

Gaza Withdrawal

■ *Jewish Action* is to be commended for recognizing its obligation to bring before its readers the pros and cons of Israeli Prime Minister Ariel Sharon's fateful disengagement plan, which is tearing Israeli society apart ("Deserving the Land" by Myles Brody, winter 2004). However, to do so by having a third party give an analysis of two articles, which themselves relate only tangentially to this issue, sheds very little light.

Whether or not in order "to exercise this right [to Eretz Yisrael,] we must fulfill our obligations of social justice and worship of Hashem," whether or not making settlement in the liberated areas of Eretz Yisrael its "flagship mission" was a public relations error for Religious Zionism, whether or not emphasizing settlement activities implies neglect of social justice issues—all of these questions, their intrinsic interest notwithstanding, have no bearing on the immediate crucial issue—the unilateral forced uprooting of every last Jew as well as the homes, businesses, *yeshivot*, synagogues and cemeteries from the Gaza area.

Shubert Spero
Bar-Ilan University
Ramat Gan, Israel

Mr. Brody responds

I thank Professor Spero for his thoughtful letter.

As stated in my article, the debate between Rabbis Bazak and Medan does not relate to the political and strategic merits of the withdrawal plan. Activists on both sides of the issue make serious arguments that need to be contemplated judiciously. For a better understanding of the withdrawal plan, one undoubtedly would find better articles, from a wide range of

perspectives, in Israeli media outlets such as *Ha'aertz*, *The Jerusalem Post* and *Arutz Sheva*.

Yet Religious Zionists do not relate to defining moments in Israeli history only on the military level. For us, the amazing return of the Jewish people to the land of Israel after 2,000 years of exile is no mere political wonder but a miraculous gift of God. Yet just as our moments of triumph call for devout thanksgiving, so too times of crisis and struggle call for religious reflection. As Rabbis Bazak and Medan remind us, our historic homecoming cannot be taken for granted, as the *Tanach* demands constant spiritual propriety from the inhabitants of Eretz Yisrael. Their debate relates to the fundamental issue of what we must do, on a practical level, to deserve the continued Divine gift of Jewish sovereignty in our ancient homeland.

Even if one does not agree with either rabbi's diagnosis of, or cure for, Israel's spiritual condition, one must nonetheless salute their broadening of the discourse within the religious community beyond referendums and demographics. In all times of national crises, the *halachah* demands *cheshbon hanefesh* (introspection). The Bazak-Medan debate gives us a springboard for continued contemplation, dialogue and prayer.

May God have mercy on His people and His Land.

Davening with a Minyan

■ With all due respect to Rabbi Ari Zivotofsky, I take strong issue with his declaration that a prayer service in which ten men are not *davening* together does not constitute *tefillah betzibbur* ("What's the Truth About . . . *Davening* with a Minyan?" fall 2004). Rabbi Zivotofsky cites Rav Moshe Feinstein and Rav

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Shlomo Zalman Auerbach among his sources. Is Rabbi Zivotofsky correct? Is an error being made by the thousands of individuals who daily participate in minyanim wherein less than ten men are actually *davening*?

Rambam explicitly states that such prayer constitutes *tefillah betzibbur* (*Hilchot Tefillah* 8:4). The Kessef Mishneh explains that Rambam's ruling is founded upon the principle of *rubo kekulo*—that a majority is treated as a whole. Consequently, six praying together with four non-participants completing the quorum are equivalent to ten who are praying together.

Rambam is supported by a coterie of Acharonim, of whom I will list just a sampling: the *Shulchan Aruch* of the Ba'al Hatanya (*OC* 69:5), the Magen Avraham (*OC* 69:4), Rabbi David Zvi Hoffman (*Melamed Lehoel* 1:5) and Dayan Yitzchak Weiss (*Minchat Yitzchak* 3:10). And after his typically exhaustive examination of the sources, Rav Ovadiah Yosef writes (*Yechave Da'at* 5:7):

Those who pray in a minyan wherein the majority have not yet prayed, while the minority have already prayed, their tefillah is accounted as tefillah betzibbur.

Rabbi Zivotofsky adduces support for his view from the *Mishnah Berurah* (*OC* 90:28), who writes that "*ikkar tefillah betzibbur*" requires ten men *davening* together. However, the *Mishnah Berurah* himself (*OC* 69:8) states that as long as six of the ten are *davening*, they are considered a *tzibbur*. Indeed, a careful analysis of the *Mishnah Berurah's* words indicates only that the preferred method of *tefillah betzibbur*; the *ikkar*, is for ten men to *daven* together.

Even Rav Moshe, who devotes three responsa to his view that *tefillah betzibbur* is fulfilled only when ten men pray together, equivocates at the conclusion of the last responsum, citing Rambam's contrary opinion.

In matters such as these, we are wise to observe *minhag Yisrael*; how does the general populace conduct itself? I asked a respected Chassidic *rebbe* about the custom in pre-war Europe. He responded that it was to rely on the opinion that six

men praying constitute *tefillah betzibbur lechatchillah*. A similar sentiment is found in Dayan Weiss' responsum. He writes: "Go and see what the people do."

Therefore, while the ideal may be for ten men to *daven* Shemoneh Esrei together, one absolutely fulfills the mitzvah of *tefillah betzibbur* even if only six men are *davening*.

Rabbi Zivotofsky also writes that if one arrives late to shul and *davens* word for word along with *chazarat hashatz*, his *tefillah* is "somewhat akin to *tefillah betzibbur*." Actually, the Chatam Sofer and others consider such *tefillah* the ideal method of *tefillah betzibbur*. Thus, while it is preferable to pray together with the *tzibbur*; if one arrives late and *davens* at least the first *berachah* together with the *chazzan*, he fulfills the mitzvah of *tefillah betzibbur*.

Avi Goldstein
Far Rockaway, New York

Rabbi Zivotofsky responds

I thank Rabbi Avi Goldstein for his letter clarifying the definition of *tefillah betzibbur*. He is correct in stating that not all authorities require that ten men be *davening* in order to have *tefillah betzibbur*. Indeed, in my article, I qualified my statement by prefacing my remarks with the words "significant authorities maintain ..." and then citing Rav Moshe Feinstein and Rav Shlomo Zalman Auerbach, two unquestionably significant authorities. That others disagree, I pointed out in note 4, wherein I cite two of Rabbi Goldstein's sources, Rav Ovadiah Yosef and Dayan Yitzchak Weiss. I think that Rabbi Goldstein and I totally agree: Ab initio it is preferable to have at least ten men actually *davening*. But when that is not possible, whether in a Chassidic *shtiebel* in pre-war Europe, in a synagogue in small-town USA, in Far Rockaway, New York, or at a Minchah minyan at a New York firm, it is certainly preferable to have six *daveners* and four listeners than no minyan at all, and the practice of many is thus not in error.

Furthermore, there may be other priorities that override *tefillah betzibbur* altogether. For example, the *Mishnah*

Berurah (131:26) suggests that a *chatan* not attend shul because that would cause others to not say Tachanun. Thus, it seems that the minyan's recitation of Tachanun overrides the *chatan's* obligation to *daven* with a quorum. **JA**

Correction:

In "Maimonides, *Mishneh Torah*, Manuscripts and Indices" by Chaim Rapoport (spring 2005), the author identified the institution with which Rabbi Nachum Rabinovitch is affiliated as Yeshivat Darkei Moshe; it is actually Yeshivat Birkat Moshe.

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