

HALOCHOSCOPE

This week's question:

When *Acharon Shel Pesach* falls on *Shabbos*, in *Eretz Yisroel* it is a regular *Shabbos*. They read the next *parsha* of the *Torah*. *Chutz La'aretz* is thus one *parsha* behind them, until they catch up a few weeks later. If people travel between the two, they need to make up for the difference. If they are able to find a *minyan* to do this, they can meet separately. In a regular *minyan*, can they ask the *mispalelim*, who do not need to hear the missing *parsha*, to agree to hear it anyhow? Or is it just not right to even ask for this?

The issues:

- A) *Krias haTorah*
- B) Making up the missing *parsha*
- C) *Tircha detzibura*, burdening the congregation

A) *Krias hatorah* [Excerpted from Halochoscope XVII:38]

Most poskim consider most obligations to read from a *sefer torah* Rabbinically mandated. Based on a *passuk*, the Talmud attributes the initial institution to read periodically to Moshe. Some maintain that this makes it a Scriptural obligation. Others contend that the institution is Rabbinical, and the *passuk* is *asmachta*, a Scriptural link. The current institution is attributed to Moshe and to Ezra the Scribe. In one version, Moshe instituted the readings on *Shabbos* and Mondays and Thursdays. This ensured that the Jewish people would never go three days without hearing a public reading of Torah. Mondays and Thursdays are *ais ratzon*, days of Divine appeasement. Moshe ascended *Har Sinai* to plead for the Jews on a Thursday, and returned forty days later on a Monday. Ezra instituted the reading at *Shabbos Mincha*. Some say this is because of idle people, who would otherwise waste their *Shabbos* afternoon. Some say this is actually a reference to gentile cultures. While we attend this *krias hatorah* service, they get drunk. It also accommodates those whose occupations make it impossible for them to attend the reading on Monday and Thursday. It is also an *ais ratzon*. *Mincha*, in mid-afternoon, involves some sacrifice, which arouses Hashem's mercy. Combined with the idea that we attend *shul* while others drink, there is an accentuated *ais ratzon*. *Krias hatorah* is always connected to *ais ratzon*. Another version is that Ezra instituted the readings for Mondays and Thursdays. Readings connected to events of that day are attributed to a general institution of Moshe. Readings on fast days or holidays were later added to the general initial institution.

The consensus considers Moshe's institutions Rabbinical, or *Midivrei Sofrim*, a Prophetic institution close to Scriptural but not quite as stringent. A minority point to the requirement of a possibly Scriptural *brocha* as proof of some Scriptural obligation. Some say that on *Shabbos* morning and *Yomtov* it is a Scriptural obligation. Monday and Thursday reading are Rabbinical extensions. Others contend that a Scriptural obligation

of a *brocha* does not mean that the obligation to read is Scriptural. The *brocha* refers to general Torah study, for which we recite a *brocha* each morning.

Shabbos readings cycle through the entire Torah. The other readings are samples of the reading of the coming *Shabbos*. Some consider them an individual obligation to hear some Torah read during the week. Others say the institution is structured to ensure that a congregation reads the Torah, but it is not an individual responsibility. This has bearing on our question. What if an individual was unable to attend *krias hatorah*? As a personal obligation, he must make it up if possible. As a collective responsibility, as long as a *minyan* read, the individual has no further obligation. A further difference occurs when less than a *minyan* needs to hear it. For certain *tefilos* the obligated can ask others who have already fulfilled it to participate and complete a *minyan*. For *krias hatorah*, according to the 'collective' view, one would require all ten to be obligated. Otherwise, the nine or less are simply not obligated. The consensus of most poskim is that it is not an individual obligation. [See Brochos 13a Psachim 46a Megillah 2a 17b 21a-24a 29a-32a Yerushalmi 4:1 Baba Kama 82a Sofrim 10:1, Poskim. Rambam, Tefilah 13:8. Abudraham, Krias Hatorah. Tur Sh Ar OC 55:22 90:16-17 135:1-2 146:2-3 685:7, commentaries. Sdei Chemed, Kuf 33, Tav 26. Igros Moshe OC II:72, IV:23, 40. Yabia Omer IV:OC:17 YD:31. Tzitz Eliezer XIII:27.]

B) Making up for a missing parsha

The *sidra*, annual cycle, begins right after *Sukos*, and ends on *Simchas Torah*. Specific *parshiyos* are read at certain junctures in the year. Due to the uneven number of days in any given year, such as an extra month in a leap year or the variable months of *Cheshvan* and *Kislev*, and due to the variation in the *Shabbosos* that sometimes fall on a *Yomtov*, or between *Yomim Tovim*, some method must be used to compensate for this. Therefore, certain *parshiyos* are sometimes doubled up, and sometimes separated. There is a set formula for this. In *Eretz Yisroel*, only one day of *Yomtov* is observed. The last day of *Pesach* and the first day of *Shavuos* can fall on an *Erev Shabbos*. In *Eretz Yisroel*, the following day is a regular *Shabbos*, and they return to the *sidra*. *Chutz Laaretz*, the next day is *Yomtov*. They can only return to the *sidra* the following *Shabbos*. Accordingly, *Chutz Laaretz* will be a *parsha* behind *Eretz Yisroel*. In the case of *Pesach* in a non-leap year, this means that *Eretz Yisroel* will read *Shemini* when *Chutz Laaretz* observes the last day of *Pesach*. Everyone must read *Bemidbar* before *Shavuos*, *Devarim* right before *Tisha b'Av*, and *Nitzavim* before *Rosh Hashana*. To ensure that the calendar works, every place must adjust. The poskim suggest two methods to adjust between *Pesach* and *Sukos*, where *Chutz Laaretz* doubles up a *parsha* that *Eretz Yisroel* reads separately. *Eretz Yisroel* can separate *Sazria* and *Metzora*, or *Behar* and *Bechukosei*. Travelers between the countries will either miss or repeat a *parsha*.

Besides listening to the *parsha* on *Shabbos*, each individual must complete the *sidra* privately, reading the Torah portion twice in the Hebrew and one in the Aramaic *targum*. Travelers would face a similar problem regarding this obligation, usually called “*shnayim mikra*”. The main idea is to read it together with the *tzibur*, the community. While in *Chutz Laaretz*, they cannot read ahead for the following week, because the community is not reading that *parsha*. In *Eretz Yisroel*, they cannot read the previous week's *parsha*.

The poskim discuss reading it on the way. Are they now part of the *Eretz Yisroel* community, still part of their home community, or neither? This individual obligation could differ from the collective *krias hatorah* obligation. It may be that he is not required to make it up at all, or that he can catch up by himself. The public reading requires a *minyan*.

If the main *tzibur* does not require *tashlumin*, some say that the individuals have no obligation. We mentioned those who consider the entire institution collective. Those who consider it an individual obligation would require *tashlumin*, a make-up remedy. If there are enough people who missed it, they can convene a *minyan* of their own. The poskim discuss the details of this kind of remedy, in various comparable scenarios. If an entire *shul* had no *kosher sefer Torah* available *Shabbos* morning, or if there was no *minyan*, or if a group of them came too late, or if there was trouble or an argument that led to some or all of them missing *krias hatorah*, what should they do? Some say that they can read the old *parsha* at *mincha*, with the addition of the *mincha* reading. The consensus is that they should only call the customary three *aliyos*. A minority maintain that one should not read a long *parsha* like this at *mincha*. The consensus is that they cannot do this make-up reading the next day or even on Monday or Thursday [see next section]. The simplest solution is to read both *parshiyos* when they reconvene the following *Shabbos* morning. If there was regular reading, but a major mistake was made. When they realize it, they should repeat the *krias hatorah*, even if they have already put back the *sefer Torah*.

The poskim debate whether *tashlumin* works for missing more than one *parsha*. This can apply if they missed two weeks in a row, or in our case, if they missed a double *parsha*. Furthermore, some maintain that one cannot make up the final *parsha* in a *Chumash* the following week, when the *sidra* already begins the new *Chumash*. In most of these debates, the prevailing ruling is to make *tashlumin* anyhow. [See Refs to section A. Brochos 8a-b, Poskim. Tur Sh Ar OC 135:2 137:3 282:6 285 428:4, commentaries (Kaf Hachaim). Shaarei Efraim 7:9-13 39 8:97.]

C) *Tircha detzibura*

In our case, the travelers might have enough people to convene for their own *krias hatorah*. The poskim indicate that the majority of a *minyan* would be sufficient, provided that they can convince others who have already fulfilled their obligation to come to make up the required *minyan*. The issue of breaking with local minhag arises. However, just as a *shul* can do *tashlumin* in their own community, these travelers could do the same. Our question is whether the travelers can ask a local *minyan* before they leave to extend their *Shabbos mincha* reading to the end of the coming *parsha*. This is not *tashlumin*, but reading the whole *parsha* instead of the first *aliya*. At this time, one may fulfill *shnayim mikra* for the coming week. Does this also apply to *krias hatorah*?

They are burdening the *tzibur* to lengthen *mincha*. Even if the *tzibur* agrees, the concept of *tircha detziburah* might apply. *Tircha detzibura* might be measured by the actual *tircha*, rather than whether the person feels burdened. This issue can arise with another suggested solution. What if the travelers ask the members of the *shul* where they arrive whether they mind repeating last week's *kriah* before reading this week's *parsha*? May they even ask for it? If the *shul* agrees, is this still a violation of *tircha detzibura*, as we explained? In some situations, the Rabbis actually suspended the implementing of a de-

cree because the *tzibur* would not be able to keep it. This means that when the *tzibur* might not be able to make the extra effort, it is better not to begin with it. In other situations, it is modified somewhat. First, it is considered too much to demand. Second, the *tzibur* might not listen anyhow. Thus, when there is a reasonable view to rely on to make things easier for the *tzibur*, the easy way is chosen. This is especially relevant to matters pertaining to congregational *tefilah*. On *Shabbos*, we recite a shorter version of the *shemone esrai*. During the week, when people need to go to work, we reduce *krias hatorah*. *Shema* was to include an additional passage. It was omitted due to *tircha detzibura*.

The principle behind this is to imitate Hashem's conduct. Hashem does not impose on His creations. We follow suit, and more so when imposing on a congregation. Individuals can work around their schedules. The *tzibur* must accommodate each other. Thus, in later times as well, this is taken into account. In the evening, many communities combine *mincha* with *maariv*, rather than convening a *minyan* a second time. This involves reciting *shema* and *shemone esrai* a little earlier than the ideal time according to most views.

Indeed, in the very instance that *tashlumin* is required for *krias hatorah*, the poskim maintain that it should not be done Monday or Thursday, due to *tircha detzibura*. Our situation pits the individual or minority needs against the *tircha* of the larger *tzibur*. The individual is accommodated by the *tzibur* for mutual needs. Thus, an individual may ask for a communal additional prayer for his family member. Our case, however, does not necessarily apply to other members. They need not travel, or at least, not during this problematic period. What if they agree? It seems that once an institution has been made due to *tircha detzibura*, one should not adjust it subjectively. The consensus is that one does not do the *tashlumin* on a weekday. The reasoning is that one cannot adjust the institution of reading a shorter reading that was based on *tircha detzibura*. It could be due to future considerations. If the *kria* sometimes takes longer, the *tzibur* will avoid coming. Therefore, if they do not have their own *minyan*, they should not ask a *minyan* of Israelis to accommodate them. [See refs to Sections A and B. Brochos 2a 9b 12b 29b 31a Megillah 22b etc., Poskim. Tur Sh Ar 53:11, etc. 581:1, commentaries. Kinyan Torah VI:12.]

In conclusion, the travelers should make their own *minyan* with at least six who miss the *parsha*. They may extend the *Shabbos mincha* reading before they leave, or add to *Shabbos* morning the first week after arriving. If they are unable to do so, they should not ask the *shul* to accommodate them. They may rely on the view that it is a communal obligation. Since there is no *minyan* who miss it, they are not obliged to make it up.

On the parsha ... Moshe spoke the *moadim* of Hashem to the Bnei Yisroel [23:44] Their mitzvah is to read [the portions of] each *Moed* in its time [on that *Yomtov*] [Megillah 32a]. Why would the Torah need to mention here that Moshe spoke about the matter, more than any other part of the Torah? Because Moshe was not satisfied with telling Israel this portion when Hashem said it to him. Rather, he repeated the subject matter when each *Moed* came around. Thus, he set the precedent for our *krias hatorah* on *Yomtov* [see Ramban, *Haamek Davar*, R Hirsch]. The Torah itself implies that it was not Scripturally mandated, but instituted by Moshe.

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