**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Contemporary Halakha**

**Rav David Brofsky**

***Keri'at Ha-Torah***

**Shiur #02:The Origins and Nature of *Keri'at ha-Torah* (2)**

Last week, we began our discussion of the origins and nature of *keri'at ha-Torah*. We noted that the Talmud (*Megilla* 32a) attributes the institution of Torah reading on the Festivals to Moshe, and the *Yerushalmi* (*Megilla* 4:1) adds Shabbat, Rosh Chodesh, Chol Ha-moed, and Shabbat. The Talmud also teaches (*Bava Kama* 82a) that the *Mincha* reading on Shabbat was instituted "for those who sit idly on street corners," and the Monday and Thursday readings so that three days should not pass without hearing words of Torah. The Rambam summarizes the development of this practice:

Moshe, our teacher, ordained that the Jews should read the Torah publicly on the Sabbath and on Monday and Thursday mornings so the [people] would never have three days pass without hearing the Torah. Ezra ordained that [the Torah] should be read during the *Mincha* service on Shabbat, because of the shopkeepers. He also decreed that on Mondays and Thursdays, three people should read [from the Torah] and that they should read no fewer than ten verses [total]. (*Hilkhot Tefilla* 12:1)

The Rambam attributes the Torah reading of Monday, Thursday, and *Shabbat* mornings to Moshe, and the *Shabbat* afternoon reading to Ezra.

We questioned whether to categorize *keri'at ha-Torah* as a *chovat yachid*, an obligation incumbent upon every individual, which in this case may only be fulfilled in the presence of a *minyan*, or as a *chovat tzibbur*, a communal obligation. We mentioned several ramifications of this question, including whether the Torah may only be read in the presence of ten men who have yet to hear *keri'at ha-Torah*, and the extent to which one must listen attentively to the reading.

This week, we will attempt to further and deepen our understanding of the nature of *keri'at ha-Torah*.

**When an Individual or *Tzibbur* Misses *Keri'at Ha-Torah***

The *Rishonim* and *Acharonim* discuss, at length, whether an individual or a community who missed a Torah reading must "make-up" the missed reading. This issue, as we shall see, may also relate to the broader question raised above regarding the nature of the mitzva of *keri'at ha-Torah*.

This question was first raised by the early Ashkenazic *Rishonim*. The *Ohr Zaru'a* (*Hilkhot* *Shabbat* 45; see *Darkhei Moshe Ha-Katzar* OC 135:2) relates that in a particular place called Klunia, one of the congregants once delayed the Shabbat prayers for so long that the congregation was unable to read from the Torah (*Parashat Emor*). The following week, a R. Eliezer b. R. Shimon ruled that they should begin by reading the previous week’s *parasha*, and then read the current week’s *parasha* (*Parashat Behar*)as well. He explained that the enactment from the time of Moshe Rabbeinu was to read and complete the entire Torah each year, “in order to inform the congregation of the *mitzvot* and the statutes.” Furthermore, he asserted that one should not think that just because the proper time to read the *parasha* has passed, one should miss the *parasha*, as “*ein keva be-farshiot*” (the *parashot* were not established to be read on certain weeks, but were merely divided among the weeks of the year).

The *Ohr Zaru’a* maintains that there is an obligation to read and hear the entire Torah, and that the *parashot* need not necessarily be read on their assigned weeks. The *Sefer Ha-Aguda* (*Megilla* 3:30) and the Mahari Weil (*Chiddushei Dinim Ve-Halakhot* 66) cite this ruling as well. Interestingly, the Maharil (*Shut Maharil Ha-Chadashot* 142) disagrees and records that it is not customary to make up a missed *parasha*, due to the fear of confusing those who "entered and left" the synagogue.

The Rema (OC 135:2) rules that those who do not read the weekly *parasha*should read it the next week, with the following *parasha*, in accordance with the *Ohr Zaru'a*. However, while the *Ohr Zaru'a* explains that the obligation of *keri'at ha-Torah* – to hear the *entire* Torah read – is what mandates making up the missing *parasha*, the Vilna Gaon (*Bi'ur Ha-Gra* 135) equates this ruling to the laws of *tashlumin*, i.e., making up a missed obligation.[[1]](#footnote-1) These different approaches may yield significant practical differences. For example, does one who intentionally (*be-meizid*) misses *keri'at ha-Torah* also make up the *parasha* the next week, because he must hear the entire Torah, or do we apply the general rule of *tashlumin*, that a missed mitzva can only be made up if it was missed unintentionally? Similarly, if multiple *parashot* were missed, can they all be made up for the sake of completing the entire Torah, or only one, just as *tashlumin* is only performed for one missed *tefilla*?[[2]](#footnote-2)

The commentaries further disagree regarding the scope of this ruling. May a *tzibbur* make up a double-*parasha*? Or a *parasha* from a different *sefer*?

R. Moshe Mintz (15th century, Germany), a student of R. Yaakov Weil, relates that a certain congregation once did not complete the double-*parasha* of *Vayakhel-Pekudei*. R. Mintz notes that the *Ohr Zaru'a* said a *tzibbur* should make up *one* missed *parasha*; in his understanding, however, if they missed a double-*parasha*, they should not read all three *parashot*, since "*ein le-davar sof*" (there would be no end). He further asserts that even if a congregation would read the previous week's *parasha*, it should not read *parashot* from two different *sefarim (Vayakhel-Pekudei* from *Sefer Shemot* and *Parashat Vayikra* from *Sefer Vayikra*) together.[[3]](#footnote-3) The *Magen Avraham* (135:4) concurs. Others disagree and rule that a congregation should even make up a double *parasha*.[[4]](#footnote-4) The *Acharonim* also discuss whether a community should make up a missed *parasha* from a previous *sefer*.[[5]](#footnote-5)

Should a congregation which missed a number of *parashot* read them all? One might say no, in accordance with the reasoning of R. Mintz that "*ein l'davar sof*," as well as the Gra’s understanding of the *Ohr Zaru'a* as referring to a form of *tashlumin*. However, the *Eliya Rabba* (135) and the *Arukh Ha-Shulchan* (135:6) rule that a community should in fact make up even more than one or two missed *parashot*. The *Mishna Berura* (135:6) cites this debate.

How is this practice meant to be implemented? The *Acharonim* disagree about whether the missed *parasha* may be read in the afternoon, at the Shabbat *Mincha* service. R. Chaim Azulai, in his *Chaim Sha'al*,[[6]](#footnote-6) writes that *keri'at ha-Torah* on *Shabbat* is meant to be read in the morning, as the Rambam describes,[[7]](#footnote-7) and may not be read in the afternoon. R. Soloveitchik agreed, explaining that although the *keri'at ha-Torah* of Monday and Thursday may be performed all day, it is possible that the *keri'at ha-Torah* on Shabbat can only be fulfilled during the morning, as a different reading was instituted for the afternoon.[[8]](#footnote-8)

R. Yechezkel Landau, in his *Dagul Mervava* (OC 135:2) disagrees and rules that if there is time before *Mincha* to read the entire missed *parasha*, the congregation may do so. R. Ephraim Zalman Margulies (Galicia, 1762-1828), in his *Sha’arei Ephraim* (7:9), and the *Mishna Berura* (135:5) concur.[[9]](#footnote-9) R. David Tzvi Hoffman, in his *Melamed Le-Ho'il* (14), records that in Berlin, R. Azriel Hildesheimer established a special *keri'at ha-Torah* before *Mincha* on Shabbat (followed by the *Haftara* and *Mussaf*) for the youth who were in Gymnasium (high school) in the morning.

The *Sha’arei Ephraim* (ibid.) writes that the first three *aliyot* are read from the previous *parasha*, the fourth finishes the previous *parasha* and begins the new *parasha*, and the last three conclude the new *parasha*. Others insist that the entire missed *parasha* is read during the first *aliya*, along with the beginning of the current *parasha*.[[10]](#footnote-10) This appears to be the custom.

Incidentally, the *Ateret Zekeinim*[[11]](#footnote-11) (135:1) writes that if a community missed *keri'at ha-Torah* on Monday, they may read it on Tuesday, as a community is not meant to go three days without hearing the Torah; however, other *Acharonim* disagree. This may be due to technical reasons, such as *tircha d'tzibbura* (significant inconvenience to the community),[[12]](#footnote-12) or because fundamentally, the *keri'at ha-Torah* of Monday and Thursday is different from the *keri'at ha-Torah* of Shabbat: the Monday and Thursday readings are so that three days should not pass without Torah, while the Shabbat reading relates to a broader obligation to complete the Torah.

 This issue is commonly raised regarding those who travel between Israel and the diaspora when the weekly *parashot* are not aligned, or if a congregation cannot read the Torah due to inclement weather or other reasons. Unfortunately, this question was also raised once communities were permitted to resume public prayer during Covid, and tragically, this year as well, as many congregations were forced to disperse and seek shelter as Israeli communities and cities were attacked during the atrocities of Simchat Torah.

 Despite the rich halakhic discussion summarized above, the sources do not specify who is obligated to make up missed *parashot* and under what circumstances. Should or may an individual make up a missed *parasha*? Or only a *tzibbur*? If the latter, does this refer to an entire congregation that missed a reading, or individuals who come together to hear the missed *parasha*? This discussion may shed light on whether *keri'at ha-Torah* is an individual or communal obligation.

 There are reports of rabbis who, after missing numerous *parashot*, arranged to have them read on the first possible Shabbat. For example, R. Moshe Schick (*Teshuvot Maharam Schick*, OC 335) relates that his teacher. R. Natan Adler, once missed numerous *parashot* and made them up in a private *minyan*. Similarly, the Vilna Gaon (*Tosefet Ma’aseh Rav* 34) made up four *parashot* after being released from prison, and the Chazon Ish made up two *parashot* he missed during an illness (*Pe'er Ha-Dor* v.3 pg. 33). R. Aharon Lichtenstein, upon returning from America, would make a special *minyan* for *keri'at ha-Torah* in order to make up a missed *parasha*. This practice may reflect the approach that *keri'at ha-Torah* is a *chovat yachid*, or at least that the obligation is to hear the entire Torah.

On the other hand, R. Margulies writes:

If a congregation misses a [Torah] reading, they should make it up on the next Shabbat. But if they didn't miss it, but instead there weren't ten [men] on Shabbat, they do not need to make up [the missed *parasha*] the following Shabbat. (*Sha’arei Ephraim* 7:39)

R. Margulies apparently maintains that *keri'at ha-Torah* is a *chovat tzibbur*, and more specifically, an obligation incurred by a specific *tzibbur* that meets on Shabbat; therefore, only when such a *tzibbur* misses a *parasha*, they should make up the *parasha* the following week. The Chida (*Chaim She'al* 1:71) appears to concur. Despite the compelling rationale of this approach, previous *teshuvot* which address the issue do not make this distinction, but rather allow a quorum of individuals, of which each individual missed the previous week's Torah reading, to make up the missed *parasha* the following week.[[13]](#footnote-13)

 Interestingly, the Ben Ish Chai (*Shana Alef*, *Ki Tisa* 6) writes that if there is a *minyan* that read the *parasha* in the city, those who were unable to hear *keri'at ha-Torah* are exempt from making up the *parasha* – possibly implying that *keri'at ha-Torah* is a communal obligation.

**Moving a *Sefer Torah* for an Individual**

 May a Torah be brought to an individual so that he may hear *keri'at ha-Torah*?

The Mishna (*Yoma* 7:1) teaches that in the *Beit Ha-Mikdash*, on *Yom Kippur*, a *sefer Torah* was passed from person to person to be brought to the *Kohen* *Gadol*. The *Yerushalmi* comments:

Generally, one goes to the Torah. But here you are saying, one brings the Torah to them? Only since they are important personalities, the Torah is honored by them. (*Yerushalmi*, *Yoma* 7:1)

Based upon this *Yerushalmi*, the Mordekhai (*Rosh Hashana* 710) rules that a *sefer Torah* is not brought to Jewish prisoners, even on Rosh Hashana and Yom Kippur. The *Shulchan Arukh* (OC 135:14) rules accordingly. At the same time, the Rema writes that if the *sefer Torah* is brought to the prisoner a day or two before (so it does not appear that it was brought for the sake of the person needing it, but was simply relocated), or if the person is an *adam chashuv* (an important person), it is permitted.[[14]](#footnote-14)

 The *Bi'ur Halakha* (135:14) questions the rationale of this ruling. While the *Yerushalmi*'s concern is understandable, why would it be prohibited to bring a Torah to prisoners, who are unable to come to the *sefer Torah*? He concludes that the Mordekhai only objected to bringing a *Sefer Torah* to an individual, as "an individual is not obligated in the mitzva of *keri'at ha-Torah* if he is unable to attend a synagogue." However, he writes, it would certainly be permitted to bring a *sefer Torah* to ten men who have not heard *keri'at ha-Torah*; "since they are obligated in *keri'at ha-Torah*, and they are unable to go to the [Torah], even the Mordekhai would agree that the *sefer Torah* may be brought to them."

 As the *Bi'ur Halakha* explains, this issue may also relate to the broader question of whether *keri'at ha-Torah* is a *chovat* *yachid* or *chovat tzibbur*.

**The Nature of *Keri'at Ha-Torah***

What is the nature and purpose of the public reading of the Torah on Mondays, Thursdays, Shabbat morning, and Shabbat afternoon? On the one hand, one might suggest that these enactments of *keri'at ha-Torah* provide regular exposure to, and study of, the Torah. Indeed, as we noted above, the rabbis teach:

As it is taught "... and they went three days in the wilderness, and found no water" (*Shemot* 15:22). Those who interpret verses metaphorically said that “water” here is referring to nothing other than Torah, as it is stated: "Ho, everyone who thirsts, come for water" (*Yeshayahu* 55:1). The verse means that since the Jews traveled for three days without hearing any Torah, they became weary, and therefore the prophets among them arose and instituted for them that they should read from the Torah each Shabbat, and pause on Sunday, and read again on Monday, and pause on Tuesday and Wednesday, and read again on Thursday, and pause on Shabbat eve, so they would not tarry three days without hearing the Torah. (*Bava* *Kama* 82a)

This passage implies that *keri'at ha-Torah* is a public learning of the Torah, as we are not meant to go three days without studying Torah.

However, as noted above, there are other Biblical models of public Torah readings which may reflect different themes and purposes. For example, the Torah (*Devarim* 31:10-13) describes how once every seven years, the Jewish people are meant to assemble in Jerusalem to hear the Torah. The Rambam, describing the event, writes:

Converts who do not understand are obligated to concentrate their attention and direct their hearing, listening with reverence and awe, rejoicing while trembling as on the day the Torah was given at Sinai. Even great Sages who know the entire Torah are obligated to listen with exceedingly great concentration. One who is unable to hear should focus his attention on this reading, for Scripture established it solely to strengthen the true faith. He should see himself as if he was just now commanded regarding the Torah and heard it from the Almighty. For the king is an agent to make known the word of God. (*Hilkhot Chagiga* 3:6)

Based on this portrayal, *Hakhel* is meant to be experienced as a recreation of *ma'amad* *Har Sinai*, i.e., the giving of the Torah.

R. Soloveitchik suggested that similar to *Hakhel, keri'at ha-Torah* should be viewed as a re-enactment of *Matan Torah*. As we shall see, he applied this perspective to numerous Talmudic passages.

**Standing While Reading and Listening to the Torah**

The Talmud derives an obligation to stand while reading the Torah from the giving of the Torah at Sinai:

It was taught: This is not the case with regard to reading the Torah, as one must stand when reading the Torah. From where are these matters derived? R. Abbahu said: It is as the verse states: "But as for you, stand here with Me (and I will speak to you all the commandments and the statutes)" (*Devarim* 5:28). And R. Abbahu said: Were the verse not written in this manner, it would be impossible to utter it; as it were, even the Holy One, Blessed be He, was standing (at the giving of the Torah). (*Megilla* 21)

In fact, the same principle seems to be extended to teaching and even studying Torah:

And Rabbi Abbahu also said: From where is it derived that the teacher should not sit on a couch and teach his disciple while he is sitting on the ground? It is as it is stated: "But as for you, stand here with Me."

The Sages taught: From the days of Moses until the time of Rabban Gamliel, they would study Torah only while standing. When Rabban Gamliel died, weakness descended to the world, and they would study Torah while sitting. And this is as we learned (*Sota* 49a): When Rabban Gamliel died, honor for the Torah ceased."[[15]](#footnote-15) (Ibid.)

The Rabbis insist that one's posture while reading, teaching, and even studying Torah relates to an intent to re-experience *matan Torah*.

 Should the congregation stand during the reading of the Torah as well, or only the reader? The Mordekhai (*Shabbat* 422) relates that his teacher, R. Meir of Rothenburg (Maharam), would stand during *keri'at ha-Torah*.[[16]](#footnote-16) Although the *Shulchan Arukh* says one may sit during *keri'at ha-Torah*, the Rema (146:4) cites the Maharam’s practice.[[17]](#footnote-17) The *Bach* (141) explains that "[the Maharam] did not do so due to a halakhic requirement, but rather, because every person should put his mind to, as he hears the reading of the Torah from the reader, accepting the Torah, at that very moment, on Har Sinai." Here too, it appears that the custom of standing during the reading of the Torah is based upon the understanding of *keri'at ha-Torah* developed above.

**The Translator and the Translation (Targum)**

 The Talmud (*Megilla* 21b) relates that during Torah reading, "one person reads and one may translate the reading into Aramaic for the congregation." Rashi (ibid., s.v. *u-v'navi*) explains that the purpose of the translation is "to read the Torah for the women and uneducated who do not know Hebrew." In other words, the function of the *targum* is educational.

While the *targum* may play an educational role, numerous sources indicate that how the Torah is translated is modelled after the revelation at Sinai. For example, the *Yerushalmi* teaches:

R. Shmuel bar Rav Isaac went to a synagogue. A man stood up to translate while leaning on a pillar. He said to him: This is forbidden to you; just as it was given in trembling and fear, so we have to treat it in trembling and fear. (*Yerushalmi*, *Megilla* 4:1)

The Rambam (*Hilkhot Tefilla* 12:11) paraphrases this *Yerushalmi*: "The translator should not lean on a beam or a pillar. Rather, he should stand with awe and fear."

The following passage in the *Yerushalmi* implies that even the very practice of appointing a translator is meant to mimic the giving of the Torah at Sinai.

R. Chaggai said, R. Shmuel bar Rav Isaac went to a synagogue. He saw Chuna standing up translating without putting up another person in his stead. He said to him: This is forbidden to you; just as it was given by an agent, so we have to treat it by an agent.

The passage appears to compare the roles of the reader and the translator to the roles of God and Moshe at Sinai (*Shemot* 19:19).

**Conclusion**

 R. Soloveitchik added another dimension to this approach. In his essay *U-Vikashtem Mi-Sham*, he writes:

[The purpose of *keri'at ha-Torah*] is to arrange an encounter with God, as experienced by our ancestors at Mount Sinai. Every act of reading from the Torah is a new giving of the Torah, a revival of the wondrous stand at the foot of the flaming mountain. The reading of the Torah is a "staging" of the giving of the Torah and a renewal of the awesome, sublime experience. The revelational experience is re-enacted whenever the Torah scroll is removed from the *aron*.[[18]](#footnote-18)

In other words*, keri'at ha-Torah* does not just re-enact *Matan Torah*; the community re-experiences the revelation at Sinai. R. Soloveitchik suggested that this may be why *Barekhu* precedes the blessing recited upon reading the Torah – because upon sensing the presence of God, man is obligated to bless and sanctify His name.[[19]](#footnote-19)

1. As we shall see below, this contradicts the *Tosefet Ma’aseh Rav* 34, which reports that the Gra, upon being released from prison, asked the *ba’al kri’ah* to read the previous four *parashot* which he had missed. [↑](#footnote-ref-1)
2. See *Ateret Zekenim* 135:2, *Peri Megadim* (*Eshel Avraham*) 135:4, and *Bi’ur Halakha* 135. [↑](#footnote-ref-2)
3. Maharam Mintz 85. [↑](#footnote-ref-3)
4. See *Hagahot Sefer Ha-Minhagim* (*Tirna*), *Minhag shel Shabbat* 41, and *Arukh Ha-Shulchan* 135:6. [↑](#footnote-ref-4)
5. *Dagul Mervava* 135. See also *Mishna Berura* 135:7. [↑](#footnote-ref-5)
6. *Chaim Sha’al* 1:71 and 2:16. [↑](#footnote-ref-6)
7. *Hilkhot Tefilla* 12:1. [↑](#footnote-ref-7)
8. R. Kenneth Brander (“In the Eye of the Storm: Shabbat Observance During a Hurricane or Severe Weather Event,” *Journal of Halacha and Contemporary Society*, LXIV (Fall 2012)) cites R. Herschel Schachter, who reported this in the name of R. Soloveitchik. [↑](#footnote-ref-8)
9. See also *Tzitz Eliezer* 13:27. [↑](#footnote-ref-9)
10. See *Kaf Ha-Chaim* 135:5, *Bereichot Mayim* 135 and R. Ovadia Yosef in *Yabi'a Omer* OC 9:28; see *Piskei Teshuvot* 135:4. [↑](#footnote-ref-10)
11. Menachem Mendel Auerbach, 17th century Austria. [↑](#footnote-ref-11)
12. See *Dagul Mervava* 135. [↑](#footnote-ref-12)
13. See *Leket Yosher* 54:2, *Mahari Weil* 66, *Shevut Yaakov* 3:6. [↑](#footnote-ref-13)
14. This is the basis for bringing a *sefer Torah* for an esteemed guest, to a celebration of a *chatan* and *kallah*, to a *beit ha’avel* (a mourner’s house), for a Shabbat or Yom Tov, or even on Simchat Torah. See *Piskei Teshuvot* 135:27. [↑](#footnote-ref-14)
15. The Gemara further distinguishes between “easy” material and “difficult” material. [↑](#footnote-ref-15)
16. See also *Tashbetz Katan* 182. [↑](#footnote-ref-16)
17. R. Menahem Azariah da Fano, known as the Rema Mi-Pano (91), suggests that one should stand during *keri’at ha-Torah* to ensure that he will be standing during *Barekhu*, as the *Yerushalmi* teaches that one should stand during the recitation of *devarim she-bikedusha*. [↑](#footnote-ref-17)
18. *U-Vikashtem Mi-Sham*, pp. 227-228. In *Shiurim L’Zekher Abba Mari* (v.2 pp. 127-130), he describes *keri’at ha-Torah* as “*kabbalat ol malkhut shamayim*.” [↑](#footnote-ref-18)
19. See *Shiurei Ha-Rav* – *Tefilla U-Keri’at Shema*, pg. 248. We will present other understandings elsewhere of the *Barekhu* which precedes reading the Torah. [↑](#footnote-ref-19)