

Erev Shabbos Parshas Behar-Bechukosai 5780

Hashlama for Missed Krios Ha'Torah

The global COVID-19 lockdown situation has caused many people to miss a number of weekly Torah readings. As Minyanim slowly resume, is there an Halachic requirement to lain the missing Parshios B'Tzibbur?

The Rama (Orach Chaim Siman 135, 2) says that if a Tzibbur did not read the Torah one Shabbos, they need to read it the following week along the regularly schedule Parsha of that week. What if the Tzibbur missed more than one week? How many make-up Parshios can the Tzibbur read? The Mishna Berura (Ibid. 6) brings a Machlokes regarding this. The Ram from Mintz says that a Tzibbur can read only a Parsha missed the prior week, while the Elya Raba argues that the Tzibbur can read any missing week from the past. The Vilna Gaon (Ibid.) explains that making up a missed Parsha is like making up a missed Tefila. If one forgot to Daven Mincha he must Daven two Maariv's. The Halacha is that you can only make up a missing Tefila in the next Tefila. If one missed two Tefilos, he can only make up the last one he missed. The Mishna Berura learns from this that the Vilna Gaon also agrees with the opinion that a Tzibbur can only make up the last missing week's reading, but not more. It seems that the Mishna Berura concludes that this is the correct practice.

According to this opinion that a Tzibbur can read only one previous week's reading, what if the missed or current reading is a double Parsha? The Magen Avraham (Ibid. 4) quotes the Ram from Mintz that a Tzibbur can never read more than two Parshios, so if one of the weeks is a double Parsha the Tzibbur should not read the previous missing week. However, many other Poskim (Hagahas Minhagim, Eliyah Raba, Magen Giborim) argue that the Tzibbur should always read the previous week that was missed.

Based on the above, if a Tzibbur missed 7-8 weeks due to COVID-19 and this current Shabbos (Parshas Behar-Bechukosai) they have a Sefer Torah for the first time, they should definitely not read more than Parshas Emor. Even that reading of Parshas Emor is questionable and assumes that we pasken that a Tzibbur can read more than two Parshios in one week.

This applies to a Tzibbur, but what about someone Davening alone in his home? Does he have an obligation to read a prior missed Parsha? This seems to depend on the Machlokes whether the obligation to read the Torah on Shabbos is a communal obligation, or in fact applies to everyone individually. The Shulchan Aruch (Orach Chaim 146, 2) says that one may recite Shnaim Mikrah V'Echad Targum during Krias Ha'Torah. Many Achronim note that doing so would mean that he will not be listening to the words of the Baal Koreh, so how would he fulfill his obligation to hear the weekly Parsha read B'Tzibbur? Therefore, the Sh'lah and the Vilna Gaon argue and agree with the Shibbolei Heleket that one needs to listen to every word of Krias Ha'Torah B'Tzibbur and not be doing anything else. The Emek Bracha (p. 47) explain the Machlokes as follows: The Shulchan Aruch holds that Krias Ha'Torah is a communal obligation, so even a person sitting in Shul doesn't hear it being read, the obligation is being fulfilled (the Shulchan Aruch does agree that one should not be busy with things other than Shnaim Mikra, because it is disrespectful to be at the presence of Kerias Hatorah and be busy with other things). The Shibbolei Haleket holds that it is an individual obligation, which is why each person must hear every word from the Baal Korei.

We find a similar Machlokes regarding an individual who is sick or in jail. The Shulchan Aruch (Siman 135, 14) says that you don't bring a Sefer Torah (with a Minyan) for a person who is in jail. The Biur Halacha (Ibid.) quotes the Ohr Zarua who argues that we do bring the Torah and Minyan for someone who is an "Anus". This Machlokes seems to also depend whether the Torah reading obligation is individual or communal. If the obligation is individual, we need to do what's needed to ensure that the

captive or sick person can fulfil his obligation. However, if the obligation is communal, then there is no reason to do so, as that prisoner or sick person has no personal obligation to hear the Parsha read.

Most Poskim agree that the obligation is communal, and not individual. The Birkas Shmuel (Yevamos Siman 21) in the name of Rav Chaim Soloveichik takes this to an extreme: Usually, a communal obligation can be performed even when 4 of the 10 have already fulfilled that obligation. Meaning, if six people didn't daven yet, four who davened can join them for a Minyan. What about Krias Ha'Torah? Rav Chaim says that because Krias Ha'Torah is a communal obligation, the Chiyuv is not "created" until you have ten people who need to hear the reading. The normal majority rule would not apply.

The Biur Halacha (beginning of Siman 143) argues that 4 of the 10 can be people who heard the Parsha read already, but even he agrees that the obligation is a communal one, unlike praying which is an individual obligation. He notes in Siman 146 (ד"ה ולקריות) that an individual praying alone can ask 9 other people to answer his Kadish, Barchu and Kedusha. This idea, called פורס על שמע, does not constitute Tefila B'Tzibbur, but does allow the person to say some prayers that normally require a Minyan. Yet, an individual cannot ask 9 people who already heard the Torah reading to join him as he read the Torah, since it was established for a Tzibbur only ("לא נתקנה אלא בצבור דוקא").

In our multi-week COVID case, if Torah reading is a communal obligation, since people have been praying individually, they had no obligation to read the Torah Parsha, and no obligation to make it up either. The Sefer Shaarei Efraim (7, 39) clearly notes that if there was no Minyan on a Shabbos, the next Shabbos there is no obligation to read the missing Kriah.

Others point out that the Ma'aseh Rav (Tosefes 34) relates after leaving four weeks of captivity, the Vilna Gaon asked to have the four missed Parshios read to him. This implies that an individual does have to make-up for missing Parshiyos, and this certainly aligns with the Vilna Gaon's own opinion that the obligation is on the individual. But perhaps this is not a perfect example, as it seems it was just a personal Chumra of the Vilna Gaon, since he only asked for one person to read it to him with no Minyan and no Aliyos, and in addition, four Parshiyos were read and not only the one of the previous week.

Conclusion: A Tzibbur who did not meet as a Tzibbur last week, has what to rely on and need not read Parshas Emor this week in addition to Parshos Behar-Bechukosai, as per: 1) The Ram of Mintz who says that Tzibbur cannot read more than two Parshios in one Shabbos, and 2) The Sharei Efraim and others who hold that Krias Ha'Torah is a communal obligation, which did not exist last week.

In a case where a Tzibbur did Daven together last week with no Kria, they may need to read Parshas Emor this week in addition to Parshos Behar-Bechukosai, based on the many opinions quoted by the Mishna Berura that more than two Parshios can be read on a single Shabbos.