ט. והוא הדין בתפלת ערבית, שאין בה חזרת שליח צבור, שאם התחילו התפלה בעשרה, ויצאו מקצתן, שלמנהג האשכנזים אומרים קדיש "תתקבל" שאחר שמונה עשרה. אולם לדידן הספרדים אין לומר קדיש תתקבל, וכאמור. [ראה הלכה ברורה עמ' קלד]

ואם לא היו עשרה בתחלת התפלת שמונה עשרה, אף שהיו בקריאת שמע וברכותיה, אין רשאים לומר קדיש תתקבל אחר שמונה עשרה אף למנהג האשכנזים, כי תפלת ערבית וקדיש שלאחריו אינם שייכים לקריאת שמע וברכותיה. [רמ"א ס"ג]

י. היו עשרה בתפלת ערבית בזמן ברכות קריאת שמע, אפילו רק ב"ברכו" לחוד, למנהג האשכנזים רשאים לומר החצי קדיש שקודם התפלה, לפי שקדיש זה שייך לברכות קריאת שמע. (אבל לא יאמרו הקדיש תתקבל שאחר השמונה עשרה, וכאמור בהלכה הקודמת). [משנ"ב ס"ק כב]

Kaddish titkabal* after *arvit

9) If a congregation recited the *arvit* prayers, but by the time they completed the silent *Amida* there was no longer a minyan present, according to the Ashkenazic practice the cantor may still recite the kaddish of *titkabal*,[316] but not according to the practice of Sefardic Jews.

Even according to the Ashkenazic practice, if the congregation lost the minyan before they even began the silent *Amida* of *arvit*, the cantor may not recite the kaddish of *titkabal* although a minyan was present while they recited the *Shema* and its blessings. The kaddish has no connection to that part of the prayers.

Kaddish before the *Amida* of *arvit*

10) According to the Ashkenazic practice, if a minyan was present when the congregation began the *arvit* prayers, the cantor may recite the half-kaddish that precedes the silent *Amida*. This is the halakha even if the congregation lost the minyan immediately after *Barekhu*. The half-kaddish is connected to the *Shema* and its blessings, not to the *Amida*.

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316. Harav Akiva Eiger pointed out that there is no cantor's repetition during *arvit*, and yet the halakha is that as long as there was a minyan present when they began the silent *Amida* the cantor may recite the kaddish of *titkabal* afterward. This being the case, he asked, why is it that for *shaḥarit* and *minḥa* the cantor may recite the kaddish only if there was a minyan present when he began the repetition? The kaddish of *titkabal* applies to the silent *Amida* just as much as it applies to the cantor's repetition, he argued.

The *Noda Bihuda* (Vol. II, #7) resolved this question, explaining that there is fundamental difference between *arvit* and the other prayers. Since our Sages required the cantor to repeat the *Amida* in *shaḥarit* and *minḥa*, the kaddish of *titkabal* is connected to the repetition only, and not to the silent *Amida*. Therefore, the Rama agreed that if the congregation was left without a minyan before the cantor had a chance to begin his repetition, he cannot recite the kaddish of *titkabal*. Since our Sages do not require a repetition for *arvit*, the kaddish is connected to the silent *Amida*, and as long as a minyan was present when they began the silent *Amida*, the cantor may recite the kaddish of *titkabal*.

This ruling is cited by the *Mishna Berura* (55:22; *Sha'ar Hatziyun* 55:17; *Bi'ur Halakha*, end of 55:3). According to the *Peri Megadim*, the cantor may recite the kaddish of *titkabal* after *shaḥarit* as long as there was a minyan present when they began the silent *Amida*. According to the *Ḥaye Adam*, if the congregation lost its minyan during the silent *Amida* of any of the prayers, including *arvit*, the cantor may not recite the kaddish of *titkabal*.

This entire debate is pertinent to Ashkenazic Jews only. Sefardic Jews follow the ruling of the *Shulḥan Arukh*, and the cantor may never recite the kaddish of *titkabal* unless a minyan is present at the time.

אולם למנהג הספרדים אין לומר החצי קדיש שקודם התפלה, כי אין הקדיש חלק מאשר התחילו בו. [כה"ח ס"ק לח]

יא. אם התחילו לומר ישתבח בעשרה, ויצאו מקצתן קודם אמירת החצי קדיש. וכן אם התחילו לומר "אשרי" שקודם מנחה בעשרה, ויצאו מקצתן קודם אמירת החצי קדיש, אין רשאים לומר הקדיש, אף למנהג האשכנזים. [ראה בא"ח ויחי ה"ד, משנ"ב ס"ק ז, כה"ח ס"ק מ. הלכה ברורה עמ' קלה]

וכן אם היו עשרה באמירת פרשת התמיד והקרבנות ובברייתא דר' ישמעאל, ויצאו מהם, לא יוכל לומר קדיש אם אין עשרה. [בא"ח שם]

יב. אם התחילו לומר "עלינו לשבח" בעשרה, ויצאו מקצתן, אין רשאים לומר קדיש לאחריו אף למנהג האשכנזים. וכן אם בשעת הלימוד תורה היו עשרה, ויצאו מקצתן, אין רשאים לומר קדיש, דבזה צריך שיהיה מנין בשעת הקדיש. [משנ"ב ס"ק כ, מקבציאל ויחי ה"א]

As stated in the previous halakha, the cantor may not recite the kaddish of *titkabal* in this case. According to the practice of Sefardic Jews, the cantor may never recite kaddish unless a minyan is present at the time; kaddish is not part of the prayer preceding it or following it.

Kaddish after *Yishtabaḥ*

11) If the congregation began the blessing of *Yishtabaḥ* with a minyan, but they lost the minyan before the cantor began the half-kaddish, he may not recite it. This is the halakha according to Ashkenazic Jews as well.[317]

Likewise, if the congregation recited the section of *korbanot* but lost the minyan before they began the kaddish that precedes *Hodu*, they may not recite it.

Kaddish after *Alenu* or Torah study

12) If the congregation lost their minyan while they were reciting the final prayer of *Alenu leshabe'aḥ*, they may not recite kaddish afterward. Likewise, if a group of people studied Torah together but some people went out before the session was over and there was no longer a minyan present, those who remained may not recite kaddish. This applies even to Ashkenazic Jews; a minyan must be present at the time that they recite kaddish.

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317. The *Peri Megadim* (cited in the *Mishna Berura* 55:7) suggested the possibility that the half-kaddish might be connected to the preceding *Yishtabaḥ* in *shaḥarit* or to the *Ashre* of *minḥa*, permitting the cantor to recite it although there is no longer a full minyan present. He did not come to a conclusion. The *Eliya Rabba* ruled that the cantor may recite kaddish in this case, but the *Ma'amar Mordekhai*, *Derekh Haḥayim*, and *Ḥaye Adam* all ruled that he may not. This is likewise the ruling of the *Ben Ish Ḥai* (*parashat Vayeḥi* halakha 4), and the *Kaf Haḥayim* (55:40).

יג. התחיל לומר הקדיש שאחר ישתבח, בעשרה, ויצאו מקצתן, שהדין שגומר הקדיש, יש אומרים שרשאי לומר גם כן ה"ברכו" דסברי שהוא ענין אחד עם הקדיש. אולם להלכה כהסוברים שאין לומר ה"ברכו", כיון שהוא ענין אחר מהקדיש. [כה"ח ס"ק לד. וראה משנ"ב ס"ק ט]

יד. בדין זה שאמרנו שהיו עשרה ויצאו מקצתן, אף שהנשארים גומרים אותו הענין, אך על אותם היוצאים נאמר "וְעֹזְבֵי ה' יִכְלוּ" (ישעיה א, כח), ב"מ. אבל אם נשארו עשרה בלעדם מותר לצאת. [רמ"א ס"ב, באו"ח ויחי ה"ד, מקבציאל ויחי ה"א]

Barekhu* after *Yishtabah

13) If a congregation completed the blessing of *Yishtabah* and the cantor began to recite the half-kaddish, but then some people went out and there is no longer a minyan, the cantor may continue reciting the kaddish. Some *Poskim* ruled that not only may he complete the kaddish, but he may also recite *Barekhu* after the half-kaddish since the kaddish and *Barekhu* are connected. Nevertheless, the halakha follows the *Poskim* who ruled that the cantor may not recite *Barekhu* because the kaddish is an independent prayer while the *Barekhu* is the beginning of the next section of *shaharit*.

The sin of breaking a minyan

14) As stated above, when someone leaves the congregation and as a result there is no longer a minyan, those who remain are allowed to finish the section of the prayers that they began while a minyan was present. Nevertheless, it is sinful to leave the congregation and create such a situation. The Talmud teaches that someone who does this incurs the prophet's curse: "וְעֹזְבֵי ה' יִכְלוּ – Hashem's enemies will be annihilated" (*Yeshayahu* 1:28). It is permissible to leave if one determines that there will still be a minyan present.[318]

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318. The *Mishna Berura* (55:12) explained that this curse applies only to someone who leaves the congregation while they are in the middle of a sacred prayer such as the cantor's repetition of the *Amida*, forcing them to continue without a minyan. The halakha requires him to remain until the cantor completes the repetition. (According to the Ashkenazic practice, he must remain until after *kaddish titkabal* since that is connected to the repetition.)

Once the congregation has completed the cantor's repetition, it is permissible for anyone to leave even though this prevents the others from performing other mitzvot such as reciting the mourners' kaddish. Likewise, if someone was the tenth person during the half-kaddish and *Barekhu* of *shaharit*, he may leave after that even though this prevents the cantor from repeating the *Amida*.

Each person has his own obligation to participate in the prayers

The *Mishna Berura* (55:14) added that it is permissible for someone to leave the congregation only if he has already fulfilled his own daily requirement to participate in the prayers he will now miss. This means that he has already heard kaddish, *Kedusha*, the cantor's repetition, and *Barekhu* in an earlier minyan. If he has not, he is obligated to remain with the congregation to fulfill his own obligations. In the *Bi'ur Halakha*, the author added that it is never permissible to walk out during *Kedusha*.