

THE LAX FAMILY SPECIAL EDITION



צורבא מרבנן

TZURBA M'RABANAN

WITH ENGLISH TRANSLATION, COMMENTARY AND ESSAYS

A concise learning method from the Talmudic source
through modern-day halachic application

Halachic Perspectives on the Coronavirus II

נקודת מבט על נגיף הקורונה ב'

SELWYN & ROS SMITH AND FAMILY



IN PARTNERSHIP WITH
ERETZ HEMDAH AND WORLD MIZRACHI



ERETZ HEMDAH
Institute for Advanced Jewish Studies
Jerusalem

Tzurba M'Rabanan
First English Edition, 2020
Volume 7 Excerpt – Coronavirus II

Mizrachi Press
54 King George Street, PO Box 7720, Jerusalem 9107602, Israel
www.mizrachi.org

© 2020
All rights reserved

Written and compiled by **Rav Benzion Algazi**
Translation by **Rav Eli Ozarowski, Rav Yonatan Kohn** and **Rav Doron Podlashuk** (Director,
Manhigut Toranit)

Essays by the Selwyn and Ros Smith & Family – Manhigut Toranit participants and graduates:
Rav Otniel Fendel, Rav Jonathan Gilbert, Rav Avichai Goodman, Rav Joel Kenigsberg,
Rav Sam Millunchick, Rav Doron Podlashuk, Rav Bentzion Shor

General Editor and Author of 'Additions of the English Editors': Rav Eli Ozarowski

Board of Trustees, *Tzurba M'Rabanan* English Series: Jeff Kupferberg (Chairman), Rav Benzion Algazi,
Rav Doron Perez, Rav Doron Podlashuk, Ilan Chasen, Adam Goodvach, Darren Platzky

Creative Director: Jonny Lipczer
Design and Typesetting: Daniel Safran

With thanks to Sefaria for some of the English translations, including those from the William Davidson
digital edition of the Koren Noé Talmud, with commentary by Rabbi Adin Even-Israel Steinsaltz

www.tzurba.com
www.tzurbaolami.com

Halachic Perspectives on the Coronavirus II

נקודת מבט על נגיף הקורונה ב'

Introduction

"Porch" and Outdoor Minyanim During Coronavirus Restrictions

Responding to a Minyan Seen or Heard Online

Making a Minyan Using Online Platforms

Differences in the Tefilla When Davening Alone

Other Halachot Related to Tefilla At Home



DEDICATED IN LOVING MEMORY OF OUR DEAR SONS AND BROTHERS

יונתן טוביה ז"ל ל' Jonathan Theodore Lax ז"ל

איתן אליעזר ז"ל ל' Ethan James Lax ז"ל

תנצב"ה

MARSHA AND MICHAEL LAX

AMANDA AND AKIVA BLUMENTHAL REBECCA AND RAMI LAIFER





Tanach



Talmud (Chazal)



Rishonim



Acharonim



Contemporary Poskim

INTRODUCTION

In the first *shiur* concerning the coronavirus, we discussed some of the halachic sources relating to the proper responses, both physical and spiritual, to an epidemic or pandemic. In this *shiur*, we will focus mainly on examining a selection of halachot related to a topic that has become especially relevant during this period – *davening* in outside *minyanim* and at home without a *minyan*. Since shuls have been closed in many places during lockdowns due to the coronavirus, many people who are used to *davening* in shul are instead *davening* outside or in their home. Consequently, this is an opportune time to review some halachot related to *tefilla* that are not always considered as well as some of the new issues that have arisen as a result of the situation.¹

We will begin by reviewing one source that stresses the importance of *davening* with a *minyan* during normal times. The **Rambam** notes (based on the **Gemara** in **Berachot**) that *tefilla b'tzibbur* (communal prayer) has a more powerful effect than *tefilla* in private and is generally preferred if possible.



Rambam, Hilchot Tefilla 8:1

The prayer of the community is always heard. Even if it includes sinners, the Holy One, blessed be He, does not reject the prayers of the many. Therefore, a person should include himself with the community and should not pray alone whenever he is able to pray with the community...

1. רמב"ם | הל' תפילה ח:א

תפלת הציבור נשמעת תמיד ואפילו היו בהן חוטאים אין הקדוש ברוך הוא מואס בתפלתן של רבים, לפיכך צריך אדם לשתף עצמו עם הציבור, ולא יתפלל ביחיד כל זמן שיכול להתפלל עם הציבור...

Unfortunately, we as a community have in recent months been unable to take advantage of the full benefits of communal *tefilla*. Nevertheless, it would do well for us to remember that instead of viewing ourselves as being lenient on the halachot of *tefilla b'tzibbur*, we should view ourselves as having an opportunity to fulfill the halachot of *pikuach nefesh*, saving lives, and distancing from others to ensure no one is endangered. Furthermore, we should be thankful that we are much better off than Jews were in earlier periods of Jewish history, where they were often forbidden to pray together due to anti-religious decrees rather than because of the value of human life.

1. This *shiur* was written by Rav Eli Ozarowski for the English edition of the *Tzurba M'Rabanan* series.

“PORCH” AND OUTDOOR MINYANIM DURING CORONAVIRUS RESTRICTIONS

Due to the dangers in *davening* in large groups and the closing of most shuls, some people living in heavily religious areas both in Israel and in the Diaspora have raised the possibility of organizing *minyanim* outside, in their yards, or even joining together from their porches. Although the situation and guidelines are constantly changing, would the halacha permit or encourage organizing such *minyanim* in places and times where the local health guidelines allow? In this section, we will examine some of the rules concerning when individuals can join together to create a *minyan*, and whether they may do so even with some sort of separation in between. We should also emphasize at the outset that even those *poskim* who permit these *minyanim* in some situations agree that all participants must follow the local health guidelines, **and if they do not comply with the proper instructions, the *minyanim* may not be formed.**

Combining People in Different Locations for a *Minyan*

One of the relevant sources for this topic can be found in the **Mishna** and **Gemara** in ***Pesachim***. The Mishna states that if part of the *korban pesach* was taken outside of the area in which it was permitted to be eaten (anywhere in the city of Yerushalayim),² that part (including the attached limb that was still inside the permitted area) is disqualified and must be disposed of. The Gemara then applies the same rule to *tefilla*, that any individual who is not in the same room as the rest of the participating individuals may not be included as one of the ten comprising the *minyan*. Rabbi Yehoshua ben Levi disagrees though, and holds that since there is never any separation between us and Hashem concerning *tefilla*, the participants of a *minyan* as well may join together even if some of them are outside of the room.



Masechet Pesachim 85b

2. מסכת פסחים פה:

MISHNA: If a portion of a limb has gone out of its permissible boundary, **one must cut the meat until one reaches the bone** at the point that separates between the part of the limb that went out of its boundary and the part that did not, **and then peel the meat away from the bone until one reaches the joint, and cut off the limb at the joint**, as it is prohibited to break the bone of the *korban pesach* (paschal sacrifice) (see *Shemot* 12:46)...

How does one determine the outer boundaries of a particular location? Anything that is located **from the inside of the doorway inward** is considered **as though** it is **inside**, and anything that is located **from the doorway outward** is considered **as though** it is **outside**. **And the windows in the wall and the thickness of the wall are considered as though they are inside**, such that an offering is considered to have exited the premises only if it is taken outside the wall.

משנה: אבר שיצא מקצתו חותך עד שמגיע לעצם וקולף עד שמגיע לפרק וחותר... מן האגף ולפנים כלפנים מן האגף ולחוץ כלחוץ החלוטות ועובי החומה כלפנים.

2. This is how Rashi (*Pesachim* 84b, s.v. *eiver*) understands the prohibition. The Rambam (Commentary on the Mishna), though, holds that this refers to the *korban pesach* not leaving the house in which it is being eaten.

GEMARA: Rav Yehuda said that Rav said: And the halacha is **similar with regard to prayer**, in that a one who is standing outside the doorway cannot be included together with those praying inside. The Gemara notes that Rav **disagrees with Rabbi Yehoshua ben Levi**, as **Rabbi Yehoshua ben Levi said: Even a barrier of iron does not separate between the Jewish people and their Father in Heaven.** Barriers are irrelevant with regard to prayer.

גמרא: אמר רב יהודה אמר רב וכן לתפלה ופליגא דרבי יהושע בן לוי דאמר רבי יהושע בן לוי אפילו מחיצה של ברזל אינה מפסקת בין ישראל לאביהם שבשמים.

The **Rambam** and **Shulchan Aruch** rule that concerning ten men combining together to create a *minyan*, the halacha is in accordance with Rav that all of them must be in the same place.³

Ⓝ Shulchan Aruch, Orach Chaim 55:13

All of the ten [that comprise the *minyan*] must be in one place, and the *chazzan* with them. One who stands in the entrance-way from the doorway outward... is considered outside.

3. שולחן ערוך | או"ח נה:יג

צריך שיהיו כל העשרה במקום אחד ושליח צבור עמיהם והעומד בתוך הפתח מן האגף ולחוץ... כלחוץ.

According to this, it would seem clear that if even just one of the ten is standing outside, in a different room, or in a different area than the other nine, they cannot combine to create a *minyan*. However, there are a number of sources that indicate that there may be another factor that allows the creation of a *minyan* even in these cases: If they can see each other.

The **Shulchan Aruch** cites this factor in the very next *se'if* as a reason to be lenient in a case where someone is standing outside the shul peering in through the window (even if it is high up). If those in the shul can see him, then he can count as one of the ten.

Ⓝ Shulchan Aruch, Orach Chaim 55:14

One who is standing behind the shul and there is a window in between, even if it is a few floors up, and even if it is not four [cubits] wide, and one shows them his face from there, he combines with them to a total of ten.

4. שולחן ערוך | או"ח נה:יד

מי שעומד אחורי בית הכנסת וביניהם חלון אפילו גבוה כמה קומות אפילו אינו רחב ארבע ומראה להם פניו משם מצטרף עמיהם לעשרה.

According to this, if the person outside can see those inside, and they can see him, he can count for the *minyan* despite not being in the same physical space.

Part of the basis for this approach is a similar halacha within *hilchot zimun* (the introductory paragraph recited before *Birkat Hamazon* when three or more people eat together) where the **Shulchan Aruch** rules based on the **Rashba** that if two groups of people are eating a meal separately but can see each other, they can combine together in the same *zimun* even if they are sitting in different rooms or different houses.⁴

3. This is how Rashi understands the context of the *machloket* in the Gemara – as referring to whether someone standing outside the door can count as one of the ten for the *minyan*. Tosafot, though, understand this as referring to an additional person who is not one of the ten but joining an already existing *minyan*. According to Tosafot, the halacha in this case actually follows Rabbi Yehoshua ben Levi that one may answer to a *minyan* even when one is outside (and this is the practical halacha as well).

4. Many of the *Acharonim* and commentaries on the *Shulchan Aruch* make reference to the Rashba and this halacha in *hilchot zimun* as a source for the *Shulchan Aruch*. However, it is important to note that in the *Beit Yosef*, this halacha is cited in the name of the *Orchot Chaim* and Rav Hai Gaon. Thus, even if one disagrees with the Rashba or the extension of the principle from *zimun* to *tefilla* (as indeed some *Acharonim* do, as mentioned below), it seems that there were other *Rishonim* that subscribed to the idea as well.

Ⓢ Shulchan Aruch, Orach Chaim 195:1

Two groups that are eating in one house or in two houses, if some of this [group] see some of that [group], they combine together for *zimun*, but if not, they do not combine...

5. שולחן ערוך | או"ח קצה:א

שתי חבורות שאוכלות בבית אחד או בשני בתים אם מקצתן רואים אלו את אלו מצטרפות לזימון ואם לאו אינם מצטרפות...

However, the **Mishna Berura** notes that this approach of combining people in different rooms or places as part of the ten simply because they can see each other is not accepted as widely as being applicable within the halachot of *tefilla* as it is within the halachot of *zimun*.⁵ He therefore recommends trying to have all ten in one place if possible.

Ⓢ Mishna Berura, Orach Chaim 55:52

Combines with them – Because even though there is a separation of a barrier between them, since he shows them his face, it is similar to what is explained later in *siman* 195 concerning *zimun* that if some of them see each other, they combine together. If so, it is clear that those who stand in the women's section with a *mechitza* separating them with a window and they show their face can be included as part of the ten. And certainly, if there are ten aside from him, his prayer is considered to be with a *minyan*. But even so, it is better if he is able to go down to the [main sanctuary of the] shul easily that he should do so, since there are some *Acharonim* who disagree with the basic halacha and hold that our issue [of *tefilla*] is not at all similar to *zimun*.⁶

6. משנה ברורה | או"ח נה:נב

מצטרף עמהם – דאף דיש הפסק מחיצה ביניהם כיון דמראה להם פניו דומה למה שמבואר לקמן בסימן קצ"ה לענין זימון דאם מקצתן רואין אלו את אלו דמצטרפין וא"כ לפ"ז פשוט העומדים בעזרת נשים ובמחיצה המפסקת יש חלון ומראה להם פניו משם מצטרף עמהם לעשרה וכ"ש דאם יש בלעדו עשרה נחשב תפלה בצבור עי"ז ואעפ"כ יותר טוב אם בנקל הוא לו לירד לבהכ"נ שירד דיש מהאחרונים שחולקין על עיקר הדין וסוברין דענייננו אינו דומה כלל לזימון.

The same issue arises with regard to a number of other similar cases in the same *siman*. For example, the **Shulchan Aruch** discusses a case where part of the *minyan* is outside the shul while the rest is inside. In this case, he rules that the two groups do not combine together.

Ⓢ Shulchan Aruch, Orach Chaim 55:18

If some of the ten are in the shul and some are in the courtyard, they do not combine together.

7. שולחן ערוך | או"ח נה:יח

אם קצת העשרה בבית הכנסת וקצתם בעזרה אינם מצטרפים.

Here too, the **Mishna Berura** notes that some allow this if they can see each other, but he appears to conclude that it is best to be *machmir* (stringent) if possible.

5. In truth, not all opinions allow for such combining within *hilchot zimun* either. See *Bi'ur Halacha* 195:1, s.v. citing the Rashbash, who limits this halacha there as well, and the *Bi'ur Halacha* comments that this opinion may even seem more logical than the more lenient ones. Nevertheless, it seems that the lenient opinion is accepted as the halacha within *hilchot zimun*.

6. This discussion is very relevant in shuls where men sometimes *daven* in the women's section during the week. According to the *Mishna Berura*, it is not ideal to include such individuals as part of the ten for the *minyan*, though they are considered as *davening* with a *minyan* if there are ten in the men's section without them. It should be noted that according to the *Aruch HaShulchan*, if the women's section is an entirely different room (or balcony), one who *davens* there is not even considered as having *davened* with a *minyan* at all. For more on this subject, see *Piskei Teshuvot* (o.c. 55:26).

מִשְׁנַת בֵּרֻרָה | או"ח נה:57 Mishna Berura, Orach Chaim 55:57

And some are in the courtyard – The same is true even if nine are in the shul and only one is in the courtyard. The *Pri Megadim* writes that the cases of *se'if* 17, 18, and 19 are all referring to where they cannot see each other, as if they can see each other, then even if they are in two separate houses, they combine, similar to the case of *zimun* later in *siman* 195. But some are stringent even when they can see each other, but in a case of need, perhaps one may be lenient.⁷

It is worth highlighting that one of the sources who was lenient was the **Chida** in the ***Machazik Beracha*** (cited in the ***Sha'arei Teshuva*, O.C. 47:15**), who encountered a situation somewhat similar to that which we find ourselves currently. The Chida was quarantined in a lazaretto (a quarantine station) before entering Livorno, Italy, as this was the common practice at that time for travelers arriving from certain parts of the world where infectious diseases were common.⁸ He discusses a case where two groups of Jews were being held in two separate buildings (with a guard in the middle) but were not allowed to walk outside and mingle together. He rules that if the two groups can see each other while one is inside one building and the other is outside, they can combine together to form a *minyan*. He explains that given the situation, where otherwise they would not be able to organize a *minyan* for forty days consecutively, there is room to follow the lenient opinions.

מִשְׁנַת בֵּרֻרָה | או"ח נה:57 Mishna Berura, Orach Chaim 55:57

Concerning a lazaretto that is commonly used in these cities, if there are two groups who cannot come in contact with each other, and six are in one building and four in another building... I heard from one rabbi... who was uncertain while we were still there whether the four can be in front of the entrance and combine [with the other six inside] to create ten since they can see each other, or do they not combine? To me, the common person, it seems... that they combine, since they are unable to enter the building, and the guard is with them in the open area in front of the entrance, and those inside the building may not leave since the area outside is narrow and it is also a public thoroughfare. In this case, where they cannot be together because of the rules of the king and government officers, and the four have tried to approach the entrance and show their face, it is like showing one's face through the window [i.e., the case discussed in the *Shulchan Aruch*] where they combine. Here too, it is similar. And it is even more so in this case, since it is absolutely impossible for them to be together,

8. משנה ברורה | או"ח נה:57

וקצתם בעזרה – הוא הדין אפילו אם ט' בבית הכנסת ויחיד בעזרה. כתב הפמ"ג דההיא דסעיף י"ז וי"ח וי"ט מיירי בשאינן רואין זה את זה דברואין זה את זה אפילו בשני בתים ממש מצטרפין דומיא דזימון לקמן בסי' קצ"ה ויש מחמירין אפילו ברואין ובמקום הדחק אפשר שיש להקל.

9. מחזיק ברכה | או"ח נה:יא

בלאזאריטו שנוהגים בערים האל אם יש ב' כתות שם שאינם יכולים ליגע זה בזה ויש ששה בבית א' וד' בבית אחר... שמעתי מרב אחד... שנסתפק הן בעודנו שם אם הד' יכולים להיות לפני פתח הבית ויצטרפו לעשרה כיון שרואים זה את זה או אינם מצטרפים. ולי ההדיוט נראה... דמצטרפים דהרי אלו אינם יכולים לבא בבית והשומר עמם בשדה לפני הפתח וגם אשר בבית לא יוכלו לצאת חוץ כי המקום צר בחוץ וגם הוא מעבר לרבים, ובכי האי גונא דאינם יכולים להיות ביחד מטעם המלך ושרי המדינות וכבר השתדלו אלו הד' לבא נגד הפתח ומראים להם פניהם, הוה ליה כמראה פניו דרך חלון דמצטרף, והכא נמי דכוותא. וכל שכן הוא, כי לא אפשר בשום פנים להיות יחד

7. See *Bi'ur Halacha*, who explains that the Gra and *Mishkenot Yaakov*, among others, are *machmir* not to count people who merely can see each other but are not standing in the same place.

8. See www.wikipedia.org/wiki/lazaretto.

and neither can approach the other. So since some *poskim* [permit this], it seems that one can rely upon them and not be idle from *davening* with a *minyan* for forty days, and not hear *Kaddish* and *Kedusha*.

ולא קרב זה אל זה וכיון דאיכא כמה פוסקים נראה לסמוך עליהם ולא יתבטלו מ' יום מלהתפלל בצבור ולא ישמעו קדיש וקדושה.

How do we apply these sources to our situation at hand? It would seem that according to what we have seen, in cases where the participants of the *minyan* are standing in their yards, driveways, or on their porches with separations such as fences in between, it is a *machloket* whether they can combine together to form the *minyan* if they can see each other, but there may be room to be lenient according to the *Mishna Berura* when necessary. According to the Chida, there may be even more reason to be lenient in allowing such *minyanim* in our case (when considered to be safe by the health guidelines), where a large portion of the shuls around the world have been closed and there would not be very many *minyanim* taking place otherwise.

Other Problematic Separations

Another consideration that must be addressed is that within the continuation of the above-mentioned halacha in *hilchot zimun* (that serves as part of the source for allowing people who can see each other to combine together), the ***Shulchan Aruch*** records an opinion (of **Rabbeinu Yona**) that one cannot combine groups together who are separated by a *reshut harabim* (public domain or thoroughfare).

נ Shulchan Aruch, Orach Chaim 195:1

Some say that if a public domain separates between the two houses, they never combine together.

10. שולחן ערוך | או"ח קצה:א

יש מי שאומר שאם רשות הרבים מפסקת בין שני הבתים אינם מצטרפין בשום ענין.

The ***Mishna Berura*** adds based on the ***Taz*** that the term "*reshut harabim*" is not limited to a public thoroughfare. Rather, any thoroughfare, even private, creates a separation that would prevent the individuals on either side from combining to form a *zimun*.

נ Mishna Berura, Orach Chaim 195:7

A public domain, etc. – The *Taz* writes that this does not apply only to an actual public thoroughfare, which is sixteen cubits wide,⁹ but the same is true for a private path that separates between them. It is possible that that is only when it is fixed there even during the rainy season [when sometimes dirt paths disappear due to the rain].

11. משנה ברורה | או"ח קצה:ז

רשות הרבים וכו' – כתב הט"ז לאו דוקא רשות הרבים ממש שהוא רחב ט"ז, אמות דהוא הדין כשיש שביל היחיד מפסיק בינתיים ואפשר דדוקא כשהוא קבוע גם בימות הגשמים.

If the opinion of the *Taz* and *Mishna Berura* is accepted, then we might assume that a street or even a sidewalk constitutes a separation for these purposes. Therefore, one could not have half of the *minyan*

9. See, e.g., *Shabbat* 6a, where this is given as the main criteria for defining a *reshut harabim*.

standing on their porches or on the sidewalk on one side of the street and the other half on the other side of the street. This approach seems to be the approach of the *Minchat Yitzchak* concerning forming a *minyan* in a park or similar area, where he says that the participants should be careful not to stand on two sides of a path.



Responsa Minchat Yitzchak 2:44

Concerning people who *daven Mincha* and *Ma'ariv* in the field in the summer, how far away can they be in the open that they combine to form a *minyan*... but in my opinion, one must be careful that sometimes people who *daven* in the fields such as in places where they travel to get fresh air [i.e., the countryside], it is common that there is also a walking path, and they do not want to block the traffic, so those *davening* split up so that some are on one side of the path and some are on the second side, and the path is in between them. In that case, one can say that they do not combine, according to what it says concerning *zimun* in the name of "some say" (who is Rabbeinu Yona)...¹⁰

12. שו"ת מנחת יצחק | ב:מד

באנשים המתפללים בקיץ מנחה ומעריב בשדה, כמה יכולים להיות רחוקים זה מזה בשטח, שיכולים לצרפם למנין... אולם לדעתי יש לזהר, דכמה פעמים המתפללים בשדה כגון במקומות שנוסעים לשאיפת אויר, שכיח שיש שם ג"כ שביל להילוך בני אדם, וברצונם שלא לעכב את ההילוך, מתחלקים המתפללים, איזה אנשים מעבר אחד של השביל ואיזה מעבר השני של השביל, והשביל ביניהם, דאז יש לומר דאינם מצטרפים, לפי מה דאיתא לענין זימון, בשם יש מי שאומר (והוא הר"י יונה)...

The Opinion of the Contemporary *Poskim* During the Coronavirus

What have the contemporary *poskim* so far said about this issue? There have been a variety of opinions suggested concerning this issue from a strictly halachic perspective (see below for other important practical considerations). **Rav Asher Weiss** addresses this question in a volume of *Minchat Asher* related specifically to issues of the coronavirus. He rules there that such *minyanim* are important to arrange (when done in a manner sanctioned by the health guidelines) and permits forming a *minyan* from a number of nearby porches separated by a stairwell, small walkway, or private playground, but not across two sides of the street.



Minchat Asher, Responsa Concerning the Corona Pandemic, Siman 25¹¹

Concerning the question asked by many due to the outbreak of the coronavirus and the serious concern of infection about *davening* in a *minyan* in the shuls, whether neighbors can *daven* together on the porches and yards of their homes and combine for a *minyan* when they see each other where each person is standing on his own porch or in his own yard...

13. מנחת אשר | שו"ת בעניני מגיפת הקורונה, סימן כה

בשאלת רבים עקב התפשטות מחלת הקורונה והחשש הגדול מהידבקות בתפלת הציבור בבתי כנסיות, האם שכנים יכולים להתפלל במרפסות וחצרות בתייהם ולהצטרף למנין כאשר הם רואים זה את זה כל אחד ממרפסת וחצר ביתו...

10. He then quotes the *Taz* mentioned above as well as the sources that extend the same idea to *tefilla*.

11. This volume of *Minchat Asher* is available online at tinyurl.com/tz6minchatasher.

It states in *Orach Chaim* that “one who stands behind the shul...” This halacha is ruled definitively in the *Shulchan Aruch* and not based on doubt. And when we find an explicit halacha in the *Shulchan Aruch*, and the Rema does not disagree, and the... *Taz* and *Magen Avraham* support it... one who disagrees with them is like disagreeing with the Divine presence, and we disregard him, especially where this [the opinion of the *Shulchan Aruch*] is also the opinion of the *Pri Chadash*, *Pri Megadim*, and *Mishna Berura*... The bottom line is that since we are dealing with a time of need, the halacha should be that it is permitted to form a *minyan* via a courtyard or porch even *lechatchila* (*ab initio*) when they can see and hear each other.

But I was asked by one rav about porches on two sides of the entrance to the building and the stairwell between them, whether they may combine together even in this case. It would seem that one should apply what is written clearly in the *Shulchan Aruch* (o.c. 195:1) that some say that if the public thoroughfare separates between the two houses, they do not combine. And we must consider in our case whether a staircase is considered like a public thoroughfare, though the *Taz* writes that it is not limited to a public thoroughfare... but this is all concerning *zimun* for *Birkat Hamazon*, but concerning *tefilla*, we do not see that any of the poskim discussing this halacha in *siman* 55 about those that see each other combining distinguish between whether a public thoroughfare passes between them or not. And moreover, it seems from the *Machazik Beracha* that even if there is a public thoroughfare, they combine...¹²

But in practice, I am not certain enough to be lenient that they may combine even if there is a public thoroughfare in between, since if we have derived this halacha from *zimun*, then it must be limited by the limitation that applies there. But if there is only a private thoroughfare, one may be lenient, since the words of the *Taz* are novel even regarding *zimun*. And if there is only a small passage, staircase, or children's playground for the residents of the building alone, there is even more room to be lenient that it certainly does not serve as a separation.

הנה מבואר באו"ח (נה"יד) "מי שעומד אחורי בהכ"נ..."...הלכה זו נפסקה בשו"ע בלשון ברורה ומוחלטת ולא על צד הספק, וכאשר מצינו הלכה מפורשת בשו"ע, והרמ"א לא חלק עליו...הט"ז והמג"א תומכים בידו... החולק עליהם כחולק על השכינה ואין משגיחין בו ובפרט שכך גם דעת הפרי חדש, הפרי מגדים והמשנה ברורה... סוף דבר כיון שבשעת הדחק עסקינן יש להורות אף לכתחילה שאפשר לצרף מנין עשרה דרך חצרות ומרפסות כאשר רואים ושומעים אלה את אלה. אך נשאלתי מרב אחד, במרפסות שמשני צדי הכניסה לבנין וחדר המדרגות ביניהם האם אף בכי האי גוונא אפשר לצרפם. ולכאורה יש לדון דהלא להדיא כתב המחבר (קצה:א) דיש אומרים דאם דרך הרבים מפסקת בין שני הבתים אינן מצטרפים. ויש לעיין בנידון דידן אם מעבר המדרגות הוא כדרך הרבים. והט"ז (קצה:ב) כתב דלא דוקא דרך הרבים... אמנם כל זה לגבי דין זימון בברכת המזון, אך לגבי הלכות תפילה לא מצינו בכל דברי הפוסקים בהלכה זו שבסימן נ"ה דכל שרואין זה את זה מצטרפין שיחלקו אם יש רשות הרבים ביניהם או לא. ויתירא מזו משמע בדברי המחזיק ברכה דאף אם יש רשות הרבים ביניהם מצטרפים...

אך מכל מקום למעשה לא מלאני לבי להקל שיצטרפו אף אם יש ביניהם רשות הרבים, דאם מזימון למדנו, דיו לבא מן הדין להיות כנידון, אך אם אין ביניהם אלא שביל היחיד יש להקל, כיון שגם לגבי זימון דברי הט"ז מחודשים. ואם אין בין המרפסות אלא מעבר או מדרגות או מגרש משחקים המשמש את דיירי הבנין בלבד יש להקל טפי שבדאי אינו חוצץ.

Thus, Rav Weiss rules like the lenient opinions except when a street or public thoroughfare separates between the participants.

12. This refers to the line in the *Machzik Beracha* quoted above that states, “and those inside the building may not leave since the area outside is narrow and it is also a public thoroughfare.”

Other *poskim*, such as **Rav Moshe Shternbuch** and **Rav Shmuel Eliyahu**,¹³ also have taken the position that these *minyanim* are permitted in theory in our situation, though Rav Shternbuch suggests that the *chazzan* stipulate that the *Chazarat HaShatz* is a voluntary *tefilla* if the halacha is that this does not constitute a *minyan*. In addition, he does not permit if even a small walkway or private thoroughfare separates between the participants, unless they are standing on a porch higher than ten *tefachim*.¹⁴



Rav Moshe Shternbuch¹⁵

The people of Israel are currently *davening* in their homes in private in most places in order to avoid any potential danger, and Hashem will certainly give reward to those who refrain from *davening* with a *minyan* just as if they had *davened* with a *minyan*...

In places where there are ten neighbors who see each other through a window or the porch and they can all hear the *chazzan* standing in his house, they may combine to form a *minyan* through the mechanism of them seeing each other as explained in the *Mishna Berura* 55:48... [it is true that he writes... that it is better to be stringent... but in our case, which is considered a time of need, one may rely upon this...]

But it seems that since the Rashba himself only wrote this as a possibility, and there are a number of *Rishonim* who disagree with the Rashba... if so, it is appropriate for the *chazzan* to add a provisory that if they do not combine, the *tefilla* will be a voluntary one [*nedava*]...

In a case where a pathway separates between the houses, it seems that in this case of need, one may be lenient that they combine, but only those who are standing on porches higher than ten handbreadths...

14. הרב משה שטרנבוך

והנה בית ישראל ברוב מקומות מושבותיהם מתפללים בעת הזאת בתוך ביתם ביחידות כדי לצאת מחשש סכנה, ובודאי הקב"ה נותן שכר לאותם הנמנעים בעת הזאת מלהתפלל בציבור כאילו התפללו בציבור...

במקומות בהם ישנם עשרה שכנים הרואים אלו את אלו דרך החלון או מרפסת ביתם וכולם שומעים את הש"ץ שעומד בתוך ביתו, יוכלו להצטרף למניין על ידי צירוף דרואין אלו את אלו וכמבואר במשנ"ב סי' נה סקמ"ח... [והן אמת דכתב... דיותר טוב להחמיר בזה... אבל בנידון דידן דהוי שעת הדחק יש לסמוך על זה....]

ומיהו נראה דכיון שהרשב"א גופיה לא כתב כן אלא בדרך אפשר ומה עוד דישנם כמה מהראשונים שחולקים בזה על הרשב"א... אם כן ראוי שהש"ץ יוסיף תנאי שאם אין מצטרפין תהא תפילתו נדבה...

ובאופן שיש שביל המפסיק בין הבתים, נראה דבשעת דחק זו יש להקל דמצטרפים רק אם עומדים במרפסות הגבוהות למעלה מעשרה טפחים...

Rav Yosef Zvi Rimon of Alon Shvut notes within his detailed instructions on this question that in an outdoor *minyan* where everyone stands on the sidewalk or street in front of their house at a significant distance from each other (more relevant in Eretz Yisrael than in the Diaspora), the issue of a separation of a public thoroughfare is less problematic, since the *minyan* itself is being held on the public premises.

13. See www.srugim.co.il/?p=436525.

14. Many of these rulings (which as noted are mostly available online) also address the question of how many of the participants must see other in order for the *minyan* to be valid, and most agree that the *chazzan* must be able to see all of the participants (based on *Sh'ar HaTziun*, O.C. 195:6 concerning *zimmun*), though the rest of them do not have to all see each other. They also address if and how *birkat kohanim* (the priestly blessing, performed daily in Eretz Yisrael) should be performed as well as how to conduct a safe and halachically acceptable *Keriat HaTorah*. However, these are beyond the purview and space limitations of this *shiur*.

15. The full-length letter can be viewed at www.jdn.co.il/health/1305860.



Rav Yosef Zvi Rimon, "Tefilla During the Corona Reality" ¹⁶

Concerning a *minyan* on the sidewalk, if there are ten who see each other (or who see the *chazzan*), one can *daven* regularly including *Chazarat HaShatz*, *Keriat HaTorah*, and *Birkat Kohanim*, even if there is a street that passes between the two groups, since they are all in the same location – the public domain – and therefore there is no separation whatsoever, especially where no cars pass by [relevant especially on Shabbat in some places] and one can stand on the street itself.

Some *poskim*, such as **Rav Hershel Schachter** and **Rav Yitzchak Yosef**, have been opposed to such *minyanim* on strictly halachic grounds based on the opinions who are more stringent in the *Acharonim*. Rav Schachter also adds that even an outdoor *minyan* should be discouraged due to the danger involved.



Rav Hershel Schachter, *Piskei Corona* 14, "Forming a Minyan Outside" ¹⁷

In a case where everyone *davens* alone in his house on the porch and all the porches are nearby, such that some of them see some of the others, some have suggested that they constitute a *minyan* in order to recite *devarim shebikedusha* and *Chazarat HaShatz* based on the *Mishna Berura* (55:57) who concludes that perhaps one may be lenient in a case of need. His language here is taken from the *Sha'arei Teshuva* in the name of the Chida, who concludes that forty days should not pass without saying *Kaddish* and *Kedusha*.

But this leniency is very difficult, since it all stems from the halacha in the *Mishna Berachot* (50a) concerning *zimun*, and the *Rashba* is uncertain whether this notion of some seeing others applies also to *devarim shebikedusha*... and the implication of all Talmudic sources is that for *devarim shebikedusha*, we require all ten to be in one room. And the leniency for *zimun* with ten is because *zimun* with Hashem's name is not considered a *davar shebikedusha*...

It should certainly be discouraged for people to make a *minyan* outside on the lawn even if they maintain the minimum distance recommended by the health department, since one should not place himself even into a situation of a doubtful *sakana* in order to *daven* with a *minyan*.

15. הרב יוסף צבי רימון | "תפילה במציאות הקורונה"

תפילה במדרכות – אם יש עשרה שרואים זה את זה (או לפחות עשרה שרואים את הש"ץ) – ניתן להתפלל הכל כרגיל, כולל חזרת הש"ץ וקריאת התורה וברכת כהנים גם אם ישנו כביש העובר בין שתי הקבוצות, כיוון שכולם באותה רשות – ברשות הרבים – ולכן אין כאן הפסק כלל, בפרט כשאין תנועת מכוניות וניתן לעמוד גם על הכביש.

16. הרב צבי שכתור | פסקי קורונה יד, "צירוף למנין"

כשכל אחד מתפלל לבדו בביתו על המרפסת וכל המרפסות סמוכות אהדדי באופן שמקצתם רואים אלו את אלו, יש שרצו לומר שמצטרפים לעשרה לומר דברים שבקדושה וחזרת הש"ץ על פי דברי המשנ"ב (נה:נז) שהסיק שבמקום הדחק אפשר שיש להקל. לשונו בס"ק זה לקוחה מהשערי תשובה (סק"ט) בשם החיד"א, וסיום לשונו שם שלא יתבטלו ארבעים יום מלומר קדיש וקדושה.

אכן קולא זו קשה מאד דהכל מיוסד על הדין המופיע במשנה ברכות (ג.) לענין זימון ובתשובת הרשב"א נסתפק בזה אם הדין של מקצתם רואים אלו את אלו שייך אף לדברים שבקדושה... ומפשטות כל הגמרא משמע שלדברים שבקדושה בעינן שיהיו כל העשרה בחדר אחד. והקולא לענין זימון בעשרה הוא מפני זימון בשם אין לו דין דבר שבקדושה...

ומן הנכון למנוע מלעשות מנינים בשטח פתוח שלפני הבתים או מאחוריהם כי אינו נכון להיכנס לספק ספיקא של ספק בכדי להתפלל בציבור.

16. The full-length article can be viewed on the JCT (Machon Lev) Beit Midrash website at tinyurl.com/tz6ravrimon1.

17. The full-length letter can be viewed at www.torahweb.org/torah/docs/rsch/RavSchachter-Corona-8-Mar-31-2020.pdf or at www.yutorah.org/lectures/lecture.cfm/951048.



Rav Yitzchak Yosef, "May One Form a Minyan From Multiple Porches?"¹⁸

We have been asked many questions in recent days by community rabbis in Eretz Yisrael and the Diaspora concerning *tefilla b'tzibbur*, what is permitted and forbidden in forming a *minyan*... I begin by stressing again that according to *da'at Torah*, one is obligated to listen to the instructions of the Ministry of Health...

Concerning joining together for a *minyan* is different locations, such as a number of porches, or yards of houses, and the like, such that in each location there is less than a *minyan*, but when joining them all together there are ten people, in practice one should not rely on this at all for forming a *minyan*. One should not have *Chazarat HaShatz*, remove a *sefer Torah*, or recite *Birkat Kohanim*, since there is concern for a number of *berachot* in vain. This is the opinion of the majority to nearly all the *poskim*, both Sefardim and Ashkenazim...¹⁹

A third group of *poskim*, including **Rav Shlomo Miller** of Toronto and **Rav Azarya Ariel** of Jerusalem, take a middle position that these types of *minyanim* are permitted, but *berachot* may not be recited (such as *Chazarat HaShatz* and *Keriat HaTorah*) due to questions of *safek berachot*. They also both stress the importance of following the health guidelines and canceling the *minyan* if this is not possible.



Rav Shlomo Miller²⁰

April 21st, 27 Nissan

I have previously written that it is clear that one must carefully adhere to the rules of the country and the instructions of the doctors and to follow all of the distancing rules that have been instituted... and this includes not to gather together in one place to form a *minyan*, even if part of the *minyan* is in one place. This is for two reasons, first due to the increased danger of gatherings even if distancing is practiced, since many are not sufficiently careful, and second, that gatherings for *minyan* increases the desecration of Hashem's Name and enmity against the Jews...

17. הרב יצחק יוסף | "האם אפשר להצטרף למנין דרך מרפסות?"

היות ובימים אלו אנו נשאלים מפי רבני קהלות מהארץ ומחו"ל, שאלות רבות בענין תפילה בציבור, אופן ההצטרפות למנין המותרת והאסורה... בראשית דברינו אני חוזר ומבהיר, שעל פי דעת תורה, חייבים להישמע בהחלט להנחיות משרד הבריאות...

בדבר צירוף למנין ברשויות חלוקות, כגון בכמה מרפסות, או חצרות הבתים, וכדומה, באופן שבכל רשות יש פחות ממנין, ובצירוף כולם יש מנין של עשרה אנשים, למעשה אין לסמוך על זה כלל לענין צירוף למנין. ואין לעשות חזרה ולהוציא ס"ת, ולברך ברכת כהנים, כי פשוט יש כאן חשש של כמה ברכות לבטלה. וכך דעתם של רוב ככל הפוסקים, הספרדים וגם האשכנזים...

18. הרב שלמה מילר

אפריל 21, כז ניסן

כבר כתבתי שפשוט שצריך להזהר מאוד בחקי המדינה ופקודת הרופאים ולהחמיר בכל התקנות של הרחקה שקבעו... ונכלל בזה שלא להקבץ בשום מקום יחד לעשיית מניין, ואפילו חלק מהמנין במקום אחד. והוא משני טעמים חדא מפני רבוי הסכנה באסיפת עם ואפילו ע"י הרחקה יש הרבה שאינן זהירים בהרחקה כראוי, ושנית שע"י אסיפת העם למנינים מרבה חילול ה' ואיבה...

18. The full-length ruling and explanation can be viewed at tinyurl.com/tz6ravyosefporch.

19. Rav Yosef acknowledges that the *Mishna Berura* may allow it, but argues that many other Ashkenazi *poskim* do not, and those who do not specifically follow the *Mishna Berura* on all matters should be stringent here.

20. The full-length letter is available at www.thelakewoodscoop.com/news/2020/04/hagaon-rav-shlomo-miller-shlita-weighs-in-on-porch-minyanim-letter.

But we have verified that according to the law and medical guidelines, one who wishes to form a *minyan* on porches may do so (provided there is sufficient distancing). But this is only... if every person stands on his own porch only and no one gathers together at all... and one may not allow anyone from the outside to participate in the *minyan*. And if these rules are not followed, then all *minyanim* must be banned...

My opinion is also to be stringent, like that of the *Av Beit Din* of Bnei Brak, Rav Shevach Rosenblatt, that one should not recite *Chazarat HaShatz* or *Keriat HaTorah* or other *berachot* that require a *minyan*, since there is a dispute whether it can be formed through seeing each other alone. If so, it is a possible *beracha* in vain. Rather, they should join only for *Kaddish* and *Kedusha*. Therefore, these porch *minyanim* should be organized only for *Mincha* and they should *daven* a short *Mincha* [i.e., not with a full *Chazarat HaShatz*, but where the *chazzan* recites only through *Kedusha* aloud and then everyone continues silently].

אך כפי שביירנו עפ"י חקי מדינתנו וגם על פי דרכי הרפואה הרוצה לעשות מנין על המרפסת יכולים לעשות כן (והיינו כשיש הרחקה כראוי). אמנם דוקא... שכל אחד צריך לעמוד דוקא על מרפסת שלו ולא להתאסף יחד בשום מקום כלל... ובשום אופן שלא להניח אדם מבחוץ לבוא להשתתף במנין. ואם ח"ו לא יעשו כפי תקנות הנ"ל צריך לאסור לגמרי כל המנינים... גם דעתי להחמיר כדעת אב בית דין דבני ברק הרב שבח רוזנבלט שליט"א שאין לעשות שום חזרת הש"ץ או קריאת התורה או שאר ברכה הצריכה מנין, כיון שיש פלוגתא אם מצטרפים על ידי ראייה בלבד, ואם כן יש ספק ברכה לבטלה, רק יצטרפו לענין קדיש וקדושה. ולכן נכון שיצטרפו מניני המרפסת רק למנחה ולהתפלל מנחה קצרה כדי לומר רק קדיש וקדושה במנין.



Rav Azarya Ariel, "Yeshiva" Website, "Porch Minyanim" ²¹

Given the difficult situation in which we find ourselves, one may form such a *minyan*, provided the neighbor who can see everyone serves as the *chazzan*, and provided everyone can hear him. But since there is some uncertainty regarding this ruling, it is better that the *Chazarat HaShatz* at *Shacharit* and *Mincha* be shortened [i.e., recite through *Kedusha* and then privately] to prevent a *beracha* in vain. A critical condition to form such a *minyan* is that all the participants follow the safety instructions without cutting any corners. If a "visitor" is noticed in one of the buildings who does not live there, or if there is concern that this may occur, one should immediately disband the *minyan*.

19. הרב עזריה אריאל | אתר

"ישיבה", "מנין המרפסות"

בשעת הדחק הגדולה שאנו מצויים בה אפשר לצרף מניין כזה, בתנאי שהשכן שרואה את כולם הוא יהיה שליח הציבור, ובתנאי שכולם שומעים אותו. מכיוון שיש בהלכה זו ספק, עדיף שחזרת הש"ץ בשחרית ומנחה תהיה מקוצרת, כדי למנוע ברכות לבטלה. תנאי חיוני לקיומו של המניין הוא שכל השותפים לו ממלאים אחר הוראות הבטיחות בלי שום עיגולי פינות. אם באחת המרפסות נצפה 'טרמפיסט' מהבניין שאינו גר בדירה, או אם יש חשש שזה עלול לקרות – יש לבטל את המניין לאלתר.

A fourth approach to this issue is that no outdoor or porch *minyanim* should be formed due to the practicalities of forming them in a manner that is deemed safe and meet the approval of local health guidelines. Even if they are arranged properly in one location, others elsewhere may stand too close together, allow additional visitors to join, or not carefully follow the guidelines in other ways, thus potentially endangering the public. Due to this overall concern, they feel strongly that all such *minyanim* should not be allowed in any form until conditions have improved, even if the federal law and health guidelines

21. This ruling can be viewed on the "Yeshiva" website at www.yeshiva.org.il/ask/121384. See also another ruling there on the same issue at www.yeshiva.org.il/ask/121398.

do allow for them. This has been termed “a *lo plug* for *pikuach nefesh*,” an across the board ban (even when permissible) in order to safeguard lives. This approach has been encouraged by *poskim* such as **Rav Mordechai Willig** and **Rav Yitzchak Berkowitz**,²² and has been accepted as the proper one during much of the current crisis in many places across the world.

In concluding this section, we must stress that this has been a brief review of the issues involved in outdoor and porch *minyanim* from a mostly halachic standpoint.²³ Concerning the practical situation and guidelines, since every location is different, and the situation and guidelines change frequently, one must of course follow the most up to date guidance of local rabbinic authorities at all times.

22. Rav Willig, Rosh Yeshiva and prominent *posek* at Yeshiva University and rav in Riverdale, NY, has taken this position concerning New York City (which has been extremely hard-hit) in conversations with him concerning the issue, while Rav Yitzchak Berkowitz, Rosh Yeshiva at Aish HaTorah, Jerusalem, expressed similar sentiments concerning Jerusalem as well in an article at www.theyeshivaworld.com/news/general/1851578/minyanim-an-observation-by-rav-yitzchak-berkowitz-shlita (written after Israel began allowing outdoor *minyanim* again of up to nineteen people). Such an approach is also reflected in the ruling published in the following article: www.thelakewoodscoop.com/news/2020/04/breaking-lakewood-poskim-ban-all-minyanim-including-on-porches-visits-within-lakewood-also-banned (though there has been some controversy concerning this ruling in Lakewood). The logic used certainly extends to other communities across the world as well.

23. See additional sources and discussion at www.torahmusings.com/2020/04/are-porch-minyanim-kosher and tinyurl.com/tz6hamichlol. Another issue that must be taken into account is the possibility of a *davar tinuf* (unclean object) located in between the participants. This is discussed in the next section, and some of the ideas discussed there and in the sources cited in footnote 28 may be relevant here as well. However, garbage cans may not always be included in this halacha according to modern *poskim*. See *Piskei Teshuvot* (o.c. 79:8).

RESPONDING TO A MINYAN SEEN OR HEARD ONLINE

Another question that has become quite common recently since the number of live *minyanim* has temporarily decreased is whether it is permitted to respond to a *minyan* that one listens to on the phone or views over a live video feed like Zoom or another online platform. May one respond to *Kaddish*, *Kedusha*, or a *beracha* when heard in such a fashion?²⁴

The essence of the question here is whether one may respond to a *beracha* or other *davar shebikedusha* that one cannot hear directly from the other person, but one knows is being recited at that moment. It would seem from a passage in the **Gemara** in **Sukka** concerning the great shul in Alexandria, Egypt that it would indeed be permitted to respond in such cases.



Masechet Sukka 51b

It is taught in a *baraita* that Rabbi Yehuda says: One who did not see the great synagogue [*deyofloston*] of Alexandria of Egypt never saw the glory of Israel. They said that its structure was like a large basilica [*basileki*], with a colonnade within a colonnade. At times there were six hundred thousand men and another six hundred thousand men in it, twice the number of those who left Egypt... And there was a wooden platform at the center. The sexton of the synagogue would stand on it, with the scarves in his hand. And because the synagogue was so large and the people could not hear the communal prayer, when the prayer leader reached the conclusion of a blessing requiring the people to answer *amen*, the sexton waved the scarf and all the people would answer *amen*.

20. מסכת סוכה נא:

תניא רבי יהודה אומר מי שלא ראה דיופלוסטון של אלכסנדריא של מצרים לא ראה בכבודו של ישראל אמרו כמין בסילקי גדולה היתה סטיו לפנים מסטיו פעמים שהיו בה (ששים רבוא על ששים רבוא) כפלים כיוצאי מצרים... ובימה של עץ באמצעיתה וחזן הכנסת עומד עליה והסודרין בידו וכיון שהגיע לענות אמן הלה מניף בסודר וכל העם עונים אמן.

It seems from the Gemara that although many of the worshipers could not hear the actual *beracha* of the *chazzan*, they responded *amen* anyway since they knew based on the scarves exactly when the *beracha* was recited. This is in fact the conclusion of many *poskim*, including **Rav Moshe Feinstein**, that it is permitted (and maybe even required) to respond to a *beracha* or *tefilla* heard on the telephone.



Responsa Igrot Moshe, Orach Chaim

4:91:4

Concerning hearing *havdala* on the telephone by a woman who is in the hospital, if she is unable to hear *havdala* where she is, she certainly should listen to it on the

21. שו"ת אגרות משה | או"ח

ד:צא:ד

בענין שמיעת הבדלה ע"י טעלעפאן לאשה הנמצאת בבית החולים הנה אם אי אפשר לה שתשמע הבדלה במקומה ודאי יש לה לשמוע

24. For more background on this question, see the following article by Rav Daniel Feldman (Rosh Yeshiva at Yeshiva University and rav in Teaneck, NJ) at www.traditiononline.org/the-virtual-minyan, where he cites many additional relevant sources and articles (the article was written a number of years ago).

phone, since it is logical that she fulfills her obligation this way, as I wrote in *Orach Chaim* 2:108 concerning reading the *megilla*, and the same is true about *havdala*... and one should likewise respond *amen* to a *beracha* heard over the telephone or microphone due to doubt.

על הטעלעפאן שיותר נוטה שיוצאה בזה כדכתבתי בתשובה באו"ח כ"ב סימן ק"ח גבי קריאת מגילה וה"ה גבי הבדלה... וכן צריך לענות אמן על ברכה ששומעין ע"י טעלעפאן וע"י מייקראפאן מספק.

Although Rav Moshe's allowance of fulfilling *havdala* over the phone (or other electronic devices) was clearly only intended for cases of need, it seems from the last line that he would agree that any time one hears a *beracha* electronically, one may (and perhaps must, due to doubt) answer *amen*.

However, one could respond that such permission based on the Gemara in *Sukka* applies only when one is in relatively close physical proximity to the *minyan* or the one reciting the *beracha*. But if one is far away and hears the *beracha* digitally, perhaps the Gemara would not sanction this practice. This approach is taken by **Rav Shlomo Zalman Auerbach**.



Responsa Minchat Shlomo 1:9

I also saw in the *Metzudat David* of Rav Feldman who writes in the *Kitzur Shulchan Aruch*, *Hilchot Megilla*:²⁵ "Concerning whether a person is permitted to answer *amen* after hearing another recite a *beracha* on the telephone, see the *Responsa Minchat Elazar* and other *Acharonim* that discuss this."²⁶ But according to the ideas we have suggested [earlier in the piece], it would seem that hearing in this manner has the status of waving the scarves that took place in Alexandria of Egypt, which was considered knowing which *beracha* the *chazzan* was writing but no more. Accordingly, it seems that one should not recite *amen* on a *beracha* in which he is obligated in to fulfill an obligation. And even concerning a *beracha* that the listener is not obligated to recite to fulfill an obligation, it is also possible that only one standing in the shul or even nearby and hears the repetition of the *chazzan* [for *Shemoneh Esrei*] or other *berachot* via an amplifier should follow the congregation and respond *amen*, since it is like Alexandria in Egypt. But this is not the case when one stands far away and hears a *beracha* over the telephone, where it seems in my humble opinion that one should not answer *amen* at all on any *beracha*, and one who does is considered to have responded *amen* in vain, since he hears the *beracha* from a membrane and not from a person...

22. שו"ת מנחת שלמה | א:ט

גם ראיתי במצודת דוד להרב פלדמן שכתב בקצור שו"ע הל' מגילה: "וכן אם רשאי לענות אמן אחר ברכת חברו ששומע ע"י הטלפון, עיין שו"ת מנחת אליעזר ועוד אחרונים שדברו מזה". ולפי הדברים שאמרנו נראה שיש לשמיעה זו דין הנפת סודרים שהיתה באלכסנדריא של מצרים דחשיב רק כיודע באיזו ברכה הש"צ עומד ולא יותר, וכיון שכן נראה שאין לענות כלל אמן על ברכה שהוא מחויב לצאת בה, ואף גם ברכה שאין השומע מחויב לצאת ידי חובתה ג"כ אפשר דרך אם עומד בבית הכנסת או אפי' סמוך לו ושומע חזרת הש"צ או שאר ברכות ע"י רם קול אז שפיר נגרר אחר הצבור ועונה אמן מידי דהוי אאלכסנדריה של מצרים, משא"כ כשעומד רחוק ושומע ע"י טלפון נלענ"ד שאין לענות כלל אמן על שום ברכה ודינו כעונה אמן לבטלה, הואיל והוא שומע את הברכה רק מממברנה ולא מפי אדם...

A third approach is offered by **Rav Ovadia Yosef** (*Yabia Omer*, Vol. 5, O.C. 11:4, *Yechaveh Da'at* 3:54) that although one may not fulfill any obligations through hearing a *beracha* or other mitzva recited through the phone or other electronic means, one may respond to it.

25. This refers to an edition of the *Kitzur Shulchan Aruch* published by Rav David Feldman (1884–1955) with commentary by him on the bottom of the page. It is available at www.hebrewbooks.org.

26. The *Minchat Elazar* and others suggested that it is permitted to respond to a *beracha* heard by phone.

It seems, then, that it is a *machloket* of contemporary *poskim* whether one may respond to a *beracha* heard through electronic means such as a phone, the internet, etc.

Another consideration that is considered by the *poskim* is whether the presence of a smell or person is considered a halachic separation between the source of the *beracha* and the one responding that does not allow him to do so, the same way that one may not recite a *beracha* in an unclean location. The **Shulchan Aruch** rules that according to some, it is forbidden to recite a *davar shebikedusha* or respond *amen* in such a case.

⌘ Shulchan Aruch, Orach Chaim 55:20

If there were ten people in one place and they recite *Kaddish* and *Kedusha*, even one who is not with them [but can hear them] may respond. **Some say that no object that is unclean or a gentile may separate between them.**

According to the opinion of the “*yesh omrim*,” if one hears a *minyan* inside a shul reciting a *davar shebikedusha* but an unclean object (e.g., feces) or a gentile is located in between, he may not respond. The **Mishna Berura** explains that according to this opinion, one may not even respond *amen* to a *beracha* heard in this case.

⌘ Mishna Berura, Orach Chaim 55:63

That no – According to this opinion, one may not even answer *amen* if there is a separation [such as the one described].

Is the halacha in accordance with this opinion? The **Mishna Berura** notes that the matter is not entirely clear-cut. Therefore, he rules based on the **Chayei Adam** that one may answer *yehei shemei rabba* to *Kaddish* and respond to *Kedusha*, but may not respond to *Barechu*, which involves reciting Hashem's name.

⌘ Mishna Berura, Orach Chaim 55:62

And some say that – Since the *Shulchan Aruch* writes this rule using the language of “some say,” it seems that it is not definite [that it is accepted as the practical halacha], and that also seems to be the case from the Rema (79:1) who does not hold this way, as the *Magen Avraham* writes there. See the *Chayei Adam* who writes that “it seems to me that one may answer *amen*, *yehei shemei rabba* and *Kedusha*, which are just verses, but one should not answer to *Barechu*,” and see the *Levushei Serad*.

Given that there will often be some separation of this type in the case of a live video stream between the *minyan* and the one watching it, does this mean that one should never respond to a *minyan* when watching it on the internet (or listening by phone)? The answer according to many *poskim* is that the cases are different, as the electrical wires in the air or under the ground that are used to convey the

23. שולחן ערוך | או"ח נה:כ

היו עשרה במקום אחד ואומרים קדיש וקדושה אפילו מי שאינו עמהם יכול לענות ויש אומרים שצריך שלא יהא מפסיק דבר שאינו נקי או עבודת כוכבים.

24. משנה ברורה | או"ח נה:סג

שלא יהא – ואפילו אמן אינו יכול לענות לדעה זו אם הוא מפסיק.

25. משנה ברורה | או"ח נה:סב

וי"א שצריך – מדכתב השו"ע דין זה בלשון וי"א משמע דדין זה לא פסיקא ליה וכן משמע מהרמ"א בסימן ע"ט ס"א בהג"ה דלא ס"ל כן וכמש"כ המ"א שם ועיין בח"א שכתב דנ"ל דאיש"ר וקדושה יענה דהוי רק פסוקים אבל ברכו לא יענה ועיין בלבושי שרד.

electric signals do not come near unclean objects. Therefore, one may still respond to any *beracha* or other *davar shebikedusha* without concern of this question. This approach was suggested by **Rav Kook** in his responsa **Orach Mishpat**, and a similar answer was given by the **Minchat Elazar** (2:72), the Chassidic Rebbe of Munkacs, and is accepted by many other *poskim* as well.



Responsa Orach Mishpat, Orach Chaim, Siman 48

Concerning whether one may respond upon hearing *Kedusha* or *Barechu* over the telephone or radio... concerning the opinion of the “*yesh omrim*” in the *Shulchan Aruch* (o.c. 55) that there must not be a dirty area or idolatry... one can say that since the radio or telephone retain the sound through machines, it is considered as if the sound does not pass through anywhere else... so long as it does not materialize into a sound that can be heard.²⁷

26. שו"ת אורח משפט | או"ח סימן מח

בשומע ע"י טעליפאן או ראדיא קדושה או ברכו, אם מותר לענות אחרי... מצד דעת הי"א שהובא בשו"ע או"ח סי' נ"ה הנ"ל, שצריך שלא יהיה מפסיק מקום מטונף או עבודה זרה... י"ל דהרדיא או הטלפון שהם משמרים את הקול ע"י מכונות נחשב כאילו אין הקול עובר כלל במקומות אחרים... כל זמן שלא בא למציאות לשמיעה ע"י המכונה.

Nevertheless, as mentioned above, Rav Shlomo Zalman Auerbach would still be *machmir* even aside from this issue due to the distance between the *beracha* and the one answering.

In the current situation created by the coronavirus, where in many cases the only way that some people will be able to participate in a *minyan* in some form and respond to *Kaddish* and *Kedusha* is through watching or listening to a *minyan* through a livestream online, many *poskim*, including **Rav Yaakov Ariel**, **Rav Asher Weiss**, **Rav Yosef Zvi Rimon**, and **Rav Noam Maizels** have allowed responding to *berachot* and other *devarim shebikedusha* in this manner based on the more lenient approach, though some suggest reciting the *pesukim* of *Kedusha* with the *te'amim* (cantillation used when reading the Torah).²⁸



Minchat Asher, Responsa Concerning the Corona Pandemic²⁹

Many people are asking about using a telephone or other electronic means to answer *amen*, to *Kaddish*, *Modim Derabanan*, and also participating in a *siyum* this year on Erev Pesach [for the firstborn]... therefore [due to the pandemic], tens of thousands of Jews all over the world, in the U.S., Europe,

27. מנחת אשר | שו"ת בעניני מגיפת הקורונה

אנשים רבים שואלים לגבי השימוש בטלפון או באמצעים אלקטרוניים אחרים לגבי עניית אמן, קדיש, מודים דרבנן וגם השנה לגבי ערב פסח השתתפות בסיום... ולכן רבבות אלפי ישראל בעולם כולו, בארה"ב, באירופה

27. Rav Kook also discusses the possibility that the halacha does not follow this opinion. In addition, he suggests that one should ideally avoid placing oneself in a situation where one hears *berachot* and *tefillot* in this manner. However, in the current situation he may very well agree that doing so is permitted *lechatchila*, similar to some of the *poskim* quoted below.

28. Rav Rimon's ruling (in English) is available at www.kolcorona.com/minyanim, where he allows responding to *devarim shebikedusha*, but like Rav Asher Weiss quoted below, suggests reading the *pesukim* of *Kedusha* with their cantillation, similar to when one *davens* alone (see the next section of the *shiur*). Rav Yaakov Ariel's opinion is stated in brief at www.yeshiva.org.il/ask/121213. Rav Yitzchak Yosef is also lenient; see www.93fm.co.il/radio/372999 for the ruling (which was already given a number of years ago as a leniency in times of need); see also the 5775 edition of *Yalkut Yosef, Yamim Nora'im* p. 17. Rav Hershel Schachter also allows, as recorded in a special video conference for the coronavirus, around 15 minutes in (the link is available at www.halachipedia.com/index.php?title=Halachot_Related_to_Coronavirus#Answering_Amen, footnote 24).

29. The complete ruling is available online at tinyurl.com/tz6rawamen.

and Eretz Yisrael have closed the shuls, and many are *davening* alone... concerning the question of using the phone and other means, it is permitted answer *amen*. The Gemara in *Sukka* relates that in Alexandria in Egypt, a large group of people gathered, and it was impossible to hear the *chazzan*. They waved the scarves so that people would know when they finished the *beracha* in order to answer *amen*. When we hear *berachot* and *tefillot* on the radio and through other means that are not live but by recording, there is no significance to answering *amen*. But when it is in real time, one can say *amen*, *yehei shemei rabba*, and *modem derabanan*. Concerning *Kedusha*, in my humble opinion, it is proper to have in mind that one is reciting *pesukim* from *Navi*... but one can answer to *Kedusha* as well by phone.

וגם בא"י סגרו את בתי הכנסיות, והמונים מתפללים ביחידות. השאלה נשאלת לגבי השימוש בטלפון ובאמצעים אחרים – אפשר לענות אמן. הגמ' בסוכה מספרת שבאלכסנדריה שבמצרים התקבץ המון רב וא"א היה לשמוע את הש"ץ. והיו מניפים בסודרים כדי שאנשים ידעו מתי סיים ברכה, כדי לענות אמן. כאשר אנחנו שומעים ברדיו ובאמצעים אחרים ברכות ותפילות לא בזמן אמת, אלא הקלטות, אין לזה שום משמעות ואין שום מצוה לענות אמן. אבל כאשר זה בזמן אמת אפשר לענות אמן, יהא שמייה רבא, גם מודים דרבנן שאין לנו אלא תפילה בעלמא. לגבי קדושה – לענ"ד ראוי לכוון כשאומרים את הפסוקים של נביא שמכוונים לכל פסוקי הנביא... אבל אפשר לענות קדושה דרך הטלפון.



Rav Noam Maizels, "Yeshiva" Website, "Is it Permitted to Respond Amen Via Zoom?"³⁰

Question: Due to the corona, we are organizing an evening using Zoom with *shiurim*, reciting *berachot*, and responding *amen* for the success of the Jewish people. Is there any problem with this? In this manner, one can see and hear everyone temporarily [assuming their video and audio are on].

Answer: First of all, *yasher koach* on the wonderful initiative! In the current situation, one can do so *lechatchila*. Although some *poskim* were concerned with saying *amen* in similar cases, many of the great *poskim* held that one can respond *amen* by phone or radio (when it is live), and certainly they would say so using the improved Zoom [where everyone can see each other]. But this should be limited to our current conditions, where unfortunately we cannot meet together in person. But when the pandemic is over, this type of program should be done in person.

28. הרב נועם מייזלס | אתר "ישיבה", "האם מותר לענות אמן דרך אפלקציית 'זום'?"

שאלה: ...בעקבות הקורונה אנו מתארגנות בקהילה לעשות ערב עם שיעור תורה ואמירת ברכות ועניית אמנים להצלחת כלל ישראל, דרך תוכנת זום. האם יש בכך בעיה? בדרך זו רואים ושומעים את כולם בו זמנית.

תשובה: ראשית חזקו ואמצו על היוזמה הברוכה! במצב הנוכחי ניתן לעשות כן לכתחילה. ואף שיש פוסקים שחשו לעניית אמן מעין זו, מכל מקום דעת רבים מגדולי הפוסקים שניתן לענות אמן על ברכות דרך טלפון או רדיו (בשידור חי), וכל שכן שיאמרו כן ב"תוכנת זום" המשופרת. אולם יש לסייג את הדברים כאמור, דווקא במציאות שאנו נמצאים בה כיום לצערנו, שלא ניתן להיפגש יחד מספר אנשים במקום אחד, אך ב"ה כשתיעצר המגפה, יש לעשות ערב כזה במפגש ממשי.

30. The expanded answer with explanation and sources (many of which are the *Acharonim* referenced above) can be found at www.yeshiva.org.il/ask/121362.

MAKING A MINYAN USING ONLINE PLATFORMS

If one concludes that it is permissible to respond to *berachot*, *Kaddish*, and *Kedusha* in these situations, the next question that may be (and has been) asked is whether there is any grounds for creating a "virtual" *minyan* where everyone is in their own home but they *daven* together on Zoom or another online platform. Although this may be a helpful idea to strengthen the community's participation in *tefilla*, may *Kaddish*, *Kedusha*, and *Chazarat HaShatz* be recited here?

This question has been raised in the past few months by many across the world who wish to participate in a *minyan* (especially when needing to recite *Kaddish* for a deceased relative) but have no live *minyan* to attend. There has been some discussion of permitting this based on the fact that we saw above that if the participants see each other, they may join together to create a *minyan* even if they are located in different places (e.g., a different room, outside, etc.). Thus, in this case, the participants are not in close proximity, but they can see each other if their video is turned on. In addition, some have noted that the **Aruch HaShulchan** holds that the basis for the leniency of combining people in different locations for a *minyan* is seeing their face, since the *Shechina* (Divine presence) rests upon a person's face.

א Aruch HaShulchan, Orach Chaim 55:20

Our teacher the *Beit Yosef* writes in *se'if* 14: One who is standing behind the shul and there is a window in between, even if it is a few floors up, and even if it is not four [cubits] wide, and one shows them his face from there, he combines with them to a total of ten. This is what he brings in his great work [the *Shulchan Aruch*] in the name of a Gaon, see there. He holds that regarding this matter, seeing a person's face is considered like [seeing] their whole body. And perhaps it is because the *Shechina* is present in every gathering of ten, and the primary location where the divine presence rests itself is upon one's face, as it is written: "That the skin of his face shone."

29. ערוך השולחן | או"ח נה:כ

וכתב רבינו הבית יוסף בסעיף י"ד: מי שעומד אחורי בית הכנסת, וביניהם חלון אפילו גבוה כמה קומות, אפילו אינו רחב ארבע ומראה להם פניו משם – מצטרף עמהם לעשרה. כן הביא בספרו הגדול בשם גאון, עיין שם. וסבירא ליה דראיית הפנים בענין זה הוי ככל הגוף. ואפשר דכיון דכל בי עשרה שכינתא שריא, ועיקר השראת השכינה היא על הפנים, כדכתיב: "כי קרן עור פניו".

If the *Shechina* can be seen upon a person's face, then perhaps, some tentatively argue, ten people gathering together for an online meeting who have their videos on may create a *minyan* as well.³¹

Rav Eliezer Melamed has also been quoted as allowing such a gathering online in order to say *Kaddish* and possibly *Barechu*.

31. Rav Ronen Neuwirth, formerly the head of the Beit Hillel organization of rabbis in Israel, has tentatively suggested this idea (combined together with the ruling of the Chida discussed earlier) to allow reciting *Kaddish* in this manner, though he states that other *rabbanim* must agree in order to rule this way in practice; see www.inn.co.il/News/News.aspx/432138. In addition, Rav Binyamin (Benny) Lau has written that Rav Eliezer Melamed, author of the *Peninei Halacha* series also told him that this may be relied upon concerning reciting *Kaddish* (and possibly even *Barechu*), since no *beracha* or recitation of Hashem's name is involved. See g.kipa.co.il/956904/1 and blogs.timesofisrael.com/can-kaddish-be-said-in-a-virtual-minyan, which are the sources of the quote of Rav Melamed in the text.



Rav Eliezer Melamed, “Can Kaddish Be Said in a Virtual Minyan?”

1. Due to questions regarding the exact definition of the terms “makom” (place) and “kol” (voice) in the context of communal prayer, it is impossible to define a group of people who have gathered for a virtual service via Zoom as a quorum of ten for any of the prayers that are considered to be “*devarim shebikedusha*” that require a *minyan*.

2. The recitation of the Mourner’s Kaddish (*Kaddish Yatom*) and of the Rabbi’s Kaddish (*Kaddish Derabanan*) is not considered to be a recitation of a “blessing in vain” (“*bracha l’vatala*”). Therefore, a virtual meet up can be considered a kind of *minyan* for the recitation of these prayers.

3. In a time of great need, when there is value for the entire community to pray together virtually, reciting “*Barechu*” before the recitation of the blessings leading up to the *Shema* is not considered to be a “blessing in vain.” It is therefore permissible to say *Barechu* at a virtual prayer service.

However, the vast majority of contemporary *poskim* reject such an idea and assume that a *minyan* clearly requires a physical gathering of ten people who can see each other in actuality (even if located in different places according to some, as discussed earlier), not just virtually. This is the opinion of **Rav Asher Weiss**, **Rav Yaakov Ariel**, **Rav Yosef Zvi Rimon**, and many others.³²



Minchat Asher, Responsa Concerning the Corona Pandemic 24³³

...But if they pray together and even hear each other, and one serves as a type of *shaliach tzibbur*, and completes each section aloud, this is very nice, even though it is obvious and clear that they cannot combine together in this manner to recite the repetition of the *chazzan* or any other *davar shebikedusha* [sections of *tefilla* for which ten are required, such as *Kedusha*].

30. הרב אליעזר מלמד |

“מותר להגיד קדיש במנין ורטואלי?”

א. בגלל ספקות שונים בהגדרת “מקום” ובהגדרת “קול” אי אפשר להגדיר התקהלות במפגש וירטואלי (דרך זום) כמניין לכל דבר המחייב דברים שבקדושה.

ב. אמירת קדיש יתום וקדיש דרבנן אינם כוללים ברכה לבטלה ולכן ההתקשרות האלקטרונית הזו יכולה להיחשב לה כמעין מניין.

ג. בשעת הצורך, כאשר יש ערך לכך שכל הקהילה הוירטואלית תתפלל יחד, גם אמירת “ברכו” לאחר פסוקי דזמרה ולפני ברכות שמע אין בה ברכה לבטלה ולכן מותר לאמרה בתפילה שכזו.

31. מנחת אשר | שו”ת בעניני

מגיפת הקורונה כד

...אם אפשר שכולם יתפללו ביחד אף ישמעו זה את זה וא’ ישמש כמעין שליח ציבור ויסיים כל פרק בקול, כך נאה וכך יאה, אף דפשוט וברור שאינן מצטרפים בדרך זו לומר חזרת הש”צ או כל דבר שבקדושה.

32. Others that have given this ruling explicitly in the current situation include Rav Hershel Schachter (in the video conference referenced above in footnote 28), Rav Shlomo Aviner (see link in the Halachipedia entry referenced above in that same footnote), Rav Yitzchak Yosef, and Rav Chaim Pinchas Sheinberg (in a response given years ago at www.ohr.edu/ask_db/ask_main.php/21/q1/). Interestingly, Rav Schachter rules (www.torahweb.org/torah/docs/rsch/RavSchachter-Corona-29-April-23-2020.pdf) that *birkat hagomel*, which is also generally recited with a *minyan*, may be recited via Zoom or videoconference since the nature of this *beracha* is different than regular *tefilla b’tzibbur*.

33. A larger section of this response is quoted below concerning *davening* alone at the same time as others in the community.



Rav Yaakov Ariel, "Yeshiva"
Website, "Davening With a Minyan
Via Livestream" ³⁴

Question: Is *tefilla* [i.e., a *minyan*] formed via livestream considered to be *davening* with a *minyan*?

Answer: No. A *minyan* must be in one place. But one may listen to a live-stream *davening* and answer *amen*.

32. הרב יעקב אריאל | אתר
"ישיבה", "תפילה במנין
בשידור חי"

שאלה: האם תפילה בשידור חי נחשבת תפילה במניין?

תשובה: לא. מניין מחייב מקום אחד. עם זאת אפשר להצטרף בהאזנה לתפילה משודרת ולענות *אמן*.



33. Rav Yosef Zvi Rimon ³⁵

Where there is no *minyan* in one place: If even upon gathering via the internet, there still is no *minyan* [i.e., if the *minyan* can only be formed via the internet but not with ten people in one place physically], it is difficult to say that this is considered a *tefilla b'tzibbur*... Therefore, one cannot say *Kaddish* or *Kedusha*. Nevertheless, [even the gathering of individuals via the internet] has a certain degree of worth as it unites all of Israel in their approach to *davening* (similar to what *Rishonim* wrote with regards to the *Nusach* of *davening*, which functions to unite all of Israel before their Father in Heaven – the same would apply here.)

34. Available at www.yeshiva.org.il/ask/121213.

35. This quotation is taken from www.kolcorona.com/minyanim.

DIFFERENCES IN THE TEFILLA WHEN DAVENING ALONE

In the second section of the *shiur*, we will address some of the changes made in the *tefilla* when one *davens* without a *minyan*. There are a number of sections of the *tefilla* that are either not said in private or are slightly different. Aside from the more well-known portions omitted such as *Kaddish*, *Barechu*, and *Chazarat HaShatz* (which we will not address here), there are also some lesser well-known ones.

Differences in Tefilla During the Week

Kedusha with *Te'amim*

There is some dispute among the *Rishonim* whether an individual should recite the verses of *Kedusha* (*kadosh kadosh* and *baruch kevod*) found in the *berachot* before *Keriat Shema*. The **Shulchan Aruch** mentions two opinions on the matter, while the **Rema** rules that it is recited.

נ

Shulchan Aruch, Orach Chaim 59:3

Some say that the *Kedusha* found in [the *beracha* of] *yotzer* [i.e., the first of the *berachot* of *Keriat Shema*] is recited by an individual, since it is only relating of events [i.e., what the angels say, not that we are saying it ourselves]. But some say that an individual should skip it, and it is only recited communally. One should take their opinion into account and be careful that an individual recites it with the tune used when reading the Torah.

Rema: But the custom has already spread to follow the first opinion, and an individual does recite it. And when one recites this *Kedusha*, one does so aloud.

34. שולחן ערוך | או"ח נט:ג

יש אומרים שהקדושה שביוצר יחיד אומרה לפי שאינה אלא סיפור דברים ויש אומרים שיחיד מדלגה ואינה נאמרת אלא בציבור ויש לחוש לדבריהם וליזהר שיחיד יאמרנה בניגון וטעמים כקורא בתורה.

הגה: וכבר פשט המנהג כסברא ראשונה ויחיד אומר אותה וכשעונין קדושה זאת אומרים אותה בקול רם.

Although Ashkenazim usually follow the Rema, the **Mishna Berura** suggests that since the **Gra** held like the second opinion, ideally one should try to comply with it, as the *Shulchan Aruch* suggests, and read these *pesukim* using the special cantillation in which they would be recited when reading them in the *Navi* (i.e., as part of a *haftara*). The *Mishna Berura* also notes that *Acharonim* dispute whether the Rema's comment that one should recite these *pesukim* aloud applies as well when *davening* alone or only when reciting them with a *minyan*.

מִשְׁנַת בְּרֻרָה | או"ח נט:יא, יג Mishna Berura, Orach Chaim 59:11, 13

11. **The custom has spread** – But in the *Bi'ur HaGra*, he agrees that the halacha is in accordance with the latter opinion. Since one should not deviate from the custom [to recite it even in private], it is proper to be stringent if reciting it alone to say it with the cantillation as if one is reading verses [from the Torah], and the *Pri Megadim* citing the *Levush* also writes that it is appropriate to be stringent about this.

13. **Aloud** – This is only in public, but an individual recites it quietly – this is what the *Eliyahu Rabba* writes. But the *Sha'arei Teshuva* writes that there is no insistence for even an individual to recite it aloud.

35. משנה ברורה | או"ח נט:יא, יג

יא. פשט המנהג וכו' – ובביאור הגר"א הסכים להלכה לדעה האחרונה ולפי שאין לזוז מהמנהג נכון להדר אם אומר ביחיד לאמר בניגון וטעמים כקורא פסוקים וכ"כ הפמ"ג בשם הלבוש שטוב להדר בזה.

יג. בקול רם – דוקא בצבור אבל ביחיד אומר בלחש כ"כ בא"ר אבל בשע"ת כתב שאין קפידא אף ביחיד אם יאמרה בקול רם.

The **Rema** notes that the same opinions are relevant to reciting the *pesukim* of *Kedusha* in *Uva L'tzion* towards the end of *Shacharit*.

רמ"א | או"ח קלב:א Rema, Orach Chaim 132:1

Concerning whether an individual should say it [the *Kedusha* verses in *Uva L'tzion*], the halacha is equivalent to that of the *Kedusha* verses in *yotzer*, see above, *siman* 59...

36. רמ"א | או"ח קלב:א

ולענין אם היחיד אומרה דינה כדין קדושה שביוצר ועיין לעיל סימן נ"ט...

Kel Melech Ne'eman Before Keriat Shema

Another change that is made in the *Keriat Shema* section of the *davening* is with regard to the beginning of *Shema*. According to the **Shulchan Aruch**, the *chazzan* repeats the last three words aloud for everyone to hear to reach a total word count of 248 words (equivalent to the number of limbs in the body). The **Rema** adds that when *davening* alone, one adds the words *Kel Melech Ne'eman* at the beginning instead.

שולחן ערוך | או"ח סא:ג Shulchan Aruch, Orach Chaim 61:3

There are 245 words in *Keriat Shema*. In order to complete [the number to] 248, which corresponds to the number of limbs of a person, the *chazzan* concludes himself [with the words] "*Hashem Elokeichem emet*" and then repeats "*Hashem Elokeichem emet*" aloud.

Rema: And every individual thereby has also fulfilled [the notion of reciting 248 words for *Shema*]... And some write that whoever recites *Keriat Shema* in private should say "*Kel Melech Ne'eman*" (God is a faithful King), *Shema*, etc. since these three words complete the number of 248, and are in place of "*amen*" that is recited after the *beracha* of "*habocheh b'amo yisrael b'ahava*," and this is the custom.

37. שולחן ערוך | או"ח סא:ג

בקריאת שמע יש רמ"ה תיבות וכדי להשלים רמ"ח כנגד איבריו של אדם מסיים שליח צבור ה' אלהיכם אמת וחוזר ואומר בקול רם ה' אלהיכם אמת.

הגה: ובזה כל אדם יוצא הואיל ושומעין מפיו של שליח ציבור ג' תיבות אלו... ויש שכתבו דכל הקורא קריאת שמע ביחיד יאמר אל מלך נאמן שמע וגו' כי ג' תיבות אלו משלימין המנין של רמ"ח והוא במקום אמן שיש לענות אחר ברוך הבוחר בעמו ישראל באהבה וכן נוהגין.

Keriat HaTorah During the Week and on Shabbat

As is well known, the Torah reading was only instituted to be read in a *minyan*. Therefore, one who *davens* alone has no obligation to read the Torah and may certainly not recite any *berachot*. In addition, the prayers recited when removing the Torah from the *aron kodesh* and when returning it are not recited. This includes the paragraph recited on Mondays and Thursdays of *Kel Erech Apayim* before the removal of the Torah from the *aron kodesh*, as noted by the *sefer* on the halachot of *tefilla*, **Ishei Yisrael**, quoting **Rav Shlomo Zalman Auerbach**.



Ishei Yisrael, Ch. 26, Footnote 7

See *Kovetz Mevakshei Torah* 5755 in the letters from Rav Shlomo Zalman Auerbach that one who prays privately should not say *Kel Erech Apayim* since it is a request for forgiveness prior to reading the Torah.

38. אשי ישראל | פרק כו, הערה ז

ועי' בקובץ מבקשי תורה תשנ"ה במכתבי הגרש"ז אויערבך זצ"ל דאדם המתפלל ביחידות אין אומר קל ארך אפים כיון שהוא בקשת סליחה קודם קריאת התורה.

Differences on Shabbat

There are additional differences in the *tefilla* on Shabbat as well for one *davening* alone.³⁶

Vayechulu and Magen Avot on Friday Night

The paragraph of *Vayechulu*, describing Hashem's completion of creation on Friday and His resting on Shabbat, is customarily recited on Friday night after the *Shemoneh Esrei* (as well as within the *Shemoneh Esrei*), as mentioned by the **Shulchan Aruch**. However, the **Mishna Berura** recommends reciting it together with another person, since this is treated as testimony that Hashem created the world, and two witnesses are required to give testimony.



Shulchan Aruch, Orach Chaim 268:7

...One recites it [*Vayechulu*] aloud and while standing.

39. שולחן ערוך | או"ח רסח:ז

...ואומרים אותו בקול רם ומעומד

36. There are other important points as well not directly related to *tefilla* that one who is not leaving his house on Shabbat should be aware of. One is that appropriate Shabbat clothes should still be worn, as the mitzva of wearing special clothes on Shabbat relates to honoring Shabbat, not to whether one sees other people or not (see *Shulchan Aruch*, o.c. 262:2 and *Mishna Berura* 5–6). The second relates to the obligation to recite one hundred *berachot*, which is often more difficult to fulfill on Shabbat. One of the methods suggested to complete the total of one hundred is to listen to the *berachot* recited by those getting *aliyot* during the Torah reading and the *maftir* and respond *amen* (since they are considered communal *berachot*). This is of course not applicable when *davening* at home, and one should instead make sure to have other snacks and smell *besamim* in order to complete the one hundred *berachot* (see *Shulchan Aruch* 46:3 and *Mishna Berura* 14).

✎ Mishna Berura, Orach Chaim 268:19

And while standing – Since we thereby testify that Hashem is responsible for the creation of the world, and witnesses must stand... It is good to recite it together with the congregation, since we require a complete congregation to testify about Hashem, and it should be [recited] with at least two people. Some say that one praying alone does not repeat *Vayechulu* since testimony is not given by an individual, and some say that an individual may recite it, but need not stand. It is proper [as the halacha] for an individual to say it as well, but he should not intend for it to be testimony, but rather like one who is reading the Torah.

40. משנה ברורה | או"ח רסח:יט

ומעומד – לפי שבזה אנו מעידים להקב"ה במעשה בראשית ודין עדים בעמידה... וטוב לומר אותה ביחד בצבור דעדה שלמה בעינן להעיד להקב"ה ועכ"פ יהיה בשנים. ויחיד המתפלל י"א דאינו חוזר לומר ויכלו דאין עדות ליחיד וי"א דיחיד יכול לומר אבל אין צריך עמידה וטוב שגם היחיד יאמר אבל לא יתכוין לשם עדות אלא כקורא בתורה.

The **Chazon Ish** holds though that one may recite it alone, as the reasons given for it do not indicate that it must be recited with a second person if one is not reciting it with the entire congregation together.

◆ Chazon Ish, Orach Chaim 38:10

An individual praying alone or who concludes his prayer [of *Shemoneh Esrei*] after the congregation has recited *Vayechulu* should say *Vayechulu* because of the reason of the Tosafot and the Rosh.³⁷ And it is possible that one does not need [to recite it] aloud or while standing, since we do not find this in the *poskim*, and we should not create new rules... It seems that one should not be stringent to have two [recite it together], as we do not find a stringency of [doing so with two] in the *poskim*, and there is concern that it appears like assembling witnesses concerning the act of creation.

41. חזון איש | או"ח לח:י

והנה יחיד המתפלל או שסיים תפלתו אחר שאמרו הציבור ויכולו אומר ויכולו משום טעם התוס' והרא"ש, ואפשר דאינו צריך לא קול רם ולא מעומד דלא מצינו זה בפוסקים, ואין לנו לחדש דברים... ונראה דאין להדר אחר שנים דלא מצינו בפוסקים הידור של שנים ויש לחוש דמחזי כמעמיד עדים על מעשה בראשית.

Thus, according to the *Chazon Ish*, there is no problem with reciting *Vayechulu* at home alone, while according to the *Mishna Berura*, in our situation some would hold that one does not say it, but in practice one may say it while having in mind that one is simply reading *pesukim*. If one *davens* together with other members of one's family, then even according to the *Mishna Berura*, one may recite it with them according to all opinions.

The next section in the Friday night *tefilla*, known as *Beracha Mei'ein Sheva* (single *beracha* that is similar to seven), is also subject to discussion as to whether it should be recited by an individual *davening* alone. The original intent of the rabbinic enactment to recite it was to ensure that anyone who completes his silent *Shemoneh Esrei* later than the congregation will not be left behind, as the shuls in earlier times were often located at the outskirts of the town, and it was unsafe to return home alone at night. This is the basis for the ruling of the **Shulchan Aruch**, though the **Rema** states that individuals in shul may recite it as well.

37. The *Tur* and *Beit Yosef* cite Tosafot and Rosh who explain that we recite *Vayechulu* every Friday night due to occasions where *Vayechulu* is not recited in the *Amida*, such as Yom Tov that falls out on Shabbat. The *Chazon Ish* is explaining that this reason alone should not require one to recite it together with others.

Shulchan Aruch, Orach Chaim 268:8

The *chazzan* recites the *Beracha Mei'ein Sheva*, but an individual [praying alone] does not recite it.

Rema: But if an individual wishes to be stringent upon himself, he may say it without the introduction or the conclusion [i.e., the *berachot* recited at the beginning and at the end]. And this is the custom of the congregation [in shul] as well to recite it with the *chazzan* without the opening or concluding section [i.e., just the paragraph called *Magen Avot*].

According to this, it would seem that Sefardim who follow the *Shulchan Aruch* should not recite it, while Ashkenazim who follow the Rema may recite *Magen Avot* if they wish before the *chazzan*, at least while in shul (which is the common practice).

Does the permission of the Rema for an individual who is not the *chazzan* to recite *Magen Avot* alone (without the *beracha*) apply as well to one *davening* alone on Friday night at home?³⁸ It seems that this question is subject to *machloket*, as noted by the **Dirshu edition of the Mishna Berura**.



Dirshu Edition of the Mishna Berura, Orach Chaim 268, Note 34

When one *davens* at home alone, the *Shulchan Aruch HaRav* writes that he may say it without the *beracha*. In contrast, the *Mekor Chaim* writes that if he does not hear the *beracha* from the *chazzan*, he may not begin from *Magen Avot* since there is no meaning to that beginning by itself.³⁹

42. שולחן ערוך | או"ח רסח:ח

אומר שליח ציבור ברכה אחת מעין שבע, ואין היחיד אומר אותה.

הגה: מיהו אם היחיד רוצה להחמיר על עצמו, יכול לאמרה בלא פתיחה ובלא חתימה. וכן נוהגין הציבור לאמרה עם שליח ציבור בלא פתיחה וחתימה.

43. משנה ברורה בהוצאת "דרשו" | או"ח רסח, הערה לד

וגם כשמתפלל בביתו ביחידות כתב השולחן ערוך הרב (סעיף יג) שהרשות בידו לאומרה בלי ברכה. מאידך, המקור חיים (סעיף ח) כתב שאם אינו שומע מהש"ץ את הברכה אין להתחיל ממגן אבות כיון שאין להתחלה זו שום הבנה.

Keriat HaTorah on Shabbat Day

The mitzva of *Keriat HaTorah* and reading the weekly *parsha* can only be done with a *minyan*. Thus, an individual that is unable to hear the Torah reading with a *minyan* is exempt, which has been the situation for much of the past few months in many places. Should such individuals read the weekly *parsha* from a Chumash instead during their private *davening*?

Rav Hershel Schachter suggests that not only is this not required, it may not even be worthwhile.

38. See the *Mishna Berura* there for discussion about reciting the *Beracha Mei'ein Sheva* in a *minyan* that takes place in a private home.

39. It seems that this is the more common practice that it is not said alone, as noted by www.halachipedia.com/index.php?title=Halachot_Related_to_Coronavirus. It is worth noting that there is also a discussion concerning whether one recites *Shalom Aleichem* on Friday night when *davening* alone at home, since we are greeting the angels that accompany a person upon returning from shul. Rav Moshe Feinstein is quoted by Rav Moshe Heinemann (in a webinar specifically about the coronavirus, available at www.vimeo.com/399141271, which has many other interesting halachic issues relevant to the current period as well) as saying that one still recites it (which is indeed the common custom as well), as Hashem still sends the angels to one's home in this case.



Rav Hershel Schachter, Piskei Corona 8, "Keriat HaTorah" ⁴⁰

The mitzvah of *Kerias HaTorah* can only be fulfilled in the presence of a *minyan* (Mishnah, *Megillah* 23a). Some have suggested that it is worthwhile for those who are confined to their home and will be *davening* without a *minyan* to at least read the *Parshas HaShavuah* from a Chumash without making the blessings.

The *Kesef Mishnah* cites the *Teshuvos HaRambam* who wrote in his youth that the mitzvah of *Kerias HaTorah* can be fulfilled even with a *Sefer Torah* that is invalid. The Rambam later retracted this position in his *Mishneh Torah*. Nonetheless, if a mistake is found while reading the Torah, even though we replace the *Sefer Torah* with another one which is valid, the Mahari Beirav ruled that we need not reread that which was already read. Since it was done already, we can rely on the position of the Rambam from his youth. Similarly, the Rema quotes an opinion that in times of difficulty we can read from a *Sefer Torah* which is invalid, even with a blessing. However, the *Mishnah Berurah* disagrees and does not permit this. Even according to the Rema who quoted an opinion that this is permissible, it would only apply to reading in the presence of a *minyan* but not to private individuals reading in their own home, and therefore one would not accomplish the mitzvah of *Kerias HaTorah* in any way by doing so.

Nonetheless, some feel that by reading the whole *parshah*, even without a *minyan*, they are accomplishing a *zecher* to the mitzvah of *Kerias HaTorah*. The rule in the Gemara is that we permit one to do a *zecher* to a mitzvah if one is unable to fulfill the actual mitzvah unless we are concerned that a misconception (*kilkul*) will be created. For this reason, the Gemara tells us that during the *Second Beis HaMikdash* the Tanaim permitted the women to perform imitation *semicha* on their *korbanos* by holding their hands on the head of the korban without leaning on the animal...

44. הרב צבי שכתר | פסקי קורונה ח, "קריאת התורה"

מצות קריאת התורה אינה מתקיימת בפחות מעשרה כמבואר במשנה מגילה (כג:), ויש שיעצו שכדאי ליחידים העצורים בביתם (בלי מנין) לקרוא את הפרשה מתוך חומש בלי ברכות.

ועי' כסף משנה ריש פרק י' מהל' ספר תורה שהביא מתשובת הרשב"א שהרמב"ם בילדותו כתב בתשובה שאפשר לקיים מצות קריאת התורה מספר תורה פסול. אכן בזקנותו חזר בו וכתב במשנה תורה דבעינן בדוקא ספר תורה כשר לקיים תקנת חכמים דקריאת התורה... ועי' רמ"א לאו"ח (קמג:ד) שיש סוברים דבשעת הדחק שאין לציבור רק ספר תורה פסול דיש לקרות בו בצבור ולברך עליון כלומר דשעת הדחק כדיעבד דמי, דבשעת הדחק אנו מתירים לכתחילה מה שבדרך כלל רק מותר בדיעבד. אכן עי"ש במשנה ברורה שהמקובל להלכה באחרונים כדיעה האחרת שלא לקרות בברכה מספר תורה פסול אפילו בשעת הדחק, דלא תמיד אמרינן דשעת הדחק כדיעבד דמי. ונראה שאפילו הסוברים שבשעת הדחק יש לקרות בציבור שלא בברכה מספר תורה פסול דהיינו דוקא בציבור, דלכל הפחות דעת הרמב"ם בתשובה שיש בזה קיום, אבל לקרות ביחיד מחומש הנדפס (או אפילו מספר תורה כשר) שלכולי עלמא אין בזה קיום של קריאת התורה, לא ירויח מזה כלום...

Rav Ovadia Yosef also agrees that there is no necessity to read the *parsha* from a Chumash.

40. The complete ruling in Hebrew and in English (from where the quote is taken) can be found at www.yutorah.org/lectures/lecture.cfm/950291. It should be noted that the last paragraph in the English does not appear in the Hebrew section of the ruling.



Responsa Yabia Omer, Vol. 4, Yoreh De'ah 31

And all agree that there is no obligation on an individual to hear the Torah reading, and if one was subject to extenuating circumstances and did not hear it, he does not need to complete the reading in a Chumash aside from the obligation of *shenayim mikra v'echad targum* (reading the *parsha* twice with the translation, as dictated by the halacha).

However, a number of *poskim* argue that it is a worthwhile custom to read the *parsha* from a Chumash (and this may count as well toward one's obligation of *shenayim mikra*). This is the approach of the **Ketzot HaShulchan** and the **Rav Pe'alim** (Y.D. 52).



Ketzot HaShulchan, Vol. 1, 25:14

One who did not hear the Torah reading in public should read the *parsha* himself from a Chumash.

Many contemporary *poskim*, including **Rav Mordechai Willig**, **Rav Moshe Heinemann**, and **Rav Hillel Meyers** recommend doing so during the coronavirus as well in cases where there is no public *Keriat HaTorah*.⁴¹



Rav Hillel Meyers, "Fulfilling Keriat HaTorah during Corona"⁴²

Question: How can I fulfill the obligation of Torah reading on Yom Tov if the only choice is to *daven* alone?

Answer: ...If one cannot form a *minyan* that fulfills the conditions of the Ministry of Health, one should not read from the Torah. But it is still appropriate to read alone from a Chumash without a *beracha*.

Sources: See Rav Chaim Na'eh in the *sefer Ketzot HaShulchan*... and in the footnote there he writes that the Mahari Berona did this as well, and his words are cited in the *Sha'ar HaKolel*.

45. שו"ת יביע אומר | חלק ד, יו"ד לא

וכל אפיא שוין שאין חיוב על היחיד לשמוע קריאת ספר תורה, ואם נאנס ולא שמע קריאת ספר תורה אינו צריך להשלים בקריאה בחומש מלבד שנים מקרא ואחד תרגום.

46. קצות השולחן | חלק א, כה:יד

ומי שלא שמע קריאת התורה בצבור יקרא לעצמו הפרשה מתוך חומש.

47. הרב הלל מאירס | "איך לצאת ידי חובת קה"ת בזמן קורונה?"

שאלה: איך אני יכול לצאת ידי חובה בקריאת התורה בחג, אם האפשרות היחידה היא תפילת יחיד?

תשובה: אם אין אפשרות לקיים מניין שיעלה בקנה אחד עם הנחיות משרד הבריאות – אין לקרוא בתורה. ומכל מקום ראוי לקרוא לבדו מתוך חומש בלא ברכה.

מקורות: יעוין להגרא"ח נאה זצ"ל בספר קצות השולחן... ובהערה שם הביא שכן כתב המהר"י ברונא, והובאו דבריו בשער הכולל.

41. Rav Willig is quoted by Rav Aryeh Lebowitz as saying this is a good idea at www.yutorah.org/lectures/lecture.cfm/949205 (about 22 minutes in), and Rav Heinemann expresses this sentiment in his videoconference on the coronavirus at www.vimeo.com/399141271 (around 7 minutes in).

42. This ruling can be viewed at www.hidabrook.org/question/278705.

Yekum Purkan

Another part of Shabbat *davening* that may possibly not be recited by an individual are the paragraphs of *Yekum Purkan* recited by Ashkenazim immediately after the *haftara*, which are written in Aramaic. The background to this is as follows: The **Shulchan Aruch** rules that a congregation may *daven* in other languages when necessary,⁴³ but brings different opinions whether an individual may do so. Nevertheless, even the lenient opinion holds that an individual may not *daven* in Aramaic.

⌘ Shulchan Aruch, Orach Chaim 101:4

One may *daven* in any language that he desires. This applies [when *davening*] with the congregation, but when alone, one should only *daven* in Hebrew... and some say that even an individual may ask for his needs in any language except for Aramaic.

48. שולחן ערוך | או"ח קא:ד

יכול להתפלל בכל לשון שירצה והני מילי בצבור אבל ביחיד לא יתפלל אלא בלשון הקודש... ויש אומרים דאף יחיד כששואל צרכיו יכול לשאול בכל לשון שירצה חוץ מלשון ארמי.

The **Mishna Berura** explains that the angels do not know Aramaic (see **Shabbat 12b**), and the merit of an individual's *tefilla* alone is not always great enough to be heard by Hashem without the support of the angels. Therefore, the **Mishna Berura** explains that one *davening* alone should not recite the *Yekum Purkan* paragraphs written in Aramaic.

⌘ Mishna Berura, Orach Chaim 101:15, 19

15. **Only in Hebrew** – Since the ministering angels do not attend to Aramaic... but a congregation does not need an intercessor, since Hashem Himself accepts their prayer.

19. **Aramaic** – But [prayers] with the congregation are permitted even in Aramaic. It is consequently understandable that we say *Yekum Purkan* and *Berich Shemei* with the congregation [even though they are written in Aramaic]. According to this, if one prays in his home, he should not recite any of the paragraphs of *Yekum Purkan*, and this is clear as well from the *Ohr Zarua Hagadol* in *Hilchot Shabbat*.

49. משנה ברורה | או"ח קא:טו, יט

טו. אלא בלשון הקודש – לפי שאין מלאכי השרת נזקקין ללשון ארמית... אבל צבור א"צ מליץ שהקב"ה בעצמו מקבל תפלתם.

יט. ארמי – ובצבור מותר אף לשון ארמי. ובזה אתי שפיר מה דאומרים יקום פורקן ובריק שמייה בצבור וכדומה [פמ"ג]. ולפ"ז אם מתפלל בביתו אין יכול לאמר שום יקום פורקן. וכן מוכח באור זרוע הגדול בהלכות שבת סי' נ'.

Although the **Shela** and others do allow an individual to recite the first paragraph of *Yekum Purkan* (since it is primarily a *beracha* for the Sages in Eretz Yisrael), most of the contemporary halacha works, such as the **Ishei Yisrael**, rule in accordance with the **Mishna Berura**, and add that the *Mi Shebeirach* for the congregation is also not recited when *davening* alone.

43. It should be noted that this is not commonly followed nowadays. See, e.g., *Piskei Teshuvot*, O.C. 101, for more on this issue.



Ishei Yisrael 36:68

If one *davens* alone, one does not say any *Yekum Purkan*.

Notes 159, 160

159. See the *Siddur Divrei HaChaim* that the *Mi Shebeirach* for those engaged in communal affairs should also not be said in private, since it is a *beracha* for the congregation.

160. ...But see the *Likutei Mahariach* in the name of the *Kitzur Shela*... that the first *Yekum Purkan* can be recited in private... since it is a *beracha* for the Sages in Eretz Yisrael...

50. אשי ישראל | לו:סח

אם מתפלל ביחידות לא אומר שום יקום פרקן.

הערות קנט, קס

קנט. עיין סידור דברי החיים דגם ה"מי שבירך" לעוסקים בצרכי ציבור אין לומר ביחידות, שהם ברכות הקהל.

קס. ...ואמנם עי' בלקוטי מהרי"ח בשם קיצור השל"ה... שיקום פרקן הראשון אפשר לומר ביחידות... והטעם כיון שיש בה ברכה לרבנן בארץ ישראל...

Anim Zemirot

The final section of *tefilla* on Shabbat we will address briefly here is *Anim Zemirot*. This is usually recited responsively by the *chazzan* and congregation with the *aron kodesh* open. May this be recited by an individual as well (who does not usually have a *sefer Torah* present and where there is no *chazzan*)?

Rav Yaakov Ariel (in a response to a question not specifically about corona) assumes that there is no reason why an individual (men or women) may not recite *Anim Zemirot* and permits it, though he questions whether one who does not understand the parables employed should recite it at all.



Rav Yaakov Ariel, "Yeshiva" Website, "Anim Zemirot for a Woman in Private"⁴⁴

Question: Is it permitted for a woman praying alone to recite the Song of Glory (*Anim Zemirot*)?

Answer: There is no difference between a man or woman, and any individual may recite the Song of Glory himself; there is no need for a *minyan*. But [be aware that] some are fundamentally opposed to reciting it at all, since the Song includes many types of imagery [of Hashem] that must be understood non-literally, and no one knows how to properly explain them, so [they hold that] it is best not to recite it at all.⁴⁵

51. הרב יעקב אריאל | אתר "ישיבה", "אנעים זמירות לאשה ביחיד"

שאלה: האם מותר לאשה ביחיד לקרוא בשבת שיר הכבוד (אנעים זמירות)?

תשובה: אין הבדל בין איש לאישה וכל אדם יכול לקרוא לעצמו את שיר הכבוד, אין צורך בציבור. אלא שיש מתנגדים לעצם האמירה כי השיר מכיל דימויים רבים שצריך לפרשם בדרך משל ומי שלא יודע לפרשם כהלכה מוטב שלא יאמר שיר זה.

Rav Hershel Schachter, on the other hand, holds that one does not recite *Anim Zemirot* privately based on the approach of **Rav Soloveitchik** that *Anim Zemirot* may qualify as a *davar shebikedusha*, which requires a *minyan*.

44. This ruling is available at www.yeshiva.org.il/ask/86360.

45. Rav Shlomo Aviner (in a series of questions specifically about the case of the coronavirus) also permits it – see www.20il.co.il/24-6/?p=482046 (the second question down).



**Rav Hershel Schachter, Piskei
Corona 24, "Anim Zemirot" ⁴⁶**

One who is *davening* alone does not recite *Anim Zemiros*, since it seems that the custom to recite *Anim Zemiros* on Shabbos or Yom Tov was only instituted when *davening* with a *minyan*. Additionally, Rav Soloveitchik suggested that the recitation of *Anim Zemiros* constitutes a *Davar She'bekedushah*, which demands the participation of ten men in order to be recited. This is reflected by our custom to open the *Aron* and stand. It seems that this is not done due to the *Sefer Torah*, but rather because of the hymn... ⁴⁷

**52. הרב צבי שכתר | פסקי
קורונה כד, "אנעים זמירות"**

מתפלל ביחידות בשבת ויום טוב אינו חייב לומר פיוט זה, כי על פי פשוטו לא נתקן להאמר אלא בצבור. ועוד, שרבינו ז"ל הציע אפשרות לומר שדינו כדבר שבקדושה שצריך עשרה, דהמנהג הוא שפותחים את הארון, וכל הקהל עומדים, ועל פי פשוטו אין זה מפני ספר התורה שעומד בארון... ומסתמא עומדים מפני הפיוט ולא מפני הספר תורה...

46. The text of this ruling (both Hebrew and English) and the complete version is taken from www.yutorah.org/lectures/lecture.cfm/951536.

47. Rav Schachter explains there that since the *sefer Torah* is in the *aron kodesh*, which is considered to be a separate domain from the rest of the shul, one need not stand simply because it is open (though, see *Taz*, Y.D. 242:13 and *Sh'ar HaTziun*, O.C. 146:17 who note that many are still accustomed to stand out of respect). In addition, he discusses the fact that the responsive nature of its recital also may point to its being a *davar shebekedusha*.

OTHER HALACHOT RELATED TO TEFILLA AT HOME

In addition to the question of which parts of *davening* are skipped or changed when *davening* at home, there are many other halachot related to *tefilla* of which one must be especially cognizant. In this section of the *shiur*, we will briefly discuss some of the most common issues.⁴⁸

Is There a Preferred Time to Daven at Home?

If one is not *davening* with a *minyan*, is there a preferred time to *daven* more specific than the general regular *zamani tefilla* (times of day for each *tefilla*)? A partial answer to this question for our situation can be found in the **Shulchan Aruch**. The *Shulchan Aruch* first describes the imperative to *daven* with a *minyan* (using the term “*yishtadel*,” one should try) and then suggests that if this is impossible, one should instead try to *daven* at the same time as those that *daven* in shul, either in their own community or elsewhere.

נ Shulchan Aruch, Orach Chaim 90:9

A person should try to *daven* in shul with the congregation.⁴⁹ But if one is in exceptional circumstances [*anus*] and is unable to come to shul, he should plan to *daven* at the time that the congregation is *davening*.

Rema: And the same applies to people who live in communities that do not have a *minyan*; nevertheless, they should *daven Shacharit* and *Ma'ariv* at the time that the congregation [i.e., elsewhere]⁵⁰ is praying.

53. שולחן ערוך | או"ח צ:ט

ישתדל אדם להתפלל בבית הכנסת עם הצבור ואם הוא אנוס שאינו יכול לבוא לבית הכנסת יכוין להתפלל בשעה שהצבור מתפללים.

רמ"א: והוא הדין בני אדם הדרים בשובים ואין להם מנין מכל מקום יתפללו שחרית וערבית בזמן שהצבור מתפללים.

The situation in the period of the coronavirus can clearly be considered an *ones* as described by the *Shulchan Aruch* that prevents one from *davening* in shul. Therefore, although one is exempt from *tefilla b'tzibbur* (praying with a congregation), one should still try to *daven* at the same time as the congregational

48. Some of these halachot will be discussed in more detail (*iy"h*) in future volumes of the English *Tzurba M'Rabanan* series relating to the relevant sections of *Orach Chaim*.

49. The language of *yishtadel* seems to indicate that *tefilla b'tzibbur* is a higher level of *tefilla* for which one should strive, but not necessarily an absolute obligation like other mitzvot. However, many *poskim*, such as Rav Moshe Feinstein (*Igrot Moshe*, o.c. 2:27), hold that it indeed is an obligation, though since it sometimes involves significant effort (such as if the shul is located at a far distance from one's home), it is formulated as “*yishtadel*”. Rav Ben Zion Algazi (in the Hebrew *Tzurba M'Rabanan shiur* upon which some of this section of the English *shiur* is based) suggests that *tefilla* by an individual is still considered bona fide *tefilla*, which contrasts with *korbanot* brought by the *tzibbur* (such as the daily *korban tamid*), which may not be brought by an individual in any form.

50. See *Mishna Berura* (90:31–32) who explains that this is the intent of the Rema – to *daven* at the same time as *minyanim* in other communities. See also *Piskei Teshuvot* (o.c. 90:10) who discusses this further.

minyan. However, in many places there have been no *minyanim* at all over the past few months. It would therefore seem that this situation is more comparable to that described by the Rema of a community without a regular *minyan*, where one should try to *daven* at the same time as a *minyan* elsewhere (in locations where it is permitted) if possible. Nevertheless, even this suggestion may be difficult due to the fact that during much of this coronavirus period, there have been very few authorized *minyanim* in much of the world (and even those that are may be located in a different time zone).

One suggestion given has been for every community to establish a set time for everyone to *daven*, albeit in private. Is this also considered to be *davening* at the time of the *tzibbur*? **Rav Asher Weiss** addresses this question in his volume of **Minchat Asher** dedicated to issues of the coronavirus.



Minchat Asher, Responsa Concerning the Corona Pandemic, Siman 24⁵¹

In places where the shuls have been closed and communal prayer has been [temporarily] abolished and everyone *davens* in private, is it appropriate that everyone *davens* at the same time, as it says (*Berachot* 8a) that “one should always *daven* at the time that the community is *davening*”? The basis for the question is the nature of the value of the time that the community is *davening*: Is it because there is a group of people that pray with ten, and the gates of prayer are opened for a communal prayer, and the prayer of an individual is thus also accepted? Or perhaps the primary intent is that even if the people are not praying in a group of ten, there is still merit to praying together with the community. As even if this is not considered communal prayer, it is still considered the prayer of a group of people. The practical difference between the two approaches is in our case, where there is no communal prayer with ten people, but there is still prayer of the public at the same time... It would seem that the matter does not depend upon a *minyan* of people praying together, but rather on many people praying at the same time...⁵²

The bottom line is that although I have not found any definitive proof, it seems that it is appropriate to establish a set time that everyone prays together, even if every person is doing so in his home. Aside from the value of the time that the community prays [i.e., the merit mentioned in the Gemara], it seems to me that this is also very helpful in terms of human nature, as in this miserable situation in which the shuls are desolate to the anguish of our heart and every person is praying

54. מנחת אשר | שו"ת בענייני מגיפת הקורונה, סימן כד

במקום שנסגרו בתי הכנסיות ובטלה תפילת הציבור וכל אחד מתפלל ביחידות, האם ראוי שכולם יתפללו בשעה אחת, וכמו שכתוב לעולם יתפלל אדם בשעה שהציבור מתפלל. הנה יסוד השאלה מה מעלת שעה שהציבור מתפלל, האם זה משום שיש ציבור שמתפלל בעשרה ושערי תפלה נפתחים לתפלת הציבור, וממילא גם תפילת היחיד מתקבלת, או שמא עיקר כונת הדברים דאף אם אין העם מתפלל בעשרה מכל מקום יש סגולה להתפלל ביחד עם הרבים ואף אם אין בידו תפלת הציבור מכל מקום הוא בכלל תפילת רבים. ונפקא מינה בנידון דידן דאין כאן תפילת הציבור בעשרה, ומכל מקום יש כאן תפילת רבים... ולכאורה נראה שפי שאין הדבר תלוי במנין המתפללין ביחד אלא ברבים המתפללין בחדא מחתא ובשעה אחת...

סוף דבר, אף שלא מצאתי בזה ראייה מפורשת, נראה דראוי לקבוע זמן מסוים שבו כולם יתפללו ביחד אף שכל אחד יתפלל בביתו. ומלבד סגולת השעה שהציבור מתפלל, כמדומני שיש בזה תיקון גדול מצד טבע הבריות, שהרי במצב אומלל זה שבו בתי כנסיות שוממין לדאבון לבנו וכל אחד מתפלל

51. The link to this volume of *Minchat Asher* is available online at www.kolcorona.com/halachot. The volume can also be accessed directly at tinyurl.com/tz6minchatasher.

52. Rav Asher Weiss proceeds to offer two possible proofs to his position, while acknowledging that they are not absolute. Rav Hershel Schachter though (in the videoconference mentioned above in footnote 28) was inclined to say that a group of individuals *davening* at the same time is not technically included in the notion of *davening* at the time of the *tzibbur*.

in his home, the concern is great that people will not be careful about praying during the proper time and the same goes for *Keriat Shema*, and many may not treat the *tefilla* properly and not pray for an appropriate length of time. But if they pray together and even hear each other, and one serves as a type of *shaliach tzibbur*, and completes each section aloud, this is very nice, even though it is obvious and clear that they cannot combine together in this manner to recite the repetition of the *chazzan* or any other *davar shebikedusha* [sections of *tefilla* for which ten are required, such as *Kedusha*].⁵³

בביתו, גדול החשש שלא יקפידו בזמן תפילה וזמן קריאת שמע, ורבים יזלזלו בתפילתן ולא יאריכו בה כראוי וכנכון, ואם יקבעו זמן להתפלל ביחד, יש בזה חיזוק עצום לשלימות התפילה וכוונתה, ולדעתי אם אפשר שכולם יתפללו ביחד אף ישמעו זה את זה וא' ישמש כמעין שליח ציבור ויסיים כל פרק בקול, כך נאה וכך יאה, אף דפשוט וברור שאינן מצטרפים בדרך זו לומר חזרת הש"ץ או כל דבר שבקדושה.

According to Rav Weiss, every individual in the community *davening* at the same time does qualify as *davening* alone at the same time as an actual *minyan* (though he is not 100% certain). Moreover, in order to ensure the effectiveness of everyone's *tefillot*, it is helpful to *daven* together by audio or live internet link, as this strengthens everyone psychologically and can often lead to greater *kavana*.

Proper Dress for Tefilla

Even if one *davens* at home, one must still wear presentable clothing for *tefilla* just as when going to shul, as explained by the **Shulchan Aruch**.

נ Shulchan Aruch, Orach Chaim 91:5

One should not stand up [for prayer] with his money belt (*taskeh* in the colloquial), nor with his head uncovered, nor barefoot, if the common practice of the local residents is only to appear before dignitaries with footwear.

55. שולחן ערוך | או"ח צא:ה

לא יעמוד באפונדתו (טאסק"ה בלע"ז) ולא בראש מגולה ולא ברגלים מגולים אם דרך אנשי המקום שלא יעמדו לפני הגדולים אלא בבתי רגלים.

We see from here that one must dress for *tefilla* in the manner that one would appear before a dignitary, regardless of the location. Therefore, when *davening* at home it is certainly inappropriate to wear pajamas, slippers, or other clothing with which one would not leave the house. This point is explained clearly by the **Mishna Berura** and **Piskei Teshuvot**.

נ Mishna Berura, Orach Chaim 91:11

It is not respectful to stand before Hashem in this manner. Likewise, it is not proper to *daven* in a robe, undergarments, or night gown.

56. משנה ברורה | או"ח צא:יא

ואיננו דרך כבוד לעמוד כן לפני השי"ת, וכן אין נכון להתפלל בקאפטן ובגד התחתון או בשלאף ראק.

53. Rav Algazi (in the Hebrew *shiur* upon which some of this section is based) also recommends the same idea, and this is indeed the practice that has been adopted in many communities.

**Piskei Teshuvot, Orach Chaim 91:4**

...But if they are clean and fitting such that one would not be embarrassed to receive important visitors in one's home, and one could wear them for a short time outside, one may be lenient and *daven* with them, even though one would not wear them to important places or a celebration, as this is not due to the inferior quality of the garment, but rather to our normal lifestyle, just as there are weekday clothes and Shabbat clothes, etc.

But one should not pray with pajamas, even if they properly cover one's whole body, and even if they are made like a shirt, because one would never greet important guests with them even in one's home, except in the case of the elderly or weak, where one would greet anyone coming to visit him in this clothing. However, it is proper to don an upper garment or *tallit* if possible, on top of them.⁵⁴

57. פסקי תשובות | או"ח צא:ד

...אמנם אם הם נקיים הם ומהודרים באופן שלא יתבייש לקבל בהם בביתו פני אורחים חשובים וגם באפשרותו לצאת עמהם מעט לרחוב, אפשר להקל ולהתפלל עמהם, הגם שלמקומות חשובים ולשמחות לא ילך עמהם, אין זה מחמת פחיתות הבגד, אלא מחמת הרגלי החיים, וכשם שיש בגדי חול ובגדי שבת וכדומה.

אמנם במלבושי השינה אין להתפלל, אף שמכסים היטב כל גופו, ואף העשויים כחלוק וכדומה, משום שאף בביתו לא יקבל בהם פני אורחים חשובים, זולת בחולה או זקן וחלוש שאכן גם את פני הבאים לבקרו מקבל בלבוש זה אם כי נכון כשבאפשרותו יתעטף עליהם במלבוש עליון או בטלית.

Tefilla in the Proper Surroundings

It is sometimes more difficult to ensure that one's surroundings are clean when *davening* at home. A person must therefore be extra careful about these halachot when *davening* at home on a regular basis. The **Shulchan Aruch** rules that one may not *daven* when there are human feces nearby unless they are covered, even with a transparent covering.

**Shulchan Aruch, Orach Chaim 76:1**

It is permitted to read [*Shema*] next to feces placed in a transparent container, even though one can see it through the walls, since the Torah makes the issue dependent upon the covering, as it is written: "You shall cover your feces," and in this case, it is covered.

58. שולחן ערוך | או"ח עו:א

צואה בעששית מותר לקרות כנגדה אף על פי שרואה אותה דרך דפנותיה משום דבכסוי תלה רחמנא דכתיב וכסית את צאתך והא מתכסיא.

The **Mishna Berura** explains though that this only applies if one cannot smell it. If one can smell it, one must distance oneself from the smell.

**Mishna Berura, Orach Chaim 76:3**

Next to – But if the foul smell reaches us, it is forbidden [to *daven* there]...⁵⁵

59. משנה ברורה | או"ח עו:ג

כנגדה – ואם מגיע לו ריח רע אסור...

54. In future *shiurim* on halachic issues related to the coronavirus, we hope to discuss the question of wearing a mask during *tefilla*.

55. The *Mishna Berura* in the continuation notes that it is unclear whether one may *daven* anywhere where one cannot smell it, or whether one must distance oneself an additional four *amot*.

If there are very young children at home, it is therefore important to ensure either that they are clean or that one does not *daven* in their close vicinity.

The **Piskei Teshuvot** further notes that if a child is sitting on a potty and the feces are covered, this is sufficient to permit *davening* nearby provided that one does not smell them. If one does smell them, one may use air freshener to clean the air.



Piskei Teshuvot, Orach Chaim 87:2

If a young child is sitting on a potty and covers the feces inside with his body, this is also considered a covering to allow the recital of words of holiness nearby. But this is all provided that no foul smell emanates from there, though one may spray air freshener there to remove the smell...

60. פסקי תשובות | או"ח פז:ב

תינוק יושב על הסיר ומכסהו ואת הצואה שבתוכו ע"י גופו, גם כן הרי זה ככיסוי להתיר אמירת דברי קדושה שם. אך כל זאת בתנאי שאין ריח רע נודף שם, אולם יועיל להתיר שם מטרה אויר להעביר את הריח...

Issues of Erva

The halachot related to *davening* near women are also especially relevant when *davening* at home. We will briefly review some of these halachot here. The **Shulchan Aruch** states that one is not allowed to recite *Keriat Shema* in front of a woman who is not entirely dressed, including one's wife.⁵⁶



Shulchan Aruch, Orach Chaim 75:1–2

1. It is forbidden to read *Keriat Shema* opposite a woman with an uncovered handbreadth of a part of the body that is usually covered, even if it is one's own wife...
2. It is forbidden to read it opposite a woman whose hair is usually covered.

Rema: Even one's wife...

61. שולחן ערוך | או"ח עה:א-ב

א. טפח מגולה באשה במקום שדרכה לכסותו אפילו היא אשתו אסור לקרות קריאת שמע כנגדה...
ב. שער של אשה שדרכה לכסותו אסור לקרות כנגדו.
הגה: אפילו אשתו...

The **Mishna Berura** holds that even if a married woman only covers her hair in public but not at home, a man is still forbidden from reciting *Shema* opposite her at home.



Mishna Berura, Orach Chaim 75:10

That is usually covered – Even if she usually covers it only in the marketplace and not at home or in the yard, nevertheless, it is considered *erva* according to all opinions even at home, and it is forbidden to recite *Keriat Shema* opposite her if some of it is uncovered.

62. משנה ברורה | או"ח עה:י

שדרכה לכסותו – ואפילו אם אין דרכה לכסותו רק בשוק ולא בבית ובחצר, מכל מקום בכלל ערוה היא לכו"ע אפילו בבית ואסור שם לקרות נגדה אם נתגלה קצת מהן.

56. The *Mishna Berura* notes (76:2) that although the focus in all of these halachot is on *Keriat Shema*, the same rules apply to any other *tefillot* or Torah study as well.

The **Aruch HaShulchan** argues though that it is permitted to recite *Keriat Shema* in front of a married woman whose hair is uncovered even if it is not one's wife, since many women nowadays leave their homes without covering their hair.

א Aruch HaShulchan, Orach Chaim 75:7

...But it seems that the practical halacha is that it is permitted to pray and recite *berachot* opposite a woman with uncovered hair, since the majority walk around this way nowadays...

63. ערוך השולחן | או"ח עה:ז

...מיהו על כל פנים לדינא נראה שמותר לנו להתפלל ולברך נגד ראשיהן המגולות, כיון שעתה רובן הולכות כך...

What is the halacha concerning listening to women singing while trying to *daven*? The **Shulchan Aruch** rules (based on the **Gemara** in **Berachot 24a**) that one may not listen to a woman singing while reciting *Keriat Shema*, and the **Rema** adds that this applies even to one's wife.

א Shulchan Aruch, Orach Chaim 75:3

One must be careful to avoid hearing the voice of a woman singing while reciting *Keriat Shema*.

Rema: Even if it is his wife. But the voice [not singing] of one whom one is used to hearing is not considered *erva*.

64. שולחן ערוך | או"ח עה:ג

יש ליזהר משמיעת קול זמר אשה בשעת קריאת שמע.

הגה: ואפילו באשתו. אבל קול הרגיל בו אינו ערוה.

One *davening* at home should consequently be careful to avoid this situation as well.

Davening in the Same Room as Women

May a man *daven* at home in the same room as his wife or other females (either if they too are *davening* or if they are not)? In shul, this is forbidden without a *mechitza* (even if the only women present are his family members), but is a separation required at home as well?

The opinion of **Rav Moshe Feinstein** concerning family members *davening* alone is that seating without a *mechitza* is permitted, since the enactment of *mechitza* applies only in shul.

פ Responsa Igrot Moshe, Orach Chaim 5:12:1

You asked if a *mechitza* is needed when *davening* in a place that is not designated for prayer... whether the women must go to a separate room, or a separation alone is sufficient... in the house of a groom, the halacha is that there is no need for a *mechitza*, since it is not open to the public, but only to the family members. Therefore, it is sufficient that the men *daven* in one corner, where they can concentrate.

65. שו"ת אגרות משה | או"ח ה:יב:א

שאלת אם צריך מחיצה כשמתפללים במקום שאינו קבוע לתפלה... אם צריכות הנשים לילך לחדר נפרד, או שדי בהפסק אוויר... בבית חתן מדינא אין צורך במחיצה, שאינו פתוח לרבים, אלא רק לבני המשפחה. לכן די בכך שילכו האנשים המתפללים לזווית אחת שיוכלו לכוין שם, ושם יתפללו.

According to this, it is best when *davening* at home to go to a separate part of the room (or a separate room altogether) where it will be easier to concentrate, but no *mechitza* is necessary, whether the women are *davening* or not.

Rav Moishe Dovid Lebovits also writes in his English series titled **Halachically Speaking** that this is the accepted halacha, and one may *daven* in the same room as one's wife or other family members at home.⁵⁷



66. Rav Moishe Dovid Lebovits, Halachically Speaking, “Tefillah When Davening Alone”⁵⁸

There is no issue with men and women of the same family *davening* in the same room. The issue of having a *mechitzah* only applies in a shul. However, homes are not meant for *davening*, and therefore, have no requirement for a *mechitzah*. This is even if one would *daven* there each day.

Davening in Front of a Mirror

Is it permitted to *daven* in front of a mirror or picture? The **Mishna Berura** rules (based on earlier *Acharonim*) that it is forbidden for two reasons:

1. It appears as if one bows down to his own image [this applies specifically to a mirror rather than a picture].
2. It is difficult to maintain the proper level of *kavana* when looking at a picture or at oneself.



Mishna Berura, Orach Chaim 90:71

One should also be careful... not to draw sketches on the wall of the shul opposite people's faces, but rather only higher up than the height of a person.⁵⁹ It is forbidden to pray opposite a mirror, as it appears as if one is bowing down to one's reflection, and that is true even when one's eyes are closed, as if they are open, it is forbidden regardless, due to the fact that it disrupts one's intent.⁶⁰

67. משנה ברורה | או"ח צ:עא

וכן יש ליזהר... שלא לצייר בכותל בית הכנסת ציורים נגד פניו של אדם אלא למעלה מקומת איש. אסור להתפלל כנגד המראה דמיחזי כמשתחוה לבבואה שלו והיינו אף בעינים סתומות דבפתוחות בלאו הכי אסור משום ביטול כונה.

Davening in a Fixed Spot

Another important halacha mentioned by the **Shulchan Aruch** is establishing a set location for *davening*. Although this is generally practiced at shul, the **Piskei Teshuvot** notes that the same halacha applies at home as well. Therefore, one should fix a regular place to *daven* if possible.

57. This is also the position of many other contemporary *rabbanim*. See, e.g., *Ishei Yisrael* (on the laws of *tefilla*) 28:9, *Halichot Shlomo* chapter 4 (concerning *davening* on a plane), and Rav Daniel Mann (of Eretz Hemdah) at www.yeshiva.co/midrash/27815.

58. The link to the full article can be found at www.kolcorona.com/halachot, and the article itself can be viewed directly at tinyurl.com/tz6ravmdl.

59. The *Mishna Berura* derives this from a comment of the Rema there (90:23) that drawings should not be sketched inside the *siddurim* so as to avoid potential distractions and loss of concentration.

60. Rav Algazi reports that Rav Mordechai Eliyahu also held this way.

Ⓢ Shulchan Aruch, Orach Chaim 90:19

One should establish a fixed place for one's prayer that he will not change unnecessarily...

❖ Piskei Teshuvot, Orach Chaim 90:24

One should remember that even if one must pray at home due to extenuating circumstances, one should establish a set place that he *davens*, even if it does not happen very often [and certainly when one does so regularly]. And great is the reward of one who establishes a set place for his prayer, as the Gemara states (*Berachot* 6b) that he is called pious, humble, and from the students of Avraham Avinu, who established a set place for his prayer, as it is written: And Avraham rose early... to the place where he stood there.

The reason for this is given by the *Shulchan Aruch* (98:4) that prayer is similar to an offering, where each type had a distinct place for its slaughter and placing the blood on the altar. That place where a person prays acquires holiness, and when one then prays there again, the holiness of the place assists him in enabling his prayer to be accepted, and the imprint of holiness remains there forever. In addition, changing one's place distracts a person when he sees different things than he saw before, and his concentration on prayer will be disturbed.

68. שולחן ערוך | או"ח צ:יט

יקבע מקום לתפלתו שלא ישנהו אם לא לצורך...

69. פסקי תשובות | או"ח צ:כד

ויש לזכור שגם אם מחמת אונס מתפלל בביתו, יקבע לו מקום מיוחד ששם מתפלל, אף שהדבר קורה לעיתים רחוקות. וגדול שכרו של הקובע מקום לתפלתו וכדאיתא בגמ' (ברכות ו:): שנקרא חסיד ועניו מתלמידיו של אברהם אבינו שקבע מקום לתפלתו כדכתיב וישכם אברהם וכו' אל המקום אשר עמד שם.

ובטעם הדבר כתב השו"ע (צח:ד) שהתפילה דומה לקרבן שכל אחד קבוע מקומו לשחיטתו ומתן דמו, והמקום ההוא שאדם מתפלל שם קונה קדושה וכשמתפלל באותו מקום שוב קדושת המקום מסייעת לו שתקובל תפלתו, ורושם הקדושה תופסת מקומה ונשארת שם לעולם, וגם שינוי מקום יסובב טירדא לאדם לכל מראה עיניו אשר יראה מחדש, ויופרע כוונת תפלתו.

Avoiding Distractions

It is also often more difficult to avoid distractions while *davening* at home than at shul. As opposed to at shul, where all of those in the room are usually *davening* together and distractions are hopefully minimal, one's home may be loud and noisy with multiple potential distractions, including music playing, computers being used, children making noise, etc.

The **Shulchan Aruch** rules that one should not hold any objects while *davening Shemoneh Esrei* that could cause distractions.

Ⓢ Shulchan Aruch, Orach Chaim 96:1

When one prays, one should not hold *tefillin*, one of the books of scripture, a full bowl, a knife, money, or piece of bread in his hand, since one's mind is on them that they should not fall, and one will be distracted and his concentration will be lost. But it is permitted to hold a *lulav* in one's hand in its time since holding it is a mitzva, he will not be distracted on its account.

70. שולחן ערוך | או"ח צ:א

כשהוא מתפלל לא יאחוז בידו תפילין ולא ספר מכתבי הקודש ולא קערה מלאה ולא סכין ומעות וככר מפני שלבו עליהם שלא יפלו ויטרד ותבטל כוונתו. ולולב בזמנו מותר לאחוז בידו כיון שהאחיזה בידו היא מצוה אינו נטרד בשבילו.

Based on this idea, one should also certainly try to *daven* in a location where other distractions, such as the ones mentioned above (such as music, computers, children, even where one is not holding specific items), are minimal, such as a quiet office room or bedroom.

Eating Before *Mincha* and *Ma'ariv*

Another important halacha that is especially relevant at home is the prohibition of eating a meal before *davening Mincha*.⁶¹ The **Shulchan Aruch** and **Rema** cite a number of different opinions concerning the size of the meal included (very large or small) in the prohibition and the time at which the prohibition begins (*mincha gedola* or *mincha ketana*). The Rema concludes that the custom is to allow even eating a small meal during the latter part of the afternoon due to the custom (that existed in earlier times) that the *shamash* would call everyone when it was time to come to shul for *Mincha*.

נ רמא, Orach Chaim 232:2

And one may not eat [before *Mincha*]... but the custom is to be lenient like both approaches, meaning to eat a large meal close to the time of *mincha gedola* [i.e., shortly after midday], and a small meal close to the time of *mincha ketana* [i.e., two and a half halachic hours before sunset]. Perhaps the reason is that now, we call people to come to shul, so we are not concerned that perhaps one will be negligent and not *daven*.

71. רמ"א | או"ח רלב:ב

ולא לאכל... ונהגו להקל כשתי הסברות דהיינו בסעודה גדולה סמוך למנחה גדולה ובסעודה קטנה סמוך למנחה קטנה ואפשר הטעם משום דעכשיו קוראין לבית הכנסת לא חיישינן דלמא יפשע ולא יתפלל.

Although nowadays no one calls people to come to shul, the **Aruch HaShulchan** and many modern *poskim* suggest that the same leniency applies to one who regularly *davens* with a *minyan* in shul. However, the **Aruch HaShulchan** stresses that one may not eat a meal before *Mincha* (or *Ma'ariv*) when one *davens* alone.

נ ארוח השולחן, Orach Chaim 232:16

But this leniency in reality does not apply anymore in most places, since no one calls people to come to shul for *Mincha*. But some have suggested a different leniency for us eating after the time of *mincha ketana*, similar to what was explained earlier in *siman* 89 concerning learning Torah before *Shacharit* (89:6), that if one *davens* in private, it is forbidden to learn, since maybe he will be carried away and the time of *tefilla* will pass.⁶² But if he usually *davens* in shul, it is permitted. Here too, the same is true, that all of the prohibitions [before *mincha*] apply when *davening* in private, but one who *davens* with a *minyan* will

72. ערוך השולחן | או"ח רלב:טז

אבל באמת ההיתר הזה לא שייך עתה ברוב המקומות, שאין קוראין לבית הכנסת במנחה. ויש שאמרו היתר אחר על מה שאנו אוכלים אחר זמן מנחה קטנה, דכמו שנתבאר לעיל סימן פ"ט לעניין ללמוד קודם תפלת שחרית, דאם מתפלל ביחידות אסור ללמוד, דשמא אתי לאמשוכי ויעבור זמן תפלה, אבל ברגיל להתפלל בבית הכנסת – מותר. והכי נמי כן הוא, דזה שאסרו בכל הדברים זהו במתפלל מנחה ביחידות, אבל במתפלל במניין

61. The same halachot apply to *Ma'ariv* as well, though all agree that even a small meal (i.e., eating more than a *k'beitza* of bread is included).

62. This issue is also especially relevant during these times, though it has not been discussed in the *shiur* here at length. See the commentaries to the *Shulchan Aruch* there and the *Piskei Teshuvot* concerning the details of this halacha.

certainly not forget to *daven* when the *minyan* gathers together (see *Magen Avraham* 232:8 citing the Mahari Weil). This is definitely a strong reason [to be lenient]. Therefore, one who does not *daven Mincha* with a congregation must certainly *daven Mincha* before eating when it is close to the time of *mincha ketana*, and certainly after that time...

הלא כשיתאסף המניין בהכרח שלא ישכח להתפלל (עייין מג"א סק"ח בשם מהרי"ו). ובוודאי סברא גדולה היא, ולכן מי שאינו מתפלל מנחה בציבור וודאי מחוייב להתפלל מנחה קודם אכילתו בזמן סמוך למנחה קטנה, וכל שכן אחר זמן זה....

This is the accepted approach as practical halacha, so one should make sure not to eat a meal (defined as more than a *k'beitza* of bread, which is about 55 grams) before *davening Mincha* (or *Ma'ariv*). Alternatively, **Rav Moishe Dovid Lebovits** cites contemporary *poskim* who allow asking another person to remind him to *daven* or setting an alarm clock as a reminder.



73. Rav Moishe Dovid Lebovits, Halachically Speaking, Tefillah When Davening Alone

There are many places in halachah where we have the concept of *shomer* – someone to watch and make sure one *davens*. Some *poskim* say that if one has a *shomer* who will remind him to *daven* then he may eat a small meal even within a half hour of *Minchah Ketanah*. For example, if one's wife is eating with him and she will remind him to *daven*, then he may eat.

The *poskim* discuss whether setting an alarm clock would serve the same purpose as a *shomer* to remind someone to stop eating and refrain from doing other activities when the time for *Minchah Ketanah* arrives.⁶³ It seems that this suffices only if one has a tendency to act once the alarm goes off and not “snooze” it.

Conclusion

The pandemic of COVID-19, or the coronavirus, has certainly impacted significantly on many aspects of our lives, including *davening* in shul. Nevertheless, we should try to use this time at home as an opportunity to strengthen our *kavana* during *tefilla* in ways that are sometimes difficult in shul (when one tries to keep pace with the *chazzan* and congregation). In addition, one can consider involving children and other family household members in the *davening* in ways that are not always possible in shul. We pray that the difficulties, illness, and death caused by this pandemic will pass soon, but in the meantime, let us capitalize on the opportunities presented to us to strengthen our *tefilla* and return to shul soon with renewed vigor and inspiration!

63. Rav Lebovits notes in the footnote that Rav Moshe Heinemann was among those who allowed using an alarm clock in his *shiur* on halachic issues related to the coronavirus.

SUMMARY OF HALACHIC PERSPECTIVES ON THE CORONAVIRUS II

"Porch" and Outdoor Minyanim During Coronavirus Restrictions

1. **Gemara Pesachim** – There is a *machloket* whether one who is outside of a room may be counted as one of the ten for a *minyan* inside.
2. **Shulchan Aruch (o.c. 55:13)** – Rules that one outside may not count for the *minyan*.
3. **Shulchan Aruch (o.c. 55:14)** – If one standing outside the shul shows his face through the window to those inside, he may count for the *minyan*.
4. **Rashba/Shulchan Aruch (o.c. 195:1)** – If two groups in different houses can see each other, they can combine for *zimmun*. This is considered the source according to some for the lenient ruling in #3.
5. **Mishna Berura** – Not all authorities agree with this ruling concerning *tefilla*. Therefore, it is best to have a *minyan* of ten stand in one place and not have some join from the women's section of the shul.
6. **Shulchan Aruch (o.c. 55:18) and Mishna Berura** – If part of the *minyan* is in the shul and part is outside in the courtyard, they do not combine together, but some allow if they can see each other. Perhaps one may be lenient in a case of need.
7. **Machazik Beracha** – Two groups of people in quarantine in a lazaretto that are placed in different buildings and are not allowed by law to join as one group may still combine together for a *minyan* if they can see each other (e.g., one stands right outside its building), since otherwise they will not be able to recite *Kaddish* and *Kedusha* for forty days. This source has been noted as a precedent for our current situation by a number of contemporary authorities.
8. **Separation of a Public Thoroughfare**
 - a. **Shulchan Aruch (o.c. 195:1)** – Some say (concerning *zimmun*) that two groups cannot combine if a *reshut harabim* separates between them.
 - b. **Taz/Mishna Berura** – This includes the separation by a private path as well.
 - c. **Minchat Yitzchak** – Two groups of people in a park that stand on two sides of a walking path (so that others can pass through) do not combine together for a *minyan* based on the above sources.

9. What is the Halacha in the Current Situation?

- a. **Minchat Asher** – In the current situation, we may rely on the opinions that allow forming a *minyan* of people located in different places if they can see each other, even if a private pathway or stairwell separates between the two groups of people (against the *Taz*). But the *minyan* should not be formed by two groups standing on two sides of a street.
- b. **Rav Moshe Shternbuch/Rav Shmuel Eliyahu** – Porch or outdoor *minyanim* are permitted in our situation, but Rav Shternbuch adds that the *chazzan* should stipulate that the *chazarat hashatz* has the status of a voluntary *tefilla*, plus the people cannot combine if a private pathway separates between them unless they are standing on a porch higher than ten *tefachim*.
- c. **Rav Yosef Zvi Rimon** – If everyone forming the *minyan* is standing outside on the street or sidewalk, it may not be considered a separation since they are all standing in the *reshut harabim*.
- d. **Rav Hershel Schachter/Rav Yitzchak Yosef** – Porch *minyanim* should not be formed because the halacha is that individuals may not combine for a *minyan* in this manner.
- e. **Rav Shlomo Miller/Rav Azarya Ariel** – Porch *minyanim* may be formed but *Chazarat HaShatz* and *Keriat HaTorah* should not be recited due to concern for the more stringent opinions, and if the health guidelines are not followed, the *minyan* should be stopped.
- f. **Rav Mordechai Willig/Rav Yitzchak Berkowitz** – Outside *minyanim* of any sort should not be formed at all due to concerns that the guidelines may not be followed properly (although they discussed New York and Jerusalem, respectively, the same ruling can be applied in other locations as well).

Responding to a Minyan Seen or Heard Online

1. **Gemara Sukka** – Scarves would be waved in the large shul in Alexandria so that those who could not hear the *chazzan* would know when he recited a *beracha* and respond *amen*.
2. **May one fulfill an obligation over the phone or respond *amen* to a *beracha* heard this way?**
 - a. **Igrot Moshe** – *Havdala* may be recited over the telephone in a case of need, and one should respond *amen* to a *beracha* over the telephone due to doubt.

- b. **Minchat Shlomo** – One cannot fulfill an obligation by listening over the phone, and one should also not respond *amen* when hearing a *beracha* this way.
- c. **Rav Ovadia Yosef** – One may not fulfill an obligation when hearing electronically, but one may respond to it, such as by saying *amen*.
- 3. **Shulchan Aruch (o.c. 55:20)** – Some say that no unclean object or gentile may separate between one responding to a *beracha* or *minyan* and the ones reciting the *beracha*.
- 4. **Mishna Berura** – Some say that the halacha is not in accordance with this opinion, and some say one may respond *amen*, *yehei shemei rabba*, and *Kedusha*, but not answer to *Barechu*.
- 5. **Orach Mishpat/Minchat Elazar** – This is not problematic when hearing a *beracha* over the phone since the sound only goes through the wires and does not become actual sound again until it is heard.
- 6. **Rav Yaakov Ariel/Rav Asher Weiss/Rav Yosef Zvi Rimon/Rav Noam Maizels** – In our current situation, it is permitted to respond *amen* and to other *devarim shebikedusha* over the phone, though some suggest reciting the *Kedusha* verses with the proper *te'amim*.

Making a Minyan Using Online Platforms

- 1. **Aruch HaShulchan** – The reason some allow forming a *minyan* when people can see each other even if they are not in the same place is because the *Shechina* rests upon a person's face, and the *Shechina* is present in every gathering of a *minyan*. Some have pointed to this source as a possible support for “Zoom *minyanim*” where everyone can see the faces of the others.
- 2. **Rav Melamed (quoted by others)** – *Kaddish* (and possibly *Barechu*) may be recited over Zoom because it is not a *beracha*.
- 3. **Rav Asher Weiss/Rav Yaakov Ariel/Rav Yosef Zvi Rimon/Most Poskim** – An online gathering cannot be considered a *minyan* for any purpose, and no *devarim shebikedusha* at all may be recited.

Differences in the Tefilla When Davening Alone

- 1. **Kedusha with Te'amim**
 - a. **Shulchan Aruch** – Presents two opinions whether the *Kedusha pesukim* should be skipped when *davening* alone. One should therefore recite it with the *te'amim*.

- b. **Rema** – The custom is to be lenient and recite it normally.
 - c. **Mishna Berura** – Since the Gra holds like the stringent opinion, it is best to recite with *te'amim*.
 - d. **Rema** – The same issue applies to the *Kedusha pesukim* in *Uva L'tzion*.
2. **Kel Melech Ne'eman Before Keriat Shema**
 - a. **Shulchan Aruch (o.c. 61:3)** – The *Chazzan* repeats the words *Hashem Elokeichem emet* after *Shema* to reach 248 words.
 - b. **Rema** – An individual should say *Kel Melech Ne'eman* before *Shema* to reach 248 words.
3. **Keriat HaTorah During the Week**
 - a. **Ishei Yisrael** – *Kel Erech Apayim* is not recited when *davening* alone.
 - b. *Keriat HaTorah* is not recited.
4. **Vayechulu and Beracha Mei'ein Sheva**
 - a. **Mishna Berura** – Ideally one should recite *Vayechulu* with another person. One *davening* alone may say it like one who is reading the Torah.
 - b. **Chazon Ish** – One may recite it alone normally.
 - c. **Shulchan Aruch/Rema** – Only the *chazzan* recites the *Beracha Mei'ein Sheva*, while if others wish, they may recite the paragraph of *Magen Avot*.
 - d. **Dirshu Edition of the Mishna Berura** – It is a *machloket* whether one *davening* alone says *Magen Avot* or not.
5. **Keriat HaTorah – Should one read from a Chumash instead?**
 - a. **Rav Hershel Schachter/Rav Ovadia Yosef** – There is no reason to read it from a Chumash instead, though the mitzva of *shenayim mikra* still applies.
 - b. **Ketzot HaShulchan/Rav Pe'alim** – One who does not hear the Torah reading should read the *parsha* himself from a Chumash instead.
 - c. **Rav Mordechai Willig/Rav Moshe Heinemann/Rav Hillel Meyers** – Recommend reading from a Chumash during the current situation.
6. **Yekum Purkan**
 - a. **Shulchan Aruch (o.c. 101:4)** – One *davening* alone should not *daven* anything in Aramaic.
 - b. **Mishna Berura** – One should not recite *Yekum Purkan* at all when *davening* without a *minyan*.
 - c. **Shela** – The first *Yekum Purkan* may be recited since it is a *beracha* for the Sages in Eretz Yisrael.

- d. ***Ishei Yisrael*** – One should not recite either *Yekum Purkan* or the subsequent paragraph about congregational leaders.
- 7. ***Anim Zemirot***
 - a. **Rav Yaakov Ariel** – Any individual may recite it, but some hold it should not be recited at all because we do not understand all of the analogies written there.
 - b. **Rav Hershel Schachter** – An individual does not recite *Anim Zemirot* since it was instituted for a *tzibbur*, plus it may be a *davar shebikedusha*.

Other Halachot Related to Tefilla At Home

1. **Preferred Time for Davening at Home**
 - a. ***Shulchan Aruch* (o.c. 90:9)** – One should *daven* at the time that the *tzibbur* is *davening*.
 - b. **Rema** – Those who live in communities without a *minyan* should *daven* at the same time as other communities do.
 - c. ***Minchat Asher*** – In cases where there are virtually no communities in the region with a *minyan*, one can have everyone *daven* at home at the same time (perhaps even together by phone or other live means), and this may qualify as *davening* at the same time as the *tzibbur*.
2. **Proper Dress for Tefilla**
 - a. ***Shulchan Aruch* (o.c. 91:5)** – One should not *daven* with his money belt, head uncovered, or barefoot (if people usually wear footwear when meeting a dignitary).
 - b. ***Mishna Berura/Piskei Teshuvot*** – Therefore, when *davening* at home one should not wear a robe, undergarments, a nightgown, pajamas, slippers, or the like.
3. **Tefilla in the Proper Surroundings**
 - a. ***Shulchan Aruch* (o.c. 76:1)/*Mishna Berura*** – One should not *daven* with human feces nearby unless they are covered (even if it is transparent) and one does not smell them.
 - b. ***Piskei Teshuvot*** – If a young child is sitting on a potty, that can be considered a covering of feces inside, and any foul smell can be removed with air freshener.
4. **Issues of Erva**
 - a. ***Shulchan Aruch* (o.c. 75:1-2)** – It is forbidden to recite *Keriat Shema*

opposite a woman with an uncovered handbreadth of a part of the body usually covered.

- b. **Mishna Berura** – Uncovered hair is considered *erva* based on the Gemara even if it is not usually covered.
- c. **Aruch HaShulchan** – Nowadays when many women walk around with uncovered hair, hair is not considered *erva*.
- d. **Shulchan Aruch/Rema (o.c. 75:3)** – One may not recite *Keriat Shema* while listening to women singing, including one's wife.

5. **Davening in the Same Room as Women**

- a. **Igrot Moshe** – There is no need for a *mechitza* when *davening* with family members alone in a private home; one may simply *daven* in one corner of the room.
- b. **Rav Moishe Dovid Lebovits** – Men and women of the same family may *daven* in the same room, as a *mechitza* is only required in shul.

6. **Davening in Front of a Mirror or Picture**

- a. **Mishna Berura** – It is forbidden because it appears as if one is bowing down to his own image and it is difficult to maintain proper *kavana*.

7. **Davening in a Fixed Spot**

- a. **Shulchan Aruch (o.c. 90:19)** – One should *daven* in a fixed spot.
- b. **Piskei Teshuvot** – This applies when *davening* at home as well.

8. **Avoiding Distractions**

- a. **Shulchan Aruch (o.c. 96:1)** – One should not hold objects in one's hand when *davening* because it will be distracting.

9. **Eating Before Mincha and Ma'ariv**

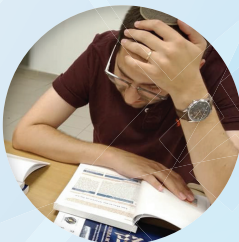
- a. **Rema (o.c. 232:2)** – The custom is to allow eating a meal even in the late afternoon since we call people to come to shul, so they will not forget to *daven*.
- b. **Aruch HaShulchan** – The Rema's leniency does not apply nowadays, but one who *davens* regularly in a *minyan* may also be lenient since he will not forget to *daven* at the time of the *minyan*. But one *davening* alone should not eat a meal before *Mincha* or *Ma'ariv*.
- c. **Rav Moishe Dovid Lebovits** – One may eat if one appoints a *shomer* to remind him to *daven* or sets an alarm clock (provided one does not press "snooze" afterwards).



JOIN THE REVOLUTIONARY TZURBA M'RABANAN LEARNING PROGRAM NOW IN ENGLISH!

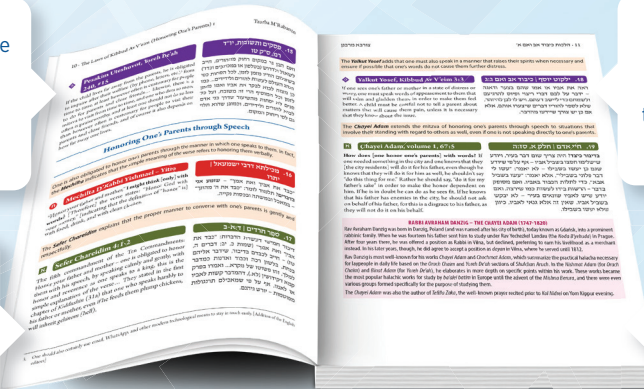
VOLUME 6 AVAILABLE NOW!

TOPICS INCLUDE: SAKANA, KASHRUT OF RAW
INGREDIENTS, CHINUCH FOR CHILDREN, LAWS OF CHALLA
AND CHADASH, TERUMOT AND MA'ASROT, NEDARIM,
SEFIROT HA'OMER AND A SPECIAL SHIUR ON COVID-19



OVER 20,000 LEARNERS IN HUNDREDS OF COMMUNITIES ALL OVER THE WORLD

A systematic and concise
learning method, from
the Talmudic source
through modern-day
halachic application



Clear and concise
introductions and
a modern English
translation alongside the
original Hebrew text

Cover 300 major topics
in Shulchan Aruch,
learning once a week
during a four-year cycle

Color-coded sections,
icons and elucidation
to guide the learner, in
addition to in-depth
essays and responsa to
complement the learning



Tzurba M'Rabanan is available as
a podcast on all major platforms,
including iTunes, Spotify and Google

VISIT WWW.TZURBAOLAMI.COM FOR MORE INFORMATION AND TO ORDER BOOKS