

HALOCHOSCOPE

This week's question:

An *avil*, mourner, has heard *krias hatorah* and heard or recited the *haftarah* in one *shul*. He then enters a second *shul* where they have not recited *haftarah* yet. May he get the *aliya* of *maftir* and recite the *haftarah* again?

The issues:

A) *Krias hatorah* and *haftarah*

B) *Availim* reciting *haftarah*

C) *Af al pi sheyatza motzie*, one who already fulfilled his obligation reciting for others

A) *Krias Hatorah, Haftarah*

While *krias hatorah* must be read from a Scripturally kosher *sefer torah*, there is no specific Scriptural *mitzvah* to do the type of *krias hatorah* that we do. There is, however, one *mitzvah* that deals directly with a *krias hatorah*. That is *hakheil*, 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 [may we merit it this coming *Sukos*!] All Jews are 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.

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. Other *mitzvos* to read sections of the Torah need not be read from the scroll.

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 specific readings, the obligation to recite a *brocha* before and after reading, the requirement of ten men to do this, and the danger to refuse to accept an *aliya*, indicate that the obligation is structured with specific requirements. 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.

[One could argue that there is no Scriptural obligation, but that if one chooses to do this, there are Scripturally mandated conditions for it. Or Scripturally it is a voluntary *mitzvah*. If one does it 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 institu-

tion 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. It is possible that the *mitzvah* exists Scripturally, but with no specific time frame. 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. Mondays and Thursdays 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* for idle people who presumably waste their time on a *Shabbos* afternoon. Some say this is actually a reference to gentile cultures that do not have a *shul* service. While we attend this *krias hatorah* service, they get drunk. It also allows those whose occupations make it impossible for them to attend the weekday readings, still get in another reading. 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. Another version is that Ezra instituted the readings for Mondays and Thursdays. Some commentators reconcile the two versions. Moshe instituted *Yomtov* readings. 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. [Rabbinical institutions are modeled on Scriptural models. It is possible that *krias hatorah* is modeled on *hakheil*.] [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*.]

Some say this obligation rests on each individual to hear the readings. The *Shabbos* readings cover the entire Torah and the obligation is to complete the cycle. The other readings are samples of the reading of the coming *Shabbos* and the obligation is to hear some Torah reading during the week. Others say the structure of this institution is to ensure that a congregation reads the Torah. It is not an individual responsibility. The main difference between the views is how important it is to hear every word. According to the 'collective' view, it is admirable. According to the 'individual' view, it is compulsory.

Another 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. Accordingly, should all *olim* be part of

the obligated group? May a *Kohen* or *Levi*, or in our case an *avai*, who has fulfilled his obligation already, be counted in the group of *olim*?

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.]

Haftarah comes from the Hebrew for to take leave – of *shacharis* or *krias hatorah*. Some say it means to open, signaling the time one may open his mouth to talk about the *parsha*. Some connect it to exempt – completing the obligation of *krias hatorah*.

The institution predates Mishnaic times. Early commentaries say: people studied selections of Torah and Prophets every day following *shacharis*. As this became too much for working people, it was satisfied with the *pesukim* at the beginning of *uva letzion*. It was then reintroduced on *Shabbos* (when people were off work), and *uva letzion* was moved to *mincha*. Later commentaries say it was instituted at the time of Antiochus, who forbade Torah study but permitted Navi. A selection was read to correspond to that week's Torah portion. When the decree was abolished, the institution remained in place.

Some say, *haftarah* was instituted to be read only with a *minyan*, but is not considered a *davar shebikedusha*. Others maintain that *krias hatorah* and *haftarah* are *devarim shebikedusha*. To show respect for the Torah, *haftarah* is not read as an equal reading, right after the Torah. The *maftir* first gets an *aliya* to repeat part of the *kriah*. In addition a *kaddish* is recited between them. [See Megillah 21a 23a-b etc., Poskim. Shibolei Kalaket 44. Avudraham, *Haftarah*. Rema OC 144:2. Tur Sh Ar OC 144 282 284, commentaries. Shaarei Efraim 9:11.]

B) Availim and Haftarah

The source for the *minhag* that an *avai* recites *haftarah* is the same source for the *avai* to recite *kaddish*, and, incidentally, the *maariv* on *Motzoei Shabbos*. The Midrash relates that Rabi Akiva met a tormented soul who had been extraordinarily wicked before he died. He told Rabi Akiva that his only salvation from his punishment would be that his son should cause people to praise Hashem. Various versions exist or are cited in later works, including the son reciting *borchu* [which could be a general reference to acting as *shliach tzibbur* for something] *kaddish*, or *maftir* and *haftarah*.

The reason for the *avai's* reciting *haftarah* is not clear. The poskim speculate, including the possibility that it is an *aliya* that a child can be given [hence the '*borchu*!'] or that the *brochos* resemble the theme of *kaddish*, the coming glory of Hashem's Name. Some say that it refers to *maftir* on *Shabbos*, when an *avai* does not act as *shliach tzibbur* or anything else. [Although the Midrash does not refer to acting as *shliach tzibbur*!] It seems that this is also the source for the *minhag* that one who observes a *yahrzeit* during the following week is given *maftir*. [Note; it is also possible that the *brochos* of the *haftarah* include a form of *tziduk hadin*, recognition of Hashem's righteous judgment. This is part of what the *avai* must do to reconcile himself to his loss. It is even better if he

does it in a public way.] The poskim group this *minhag* with the *minhag* that an *avail* is given the honor of leading *bircas hamazon*. This indicates that the main purpose is to give the *avail* an opportunity to cause others to fulfill a *mitzvah*. This brings merit to the deceased. [See Rivash 115. Tur Sh Ar OC 201:1 284:1, YD 376:4, (Biur Hagra), commentaries. Tzitz Eliezer XVI:38. Mishmeres Shalom Chaim Uvracha, Bais:35, Mem:76. Moed Lechol Chai 6, 12.]

C) *Af al pi sheyatza motzie*

This idea is based on the principle of *aravus*, the responsibility of every Jew to see to it that his fellow fulfills his obligations. Each Jew has a measure of his fellow's obligation. He can thus serve as the mouthpiece for his fellow for *mitzvos* that require verbalization, including most *brochos* on *mitzvos*. The other must still hear the words and have in mind to fulfill it *shomaia keoneh*. [See Halochoscope XI:50.] While *krias hatorah* does not seem to be this kind of *mitzvah*, rather a *mitzvah* to hear it, *haftarah*, according to one explanation of its origin, seems to be such a *mitzvah*. However, in light of the fact that a minor can be honored with *haftarah*, it seems that one need not be considered an obligant to be able to discharge the obligation of others. In this way it is like *kaddish yason*, that may be recited by a child. Furthermore, the poskim rule that if one had an *aliya* in one *shul*, then was called up for the same *aliya* in a second *shul*, he should go up and recite the *brochos*. [See Shaarei Efraim 7:35.] Evidently, there is no issue with having already fulfilled this *mitzvah*. Accordingly, if an *avail* wishes to, he may be given *maftir* in the second *shul*. However, he has already given his parent the merit of the *mitzvos* from the first *shul*. Perhaps it would be meritorious to allow a second person to do this *mitzvah*, causing others to also fulfill their obligation. Perhaps this merit, when added to that of the first *shul*, is even greater. In this way, the *avail*, by giving away the opportunity to another, has a share in the other's *mitzvah* as well.

On the Parsha ... Beware of tzara'as .. rememehr what Hashem did to Miriam ... Remember what Amalek did to you ... [24:8-9 25:17] *Zachor*, this refers to sounding it with your mouth. [Sifra 26:3]. The poskim derive from here that the *mitzvah* to read *parshas zachor* is Scriptural. Similarly, the *mitzvah* of *kiddush* on *Shabbos*, and the mention of *yetzias Mitzrayim* must be verbalized. However, we do not find a specific *mitzvah* to read aloud the punishment of *tzara'as* for *Miriam*, along with other verbalizations cited in the *Sifra*! Some say that this is actually a Scriptural source for *krias hatorah*. By reading the entire Torah over the course of a year, one guarantees that he will remember it. [See *Torah Temimah Eikev* 9:7] Perhaps the opposite is true. This is an indication that the Scriptural *mitzvah* to mention *Amalek's* deed aloud does not refer strictly to reading it in *shul* from a *sefer torah*. This is a Rabbinical extension of the *mitzvah*. Scripturally, one fulfills it from a *chumash* in private. The rabbis did not make a public *mitzvah* to mention the *tzara'as* of *Miriam*, because the entire concept is really a warning against *lashon hara*, gossip and slander. Highlighting it publicly just compounds this. Since people would anyhow study the matter privately, there is no need to make it public.

♫ In honor and in memory of my mother, Yitela bas R. Shimon a'h, Henriette Silver. ♫

In memory of Sarah bas R. Shmuel a'h, whose *yahrzeit* was on 11th Elul, R. Akiva Moshe ben R. Menachem Manele z'l, whose *yahrzeit* is on 24th Elul.

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