

# Shoel U'Mashiv

## Does It Count as A Minyan?

Rabbi Noah Whittenburg

**Q** - After only 9 people showed up on time for *Shacharis*, people started calling and texting frantically for a tenth. Once it seemed that no one was going to come, the 9 decided to proceed with their *Davening*. In the middle of their reciting *Shemonah Esrei*, number 10 walked in. Does it count as a *Minyan*?

**A** - What is a *Minyan*?

The *Mishnah Berurah* 55:2 says a *Minyan* of 10 men is required to recite any *Dvar Sh'B'Kedusha*—any communicable recitation that sanctifies the name of G-d. This includes *Barchu*, *Kaddish* and *Kadusha*. However, the *Mishnah Berurah* 90:28 quotes the *Chayei Adam* that the main purpose of a *Minyan* is not to be able to recite *Devarim Sh'B'Kedusha* together, rather it is so that 10 men will recite *Shemonah Esrei* at the same time. In 69:8 the *Mishnah Berurah* says if 6 men are reciting *Shemonah Esrei* and the other 4 are either reciting other parts of *Davening* or have already *Davened*, that is still considered a *Minyan*. The reason is because 6 is the majority and we have a rule that we follow the majority.

What if people show up late?

The *Mishnah Berurah* 69:8 says if 10 individuals all *Daven* separately, they are not able to join together to repeat *Shemonah Esrei* and say *Kedusha*. The *Tzitz Eliezer* 14:6 says the same is true if 9 individuals *Davened* separately and a tenth showed up later. The *Piskei Teshuvos* 69:1 says there must be at least 6 *Davening* and 4 others present in order to be considered a *Minyan*. Otherwise, he says they are considered to be individuals, no matter how many are present.

Does it count as a *Minyan*?

Unfortunately, for the purposes of *Davening* with a *Minyan*, it does not work. Since they went ahead with *Davening*, they are all considered to be individuals, like the *Piskei Teshuvos* said. However, if there are *Aveilim* there who want to say *Kaddish*, then they would be able to say a *Halacha*, as well as the last *Mishnah* in *Makkos* and say *Kaddish D'Rabannan*.