when was it instituted?

Kaddish is a great and awesome praise that was instituted by Chazal just after the destruction of the first Bais Hamikdash. It is a tefilah (that Hashem should bring an end to the) profaning of His name that was caused by the destruction of the Bais Hamikdash, by the destruction of our Holy Land, and by the dispersion of His holy nation to the four corners of the world¹. The words “*yisgadal viyiskadash*” are based on the pasuk in (*Yechezkel 38:23*) “*vihisgadalti vihiskadashti lieinei hagoyim*”- “and I will become great and sanctified in the eyes of the *goyim*, etc.” which is referring to the times of the war of “*Gog Umagog*”. Then the name of Ha’kadosh Baruch Hu will become great; as is written in (*Zechariah 14:9*) “on that day Hashem will be One and His name will be One”².

Why was Kaddish established in Aramaic (as opposed to Hebrew)?

See our footnotes to the halachah of answering *yihei Shimei rabah* with all of one’s strength and also to the halachah of the special merit of reciting Kaddish after Aggadah for the different reasons why Kaddish was established in Aramaic (footnotes 7, 23).

There are ten types of praises in Kaddish; which correspond to the ten utterances with which Hashem created the world:

¹ This is a quote from the Aruch HaShulchan (55:1).

² Tur (56:1)

There are ten types of praises in Kaddish; which correspond to the ten utterances with which Hashem created the world³.

³ The Bais Yosef (56:3) brings the Shiblei Haleket (8) that explains that Kaddish has ten different kinds of praises of Hashem: 1- *yisgadal*, 2- *viyiskadash*, 3- *yisbaroch*, 4- *viyispaor*, 5- *viyisromam*, 6- *viyisnasei*, 7- *viyishtabach*, 8- *viyisaleh*, 9- *viyis'hala*, 10- *viyis'hadar* (Note – in the Shiblei Haleket the order is different from the order that the Bais Yosef quotes in his name – *yishtabach* precedes *yispaor* and *yishador* precedes *yishalal*. Compare with the order found in our siddur). He then quotes those that say that these ten praises correspond to the ten utterances with which Hashem created the world.

This explains why we add the words "di vira - that He created" to our request that Hashem should be praised in this world:

This explains why when we request *yisgadal viyiskadash etc. b'almah*, that Hashem's great name should be praised in this world, we add the words "di vira - that He created" (in order to hint that the request that Hashem's name should be praised with these ten praises in this world is connected to the fact that the world itself was created with ten utterances that correspond to these praises).

Why are the first two praises (*yisgadal viyiskadash*) separated from the other eight?

The Shiblei Haleket then asks why the first two praises (*yisgadal viyiskadash*) are separated from the other eight. He answers, based on the Psikta Rabasi (21)/ Psikta Zutrasi Va'eschanan (5:6), that the ten commandments are included in (i.e. spiritually connected with) the ten utterances. Based on this concept we can understand that the ten praises of Kaddish also correspond to the Ten Commandments. We can readily understand then that just as we find that by the ten commandments the first two commandments were divided from the other eight (since the first two were uttered by Hashem alone as opposed to the other eight that were uttered by Moshe Rabeinu) here too the first two praises of Kaddish are separated and distinct from the other eight.

The highlight of Kaddish is the response of “yihei Shimei rabah mivaroch” etc.:

The highlight of Kaddish is the response of “*yihei Shimei rabah mivaroch*” etc. The Gemara (*Brachos* 3a) writes about the great impression that our response of “*yihei Shimei rabah*” makes so-to speak, on Ha’kadosh Baruch Hu. “When Yisrael enter the Batei Midrashim and Batei Knesios and answer “May His Great Name be blessed (*yihei Shimei rabah mivaroch*)”, Ha’kadosh Baruch Hu, so-to-speak, nods His head and says “Fortunate is the king who is praised thus in his house. Woe⁴ is to the father that has sent his children into exile. Woe is to the children that have been banished from their father’s table”.

One should pay attention to Kaddish and answer “yihei Shimei rabah” with all of his strength:

One should pay attention to Kaddish and answer “*yihei Shimei rabah*” with all of his strength; for Chazal tell us that one who answers “*yihei Shimei rabah*” with all of his strength can nullify his evil decree⁵. “With all of his strength” means with all of his concentration and with all of

The eight praises of *yisbaroch vyiishtabach* etc. correspond to the seven heavens along with the eighth heaven that is above the chayos angels:

The M”B (56:1) adds that the eight praises of *yisbaroch vyiishtabach* etc. correspond to the seven heavens along with the eighth heaven that is above the chayos (angels) (see *Yechezkel*1:22).

⁴ The Gemara’s language is “what is to the father”. The Tosefos HaRosh says that this is not the original text rather “Woe is etc.”, and that it isn’t necessary to change the original text. The Rashash explains that the new text has the same intention as the old one. It only intended to relate to Hashem with more deference.

⁵ Gemara (*Shabbos* 119b).The M”B (56:5) says that it’s the answering of *yihei Shimei rabah* with all of one’s strength that nullifies evil decrees.

his limbs; meaning with his heart and soul and not as someone who is mindlessly mouthing the words⁶. The answering of “*yihei Shimei rabah*” loudly also helps one to concentrate (see footnotes). Still, one shouldn't scream it in way that will cause others to ridicule him since he will be causing them to sin⁷.

⁶ This is from the M"B (56:1) in the name of the Rishonim.

⁷ This is from the M"B (56:5) in the name of the Bais Yosef.

The Bais Yosef (56:1) says “Rabeinu Yona explains that “with all of one's strength” means with all of one's concentration; only since there are people who can't arouse their concentration without saying it with all of their strength (loudly); the Gemara used the term “strength” (as opposed to the term concentration). Still, one shouldn't scream it in a way that will cause others to ridicule him”. (See the Bais Yosef *ibid.* who quotes Rashi (*Shabbos 119b*) ‘*b'kol kocho*’ that is similar to the Rabenu Yonah in that he explains *b'kol kocho* to mean with all of one's concentration only he doesn't seem to consider it important to say it in a loud tone. He then brings the Ri's opinion in Tosefos who appears to understand from the P'sikta that *b'kol kocho* means literally in a loud tone).

The Bais Yosef continues “It appears that one should answer (the *yihei Shimei rabah*) in a loud voice as is written in the Zohar:

“Come and see this Kedushah (Kaddish) is not like other kedushos that are only tripled (as we say in the Kedushah of Chazaras Ha'shatz; *kadosh, kadosh, kadosh* and only proclaim Hashem's sanctification in three worlds). This Kedushah (Kaddish) rises in all directions; above and below and to all of the sides of *mihaymnusah* (the holy side lit. of belief). It breaks locks, seals of iron and evil *kalifin* in order that the honor of Hashem should rise above all. We need to recite the Kaddish in the language (Aramaic) of “the other side” (the evil side) and to answer with great strength “*yihei Shimei rabah mivaroch*” (may His great name be blessed) in order to break the strength of the other side and to raise the honor of Hashem above all, for at the time that one breaks the other side through this holiness (i.e. through *yihei*

The requirement to pay attention to Kaddish and the prohibition against talking during Kaddish:

One must pay attention to Kaddish in order to be able to respond appropriately⁸, and it goes without saying that it is prohibited to talk during Kaddish (see footnote⁹). It's even prohibited to think Torah thoughts during

Shimei rabah) Ha'Kadosh Baruch Hu rises with honor, remembers His children, and remembers His Name (that His Name is being profaned by the gentiles). This sanctification can only be recited when there are ten people present since its recitation is for this (previously mentioned) purpose, that is, to raise the honor of Hashem (and therefore requires the especial merit of being recited with a minyan). The fact that it's recited in Aramaic gives it the power to subdue and break its (the other side) strength; to break locks, seals, powerful chains and evil *kalifin*, and Ha'kadosh Baruch Hu remembers His children. Fortunate is the holy nation that Ha'kadosh Baruch Hu gave them the holy Torah to make them meritorious in the world to come. The Bais Yosef concludes that from here one should consider how much one should concentrate when answering to Kaddish and how much effort one should make in order to be able to answer to Kaddish (i.e. to go to a place where the Kaddish is being recited). (Note the Bais Yosef also points out that this Zohar also explains why the Kaddish was established in the Aramaic language [see also footnote 23 for additional reasons that are offered by the Poskim]). The Bais Yosef then quotes yet another Zohar about someone who upon witnessing a young man jumping from a roof in order to hear Kaddish immediately offered him his daughter for a wife saying "someone who jumps (from a roof) to hear Kaddish must be a Talmid Chachom".

⁸ M"B (56:1) in the name of the Bais Yosef (125)

⁹ The M"B (56:1) brings the Bais Yosef (125:2) who quotes the Meseches Derech Eretz (it isn't found in our text but the Bais Yosef here (56:3 'vikasha lee') brings it in the name of a Medrash) that Rav Chama bar Chanina met Eliyahu with loaded camels. He asked Eliyahu "What are the camels loaded with"? Eliyahu answered "with anger and

Kaddish since one has to respond with great concentration¹⁰. The aforementioned halachos are the same regardless of which type of Kaddish is being recited¹¹.

It is incorrect to be involved in any activity during Kaddish:

It is incorrect to be involved in any activity; even to fold one's tallis or wrap up one's tefillin during Kaddish¹².

One should run to hear Kaddish:

One should run to hear Kaddish¹³.

fury for (to punish) those that talk during Kedushah etc. and on those that talk at these times it is written in (*Yeshaya* 43:22) "and to me (Hashem) you don't call (out to), Yisrael".

The M"B also quotes the Sefer Chasidim (58) "A story of a pious Jew who had a vision of a deceased pious Jew whose face was green. He asked him why his face is green and he answered (as a punishment) for talking while the chazan was reciting Vayichulu, Magen Avos, and Kaddish".

He also quotes the Mateh Moshe (411) in the name of a Medrash "That a wise man appeared to his student in a dream with a stain on his forehead. The student asked him why he had the stain and he replied that he wasn't scrupulous when it came to not talking during Kaddish".

¹⁰ M"B (56:1) in the name of the Pri Chadash

¹¹ M"B (56:1) in the name of the Pri Migadim

¹² The M"B (25:56) explains that it's improper to be involved with any activities during Kaddish since one is required to respond to Kaddish with great concentration. He also maintains that since Kaddish is even greater than Kedushah it must certainly be as stringent as making a bracha; which the Shulchan Aruch (191:3) rules that it's prohibited to be involved even in light activity while reciting a bracha (see the M"B (191:5) that explains that although the Shulchan Aruch is referring to Birchas Hamazon the prohibition to be involved in any activity is the same with all brachos and tefilah).

Answering to Kaddish is greater than answering to Kedushah or Borchu:

Answering to Kaddish is greater than answering to Kedushah or Borchu¹⁴. The fact that it's greater has the following halachic implications: 1- If one hears both Kaddish and Kedushah or Borchu simultaneously (from two minyanim that are davening in close proximity) he should respond to Kaddish¹⁵. 2- If there are two minyanim in two shuls; one minyan is about to recite Kaddish and the second is about to recite Kedushah one should attend the shul that is about to recite Kaddish (see the footnote why this is not true for the Kaddish after Shemona Esrei¹⁶). 3- One should **definitely** not answer Kedushah in the middle of Kaddish¹⁷.

¹³ Shulchan Aruch (56:1). See footnote 29 above where we brought the Zohar that was quoted in the Bais Yosef.

¹⁴ The M"A (56:1) infers this from the fact that the Gemara (*Brachos 21b*) entertains the possibility that one may answer Kaddish in the middle of Shemona Esrei, even though it was obvious to the Gemara that one may not answer Borchu or Kedushah in the middle of Shemona Esrei.

¹⁵ The M"B (125:8) however, says that this is only true when everything is equal. If however one has already fulfilled his obligation to hear the necessary amount of Kaddaishim and has not heard either the required Borchu or Kedushah, he should answer to the Borchu or Kedushah.

¹⁶ The M"B (56:6) (his source is the M"A 56:1) explains that this is because the shul that is reciting Borchu or Kedushah will also be reciting Kaddish later on and in the end he will be able to hear everything, but if he goes to the shul that is reciting Kaddish after Shemona Esrei he will only end up hearing Kaddish.

¹⁷ The M"B (56:6) wrote these three applications. He quotes the Chayei Adam that is unsure though if one may answer Kaddish in the middle of Kedushah. The M"B (125:8) however, quotes the Pri Migadim that rules explicitly that one shouldn't interrupt in the middle of his

The Seven Required Kaddaishim:

One is required to hear the following seven Kaddaishim:¹⁸ 1- after *Pesukei De'zimrah* (after *Yishtabach*), 2- after Chazaras Ha'Shatz, 3- after U'vah liTzion (of *seder di'kedusha*), 4- after Aleinu, 5- after the Ashrei of Minchah, 6- after the Chazaras Ha'Shatz of Minchah, 7- just prior to the Shemona Esrei of Ma'ariv. (Note, even though it's also a mitzvah to hear the Kaddish that is recited after the Shemona Esrei of Ma'ariv it isn't included in this group¹⁹).

Preparation before Kaddish:

One should prepare himself with the proper respect before reciting Kaddish and not recite it offhandedly²⁰.

responding "*kadosh ,kadosh, kadosh etc. kivodo*" in order to respond to Kaddish. Afterwards though, one is permitted to answer to Kaddish between the pesukim.

¹⁸ I am quoting from the M"B (55:5), who explains that this requirement is a fulfillment of the pasuk in Tehilim (119:164) "*Sheva bayom hilalticha* - I will praise you seven times each day". His source is the Bais Yosef (55:1) who is quoting the Shiblei Haleket in the name of the Gaonim.

¹⁹ The M"B (55:5) refers to the Livush (55:1) who explains that the reason is because Ma'ariv itself along with its Kaddish is voluntary. (This can't be taken literally though since today Ma'ariv is mandatory, rather the Livush only meant that Ma'ariv was originally established as a voluntary prayer. Therefore although it became mandatory after Klal Yisrael accepted upon themselves to daven Ma'ariv it couldn't have been what the Pasuk of "*Sheva bayom hilalticha* - I will praise you seven times each day" was referring to).

²⁰

"We cannot use the scepter of the King of kings Ha'kadosh Baruch Hu more than He permitted us"!

It is erroneous to recite numerous Kaddaishim:

It is improper to gather together a minyan to recite many Kaddaishim²¹ even if each Kaddish will be recited on additional pesukim, Mishnah, or Gemara²².

The special merit of the Kaddish after Aggadah:

Reciting Kaddish after publicly learning Aggadah is very praiseworthy as the whole world stands on the merit of this Kaddish (see footnote²³).

The Aruch HaShulchan (55:3, 4) writes "There are those in the masses who think that it's a mitzvah to say many Kaddaishim. They are so wrong etc. we cannot use the royal scepter of the King of kings Ha'kadosh Baruch Hu more than He permitted us. He that uses it freely is slighting its holiness etc. and heaven forbid to recite Kaddish fast and in a hurry. This is the way of the *amei ha'aretz* (unlearned masses), rather it should be said with concentration, deliberation, and with pain over the exile of the Holy Shechina". See also the Shut Dvar Shmuel (186) who warns against reciting Kaddish excessively or incorrectly.

²¹ Shut Dvar Shmuel (186), brought in Be'er Heitev (55:1)

²² See the previous footnote (20) for the admonition of the Aruch Hashulchan.

The M"B (55:1) quotes the Kneses Hagedolah (9) that compares reciting Kaddish unnecessarily to reciting brachos unnecessarily (for instance making a bracha on a food and then eating a minimal shiur; reciting a *bracha achronah* (a bracha said after food) and then making a new bracha to eat more of the same food), for the sake of making numerous brachos. Just as the rule is that we should limit the brachos to the minimal amount required, so too we should limit the recitation of Kaddish to its minimal amount.

²³ The Gemara (*Sotah* 49a) says "The world stands on etc., and on the '*yihei Shimei rabah*'; that is recited after learning Aggadah".

Why does the world stand on the merit of *yihei Shimei rabah*?

There seems to be a *machlokes* if the world stands on the merit of any *yihei Shimei rabah* or particularly on the merit of the *yihei Shimei rabah* of the Kaddish that is recited after Aggadah:

The Birkei Yosef (55:1) understood that the *yihei Shimei rabah* of Aggadah is unique since Aggadah gladdens the heart and therefore this *yihei Shimei rabah* will be recited joyfully. It is particularly this *yihei Shimei rabah* then that has the merit on which the world stands since it is more pleasing to Hashem.

The Be'er Sheva (*Sotah* 49a) understood that the world stands on the *yihei Shimei rabah* of all of the Kaddaishim, and he offers a different understanding why the Gemara chose the *yihei Shimei rabah* of Aggadah. He explained that the custom of learning Aggadah publicly and the reciting of Kaddish with the *yihei Shimei rabah* is especially precious albeit for a different reason. This is because aside from the fact that this *yihei Shimei rabah* follows Torah learning it is also unique in that even laymen come to listen to Aggadah. This creates an especial Kiddush Hashem (as opposed to halachah which is generally attended only by learned scholars). He concludes that it is for this reason that the Gemara chose to mention particularly this *yihei Shimei rabah* (i.e. even though the world stands on any *yihei Shimei rabah*, the Gemara chose the *yihei Shimei rabah* of Aggadah because it is more precious).

Why was Kaddish established in Aramaic as opposed to Lashon Hakodesh?

What was the reason for the Chazal establishing the words of the Kaddish in Aramaic as opposed to Lashon Hakodesh? The Tur (56) explains that we recite the Kaddish in Aramaic since it is such a great praise to Hashem that we don't want the angels to understand what we are saying lest they become jealous (of our great merit). Furthermore by reciting the Kaddish in Aramaic (the language of Bavel) Hashem is so-to-speak reminded of the destruction of the Bais Hamikdash and that we are in exile. He then brings the explanation of the Ri that the Kaddish that is recited after Aggadah was established in Aramaic because the unlearned masses who attended these classes

only spoke Aramaic and Chazal wanted its Kaddish to be in the language that they would understand. (See also footnote 7 for the reason given by the Zohar Hakadosh).

The Kaddish of Aggadah was the first Kaddish to be instituted:

The Ma'amar Mordechai (55:2, 3) points out that we can infer from this Tur (from the Ri that he quoted) that the Kaddish recited after Aggadah was actually the first of the Kaddaishim to be instituted. (The Ma'amar Mordechai understood that after the first Kaddish of Aggadah was established in Aramaic the later Kaddaishim followed suit and were established in the same language).

In The 4 Amos of Halachah The Halachos of Kaddish

Chapter #2

**How and when to recite and respond
to Kaddish:**

Kaddish follows either pesukim or Aggadah:

Kaddish is never recited unless it follows either pesukim²⁴ or Aggadah (see footnote that Aggadah should seemingly include *drashos* of pesukim²⁵). See footnote why we recite Kaddish after Shemona Esrei²⁶).

²⁴ The Rema (54:3) writes that one can never recite Kaddish without a tehilah (pasuk of *Pesukei De'zimrah*) preceding it.
²⁵

The precedent for reciting Kaddish after Aggadah:

The precedent for reciting Kaddish after Aggadah is the Gemara Sotah 49a which states that the world stands on the Kaddish of Aggadah. The Rambam in his commentary to Pirkei Avos also quotes this Gemara as a reference that Kaddish Dirabanan is only recited after Aggadah.

The difficulty in defining what exactly Aggadah is:

It was difficult for me to define what Aggadah is and what makes it distinct from Mishnayos. In general Aggadah is defined as Torah that draws the heart i.e. "pulls on the heartstrings" of those that are learning it; as Rashi comments in Bava Basra (10:a) '*baalei aggadah*' (see also the Be'er Sheva in Sotah ibid. that clearly understood that the Gemara was referring to this kind of Aggadah), but this distinction doesn't seem to be sufficient regarding Kaddish since, as we will see further, one cannot recite Kaddish after learning Pirkei Avos even though it's generally defined as Aggadah.

Must Aggadah include *drashos* of pesukim?

I also initially rejected the idea that Aggadah must also include *drashos* of pesukim since the Be'er Sheva ibid. asks why the Rambam ibid. didn't consider Pirkei Avos to be Aggadah and required the additional learning of *Rav Chananya ben Akashya* omar etc., and didn't answer with the obvious distinction that *Rav Chananya ben Akashya omar* includes *drashos* of pesukim as opposed to Pirkei Avos which do not. This implies that the Be'er Sheva understood that Aggadah is unrelated to *drashos* of pesukim. HaRav Dov Bilgrei, shlita (the editor) on the other hand felt very strongly that the fact that the M"B (54:2) merely quotes the M"A that one must recite" *Rabi*

Chananya ben Akashya omair etc." or "*Amor Rabi Elazar amor Rabi Chanina, Talmidei Chachomim* etc." after learning Pirkei Avos, implies that Aggadah must include *drashos* of pesukim. I therefore (after much deliberation with him and with other talmidei chachamim) changed my opinion to that of the editor and agreed that according to the M"B, regarding Kaddish, Aggadah must include *drashos* of pesukim. (This is not like the previously quoted Be'er Sheva).

Perhaps regarding Kaddish all *drashos* of pesukim are considered Aggadah:

I still felt though that we haven't fully defined Aggadah because the Likutei Pardes that is brought in the M"A (54:3), who similarly maintains that when the minyan learns the Mishnayos of *Bameh Madilikim* together (on Friday nights) they must recite *Amor Rabi Elazar amor Rabi Chanina* etc. before reciting Kaddish, seems to imply, by the reasoning that he uses, (that *Amor Rabi Elazar amor Rabi Chanina* etc., is a *drasha* of pesukim) that it isn't necessary to recite "Aggadah"; rather the only requirement for reciting Kaddish (*dirabanan*) is that one has learned a *drasha* of pesukim (even if the *drasha* is related to halachos or *dinim*) I also felt that the language of the Shulchan Aruch HaRav (54:4) implies that he also understood that according to the Likutei Pardes all *drashos* of pesukim are included in Aggadah. The editor feels though that the fact that the Poskim only mention types of *drashos* that do not pertain to halachos and *dinim* implies that Aggadah even with regards to reciting Kaddish must also include the general characteristics of Aggadah and not only include *drashos* of pesukim (see the language of the Shulchan Aruch HaRav *ibid.* inside because the editor also disagreed with my understanding of his (the Shulchan Aruch Harav's) opinion; rather that it concurs with his (the editors) understanding of Aggadah).

It therefore remains unclear to me what status *drashos* of pesukim have when they come to teach halachos and *dinim* and not (what is generally referred to as) Aggadah, and therefore I don't know whether or not one should recite Kaddish *Dirabanan*, whole Kaddish, or shouldn't recite any Kaddish at all after learning such *drashos*. See also the following references: M"A (54:3), Be'er Sheva (Sotah 49a), Birkei Yosef (55:1), M"B (54:9), M"B (55:1 (from Be'er Heitev 55:1), B"H

Three types of Kaddish:

There are three²⁷ kinds of Kaddaishim: 1- Kaddish dirabanan (which finishes "al Yisrael etc."). 2- Whole Kaddish (which concludes with the phrase "*yihei shilama rabah* etc."). 3- Half Kaddish (which concludes with the phrase "*da'amiran bialimah v'imiru amen*"). (See footnote about "Kaddish *Tiskabal*"²⁸).

(155:1 '*viyikbah*'), M"B (234:5) (Note- there seems to be contradictions within the M"B's commentaries), MS"Z (55:10). See also our footnote (25) to Kaddish Dirabanan where we discuss that there are opinions that hold that one can recite Kaddish even on Mishnayos or other Torah *sheba'al peh*.

²⁶ From the M"B (54:8) (who is quoting the M"A (54:3) in the name of the Darkei Moshe) it seems that it was instituted to recite Kaddish after the silent Shemona Esrei and Chazaras Ha'Shatz without necessity for the Kaddish to follow pesukim. The Pri Migadim (MS"Z 55:1) however, maintains that Kaddish is only recited after pesukim or Aggadah quoting the M"A *ibid.* (who brings the Likutei Pardes that we brought earlier). Accordingly, he explains that the reason why we may recite Kaddish after Shemona Esrei is only because the Shemona Esrei uses the phraseology of pesukim (for example '*rifaenu Hashem vinairafeh*' which is akin to the pasuk in *Yirmeya* [17:14]).

²⁷ Although practically speaking there are in fact three different kinds of Kaddaishim, the essential Kaddish is the same for all three categories since the main thrust of the Kaddish ends at "*da'amiran bialimah*" for all of them (based on the Aruch HaShulchan (56:8).

²⁸

When do we recite Kaddish *Tiskabal*?

After the Shemona Esrei we add to Kaddish the request of "*tiskabal tzilosihon* etc." as a request that our prayers be accepted by Hashem. At Ma'ariv this request is added to the Kaddish that is recited immediately upon the conclusion of Shemona Esrei. At Minchah it's recited after *Tachanun*. At Shacharis it's recited after the Kedushah of *U'vah liTzion*.

Kaddish Dirabanan:

Kaddish Dirabanan²⁹ is only recited after Aggadah³⁰. This is why the custom is to add the Aggadah of "*Rabi Chananya Ben Akashya omair etc.*"

***Tachanun* and *U'vah liTzion Goel* are extensions of the Chazaras Ha'Shatz; as opposed to Aleinu:**

The underlying principle for each of these Kaddaishim is that the request of "*tiskabal tzilosihon*" was intended to include not only the Shemona Esrei itself, but also all that pertained to the Shemona Esrei. At Minchah the *Tachanun* is an extension of the Shemona Esrei. At Shacharis even *the Ashrei U'vah liTzion* is an extension of the Shemona Esrei. Aleinu however is not considered connected with Shemona Esrei and therefore Kaddish *Tiskabal* is recited beforehand (based on the Hagahos Halivush 55:1).

Kaddish Tiskabal after selichos during Yomim Noraim:

The Taz (55:1) adds that we (also) recite Kaddish Tiskabal after selichos during Yomim Noraim, since the many supplications make it akin to the Shemona Esrei.

²⁹ The Be'er Sheva *ibid.* explains that the name Kaddish Dirabanan (the Kaddish of the Rabbis), doesn't have the same connotation as Modim dirabanan (where it means that each individual phrase of Modim was established by a different Amorah) rather it either means that this Kaddish is recited after learning Torah *sheba'al peh* (which is taught by the *Rabanan*) or that it has the added prayer of al *Rabanan* which is for the welfare of the *Rabanan*.

³⁰ This is from the M"B (54:9) in the name of Magen Avraham.

Is Kaddish Dirabanan recited after all Torah *sheba'al peh* or only after Aggadah (the contradiction between the Rambam's statements)?

The M"A (55:3) quotes the Be'er Sheva *ibid.* that brings a contradiction in the Rambam: The Rambam in his commentary to (Pirkei Avos chap. 6:10) explains that the reason for the custom to recite the *Braiysa* of *Rabi Chananya Ben Akashya omair etc.* after Pirkei Avos is because one cannot recite Kaddish Dirabanan on (Pirkei Avos which are) Mishnayos (rather after words of Aggadah) as is stated in Sotah (49a) (that the world stands on etc.) the *yihei Shimei*

after Pirkei Avos and "*Amor Rabi Chanina Talmidei Chachomim* etc." after *Bameh Madlikim*³¹ (this isn't necessary after *Ayzehu Mikomon* as it's

rabah of Aggadah. We see then that we don't recite Kaddish Dirabanan on Mishnayos (on *Torah sheba'al peh* that is not Aggadah), yet the Rambam himself in Seder Hatefilos says "ten people that are learning Torah *sheba'al peh*, even if it is only Midrashim or Agaddos, recite Kaddish Dirabanan". This would imply that the Rambam holds that Kaddish Dirabanan most certainly can be recited on Torah *sheba'al peh*, and, to the contrary, he only feels the necessity to stress that it may even be recited on Midrashim or Aggadah.

The M"A's reconciliation to the contradiction:

The M"A suggests a reconciliation; the Rambam in Seder Hatefilos didn't mean that one could recite Kaddish after Torah *sheba'al peh* by itself; rather that the Kaddish may be recited after Torah *sheba'al peh* after adding some Aggadah. (Note- the Beer Sheva in Sotah (49), after asking other questions on this comment of the Rambam, suggests that this particular comment (that is found at the end of the Rambam's commentary on Pirkei Avos) was not written by the Rambam himself rather by some confused student. See also the Mar'eh Kohen (that is printed in the Oz Vihadar Shas on this comment of the Rambam) that also claims that this comment is corrupt and was not written by the Rambam. (He also offers proofs that the rest of that particular commentary was part of Rashi's commentary and not from the Rambam at all).

What are the source and the logic to distinguish between the types of Torah learning that are followed by Kaddish and the other types of Torah learning that aren't followed by Kaddish.

I don't know the exact reason for the opinions that hold that Kaddish cannot be recited after all Torah *sheba'al peh* (Mishnayos etc.) since learning Torah *sheba'al peh* publicly also creates a Kiddush Hashem which is the reason why we recite Kaddish after learning pesukim. I also didn't find their source for this distinction.

³¹ M"B (54:9). The Magen Avraham adds that we also recite "*Amor Rabi Chanina* etc." after *ain kElokeynu*.

sufficient to say the "*Yehi Ratzon sheyiboneh Bais Hamikdash* etc." instead³²)³³..

Whole Kaddish:

The Whole Kaddish is recited after pesukim but not after Torah *sheba'al peh*³⁴. When reciting Kaddish after pesukim at least three pesukim should be recited³⁵.

Half Kaddish:

The Half Kaddish³⁶ is recited when it isn't being recited solely for the Torah that was learned previously. Thus Half Kaddish is recited after Yishtabach³⁷, after Chazaras Ha'Shatz³⁸, after the Ashrei of Minchah just prior to the Shemona Esrei³⁹, and after the Torah reading⁴⁰.

³² Shulchan Aruch HaRav (54:4)

³³

Kaddish Dirabanan upon a *siyum maseches*:

We need to clarify why we are able to recite Kaddish Dirabanan upon a *siyum maseches* since the one who finishes the *mesechta* in the presence of a minyan hasn't necessarily recited Aggadah (or any pesukim). Perhaps the "*Hadran*" that is recited in public is sufficient.

³⁴ See footnote 25 where we discussed (the issues of whether Aggadah must include *drashos* of pesukim in order to say Kaddish and) whether or not one can say Kaddish after *drashos* of pesukim that are not Aggadah. See also footnote 30 where we discussed whether or not one can say Kaddish after all Torah *sheba'al peh*.

³⁵ M"B (54:9)

³⁶ All the reasons that I will give for reciting half Kaddish are from the Pri Migadim (MS"Z 55:1).

³⁷ Since the Kaddish is recited then to divide between the *Pesukei De'zimrah* and the brachos of Shema (Bais Yosef 55:22). It's interesting to note the Borchu at the beginning of Ma'ariv is not preceded by Kaddish (acc. to Ashkenazic custom) like the Borchu after

When is it proper to recite v'atah yigdal nah etc.?

Although the Rema rules that it's proper to recite *v'atah yigdal nah* etc. just prior⁴¹ to reciting Kaddish, the M"B (56:11) however rules that one definitely shouldn't recite this in any part of the davening where it's prohibited to interrupt (for example between Yishtabach and *yotzair* and by the Kaddish before the Shemona Esrei of Ma'ariv which is between *geula li'tefilah*)⁴².

One should stand while listening to Kaddish:

One should follow the stringent opinion and stand while listening to Kaddish until he finishes responding *yihei etc. alimayah*⁴³. Some opinions

Yishtabach since no pesukim have been recited before the Borchu of Ma'ariv, as opposed to the Borchu after Yishtabach (of Shacharis) which is preceded by Kaddish, since it follows the pesukim of *Pesukei De'zimrah* (see Rema 54:3).

³⁸ Since the Kaddish is recited to distinguish the Shemona Esrei as a distinct and separate mitzvah from the rest of the davening (Bais Yosef 55:22).

³⁹ Since the pesukim of Ashrei are not being recited as Torah learning, rather as a form of supplication and also to fulfill the ideal brought in the Gemara (*Brachos* 4b), "Whoever recites Ashrei three times a day is considered a ben Olam Habah (Bais Yosef 55:22).

⁴⁰ Since the Torah portion is being read in accordance with the ordinance of Ezra (and not as general Torah learning).

⁴¹ Once the chazan begins *yisgadaleh* etc. one must listen quietly (M"B 56:10).

⁴² The concept of reciting *v'atah yigdal nah* etc. is found in the Tikunei Zohar (page 13). The M"B (56:11) writes though that the Arizal was against it being recited and went so far as to cast doubt whether its source in the Tikunei Zohar is authentic.

⁴³

The Maharil did not stand for Kaddish unless it followed a part of the davening that was recited while standing:

The Darkei Moshe says that the Maharil did not stand for Kaddish unless it followed a part of the davening that was recited while standing (since although he held that one need not rise for Kaddish, he still didn't want to actively sit down for Kaddish).

The Darkei Moshe maintains that the custom is to stand for Kaddish and brings the Shiltei Giborim who quotes the Gemara Yerushalmi as a source to stand:

The Darkei Moshe continues that the custom is to stand, and he brings the Shiltei Giborim who quotes the Gemara Yerushalmi as the source that one should to stand for Kaddish (or any *davar shebikedusha*). The Yerushalmi brings the pasuk in *Shoftim* (chap. 3) that the *shofait* Ehud said to King Eglon "Rise for the word of Hashem is unto you". The Yerushalmi continues "From this Rabi Eliezer said "When we answer *amen yihei Shimei rabah* etc. or any *davar shebikedusha* we must stand on our feet". This Yerushalmi is problematic though, since the pasuk does not actually say that Ehud commanded Eglon to rise in honor of the *dvar* (word of) Hashem, rather "Ehud said (to Eglon) I have the word of Hashem which is unto you" and the pasuk continues "and he (Eglon) rose (of his own accord)".

The Arizal held that this Yerushalmi is not authentic:

The Arizal held that this Yerushalmi is not authentic and therefore held that one isn't required to stand for Kaddish. Still, like the Maharil, the Arizal distinguished between not rising for Kaddish (which is allowed) and actively sitting down during Kaddish (which isn't proper). Therefore when the Arizal was already standing (i.e. when the minyan had just completed a part of the davening that is recited while standing) he would remain standing for the entire Kaddish. (The Arizal did rise though - for kabalistic reasons- for the Kaddish that is said (according to minhag Ari and Sefard) before the Shabbos night Ma'ariv).

The M"A (56:4) defends the Yerushalmi:

The M"A (56:4) defends the Yerushalmi and explains that although the pasuk doesn't say explicitly that Ehud commanded Eglon to rise the Yerushalmi understood that the reason why Eglon rose must have been because Ehud had commanded him to do so. The M"A also

hold that one should remain standing even until the chazan recites *da'amiran bialimah v'imiru amen*⁴⁴. (See the overview in footnote 43 that if someone was standing already he definitely shouldn't sit down for Kaddish).

The correct way to recite and to respond to Kaddish:

It is improper to recite *yisgadal viyiskadash* etc. along with the chazan:

Someone who is not reciting Kaddish should not say *yisgadal viyiskadash* etc. along with the chazan rather he should listen quietly and respond *yihei Shimei rabah*⁴⁵.

Laws pertaining to the words “*yisgadel, viyiskadeish, yisbaroch, and viyis'halal*”:

According to the M”B (56:2) one should say *yisgadel viyiskadeish*(with a *tzerei* under the *dalet*) as these two words are in Hebrew and not in Aramaic⁴⁶. One should take care to enunciate the

offers an alternative explanation that the Yerushalmi meant to say (that even though Ehud didn't command him to rise) the fact that Eglon, who wasn't even Jewish, rose; teaches us how much more so we should rise in the honor of Hashem's word. The M”A concludes that therefore one shouldn't be lenient in this matter.

⁴⁴ M”B (56:7) in the name of the Eliyahu Raba

⁴⁵ M”B (125:1). See our footnote to the laws of Kedushah (regarding the congregants reciting *nikadaish*) for an overview of this subject.

⁴⁶ The M”B first cites the MS”Z (56:1) who merely rules that *yisgadel viyiskadash* should be pronounced with a *tzerei* since these words are in Hebrew and not in Aramaic; without bringing any source or explanation. The M”B then refers us to the Bais Yosef 56:3; which the Oz Vihadar M”B explains that the M”B's intention was to infer from this Bais Yosef the reason why these words are in Hebrew unlike the rest of the Kaddish is as follows:

gimmel of *yisgadal* in order that it shouldn't sound like he is saying *yiskadal*⁴⁷; and to say the word *yisbaroch* carefully that it shouldn't sound like *yisparoch*; and to say *viyis'halal* clearly that it shouldn't sound like *veyischalal*.

Laws pertaining to the words “di virah chiriusei”:

The words *di virah* are two words (and should be pronounced distinctly)⁴⁸. One should pause slightly after the word *chiriusei* because it pertains to and is the last word of the previous part of Kaddish; whereas

There are ten types of Hebrew praises that we recite in the Kaddish which Chazal weren't able to translate into Aramaic:

The Bais Yosef quotes the Abudraham who is explaining why the eight praises of *yisbaroch veyishtabach* etc. are all in Hebrew even though the rest of the Kaddish is recited in Aramaic. He explains that it wasn't possible for Chazal to translate these praises into Aramaic. Later on the Bais Yosef brings the Shiblei Haleket that claims that there are two more praises i.e. *yisgadel viyiskadaish* that are part of this group which together make up ten types praises of Hashem (see footnote 3 where we elaborated on this Shiblei Haleket) . It follows then that we can infer (from this Bais Yosef) that the understanding of the Abudraham, that Chazal couldn't translate these eight praises and therefore left them in Hebrew, can also be applied to the first two praises of *yisgadel viyiskadaish*. See our footnotes to the halachah that there are ten types of praises on Kaddish for more details.

The minhag to pronounce *yisgadal viyiskadash* using the vowel *patach*:

See the Piskey Teshuvos for sources for the minhag to pronounce *yisgadal viyiskadash* (using the vowel *patach* as it is used in Aramaic words).

⁴⁷ Which is a different word meaning the back of the head in Aramaic (Aramaic '*kadal*'= Hebrew '*oref*'= English back of the head)

⁴⁸ M" B (56:1)

viyamlich malchusei is the beginning of the next part of Kaddish (i.e. it is a new request)⁴⁹.

Laws pertaining to the words “bizman kariv v’imiru amen”:

The words *v’imiru amen* should be said immediately after the words *bizman kariv* and after the words *da’amiran bi’almah* without delay since (the custom is that the congregants wait to answer until the chazan says the words *v’imiru amen* and) the congregants must answer amen shortly after the chazan concludes with the words *bizman kariv* and with the words⁵⁰. If the chazan does delay *v’imiru amen* either by waiting or by a lengthy tune (see footnote⁵¹) the congregants shouldn't wait; rather they

⁴⁹ M”B (56:2)

According to the Shut Darchei Noam resp. (11) it's connected to the words “*di virah chiriusei*” meaning that (Hashem's name should once again become complete) as it was in the world that was created according to his will; meaning before Amalek profaned His name. According to the Aruch HaShulchan 56:2 it's connected to the words “*yisgadal viyiskadash etc. chiriusei*” meaning that we ask that Hashem's name become great and sanctified as is His will i.e. as is His will that His name should be great and sanctified.

⁵⁰ M”B (56:2)

⁵¹ The M”B (56:2) refers to his own M”B (124:35) that quotes the Magen Avraham (124:14) that rules that if it is not an over lengthy tune one should wait to respond with amen until the chazan has finished *v’imiru amen*. The Machtzis Hashekel explains the proof of the M”A as follows:

The M”A bases himself on his own opinion in (128:73) that the tefilah of Ribono Shel Olam that is recited during the Bircas Kohanim should be said during the kohanim’s humming of the bracha’s special tune and not while they’re reciting the words of the bracha itself. This would seem to contradict the Gemara in (*Brachos* 55b) which says that this prayer should be recited specifically while the kohanim are blessing; which would imply that it should be said while the kohanim

should respond amen immediately⁵². If they were delayed they shouldn't respond amen at all⁵³. The chazan should also be careful not to draw out the words *v'imiru amen* (or the like) since he may cause the congregants to respond amen before he finishes which is considered an *amen chatufah*⁵⁴.

are reciting the actual words of the bracha. The M"A holds that this isn't a contradiction since the humming itself, when not over drawn-out, is considered part of the actual bracha. From this he infers that a tune that is hummed as part of a bracha or a tefilah has the status as of a continuation of that bracha or tefilah as long as it is not over lengthy, and therefore one should wait until the end of the tune before responding amen (by Kaddish this means to wait to respond amen until the chazan finishes the words *v'imiru amen* and not to respond amen immediately after the words *da'amiran bialimah* nor immediately after the words *ba'agalah ubizman kariv* even if he delays a bit with a tune).

⁵² This halachah is from the M"B (124:35) who learned it from the Pri Migadim A"A (124:14).

⁵³ The request of the Kaddish is finished at *da'amiran bialimah* and at *bizman kariv* and we must respond amen after each of these requests (amen here means "so shall be the will of Hashem to fulfill this request"). The custom is to wait though till the chazan says *v'imiru amen*, meaning "and the congregants should respond amen". This is in accordance with the pasuk and concept from Tehilim (34:4) "*godlu Lashem iti* i.e. (I am urging you to) make Hashem's name great along with me etc."; where we find this structure of prayer that the chazan first urges the public to praise Hashem and only then do they respond with His praise. However this ideal structure does not supersede the requirement to respond "amen" on time. Therefore if the delay will cause an *amen yisoma* (we elaborate on this concept in our halachos of amen) one should respond amen immediately.

⁵⁴ The M"B (125:2) writes (regarding Kedushah) that the chazan shouldn't draw out the words *liumasam baruch yomeiru* or *uvidivrei kudshicha* in order to avoid the possibility of causing the congregants to respond with *baruch kivod* etc. or *yimloch* etc. before he finishes.

The congregants should pause between amen and yihei Shimei rabah:

The congregants should pause between amen and *yihei Shimei rabah*⁵⁵ since amen refers back to *bizman kariv* as opposed to *yihei Shimei rabah* which is a new request of Hashem.

Shimei should be read with a mapik hey:

The M"B 56:2 brings the Bais Yosef that rules that the word *Shimei* has no yud and that the *hey* is not read as a *mapik hey*. Then he quotes the

The M"B continues that the same is true regarding Kaddish; that the chazan shouldn't draw out his words so as not to cause the congregants to answer before he finishes which is akin to an *amen chatufah* (we elaborate on this concept in our halachos of amen). This implies that answering amen before the chazan concludes with *v'imiru amen* is prohibited since it's an *amen chatufah*. (Note this example is different than the previous one that we just brought above. In the previous example the chazan was humming an overly lengthy tune which is a *hefsek* - an interruption. In such a situation the answering of amen before he finishes is not an *amen chatufah* (as it is in response to what was said by the chazan before humming his tune). As opposed to this example where the chazan is drawing out the words *v'imiru amen* and answering amen before he finishes; which is considered an *amen chatufah*.

⁵⁵ M:B (56:2)

The same is true in all situations where amen is followed by a new response; for example by *amen Modim anachnu lach* (by the Modim dirabanan of Chazaras Ha'Shatz) where one should also pause slightly after saying amen before beginning Modim etc. (See also M"B [124:25]).

Pri Migadim that rules that *Shimei* should be read with a *mapik hey* (see the footnote for an overview⁵⁶).

56

Two opinions of the meaning of “*yihei Shimei rabah* etc.”:

The Tosefos in Gemara (*Brachos* 3a) and the Tur (56) bring two opinions of the meaning of “*yihei Shimei rabah* etc.”.

The first opinion:

The first opinion explains that the meaning of *Shimei* is a contraction of the two words *shem Y-a-h*, meaning “the name *Y-a-h*” which is the first half of Hashem's four letter name, which is so-to-speak incomplete (only having the first two letters) due to Hashem's oath that His name and His throne will not be complete until He wipes out the nation of Amalek. According to this opinion the word *rabah* means “should become complete” (meaning that it should be once again joined back together with the second half of His name which will make it complete with its four letters). Thus the request of *yihei Shimei rabah* is asking that Hashem should once again make His name complete (by taking revenge against Amalek). The Tosefos adds that according to this opinion the continuation of *mivaroch lialom ulialimei alimayah* is a new request that Hashem's name should be blessed in the world to come.

The second opinion:

The second opinion explains that *Shimei* is not a contraction; rather it is only one word which means “His name” (It's the Aramaic version of the Hebrew word *'Shimo'*). According to this opinion *Shimei rabah* means 'His great name'; and it's connected to words *mivaroch lialom ulialimei alimayah*. This opinion maintains that the *yihei Shimei* etc. is only one long request that Hashem's great name (*Shimei rabah*) should be blessed forever etc. (*mivaroch lialom* etc.).

Differences regarding the *yud* of the word *Shimei* and the *mapik hey*:

According the first opinion the *yud* of the word *Shimei* is crucial since it is necessary for the contraction *Shem Y-a-h*. Also the *mapik hey* is necessary as it is characteristic of the name *Y-a-h*. The second opinion which does not explain the word *Shimei* as a contraction rather as the

Aramaic word for "His name" does not need the *yud* or the *mapik hey*. The Pri Migadim held though that since the *mapik hey* is grammatically correct for both explanations it should be used.

The Rema understands that this *machlokes* affects the halachah whether *rabah* must be said together with *mivaroch*.

The M"A (56:2) quotes and explains the Darkei Moshe (56:1) (who is explaining the opinion of the Hagahos Ashri in the name of the Or Zaruah) that holds that although every opinion will agree that one shouldn't pause between the words *Shimei* and *rabah*; still the two opinions will argue whether or not one may at least pause between *rabah* and *mivaroch*. The first opinion which holds that *mivaroch* is the beginning of a new request will hold that one may therefore pause between the conclusion of the first request of *yihei Shimei rabah* (that Hashem's name should become complete) and the new request that It should be *mivaroch lialom* etc. (blessed in the world to come). The second opinion however who maintains that *yihei Shimei rabah* etc. is only one request (that Hashem's great name should be blessed forever) will hold that one may not even pause between *rabah* and *mivaroch*.

The M"A challenges the understanding of the Rema from Rav Safra's opinion:

The M"A challenges the understanding of the Darkei Moshe from Rav Safra's opinion which is brought in the Gemara (*Sukkah* 39a) as follows: Rava says that one shouldn't pause between the words *rabah* and *mivaroch*. Rav Safra disagrees though and says that it doesn't matter since the chazan (is not pausing because he has finished; rather he) intends to continue. How then can the Darkei Moshe assume that the second opinion prohibits pausing between *rabah* and *mivaroch* if Rav Safra rules clearly that it doesn't matter? The M"A answers that the Darkei Moshe understood that Rav Safra only intended to say that *bidieved* the response isn't invalidated; however *lichatchila* one shouldn't pause between these words (the M"A bases this on a Gemara in *Yevomos*). (The first opinion though understands Rav Safra literally; that one may pause between *rabah* and *mivaroch* even *lichatchila*).

One shouldn't pause between the words Shimei and rabah or between the words rabah and mivaroch:

One shouldn't pause between the words *Shimei* and *rabah* or between the words *rabah* and *mivaroch*⁵⁷ (see footnote⁵⁸).

The proper pronunciation of mivaroch, lialom, and ulialimei:

One should pronounce *mivaroch* with a *kametz* under the *vais* and with *patach* under the *raish*. One should pronounce *lialom* with a *kametz* under the *ayin*. One should pronounce *ulialimei* with a *vav* at its beginning (with a *shuruk* and not just say *lialimay*)⁵⁹.

The kavanah of the amen of yihei Shimei rabah:

As we mentioned previously the amen of *yihei Shimei rabah* is unrelated to *yihei Shimei rabah*, rather it pertains to the first part of Kaddish. Therefore one's *kavanah* for amen should be "I request that Hashem fulfill the request of the Kaddish (recited by the chazan) that Hashem speedily (*ba'agalah*) and in a short time (*ubizman kariv*) reveals His kingship"⁶⁰.

The Tosefos, Tur, and the Bais Yosef side with the second opinion:

The Tosefos, Tur, and the Bais Yosef side with the second opinion.

⁵⁷ The M"B (56:3) brings the Pri Migadim that this means not to delay between the two words; however they need not be recited in one breath.

⁵⁸ See the overview that is brought above in footnote 56 regarding if the word *Shimei* has a *yud* for more elaboration on this subject.

⁵⁹ M"B (56:1)

⁶⁰ M"B (124:25).

The M"B stresses that since Hashem will surely (fulfill His guarantee of) revealing His kingship we do not request this of Him; rather we only request that He does so speedily:

Laws pertaining to the words “min kol/ lieilah ul’ailah”:

The words “*min*” “*kol*” are generally pronounced as two words. On the ten days of repentance however since we add the word “*ul’eilah*” to the Kaddish and recite “*lieilah ul’eilah*”; we must therefore subtract the word “*min*” from the Kaddish combining it instead with the word “*kol*” to become “*mikol*”; in order to maintain the same total of twenty eight words⁶¹.

Should one answer amen to Yisagadal viyiskadash Shimei rabah, to yisbaroch, and to Berich Hu?

One should answer amen to *Yisagadal viyiskadash Shimei rabah*⁶². The Rema (56:2) rules not to answer amen to *yisbaroch* nor to *Berich Hu*. Our minhag is to answer *Berich Hu* with the same words *Berich Hu*⁶³.

The M”B *ibid.* stresses that since Hashem will surely (fulfill His guarantee of) revealing His kingship we do not request this of Him (i.e. this is a general principle that we don’t request Hashem to fulfill His guarantee); rather we only request that He does so speedily. See also the halachah regarding whether one should respond amen to *yisagadal viyiskadash Shimei rabah* and its footnote 62 since the two issues are related.

⁶¹ M”B 56:2

⁶²

Should one answer amen after yisagadal viyiskadash Shimei rabah?

The Pri Migadim (MS”Z 56:1) rules not to respond amen after the words *yisagadal viyiskadash Shimei rabah* (unlike our custom), following the principle (that we mentioned in footnote 60) that we do need to request that Hashem should fulfill His guarantee; rather it is only appropriate to respond amen after the words *ba’agalah ubizman kariv*, which means that this guarantee should be fulfilled speedily etc. The M”B (55:12) on the other hand clearly rules that one should respond amen after *yisagadal viyiskadash Shimei rabah*; going so far as to express wonder as to why the Shulchan Aruch does not mention

It's a terrible error for the congregants to respond "Berich Hu lieilah":

It's a terrible error for the congregants to respond "*Berich Hu lieilah*", as this sounds like we are saying, *chas vishalom*, that Hashem is only blessed on high (*lieilah*) and not below, rather one should only respond *Berich Hu* (without *lieilah*)⁶⁴.

Should one pause between diKudsha and berich Hu and between Berich Hu and lieilah etc.?

The M"B (56:14) rules that one shouldn't pause between *Shimei diKudsha* and *Berich Hu*, but one should pause between *Berich Hu* and *lieilah* etc.⁶⁵

this amen; it is explicitly mentioned in the Rambam and the Shulchan Aruch himself recorded as so in his Bais Yosef.

⁶³ M"B 56:13

⁶⁴ M"B 56:13

The M"B suggests another possibility of adding *min kol birchasah* to *lieilah* (i.e. *Berich Hu lieilah min kol birchasah*) but I omitted it because it is evident from the SH"Tz (56:30) that this was only a suggestion in accordance with the opinion of the Rema (that one shouldn't pause between *Berich Hu* and *lieilah*) and it is unnecessary according to the opinions of the Sha'arei Teshuvah (in the name of the Arizal) and of the Gra (that hold that one should pause between *Berich Hu* and *lieilah*). See the next footnote for more details on that issue.

⁶⁵

Is Berich Hu a title or praise? Is lieilah min kol birchasah etc. a descriptive praise or a request?

Opinion #1- The Rema:

The Rema 56:2 says that the chazan shouldn't pause between *Berich Hu* and *lieilah mikol* (we say- *min kol*) *birchasah*. This is

because the Rema understood that *Berich Hu* is not a continuation of Hashem's title of *diKudesha* -The Holy one, which would have been translated as "and the Blessed one" (i.e. together the words "*diKudesha Berich Hu*"= The Holy and Blessed One); rather it is a praise to *diKudesha* - The Holy One; exclaiming that "(The Holy one) is blessed". In this light, *lieilah min kol birchasah* etc.- even higher than all of the blessings etc., is (not a request; rather) a descriptive praise of how blessed The Holy One is (even higher than etc.). Accordingly one may pause between *diKudesha* and *Berich Hu* but not between *Berich Hu* and *lieilah*.

To sum up, according to the Rema, *diKudesha Berich Hu lieilah* etc. means The Holy One that is blessed even higher than all blessings etc.

Opinion #2- The Arizal and the Gra:

The M"B (56:14) however brings both the opinions of the Sha'arei Teshuvah in the (name of the Arizal) and of the Gra that hold that one should pause between *Berich Hu* and *lieilah*. These opinions argue that *Berich Hu* is part of Hashem's title of *diKudesha*-The Holy one, and should therefore be translated as "and the Blessed one" (i.e. together the words "*diKudesha Berich Hu*"= The Holy and Blessed One [as we mentioned above]). In this light *lieilah min kol birchasah* etc. then is not a praise; rather a continuation of our earlier request of *yisbaroch veyishtabach* etc., and should be translated as (may He be blessed etc.) *lieilah mikol* etc. i.e. even higher than all blessings etc. Accordingly one may not pause between *diKudesha* and *Berich Hu* but should pause between *Berich Hu* and *lieilah*; in order to demonstrate that *lieilah* etc. is not a continuation of the words *diKudesha Berich Hu*, rather of *yisgadal viyiskadash* etc.

There are various minhagim whether or not to add *yisbaroch* to the response of *yihei Shimei rabah* after the word *alimayah*:

There are various minhagim whether or not to add *yisbaroch* to the response of *yihei Shimei rabah* after the word *alimayah*. Therefore since it is unclear if this addition is correct even those who follow the minhag to add *yisbaroch* still shouldn't add it in places during the davening where one is prohibited to interrupt; for example during Shema and its brachos (even though one is permitted to interrupt with the words *yihei Shimei rabah* etc. until *alimayah*). (See the footnote⁶⁶ for an overview; and also for the

To sum up their opinion, *yisbaroch viyishtabach* etc. *diKudesha Berich Hu lieilah min kol birchasah* etc. means May the Holy and Blessed name of Hashem be blessed and praised even higher than all of the blessings etc.

⁶⁶ The Bais Yosef brings two opinions about which words of the Kaddish are part of the response of *yihei Shimei rabah*:

Opinion #1- One should recite *yihei* etc. until the words *ulialimei alimayah*:

The first opinion holds that we only recite *yihei* etc. until the words *ulialimei alimayah*, since this phrase has seven words (without amen) and twenty eight letters; and this sequence (of seven words and twenty eight letters) is also found in the first pasuk of the Torah (*Bireishis bara* etc.) and in the pasuk before the giving of the Ten Commandants (*Mishpatim 20:28, Vayedaber Elokim* etc.); and is also hinted at in statement of Chazal "whoever answers amen *bichol kocho* (literally with all his strength) which can also be understood as, with all of his twenty eight (the Hebrew letters for koach (strength) have the numerical value of twenty eight).

Opinion #2- One should recite *yihei Shimei* etc. until *da'amiran bialimah*:

The second opinion holds that one should recite *yihei Shimei* etc. until *da'amiran bialimah*, which has twenty eight words (from amen until *da'amiran bialimah*).

The compromise of the Bais Yosef:

The Bais Yosef compromises and rules that in general one should recite all twenty eight words, but in places where one may not interrupt (for example in the middle of Shema or its brachos) one should only say the seven words (since according to the first opinion the extra words would be considered an interruption).

More sources in favor of reciting all twenty eight words of *yihei Shimei rabah* etc.:

The Bais Yosef continues by bringing a Medrash that seems to warn against the severity of not continuing with *yisbaroch* (which according to the second opinion means to continue on and complete all of the twenty eight words). He also brings the opinion of Rav Yosef Gikatalia who also warns severely against separating between *alimayah* and *yisbaroch*. This also seems to be how the Shulchan Aruch 56:3 rules. (Note that even according to this opinion the individual shouldn't say *v'imiru amen*, rather he should say *da'amiran bialimah* and wait for the chazan's *v'imiru amen* and then reply amen [Bais Yosef *ibid.*]).

Opinion #3- One should recite *yihei* etc. until *yisbaroch* without continuing further:

The M"B (56:15) quotes the M"A who holds that the ancient minhag (which was widespread in the time of the M"A) demonstrates yet a third opinion, that is, to recite *yihei* etc. until *yisbaroch* (including the word *yisbaroch* without continuing further). The M"A explains that our minhag maintains that we must listen to the chazan who is reciting Kaddish and not to recite it on our own. The M"A's opinion is also based on the argument that according to the second opinion one would have to make sure to finish all twenty eight words until *da'amiran bialimah* before the chazan does (even earlier than *toch kidei dibur*) in order to be able to answer the required amen so that his amen should pertain solely to the tefilah of the chazan and not to his own tefilah (since one isn't allowed to answer amen to his own bracha or tefilah). This is problematic since in situations where the chazan is reciting the Kaddish fast, one will have to recite the twenty eight words of *yihei Shimei rabah* etc. even faster which will inevitably cause him to lose his concentration.

opinion of the Shulchan Aruch that one should respond with the full twenty eight words (until *da'amiran bialimah*)).

The chazan must wait until most of the congregants have completed their response of yihei Shimei rabah etc. before continuing. He must also wait until most of the congregants finish responding amen before continuing:

The chazan must wait until most of the congregants have completed their response of *yihei Shimei rabah* etc. before continuing. He must also wait until most of the congregants finish responding amen before continuing (he doesn't have to wait though for the minority that err and draw out amen)⁶⁷. If the chazan knows that the majority of the congregants are pronouncing amen too quickly he should wait for the individuals that

The M"A also maintains that the ideal of reciting the twenty eight words can be fulfilled by the individual's listening to the chazan through the principle of *shomeah k'oneh* (listening to something is equivalent to saying it yourself).

Opinion #4- The Gra who is against adding *yisbaroch*:

The M"B also brings the Gra who holds similarly that one should be quiet and listen to the chazan, only he rules that the one may not add *yisbaroch* to his response; since the *yihei Shimei rabah* concludes with *alimayah*, whereas *yisbaroch* is the beginning of a new section of Kaddish. The M"B adds that in his opinion even the Gra would agree that one can say *yisbaroch* (like the custom of the M"A) if he pauses and says it in a second breath.

The compromise of the Chayei Adam:

The M"B concludes with the Chayei Adam who compromises that since different areas have different minhagim one should not recite *yisbaroch* in places during the davening where one isn't allowed to interrupt (this is similar to the Bais Yosef's compromise).

⁶⁷ M"B (124:37)

are pronouncing amen in accordance with the halachah⁶⁸. (These halachos are elaborated on bez"ח in our work on the halachos of amen).

The chazan should recite yihei Shimei rabah silently to himself and without repeating the word amen:

The chazan should recite the *yihei Shimei rabah* silently without repeating the word amen (see footnote⁶⁹).

The chazan should continue from yisbaroch out loud for the congregation to hear:

The chazan should continue from *yisbaroch* out loud for the congregation to hear⁷⁰.

How to answer Kaddish if one didn't hear the chazan:

If someone enters a shul and didn't hear the chazan reciting Kaddish (or in a similar situation) and the tzibbur is responding amen *yihei Shimei rabah* the proper response depends on the circumstances: 1- If

⁶⁸ Based on the B"H (124:9 'shema'arichim').

⁶⁹ The above halachah is from the M"B 56:2. See however the Az Nidbiru (vol. 9 resp. 41) that asks various questions on the simple understanding of the M"B. He concludes that the M"B only meant that the chazan need not recite the *yihei Shimei rabah* as loud as the rest of Kaddish (which the chazan must recite out loud for the entire congregation to hear), since the congregants recite *yihei Shimei rabah* for themselves, but he should still recite it in accordance with the ideal of *bichol kocho* i.e. with all of one's strength (see our halachah and footnotes (5-7) on this subject for an overview of this issue). He also points out that if there are people that are unable to answer *yihei Shimei rabah* etc. (for example that are in the middle of Shemona Esrei) the chazan is required to recite it out loud for them to hear.

⁷⁰ M"B (56:1)

most⁷¹ of the tzibbur is still saying amen and 2- he knows at that time that this amen is the amen that proceeds *yihei Shimei rabah* and 3- he can also have *kavanah*⁷² that "I request that Hashem fulfill the request of the

⁷¹ See the B"H (124:11 'vikodem') that suggests the possibility that one may answer amen even if only the minority have not finished reciting amen. He concludes though that this leniency is unclear to him and he therefore omitted it from his M"B (124:46). See our halachos and footnotes to the laws of answering amen along with the congregants (in our halachos of amen) for an overview of this issue.

⁷² The Rema (56:1) writes "If someone enters a shul and hears the congregants responding to Kaddish he should respond with them even though he himself didn't hear the chazan reciting *yisgadal* etc.". The M"A (56:5) explains that the Rema meant that one should omit amen and respond only with *yihei Shimei rabah* etc. The M"A continues "It appears to me that if one is able to have the proper intent; that he is answering Kaddish; he should also recite amen; in accordance with the halachah which is recorded in the Shulchan Aruch (124)".

The Livushei Sirad (referred to by the M"B 56:10) explains that the M"A was referring to the halachah that when a person knows that it's time to respond amen but he didn't actually hear the bracha he can only respond amen if he at least knows which bracha was recited. Accordingly the Livushei Sirad understood that the M"A is ruling that one may answer amen here providing that he knows that this is the amen of Kaddish. The M"B himself explains the M"A, differently and in accordance with the halachos of amen that are mentioned in the M"B (124:25). He explains that the M"A was referring to the halachah that one is obligated to recite every amen with the appropriate *kavanah*. Accordingly the M"B explains that the M"A is ruling that in order to answer amen one must be able to have the proper *kavanah* i.e. that "I request that Hashem fulfill the request of the Kaddish (recited by the chazan) that Hashem speedily (*ba'agalah*) and in a short time (*ubizman kariv*) reveals His kingship".

To sum up, if someone arrives at a shul and hears the congregants responding *amen yihei Shimei rabah* etc., he must omit amen and

Kaddish (by the chazan who is reciting Kaddish) that Hashem speedily (*ba'agalah*) and in a short time (*ubizman kariv*) reveals His kingship"⁷³; he should answer amen and then continue with *yihei Shimei rabah* etc. If he doesn't know however which amen it is until most of the tzibbur has already completed the word amen and it's after *toch kidei dibur* of the chazan or if he only arrived to the shul at such a time; he shouldn't answer amen, but he should still answer *yihei Shimei rabah* etc. (without amen)⁷⁴. He may respond this was (with *yihei Shimei rabah* etc. but without amen) as long as most of the tzibbur hasn't finished the last word of *yihei Shimei rabah* etc.⁷⁵

According to the Shulchan Aruch the chazan should bow a total of five times during Kaddish:

According to the Shulchan Aruch 56:4 the chazan should bow a total of five times during Kaddish when saying the following words: 1- *yisgadal*, 2- *yihei Shimei rabah*, 3- *yisbaroch*, 4- *Berich Hu*, 5- amen (of

begin only with *yihei Shimei rabah* etc. unless (according to the Livushei Sirad) he knows that it's Kaddish that is being recited, and (according to the M"B) he must also have the clarity of mind to have the appropriate kavanah.

⁷³ This halachah is from the M"B (56:9); who merely writes that one must be able to have the correct *kavanah*. I worded this *kavanah* in accordance with the way the M"B explained it in (125:24) (see footnote 60 to the halachah of what is the *kavanah* of the amen of the *yihei Shimei rabah*).

⁷⁴ This M"B (56:9) explains that one may answer *yihei Shimei rabah* without first reciting amen since they are not related to one another. Amen is our response to the chazan's words *yisgadal viyiskadash* etc., whereas *yihei Shimei rabah* is a new request on our part that Hashem's name etc.

⁷⁵ This is from the M"B (56:9) in the name of the Pri Migadim.

da'amiran bialimah). The Gra⁷⁶ rules that it's improper to bow during Kaddish altogether. The Aruch HaShulchan (56:7) claims that the Shulchan Aruch only means that one should bow slightly (not like the bowing of Shemona Esrei) and it is therefore permissible.

At the end of Kaddish the chazan takes three steps back:

At the end of Kaddish the chazan takes three steps back as if he is asking permission from his master to leave⁷⁷ and recites *oseh shalom*⁷⁸.

Should only one person recite Kaddish or can numerous people recite it together?

See footnote for quick overview of the issues involved and for some bibliography⁷⁹.

⁷⁶ The Gra rules that we are not allowed to add additional bowings that have no source in the Talmud. He adds that even though this rule is only with respect to adding additional bowings to the Shemona Esrei itself and not to bowing during one's own personal supplications (see Tosefos *Brachos* 31a umotz'oh:) still being that the parameters of Kaddish have been defined by Chazal (and they didn't include any bowing) it is akin to the Shemona Esrei. He proves this principle from the fact that someone who bows by "*nodeh licha*" in bentching is considered as having done a "*davar miguneh*—something that is improper". This serves as a precedent, to the aforementioned principle, that one may not add additional bowings to any prayer or blessing whose parameters have been defined by Chazal (and didn't include bowing at that particular point or at all).

⁷⁷ Livush

⁷⁸ Shulchan Aruch (56:5)

⁷⁹ Basing myself on the notes of the Ishay Yisrael (chap. 15 notes 106-110), these are the issues involved:

The reasons that only one person should recite Kaddish:

When two people who are reciting Kaddish finish at different times; when should the congregants answer?

If two people are reciting Kaddish together at two different speeds if they will finish within *toch kidei dibur* (see footnote⁸⁰) of each other, it's considered like they are concluding together and therefore it makes no difference which Kaddish one responds to. If they won't finish within *toch*

Reason #1 Shut Chasam Sofer-The merit for the deceased is accrued by the family member's initiating the congregants to respond amen. Therefore when more than one person recites the Kaddish only one person is actually considered as the initiator and the rest are *mesayeah sheain bo mamash* i.e. non-consequential.

Reason #2 In the name of the Chazan Ish- This would be akin to having two *shalichei tzibbur* (two simultaneous chazanim for the davening).

Reason #3-If one of the people who is reciting Kaddish isn't heard by the congregants his urging of "*v'imiru amen* i.e. respond with amen" is akin to falsehood (since, in reality, he is not urging anyone).

Sources that Kaddish may be said by more than one person:

The Chayei Adam (30:7) rules that it is perfectly all right for numerous people to recite Kaddish together. Another possible source is the M"B (55:4) which discusses how to answer two people's Kaddish when they aren't being recited at the same pace (we brought this issue). The fact that the M"B discussed this kind of occurrence without any hint to it being peculiar seems to imply that this was common practice (The Ishay Yisrael doesn't seem to make this inference). See the Ishay Yisrael for more sources.

⁸⁰ The M"B (124:34) brings two opinions whether *toch kidei dibur* is within the time that it takes to say three or four words. However in other places (206:12 SH"Tz 10 and 487:4 SH"Tz 3) he rules that the halachah is in accordance with the majority opinion that *toch kidei dibur* is within the time that it takes to say three words.

kidei dibur of each other one should answer to both Kaddaishim individually⁸¹.

Can a katan recite Kaddish?

A katan may recite the Kaddish before (Kaddish Dirabanan) and after davening (after Aleinu, Kaddish Yosom, and Dirabanan) and also any Kaddish recited after learning. He should not recite the Kaddaishim that are a requirement for the tzibbur (after Yishtabach, after Shemona Esrei, and Kaddish *Tiskabal*)⁸².

⁸¹ M"B (55:4)

⁸² The M"B (55:4) quotes the Pri Chadash that a katan shouldn't recite Kaddish or Borchu.

Why a katan may not be able to recite certain Kaddaishim:

The issue of whether or not a katan can recite Kaddish or Borchu is not because a katan cannot recite a '*davar shebikedusha*'. To the contrary, a Katan can recite a *davar shebikedusha* as we see for example that he can have an aliya and recite Borchu as the Mishnah (*Meggilah* 24a) says "a katan can read the Torah (portion)" (see Shulchan Aruch 282:3 and M"B 282:12). The issue then is that the katan cannot be *motzie* adults their required Kaddaishim or their required Borchu as the Mishnah continues "but he may not be *porase al Shema*" (function as the chazan for the people that missed the Shema and its brachos) which the Pri Chadash understands is due to the fact that he can't be *motzie* the minyan their required Kaddish and Borchu.

Sources that a katan may generally recite Kaddish:

Here are some sources that a katan may generally recite Kaddish:

1- The Rema (at the end of *Yorah Deah* 376) says "(a mourner for one of his parents) who can function as a chazan should do so; as this is more beneficial for the deceased than saying Kaddish. The reciting of Kaddish for the deceased was mainly established for kitanim who cannot function as a chazan". We see from this Rema that a katan can recite Kaddish.

2- The M"B (132:10) brings that the minhag is that mourners recite the Kaddish after Aleinu because there are kitanim etc. who cannot function as the chazan. We see from this M"B that a katan may even recite the Kaddish after Aleinu.

3- The Maharil, in the end of his laws of tefilah, who writes "If the katan doesn't know how to read himself someone should recite the Kaddish with him word for word".

The final halachah:

The M"B (55:4) rules like the Pri Migadim that one should be stringent in accordance with the opinion of the Pri Chadash *lichatchila*, but *bidieved* i.e. after the fact, if a katan recited Kaddish or Borchu the minyan doesn't have to repeat them. (The Pri Migadim was deferring to the Pri Chadash's understanding that the reason why the katan can't be *porase al Shema* was because of Kaddish and Borchu. However, *bidieved*, if a katan did function as the chazan the Pri Migadim ruled according to his own understanding that the problem was only relevant to the times of the Gemara when the chazan was *motzie* the tzibbur with the brachos of Shema).

I worded this halachah based on the Gesher Hachayim.

In The 4 Amos of Halachah The Halachos of Kaddish

Chapter #3

**The requirements of a minyan for
Kaddish:**

The requirement of a minyan (ten people):

One may not recite Kaddish without ten people present (the chazan is included in the ten people) since Kaddish is a *davar shebikedusha* (prayers or blessings which sanctify Hashem's name)⁸³.

When Kaddish is being recited after Torah learning how many people from the minyan must be participating (in the Torah learning)?

83

The requirement of a minyan for a *davar shebikedusha*:

The Gemara (*Brachos* 21a) says that one may not recite a *davar shebikedusha* without ten people present. The Gemara explains that this is the meaning of the pasuk (*Vayikra* 22:32) "*vinikdashti bisoch B'nei Yisrael*" i.e. when you recite a *davar shebikedusha*, it must be in the presence of B'nei Yisrael. The Gemara then derives from a *gezairah shavah* that this means that there must be ten people present. (This requirement of a minyan is different from the idea of a minyan regarding Shemona Esrei since Shemona Esrei, which isn't a *davar shebikedusha*, may be recited even without a minyan and it is only enhanced when it's recited by a minyan. On the other hand it is prohibited to recite a *davar shebikedusha* without a minyan present).

Is the minyan for a *davar shebikedusha* a Torah requirement or midirabanan?

The Ran (*Megilah* 13b) points out that although this Gemara is basing its source on pesukim, never the less its requirement is only midirabanan (and the basis was only an *osmochtah b'almah*). He explains that the main intention of the pasuk of *vinikdashti* etc. (is really unrelated to reciting a *davar shebikedusha* rather it) pertains to the responsibility to forfeit one's life, when necessary, to sanctify Hashem's name (there are opinions that argue with the Ran).

The B"H⁸⁴ writes that even if there were only one or two people that were participating in the Torah learning Kaddish can still be recited (the M"B (54:9) though quotes the Magen Avraham (69:4) who says two or three⁸⁵) as long as there were ten people are present⁸⁶.

Can someone who didn't participate in the Torah learning recite the Kaddish?

Anyone can recite the Kaddish even if he didn't participate in the learning⁸⁷.

When must the entire minyan be present?

There is a *machlokes* whether the ten people only have to be present at the time that the Kaddish itself is being recited or if they must be present also at the time of the pesukim, Tefilah, or Torah learning. (It's also unclear what the M"B holds regarding this issue with respect to Pesukei

⁸⁴ 155:1 'viyikbah'

⁸⁵ See also Shut Zichron Yehuda (resp. 24).

⁸⁶ This is true even according to the Magen Avraham (mentioned in footnote 88 which discusses when the minyan has to be present) who requires that the ten people must already be present at the time of the learning (and not merely when reciting Kaddish) because it's the Kiddush Hashem that is caused by learning Torah in the presence of a minyan that creates the obligation to recite Kaddish; since even one individual's learning in their presence is also a Kiddush Hashem (see the M"B (54:9) and also our footnote *ibid.*).

⁸⁷ M"B (54:9) and B"H (155:1 'viyikbah'). It's interesting to note that the Shut Rav Poalim (vol. 2, resp. 14) holds that even if the chazan is a mourner, if he didn't say the *Pesukei De'zimrah*, it's preferable for someone else to recite that Kaddish. See also Toras Chaim (3).

De'zimrah and the Kaddish before the Shemona Esrei of Ma'ariv). (See the footnote for an overview of these topics⁸⁸).

⁸⁸ There are two sources in the Poskim that apply to this issue and we will address each one individually:

Source s#1- The Rema (53:3) :

The Rema (53:3) states that if there wasn't a minyan present at the time of *Pesukei De'zimrah*, the chazan (as opposed to the individuals) should wait before reciting Yishtabach, in order to be able to recite the Kaddish (immediately) upon the conclusion of Yishtabach. We see from this Rema that once the minyan arrives the chazan should recite Yishtabach followed by Kaddish even though there was no minyan present for the *Pesukei De'zimrah*.

The machlokes between the Taz and the Livush:

The Taz (55:3) learns from this Rema regarding all Kaddaishim that it's always sufficient for the minyan only to be present (to arrive) for the Kaddish itself. The Livush rules otherwise; one may only recite Kaddish if there was a minyan present at the time of the pesukim, Torah learning or tefilah.

The Livush agrees though that the Kaddish recited after Yishtabach (and also the Kaddish that is recited before the Shemona Esrei of Ma'ariv) may be recited even though the minyan was only present at the time of the Kaddish. The reason for this leniency is because the Kaddish recited after Yishtabach is unique in that it is recited because of an explicit established rabbinical requirement to recite Kaddish then. Following this reasoning we can no longer learn from the previously mentioned Rema to other Kaddaishim since they are not being recited as an explicit established rabbinical requirement to be recited at that time (Chazal only established Kaddish as a requirement at certain junctions of the tefilah [see our halachos and overview regarding the three types of Kaddish; and particularly our footnotes (26, 36-40) for elaboration]).

The *machlokes* in regards to the opinion of the Magen Avraham:

The Magen Avraham (234:1 and 69:4) also ruled that one may only recite Kaddish if there was a minyan present at the time of the pesukim etc. The Pri Migadim (MS"Z 55:3) explains that since the M"A cites the Livush as his source for requiring that the minyan has to be present at the time of the pesukim etc. he will also agree with the Livush regarding his leniency that it is sufficient for the minyan to be present only at the time of the Kaddish with respect to the Kaddish after Yishtabach (and also to the Kaddish that is recited before the Shemona Esrei of Ma'ariv) since it was established by Chazal to be recited then.

The M"B (55:2) however first writes that the Achronim agreed with the M"A and therefore they ruled that if there wasn't a minyan present for *Pesukei De'zimrah* and the chazan already recited Yishtabach he should recite three pesukim before reciting Kaddish. Then the M"B refers to the aforementioned Pri Migadim's opinion that the Livush and the M"A agree with the Taz concerning the Kaddish that is recited after Yishtabach; that it isn't necessary for the minyan to be present for *Pesukei De'zimrah* and it's sufficient for the minyan to be present for the Kaddish after Yishtabach (since its recitation is an established requirement. It appears from this M"B that not all of the Achronim are in agreement with this Pri Migadim (that the M"A will agree to the leniency of the Livush, rather they hold that he requires that the minyan should be present for the pesukim even regarding the Kaddish that follows Yishtabach).

(Editor's note - the Derech Ha'Chaim the M"B brings here is the source of the M"B in (53:11) that contradicts the M"B here)

There is a contradiction in the M"B as to what the halachah is:

There is a contradiction in the M"B though as to what the halachah is since in (55:2) as we mentioned above he concludes with the leniency of the Pri Migadim, but in (53:11) the M"B rules in accordance with the opinion of the Achronim that when the minyan was only completed after those present already recited Yishtabach the chazan must recite three pesukim prior to saying Kaddish; and he makes no mention of the Pri Migadim's leniency.

Who qualifies to be counted in the minyan?

Source#2 - The Rema (234:1) :

The Rema (234:1) says that there must be a minyan present while reciting the Ashrei that is recited prior to the Shemona Esrei of Minchah. From this Rema we see that it's improper to begin Ashrei without a minyan and recite Kaddish when the minyan arrives.

The earlier *machlokes* between the Taz and the M"A continues here:

The Magen Avraham (234:9) and the Taz (53:3) disagree how to understand (based on their opinions that were mentioned above) this Rema. The M"A (234:1) understood that the Rema's requirement that there must be a minyan present even at the time of Ashrei implies that there is a general requirement that there must be a minyan present at the time of the pesukim since it is not sufficient for the minyan gather together only for the Kaddish itself (see the MS"Z 55:3). As we explained earlier, the M"A holds that it is the Kiddush Hashem that is made by the pesukim being recited in the presence of a minyan that creates the ability to recite Kaddish. The M"A uses his understanding of this ruling of the Rema as applying to all Kaddaishim and therefore he requires that the minyan must always be present already at the time of the Torah learning.

The Taz (55:3) disagrees and explains that the Rema only required that the minyan should be present at the time of Ashrei so that there won't be any delay between its completion and the Kaddish which should follow immediately. He bases his argument on the fact that the Rema's source is the Kol Bo who compared this requirement that the minyan should be present at the time of Ashrei to the requirement of the chazan to recite Yishtabach while standing so as not to delay between its completion and the reciting of Kaddish by having to stand up. This demonstrates that the issue of the Rema was to avoid a delay between the conclusion of Ashrei (the Torah learning) and the reciting of Kaddish; and not an issue of having a minyan present already at the time of Ashrei (already at the time of the Torah learning) in order to cause a Kiddush Hashem and create the ability to recite Kaddish.

a) Adult males (but not) women or children under the age of bar mitzvah:

Only adult⁸⁹ males qualify to be part of the minyan⁹⁰.

⁸⁹ This is a very complicated issue as there are many contradicting opinions and statements made in the Talmud Bavli (*Brachos* 47b and 48a) as well as a contradiction from both the Talmud Yerushalmi and from the Medrash. The difficulty in reconciling these contradictions results in there being many opinions; from the Gaonim down to the Poskim Achronim. For the sake of simplicity I will basically only address and summarize the rulings of the Shulchan Aruch, the Rema, and the opinion of the Rabeinu Tam:

Including a katan in the count along with adults has varied possible applications:

Before beginning we must first preface that the issue of including a katan in the count along with adults has varied possible applications: 1- to be one of the three people required for the zimun of Bircas Hamazon, 2- to be one of the ten people required for the *zimun biasarah* of Bircas Hamazon, 3- to be one of the ten for the minyan required for a *davar shebikedusha*, or 4- to be one of the ten for the minyan required for tefilah b'tzibur.

There are varied opinions as to what kind of a katan we are discussing and why:

We must also preface that there are varied opinions mentioned in the sources that we mentioned above as to what kind of a katan we are discussing and why. (It's too complicated to quote all of the opinions). (See *Brachos* 47b and 48a, Tosefos and Rosh *ibid.*, the Tur 55:4 and especially the Tur 199:10 and the Bais Yosef *ibid.*).

The Rabeinu Tam ruled according to Rabi Yehoshua ben Levi:

The Rabeinu Tam ruled according to Rabi Yehoshua ben Levi who holds that one may include even a baby in his crib for the count of a minyan both with respect to zimun and with respect to tefilah. The Rabeinu Tam maintains that all of the other opinions and rulings mentioned in the Gemara were not relevant to this issue since they were only discussing the including of a katan for the three people

needed for zimun and not regarding including him for a minyan. The Bais Yosef explains his opinion that the requirement of a minyan is more easily fulfilled because it's sufficient that there is a mere presence of ten Jews for the Shechina to reside, as opposed to the requirement of three for zimun where all of the three people must have *da'as* i.e. mature understanding, in order to properly relate to the chazan's summoning everyone to unite to bless Hashem together. (In order to be brief we will not discuss the Rabeinu Tam's opinion regarding zimun.).

The Shulchan Aruch ruled according to Rav Nachman:

The Shulchan Aruch understood the Gemara differently in that it sided with Rav Nachman who holds that one can only include a katan "who knows to Whom he is blessing" regarding both zimun with three and zimun with ten. His ruling is in accordance with the opinion of the Rambam and others who on the one hand hold that the statement "who knows to Whom he is blessing" is referring to the understanding of a katan; but on the other hand limits this leniency to a katan who has reached the age of "*p'utos*" which is not less than six years old, since before this age his understanding certainly is not developed. The Shulchan Aruch differentiates though between the laws of zimun, where one can be lenient, and the laws of *davar shebikedusha* which is more stringent (the Bais Yosef infers that this is also the opinion of the Rambam). The Shulchan Aruch therefore rules with respect to zimun that one may include a six year old katan "that knows etc.", but with respect to *davar shebikedusha* he rules that only adult males may be included.

The Rema ruled according to the opinion of the Yerushalmi:

The Rema explains in his Darkei Moshe that the minhag is in accordance with the ruling of the Rosh; who after bringing the various opinions of what was the ruling of Rav Nachman, concluded with the opinion of the Yerushalmi which didn't allow for the including of a katan for either zimun or tefilah. (See though the Bais Yosef (199:10) for his alternate understanding of this Yerushalmi and of the opinion of the Rosh and the Tur. The Rema (Darkei Moshe) though disagrees and follows the understanding of the Maharik). As a result the Rema is

a1) Who has the status of an adult male?

It is sufficient to know that a youth has reached the age of thirteen years and one day⁹¹ to qualify as an adult, since we can assume that he has the necessary two hairs⁹². Only the father of the boy or two kosher

stringent even regarding to the laws of zimun; ruling that only male adults can be included.

(See the M"B (55:24) regarding Borchu and the required Kaddaishim; if one can count one youth in the minyan *bisha'as hadchak*. See also the B"H (55:4 'viloh'), and the B"H (55:4 'vihu') that deal with the opinion of the Shulchan Aruch).

⁹⁰ Shulchan Aruch (55:1).

Possible sources that only ten male adults qualify:

The Shulchan Aruch HaRav (55:2) based this requirement on the fact that the requirement of a minyan altogether was derived from the (*gezairah shavah* to the) pasuk referring to the ten evil *miraglim* (called "*eidah hara'ah*") who were male adults; it follows then that the requirement of the ten people for a minyan should only include male adults. (See footnote 83 above and *Brachos 21b* for details of this *gezairah shavah*).

The Livush (55:4) derives the requirement of adult males from the words "*b'isoch B'nei Yisrael*" which generally means male adults.

⁹¹ Shulchan Aruch (55:9).

The M"B (55:42) explains that the youth only needs to begin the next day. Therefore even if for instance a boy was born at the last minute of Rosh Hashanah, he is considered bar mitzvah immediately on Rosh Hashanah night thirteen years later.

⁹² Rema (55:5)

The M"B (55:310) refers to the Pri Migadim (A"A 7) who deals with the subject at length. Here is an overview of his understanding:

The general principle is that although *rov* - a majority, of youths grow the necessary hairs when they become thirteen years old there is still a significant minority of youths that reach this age without growing these hairs. Therefore there is a rabbinical requirement to check if the hairs are indeed present. This requirement was only instituted though

witnesses can testify that a boy has reached the age of bar mitzvah⁹³. In a case when these are unavailable a competent halachic authority must be consulted to determine the halachic status of the boy. (See Shulchan Aruch (55:9) for details regarding when one is considered bar mitzvah on a leap year and similar issues).

b) An onain:

See the M"B (55:24) for details regarding if an onain can be counted as one of the minyan.

c) People davening Shemona Esrei:

If one person is davening Shemona Esrei he may still be counted as part of the minyan⁹⁴. If two or more people are davening Shemona Esrei and at least six will be listening to the Kaddish the people who are davening can also be counted for the minyan, however in this situation (that there is

regarding issues that are a Torah law (similar to the requirement to check an animal's lungs for *treifus*). With respect to rabbinical responsibilities however one can rely on the *rov* that the two hairs came together with the youths becoming thirteen years old. It follows then that since the requirement of saying Kaddish with a minyan is only a rabbinical requirement (see above) one can therefore rely on the *rov* that every thirteen year old has the two necessary hairs and counts for the minyan needed for Kaddish.

⁹³ M"B (55:41)

⁹⁴ Shulchan Aruch 55:6.

The M"B (55:34) explains the reason "Since wherever there are (a mere presence of) ten Jews the Shechina is present (even though one of the people is unable to answer). Therefore the requirement of "*vinikdashti bisoch B'nei Yisrael*" (i.e. that a *davar shebikedusha* can only be recited where the Shechina is residing amongst a minyan of Jews [see above]) is fulfilled".

more than one person davening Shemona Esrei) there are opinions that disagree⁹⁵.

⁹⁵ M"B (55:32).

The Maharil bases this halachah on the opinion of Rabi Yehoshua ben Levi:

The Maharil bases this halachah on the opinion of Rabi Yehoshua ben Levi that even an infant (who obviously can't participate) can be included in the count for the minyan. He maintains that the rationale for not ruling in accordance with this opinion regarding an infant is only because we hold that the Shechina (which comes to a minyan) doesn't rest upon a child. We still can agree though to this opinion with respect to an adult who is not participating and assume that the Shechina will rest upon him even without his participation.

The Magen Avraham claims that the limitation of including only one child should carry over to allow including only one adult who is davening:

The Magen Avraham (55:8) claims that since the Maharil based this halachah on the precedent of the infant, our halachah cannot be more lenient than its precedent. Therefore since in the case of the infant at most only one child was able to be included it follows then that this limitation must also carry over to adults. Therefore one can only include one adult davening Shemona Esrei in the count for the minyan.

The Eliyahu Raba disagrees with the Magen Avraham's comparison:

The Eliyahu Raba (55:7) argues claiming that the limitation of including only one infant for the minyan was not due to a requirement that nine people participate, rather due to a reason that is particular only to an infant, namely that it isn't respectful towards the Shechina (that will be residing amongst the minyan) to include more than one infant in the minyan (The Eliyahu Raba's source is the Bais Yosef [55:1(b)], 4-5 (quoting the Rosh)] who compares including more than one infant to including more than one slave for a minyan which is prohibited because "it isn't respectful towards Heaven"). It follows then that this limitation of only including one infant is not

c1) It is proper to wait for someone who is still in the middle of Shemona Esrei in order that he may also have the merit of answering to Kaddish:

When nine people have finished Shemona Esrei and one person is still in the middle, even though they may recite Kaddish, it's proper for them to wait for him in order that he can have the merit of answering to the Kaddish⁹⁶. The same is true even if there is a complete minyan without him⁹⁷.

d) People donning tefillin:

It seems to me that the halachah regarding counting people that are donning tefillin with a bracha for the minyan is the same as counting people that are davening Shemona Esrei⁹⁸.

e) People that are talking or that won't be paying attention:

applicable to including adults that aren't participating since it's not disrespectful to the Shechina to include more than one non-participating adult.

⁹⁶ Shulchan Aruch (55:7)

⁹⁷ M"B (55:35)

⁹⁸ See the footnotes (94, 95) to the halachah of counting people that are davening Shemona Esrei for the minyan.

Seemingly donning tefillin with a bracha is the same as being in the middle of Shemona Esrei since the person is present, awake, intelligent, and may pay attention; and is only limited in that he cannot actively respond with amen or Kedushah. (There is also a possibility that we can be even more lenient when counting people who are donning tefillin than when counting people who are davening Shemona Esrei and all will agree that we can count more than one such person (up to four)).

It seems to me that the halachah regarding counting people that are talking or are not going to be paying attention to the Kaddish⁹⁹ for the minyan is the same as counting people that are davening Shemona Esrei¹⁰⁰.

⁹⁹ Note that the criteria for a minyan regarding Chazaras Ha'shatz are different! See our halachos of Chazaras Ha'Shatz and our footnotes *ibid*.

¹⁰⁰ I am basing this p'sak on the following sources:

The Maharil's source from the accepted custom to include people that are talking in the count for the minyan:

The Bais Yosef (55) brings the Maharil who brought a proof that even if someone is sleeping he can be counted for the minyan (needed for Chazaras Ha'Shatz even though he will not be participating) from the fact that it's generally accepted to include people who are talking in the count for a minyan. A basic understanding of his opinion is that he holds that it's sufficient that ten people are present and that the Shechina resides amongst them; for them to have the status of a qualified minyan.

The Taz is vehemently opposed to the opinion of the Maharil:

The Taz (55:4) attacks this and says "How can the Maharil bring proof from fools who are committing a terrible sin with their talking in the middle of the Chazaras Ha'Shatz. Heaven forbid to include willful sinners in the count for the minyan". He also stipulates that one can only count people davening Shemona Esrei for the minyan for Kaddish if they participate by stopping and listening; based on the principle of *shomea k'oneh* i.e. listening to someone else's recitation is like reciting it yourself.

The M"B compromises by requiring the chazan to stipulate a *t'nai*:

The M"B (124:19), regarding the counting of a minyan for Chazaras Ha'Shatz, brings the opinion of the Maharil but takes the opinion of the Taz into consideration and therefore compromises that one should make a *t'nai* i.e. a stipulation, that if nine people are not answering the chazaras ha'shatz then it is not intended as a Chazaras Ha'Shatz: rather as a voluntary additional personal Shemona Esrei

(even though it will be recited out loud and the congregants will be reciting Kedushah by *atah kadosh*).

An explanation of the M" B's compromise:

The idea behind this compromise is that repeating the Shemona Esrei without a minyan is a more severe transgression of reciting many *brachos livatalah* (in vain), whereas reciting Kedushah (and Kaddish) without a minyan, although prohibited, are not a *bracha livatalah* and therefore it's not as severe. By stipulating that, if necessary, one's Shemona Esrei should be considered a personal Shemona Esrei, in effect, one has removed the severity of possibly reciting *brachos livatalah* (on the other hand everyone will be losing the fulfillment of the responsibility to recite a Chazaras Ha'Shatz; which, without the *t'nai*, would have been fulfilled according to the Maharil) and therefore one can be lenient to rely on the minority of people who are talking to complete the minyan that is needed for reciting Kedushah.

Our halachic assumption regarding Kaddish is based on the reasoning that we mentioned above:

Following this reasoning, since Kaddish is the same as Kedushah (that there is no possible *bracha livatalah*) one can be lenient and follow the Maharil's opinion to include talking people in the minyan for Kaddish.

Other similar sources:

Also, the Shulchan Aruch (55:8) allows for including someone who is deaf (but not also dumb) in the count for the minyan since he has the status of an adult male; even though he will not be participating in the Kaddish. The M" B (55:35) - (after bringing this Taz as a reason to disagree with the ruling of the Shulchan Aruch) continues that many agree with the Shulchan Aruch. Here too we see the M" B is leaning towards the lenient opinion. (See also the B" H (55:6 'oh') who suggests the possibility of being lenient, even to count someone who is sleeping, for the minyan where the custom is that the chazan recites the loud Shemona Esrei until Kedushah and then everyone continues silently since there is no possibility of a *bracha livatalah*).

Is this leniency limited to one individual or is it applicable even to a minority of the minyan:

f) People who are sleeping:

If one person was sleeping one should try to rouse him¹⁰¹. If this is impossible the halachah is unclear¹⁰².

g) Shoteh i.e. madman, and people that are both deaf and dumb:

One who is both deaf and dumb (whether he was born that way or only acquired these handicaps later in life¹⁰³) is like a *shoteh* i.e. a madman and a child that cannot be counted as part of the minyan¹⁰⁴.

Still, the M"B in both places was only clearly discussing including one such individual (not a minority of a minyan), and I'm therefore uncertain if he intended to be lenient even when a minority of the minyan will be talking.

¹⁰¹ One should try to arouse him at least to the status of '*misnamnaim*' i.e. to a degree that he could theoretically answer correctly to questions that he is asked. (M"B 55:34 and Shulchan Aruch 64:5).

¹⁰²The issues that are raised by the Poskim as to why someone sleeping can't be included (even though we do include someone davening Shemona Esrei) are: 1- The sleeping person will not be listening to the Kaddish to fulfill '*shomeah k'oneh*' i.e. that listening to someone else's recitation is as if he himself recited it (as he could while davening Shemona Esrei (Taz 55:4)). 2- His presence is meaningless since it's as if he is dead (Taz ibid. in the name of the Zohar (and also the Aruch HaShulchan 55:13)). 3- The sleeping person has the status of someone who is a *shoteh* i.e. a madman (Pri Chadash) and is akin to a drunk that isn't counted in a minyan (See Shulchan Aruch 99:10).

Regarding the final halachah, the M"B (55:34) refers us to his B"H where he rules that if it isn't possible to rouse the individual the halachah remains unclear.

h) Someone who is a shoteh only part of the time:

As mentioned before someone who is a *shoteh* cannot be counted as part of the minyan. However a person that is sometimes a *shoteh* and sometimes is sound of mind may be counted for the minyan when he is sound of mind¹⁰⁵.

i) Deaf people:

One who is deaf can be counted as part of the minyan if he is able to keep track of the place and answers appropriately¹⁰⁶. If he can't, most opinions agree with the Shulchan Aruch which allows for his being counted¹⁰⁷.

j) Dumb People:

The laws for dumb people (i.e. that therefore can't answer properly) are the same as for deaf people that were mentioned above¹⁰⁸.

k) Sinners:

Someone who sins for pleasure can be counted for the minyan. One who sins to anger Hashem¹⁰⁹ (even privately) or committed the sin of

¹⁰³ B"H (55:4 'vihi hadin')

¹⁰⁴ Shulchan Aruch (55:8)

¹⁰⁵ B"H (on 55:8)

¹⁰⁶ The M"B (55:38) says that all are in agreement to this halachah.

¹⁰⁷ These opinions do not accept the Taz's dissenting opinion (M"B 55:38). See the earlier footnote (100) to the halachah of counting people that are talking in the minyan for an overview of this issue.

¹⁰⁸ M"B (55:8)

¹⁰⁹ "One who sins to anger Hashem" i.e. someone who will choose to obtain his desires in a forbidden way even though they are equally obtainable to him in a permissible way.

idolatry or transgressed Shabbos in front of ten Jews¹¹⁰ (or knows that it will become known to them) has the status of a gentile¹¹¹ and cannot be counted in the minyan¹¹².

l) Atheists and heretics:

Even people that believe in the written Torah and don't believe in the Oral Torah cannot be counted in a minyan¹¹³

m) Sinner, atheists, and heretics out of ignorance:

See the footnote below¹¹⁴.

¹¹⁰ See the Ishay Yisrael (chap. 11:16) who discusses the question if one can count an obviously irreligious Jew for the minyan. The possible leniency could be based on the fact that, although we know that this person isn't observant, we still don't necessarily know that he in fact was mechalel Shabbos in front of ten Jews.

¹¹¹ The language of the Shulchan Aruch (*Choshen Mishpat* 425:5), regarding someone that sins in order to anger Hashem, is that he is worse than a gentile.

¹¹² M"B (55:46) - (see M"B 385:4, 5, with regards to how many times he must transgress the Shabbos publicly to be considered a gentile; and regarding if he only transgressed rabbinical Shabbos prohibitions. See Shut Yehuda Ya'aleh (Yorah Deah resp. 50), who brings a *machlokes* of the Rishonim if his status as a gentile is a Torah status or a Rabbinical one.)

¹¹³ M"B (55:48)

¹¹⁴

**It's out of the scope of this work to encompass this question. However I would like to briefly quote a few statements written by the Chazan Ish ztz"l on the matter:
When we can assume that an irreligious Jew is non-observant due to his ignorance:**

Regarding the shechita of an irreligious Jew whether he was brought up in captivity or in an irreligious home we assume that his not

When people leave in the middle of Kaddish:

If one began Kaddish with a minyan present and then people left in the middle, the Kaddish should be completed as long as six¹¹⁵ people remain present¹¹⁶.

following the Torah is only out of ignorance and that he would accept religion if we were to make a reasonable effort (to return him to religion). Therefore he still maintains the status of a Jew. If however an attempt was made to return him to religion and it failed or if we can ascertain that he has enough religious background to consider him a *maizid* (a willful sinner), he does not have the status of a Jew. However, this decision can only be made by judges through the holy spirit that rests upon them (this is probably a metaphor for the exceptional character and clearness of mind of the judges that are thoroughly absorbed and proficient in their Torah knowledge) and on an individual bases (87:14).

In our times no one is capable of chastising properly:

In Yorah Deah (2:28), the Chazan Ish adds from the Hagahos Maymoni (Hilchos Da'os chap. 6), that we can't hate an irreligious Jew (as one is supposed to hate willful sinners) before he was chastised and he didn't listen. Then the Chazan Ish continues by quoting from the end of sefer Ahavas Chessed where the Chofetz Chaim also ruled this way quoting from the Gri Mulin that we are required to love the wicked Jews; adding from the Teshuvah Maharam Me'lublin that the reason is since the wicked of today remain with a status as *anusim* i.e. born to parents who were forced to hide their religion, since (even if we chastised them) no one knows how to properly chastise today (and it was as if they weren't chastised).

¹¹⁵ The M"B (55:11) rules that we don't need a more obvious majority of seven (as we do by "*zimun biasarah*"). (It's interesting to note that Rabbi Akiva Eiger (55:3 *bihagaah*) is uncertain what to do in a situation where five people leave in the middle of Kaddish and then someone new joins or even if one of the original five returns; if the chazan can continue. On the one hand the situation is *bidieved* and a majority of a minyan is presently here, therefore the chazan should be

allowed to finish what he began. On the other hand one could argue that once there was no longer *rov* – a majority of a minyan remaining the minyan is invalidated, therefore regrouping to continue is considered starting *lichatchila* and not *bidieved* and therefore would require a complete minyan (although they are in the middle [*bidieved*] of Kaddish they are at the beginning [*lichatchila*] of forming the minyan). The M" B does not mention this issue).

¹¹⁶ Shulchan Aruch (55:2).

A basic overview:

Here is a basic overview of the issue:

The Mishnah (*Meggilah* 23b) lists various things that can't be recited or performed without a minyan. The Gemara Yerushalmi (*Megilah* chap. 4 hal.4) discusses the question if after these things began with a minyan they can be continued even after people left in the middle. The Yerushalmi brings a *Braiysa* which says "One cannot begin without a minyan, but if one did begin with a minyan present and then some of the people left in the middle; one can finish".

Two different approaches:

Here are two ways of explaining why one can complete the Kaddish (or the other things) without a minyan:

Approach #1- The requirement for a minyan for a *davar shebikedusha* is only *lichatchila*:

The Noda B'yehuda (Mhd"K EvH"e resp. 56) says that we can derive from this halachah that the requirement of a minyan for Kaddish (etc.) is only a requirement *lichatchila* in order to honor Hashem, but *bidieved* (after the fact), if one recited Kaddish without a minyan the Kaddish is valid. Therefore one cannot begin Kaddish without first gathering a minyan, but if people left in the middle one should finish the Kaddish, since it is now after the fact that one doesn't have a minyan.

(The Noda B'yehuda takes this a step further):

(The Noda B'yehuda takes this a step further extending this principle to all of the examples of the Mishnah (that require a minyan but for different reasons) with the argument that they were all listed together in one vein implying that they share the same halachos. Following his principle the Noda B'yehuda allowed a couple to remain married

although there are opinions that invalidate a wedding ceremony that was performed without reciting the appropriate brachos.

The question had been raised about a couple whose wedding brachos were recited without the required minyan. Assuming that the lack of a minyan would give the brachos the status of a *bracha livatalah* the marriage itself would be invalidated. The Noda B'yehuda ruled based on the above argument that although a minyan is required, after the fact that the brachos were recited without a minyan they are valid.)

To sum up according to the Noda B'yehuda any *davar shebikedusha* or anything else that requires a minyan that was recited or performed without a minyan is valid *bidieved*.

The Shut Shevet Halevy's explanation of the approach of the Noda Biyehuda (the requirement of the Shechina's presence is only *lichatchila*):

The Shut Shevet Halevy (vol. 4 resp.7) first brings the B"H (55:2 'umikol mokom') (who the Shevet Halevy assumes follows the opinion of the Noda Biyehuda) along with the Noda B'yehuda and explains that they hold that when people leave in the middle of the Kaddish etc. and there is no longer a minyan remaining; the Shechina departs. However even though one cannot begin Kaddish etc. without the Shechina being present one can continue and finish what he started since the requirement of the Shechina's presence is only *lichatchila*.

Approach #2- The Shechina doesn't depart from the minyan until the conclusion of what was started even if only *rov* of the minyan remain:

The Shut Shevet Halevy himself argues and offers an alternative explanation that when the Kaddish (or any other *davar shebikedusha*) began with a minyan present and the Shechina came to reside amongst them the Shechina doesn't depart until the Kaddish (or any other *davar shebikedusha*) is concluded even if people leave in the middle (as long as most of the minyan remains present).

This approach maintains that the Shechina's presence is required even *bidieved*:

This approach resolves why the Kaddish etc. is valid *bidieved* without maintaining (as is the opinion of the Noda B'yehuda) that the requirement for the Shechina's presence is only *lichatchila*. Rather to

Times when the chazan can begin reciting Kaddish even though there is no longer a minyan present:

In general one cannot begin Kaddish without a minyan present. When the Kaddish is at the conclusion of the previously started prayers however, it can be started even when there is no longer a minyan. We will now discuss this subject in detail. (See also the chart at the end of this sefer):

a) If the chazan began Chazaras Ha'Shatz with a minyan present:

If the chazan began Chazaras Ha'Shatz with a minyan present and then people left he not only may complete the Chazaras Ha'Shatz, he may even recite the Kaddish that is recited after Tachanun¹¹⁷ (at Shacharis and Minchah) and also the Kaddish that is recited after Uvah liTzion (at Shacharis)¹¹⁸.

b) At Ma'ariv if there was a minyan for Borchu:

the contrary this approach holds that the Shechina's presence is crucial for the Kaddish etc. to be valid; only it assumes that once the Shechina resides amongst those that began Kaddish etc. it doesn't depart until its conclusion. Following this argument if there wasn't a minyan present even at the beginning of the Kaddish etc.; the Kaddish etc. is invalid since the Shechina never resided amongst them to begin with. In such an instance one must immediately stop the Kaddish etc. and even *bidieved*, if it was finished, the minyan did not fulfill their requirement.

¹¹⁷ M"B (55:19)

¹¹⁸ Rema (55:3).

At Ma'ariv if there was a minyan for Borchu, the chazan may recite the Kaddish before Shemona Esrei (but not the Kaddish after Shemona Esrei)¹¹⁹.

c) The Kaddish after Yishtabach (during Shacharis), after Ashrei (at Minchah), and after the silent Shemona Esrei (at Ma'ariv):

There is a *machlokes* amongst the Poskim whether the chazan can recite; 1- the Kaddish that is recited after Yishtabach (during Shacharis), 2- the Kaddish that is recited after the Ashrei which is recited before Shemona Esrei (at Minchah), 3- the Kaddish that is recited after the silent Shemona Esrei of Ma'ariv if the minyan was only present for Yishtabach, Ashrei, or the silent Shemona Esrei and not for the subsequent Kaddish itself (see the footnote for an overview and for the halachah¹²⁰).

¹¹⁹ M"B (55:22)

¹²⁰

What precedent is drawn from the (previously mentioned) halachah that (that when people leave in the middle) one may finish the Chazaras Ha'Shatz and recite the Kaddish afterwards?

The *machlokes* is based on each opinion's understanding of the (previously mentioned) halachah that when people leave in the middle of the Chazaras Ha'Shatz the chazan should finish the Chazaras Ha'Shatz and recite the subsequent Kaddish:

The characteristic that it cannot be recited without a minyan:

One opinion understood that this rule is based on the fact that Chazaras Ha'Shatz has the characteristic that it cannot be recited without a minyan and it therefore can only serve as a precedent for instances which share this characteristic; meaning that the minyan is reciting something that cannot be recited without a minyan. (The second opinion argues however that this is contradicted by the Kaddish which may be recited after the Shemona Esrei of Ma'ariv even

after a minority if the minyan left even though Shemona Esrei can be recited without a minyan [see though the end of this footnote for the opinion of the Chayei Adam].

The characteristic that the Kaddish was established by Chazal (and not merely a minhag):

The other opinion understood that this rule is based on the fact that Chazaras Ha'Shatz has the characteristic that Chazal established a requirement to recite Kaddish at its conclusion (and is not merely a minhag) and it therefore can only serve as a precedent for instances which share this characteristic; meaning only for instances where the minyan is reciting something that Chazal required the reciting of Kaddish at its conclusion. (The first opinion argues however that this is contradicted by the fact that one may not recite the Kaddish which is recited after Aggadah if a minority if the minyan left even though the Kaddish following Aggadah was established by Chazal [and not merely a minhag]).

These examples of Yishtabach, Ashrei, and the silent Shemona Esrei, do require a Kaddish at their conclusion but they do not require a minyan in order to recite them. We therefore see clearly why there is a *machlokes*.

The halachah should be the same regarding these three issues yet the M" B seems to differentiate between them:

According to the previous explanation these three issues are based on the same principles and should therefore share the same halachos. However the M" B addresses the silent Shemona Esrei differently than Yishtabach and Ashrei:

The M" B in (55:7) regarding Yishtabach and Ashrei first brings that the Pri Migadim (A" A 55:1) is unsure if one may recite Kaddish in these instances and that the Eliyahu Raba rules that one could recite the Kaddish (after Ashrei). Then he concludes that the Ma'amar Mordechai, Derech Chaim, and the Chayei Adam all agree that one may not recite Kaddish in these instances. However the M" B (55:22) regarding the Kaddish that follows the Shemona Esrei of Ma'ariv simply rules that one may recite the Kaddish; similar to the opinion of the Eliyahu Raba (The M" B adds that on Motzei Shabbos the chazan can say both the half and whole Kaddish that follow the Shemona

d) Reciting Kaddish after the silent Shemona Esrei of Shacharis or Minchah (when there is no minyan to recite the Chazaras Ha'Shatz):

If the people left during the silent Shemona Esrei of Shacharis or Minchah (the chazan doesn't repeat the Shemona Esrei and) no Kaddish is said for the quiet Shemona Esrei¹²¹.

Esrei). It is apparent then that the M"B must make a distinction between these cases. (See also Derech Chaim 'Hilchos Kaddish biasarah' 13 who rules like the M"B in both instances.)

The opinion of the Chayei Adam:

We mentioned earlier the contradiction to the first opinion's ruling from the fact that we recite Kaddish after the Shemona Esrei of Ma'ariv (even if people left beforehand) even though the Shemona Esrei doesn't require a minyan in order to recite it. The Chayei Adam (vol. 1 chap. 30:2) however, based on this principle (that one can only begin reciting Kaddish (even if people left beforehand) when it's following something that requires a minyan in order to recite it) actually rules that the chazan cannot recite the Kaddish after the Shemona Esrei of Ma'ariv. He also explains that the reason why the chazan can recite the Kaddish before the Shemona Esrei of Ma'ariv (even if people left beforehand) is because the Kaddish refers back to the Borchu that was recited before Ma'ariv which did require a minyan in order to recite it. (As we mentioned earlier though the M"B in (55:22 - see also the SH"Tz 55:17) rules that one may recite the Kaddish after the Shemona Esrei of Ma'ariv even if people left beforehand (if at least six people remain present).

¹²¹

Was Kaddish only established for Chazaras Ha'Shatz or even for the silent Shemona Esrei?

The Rema (55:3) says that if the chazan began the Chazaras Ha'Shatz (and Kedushah) and then people left the chazan completes the Chazaras Ha'Shatz and concludes with Kaddish. Rabbi Akiva Eiger infers, from this (that the Rema only ruled to recite Kaddish without

e) The Kaddish that is recited after Aleinu, Shir shel Yom, Shir Ha'Yichud, or after Torah learning:

One cannot recite any one of the Kaddaishim that are recited after Aleinu, the Shir shel Yom, the Shir Ha'Yichud, or after Torah learning, without an entire minyan present for the Kaddish itself even though there was a minyan present for these prayers or for the Torah learning¹²².

f) The Kaddish that is recited after selichos:

the minyan when the chazan already began the Chazaras Ha'Shatz), that the Rema holds that if the people left before the Chazaras Ha'Shatz the Kaddish may not be recited on the silent Shemona Esrei. He then asks why one can't recite the Kaddish even on the silent Shemona Esrei like we do by Ma'ariv? He concludes that the matter is unresolved. (It's interesting to note that the Tehilah Lidovid 55:3 (who is arguing with the Noda B'yehuda [brought further on]) actually rules that in such a situation one should recite Kaddish on the silent Shemona Esrei of Shacharis and Minchah.)

The B"H (55:3) quotes the Noda B'yehuda (Mahadurah Tinyana, Orach Chaim resp.7) that explains that the Kaddish was established for Chazaras Ha'Shatz (of Shacharis and Minchah), and that Ma'ariv is different since there is no Chazaras Ha'Shatz and Chazal (had no choice but to) establish a Kaddish for the silent Shemona Esrei. (It's interesting to note the M"B doesn't mention Rabbi Akiva Eiger in either his M"B or in his B"H).

¹²² The M"B (55:20) explains that the reason why we can't recite the Kaddish after Aleinu is because it's only customary and not a required Kaddish (this reason is even more applicable to the Shir shel Yom and to the Shir HaYichud). See however our earlier footnote (120) for an overview of this subject and for the opinion of the Mordechai that offers a different reasoning why one cannot conclude with these Kaddaishim (i.e. that Aleinu etc. need not be recited *biasarah*).

If there was a minyan for the beginning of selichos and people left there are those that say that one can still recite Kaddish *Tiskabal* at the conclusion of the selichos¹²³.

The seriousness of the transgression of leaving in the middle of Kaddish:

Although if part of the minyan leaves the remaining people can finish the Kaddish without them, never the less it is still a serious sin for them to leave. Upon such people it's written (*Yeshaya* 1:28) "and those that abandon Hashem will disintegrate"¹²⁴

When is it permissible to leave the shul?

¹²³ This is a direct quote of the M"B (581:4) who is referring to the Pri Migadim.

¹²⁴ Rema (55:2)

Earlier we brought a *machlokes* between the Noda B'yehuda and the B"H with the Shut Shevet Halevy (vol. 4 rep. 7), whether the Shechina departs from the remaining people when people leave in the middle of Kaddish. According to the opinion that the Shechina departs we can explain that the sin of leaving in the middle of Kaddish is for causing the Shechina to depart from the minyan. (See the B"H *ibid.* that is therefore uncertain if this sin and its curse are still applicable once there is no longer a minyan remaining since the Shechina has already departed (i.e. if it applies even to the second person that is leaving an already lacking minyan).

The Shevet Halevy, who holds that the Shechina remains with the remaining people even if there is only a majority of the minyan left, offers various alternative possible explanations of the sin of leaving: 1- Since after he leaves the minyan will only be able to finish what they started (not the rest of the davening and its Kaddaishim etc.). 2- Since after he leaves the Kaddish is not being recited in its ideal way with ten people present. 3- His leaving is an affront to the place of tefilah and Kedushah since he is abandoning it while the *mispallelim* are still in the middle of davening.

If one heard Kedushah and the Kaddaishim until Aleinu he may leave the shul if there is a pressing reason providing that there will still be a minyan without him¹²⁵ and that he is not leaving in the middle of Kaddish¹²⁶.

¹²⁵ M"B (55:14) commenting on the Rema

¹²⁶ B"H (55:2 'avol')

In The 4 Amos of Halachah The Halachos of Kaddish

Chapter #4

**How to properly gather the minyan
for Kaddish:**

The ten people and the one who is reciting Kaddish must all be together in one area: (These halachos are quite relevant; for example when a small minyan forms in a house of mourning and the people are "walking around" between the hall and the room of the tefilah or in other similar situations where there isn't a complete minyan in the room of the tefilah).

In order to recite Kaddish it isn't sufficient that the minyan of people can hear the Kaddish, rather they also (the nine people listening and the tenth person who is reciting Kaddish) have to be in the same area. When they are in the same area they do not need to be able to see one another (i.e. even if something is blocking them from seeing one another¹²⁷). Even when there are eleven people, it still isn't sufficient that the ten congregants that will be listening to Kaddish are together in one place; rather the one who will be reciting Kaddish (the eleventh) must also be together with them¹²⁸.

A person is only considered halachically in a room or area if both his head and the majority of his body are there:

The Chayei Adam (30:1) writes that a person is only considered halachically in a room or area if both his head and the majority of his body are there.

Here are the halachos for different situations that occur when forming a minyan:

a- Two rooms with a dividing doorway:

If there are two rooms with a dividing doorway (even without a door) the people in the rooms cannot be counted together as one

¹²⁷ See further for details of which type of partitions do divide between people or groups.

¹²⁸ Shulchan Aruch (55:130)

minyan¹²⁹ unless people from both rooms see one another. However since some rule that they cannot be counted together even if they see one another,¹³⁰ it's better *lichatchila* if everyone comes together into one area¹³¹.

¹²⁹ The M"B (55:48, 58) brings the explanation of the Pri Migadim (55:16) that the doorway itself is considered a dividing wall even without a door.

¹³⁰

The laws of combining people in different areas for a minyan which pertain to Kaddish are partly based on the laws of combining people that are in different places for bentching b'zimun:

The laws of combining people or groups, while they are in different areas, to form a minyan which pertain to Kaddish are partly based on the laws of combining people that are eating in different places for the requirement of zimun (the obligation that three people who have eaten together must join for the bentching and one leads the bentching for the others). In order to understand the different *machlokos* of the Poskim pertaining to the Kaddish we will bez"H try to give an overview that will encompass the laws of zimun and their applications here:

Before beginning we need to preface that there are a number of factors that can have impact on bentching b'zimun; on whether or not people are considered joined together into one group and are obligated to bentch b'zimun or remain separate individuals and should bentch themselves: 1- If they are eating in one area. 2- If they had intention from the beginning to eat together. 3- If they were formally demonstrating that they are eating together (In the times of the Gemara this meant that they were eating while reclining. In our times this means that all of the people are eating together at one table). 4- If someone announced "Let's eat together in this place". 5- If the people can see one another. 6- If the people in each group are more or less than three apiece. (This list is incomplete since this overview is limited to the factors which have ramifications with

respect to Kaddish or are at least are part of the issues which are discussed when comparing the two subjects).

The Mishnah (*Brachos 42a*) and the Gemara (*ibid. 42b*) ; the joining factor of reclining:

The Mishnah (*Brachos 42a*) defines when people that are eating together are considered joined into one group and one person recites the bracha for everyone; and when they are considered separate individuals and should therefore recite the bracha for themselves. The Mishnah rules that when people are merely sitting together each one should recite his own bracha but when they are reclining one person should recite the bracha for everyone. Tosefos *ibid.* 'Hesebu' explains that in the times of the Gemara reclining was the formal way of demonstrating that the people intend to eat together, as opposed to our times when people are not accustomed to recline at all and therefore it's sufficient that everyone is eating at the same table to demonstrate that they are eating together as a group.

Announcing "Let's eat (together) in this place." also effectively demonstrates that the people intend to eat together:

The Gemara brings a seemingly contradictory *Braiysa* that rules that when people are merely sitting together one person should recite the bracha for everyone (even though they aren't reclining). The Gemara reconciles this contradiction by explaining that the *Braiysa* is coming to teach us that announcing "Let's eat (together) in this place." also effectively demonstrates that the people intend to eat together as a group and therefore they are joined into one group even though they're sitting and not reclining.

Bentching b'zimun has the same requirements as the *bracha rishona* of Hamotzi:

Although the Mishnah and the Gemara were discussing the *bracha rishona* of Hamotzi, the Rashba (*Brachos 50b*) infers from the Yerushalmi that bentching b'zimun has the same requirements. Therefore only people who ate together while leaning or after announcing "Let's eat in this place." are required to bentch b'zimun, otherwise each individual must bentch for himself.

The Mishnah (*Brachos* 50a); the joining factor of the people seeing one another:

The Mishnah (*Brachos* 50a) is defining when people that are not eating at one table are considered joined together into one group and therefore bentch b'zimun together and when they are considered separate individuals and should therefore not make zimun together. The Mishnah rules, regarding two *chaburos* (groups) that are eating together in one room, that if some of the people in each group see one another they should join together to bentch b'zimun, but if they don't see one another they should not make zimun together. The Rashba *ibid.* adds that although the Mishnah only discussed a scenario where the two groups were eating in the same room, we can learn from the Yerushalmi that this joining factor, that the groups see one another, is also applicable when the two groups are sitting in two different rooms.

The seeming contradiction between the two Mishnayos:

The Mishnah 42a which doesn't consider the people joined into one group unless they are eating together and reclining seems to contradict the Mishnah 50a which considers the people joined into one group even when they're eating separately as long as they are able to see one another.

The *machlokes* between the Rashba and the Rashbash how to resolve the seeming contradiction between the Mishnayos:

The B"H (195:1 'shtei chaburos') brings and explains the *machlokes* between the Rashba and Rashbash on how to resolve the contradictions between the Mishnayos:

The Rashba's opinion that the Mishnayos are discussing two different joining factors:

The Rashba understood that the Mishnah 42a only limited the joining of the people to when they are eating together and reclining because it was discussing people that didn't have intention to eat together from the beginning, the Mishnah in 50a however was discussing people that had intention to eat together from the beginning and therefore ruled that they are considered joined into one group even if they merely see one another. The Rashba derived this understanding

from the Yerushalmi on our Mishnah which stipulated that the people must have intention to eat together from the beginning. He explains that the intention of eating together from the beginning is similar to announcing "Let's eat in this place." (mentioned above), and effectively joins the people into one group the same way that leaning does. Although the Rashba himself doesn't mention the contradiction between the Mishnayos or his understanding of how they can be reconciled the B"H infers that this is his understanding from the fact that the Rashba compares the joining factor of having the intention to eating together from the beginning along with the people seeing one another (Mishnah 50a) to the joining factor of reclining (Mishnah 42a). This demonstrates that the Rashba understood that the Mishnayos don't contradict one another; rather they offer two different joining factors for the requirement of bentsching b'zimun.

To sum up, according to the Rashba in order for three people to be required to bentsch b'zimun they must either have intended to eat together from the beginning and be able to see one another (even from different rooms (Mishnah 50a)); or eat together leaning (Mishnah 42a).

The Rashbash's opinion that the Mishnah 50a is only referring to groups with more than three people in each one:

The Rashbash disagrees, ruling that only the joining factor of reclining, mentioned in the Mishnah 42a, can combine the people into a group which is obligated to bentsch b'zimun. He explains that the Mishnah 50a which mentions the other joining factor of seeing one another was only discussing the joining of groups that already had three people in each group and were therefore already obligated to bentsch b'zimun. Although the groups were already obligated to bentsch b'zimun the Mishnah was discussing if it is possible for the two groups of three to combine together to perform one zimun for both groups, or does each group have to fulfill their obligation to bentsch b'zimun on their own. (The Rashbash derived his understanding from the inference of the Mishnah's own wording; referring to the two groups as "*chaburos*", which in this chapter is generally referring to groups that contain three people requiring

zimun. The B"H quotes the Gra on this Mishnah (see Mishnayos Zecher Chanoch or Apiriyon Lamelech) who writes that this from the fact that the Mishnah concludes that if they don't see one another they should be *mizamain* separately, which implies that each group will still be bentching b'zimun albeit separately).

The Rashbash rules that two groups of five that see one another are not joined into a group of ten which is obligated to bentch *biasarah* and recite "Elokeinu":

The Rashbash understands that the joining factor of the groups seeing one another cannot create a new obligation; rather it can only combine the groups in order for them to be able to jointly fulfill their already existing obligations. Accordingly the Rashbash rules that two groups of five that see one another are not joined into a group of ten which is obligated to bentch *biasarah* and recite "Elokeinu" since this would be creating a new obligation of zimun *biasarah* which did not exist for each of the individual groups of five.

To sum up, the Rashba held that either reclining or intending to eat together from the beginning along with the groups seeing one another combines them into one group and obligates them to bentch b'zimun; even if they were groups of two and one; or two and two (that wouldn't be required to bentch b'zimun if the groups were not considered joined together into one group). The Rashbash however held that groups of less than three apiece which aren't required to bentch b'zimun on their own can only be joined together by reclining; and that the joining factor of the groups seeing one another can only join groups of three apiece that were already obligated to bentch b'zimun on their own.

The B"H concludes in favor of the opinion of the Rashbash:

The B"H concludes in favor of the opinion of the Rashbash, since the Shulchan Aruch (167:12), which is based on the Talmidei Rabeinu Yona, rules that the joining factor of announcing "Let's eat in this place.", only joins the people into a group that is obligated to bentch b'zimun, if they aren't scattered. This opinion contradicts the Rashba's assumption that even the intention to eat together from the beginning can join people who aren't in the same area (and see one

another) and concurs with the understanding of the Rashbash that the only way to combine people into a group that is obligated to bentch bi'zimun, is when they eat together (and recline).

The Rashba suggests that the joining factor of the people seeing one another is applicable to any *davar shebikedusha* (for example Kaddish):

The Rashba (Shut vol. 1 resp.96) suggests that his opinion that the joining factor, of the groups seeing one another, can combine people into one group thereby creating an obligation to bentch b'zimun, might also be applicable to combine people that need to form a minyan in order to recite any *davar shebikedusha* (for example Kaddish). Accordingly if two groups of people can see one another they can be counted together to form a minyan even if they are in two different rooms.

Following the understanding of the Rashbash the factor of people's seeing one another does not join them to form a minyan

As mentioned above the Rashbash argues with the Rashba's premise and holds that the joining factor of groups seeing one another cannot create a new obligation; rather it can only combine the groups to be able to jointly fulfill their already existing obligations. It should follow then, that according to reasoning of the Rashbash, groups that can see one another are not joined together to form a minyan since the individual groups didn't have the status and the obligations of a minyan beforehand (and the seeing of one another cannot create a new status).

The Shulchan Aruch (55:14) seems to apply the Rashba's leniency to Kaddish:

The Shulchan Aruch (55:14) seems to apply the Rashba's leniency to Kaddish, ruling that if an outsider shows himself through a window to the rest of the congregants he can be counted for the minyan (this is according to the explanation of the M"A. The Ma'amar Mordechai 55:14 however argues and explains the Shulchan Aruch differently).

Different references of the M"B to these two opinions:

1- The M"B (55:48) brings the Rashbash's stringent opinion as "some opinions hold that they are not joined by seeing one another"

b- The (status of the) doorway area: (This issue is also quite relevant since many times people are requested to enter the

(inferring that the Rashbash's opinion is not the main opinion). 2- The B"H (55:13 'ulachutz') after ruling in accordance with the Rashba that two groups that are in two different areas that see one another are considered joined together to form a minyan and are therefore permitted to recite Kaddish; concludes that *lichatchila* it would be better if everyone comes together into one area and not rely on this joining factor since even the Rashba himself never said with certainty that his leniency that was written by zimun could be applied here to Kaddish; rather he only suggested that it is possible that it could be applied to Kaddish (as we brought above). 3- See also the M"B (55:54) who rules leniently and then refers to the M"B in (55:57) that says that if there is a pressing reason, to rely on the joining factor that the groups can see one another, one can rely on this leniency. 4- See also the M"B (55:52) who after ruling that one can rely on including the people that are standing in the *ezras nashim* for the minyan since the everyone sees one another; concludes that if it isn't too difficult the people should come down to the main shul (see also the SHT"z 55:53). 5- See also the SHT"z (55:48) that refers to the Sha'arei Teshuvah (55:6) - (in his comment on the Shulchan Aruch 55:18 'ukitzasan') who brings the Rash ben Rashbatz (37) as the source that seeing one another doesn't join two groups that are in two rooms; adding that the Machzik Bracha (55:8) is stringent maintaining that even the Rashba only suggested that it's possible that one can apply the leniency of zimun here as well and didn't rule with certainty that this leniency can be applied (we brought this argument earlier from the B"H). (Note that also the Chayei Adam 30:1 rules that the seeing of one another doesn't join the two groups (rather a person that is outside must at least place his head and most of his body inside the area of the rest of the minyan)).

(It's interesting to note that the Aruch HaShulchan 55:20 has certain stringencies regarding the joining people of the people that are in the *ezras nashim*, however the M"B (55:52) is clearly lenient).

¹³¹ B"H 55:13. See also the previous footnote for an overview.

place where the Kaddish is being recited to complete the minyan and, without realizing the possible problems involved, they remain in the doorway).

The status of the of the doorway area itself is complicated. Therefore it's a complex question if the people standing in the doorway area can be counted together with the people inside. See the footnote for a synopsis of the issue¹³².

132

The issue of whether people who are standing in the doorway area can be included with the people that are in the room itself to form a minyan is mainly based on the Gemara's halachic query over the status of the "agaf":

The issue of whether people who are standing in the doorway area can be included with the people that are in the room itself to form a minyan is mainly based on the Gemara's (*Pesachim* 85b) halachic query over the status of the "agaf" (which is either the space where the width of the door itself stands while it's closed or the whole doorway area), since the *agaf's* status of being considered inside or outside will also define the status of the people that are standing there. Therefore, although the Gemara there is defining the *agaf's* status regarding the korban Pesach, its definitions have the same ramifications with respect to the joining of people, who are standing there, for the count of a minyan for Kaddish. We will bez"H give an overview of the issue:

The Mishnah in Pesachim (85b) :

The Mishnah in *Pesachim* (85b) is discussing the laws of korban Pesach. The meat of a korban Pesach that is taken out of Yerushalayim is rendered unfit. The Mishnah comes to teach us that if one of the limbs of the korban Pesach went out of Yerushalayim and is rendered unfit it must be severed from the rest of the korban (see Mishnah for more details).

In the context of a korban leaving Yerushalayim the Mishnah defines the status of the doorway area and specifies two parameters that

pertain to what is called an *agaf*. The Mishnah rules clearly: 1- that the area from the *agaf* inwards has the status of being in the city, 2- that the area from the *agaf* outwards has the status of being outside the city. The Mishnah doesn't define though the status of the *agaf* itself and it is discussed in the Gemara that we will quote further on.

The Gemara is disturbed that there are conflicting inferences from the Mishnah:

The Gemara is disturbed that there are conflicting inferences from the Mishnah as to the status of an *agaf*, and answers that there are indeed two types of *agaf*; each with their own status: Every *agaf* in the *Azara* (the courtyard of the Bais Hamikdash) has the status of the inside; except for the Gate of Nikonor which has the status of the outside. Also the *agaf* of the Gate of Yerushalayim has the status of the outside. The Gemara cites Rav Shmuel bar Rav Yitzchak as a proof to this ruling and from his words we can also learn the reason why the *agaf* of the *Azara* is different from the other two.

Rav Shmuel bar Rav Yitzchak asks why the Gate (itself) of Yerushalayim was left unconsecrated (and is therefore like the outside) and answers that this was in order that the lepers would be able to take shelter there from the sun and the rain. He also asked why the Gate of Nikonor was left unconsecrated (and is therefore like the outside) and answered that this was in order that the lepers (who were still *tamei*) would be able to stand there on the eighth day of their count (towards purity) in order to place their hands inside the *Azara* to receive the blood on their knuckles.

The *machlokes* of the Tanya with Rabeinu Yerucham and the Rambam; as to what is the general status of the *agaf*:

The Bais Yosef (55:13) says that from the fact that, the *agaf* of the *Azara* had the sanctity of the inside of the *Azara* itself and also from the fact that, without the considerations for the lepers, both the *agaf* of the Gate of Nikonor would have had the sanctity of inside the *Azara* and the *agaf* of the Gate of Yerushalayim would have had the sanctity of the inside of Yerushalayim, we can infer that the *agaf* must generally have the status of the inside area. Therefore the people that are standing there can be included in the count for the minyan for Kaddish. The Tanya (page 72) rules this way and the M"A (55:11)

concurr with his opinions and refers to the Bais Yosef's understanding of this Gemara as proof.

The Bais Yosef (55:13) himself concludes though that the Rabeinu Yerucham and the Rambam argue; ruling that the *agaf* has the status of the outside, and the Shulchan Aruch (55:13) concurs with their opinion. The Gra explains that these opinions understood that, to the contrary, this Gemara proves their opinion; as follows:

The Gemara was only uncertain if the *agaf* had the sanctity of the inside or not, because it assumed that the *agaf* has the general status of the outside. The Gemara's question then was only if, in spite of the fact that the *agaf* generally has the status of the outside, the Chachomim sanctified it anyway. (Perhaps we can explain the logic of the Bais Yosef and the Gra's explanations of this *machlokes* as follows: The Tanya didn't see any reason for the Chazal to have sanctified the *agaf* unless it was generally considered an extension of the inside's holiness. It followed then that the Gemara was only entertaining the possibility of their being an exception (for instance for the considerations of the lepers). Rabeinu Yerucham and the Rambam however didn't see how the Gemara could consider the possibility that Chazal could have made an exception to the *agaf's* holiness if the *agaf* is generally considered an extension of the insides holiness; rather it must be that the Gemara was entertaining the possibility that although the *agaf* is generally not considered an extension of the inside area perhaps Chazal sanctified it anyway (perhaps there was a reason to differentiate between the *agaf's* status regarding *non-kodesh* issues and regarding *kodesh* issues). To this the Gemara concluded that they only made this exception with the gates of the Azara and not with the gates of Yerushalayim or of Nikonor (in consideration of the lepers).

A summary of the *machlokes*:

To sum up: The *machlokes*, whether the *agaf* has the status of the inside or of the outside regarding if the people standing there can be included in the count for the minyan needed for Kaddish, is based on the understanding of why the Gemara entertained the possibility that the *agaf* area should have the status of being inside.

The Tanya held that this was due to the fact that the *agaf's* general status is that of the inside and therefore, with respect to the joining of the people that are standing there for the minyan needed to recite Kaddish, the *agaf* area is considered inside. Rabeinu Yerucham and the Rambam however understood that the Gemara only entertained the possibility that the *agaf* should have the status of the inside as an exception to the *agaf's* general status of being considered like the outside and therefore, with respect to the joining of the people that are standing there for the minyan needed to recite Kaddish, the *agaf* area is considered outside.

The machlokes between the Shulchan Aruch and the M" A:

The Shulchan Aruch (55:13) rules like Rabeinu Yerucham and the Rambam that hold that the *agaf* has the status of the outside, but the M" A (55:11) rules like the Tanya that the *agaf* has the status of the inside. (See further though that this *machlokes* is limited to the exact definition of *agaf*. See also that there are two other factors that impact this halachah).

The exact definition of *agaf*:

Now we need to define the exact definition of *agaf* in order to know the parameters of this argument:

Two opinions what Rashi considers *agaf* (the entire doorway area or the area occupied by the thickness of the door):

Rashi describes the *agaf* as the place from where the inside of the doorway area begins until the place where the door itself stops when it closes. There is a *machlokes* amongst the Poskim how to understand these words; as we will explain:

Before beginning to explain each opinion we will preface that according to all of the opinions the Gemara is discussing a relatively long doorway area. The opinions only argue if the *agaf* includes the whole doorway area or if it only includes the area that the thickness of the door occupies when it's closed. We will also see that the essence of this argument is based on the exact definition of the word *agaf*. One opinion understood that *agaf* means the length of the

doorway area while the other opinion understood that it means the area occupied by the thickness of the door when it is closed:

The Olas Tamid understood that Rashi was referring to the whole doorway area as the *agaf*:

The Olas Tamid (also quoted by the Pri Migadim A" A 55:11) understood that Rashi was referring to the whole doorway area as the *agaf*. The Olas Tamid explained that the door that Rashi is describing is actually on the outside of the doorway area and is being closed from the outside in. Therefore when Rashi said that the *agaf* is the area of the doorway area from its beginning at the inside until the place that the door is stopped when it closes; it included the entire doorway area.

The Yad Ephraim understood that Rashi was referring to the area that is occupied by the thickness of the door when it is closed:

The Yad Ephraim understood however, that Rashi was not referring to the doorway area as *agaf*, rather to the area that is occupied by the thickness of the door itself i.e. where the door stands when it's stopped (this area will differ depending where the door is connected to and where it stops when it's closed i.e. to the inner, middle, or outer side of the doorway). He maintains that Rashi only described the *agaf* in terms of the doorway area because of the particular positioning of the door being discussed in this Gemara; as we will explain:

Unlike the Olas Tamid's description, the Yad Ephraim understood that Rashi was describing a particular door that was attached to the beginning of the inside of the doorway area; and that was closed from the inside out. After it was closed it was flush with the inside walls and was not as deep as the entire length of the doorway area. In this particular situation when the door is completely closed it will only occupy the area of part of the beginning of the length of the doorway area. With these assumptions the Yad Ephraim understood Rashi's words as follows:

Agaf is the doorway area (meaning that it includes the part of the doorway area that is occupied by this particular closed door) from the beginning of the doorway area (from the inside) until the place where

the door stops when it is closed, meaning until the outer side of the door (which in other words means the space occupied by the thickness of the closed door).

The halachic ramifications of the previously mentioned Mishnah and Gemara regarding the *agaf* and its peripheral areas will be determined by the previously mentioned *machlokes* between the poskim:

Earlier we brought the Mishnah and Gemara that discussed the halachos of three areas: 1- From the *agaf* inward. 2- From the *agaf* outward. 3- The place of the *agaf* itself. The definitions of these places and their halachic ramifications will be determined by the previously mentioned *machlokes* between the poskim:

As mentioned above according to the Yad Ephraim the *agaf* is the place occupied by the thickness of the closed door (and that it is therefore dependent on the place that the door happens to be installed). Therefore, the place where the inner side of the door stands and inward is called from the *agaf* inward, the place where the outer side of the door stands and outwards is called from the *agaf* outward, and the place where the thickness of the door itself occupies is called the *agaf* itself. Accordingly, the earlier *machlokes* between the Tanya and Rabeinu Yerucham and Rambam will be limited to the place that the thickness of the door occupies when it's closed.

According to the Olas Tamid though, the *agaf*, by definition, always includes the entire doorway area and therefore the *machlokes* of the status of the *agaf* is regarding the whole doorway area.

The M"B and B"H elucidate the leniencies and stringencies that result from this *machlokes*:

The M"B (55:11) explains that in a situation where the door is attached to the outer side of the doorway area; according to the Yad Ephraim the rest of the doorway area from the inner side of the door inward will be considered from the *agaf* and inward which is considered inside; whereas according to the Olas Tamid it will be subject to the *machlokes* of the status of the *agaf* (and will only be considered inside according to the Tanya). The B"H (55:13 'shel') adds that in the opposite situation where the door is attached to the inner side of the doorway area; according to the Yad Ephraim the rest of the doorway

area from the outer side of the door outward will certainly have the status of the outside whereas according to the *Olas Tamid* it will still be subject to the *machlokes* (and will only be considered outside according to Rabeinu Yerucham and the Rambam).

Two other factors that can affect whether we can include people that are standing in the doorway area:

There are still two other factors that can affect the general question if the people in the doorway area can be counted along with the people in the room to form a minyan:

Factor #1- The principle that a minority of people in the small room that is completely open to the larger room can be combined with the majority in the big room to be counted as a minyan:

According to the Even Haozer and the Gra (unrelated to the previously mentioned Gra) even if the doorpost area would be considered separate from the inside room, still a minority of the minyan can be combined with the majority that are inside based on the principle that a minority of people in the small room that is completely open to the larger room can be combined with the majority in the big room to be counted as a minyan (this concept is discussed at length later). Assuming this leniency would limit the halachic impact of this dispute over the status of the *agaf* to a situation where the minyan was divided equally i.e. five inside the room and five inside the *agaf*, or if the majority were in the *agaf*, since up to a minority of the minyan would be considered joined together with the rest regardless of the status of the *agaf*.

Factor #2- The principle that people seeing one another joins them to form one group:

Regardless of the status of the *agaf* if the people from both areas see one another they can be joined together into one group to form a minyan (this concept was discussed at length in footnote 130 regarding the halachos pertaining to the combining of people that are in different areas to form a minyan). Assuming this leniency would limit the halachic impact of this dispute over the status of the *agaf* to a situation where the people from each place can't see one another, since in a situation where the people do see one another the people

would be considered joined together as a minyan regardless of the status of the *agaf* (and even if they were completely outside).

To sum up, there are four issues that impact the halachah of the *agaf* and its peripheral areas:

To sum up, there are four issues that impact the halachah of the *agaf* and its peripheral areas: 1- The *machlokes* between the Shulchan Aruch (who rules like Rabeinu Yerucham and the Rambam) and the M"A (who rules like the Tanya) whether the *agaf* has the status of being inside or outside. 2- The *machlokes* between the Yad Ephraim and the Olas Tamid whether the *agaf* only includes the area occupied by the thickness of the door when it is closed, or if it includes the whole doorway area. 3- The opinions of the Even Haozer and the Gra who (disagree with the Shulchan Aruch and) rule that the minority of people in the doorway area have the status as if they are standing in the room itself (regardless of the status of the doorway area). 4- The factor of the people in both places being able to see one another.

The M"B only clearly ruled leniently in a situation where we can apply both of the first two leniencies:

Although the M"B in both his M"B and in his B"H quotes and weighs the impact of each of the opinions and factors that we mentioned above, he never clearly decided the halachah with certainty like any of the lenient opinions. To the contrary, it seems that he rules that it's necessary to combine both of the lenient opinions together in order to be lenient with certainty. This is evident from the M"B (55:51) who rules regarding a situation where the door closes on the outside of the doorway and there is a person standing in the area of the doorway between the door and inside room. The M"B rules "that one can surely rely on the opinion of the Yad Ephraim that this area has the status of the inside and not of the *agaf* (leniency #1) since even if the Pri Migadim (in accordance with the Olas Tamid) argues claiming that this area is also part of the *agaf* (since he holds that the *agaf* includes the entire doorway); there are still many opinions that are lenient (the M"A who rules that the *agaf* itself is like the inside, and the Even Haozer and the Gra who rule that the people in the doorway (if they are a minority) have the status as if they are in the inside

There is an exception when the one who is reciting Kaddish is standing in the doorway area:

Even though we mentioned earlier that the status of the doorway area is a complex issue regarding whether or not the people that are standing there can be included in the count of the minyan for Kaddish, still there is an exception that the one that is reciting Kaddish himself can certainly stand there and is considered part of the minyan (even if the people in the room don't see him nor does he see them) ¹³³. Moreover, the

room) against the opinion of the Shulchan Aruch (leniency #2). This demonstrates that the M"B didn't clearly rely on the previously mentioned lenient opinions on their own; rather only because of the combination of the two lenient opinions together.

(With respect to the fourth issue of the people being able to see one another the B"H (55:13 'vilachutz') rules that it is better for the person/ people to come inside the room; rather than rely that he/ they can be joined with the people that are in the room to form the minyan. This issue is discussed at length in footnotes 129 -131 regarding the halachah of the people that are in two rooms that are divided by a doorway).

¹³³ I am basing the halachah on the following inference:

The Shulchan Aruch (55:15) and the M"B (55:54) :

The Shulchan Aruch (55:15) says that a chazan that stands in the doorway joins two groups that are on both sides of the doorway to form a minyan. The M"B (55:54) adds that it's even more obvious that when in a situation that there are nine people in one room and the chazan is the tenth he himself can be counted with the other nine people even while he's standing in the doorway.

We can infer from the fact that this halachah is unique to the chazan that it's applicable even to a situation when the chazan and the other congregants cannot see one another:

We can infer from the fact that this halachah is unique to the chazan that it's applicable even to a situation when the chazan and the other congregants cannot see one another since had they been able to see

one who is reciting Kaddish while standing in the doorway area can even combine two groups from two rooms on both sides of the doorway to form a minyan. It is unclear to me though whether the one that is reciting Kaddish has to be able to see both of the groups (See footnote¹³⁴. However

one another any one of the congregants and not just the chazan would be able to join in the count for the minyan while standing in the doorway.

134

Since there are conflicting sources the subject remains unclear to me:

On the one hand- seemingly the M" B's stipulation that the chazan must see both groups regarding zimun should apply here:

The Bais Yosef says that the source for this leniency is from the halachah regarding zimun, that is brought in the Tur and Shulchan Aruch (195:2), that the *mizamain* (the one who will lead the bentching) that is sitting on the doorstep, that is between two groups that are on either side of the doorway, combines them for zimun. The M" B (195:9) there explains (regarding zimun) that this leniency is only true when the *mizamain* can see both sides since this is the equivalent of they themselves seeing one another. It should seemingly follow then that this halachah's application to our present halachah, of the chazan's joining the two groups, should also be limited to when he can see the congregants and vice-versa. (It would also limit the validity of this leniency since it would be based on the opinions that hold that people in two areas can be joined together for Kaddish by their seeing one another [see earlier footnote (130) for an overview]).

On the other hand- Why then doesn't the M" B here mention this stipulation?

However the M" B here (55:54) only explains that the chazan has a unique ability to combine groups or to join himself to a group for the minyan because the *mispallelim* are focusing on him. He doesn't mention the need for the chazan to see both groups nor is it inferred by his reasoning. (See also the Sha'ar Hatziyun 195:6 (in the laws of

anyone else's standing in the doorway does not combine the groups and even he himself is not counted together with either of the groups¹³⁵. (The laws of whether or not groups that see one another are considered joined together to form a minyan have been discussed earlier regarding the two groups that are standing in two rooms that are divided by a doorway).

c- In a smaller room that is completely open to a larger room:

If up to four of the ten people are in a smaller room that completely opens into a larger room (see footnote for the halachic definition of "small" and "large") they can be counted together with the majority group in the larger room, but if they are not the minority (if they are more than four of the ten people) or if they are in the larger room they cannot be counted with the other group (see the footnote for a preface and for an overview of this halachah).¹³⁶

zimun) who also addresses why only the *mizamain* can combine the two groups and answers that since both groups need him for the Bircas Hamazon he can be compared to the *shamosh* that serves the two groups that combines them for zimun as mentioned in the Shulchan Aruch 195:1). Since there are conflicting sources the subject remains unclear to me.

¹³⁵ As mentioned previously in the halachos of the doorway area.

¹³⁶

The criteria for a "small" room is a room that has no visible dividing walls from within and the criteria for a "large" room is a room that does have visible dividing walls:

The words "small room" and "large room" that are used by the poskim could be misleading since the halachah is never actually determined by the size of the rooms. The topic is really about two connected rooms where the walls of the room which is narrower are flush with the opening between the two rooms and the wider room

has perpendicular dividing walls which begin from each side of the opening. The result is that the people in the smaller room cannot detect the presence of any dividing walls whereas the people in the larger room can clearly see the dividing walls on both sides of the opening between the rooms. The criteria then for a "small" room is a room that has no visible dividing walls from within and the criteria for a "large" room is a room that does have visible dividing walls. (Note - compare the halachos here, which have certain leniencies, since only one of the rooms has visible dividing walls; with the previous halachos of the two rooms that are divided by a doorway and both of the rooms have visible dividing walls; that does not share these leniencies).

The source for this topic is the Mishnah in Eruvin 92a:

The source for this topic is the Mishnah in Eruvin 92a which is discussing a dividing wall which is between a large and small courtyard that fell down only in the place that divided the two courtyards. This created a scenario that is similar to our topic i.e. a smaller courtyard open to a larger courtyard where from the smaller courtyard one cannot detect any dividing walls whereas from the larger courtyard one can clearly see the remnants of the dividing wall on each side of the opening.

The general understanding of the issue that was discussed in the Mishnah is that the people whose homes open to the larger courtyard can consider their courtyard distinct from the smaller courtyard by defining the visible walls and the opening between the courtyards as a "dividing wall with an entranceway" and therefore they do not need to make an *Eruvei Chatzeros* with the smaller courtyard, whereas the people whose homes open to the smaller courtyard which has no visible dividing walls and therefore cannot

consider their courtyard distinct from the larger courtyard must make an *Eruvei Chatzeros* with the larger courtyard.

The larger courtyard has the status of being considered the main courtyard and the smaller courtyard has the inferior status of being considered a “corner” of (i.e. subordinate to) the main courtyard:

The Gemara understands that the fact that the larger courtyard can consider itself distinct whereas the smaller courtyard cannot; gives the larger courtyard the status of being considered the main courtyard and the smaller courtyard the inferior status of being considered the “corner” of (i.e. subordinate to) the main courtyard. The Shulchan Aruch is discussing the same situation, however in our case regarding rooms as opposed to courtyards. Here too, the smaller room has the status of being considered the corner of the main room and therefore gives the people inside it the status of being considered as if they are standing in a part of the main room; the groups can therefore be counted together for the minyan (but not vice-versa).

Only if a minority of the ten people are in the small room can it be considered as if they are standing in the big room:

The Gemara assumes though that there is a limitation to this concept. Namely, that only if a minority of the ten people are in the small room can it be considered as if they are standing in the big room since “the minority is subordinate to the majority and not vice-versa”. Thus there are two conditions that are necessary in order to be able to join two groups that are divided between a larger and smaller room: 1- The people in the group that is going to be considered as if they are in the other room must be the minority of the minyan. 2- They also must be standing in the smaller room. Note – here too, there is leniency if the people in each room see one another as we discussed at in footnote 130 regarding two rooms with a dividing doorway.

When the chazan himself is in the smaller or in the larger room:

The chazan himself is no different than any of the other mispallelim in that when he is in the smaller room he can be counted with the nine people in the larger room, and that when he is in the larger room he cannot be counted with the nine people in the smaller room¹³⁷. Moreover even when there is an entire minyan in the opposite room the chazan may not recite anything that requires a minyan unless he is in the smaller room and they are in the larger room¹³⁸.

When an inner room can only be reached through an outer room:

Even if the inner room cannot be reached except via the outer room, if the rooms have a visible dividing wall with an entranceway they have the status of two divided rooms and the groups cannot be counted together for a minyan¹³⁹.

¹³⁷ Shulchan Aruch (55:17) and M"B (55:56).

The M"B 55:54 explains that although we said earlier that the chazan is unique in that while he is standing in a doorway he can join with nine people that are standing in the room itself and also in that he can even join two groups that are on either side of the doorway area; still regarding our situation of larger and smaller rooms the chazan is no different than any of the other mispallelim.

¹³⁸ M"B (55:56)

¹³⁹ The M"B (55:58) quotes the Chayei Adam (30:1). The Chayei Adam first rules that even if there is already an existing minyan in one of the rooms; the people in the other room are not considered part of the minyan, and their tefilah has the status of a tefilah without a minyan. The Chayei Adam continues though that he found a Teshuvah Haradbaz (vol. 2 resp. 650) that writes that although it is true that in a situation when there is no existing minyan it cannot be formed by combining the people from the two rooms, still if there is already a complete minyan in one of the rooms the people in the other room are considered as if they are davening together with them. (Note the

d- The ladies section; an adjoining attic, rooftop, or a low windowsill:

The ladies section; an adjoining attic, rooftop, or even a low windowsill¹⁴⁰ are not considered part of the adjoining main room since their floor or ledge is at a different height than the floor of the main room^{141, 142}.

words of the Chayei Adam quoted in the M"B "lifizeh" are not pertaining to anything that was particularly written in our halachah; rather it is referring to the Chayei Adam's own understanding that there is no leniency which joins people in different areas that see one another (the M"B is quoting these words out of context [see inside both seforim]).

¹⁴⁰ Meaning if someone would stand on such a windowsill

¹⁴¹ This halachah is based on the Gemara (*Pesachim* 86a) which explained that the Mishnah only considered the windows and rooftops of the *Azara* part of the *Azara* because, in the Bais Hamikdash, they were level with the Bais Hamikdash itself. We can infer from this that areas that aren't level with each other are distinct from one another.

¹⁴² Rema (55:14) and M"B (55:53).

In a shul these areas should have different halachic criteria then these areas have in general:

See the Shut Minchas Avraham that points out that these areas in a shul should have different halachic criteria then these areas have in general. He infers this from the fact that the Shulchan Aruch (151:12) writes that it is unclear whether the rooftops and attics of a shul have the sanctification of the shul itself and may not be used for purposes that are forbidden in the shul or not, and the M"B 151:40) seems to address the issue there differently; explaining that it wasn't clear to the Shulchan Aruch whether to compare a shul to the *Azara* of the Bais Hamikdash where the rooftops and attics were not sanctified or to the *Heichal* where they were sanctified.

Does the M"B rule definitively that these areas are not part of the shul or is he only ruling that one should be stringent because the halachah is unclear?

Even so if the people in the two areas see one another they can be counted together for a minyan (even if one group is many stories higher than the other group)¹⁴³. However it's better if the people come together to one area and not rely on seeing one another¹⁴⁴.

e- If the chazan or some of the minyan are standing on two sides of a wall or partition that doesn't reach the ceiling:

See the footnotes for the halachah whether or not, when either the chazan or some of the minyan are standing on two sides of a wall or partition that doesn't reach the ceiling, are considered in one room¹⁴⁵.

The Minchas Avraham therefore asks how the M"B could rule definitively (in accordance to the general status of these areas) that these areas are not part of the shul without mentioning that the Shulchan Aruch (151:12) is unclear of their status? He concludes that we must say that the M"B never meant to rule definitively; rather he only intended that one should consider these places separate from the shul since one needs to be stringent when the halachah is unclear.

The ladies section of the shul has the same halachic limitations of any adjoining room to the shul:

The Shut Shevet Halevy (vol. 9 resp. 20) particularly addresses the status of the ladies section in a shul and rules that it is no different than any other room that is considered a different area than the shul (when it has a dividing doorway or when it is not level with the main shul).

¹⁴³ Shulchan Aruch (55:14) and M"B (55:52)

¹⁴⁴ M"B (55:52). The issue was discussed at length above in the footnotes (129 -131) to the halachah of two rooms with a dividing doorway.

¹⁴⁵ Seemingly the halachah here is dependent on the understanding of the halachah of the *bimah* and *amud* (See footnote 149). On the one hand the walls here are intended to divide the areas (unlike the sukkah walls) and the areas are not meant to serve one another (unlike the first reason for the leniency by the *bimah* and *amud*). Still

f- Behind a curtain that was drawn for privacy:

A curtain that has been drawn for privacy does not divide an area into two. Therefore the ten people that are standing on both sides of the curtain are considered in the same area even though they cannot see one another¹⁴⁶.

g- Behind a curtain that was drawn for a halachically required division of the areas:

There is a *machlokes* if a curtain that was drawn in order to create a halachically required division¹⁴⁷ of the two areas also divides the areas with regards to the combining of the people that are on both sides of the curtain, in order to form a minyan¹⁴⁸.

the walls don't reach the ceiling (which is the second reason for the leniency by the *bimah* and *amud*). See also the halachah of a curtain that is drawn for a halachic reason and our reference to Shut Mishnah Halachos (Tinyana vol.1 resp.64).

¹⁴⁶ M"B (55:48)

¹⁴⁷ For example to allow *tashmish hamitah* in a room with seforim (see Shulchan Aruch 240)

¹⁴⁸ M"B (55:49).

The Pri Chadash rules that an halachically existing wall regarding one issue must be considered an halachically existing wall regarding all issues:

The Pri Chadash rules that the fact that the curtains are given the status of halachically valid walls regarding the necessary division of areas (for *tashmish hamitah*) augments their validity to also divide the areas regarding the minyan and therefore divides between the people that are on each side (i.e. if it's used as an halachically existing wall regarding one issue; it must be considered an halachically existing wall regarding all issues).

The Pri Megadim claims that this ruling of the Pri Chadash is related to his other ruling; that the sukkah's walls effectively divide the sukkah from the outer room:

The Pri Megadim (55:12) claims that this ruling of the Pri Chadash is related to his other ruling; that the sukkah's walls effectively divide the sukkah from the outer room (see footnote 150 to this halachah). Both rulings are discussing walls that are only intended for halachic needs and not for an actual need to divide the areas i.e. the curtain is necessary to permit *tashmish hamitah*, and the temporary walls are necessary in order that the *schach* of the sukkah should be in close proximity of its walls (since the walls of the house that are separated from the kosher *schach* by the house's permanent roofing cannot serve as walls for the sukkah [see *ibid.*]). In both instances the Pri Chadash rules that the fact that it is necessary for these walls to have halachic recognition regarding one issue augments them to also divide the areas regarding all other halachic issues. Therefore in our situation it will divide the people that are on either side and they cannot form a minyan.

The Pri Megadim argues that although we are using the walls and attributing to them halachic recognition with respect to one issue they do not necessarily have to be recognized as walls regarding other issues:

The Pri Megadim argues that we have a precedent from the M"A (273) to be lenient. The M"A is discussing the sukkah which was built inside a room regarding the requirement of Kiddush *bimakom seuda* (see our footnote *ibid.*). He maintains that the walls only have halachic recognition vis-a-vis the validity of the sukkah, but not regarding Kiddush *bimakom seuda*. We can therefore infer that the M"A holds that although we are recognizing the halachic validity of the walls with respect to one issue (in his example for the sukkah) they do not necessarily have to be recognized regarding other issues (in his example for Kiddush *bimakom seuda*) since they are only meant to satisfy a particular halachic requirement and not because a real division of the areas is desired.

(Note the concluding words of the M"B that the Pri Migadim is *mitzaded lihakel* can be misleading; and sounds like the M"B is

h- At a bimah or at an amud which is surrounded by walls:

The *bimah* or an *amud*'s functions is to serve the tefilos that are said in the room that they are in. Therefore even if they are surrounded by walls (that are ten *tefachim* high or are on a raised platform that is ten *tefachim* high) they are still considered an extension of the main room. Some say that this is only true if their walls don't reach the ceiling.¹⁴⁹

concluding with this ruling. This is not true since (as we just explained) the reasoning here of the Pri Migadim is the same as his reasoning regarding the sukkah; and the two halachos are interdependent. Therefore the fact that regarding the sukkah the M" B merely quotes both opinions without ruling either way demonstrates that the M" B doesn't mean to rule here either. The M" B only means to say that the Pri Migadim argues with the Pri Chadash (see also SHT"z 55:49 regarding the sukkah itself where he uses the same language that the Pri Migadim is *mitzaded lihakeh*).

The factor that the curtain doesn't reach the ceiling:

It's interesting to note that the Shut Mishnah Halachos (Tinyana vol. 1 resp. 64) points out that since the curtain does not reach the ceiling it should therefore be similar to the walls of a *bimah* or *amud* where one opinion (the S'mak [whom we quote]) explained that it's for this reason that the walls don't divide the areas.

¹⁴⁹ The two opinions are brought in the Shulchan Aruch (55:19) as recorded above.

Seemingly the different ground levels or the dividing walls should halachically divide those that are inside from the rest of the congregants:

This issue was a matter that drew the attention of the great Poskim HaRishonim; as they wanted to know; what is the halachic basis for the widespread custom to use such a bimah or amud in the shul. Seemingly the different ground levels or the dividing walls should have halachically divided those that are inside from the rest of the congregants.

The Teshuvos Harashba bases this leniency on two sources:

The source for this leniency is the Teshuvos Harashba (vol. 1 resp. 96) who bases his leniency on two sources:

Source #1- The Gemara (*Sotah 38b*) demonstrates that areas that serve the shul itself are subordinate to the shul even when they are divided by a permanent wall:

The Gemara (*Sotah 38b*) rules that an *Aron Kodesh* that is standing between the kohanim and the congregants doesn't divide the areas and therefore the kohanim may recite the bircas kohanim from behind the *Aron Kodesh* (even though they must recite the bracha in the presence of a minyan). The Rashba infers from the Gemara that the *Aron Kodesh* was as high as the kohanim and was in its permanent place and therefore should have effectively divided the area that the kohanim were standing in from the rest of the congregants. The Rashba proves from here that the fact that an area serves the rest of the shul makes it subordinate to the shul even if it's divided by proper walls.

Source #2 - The Gemara (*Sukkah 51b*) also demonstrates the previous principle:

The Gemara (*Sukkah 51b*) relates how in Alexandria an appointed person would stand in such a *bimah* where he waved a handkerchief to indicate that it was time to respond amen. The Rashba maintains that we can assume that the chazan was also standing there with him inside the *bimah*. Therefore had the walls of the *bimah* divided the *bimah* from the adjoining area the chazan wouldn't have been able to recite any *davar shebikedusha*. The Rashba cites this as his second source to prove his understanding that the fact that one area is serving the other one makes it subordinate even if it's divided by proper walls.

Another suggested reason by the Rashba:

The Rashba also added a suggestion that the fact that the people in both places can see one another also joins them (although it is in his Teshuvos Harashba that the Rashba suggests this leniency; we discussed this issue in detail earlier regarding its application to two rooms that are divided by a doorway).

The S'mak offers another basis for this leniency (that the dividing walls don't reach the ceiling):

i- In a sukkah that is inside a room:

There is a machlokes whether the surrounding walls of a sukkah that is situated inside a room (where part of the roof was removed and was replaced with proper schach) separate the people inside from those that are outside and break up the minyan¹⁵⁰.

The S'mak (282) brings a different basis for this halachah from the laws of *Eruvei Chatzeros* (see Shulchan Aruch 370:3) that a few families living in one room with dividing walls that don't reach the ceiling are as if they are living together and don't require an *eiruv*. This demonstrates that walls that are within one room that don't reach the ceiling don't divide the areas.

The Gra (55:31) disagrees with this leniency:

The Gra (55:31) disagrees with this leniency and writes that all of the sources of the Rashba can be refuted (see Damesek Eliezer for explanation). See also B"H (55:19) that even the Gra was only stringent regarding the forming of a minyan from the people on both sides of the wall. He would be lenient though regarding the considering of someone who is standing there; to be part of an already existing minyan that is on the other side of a wall.

(I found afterwards that the Ishay Yisrael (chap. 15:23 note 66) understood that the aforementioned B"H ruled that *lichatchila* one should be stringent in accordance with the Gra's opinion. I didn't understand the B"H this way (that he was intending to infer that one should be stringent *lichatchila* like the Gra); rather that he only brought and explained the Gra.

¹⁵⁰ M"B (55:49).

The lenient opinions compare this issue to a similar issue pertaining to the requirement of Kiddush *bimakom seuda*:

The lenient opinions (i.e. the Maharikash etc. which are brought in the SHT"z 55:49 [the Maharikash is also brought in the Pri Chadash]) compare this issue to a similar issue pertaining to the requirement of Kiddush *bimakom seuda* i.e. that one may not leave the area of the Kiddush until he eats the minimal requirement of a *seuda*, which is

If Kaddish is being recited in the presence of a minyan and someone hears the Kaddish from outside should he answer?

All of the previous limitations were regarding the joining of people to form a minyan. If there was already a minyan present in one area however, and someone on the outside hears them reciting Kaddish he can

discussed in the Shulchan Aruch (273). Like our situation there is a *machlokes*, regarding Kiddush *bimakom seuda*, whether if one changed his place after he made Kiddush (without first eating as above) in a sukkah that is inside a house; to the house (without having this intention prior to the Kiddush); if he then needs to repeat the Kiddush. The lenient opinions hold that the walls of the sukkah are only there for the mitzvah of sukkah i.e. the temporary walls were only added in order that the *schach* of the sukkah should be in close proximity to its walls (since the walls of the house which are divided from the kosher schach by the house's permanent roofing cannot be used for the sukkah) and not because of a desire to separate the places and therefore do not define the sukkah as being distinct from the rest of the room with regards to other issues.

The SHT"z (55:50) refers to the Pri Chadash as the stringent opinion who argues with this leniency:

The SHT"z (55:50) refers to the Pri Chadash as the stringent opinion who argues with this leniency. The Pri Chadash doesn't explain why he is stringent but the Pri Migadim (A"A 55:12) explains that he holds that the fact that the walls are given the status of halachically valid walls regarding the sukkah augments their validity to also divide the areas regarding all halachic issues. (See footnote 148 to the halachah of a curtain that was drawn for a halachically required division of the areas for more details. See also the Eliyahu Raba, Gra, and Ma'amar Mordechai's commentary to the Shulchan Aruch (273) that rule stringently regarding Kiddush *bimakom seuda* when someone leaves from the sukkah to the outer room).

(or is obligated to¹⁵¹) answer the Kaddish regardless of where he is¹⁵². (See also the following halachah).

¹⁵¹ There is a *machlokes* if someone who isn't together with the minyan that is reciting Kaddish (or any *davar shebikedusha*) is required to answer or only allowed to answer. See Shut Pischa Zuta (resp. 5) and Ishay Yisrael (chap. 15 note 69) in the name of Rav Shlomo Zalman Auerbach ztz"l that there isn't a requirement; and on the other hand in the name of the Chazan Ish that there is a requirement (chap. 24 note 62).

¹⁵² Shulchan Aruch 55:20.

Rav Yehoshua ben Levy said "Even a wall of iron does not divide between Yisrael and their Father in heaven":

This halachah is based on Rav Yehoshua ben Levy that said "Even a wall of iron does not divide between Yisrael and their Father in heaven". This means that the fact that rooms are divided by a wall doesn't interfere i.e. is not consequential, with respect to one's davening. Tosefos (*Pesachim* 85b) explains that this concept only applies to when there is already a minyan present for a *davar shebikedusha* and there is an additional person that is in an area that is divided from the minyan who hears the *davar shebikedusha*. Rav Yehoshua ben Levy agrees though that a minyan cannot be formed from people that are in two different areas. The M"B (55:60) explains that when a minyan is present in one area the Shechina dwells amongst them and therefore "even a wall of iron can't divide" between an additional person who wants to join himself to the minyan; since he is akin to someone that is trying to join his Father in Heaven Who dwells amongst the minyan. On the other hand when the people are not together in one area the Shechina does not reside amongst them and there is no means by which to overcome the division of the areas.

If the presence of feces, avoda zara, or idol worshipers disrupts the status of a minyan or divides between someone who is outside and wants to participate with a minyan:

Preface:

We must preface that the halachah with respect to davening or even thinking Torah within the parameters of feces is; that it must not be within your eyesight when it is in front of you, but it may be on your side or behind you providing that you are not within four amos of the place where it can no longer be smelled. (I'm not sure of the halachos regarding davening or thinking Torah within the parameters of *avoda zara*). Our halachah here discusses other halachic implications to the presence of either feces, *avoda zara*, or idol worshipers even after the above halachic conditions were met:

Halachah:

The Shulchan Aruch says "yesh omrim" i.e. there is an opinion that holds, that the presence of feces¹⁵³, *avoda zara*, or even of an idol worshiper¹⁵⁴ in the midst of the ten people that form a minyan halachically separates between its participants, and they no longer have the status of a minyan. Moreover, even if there was a functioning minyan and one merely wants to

¹⁵³ The B"H (55:20 'viyesh omrim') says that urine definitely doesn't divide between the minyan and it is sufficient for the individuals to distance themselves from it in accordance with the general requirements for Torah learning and tefilah.

¹⁵⁴ The M"B (55:65) agrees with many Poskim Achronim, that hold that the word "*goy*", which is written in the Yerushalmi, includes both *avoda zara* and its worshipers (as opposed to the understanding of the M"A that the Yerushalmi only was only referring to the *avoda zara* itself).

participate from his place; if there is feces, avoda zara, or an idol worshiper between himself and the minyan (even in the street between the two homes) he is considered halachically separated from the minyan and he therefore can't participate with them. This opinion maintains that in such a situation one is not only forbidden to answer any *davar shebikedusha*, he is even forbidden to answer *amen*¹⁵⁵. See our footnote¹⁵⁶ for a full overview

¹⁵⁵ M"B 55:63. See also our overview.

¹⁵⁶ There are many concepts and opinions that are mentioned in the M"B and the *poskim* and I will try to present an overview:

This halachah is recorded in the Bais Yosef in the name of the Mahari Abuhav who bases it on the Yerushalmi:

This halachah is recorded in the Bais Yosef (55:20) in the name of the Mahari Abuhav. The Mahari Abuhav bases his ruling on a Yerushalmi that states explicitly that one cannot answer *Kaddish* from his home if there is either filth or a *goy* between his house and the minyan. (Note the commentators point out that this entire text is not present in our current Yerushalmi).

The Shulchan Aruch (55:20) himself was not clear whether or not the halachah is in accordance with this opinion:

The Shulchan Aruch (55:20) brings his halachah albeit in a somewhat inferior manner stating merely that "*yesh omrim*" i.e. there are those that say etc. The M"B (55:62) infers from this that the Shulchan Aruch himself was not clear whether or not the halachah is in accordance with this opinion.

The Rema (79:1) disagrees with this opinion:

The M"B adds that the M"A (79:3) understood that the Rema in (79:1) disagrees with this opinion. The M"A inferred this from the fact that the Rema there stressed the necessity to remove feces from the midst of the minyan only because of the inevitability that it will be in the proximity of one of the congregants; and did not use the more obvious reason that, according to the opinion of the "*yesh omrim*", the feces breaks up the minyan.

The M"B (55:65) brings the opinions of the Livushei Sirad and of the Chayei Adam (30:1). Each of them offer a different compromise:

The Livushei Sirad:

The Livushei Sirad also addresses these facts; that the Shulchan Aruch himself seems to infer that the main halachic opinion is not in accordance with the "*yesh omerim*" and that the Rema (79:1) disagrees. He therefore rules that although it is proper to follow the opinion of the "*yesh omerim*" *lichatchila*, still one who is lenient when there is a pressing reason won't lose out.

The Chayei Adam:

The Chayei Adam writes "one can be lenient and answer both *yihei Shime'i rabah* and Kedushah since they are only *pesukim*, as opposed to Borchu". Apparently the Chayei Adam is weighing the importance of responding versus the possible transgression involved and found a compromise claiming that less harm is caused by possibly reciting *yihei Shime'i rabah* and Kedushah improperly, since they "are only *pesukim*" than is caused by possibly improperly answering Borchu (which must have some aspect of being *livatalah*).

The "*yesh omerim*" prohibits even reciting amen in such a situation:

The M"B in (55:63) along with SHT"z (55:65) infers, from the M"A (79:3), that the opinion of the "*yesh omerim*" will even prohibit reciting amen in such a situation. This stringency requires understanding since even if the feces or the *avoda zara* breaks up a minyan or separates people from an existing minyan; still amen is not a *davar shebikedusha* and therefore shouldn't require a minyan at all.

The sefer Haelef Licha Shlomo explains that in such a situation the amen would be the equivalent of an *amen yisoma*:

The sefer Haelef Licha Shlomo (40) explains that when there is feces or *avoda zara* between the person and the one who is saying the bracha it is as if he hasn't heard the bracha and therefore his amen is the equivalent of an *amen yisoma*; having been recited without hearing a bracha. He proves this concept claiming that it can be the only explanation why it's also forbidden to answer *yihei Shime'i rabah* or Borchu in this situation (meaning that they would also be a kind of "*yisoma*"). He bases this on the fact that (even though it would be readily understood why it's forbidden to recite a *davar shebikedusha*

of the different issues involved and also for the opinion of the Chayei Adam, who draws a distinction; maintaining that one may be lenient with respect to answering *yihei Shimei rabah* and *Kedushah*; but must be stringent and not answer *Borchu*; and also for the opinion of the *Livushei Sirad*; that rules that although one should adhere to the opinion of the “*yesh omrim*” *lichatchila*, one who is lenient when there is a pressing reason won’t lose out.

under these circumstances; since *feces* or *avoda zara* breaks up the people in the minyan and also separates individuals from an existing minyan, still) the answering of *yihei Shimei rabah* or *Borchu* in itself (meaning in a situation where one is not connected with the minyan; and is therefore is not connected with the part of *Kaddish* or *Borchu* that the *chazan* recited) is not considered a *davar shebikedusha* in its own right. (This is because the *Haelef Licha Shlomo* maintains that only the complete *Kaddish* or *Borchu* has the status of a *davar shebikedusha*, not merely the response of *yihei Shimei rabah* or *kadosh, kadosh, kadosh* etc.).

Is this issue limited to *avoda zara* itself or does it also include idol worshipers?

Another point of note is that the *Shulchan Aruch* doesn’t use the word “*goy*” that he himself quoted from the *Yerushalmi*, in his *Bais Yosef*; rather the words *avodas kochavim* which literally means idol worship. The *M”A* (55:15) maintains that indeed that the *Shulchan Aruch* was only referring to actual idol worship and not to its worshipers. The *Eliyahu Raba* disagrees claiming that we can infer from the language used by both the *Bais Yosef* and the *Livush* of “*goy*” that this *halachah* includes even the idol worshipers themselves. The *M”B* (55:65) sides with the *Eliyahu Raba* whose opinion is also accepted by the many *Poskim Achronim* that the *M”B* brings in his *SHT”z* (55:67).

<i>Table of the halachos of when the chazan can begin Kaddish without a minyan:</i>	
What the minyan recited together:	Can they recite Kaddish (if there are at least six remaining people)?
SHACHARIS	
Yishtabach	Machlokes
Silent Shemona Esrei	It's forbidden to recite Chazaras Ha'Shatz, and no Kaddish is recited
Chazaras Ha'Shatz	The half Kaddish after Tachanun and the whole Kaddish following Uvah liTzion may be recited.
Aleinu and further	Cannot recite any Kaddish
MINCHAH	
Ashrei	Machlokes
Silent shemona Esrei	Like Shacharis
Chazaras Ha'Shatz	Like Shacharis except that there is only one Kaddish after Tachanun
Aleinu	Like Shacharis
MA'ARIV	
Borchu	Kaddish before Shemona Esrei may be recited.
Silent Shemona Esrei and Aleinu	Kaddish after Shemona Esrei may be recited but not after Aleinu
Selichos	There are those that say that one may recite Kaddish Tiskabal afterwards

Kaddish is a great and awesome praise that was instituted by Chazal just after the destruction of the first Bais Hamikdash. It is a tefilah that Hashem should bring an end to the profaning of His name that was caused by the destruction of the Bais Hamikdash, by the destruction of our Holy Land, and by the dispersion of His holy nation to the four corners of the world (Aruch HaShulchan 55:1). Aside from codifying the practical halachah, the author intends to impart the importance of Kaddish and its in-depth study by summarizing its history and source-work. With a better understanding of the halachos we will be able to have a better appreciation of them and be able to fulfill them properly.