

Erev Shabbos Parshas Bamidbar 5780

When to “Cancel” a Shabbos Maftir

Our COVID-19 predicament has raised some unusual halachic questions, including Halachos of Maftir when there only one or a few people get Aliyos. To understand the Halachos that pertain to this case, let's first review the background of our normal Maftir and Haftarah practices.

As discussed here a few weeks ago, the Haftarah was established at a time where the Jews were not permitted to read the Torah. The Rabbis instituted the reading of the Navi in lieu of reading the Torah. Once the decree was over, the Rabbis mandated that the Haftarah continue to be read, after the primary Torah reading. In order to emphasize the superiority of the primary Torah reading, Chazal added a requirement that the person who reads the Haftarah must also read a portion of the Torah - as if to declare that he is reading the Haftarah only as a secondary reading to the Torah reading. The Gemara in Megillah (23a) describes that as “Kavod Torah” – the respect of Torah.

Chazal determined the count of Aliyos for each Torah reading: Seven for Shabbos; five for Yom Tov; four for Chol Hamoed; and three for a weekday. More Aliyos can be added on Shabbos, but not during the week. The Gemara (Ibid.) debates whether a Maftir is counted as one of the Aliyos. Those who say no, say that since the Maftir was added for Kavod Torah it is a unique standalone Aliya.

We Pasken that Maftir can be counted as one of the Aliyos. However, on Shabbos we are careful to ensure that there are at least seven regular Aliyos besides the Maftir, in order to cover both opinions. Tosfos (Ibid.) notes the Minhag to say the Kaddish between the seven Aliyos and the Maftir to show that the Maftir is not one of the Aliyos. The Kaddish represents the ending of the reading of the Torah, showing the Maftir is there only to show the importance of the Torah over the Navi.

The Shulchan Aruch (Orach Chaim 282, 5) says that if the only Ba'al Maftir available already received one of the main Aliyos and Kaddish has been recited, that person must have a new Aliya and Brocha before reading the Maftir. The Rama adds that if Kaddish has not yet been recited, the person who had the last primary Aliyah should continue and read the Haftarah. The Taz and the Magen Avraham add that in that case the Shevi'i should not read the Maftir at all, and Kaddish is not recited until after the Haftarah in order to “connect” the Haftarah to the seventh Aliya.

The explanation for this is that we are trying to avoid one person receiving an Aliyah twice. The optimal scenario is to give Maftir to someone who did not yet have an Aliyah. If Kaddish was already recited, we must have another Aliyah so that the Haftarah is “attached” to a Torah reading. If Kaddish was not recited yet, then the best solution is for the seventh Aliyah to read the Haftarah immediately after his Aliyah (with no Kaddish in between) providing the Torah-Haftarah connection, with no additional Aliya needed.

In normal circumstances this is not relevant because we have at least eight people who can receive the seven Aliyos and the Maftir. However, now with the COVID “social distancing” the Poskim suggest to limit the number of people getting Aliyos to either one person, or alternating members of the same family. (Note that Rav Shternbuch allows people to get an Aliyah without approaching the Torah, but that is beyond the scope of this essay).

In a case where a family is splitting the Aliyos among themselves, which is preferable: For the one who gets Shevi'i to read the Haftarah, with no Maftir? Or to give the Maftir to one of the family members who already received an Aliyah before? Does the rule of the Rama that we try to avoid giving multiple Aliyos to one person apply only when another person is available to take a Maftir, and in our case where

there is nobody suitable available, we give the Maftir to someone who already received an Aliyah? Or do we still avoid one person getting multiple Aliyos?

The answer to this depends on the reasoning behind the Rama's prohibition. The Levush (Ibid.) explains that giving two Aliyos to one person is an issue of Bracha L'vatalah (making an unnecessary Bracha), since one person should avoid reciting the Bracha on the Torah more than once. We have no choice today but to duplicate people who get Aliyos to maintain "social distancing", but perhaps when it comes to the Maftir, we should use plan B and recite the Haftorah right after the seventh Aliya with no Maftir and no Kaddish.

The Malbushei Yom Tov and Eliya Rabba (Ibid.) both argue on the Levush. They explain that the reason we try to avoid giving two Aliyos to the same person is not because of Bracha L'vatalah, since they see no issue with saying Birchas HaTorah multiple times. They support that opinion with the fact that when there is no Levi available, the Kohain gets two Aliyos. They instead suggest that the reason we avoid giving one person multiple Aliyos is to "spread the wealth" as much as possible, and give more people the opportunity to get Aliyos ("Berov Am Hadras Melech").

According to that opinion, in COVID times, we should have a Maftir, even if it means giving it to someone who already had an Aliya. As described in the beginning of this essay, we prefer to have seven Aliyos plus a Maftir in order to be cover the opinion in the Gemara that Maftir is not one of the seven Aliyos, and if there is no issue to repeat an Aliyah according to this opinion, why not have a family member who already received a Aliyah get another one by having a Maftir.

However, according to this opinion, in the situation where the Shevi'i reads the Haftorah, why doesn't he also get a Maftir Aliyah? This seems to indicate that we try to avoid multiple Aliyos in Maftir as the Levush suggests.

The Mishna Berurah and the Aruch Hashulchan do seem to suggest that they agree with the second understating, and therefore the correct custom would be to have the Maftir in this case.