

HALOCHOSCOPE

Notes to last week's question: Soaking a cloth or mask in a liquid to attach to the wide end of the shofar raises the issue of sechita, squeezing. Squeezing a wet cloth could be a violation of a facet of libun, the melacha of laundering. This might depend on the liquid being squeezed. It could also be a violation of a facet of *dash*, threshing, if one wants the liquid. If the cloth is wet enough that by just holding it one cannot avoid squeezing it, this would be an issue of psik raisha, inadvertently causing an inevitable result. In this case, one does not want the liquid to be squeezed out. This would be considered psik raisha delo nicha lei, an unwanted psik raisha, which is permitted. That is, the activity is permitted even though it will lead to the indirect result. If the cloth is so saturated that the liquid can ooze out without touching it, one cannot be liable for squeezing it either.

It should be noted that if one plans to try this method, he should consult with medical experts. Prolonged contact or breathing the fumes of some disinfectants can do more harm to the tokaia than the benefits of the disinfectant. If drinkable alcohol or an iodine compound common in sterilization is used, there might still be an issue with the amount breathed in by the tokaia. A very long shofar might alleviate some of these issues.

This week's question:

In last issue, we discussed a tokaia blowing shofar outside a window. The second set of balsts are blown during the amida of musaf, either during the silent or repetition. Can the tokaia standing by the window be counted with the minyan of ten? If there are ten besides the tokaia, can he still be considered participating with tefilah betzibur? If the shul does not have the custom to blow in the silent amida, may the tokaia leave during chazaras hashatz leaving behind less than ten, but stand right outside the window?

The issues:

- A) *Minyan*
- B) *Tefilah betzibur*, congregational services
- C) *Tekios dimeumad*

A) *Minyan* [Sections A abridged from *Halochoscope XV:20*; B abridged from *XV:42*; C largely from *X:47*]

For a *davar shebikedusha*, sanctification of Hashem's Name, a *minyan* is required. This is a quorum of ten adult Jewish males. Generally, this refers to those responsive prayers recited as a congregation. Almost all of these prayers are Rabbinically instituted. They include *krias hatorah*, *kaddish*, *kedusha* and *borchu*.

One Scriptural *mitzvah* applies only in the presence of a *minyan*: *kiddush Hashem*, sanctifying Hashem's Name. This is manifested in three situations: (i) One may violate any *mitzvah* if his life is threatened, except for three *mitzvos*, idolatry, adultery and murder, that are so severe that one must rather sacrifice his life than violate them; (ii) If a gentile threatens a Jew in public, saying that he will be killed unless he violates a *mitzvah*, he must also give up his life; (iii) One who is distinguished in Torah scholarship and

fear of G-d may not behave in an unbecoming manner before his fellow Jews. It is with the second type that we are concerned. "In public" means in the presence of ten Jews. This is derived directly from the language used by the Torah, *besoch*, in the midst. This, in turn is compared to the spies, ten of whom who are referred to a *toch* and as *eidah*.

Another *passuk* teaches us that the divine Presence comes to rest on an *eidah*. Thus we learn that when a *minyan* is present, the divine Presence comes. In one view, the laws of *minyan* for *davar shebikedusha* are derived directly from *kiddush Hashem*, as they are similar. Others maintain that they are separate ideas derived from the same source.

The Torah uses the term *Benei Yisroel*. In the world of *derush*, this refers to males, sons rather than daughters. Minors are not considered part of a qualified group of adults. There is some question on whether women may be considered part of the quorum for *kiddush Hashem*. The view that includes them does not emphasize *benei*. Rather, the qualifying factor in a quorum is the obligation level. Since women are not obliged in time-bound *mitzvos* and in the usual *davar shebikedusha*, they cannot help form a quorum. Some add, purely in terms of the divine Presence, men women and according to one view even children, can combine for the quorum. [See Brochos 6a 21b 47b Megillah 23b Pesachim 46a Sanhedrin 74a-b, Poskim. Tur Sh Ar OC 55 90, YD 157:1, (Pischei Teshuva, Gilyon Maharsha), commentaries. Minchas Chinuch 295 -296.]

B) Tefilah betzibur

Tefilah betzibur, communal prayer service, is highly recommended by the Talmud. However, there is a question whether it is indeed an **obligation** in its own right. Clearly, if one is unable to pray with a *minyan* he must still pray privately. The only occasion when this is even debated by the Talmud is regarding *Musaf*. However, the question is, is it a *chiyuv*, strong obligation, a *mitzvah*, or simply a *maaleh*, advantage?

Even if one is not in the *tzibur's* location, he still gains an advantage by *davening* at the time of their service. This is an *ais ratzon*, time of Divine benevolence. Hashem is positively disposed at this time. Some say this is because a large group has approached Hashem at this time, or because when a *minyan* assembles, and are qualified to say *devarim shebikedusha*, the *Shechinah*, Divine Presence, is present, or that at this time, all *tefilos* are gathered up together, including those of one was not present with the *tzibur*.

When a group does a *mitzvah* together the combined efforts add up to more than the sum of the parts. In the blend of incense in the *bais hamikdash*, one ingredient had a natural bad odor. It was included, according to some, because when combined with the others, it brought forth hidden qualities in them, and they brought out hidden benefits in it. The *tzibur* has a special quality of its own. If individuals are unable to focus and concentrate on their personal *tefilos*, as a group, their *tefilah* is accepted. Often a group includes some who are not deserving. Yet, in general, it is judged by its majority.

With a *tzibur* there is a **guarantee** that *tefilah* will be 'heard by Hashem'. Thus, the Talmud does not specify an obligation, but highlights advantages. Furthermore, since one fulfills a *mitzvah* when *davening* alone, the Talmud and poskim avoid terminology that implies that there is something wrong with *davening* without a *minyan*.

Tefilah is *rachamei*, to plead one's cause, or *avoda*, service of Hashem with the heart, or both. There is a big difference between one presenting it as an individual and a

group presenting the *rachamei* of the entire Israel. There is a difference between individual *avoda*, such as an individual's offering in the *bais hamikdash*, and the *avoda* of the *tzibur*. Therefore, there is an additional obligation on anyone who is part of the *tzibur*.

When traveling, one is obliged to go a certain distance out of his way in order to catch a *minyan*, but no further. As a *maaleh*, it would not make sense to oblige one to make accommodations for it. Furthermore, how could one be 'exempted' if the *minyan* is past than the limit? In summary, it is certainly an advantage, apparently a *mitzvah*, and possibly an obligation to participate in *tefilah betzibur*. [See Brochos 6a-b 7b-8a 21a-b 30a-b Megillah 19b, Poskim. Tur BY Sh Ar OC 55:22 (Rema) 90:9 etc., commentaries. Bais Elokim II:11. Igros Moshe OC I:28-30 II:27 III:4 7.]

C) The location of the Minyan

Ideally, a group defined as a quorum is in a confined area. Based on Talmudic passages, people outside a confined area can often be included in the group inside it. The *Korban Pesach* may not be removed from the confines of *Yerushalayim*. In the gateway itself, the boundary is considered the part of the door-frame that the door bangs against. The Talmud debates the application of this to *tefilah*. In one view, the debate is whether one in the doorway, or even outside, could be counted towards the ten. Others maintain that there is a requirement for ten inside. The debate is whether one outside may be added to the quorum and answer as though he were inside. Both could apply in our case.

An open window into the room could be considered inside. Thus, if one is in this thickness of the wall, he is inside. Normally, this requires his head and most of his body inside the thickness. However, the poskim maintain that even if one shows his face in the window, and even if it is small window, he may participate in the *minyan*. Some explain, the faces of the ten are where the *Shechina* comes to rest. His face is considered inside.

In another passage, a small court has no wall separating it from an adjacent larger one, making it like a corner of the big court. Viewed from the larger court, there is a wall with a wide entrance into the smaller one. An individual in the smaller one may be counted with others in the larger one. One application is a *chazan* in one while the *tzibbur* is in the other. Another application is where nine men are in one and the tenth man in the other. A third passage discusses hearing *shofar* from outside the *shul* where it is blown. A fourth passage states that congregants behind the backs of the *kohanim* when they bless are not included in the blessings. People outside who are unable to be there are included. The Talmud cites a view that if a partition separates the listeners, they are included.

The Talmud describes the huge *shul* in Alexandria where the *chazan* stood on a high platform visible to the entire congregation, but not audible. At a juncture requiring a congregational response, a *shamash* waved a flag. We learn that the *chazan* may be on a different floor than the *minyan*. The Talmud discusses the addition of the Name of Hashem in *bircas hazimun* if ten men ate together. If they can see each other, even in different rooms or floors in the same building, they may combine. Yerushalmi adds a condition: they may combine in two rooms within sight of each other if they intended to be one group. Two groups that mingle may also combine. If the groups can not see each other, but a person positions himself so he can see both, he may be *mezamen* for all together.

Accordingly, some allow combining from a second room in sight of the main room.

Others only permit it for *bircas hazimun*, and only if they could each say the Name independently anyhow. Some permit responding *kaddish* if a full *minyan* is in the main room, but possibly not to actually participate. A side room in sight used for overflow serves the main *shul*. However, this should be considered an emergency measure. Habitual reliance will lead to convening less than the ideal ten in one room.

A common practice is discussed. The *chazan* stands on a *bima*, platform with rails around it. To be considered another domain, ten hand-breadths of separation is enough. This may be combined including the railing and the raised floor. Could the *chazan* be part of the *minyan*, since they are not in his 'room'? Two factors are cited to permit it. The purpose of the platform is to serve the needs of the larger *shul*, so it is a part of it. Second, since some participants always see some others, the group is unified.

In our case, the *tokaia* is visible through the window. It is likely that the window and insect screen will be open. The *Tokaia* is also serving the congregation, albeit not necessarily for something that requires *minyan*. Nonetheless, in the circumstances, he could be part of the *minyan*, and could consider his *tefila betzibur*. [See Brochos 52a (Yerushalmi) Eruvin 72a-b 79a 92b Pesachim 85b Rosh Hashana 27b 28b-29a 35a Sukah 51b Sotah 38b, Poskim. S'T Rashba I:96. Tur Sh Ar OC 55:13 16 18 19 (Pri Chadash) 370:3, commentaries. Mishkenos Yaakov 74-5. Chazon Ish OC 93:8. Teshuvos Vehanhagos I:163.]

D) Tekios dimeumad

We mentioned an opinion that the Rabbis moved the main *tekios* to *musaf*. Some maintain that if this is the case, the Rabbis intended these *tekios* to be an integral part of *musaf*. Accordingly, if one is not at that same point in his *musaf* when the *tokaia* blows, he has not fulfilled his Rabbinical obligation. For those who do not blow during the silent *musaf*, this means that they must all be ready and hear the entire *chazaras hashatz* together with the *tekios*. For those who blow during the silent *musaf*, all participants must be at the end of each central *brocha* together for the *tekios*. This would seem to mean that for *tefila betzibur* at *musaf*, all must be together. Does this also mean that the *tokaia* must be part of this *tzibur* in every sense? If so, does his standing outside the room where the other ten work? If he is considered the leader in this capacity, it should work either way. He is like the *chazan* on the *bimah*. In addition, it is not normative practice to require every member to be ready at the exact same time. [See refs to section C, & last issue, section A. Chidushei Hagrach Vehagriz Kodshim stencil p. 256.]

In conclusion, the window and screen should be left open. The *tokaia* should be seen by the participants inside, and he can count towards the *minyan* and *tefilah betzibur*.

On the parsha .. [In battle with your enemies] do not be faint-hearted, do not be afraid, do not panic ... [20:3] Do not panic when you hear the shofar [Sifri] They sometimes blast a shofar to sound victory [Malbim]. Why is shofar associated with panic? They hear it from afar but cannot see it. Not knowing the reason, they might panic. One should be close enough to know why a *shofar* is being blown. Otherwise, the whole purpose is lost.

Sponsored by Adam and Jackie Katz in memory of Adam's Grandma Sylvie, Shaindel bas Menachem

Mendel Leib a"h. ם

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