

# VEBDE REBDE

## Doing Kaddish After Lacking Full Participation

**Question:** *Can the final Kaddish D'Rabbanan at the end of tefilla be said when there is a minyan only when counting people who are not reciting Pitum Haketoret (e.g., busy taking off their tefillin)? Also, is it proper for one to say Kaddish D'Rabbanan or Kaddish Yatom along with others in shul when they did not participate in the learning session or tefilla after which the Kaddish is being said?*

**Answer:** A relatively close case to those you ask about is what is called *poress al Shema*. This is when people who do not have a minyan for all of davening want to join with others, including those who finished davening, to enable them to take part in Kaddish (relating to P'sukei D'zimra) and Barchu. The Shulchan Aruch (Orach Chayim 69:1) says that while it is good if there are six who have yet to take part in these *devarim sheb'kedusha*, it can even be done for one such person. Furthermore, if need be, even one who already took part in a minyan can lead the recitation.

Similarly, the Taz (55:3) infers from several sources that in order to say Kaddish, which relates to a previous text(s) that was recited, it suffices for the minyan to be assembled at the time Kaddish is recited, even if they were not there for the matters to which the Kaddish relates. The Magen

Avraham, regarding the Kaddish after learning Torah (69:4) and after Ashrei at Mincha (234:1), says that the minyan must already have been present for the recitations that precede the Kaddish. The Pri Megadim (MZ 55:3) says that the Magen Avraham agrees to the Taz's leniency regarding the Kaddish following P'sukei D'zimra because P'sukei D'zimra/Kaddish is a requirement. In other words, in cases like *poress al Shema*, where there is a real need for these things to be said, the minyan enables the recitation of Kaddish whenever it becomes possible. In contrast, regarding less critical recitations, we say that the need for Kaddish is created only by a minyan present at the previous activity.

Even where the Magen Avraham applies, he only requires the ten to be present during learning to justify Kaddish afterward, but does not require all to participate in the learning (*ibid.* 69:4). In this regard, the Aruch Hashulchan (OC 55:9) is even more stringent, saying that since Kaddish after learning is optional, the ten people must have learned together.

The best way to avoid *machloket* in such cases is for the learners to include the minyan in a classic Kaddish-trigger statement, such as the famous statement of Rav Chananya ben Akashya. Similarly, at the end of P'sukei D'zimra, the chazan can read out loud three *p'sukim* for the whole minyan to hear (see Mishna Berura 55:2). Regarding Pitum Haketoret at the end of davening, if there are not

ten davening, it is worthwhile for the chazan to say "Talmidei chachamim..." or the last three p'sukim out loud. If this is difficult, one can rely on the majority opinion (see also Mishna Berura 54:9) that you do not need even a majority of the minyan to be learning before Kaddish D'Rabbanan. Furthermore, the Aruch Hashulchan probably agrees that presence of ten is enough for Pitum Haketoret because it is a set part of tefilla for those who recite it and/or because having one Kaddish D'Rabbanan at Shacharit is important (see Living the Halachic Process vol. I, A-6).

Regarding someone not involved in that which the Kaddish is related to reciting it, we saw that this is possible regarding poress al Shema. The Mishna Berura (54:9) assumes that this is true also for Kaddish after learning, and there is no reason to think that this would not apply to the Kaddish after Aleinu or Shir Shel Yom. The Chelkat Yaakov (OC 20) says it is always permitted to just join others who are anyway saying Kaddish, as it is no worse than answering Amen to a beracha one knows has just been completed. Rav Moshe Feinstein (Igrot Moshe, YD IV, 61.8) says that it is permitted as long as the matter that Kaddish is going on is part of the tefilla or part of a learning session that is done as part of a tzibur.

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