A Halachic Guide to Outdoor Winter Minyanim During Covid-19

Rabbi Yosef Zvi Rimon
Founder and Chairman of Sulamot, Rosh Yeshiva of JCT–Lev Academic Center, Rabbi of Alon Shvut South, Head of Mizrachi’s Educational Advisory Board

Published with the approval of Rabbi Hershel Schachter zt”l, Rabbi of Alon Shvut South, Rosh Yeshiva of JCT–Lev Academic Center, Founder and Chairman of Sulamot, and Chairman of the Executive Council of the World Union for Progressive Judaism.

Covid-19 brings with it a whole new set of challenges and halachic questions. There are times when we are required to adjust and adapt to a different reality, one which we are not familiar with. In general, it is preferable to daven the entire tefilla, as usual, in the outdoor minyanim. However, sometimes it is very difficult to do this, especially in the winter. No matter the situation, one should never endanger the congregation in order to daven with a minyan. Likewise, everyone must wear masks that cover the mouth and nose for the entire time. One who cannot daven with a mask on properly for the entire time, should daven alone at home. If there is a need to shorten the tefilla due to the cold or impending rain, one may skip certain parts of the tefilla in order to daven with a minyan. It goes without saying, that the sections that we do skip—which can be said without a minyan—should be said afterwards at home. More on this topic and sources can be found at www.sulamot.org.

PESUKEI DEZIMRA

If it is very cold outside or there is impending rainfall, one should say Pesukei Dezimra at home. In this case, one should say Yishtabach with the congregation and then Kaddish (on Shabbat one should begin with Nishmat). However, if there is concern that one will talk, one should recite Yishtabach at home as well, and then recite three pesukim and Kaddish upon arrival at the minyan (see Mishna Berura 53:11).

If the rainfall was unexpected, and the minyan has already gathered to daven and there is a sudden downpour: If the rain is very heavy, everyone should go home and finish their tefilla on their own. If the rainfall is only light sprinkles, but there is concern that it will become heavier, the shliach tzibbur (Leader) should daven the entire Amida and the congregation should only say Baruch She’amar, Ashrei and YishTabach (according to the Mishna Berura 52: s.k. 1 & 6). In a case of very great urgency, one may start with Yotzer Or (as the Shulchan Aruch rules in 52:1; and the Aruch Hashulchan 52:3).

Birchot Keri’at Shema through to the Amida should be recited as normal.

CHAZARAT HAHSCHATZ (REPETITION OF THE AMIDA)

If there is concern that there will be a downpour, or if the rain has already begun to fall, one should recite the shortened version of the Chazarat HaHashatz (according to the Maharil—which is confirmed as the halachah by the Rama 124:2; see also Responsa Yechaveh Da’at II:8). This is done as follows: Everyone begins their Amida with the Leader, recites the Kedusha and the bracha of HaEi Hakadosh, and then everyone continues their silent Amida. In theory, the congregation could stop again at Modim and the Leader could again recite from there onward, out loud. However, technically, this is not an option when it is raining. During Mincha, there are those who have the custom to begin their silent Amida only after the Leader finishes the bracha of HaEi Hakadosh. If it rains in the middle of Chazarat HaHashatz, see below in the section regarding interrupting one’s tefilla.

SIYUM HATEFILLA (THE END OF DAVENING)

If it is raining: Immediately upon concluding the Amida, Full Kaddish should be recited and the congregation should go home whereupon they should each finish what is left, alone (for Keri’at HaTorah see below). If there is concern that it is going to rain and the congregation wishes to shorten the davening, the prioritization is as follows: 1. Keri’at HaTorah. 2. Ashrei and Uva LeTzion. 3. Tachanun. (On Mondays and Thursdays, Tachanun may be shortened if needed.) 4. Shir Shel Yom, Tehilla LeDavid (according to the Sephardi custom), and Ein Ke-loheinu. 5. At the conclusion of davening, one should recite Aleinu (although halachically this can be said at home). Whatever was omitted, should be completed at home (the 13 Middot are not said without a minyan, and Tachanun should be said while sitting, without nefilat apayim—see Rama 131:2).

ADDITIONAL LAWS REGARDING TEFILLA

Birkat Kohanim: If it is very difficult for the Kohanim to remove their shoes in the minyanim, they may leave their shoes on while they are reciting Birkat Kohanim (this is the answer that I received in writing from Rav Ovadiah Yosef; Responsa Yechaveh Da’at II:13). When there is no water for the Kohanim to wash their hands: The Kohense should perform nefilat yadayim in the morning at home, he should take care not to touch any dirty areas on his body, and he may rely on this washing.

How many men need to finish their Amida before one can begin to recite the Chazarat HaHashatz? Ideally, it is always best to have at least nine men answering, but for Kaddish and Kedusha one may wait for only six. In a case of necessity, one can be lenient in the Chazarat HaHashatz if one person is still davening the Amida, but there are eight others and the Leader. In a case of great need, there are opinions to rely on if he

The Kohen should perform this washing. If it is raining during Keri’at HaTorah, one should daven at home. If it is raining in the middle of Keri’at HaTorah, one should complete the entire Keri’at HaTorah, and then recite three pesukim and Kaddish upon arrival at the minyan. If the rainfall was unexpected, and the minyan has already gathered to daven and there is a sudden downpour: If the rain is very heavy, everyone should go home and finish their tefilla on their own. If the rainfall is only light sprinkles, but there is concern that it will become heavier, the shliach tzibbur (Leader) should daven the entire Amida and the congregation should only say Baruch She’amar, Ashrei and YishTabach (according to the Mishna Berura 52: s.k. 1 & 6). In a case of very great urgency, one may start with Yotzer Or (as the Shulchan Aruch rules in 52:1; and the Aruch Hashulchan 52:3). Birchot Keri’at Shema through to the Amida should be recited as normal.
If rain falls as Shabbat begins, a minyan should be planned for Maariv after dinner. At home, one should recite Kabbalat Shabbat, and ideally recite the Shema (after nightfall). One should remind oneself that one must daven Ma’ariv when the meal is finished, eat the meal and then go daven Ma’ariv with a minyan.

Tefillot of Shabbat morning when it is raining: One should recite the morning tefillot at home until Nishmat. For Kerikeri HaTorah, clear plastic sheets can be held or wrapped over the Sefer Torah, or it could be read before Mincha (according to the Ashkenazi custom). The minyan can say a shortened version of Chazarat HaShatz for Shacharit and Musaf (see above for the laws of a shortened Chazarat HaShatz on weekdays).

Opening a gazebo on Shabbat:
• One may not open a gazebo on Shabbat, but a non-Jew may do so (this is called “shnut d’shnut” (a rabbinic prohibition of a rabbinic prohibition), and it is allowed if needed because it is needed both for the Shabbat and for a mitzvot).
• If the gazebo was opened somewhat before Shabbat – at least 10 cm – one may open it the rest of the way on Shabbat (Eiruvin 102a; Shulchan Aruch there).
• If the gazebo is open, one may move it (as long as there is an Eiruv).

If it begins to rain in the middle of the Shema, Amida, Chazarat HaShatz, or Kerkeri HaTorah, and the minyan needs to move elsewhere, one should proceed as follows regarding interrupting the tefilla:

- Interrupting Kerikeri Shema: If one had to stop because of the rain, one should carry on from the place where one stopped (see Shulchan Aruch 65:1).
- Interrupting the Amida: If one had to stop because of the rain and only three-four minutes have passed, one continues from where one left off (see Shulchan Aruch 104:10). However, one should be careful not to speak or remove one’s thoughts from the tefilla. If a lot of time has passed, one should begin again. If one is unsure how much time has passed, one probably should carry on where he left off.
- Interrupting Chazarat HaShatz: If Chazarat HaShatz was stopped in the middle and it was only a short interruption, it should resume from where it was interrupted. However, many times the congregation scatters and goes home, and it is impossible to continue in any case.
- Rainfall in the middle of Kerikeri HaTorah: The Sefer Torah should be rolled up quickly, even in the middle of a passuk, and the person who was called up should recite the closing bracha (if three pesukim have already been read). Also, a plastic sheet could be held over the Sefer Torah to cover it, even on Shabbat (Chazon Ish 52:2; Tehilla LeDavid 315:7-9).
- Continuing the Torah reading on Shabbat: If possible, the congregation should carry on where they left off in the afternoon. If they did not do so, they should compensate for it by reading the whole parasha (not only half) the following Shabbat (Birur Halachah 135 – Kerikeri HaParasha”).
- Continuing the Torah reading on weekdays: If 10 pesukim have already been read, more should not be read (Responsa Ashdot Hapiga 3; Pri Haaretz 6; Yabia Omer VIII, 23:31). If 10 pesukim have not been read, the entire kerira should be read again before Mincha.

If it was impossible to read the Torah in Shacharit (on Monday, Thursday and Shabbat), it may be read the entire day. It is usually easiest to do so before Mincha (Dagul Mervava 135:2; Mishna Berura and Sha’ar HaZion at the beginning of the siman).

How does one make up for the missed reading? Before Mincha: The Sefer Torah is taken out (on Shabbat say: Atarah Haleita or Ein Kamocha; on weekdays say: E-1 Erech Apayim), read from the Torah without Kaddish (on weekdays do not say Kaddish afterward; on Shabbat say Kaddish, Mafir and Haftara with the brachot). After the Kerira say Yehelelu, and return the Sefer Torah, and only afterwards begin Mincha. This is all done in order to emphasize that the Kerira is not connected to Mincha (Sha’ar HaZion ibid, s.k.5). If one did not make up for the Torah reading the entire day: On weekdays, one can no longer make up for the lost reading. On Shabbat, if most of the minyan missed the Kerira, two parashot should be read in the following Shabbat (Rama 135:1). The first person who is called up for an aliyah should read the parasha from last week through to the end of the first aliya of the current parasha. The rest of the aliya continue as normal.