

Q&A from the Bais HaVaad Halacha Hotline

Man Down

November 3, 2022

Q My Mincha and Ma'ariv minyanim typically have exactly ten participants. Sometimes one man leaves early. May we say *chazaras hashatz* or kaddish with nine?



A While most parts of davening may be recited by a *yachid*, passages classified as *davar shebikdushah* (e.g., kaddish, kedushah, *barchu*, and *chazaras hashatz*) require a minyan (Brachos 21b). This is alluded to in the *pasuk* (Vayikra 22:31) “*venikdashti besoch Bnei Yisrael*,” (and I will be sanctified among Bnei Yisrael).

The Shulchan Aruch (O.C. 55:2) says that if the recitation began with a minyan, it may continue even if the minyan dispersed, provided at least six remain. But this allowance only applies to the stage of davening that had a minyan at its start; a *davar shebikdushah* in the next stage may not be said. For example, if the silent Shmoneh Esrei began with ten and one left, the chazzan cannot begin *chazaras hashatz*, which is another stage (Biur Halacha *ibid.*). If he left during *chazaras hashatz*, it may be completed—including kedushah (*ibid.* 3), and even the kaddish *shaleim* afterward, which is the closing of *chazaras hashatz* (Rama *ibid.*).

Similarly, if Ma'ariv began with a minyan and a man left, the *chatzi* kaddish before Shmoneh Esrei may be recited—because it is the closing of *birchos krias Shma*—but not the kaddish that follows Shmoneh Esrei.

If Shmoneh Esrei of Ma'ariv began with a minyan, the kaddish afterward may be said, because it is the closing of the Shmoneh Esrei of Ma'ariv (Mishnah Brurah *ibid.* 22).

At Mincha, if ten were present when Ashrei began but only nine remained when it concluded, the Pri Megadim is unsure whether the chazzan may say the *chatzi* kaddish. But the Mishnah Brurah (*ibid.* 7) cites other *poskim* who rule that it may not be said.

The Shechinah is only present when a minyan convenes. It is an *aveirah* to

drive the Shechinah away by leaving only nine men (Rama ibid. 2), so one should do so only if forced by circumstances.