

# HALOCHOSCOPE

## This week's question:

**When traveling on a vacation, how vital is it to arrange for a *minyan* and for *krias hatorah*? What is the ideal way to transport a *sefer Torah*?**

## The issues:

**A) *Krias hatorah*, the nature of the obligation to read from the Torah**

**B) *Kavod sefer Torah*, respect for the *sefer Torah***

## A) *Krias hatorah*

*Hakhail* 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. This would seem to be the only instance of a Scripturally required *krias hatorah*. 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 consider the reading of *parshas parah* Scriptural.] These are read annually.

Most poskim do not consider other obligations to read from a *sefer torah* Scripturally mandated. They are ancient institutions. Based on a *passuk*, the Talmud attributes the initial institution to read periodically to Moshe. Some maintain that this makes it a Scriptural obligation. Others contend that the institution is Rabbinical, and the *passuk* is *as-machta*, a Scriptural link. The current institution is attributed partly to Moshe and partly to Ezra the Scribe. In one version, Moshe instituted the readings on *Shabbos* and Mondays and Thursdays. This ensured that the Jewish people would never go three days without hearing a public reading of Torah. Mondays and Thursdays were selected because they are *ais ratzon*, 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, who would otherwise waste their *Shabbos* afternoon. Some say this is actually a reference to gentile cultures. While we attend this *krias hatorah* service, they get drunk. It also accommodates those whose occupations make it impossible for them to attend the reading on Monday and Thursday. It is also an *ais ratzon*. *Mincha*, in mid-afternoon, involves some sacrifice which arouses Hashem's mercy. 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*. Another version is that Ezra instituted the readings for Mondays and Thursdays.

In addition, Moshe instituted readings on *Yomtov*. 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.

One might have a *sefer Torah* written specifically for use when for traveling. It will still require a secure respectful place, albeit less permanent. When traveling with a *sefer Torah*, it may not be placed in a sack and on the animal carrying the traveler. It may not be balanced on one's head. One may not sling it over his shoulder. Rather, it should be held against one's chest. If it is dangerous to be seen thus, one may place it on the animal. It is unclear whether slinging it over one's shoulders in a backpack, besides its usual container, is permissible. This is less disrespectful, and it is inside a separate additional container. We may assume that it must be transported similar to the way *tefilin* are transported, if not even more respectfully. *Tefilin* should ideally be worn by day. By night, they do not require an *aron hakodesh*. A *sefer Torah* is kept in an *aron hakodesh* when not in use. One may not hang *tefilin* on the wall. In their bag, they may be suspended. Many poskim consider a *sefer Torah* more stringent. It may not be hung on the wall, even inside the *aron hakodesh*. Some say that one may place the *aron hakodesh* on a fixed shelf. It is clear that the *sefer Torah* may not be placed in a bag like other luggage. If one takes an *aron hakodesh* of sorts, it must be placed in a secure way, and not loosely. Neither *tefilin* nor a *sefer Torah* may be placed on the ground, even inside their usual containers. They should be one hand-breadth above the floor. However, if they are inside a separate additional large container, some permit placing it on the ground. Some say that even then, it should be raised about a foot off the ground. It may be placed on a seat. There is some debate on whether one may then sit on the same level, since it is contained in a separate additional container. The issue is whether sitting on the same level is the same as walking on a floor. [See Brochos 18a-b 23a 25b-26a Eruvin 91a Taanis 16a Megilah 25b-28b Yerushalmi (Tosefta 3:14) Yuma 7:1 32a Kidushin 33a-b Baba Basra 43a Avos 4:6 Sofrim 3:11-13, Poskim. [Zohar Naso (Idra) 149-151, commentaries.] Rambam Tefila 11:2 Sefer Torah 10:2-11 (Kiryas Sefer). Tur Sh Ar OC 40:1 43:6 147:1 135:14 [Kaf Hachayim 78 80] 154:2-12 20 579:1 YD 270 282, commentaries. Shaarei Efraim 9:43-46, Pischei Shearim. Mikraei Kodesh, klal 3. Tzedakah Umishpat 9:24 14:13-18 27 16:1-12 22, notes. Igros Moshe OC:I:34 38 52 YD:I:163-4.]

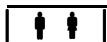
In conclusion, one should try to travel with a *minyan*, if possible. They may take a *sefer Torah* with, if it was written with the provision that it may be taken on trips. Ideally, it should be carried by hand. If it is taken with its *aron hakodesh*, they must be placed in a respectful place. Both may be placed inside a large additional container. It should be secured, not on the floor. If they are on a seat, one should avoid sitting on the same seat.

**On the parsha ...** The elders .. took the [writings of] magic spells "in their hands".. [22:7, see *Targumim* etc.] Why does the Torah specify that they held these texts 'in their hands'? Perhaps they were concerned that these precious texts might get damaged if they packed them in their luggage. Or perhaps they treated them like sacred texts, and would not let go of them!

Sponsored by Robin Knee in memory of her mother, Michla bas Meir a"h, whose *yahrzeit* is the

10<sup>th</sup> of Tammuz. ם

Sponsored in honor of the wedding of Danny and Sheera Riemer



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In summary, Moshe instituted at least *Yomtov* readings, and Ezra, *Shabbos Mincha* readings. The rest are debated. Some say Moshe instituted all of them, some say Ezra instituted all of them, and some say Moshe instituted *Shabbos* morning and Ezra instituted the Monday and Thursday readings. The majority consider Moshe's institutions Rabbinical, or *Midivrei Sofrim*, a Prophetic institution close to Scriptural but not quite as stringent. Some point to the requirement of a possibly Scriptural *brocha* as proof of some Scriptural obligation. Some say that on *Shabbos* morning and *Yomtov* it is a Scriptural obligation. Monday and Thursday reading are Rabbinical extensions. Others contend that a Scriptural obligation of a *brocha* 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.

*Shabbos* readings cycle through the entire Torah. The other readings are samples of the reading of the coming *Shabbos*. Some consider them an individual obligation to hear some Torah read during the week. Others say the institution is structured to ensure that a congregation reads the Torah, but it is not an individual responsibility. The main difference between the views is the importance of hearing each word. According to the 'collective' view, it is admirable for those who are meticulous about their observance. According to the 'individual' view, it is essential.

What if an individual was unable to attend *krias hatorah*? As a personal obligation, he must make it up if possible. As 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.

Once one leaves on a trip with no *minyan*, he is exempt from *krias hatorah*. If it 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. 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. May one interrupt his continuum for leisure? One may travel, even if he misses *tefilah betzibur*. However, he may not leave on pleasure trips early and *daven* without a *minyan* if he can attend a *minyan* first. On the road, one must go to a *minyan* within reach. If he is far away, he is exempt. In a town where there is not always a *minyan*, 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 Brochos 13a Psachim 46a Megillah 2a 17b 21a-24a 29a-32a Yerushalmi 4:1 Baba Kama 82a Sofrim 10:1, Poskim. Rambam, Tefilah 13:8. Abudraham, Krias Hatorah. Tur Sh Ar OC 55:22 90:16-17 135:1-2 146:2-3 685:7,

commentaries. Sdei Chemed, Kuf 33, Tav 26. Igros Moshe OC II:72, IV:23, 40. Yabia Omer IV:OC:17 YD:31. Tzitz Eliezer XIII:27.]

## B) Kavod Sefer Torah

The main factor of *kavod sefer Torah* is its content. The Talmud says it has within it the words of the *Luchos Habris*, tablets of the covenant, and must be treated with respect. We are commanded to respect students of the Torah, so we must certainly respect the Torah itself. Another factor is the sanctity with which a *Sefer Torah* must be written, and with which its materials are manufactured. The sources for the respect for a *Sefer Torah* include *mikdashi tira'u*, revere [My] sanctuary. This applies to the *Bais Hamikdash*, but also to *shuls* and holy artifacts. A *Sefer Torah* is considered *kedusha atzma*, holiness itself. Due to this reverence, one may not sit on the same level as a *Sefer Torah*, nor do anything mundane in its presence. It must be treated with extra care, and a special place must be designated for it. Some derive this from the *pasuk* stating that the *Sefer Torah* written by Moshe was placed beside the holy ark in the Tabernacle. The *Sefer Torah* is treated with comparable reverence is designated a place of honor. The same *pasuk* states that the *Sefer Torah* will serve as a witness. In its presence one must feel profound awe.

*Mipnei saivah takum* is a Scriptural *mitzvah* to rise for an approaching Torah scholar and to remain standing until he passes by or reaches his seat. This is also part of a more general *mitzvah* to respect a Torah scholar, which is, in turn, derived from the language of the *mitzvah* to revere Hashem Himself. If one must rise for those who study the words, one must certainly rise for the *sefer* itself. One must walk along to accompany a *Sefer Torah*, as it says, 'you shall follow behind Hashem your G-d'. One may not behave disrespectfully in the presence of a *Sefer Torah*, even if the disrespect is not directed at the *Sefer Torah*. One may not turn his back on it. Bodily functions may not be performed in its presence. One may not hold a *Sefer Torah* 'naked', according to most commentaries, holding it with bare hands while the *sefer* is 'naked', without its wrappings.

The *aron hakodesh* has a special level of *kedusha*, by virtue of its housing the *Sefer Torah*. It is built into the Eastern wall of a *shul*, or is a self-contained chest. It is kept closed at all times, except when the *Sefer Torah* is removed or returned. The status of the *aron hakodesh* as a secure or honorable place for the *Sefer Torah* is debated. All agree that since it is kept closed, it is meant to separate the *Sefer Torah* from the room it is in. Therefore, as long as it is closed, certain activities that would otherwise be restricted in the presence of the *Sefer Torah* are relaxed.

A *sefer Torah* must have a permanent place. It is disrespectful to take it from its location to be used for *krias hatorah* elsewhere. The verse indicates that the people should follow behind the *sefer Torah*, and not the opposite. It is only 'exiled and shamed' by being taken outside with its *aron hakodesh* in times of great distress, when the community gathers in the open to pray. When a *sefer* is needed in another location, its removal must comply with certain provisions. It must be taken for its use or maintenance, rather than for show. It must be taken to a secure and respectful place of honor. The poskim discuss removing it for an invalid, a *shiva*, or a jail *minyan*, and whether the *minyan* includes a highly respected personality. Moving it to another *shul* works, if it will be placed in the *aron hakodesh* there, treated with equal honor.