

CCAR RESPONSA: Need for a *Minyan*

5752.17 (1993)

She'elah

A New Zealand congregation inquires about the Reform perspective on the need for a *minyan*, and about what should or should not be done during a service when fewer than ten are present. The rabbi writes that he “would appreciate it if you guide our ritual committee towards setting a policy.”

Teshuvah

Leaders of the C.C.A.R. have on three occasions addressed aspects of the questions asked. R. Jacob Mann, in 1936, issued a brief responsum on the need for a *minyan* at Friday night services and, basing himself on an old Palestinian custom, allowed the practice of holding services without a *minyan*. “While every attempt should be made to have a full *minyan*, the importance of regular services in the Temple is such as to conduct them even when there are fewer than ten people present.”¹ R. Solomon B. Freehof, in 1963, ruled on whether a person who could not attend synagogue services could say Kaddish at home, with no one else to join in the prayers. The responsum was quite detailed, permitting the practice under certain circumstances and making alternative suggestions.² R. Walter Jacob, in 1989, responded to the question: “May we conduct a service at home with less than a *minyan*?” This responsum, like R. Mann’s, was also quite brief and allowed a *minyan*-less service, urging congregations meanwhile to expend extra efforts to have people come together in the synagogue.³

All three were thus permissive, though R. Freehof hedged his ruling with particular cautions. We have agreed to review the entire matter, not only in order to summarize previous and highly respected opinions, but also because we feel that the developments of Jewish life, and especially in our own movement, call for additional considerations.

Halakhic Perspectives. The need for a *minyan* on certain ritual occasions is not biblical in origin, though the Rabbis tried valiantly to ground the practice in Torah precedent.⁴ The fact that rule of *minyan* is *de-* rabbanan, has occasioned repeated attempts at slackening of the reins of the “rule of ten.”⁵ R. Jacob⁶ cites discussions on whether a child carrying a *chumash* could be considered as completing the quorum, or what other means of making up the deficiency could be devised. However, as an over-riding rule the requirement of a *minyan* for liturgical portions cited in Footnote 4 was, and in traditional circles is, carefully observed, testifying to the strong sense that public prayer has a place of special importance. Where ten men could not be easily assembled a community would engage available persons as “*minyan* men,” who would insure that the ritual requirements of public prayer could be fulfilled. In sum, traditional Judaism has on the whole steadfastly resisted attempts to be lenient in this matter, except in extraordinary circumstances.

Reform Considerations. It cannot be denied that the rule of ten is frequently disregarded in Reform congregations, especially in small communities, but not there alone. With lessening worship attendance in general, even in places where adequate numbers of worshippers can be found, attention to the time-honored practice of requiring a quorum is rarely an issue.⁷

Yet there are good reasons why this practice deserves our continued attention and respect, with the proviso, of course, that any Reform *minyan* would count women as equal partners.⁸ As a general rule we are and have been lenient in most ritual matters, and the opinions of Rabbis Mann, Freehof and

Jacob reflect this trend. They are in tune with the sentiment of *Pirkei Avot*: “When two sit together and discuss words of Torah the Shekhinah is present with them”⁹ — which may be taken to mean that it does not matter how few Jews gather together for services, their sacred intent entitles them to full liturgical expression. Why should they be denied the hearing of Torah and *Kedusha*¹⁰ because others may not feel prompted to come to the synagogue? Why should Jews be dependent on others when they need to say Kaddish, whether at home, at a *shiv’ah*, or when observing *yahrzeit*?

Having stated these questions we must, however, also ask: *If the needs of the individual can be satisfied without others, what then is the difference between public and private worship?* Whether six, seven or ten constitute the required forum is not the heart of the issue; rather it is the question whether there is an abiding value in the obligation of Jews to join others in worship. The synagogue functions as the *mikdash me’at* (literally, the small sanctuary) which invokes the image of the Sanctuary of old. Moses and Ezra expounded Torah in the presence of the people, and the reading of Torah on Shabbat and other occasions is a recurring enactment of those hallowed moments. The rabbi, as teacher of the community, expounds sacred texts and traditions, and does so before the *tzibbur*, the representatives of the Jewish people who have come to participate in common rites of prayer and learning. The *tzibbur* is indeed the proper context of certain liturgical rubrics, and by tradition these include, in addition those mentioned, the reading of Torah from a scroll, and the mourner’s Kaddish.

It seems to us that the idea of a *minyan* deserves renewed attention. Reform Judaism has broken much new ground by giving individuals a measure of religious scope they did not previously have. Withal, we may not overlook the needs of the community which, when properly met, benefit all its members. Public worship belongs to these categories of Jewish life, and withholding certain individual prerogatives for the benefit of all has always been the context of Jewish prayer.

Thus, the obligation of Kaddish is traditionally fulfilled in community, and therefore the congregation at prayer is the proper locus for it. However, should there be no quorum or should the individual be unable to go to the synagogue, the need for community does not simply fall away. We can look to tradition and see how such situations have been dealt with in a constructive fashion. The comprehensive prayer anthology of Yitzhak Baer contains a series of prayers for individuals who have missed the opportunity of reciting portions of the liturgy which need a quorum. These substitutes resemble the original but differ sufficiently to remind the person that the community of worshippers possesses the aura of completeness.¹¹

Since the substitutes proposed by Baer (for which he cites no authority) are not applicable to our congregations, we as Reform Jews ought therefore to create further innovative, supplementary prayers for those who cannot worship in community, or for whom a *minyan* cannot be assembled. For instance, where there are fewer than ten present, Torah might be read from the printed book rather than from the scroll, and for both Torah and Haftarah the blessings would be omitted. Instead of reciting the Kaddish in its original version, the mourner might read it in English or substitute the *el male rachamim* (“God, full of compassion...”). Or, noting that in many if not most Reform congregations all those present say the Kaddish together, the custom might when fewer than a *minyan* to have the mourner rise and say the Kaddish alone. In other words, the presence or absence of a *minyan* should not be overlooked.

We would therefore urge the Reform Practices Committee of the C.C.A.R., together with the Liturgy Committee, to take up the need for devising alternate expressions for those who cannot worship in community, be it because of personal circumstances or because a *minyan* has not or cannot be brought together. The maintenance of the requirement of a *minyan* has also a strong educational force: it reminds all those who are or might be affected by the rule of the importance of public worship. R. Freehof reminds us of the injunction of the *Shulchan Arukh*¹² that it is the duty of the members of the community to exert pressure upon each other so that there should always be a *minyan* in the synagogue. “The feeling of piety at the time of *yahrzeit* is one of the justifiable motives which urges people to come to public worship.”¹³ And R. Jacob adds that we should make “a more vigorous effort and assemble a necessary *minyan*, if it is at all possible, for a service whether public or private.”¹⁴

We heartily endorse these sentiments which reflect the abiding value of a *minyan* in our liturgical structure, and we urge the inquiring congregation to devise ways and means to maintain and enhance this ancient Jewish institution.

Dissent: Three members differed somewhat from these conclusions. They felt that Kaddish deserves an exemption from the rule, and that perhaps in special circumstances the rule of three ought to be invoked (as at the *birkat ha-mazon*). One believes that the few should also not be deprived of reading (or hearing) the words of Torah from the scroll, and would have the leader of the service emphasize that the fewer-than-ten who are assembled do not constitute a proper congregation but rather a *chug*, a small group who have come together for study and edification.

Notes

1. American Reform Responsa, ed. Walter Jacob (1983), #3, p.5
2. Freehof, Recent Reform Responsa (1963), # 1, pp. 14-18.
3. Jacob, Questions and Reform Jewish Answers (1992), # 4, pp. 5-6. The teshuvah was published while our answer was being prepared.
4. The reasons given are varied and the derivations frequently forced, but that did not matter much because when they were enunciated the requirement of a *minyan*, it was already an established.

The following sources may serve as a survey of the talmudic and post-talmudic statements on the subject.

M Megillah 4:3 and BT. Meg. 23b list the required occasions for a *minyan*: the sheva berakhot at a wedding; the chazarat ha-shatz of the Amidah; the reading of Torah from the scroll and of Haftarah; the kedusha (derived from Lev. 22:32, *ve-nikdashti betokh benei yisra'el*, matching the word *tokh* with Num. 16:21, *mitokh ha-edah*, where the context makes it clear that sanctification requires a public. The number 10 is derived from Num. 14:27, where the ten spies opposing the invasion were called an *edah ra'ah*. There were also other derivations, one of them being the “ten righteous people” that were lacking in Sodom.

Soferim 10:7 adds Kaddish and barekhu to the rubrics requiring a *minyan*, though here, the plain text would suggest that the *minyan* could be seven (or even six) worshippers, after the number of words in Judges 5:2. But later interpretation favored the reading of this prescription as signifying that the numbers six or seven refer to persons who, within a regular

minyan of ten men, have not heard the Kaddish or barekhu. If we read the Soferim passage plainly it appears that the author(s), writing in Palestine, meant to deal with situations when it was difficult to gather a minyan. The Talmud (YT Meg. 4:4 and Ber. 7:3) provides that if a minyan was present to start with, but some people had left afterwards, the service could conclude as if they were still present, provided that the majority remain (so Rambam, Yad, Tefillah 8:8, Sh. A. O. H, 55:4; and the Hafetz Chayim, Mishnah Berurah, # 24).

R. Freehof's reading of Magen Avraham, O.H. 69, #4, and Greenwald's She'eloth u-teshuvot zikhron yehudah, vol 1, # 4, guides him as a precedent for his lenient answer. While it seems to us that the context of these sources suggests that ten men were present for services but that not all had participated in the study, there were some, like the Taz (Magen David, O.H. 55, # 3) who would agree with R. Freehof's more lenient reading.

5. According to R. Ovadiah Yosef, She'elot u-teshuvot yabiah omer, vol. 4, # 9:1, the entire prayer service is a rabbinic ordinance. As M Berakhot 7:3 makes clear, the Rabbis considered various levels of participation: 3, 10, 100, 1000, 10,000, though in the end only three (for the birkat ha- mazon) and ten for minyan remained significant. See BT. Ber. 49b-50a).
6. L.c., p.6.
7. One member of our Responsa Committee, suggests that the minyan "was basically a device to counteract heresy, in the assumption that when a critical mass of Jews assembles for some religious enterprise, there will always be found among them at least several who dare to refute heterodox opinions and to guide the errant faithful back to the correct path." This was true especially before there was an established liturgy, but today, he writes, that reason can no longer be compelling. He does, however, hold that there are other reasons for requiring a minyan in our congregations, but would exempt the Kaddish and allow it at all times (see below).
8. As to children, we could take our lead from BT. Berakhot 48a, which allows minors who understand to Whom our prayers are addressed, to be counted in the required quorum of three when saying the birkat ha-mazon, and count them in like manner for the quorum of ten.
9. M Avot 3:2.
10. The prayer which features the words of Isaiah, kadosh, kadosh, kadosh, holy, holy, holy...(Isaiah6:3)
11. Seder Avodat Yisra'el, p. 120. While Baer cites no authorities there are other texts which list surrogate prayers. See, e.g., the siddur of Y. Ganzfried (Vienna, 1859). Wolf Heidenheim's Safah
12. Berurah (Roedelheim, 1821), and Jacob Emden's Siddur Amudei Shamayim (Altona, 1744-1747). The latter attributes this minhag to the Sefer HaRoke'ach (13th century, from the school of the Hasidei Ashkenaz. HaRoke'ach, ch. 362, specifically discusses the practice of reciting surrogate texts when the worshipper has missed essential prayers (devarim she-bikedushah.) A fairly recent edition of Siddur HaGra (Jerusalem 1977) also lists substitute prayers, though on the whole it may be said that regnant Ashkenazic tradition has not favored this practice. See also Freehof, Recent Reform Responsa, p. 16.
13. Sh. A. O. H. 55:22.
14. Freehof, loc, cit, p. 17.
15. Loc cit, p. 6. If needed, please consult [Abbreviations used in CCAR Responsa](#).