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חורות ואחריות

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"Taking Responsibility for Torah"

"THOSE WHO ARE NOT HERE WITH US TODAY": A RESPONSUM ON COVID AND COMMUNITY

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Question:

Dear Rabbi,

I grew up in a family of Orthodox Jews, although not all of us were observant. My uncle used to joke that "the shul he didn't go to was Orthodox." I thought that was odd, but now, because of COVID and my being high-risk, that's me! The shul I don't go to is Orthodox.

My sister is in the same position as I am, and because neither of us wants to be alone on Rosh HaShanah, I'm going to stay with her in a city several hours drive away from where I live. Here's my question: I remember being taught in seminary that if you can't go to shul, you should daven the Amidah at the same time that your shul does. My sister's shul starts and ends a lot earlier than my home shul does. Which shul's timing should I try to match? Sincerely, Janie Doe

Teshuvah:

Dear Janie,

Thank you very much for asking! I suspect that your question is relevant to many people this yom tov. I hope it also gives us the opportunity to explore the vital question of what "shul community" means in the age of COVID.

Your very accurate seminary memory comes from a story on Talmud Berakhot 7b. Rav Nachman was absent from shul one day, and Rav Yitzchak challenged him aggressively. "Why weren't you in shul?" "I wasn't able." "Why didn't you at least gather a private minyan?" "It was too much bother." "So why didn't you have someone come tell you when the *tzibbur* was davening, so you could daven at the same time?"

Here Rav Nachman was puzzled: Why would davening at the same time as the *tzibbur* matter? Rav Yitzchak responds (rabbis bring various Biblical prooftexts) that one should pray in an *eit ratzon*, a time of Divine favor, which Rav Yochanan citing Rabbi Shimon bar Yochai interprets as "at the time that the *tzibbur* is praying."

Which *tzibbur*? Netziv in Meromei Sadeh argues that the story indicates that a local *tzibbur* is necessary – otherwise, why would Rav Nachman need special notification? Somewhere in the world a *tzibbur* is davening! This position is also adopted by the Steipler Rav in Kehilot Yaakov. He finds a precedent for the idea that a **local** *tzibbur* is critical in the position of Rabbi Yehudah in Mishnah Berakhot 4:7 that "wherever there is a *chever ir* (=citywide prayer fellowship), individuals are exempt from praying *mussaf*."

However, on Talmud Avodah Zarah 4b, Rav Yosef warns individuals against praying *mussaf* during the early morning hours of the first day of Rosh HaShanah because it is an unfavorable time. The Talmud asks: If so, how can individuals pray Shacharit during those hours?! The response is that the individuals will be praying Shacharit at the same time as the *tzibbur*. Rabbeinu Tam in Tosafot understands this to mean that **whenever** during those three hours the individual prays Shacharit, they will be praying at the same time as a *tzibbur* **somewhere**.

The numerous attempts to reconcile these sources center on a distinction something like this: One can pray **with a congregation** without joining in the prayer **of the congregation**. Praying with a congregation is enough to avoid the negative concern of Rav Yosef, but not enough to meet the positive requirement of Rabbi Yochanan. Praying **with** a congregation can happen even if the congregation is distant, but one can only join **in** the prayer of a local congregation.

If we accept this approach, then it seems that the right answer is for you to pray at the same time as the shul in your sister's town, which will allow you to pray with that *tzibbur* and to join in its prayer.

However, I prefer a different approach.

The last unit of Mishnah Rosh HaShanah records a dispute as to whether a *shaliach tzibbur* can fulfill the prayer obligations of individuals. The anonymous first position says no, while Rabban Gamliel says yes. Many interpreters understand them to be arguing only about people who are **able** to pray on their own; even the first position agrees that the *shaliach tzibbur* can fulfill the obligation of people who are **unable** to pray independently. The consensus halakhah follows Rabban Gamliel only on Rosh HaShanah and Yom Kippur (possibly only Yom Kippur of Yovel), because prayers on those days were too long for individuals to handle on their own, especially before printing made machzorim widely available.

The obvious problem is that because "All Jews are guarantors for one another," any obligated individual can fulfill the obligation of any other individual to make a mitzvah -blessing. Why is prayer different?

RAN answers that "it seems reasonable for each person to pray for themselves." Okay, but then why does Rabban Gamliel hold that a *shaliach tzibbur* **can** fulfill an individual's obligation?! Why should the presence of a *minyan* overcome RAN's rationale?

One possible answer is that the mechanism is different once a *tzibbur* is involved. The *shaliach tzibbur* does not **substitute for the individual**; rather, the *shaliach* **represents the *tzibbur***, to which the individual belongs.

With this distinction in mind, let us turn to the remarkable understanding of Rabban Gamliel's position offered on Talmud Rosh HaShanah 34b by Ravin, citing Rabbi Yaakov bar Idi citing Rabbi Shimon Chasida. Ravin contends that according to Rabban Gamliel, the *shaliach tzibbur* fulfills the obligation only of the *am shebesadot* (=the masses in the fields), because their work is so all-consuming that their absence from shul is involuntary (*anoos*). In other words, the *shaliach tzibbur* fulfills the obligations only of individuals who are **not** in shul! Tur OC 591 reasonably extends this category to those too elderly or too sick to come to shul.

Ravin's position is cited by RIF and ROSH, but not by RAMBAM. According to Rav Yosef Caro's self-declared principle that the halakhah follows the position held by the majority among those three decisors, we would expect that Shulchan Arukh would cite Ravin - but he does not. Even more confusingly, Shulchan Arukh OC 128 cites the principle that "the people in the fields are consumed with work" to allow them to be included in the Priestly Blessing despite their not being present!

Since by his own rules Shulchan Arukh should follow Ravin, and since he does not explicitly reject Ravin, I suggest that he simply thought that the category "masses in the fields" was no longer relevant on Rosh HaShanah, since the Jews were no longer primarily agricultural in lands where every second was critical around Rosh HaShanah, so that one stayed in the fields to restart work the moment yom tov was over. If this is correct, Shulchan Arukh (and perhaps even RAMBAM) would agree with Tur that the principle applies to the elderly and sick. This is also how Rav Schneur Zalman of Liady rules in his Shulchan Arukh HaRav. On that basis, I am comfortable saying that according to halakhah, those who are prevented by the pandemic from attending synagogue, and cannot pray on their own, have their obligation fulfilled by the *shaliach tzibbur*. Even if they can pray on their own, they are nonetheless also included in the prayer **of the *tzibbur***, certainly if they make the effort to pray at the same time as the *tzibbur*.

This brings us back (finally) to your question – which *tzibbur*? Here I think a beautiful idea emerges from a thesis of Rav Moshe Shternbuch in his Teshuvot veHanhagot 5:43:

One needs to designate not only a place/*makom* to pray, but also a community/*tzibbur*...

In the Talmud at the end of Rosh HaShanah (35a) they say that the masses in the fields, who are compelled (not to be in shul), fulfill their obligations via the prayer of the *shaliach tzibbur*.

It seems correct that this is when they bind themselves together to pray together regularly, that then the prayer of the *shaliach tzibbur* is effective for someone who is compelled not to come, because he is attached to **his** *tzibbur*, and the *shaliach tzibbur* prays on behalf of the entire *tzibbur*. Therefore, if he has no regular *tzibbur*, if he does not come – he does not have the prayer of the *shaliach tzibbur* to elevate his prayers, and he loses much.

In my humble opinion, Rav Shternbuch is correct that the core issue is not location, but attachment to community. I think that is why Rav Yitzchak insisted that Rav Nachman pray at the same time as **his usual *tzibbur***, not because he happened to be in that place.

So, bottom line – I think you should pray at the same time as your home shul.

But I want to offer a cautionary note.

Rav Shternbuch offers a thin sense of community – the prayer of the *tzibbur* is only for those who pray together regularly as a *tzibbur*.

Our shuls today are, at their best, communities that pray, not merely prayer communities. The sense of community is built up by many things: volunteering, studying, *chesed*, and many other human interactions.

COVID means that many people belonging to those communities – men and women, some of whom were previously regular minyanaires, and some who were not – are compelled not to pray with their *tzibbur*. I believe that nonetheless, the *shaliach tzibbur* remains *davka* their representative, *davka* on the Yamim Noraim, when we pasken like Rabban Gamliel.

But this is true only while they remain a part of the community. In a shiur I gave at my home shul, Young Israel of Sharon, my learning community came up with at least two possible standards for belonging to a community: being someone who is missed in shul (as Rav Yitzchak noticed Rav Nachman's absence), and bring someone who other people in the community would instinctively identify as belonging. By those standards, many COVID davening-exiles will rapidly cease to belong unless we consciously develop thicker communities that can endure the absence or enforced attenuation of davening together. People who were socially marginal, and whose human interactions occurred largely around davening (Shabbat and/or weekday), will be the most vulnerable to disappearing. This would be a terrible Jewish and moral failure.

The opening of Parshat Nitzavim demonstrates that a covenantal community includes both those who are present and those who cannot be. Let us pray together, and work together, to ensure that our prayer communities live up to that model and emerge from this pandemic stronger than ever.