

HALOCHOSCOPE

This week's question:

May one take a pleasure trip if he will miss *krias hatorah* on Monday or Thursday?

The issues:

A) *Krias hatorah*

B) What is the nature of the obligation?

A) *Krias Hatorah*

Scripturally, we know that there are basic minimum requirements for a kosher *sefer torah*. Clearly, there are Scriptural *mitzvos* that require a kosher *sefer torah*. The most obvious is writing a *sefer torah*. This *mitzvah* is incumbent on everyone. It can only be fulfilled in compliance with the *halacha lemoshe misinai*, quasi-Scriptural. The next most obvious *mitzvah* is the *mitzvah* for a king to write his own special *sefer torah*, and to carry it along with him at all times. This seems to be a different version of the same *mitzvah*. The third *mitzvah* that comes to mind is *krias hatorah*. Every word of *krias hatorah* must be read from the scroll. Some poskim maintain that if some of it was read by heart the reading is still valid, and they rule that one may recite a *brocha* even on an invalid *sefer torah*. Nonetheless, the fact that one must ideally read it from the kosher scroll indicates a need for a kosher scroll.

However, this does not tell us whether *krias hatorah* is a Scriptural obligation. In fact, there is no specific Scriptural *mitzvah* to do the type of *krias hatorah* that we do. There is, however, one *mitzvah* deals directly with a *krias hatorah*. That is *hakheil*, which is performed once every seven years. The king would read certain parts of the book of *Devarim* on Sukos in the year immediately following the *shvi'is*, seventh in the agricultural cycle. All Jews were obliged to attend. The Torah itself explains the reason for the *mitzvah*, to teach the people and to instill fear and awe of Hashem in them.

This would seem to be the only instance of a Scripturally required *krias hatorah*. However, most poskim maintain that the *mitzvah* to remember what *Amalek* did, that the Talmud says must be verbalized, must also be read from the *sefer torah*. Accordingly, the reading of *parshas zachor* on the Shabbos preceding Purim is considered a Scriptural obligation. Some also maintain that the reading of *parshas parah* before Pesach, about the *mitzvah* of purifying those who were contaminated by contact with a corpse, is also Scriptural. These readings are read once a year. These Shabbosos are chosen for this to connect remembering *Amalek* to the act of obliterating their name (Purim), and to purify before offering the *korban pesach*, that was fulfilled by every ritually pure Jew. There are also certain other *mitzvos* to read sections of the Torah. However, they do not necessarily need to be read from the scroll. These include the passages of *shema*, [*chalitza*, *sotah*, *eglah arufah* etc.] *bircas kohanim* and the passages of *viduy maaser* and *mikra bikurim*, connected to agricultural tithing *mitzvos*.

Other obligations to read from a *sefer torah* are not considered Scripturally mandated by the majority of poskim. They are ancient institutions, as will be explained. The fact that we read specific portions at specific times, that there is an obligation to recite a *brocha* before and after the reading, that there is a requirement of ten men to do this, or that it is considered a danger to refuse to accept an *aliya*, all indicate that the obligation is structured with specific requirements, but not that it is a Scriptural obligation. Each of these can be explained to shed light on the type of obligation. Yet each of these requirements is derived from a verse. This would indicate that the basic *mitzvah* is Scriptural.

[On the surface, one could argue that there is no Scriptural obligation, but that if one chooses to do this, there are Scripturally mandated conditions for it. One could also argue that Scripturally, it is a voluntary type of *mitzvah*. If one does it, however, he is in fulfillment of a Scriptural *mitzvah*. The compulsory obligation was instituted Rabbinically. There could be another explanation for the existence of *pesukim* dealing directly with this *mitzvah*. As we shall see, at least part of the institution was made by Moshe Rabeinu himself. The Torah records the institution, not because it is Scriptural, but because Moshe did this as part of the process of teaching Yisroel. Finally, it is possible that the *mitzvah* exists Scripturally anyhow. However, there is no specific time frame for it. The obligations to read passages at the times we read them were instituted Rabbinically.]

The Talmud attributes the initial institution to read periodically to Moshe. This is also based on a *passuk*. Some maintain that this makes it a Scriptural obligation. [Perhaps they consider it in the same category as those decisions that Moshe made and Hashem gave His consent to.] Others contend that the institution has the status of a Rabbinical one, and the *passuk* is *asmachta*, a Scriptural link.

The Talmud further attributes the current institution partly to Moshe and partly to Ezra the Scribe. One version is that Moshe instituted the readings on Shabbos and Mondays and Thursdays. The purpose of the institution was to ensure that the Jewish people would never be more than three days without hearing a public reading of Torah. Furthermore, Mondays and Thursdays were selected because they are 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*. One reason is because of the idle people. It is assumed that these idle people would otherwise be wasting their time on a Shabbos afternoon. Some say this is actually a reference to those cultures that do not have a shul service. While we attend this *krias hatorah* service, they get drunk. Another reason is to allow those whose occupations make it impossible for them to attend the reading on Monday and Thursday, still get in another reading. Another version is that Ezra instituted the readings for Mondays and Thursdays. It is also an *ais ratzon*, time of Divine appeasement. *Mincha*, in mid-afternoon, involves some sacrifice. Therefore, it arouses Hashem's mercy more than other times. 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*. In fact, due to it, certain other *tefilos* are added.

In addition, Moshe instituted readings on Yomtov. In general, readings connected to events of that day are attributed to a general institution of Moshe. Thus, readings on fast days or holidays that were later instituted are part of the general initial institution. Some

commentators reconcile the two versions.

In summary, we know that Moshe instituted at least the Yomtov readings, and that Ezra instituted the Shabbos *Mincha* readings. The rest of the reading are a matter of debate. Some say that Moshe instituted all of them, some say Ezra instituted all of them, and some say that Moshe instituted Shabbos morning and Ezra instituted the Monday and Thursday readings. The majority consider even Moshe's institutions Rabbinical. [It is a general rule that Rabbinical institutions are modeled on Scriptural models. It is possible that *krias hatorah* is modeled on *hakheil*.]

As mentioned, some say that the institutions of Moshe are considered Scriptural, while others maintain that they are Rabbinical, or *Midivrei Sofrim*, which has a status of Prophetic institution close to Scriptural but not quite as stringent. Some point to the requirement of a *brocha* as proof that there was at least some Scriptural obligation. Some poskim consider this a Scriptural *brocha*. Thus, they say that on Shabbos morning and Yomtov it is a Scriptural obligation, but that Moshe and Ezra instituted additional readings on Mondays and Thursdays. Others contend that, while there is a Scriptural obligation of a *brocha*, this 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. [See Brochos 13a, Megillah 2a, 17b, 21a-24a, 29a-32a, Yerushalmi 4:1, Baba Kama 82a, Sofrim 10:1, Poskim. Rambam, Tefilah 13:8, Tur Sh. Ar. OC 135:1, 685:7, commentaries. Sdei Chemed, Kuf 33, Tav 26. Abudraham, Krias Hatorah.]

B) The nature of the obligation

There is much debate on the nature of the obligation of these various institutions. The basic issue is whether the obligation rests on each individual to hear the readings. However, there is a difference between the different readings. The Shabbos readings cover the entire Torah. Thus, the obligation is to complete the cycle. The other readings are samples of the reading of the coming Shabbos. They are an obligation for the individual to hear some Torah reading during the week. The other view is that the structure of this institution is to ensure that a congregation reads the Torah. It is not an individual responsibility. Obviously, a collective responsibility requires participation of many individuals. The main difference between the views is how important it is to hear every word. According to the 'collective' view, it is admirable for those who are meticulous about their observance. According to the 'individual' view, it is a compulsory obligation.

Another difference occurs when an individual was unable to attend *krias hatorah*. Is there an obligation to make it up? If he has a personal obligation, he must make it up if possible. If it is only 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.

There is also discussion on whether the *mitzvah* is to read, but that the listener fulfills his obligation by hearing. This is based on the general idea of *shomaia keoneh*, one who hears is like one who responds. The obligation in this case could be to hear it read. The only obligation to read applies to the *oleh*, the one called up to read it. Nowadays,

the *oleh*, in turn delegates the obligation to read aloud to the *baal korai*, the designated reader. The *oleh* must still read it, but does so in an undertone. [See, Sh. Ar. OC 146:2, commentaries. e.g. Yabia Omer IV:OC:16-17, YD:31, citing many sources. Igros Moshe OC II:72, IV:23, 40. Notes to Piskei Teshuvos 135:2 (n12) 146:3.]

In our questioner's situation, once he has left on his trip, he is exempt from *krias hatorah*. There is no *minyan*. May he travel putting himself in this situation? If there is an individual obligation, may one put himself in a situation where he will not be able to fulfill it? This touches on the concepts of *oness*, beyond one's control, and *poshaia*, negligence. One reason given for the Shabbos *Mincha* reading is for those whose work keeps them away from the readings on Mondays and Thursdays. Clearly, they may engage in this work. One could argue that they provide critical services. Since someone must provide it, they had a dispensation. On the other hand, one sees that there was concern for their loss of this *mitzvah*. Many poskim discuss making up for missing a reading, later in the day. Accordingly, the 'individual' view would hold that though there seems to be a dispensation for one who is unable to attend, one may not knowingly miss it.

Most poskim follow the 'collective' view. There is a concept of *bitul hatamid*, not interrupting the continuum. The issue is whether an individual may interrupt his continuum for leisure reasons. *Tefilah betzibur* is a similar obligation. [In that case, there is more reason to believe that it is an individual responsibility.] One may travel, even if it means missing a *minyan* where he arrives. However, when going on pleasure trips, one may not leave early and *daven* without a *minyan* if he can attend a *minyan* first. When on the road, there is a distance to which one must go if a *minyan* is within reach. If he is further away, he is exempt. In a town where there is not always a *minyan*, the congregants may enforce attendance with fines, to maintain the *tamid*. It seems that as long as he is able to ensure that the continuum is maintained by a *minyan*, he may leave on his trip. However, he may not leave on a Monday or Thursday before *krias hatorah*, unless the only bus leaves early. [See Psachim 46a. Sh. Ar. OC 55:22, 90:16-17, commentaries. Yabia Omer IV:OC:17. Tzitz Eliezer XIII:27.]

On the Parsha ... And you who attached yourselves to Hashem your G-d, you are all living to-day ... This is your wisdom .. in the eyes of the peoples. They will hear .. and they will say .. for who is great as this nation that has a G-d close to it, like Hashem, our G-d, whenever we call out to Him ... [4:4-7] Why is the difference between Yisroel and the nations mentioned here? The first of these *pesukim*, *Ve'atem hadvaikim* ..., is said before *krias hatorah*. The poskim explain why the preceding *pesukim* [*Toras Hashem temimah* ...] are said by the *shamash*. The words add up to forty, corresponding to the days Moshe spent on *Har Sinai*. Why is *Ve'atem hadvaikim* the congregation's response? *Sidur R. Yaakov Emden* says it means that it is as though we are accepting the Torah 'today'. Perhaps we may suggest, we mentioned that *krias hatorah* is done at an *ais ratzon*. It also creates an *ais ratzon*. In part, this is because it highlights to Hashem the distinctions between the nations, who are busy drinking, and Yisroel, who are reading the Torah. We are attached to Hashem, as opposed to them. This is why He is close to us, whenever we call out to Him.

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