

HALOCHOSCOPE



This week's question:

Someone received a *sefer torah* as a gift. He engages a *magiah* to correct mistakes in the *sefer torah*, paying for the service. May he consider this his fulfillment of the *mitzvah* to write a *sefer torah*? Is any part of the *mitzvah* fulfilled by purchasing a kosher *megillah*? What about receiving a *megillah* as a gift and correcting it?

The issues:

- A) The *mitzvah* to write a *sefer torah*; hiring a *sofer* to write one; other *sefarim*
- B) Purchasing a *sefer torah*; inheriting, receiving a gift
- C) Correcting a *sefer torah* or a *megillah*

A) Ksivas sefer torah

The *mitzvah* to write a *sefer torah* is Scriptural. “Write for yourselves this song ..” (*Vayelech* 31:19). This is interpreted as “write the *sefer* that has this song written as part of it.” The reasons include having a personal *sefer torah* available to study from. It is clear that the *mitzvah* is more than simply to possess a *sefer torah*, but to actually write it. Some commentaries add, the object of the *mitzvah* is to provide as many copies of the Torah so that more people are able to learn. It is not just to have a personal copy, as a 'decoration'. One Talmudic sage wrote four hundred *sifrei torah*.

This is the final *mitzvah* of the 613 in the Torah. Logically, Hashem waited until the Torah was basically complete before giving this *mitzvah*. It is not meant to be left until last. However, it is in many ways the most difficult *mitzvah* to fulfill personally. It requires an investment of time and money for materials, and intensive training to write, apart from the skill and concentration. Therefore, many people leave it until last, relying on this interpretation of the placing of the *mitzvah*, and on the words “and now ..” prefacing this *mitzvah*. They seem to imply, “now that you have been given the rest of the Torah and fulfilled it ..” Some point out that the opposite is true. Fulfill this *mitzvah* now, without delay. By writing one's own copy of the *sefer torah*, he will be able to study and fulfill it better. He will need to rely less on outside help. In fact, based on how the money from the sale of a *sefer torah* is used, this *mitzvah* is one of the holiest possible.

In practice, many other *mitzvos* are considered more urgent in terms of time. In addition, one may not spend more than a fifth of his money on fulfilling a positive *mitzvah*, lest he become destitute and needy. It is not considered admirable to spend all of one's money on a *mitzvah*, and then to rely on others for sustenance.

As is the case with many *mitzvos*, one may delegate a *shliach*, agent, to fulfill this *mitzvah*. It is not considered a *mitzvah shebegufo*, fulfilled by the person only, like the *mitzvah* of *sukah*. One would hire a *sofer*, and the payment for his work attributes the fulfillment to the hirer. This is better than purchasing (see below) and one fulfills the *mitzvah* fully according to all views. Of course it is always more admirable to fulfill a *mitz-*

vah in person than to appoint a *shliach* to do it.

Having fulfilled the *mitzvah* to write it, the poskim debate whether one must always keep the *sefer torah* in his possession. Some compare it to a *mezuzah*. Once affixed to the door-post, it must remain. Others maintain that if it was lost, one need not write a new *sefer torah*. If it is sold, the money acquires the sanctity of the *sefer torah*. It may only be used for *mitzvos* considered on a higher level, or more urgent than this *mitzvah*. They are: marrying, studying Torah and redeeming captives. The poskim debate whether one may sell one *sefer torah* to buy another, even if it is more beautiful. The concern is that one might neglect to purchase the new one immediately. They also debate whether these restrictions apply to a personal *sefer torah*, or only to a communally owned *sefer torah*.

When the Torah was given, the Oral Law was given with it. Initially, the Oral Law was not permitted to be written, but had to be transmitted orally. At various points in history, it was determined that parts of it had to be written to preserve them. Eventually, it became apparent that the *Torah Sheb'al Peh* would be forgotten unless it was permitted to write it down. Nowadays, most of our Torah study is from written and printed *sefarim* of *Torah Sheb'al Peh*. Many consider the purpose of the *mitzvah* to write *sifrei torah* to make them available for study. Since it is no longer customary to study from *sifrei torah*, the consensus is that these poskim would apply the *mitzvah* to writing or procuring other *sefarim* to study from. In fact, the poskim debate whether one may even take out a *sefer torah* and move it from its location to study. However, it is considered preferable to review the *parsha (shnayim mikra)* from a *sefer torah*.

There are three basic views on how to apply this in practice, with a fourth variation. In one view, there is no longer a Scriptural obligation to write a *sefer torah*. The Scriptural obligation applies to procuring other *sefarim*. In a second view, the main Scriptural *mitzvah* applies to printed texts for general use. There remains a Scriptural *mitzvah* to write *sifrei torah*, but one should avoid writing extra *sifrei torah*. This could lead to *bizayon*, demeaning them, when they are left unused, neglected or abandoned. In the third view, the Scriptural *mitzvah* certainly applies to day, in full force. One cannot say that a Scriptural *mitzvah* changes from the way it is stated in the Torah. Nonetheless, priority should be given to purchasing personal *sefarim*, before procuring a *sefer torah* for a *shul*. The variation on this view maintains that the main *mitzvah* applies to writing a *sefer torah* even nowadays. However, one does not complete it by writing a *sefer torah*. One must also procure other *sefarim* to fully comply with this *mitzvah*.

Another reason is offered on why our form of the *mitzvah* has changed. In earlier times, the method of study was different. The wording and lettering of the *sefer torah* was analyzed to derive lessons from it. We can no longer rely on our imperfect knowledge to analyze nuances this way. Others maintain, we have a *mesora*, tradition. In summary, all agree that there remains some form of *mitzvah* nowadays, though no *brocha* is recited before writing a *sefer torah*. Many recite *shehecheyanu* on its completion.

All *sifrei kodesh*, the books of the *Tanach*, are holy. The special requirements for writing *sifrei torah* apply to them, more or less. They are used in the same ways that a *sefer torah* is used, in *shul* as part of the services. Thus, some poskim maintain that just as one may not recite a *brocha* over an un-kosher or printed *sefer torah*, so too, one should not recite the *birchos haftarah* on a printed *Navi*. While we generally follow the

lenient views on this, for *Megillas Esther*, we require a kosher *megillah*. The question is, what is the nature of the *mitzvah*, if any, to write a kosher *Megillas Esther*?

Reading the *megillah* is a Rabbinical *mitzvah* with Prophetic overtones. To properly read the *megillah* one needs a kosher *megillah*. Thus, writing a kosher *megillah* is a *hechsher*, preparatory action, for the *mitzvah*. Furthermore, the rules of beautifying the *mitzvah* apply to having a nice *megillah*, though this is like a nice *menora*. There is no *mitzvah* specifically to make a menorah, but to beautify the *mitzvah* of kindling. In addition, the *megillah* is used to study from. However, it is more common, and easier, to study from a printed text. Therefore, in one way, *megillah* has less of the *mitzvah* than regular printed *sefarim*. Some say that each congregation has a Rabbinical *mitzvah* to procure all *sifrei Tanach*, especially *Megillas Esther*. This is an extension of the *mitzvah* to write a *sefer torah*. However, the individual has no particular *mitzvah* of his own.

B) Buying a sefer

The Talmud describes one who buys a *sefer torah*, rather than writing it himself, as one who grabs a *mitzvah* from the street. This is meant to imply a lower level of observance. One who writes it himself is considered as though he received it personally at Sinai. The terminology used by the Talmud implies observance of the *mitzvah* at some level. However, this is not altogether clear. Some commentators maintain that the Torah is very specific, instructing us to “write” the 'song'. Accordingly, one who buys the *sefer torah* has fulfilled a general *mitzvah*, but not the specific *mitzvah* to write a *sefer torah*. Others maintain that the intent of the Torah is that one should acquire a *sefer torah* with his actions. Obviously, one is more involved in this *mitzvah* when he writes it personally than when he buys it. In practice, the poskim debate whether we follow the first or the second view. If one cannot afford to fulfill the *mitzvah* by writing or commissioning his own *sefer torah*, but is able to buy one, he should do so. Firstly, he might be fulfilling the *mitzvah* itself. Even if he does not fulfill the *mitzvah* to write a *sefer torah*, he fulfills the *mitzvah* to procure one, which is considered a grabbed *mitzvah* by the Talmud. Inheriting or receiving a gift entails no action. Simply owning a sefer is not considered performing a *mitzvah* according to either view.

Buying a *megillah* raises some questions. Assuming that writing a *megillah* is a Rabbinical extension of the *mitzvah* to write a *sefer torah*, the issue remains, is buying equal or not. However, we have already questioned whether procuring a kosher *megillah* for private use can be considered a *mitzvah* in its own right. If there is a general obligation to prepare for fulfilling the *mitzvah* of reading *megillah*, this would be fulfilled by buying one. [See Vayelech 31:19. Megillah 27a Kidushin 41a Baba Basra 14a Sanhedrin 21b Menachos 30a, Poskim. Ramabam Sefer Torah 6:1, S Hamitz. 18. Chinuch 613. Tur Sh Ar OC 150:1 153:10 YD 270, commentaries. Nitei Gavriel, Hachn. ST 25note 1.]

C) Repairing and correcting

The same Talmudic passage says that one who fixes a *sefer torah* that has a mistake, even one letter, is considered as great as one who wrote the *sefer torah*. Really, it is hard to equate him with one who wrote an entire *sefer torah*. However, in terms of fulfillment of the *mitzvah*, he is the same as one who participated in the writing. It is common for people to buy a share in writing a *sefer torah*. Each person buys a letter or *parsha*. The more one buys, the more he fulfills the *mitzvah*. The one correcting the *sefer* has an

added element to his *mitzvah*. If a *sefer torah* has an error in it, it could misguide people in their observance. It is forbidden to keep a *sefer* with a mistake in one's possession for this reason. It must be corrected immediately.

Some repairs are not done to the actual wording. The words and letters are all there, and correct. However, there might be a smudge or a small part of a letter erased. The parchment might be worn through. The stitching might be undone. All of these repairs must be made to make the *sefer torah* kosher. Until it is fixed, it might be invalid to be used for the congregational reading. While the repair is not necessarily the same as writing the *sefer torah*, it is part of making it available for the public. In this way it actually serves as a more critical action than one who shares in the writing. For while the different writers all participate in the preparing of the *sefer* for use equally, the one repairing it has single-handedly made it whole. There is indeed a greater merit for the one who writes the final letter in a *sefer torah*, than for those who write the earlier letters. A *mitzvah* is attributed [more] to the one who completes it.

Thus, correcting a real mistake is considered urgent. Fixing a break or inappropriate connection is not urgent, because it will not lead to misguidance. It is still important, because one who is unaware of the problem might use the *sefer torah* for congregational reading. *Brochos* are recited. The poskim debate whether one may read some of the *parsha* 'by heart', due to the error. However, the *sefer torah* itself is *pasul*.

Megillah must also be read from a kosher *megillah*. For this *mitzvah*, the Talmud permits less than half of it to be read by heart, as long as it is not an entire section, or the beginning or end of one. For the same reason, one must read the *megillah* from a kosher *megillah*. If parts are missing, erased leaving no impression, or even smudged or illegible, one could still fulfill his *mitzvah*. Provided the missing parts are not at the beginning or end of a section, and the majority is kosher, one fulfills his obligation. The *brocha* on *Megillah* is on the *mitzvah* of reading. If one can fulfill his reading with this *megillah*, he may recite the *brocha*. Nonetheless, one should never have a *sefer* with letters missing. Thus, there is certainly a requirement to correct it. Furthermore, one should make the entire *megillah* kosher if possible. In addition, there is the issue of *hidur mitzvah*. Accordingly, repairing a *megillah* certainly has merit. It is also more of an activity than simply buying it. If there is a *mitzvah* to write a *megillah*, there would seem to be a *mitzvah* to repair it, just as there is for a *sefer torah*. [See Megillah 17a 18b-19b Menachos 30a, Poskim. Tur Sh Ar OC 590:3 591 YD 270:1, commentaries.]

On the Parsha ... *I will give you .. the Torah, the mitzvah that I wrote ... [24:16] that I wrote, these are the Neviim and Kesuvim [Brochos 5a]...* The Torah seems to include *Neviim* and *Kesuvim* that were not even written yet. [See *Meshech Chochma*] This could mean that these works are only meant to be written, but need not be read publicly. [Torah Temimah] *Megillas Esther* was written with the intent that it should be read publicly. Perhaps, when the Sages instituted the *mitzvah* to read the *Megillah* publicly, they placed it, Rabbinically, on a par with the Torah. Just as the Torah 'song' is to be written and taught publicly, so too is the *Megillah*. This would make it a *mitzvah* to write a *Megillah*.

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