

# Shelach Lecha and Counting Nine for a Minyan

Source Sheet by Barry Leff

## Numbers 13:2

(2) “Send men to scout the land of Canaan, which I am giving to the Israelite people; send one man from each of their ancestral tribes, each one a chieftain among them.”

## במדבר י"ג:ב'

(ב) שְׁלַח-לְךָ אַנְשִׁים וַיִּתְּרוּ אֶת-אֶרֶץ כְּנָעַן  
אֲשֶׁר-אֲנִי נֹתֵן לְבְנֵי יִשְׂרָאֵל אִישׁ אֶחָד מֵאֵישׁ  
אֶחָד לְמִטֵּה אֲבֹתָיו תִּשְׁלָחוּ כָּל נָשִׂיא בְּהֵם:

## Numbers 14:30

(30) not one shall enter the land in which I swore to settle you—save Caleb son of Jephunneh and Joshua son of Nun.

## במדבר י"ד:ל'

(ל) אִם-אַתֶּם תִּבְּאוּ אֶל-הָאָרֶץ אֲשֶׁר נִשְׁאַתִּי  
אֶת-יְדֵי לְשַׁכּוֹן אֶתְכֶם בָּהּ כִּי אִם-כָּלֵב  
בֶּן-יִפְנֶה וַיהוֹשֻׁעַ בֶּן-נּוּן:

## Numbers 14:27

(27) “How much longer shall that wicked community keep muttering against Me? Very well, I have heeded the incessant muttering of the Israelites against Me.

## במדבר י"ד:כ"ז

(כז) עַד-מַתִּי לַעֲדָה הָרְעָה הַזֹּאת אֲשֶׁר הִמָּה  
מְלִיגִים עָלַי אֶת-תְּלִזּוֹת בְּנֵי יִשְׂרָאֵל אֲשֶׁר  
הִמָּה מְלִיגִים עָלַי שָׁמַעְתִּי:

## Numbers 16:21

(21) “Stand back from this community that I may annihilate them in an instant!”

## במדבר ט"ז:כ"א

(כא) הִבְדְּלוּ מִתּוֹךְ הָעֵדָה הַזֹּאת וְאֲכַלְהָ אֲתָם  
כִּרְגַע:

Ten bad spies and two good spies. - adat ra, "evil congregation," a congregation is ten

## Genesis 18:26-33

(26) And the LORD answered, “If I find within the city of Sodom fifty innocent ones, I will forgive the whole place for their sake.”  
(27) Abraham spoke up, saying, “Here I venture to speak to my Lord, I who am but dust and ashes: (28) What if the fifty

## בראשית י"ח:כ"ו-ל"ג

(כו) וַיֹּאמֶר יְהוָה אִם-אֶמְצָא בְּסָדָם חֲמִשִּׁים  
צַדִּיקִים בְּתוֹךְ הָעִיר וַנִּשְׁאַתִּי לְכָל-הַמָּקוֹם  
בְּעַבְרָתָם: (כז) וַיַּעַן אַבְרָהָם וַיֹּאמֶר הִנֵּה-נָא  
הוֹאֲלֹתִי לְדַבֵּר אֶל-אֲדֹנָי וְאַנְכִי עֹפֵר וְאֶפְרָ:  
(כח) אֲוִלִי יִחְסְרוּן חֲמִשִּׁים הַצַּדִּיקִים חֲמִשָּׁה

innocent should lack five? Will You destroy the whole city for want of the five?" And He answered, "I will not destroy if I find forty-five there." ... And he said, "Let not my Lord be angry if I speak but this last time: What if ten should be found there?" And He answered, "I will not destroy, for the sake of the ten." (33) When the LORD had finished speaking to Abraham, He departed; and Abraham returned to his place.

הַתְּשִׁיטִית בְּחַמְשָׁה אֶת־כָּל־הָעִיר וַיֹּאמֶר לֹא  
אֲשַׁחִית אִם־אֶמְצָא שָׁם אַרְבָּעִים  
וַחֲמִשָּׁה: .... (לב) וַיֹּאמֶר אֶל־נָא יְיָ חַר לֹא־לִנִּי  
וְאִדְבָּרָה אֶת־הַפֶּעַם אוֹלִי יִמָּצְאוּן שָׁם עֲשָׂרָה  
וַיֹּאמֶר לֹא אֲשַׁחִית בְּעֶבֶר הָעֲשָׂרָה: (לג)  
וַיֵּלֶךְ יְהוָה כְּאֲשֶׁר כָּלָה לְדַבֵּר אֶל־אַבְרָהָם  
וַאֲבָרָהָם שָׁב לְמִקְוֹ:

**Midrash Tanchuma, Miketz 6:5**

(5) As soon as Jacob heard that there was corn in Egypt, he said to his sons: *Get you down thither, and buy for us from them, etc. And Joseph's ten brethren went down* (ibid. 42:2–3). Why did all ten go? Because in that number resides the power to set aside retribution. <sup>4</sup> *Because ten comprise a minyan and so they could beseech God as a congregation.* For example, when the Holy One, blessed be He, was about to destroy Sodom, our patriarch Abraham pleaded for heavenly mercy in their behalf. He spoke first of fifty men, but finally reduced the number to ten, as it is said: *Peradventure ten shall be found there* (ibid. 18:31). Ten men also comprise a congregation, as is said: *How long shall I bear with this evil congregation* (Num. 14:27), and *God standeth in the congregation of God* (Ps. 82:1). Hence Scripture states: *Joseph's ten brethren went down* (Gen. 42:3).

**מדרש תנחומא, מקץ ו'ה'**

(ה) מִיָּד שָׁמַע יַעֲקֹב נְשִׁיבָה שְׂכָר בְּמִצְרַיִם,  
וְאָמַר לְבָנָיו רְדוּ שָׁמָּה וְשָׁכְרוּ וְגו'. וַיֵּרְדוּ  
אַחֵי יוֹסֵף עֲשָׂרָה. וְלָמָּה עֲשָׂרָה, שְׁיֵשׁ בָּהֶן כֹּחַ  
לְדַחֹת הַפְּרַעֲנוֹת, שְׂכָן כְּשֶׁבֶא הַקְּדוֹשׁ בְּרוּךְ  
הוּא לְהַחֲרִיב אֶת סְדוֹם וְהָיָה אַבְרָהָם אָבִינוּ  
מִבְּקִשׁ עֲלֵיהֶן רַחֲמִים מִן הַשָּׁמַיִם, הַתְּחִיל  
מִסְפֵּר מִן חֲמִשִּׁים עַד עֲשָׂרָה, שֶׁנֶּאֱמַר: אוֹלִי  
יִמָּצְאוּן שָׁם עֲשָׂרָה (בראשית יח, לב), כִּי  
עֲשָׂרָה הִיא עֵדָה, שֶׁנֶּאֱמַר: עַד מָתִי לְעֵדָה וְגו'  
(במדבר יד, כז), וְכַתִּיב: אֱלֹהִים נֹצֵב בְּעֵדַת אֵל  
(תהלים כב, א). לָכֵן נֶאֱמַר וַיֵּרְדוּ אַחֵי יוֹסֵף  
עֲשָׂרָה,

Why does "public sanctification" of God's name require a minyan?

**Berakhot 21b**

And similarly said Rab Adda b. Ahabah : Whence is it that the individual does not say the "Sanctification"? As it is said, "But I will be hallowed among the children of Israel" (Lev. xxii. 32) — i.e. anything which comes under the heading of "Sanctification" cannot be without a minimum of ten. How

**ברכות כ"א ב**

וכן אמר רב אדא בר אהבה מנין שאין  
היחיד אומר קדושה שנאמר (ויקרא כב,  
לב) ונקדשתי בתוך בני ישראל כל דבר  
שבקדושה לא יהא פחות מעשרה מאי  
משמע דתני רבנאי אחוה דרבי חייה בר

is this implied? As Rabbanai, the brother of R. Hiyya b. Abba, taught : We draw an analogy from the occurrence of the word "among[7]." It is written here, "But I will be hallowed among the children of Israel" and it is written elsewhere "Separate yourselves from among this congregation" (Num. xvi. 21). As in the latter circumstance there were ten[8], so here also there must be ten.

Why is it important to pray with a minyan?

### Berakhot 6a

**It was taught** in a *baraita* that **Abba Binyamin said: One's prayer is only fully heard in a synagogue, as it is stated** with regard to King Solomon's prayer in the Temple: "Yet have You turned toward the prayer of Your servant and to his supplication, Lord my God, **to listen to the song and the prayer** which Your servant prays before You on this day" (I Kings 8:28). The following verse concludes: "To hear the prayer Your servant directs toward this place" (I Kings 8:29). We see that one's prayer is heard specifically in the Temple, of which the synagogue is a microcosm (Rav Yoshiyahu Pinto). It may be inferred that **in a place of song**, a synagogue where God's praises are sung, **there prayer should be.**

### Mishneh Torah, Prayer and the Priestly Blessing 8:1

The prayer of a community is always heard, and even if there are sinners [amongst them], Hashem does not reject the prayers of the many. Therefore, it is necessary for a person to join with a congregation and not to pray alone whenever he is able to pray with a community.

One should always spend the early morning and evening [hours] in the synagogue, for

אבא אתיא תוך תוך כתיב הכא ונקדשתי  
בתוך בני ישראל וכתיב התם (במדבר טז,  
כא) הבדלו מתוך העדה הזאת מה להלן  
עשרה אף כאן עשרה

### ברכות ו' א

תניא אבא בנימין אומר אין תפלה של אדם  
נשמעת אלא בבית הכנסת שנאמר (מלכים  
א ח, כח) לשמוע אל הרנה ואל התפלה  
במקום רנה שם תהא תפלה

### משנה תורה, הלכות תפילה וברכת כהנים ח' א'

(א) תפלת הציבור נשמעת תמיד ואפילו היו  
בהן חוטאים אין הקב"ה מואס בתפלתן של  
רבים לפיכך צריך אדם לשתף עצמו עם  
הציבור ולא יתפלל ביחיד כל זמן שיכול  
להתפלל עם הציבור

ולעולם ישכים אדם ויעריב לבית הכנסת  
שאין תפלתו נשמעת בכל עת אלא בבית

prayer will not be heard at all times except [when recited] in the synagogue.

הכנסת

Anyone who has a synagogue in his city and does not pray [together] with the congregation is called a bad neighbour.

וכל מי שיש לו בית הכנסת בעירו ואינו מתפלל בו עם הציבור נקרא שכן רע.

#### Taanit 8a

**Rabbi Ami said: A person's prayer is heard only if he places his soul in his palm**, i.e., one must submit his entire soul with sincerity in his outstretched hands as he prays, **as it is stated: "Let us lift up our heart with our hands"** (Lamentations 3:41). The Gemara raises an objection: **Is that so? But Shmuel once established for himself an interpreter to teach in public, and interpreted homiletically the verse: "But they beguiled Him with their mouth and lied to Him with their tongue, for their heart was not steadfast with Him, neither were they faithful to His covenant"** (Psalms 78:36–37), **and nevertheless the psalm continues: "But He, being full of compassion, forgives iniquity, and does not destroy"** (Psalms 78:38). This indicates that all prayers are accepted, even if they lack sincerity. The Gemara responds: This is **not difficult**, as **here** Rabbi Ami is referring **to an individual** who prays without sincerity and consequently his prayer goes unheard, whereas **there** Shmuel is saying that when one prays **with the community**, even if his prayers are deficient, they are accepted in the merit of the congregation.

#### Pirkei Avot 3:6

Rabbi Chalafta [ben Dosa] of Kfar Chananiah says:

Ten who are sitting together and engaging in Torah, the Divine Presence rests among them, as it is said (Psalms 82:1): "God stands in the congregation of God."

#### תענית ח' א

אמר רבי אמי אין תפלתו של אדם נשמעת אלא אם כן משים נפשו בכפו שנאמר (איכה ג, מא) נשא לבבנו אל כפים [איני והא] אוקים שמואל אמורא עליה ודרש (תהלים עח, לו) ויפתוהו בפיהם ובלשונם יכזבו לו ולבם לא נכון עמו ולא נאמנו בבריתו ואף על פי כן (תהלים עח, לח) והוא רחום יכפר עון וגו' לא קשיא כאן ביחיד כאן בציבור

#### משנה אבות ג' ו'

(ו) רבי תלפתא בן דוסא איש כפר חנניה אומר, עשרה שיושבין ועוסקין בתורה, שכינה שרויה ביניהם, שנאמר (תהלים פב) אלהים נצב בעדת אל.

### Berakhot 6b

On this same topic, **Rabbi Yoḥanan said: When the Holy One, Blessed be He, enters a synagogue and does not find ten people there, He immediately becomes angry, as it is stated: “Why, when I came, was there no one? When I called, there was no one to answer...Behold, with My rebuke I dry up the sea, I make the rivers a wilderness”** (Isaiah 50:2).

### ברכות ו' ב

אמר ר' יוחנן בשעה שהקב"ה בא בבית הכנסת ולא מצא בה עשרה מיד הוא כועס שנא' (ישעיהו נ, ב) מדוע באתי ואין איש קראתי ואין עונה.

### Yiddish Proverb

Nine rabbis do not constitute a minyan, but ten cobblers can.

How is it possible to count nine plus an open ark for minyan?

### Berakhot 47b

With regard to the laws of joining a quorum, **Rav Huna said: Nine plus an ark** in which the Torah scrolls are stored **join** to form a quorum of ten. **Rav Naḥman said to him: Is an ark a man**, that it may be counted in the quorum of ten? **Rather, Rav Huna said: Nine who appear like ten may join together.** There was disagreement over this: **Some said this halakha** as follows: Nine appear like ten **when they are gathered.** **And some said this halakha** as follows: Nine appear like ten **when they are scattered**, the disagreement being which formation creates the impression of a greater number of individuals.

### ברכות מ"ז ב

אמר רב הונא תשעה וארון מצטרפין א"ל רב נחמן וארון גברא הוא אלא אמר רב הונא תשעה נראין כעשרה מצטרפין אמרי לה כי מכנפי ואמרי לה כי מבדרי

### Jerusalem Talmud Berakhot 53b

It was taught: They may count in a minor or a Torah scroll [with nine adults to reach the quorum of ten]. Said R. Yudan, “The correct version of the teaching is: They may count in a minor [with six adults to count as one of the seven who read from] the Torah scroll.”

### תלמוד ירושלמי ברכות נ"ג ב

תני קטן וספר תורה עושין אותו סניף א"ר יודן כיני מתניתא קטן לספר תורה עושין אותו סניף

### **Shulchan Arukh, Orach Chayim 55:4**

Some permit the recital of devarim she'be'kedusha [meaning kaddish, borchu, kedusha, reading of the Torah, etc.] when there are nine adults and one minor who is older than six years and understands to Whom we pray. However, this opinion is not accepted by the greatest of the authorities. Rema: Even with a chumash in his hand he doesn't make up the minyan, nonetheless there are those who are lenient at an urgent time.

### **אורח חיים נ"ה:ד'**

(ד) יש מתירין לומר דבר שבקדושה בתשעה וצרוף קטן, שהוא יותר מן שש יודע למי מתפללין, ולא נראין דברייהם לגדולי הפוסקים, והוא הדין דעבד ואשה אין מצטרפין: הגה: ואפלו על ידי חמש שבדו אין לצרפו, מיהו יש נוהגין להקל בשעת הדחק. (הרא"ש ומרדכי והגהות ממוני פרק ח' מהלכות תפלה).

### **Rabbi Michael Leo Samuel - Historic Precedent**

On the other hand, there are other rabbinical passages dating back to the Gaonic era (8th-10th centuries) that in Palestine, a minyan may have consisted of seven or six people.

The liturgical historian Abraham Milgram notes that after WWII, a number of Jewish communities actually went back to counting six or seven people as a “minyan,” until the time their ranks would grow in number. This specifically happened in the city of Dubrovnik, Yugoslavia

### **Rabbi Barry Leff - Ruling for Temple Beth-El on Nine and the Open Ark for a Minyan**

There is an established custom at Temple Beth-El to count nine plus the open ark for a minyan. I considered whether it was necessary to abandon this custom that pre-dated my tenure here.

#### **Background:**

- The sources are clear that a minyan is ten; while there are sources that speak of nine plus a Torah or minor, those sources are not the generally accepted halacha.
- Requiring a minyan for *devarim sh'b'kedusha* is a rabbinic requirement, not a biblical ordinance. There is historical precedent for counting fewer than ten for a minyan in a time of urgent need.

#### **Psak halacha:**

- For a mourner saying kaddish is an "urgent need." For purposes of allowing mourners to say kaddish, we will allow counting nine plus a sefer Torah (open ark).
- Even though the principle of לא פליג would suggest that if we count nine in this fashion for a minyan we should count it for all purposes, since the urgent need is for mourner's kaddish, and we don't want to convey the erroneous view that nine constitutes a minyan, we only permit using the Sefer Torah as the tenth for mourner's kaddish. Other forms of sanctification (e.g., repetition of the Amidah,

barchu, etc.) require ten Jews above bar/bat mitzvah age.

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