

HALOCHOSCOPE TOI

Two people have a set time to study Torah together. This is the only time of day that they are able to get together. At this same time a *Minyan* in a local shul is often short one or two men. The *Mispalelim* at the Minyan has asked the two study partners to come to their Minyan, even if they only sit and study. The study partners resisted because they feel that this will basically dissolve their allotted time to learn. They have been davening privately until now, to allow them the time to learn at this time. Sometimes there is a long wait and no Minyan in the end. Should they be going to the Minyan at the expense of their studying time?

The issues:

- (A) *Talmud Torah Keneged Kulam*, the preeminence of Torah study
- (B) *Kevius Itim*, allotting a set time for study; *Chavrusa*, studying with a partner
- (C) *Tefilah Betzibur*, the importance of davening with, and supporting a *Minyan*
- (D) Other considerations in resolving this conflict of interests

(A) *Talmud Torah Keneged Kulam*

The Mitzvah to study Torah is a constant obligation. It is considered especially propitious to spend nights studying, and some say especially after midnight. One should also try to connect the day and night and night as it becomes day with Torah study. However, the basic Mitzvah applies at all times. There is no minimum or maximum amount of time to dedicate to the Mitzvah. Normally, this is taken to mean that one who spends all day and night studying has not done more than his obligation. On the other hand, one so preoccupied with his other needs in life that he can not devote any time to study, must still fulfil this Mitzvah. The obligation applies each day and night. Under pressing circumstances, this is fulfilled by reciting *Shema* by morning and by night during davening.

Another explanation is that there is no minimum amount of study. Every word that one studies is a new Mitzvah. Accordingly, even if one studies one word he has fulfilled a Mitzvah. This is why Torah study corresponds to all the other Mitzvos put together. No other Mitzvah is such that every new word one says adds up to a new Mitzvah. In addition, each of these words enhance each other, reinforcing each of the other Mitzvos.

Incidentally, this very reason is also the one given for the permissibility to

interrupt Torah study to fulfil a second Mitzvah. Normally, one may not stop one Mitzvah in favor of another. However, Torah study may be interrupted in this way. One reason is that each word is indeed a separate Mitzvah. Thus, one is not necessarily considered preoccupied in his first Mitzvah, and may stop to do the other Mitzvah. On the other hand, each word is somewhat connected to each other word. Also, the rule is that even if one is not yet occupied in the performance of the Mitzvah but is on his way to doing so, he may not digress to do a second Mitzvah that comes his way. Therefore, in order to interrupt study, certain conditions must be met. These are that it is a compulsory obligation, there is no-one else to perform this particular Mitzvah, it can not be performed later, and it is not possible to perform both Mitzvos. otherwise, one is really involved in a string of Mitzvos that should not be interrupted, and is on the way to performing more Mitzvos already.

Another source for the preeminence of Torah over all other Mitzvos is the Yerushalmi's debate on what is more important, study of the Torah or performance of the Mitzvos? The conclusion is that study is more important because it brings one to performance. Certain other Mitzvos take precedence over Talmud Torah. Some are considered obligations on a large mass of, or the entirety of the Jewish people, such as attending the funeral of a student of the Torah, and certainly of a teacher. Sometimes, an essential ingredient of the Mitzvah requires one to perform it in a way that might otherwise interfere with his study, such as the publicity required for Megilah. Though one could read it privately without disturbing his learning schedule, he must attend a shul for it. Some Mitzvos require a quorum. Though one could leave participation in such a quorum to others, there are situations where it is more important for a particular person to be in attendance. In such instances, such as for a *Seudas Mitzvah*, festive meal to celebrate a *Simcha*, the Torah student might be one of the quorum. He must attend, especially if he is invited along with other scholars. Preoccupation with saving Jewish lives comes before Torah study. However, the Talmud condemns one who leaves the study of Torah to be preoccupied so. The Poskim explain, the Talmud condemns one whose lot is to be the one now responsible for this work. [See Peah 1:1, Yerushalmi, Shnos Eliyahu, Psachim 114a (Tosafos) Yerushalmi 3:7, Eruvin 53a-54b, Megilah 3a-b 16b, Moed Katan 9a, Kidushin 32b-33b, Menachos 92b, Poskim. Rambam Talmud Torah 1:8-12 3:3-7, Tur Shulchan Aruch Yoreh Deah 246:1 18 23, 251 Taz 6, commentaries. Sh. Ar. Harav, T.T. 4:1-6. Binyan Olam, Tochen, Hagahos.]

(B) *Kvius Itim; Chavrusa*

The Talmud describes the scene in the world to come, when the soul is ques-

tioned on his behavior. The first question is whether the person set aside times for Torah study. The Poskim explain, this refers to those who are not preoccupied their entire days and nights in study, but study when they are not working for their livelihoods. Torah students, while occupied in other pursuits, are also obliged to set times for study. This is a daily obligation, and must be followed strictly. Thus, if one missed a day, the Poskim say that he is obliged to make it up by night. Ideally, the time that is allotted may not be violated except in extremely pressing situations.

There is another important element in Torah study. The Talmud condemns those who do not study in pairs or in groups. This way they are not able to gain mutual benefit from each others insights and understanding. Just as one needs a teacher when beginning to study, he needs a partner to continue his study. From the spirited debate they experience, they are able to gain a clearer and truer view of the study matter. Therefore, though one should not refrain from studying alone when he does not have a partner, he should always make sure to acquire a partner. [See Brochos 6a 63a, Shabbos 31a, Avos 3:2, Poskim. Tur Sh. Ar. Orach Chaim 151:1 238:1-2 Y.D. 246:1, Taz 8, commentaries.]

(C) *Tefilah Betzibur*

Some religious services require the participation of a *Minyan*, quorum of ten people. These are especially holy parts of davening. Other services, such as Tefilah (*Shemone Esrei*) and *Bircas Hamazon* are enhanced when recited as a group. This is known as *Betzibur*. The number ten comes from a Scriptural Mitzvah, that of sanctifying Hashem's Name publicly. The Talmud derives from verses that this means in the presence of ten men. The group is more than the sum of its participants. When ten people gather to do a Mitzvah together the Divine Presence rests among them. The power of their Tefilah increases exponentially. If one is in a group of ten he may not leave. He causes the *Shechinah* to leave, paining Hashem greatly. He also loses out on his chance to fulfill the holy services, and causes the other nine to lose out as well. He is also required to make the effort to daven with a Tzibur and may not break away from it. One davening alone subjects himself to Heavenly scrutiny. Though not directly forbidden, one who leaves is "forsaking G-d." Rabeinu Gershom issued a *Cherem*, injunction against a tenth man leaving a Minyan. Liberating a Canaanite slave makes him a Jew. Though it is normally forbidden to liberate him, if this will provide a tenth man for a Minyan one may violate this Scriptural Mitzvah.

The Talmud says that when the time for davening comes, Hashem, so to speak,

waits in shul so that davening may begin. If there is no Minyan He says "Why have I come and no-one is here?" Thus, it is important that the whole Minyan assemble on time, and proceed immediately with davening. The Poskim say, in a small community the Mispalelim penalize each other to attend. Even the students of the Torah should be forced to attend. The purpose of this is to maintain the *Tamid*, continuity of the Tefilah in the shul. This would seem to settle our issue. However, the Poskim are referring to people who study alone during that time, or those who study all day and choose to daven in their own time. Our case is different in that the students have no other time to study together, and work the rest of their time. They will not merely need to reschedule one day's study, but will have to abandon their schedule totally. [See Brochos 7b-8a 50b, Megilah 23b, Poskim. Tur Sh. Ar. O.C. 55:1 22 90:9 124:3, commentaries.]

(D) Other considerations

Some raise additional considerations when discussing the lack of attendance of a student of Torah. Even if he chooses not to attend for good reasons, he might be sending a wrong message. For example, it is common for a Torah student to object to the fast pace of davening, and to prefer to daven alone. He should do so in shul in presence of the Minyan, His absence could cause others to scorn Torah study, or to copy him. Furthermore, for many small town Jews, shul-going is their entire *Yiddishkeit*, Jewish experience. The Minyan means much more to them than Torah study. In addition, they might suspect him of not davening, or of not believing seriously in Tefilah Betzibur. It is forbidden to act in a way that leads others to suspect him of violating a Mitzvah. [See Teshuvos Rosh 4:11. Tur Sh. Ar. O.C. 90:18, commentaries.]

Accordingly, our case, though meritorious in that the Chavrusa and Kvius Itim would be disrupted, also raises many issues against it. The following suggestion is made: The pair should go to shul and try to participate, while voicing their dissatisfaction at the things that are truly wrong. They could also try to arrive a little early and begin studying with *Talis* and *Teflin*. By showing how serious they take both their study and Tefilah Betzibur, they should be able to ward off any negative fallout. Then, if they feel that their study suffers too much, they could make their case to the other Mispalelim, and stay away.