

ORACH CHAYIM

Summaries



1

LESSONS 1-5

Summaries of Opinions and Reasonings
Including rulings of halacha and minhagim



ORACH CHAIM SUMMARIES

ORACH CHAIM





THE HALACHOS OF ORACH CHAIM BOOKLET #1

© For personal use only

All rights reserved, including the rights to reproduce this book or portions thereof, in and form, without permission, in writing, from Lemaan Yilmedu, LLC.

5781 | 2021

Written by:

Rabbi Yisroel Mehl

Translated by:

Rabbi Eliyahu Baron

Reviewed by:

Rabbi Zushe Wilhelm

Email: info@lemaanyilmedu.com

Tel: 347-201-1565

Website: lemaanyilmedu.com

Introduction

"תנא דבי אליהו: כל השונה הלכות בכל יום - מובטח לו שהוא בן העולם הבא, שנאמר הליכות עולם לו, אל תקרי הליכות אלא הלכות" (גדה, עג ע"א).

With thanks to the Hashem, we are pleased to present the participants of the Machon Limmud Halacha — Lema'an Yilmedu program with Orach Chaim Summaries #1, covering lessons 1-6.

The purpose of these summaries is to clarify the reasoning and process of our halachos, and to aid with review. For the purpose of review, questions to be filled out are included.

Instalment #1 covers all the simanim which will be part of the 1st test.

In addition to this booklet, please also find the 1st instalment of the relevant Shulchan Aruch attached, and the visualisations booklet.

This booklet is intended for your personal use. Much resources were invested in its creation. Please do not pass it on to anyone in any form, if they are not a participant of this Lema'an Yilmedu program. Thank you, and please enjoy!

Rabbi Zushe Wilhelm
Program Head



LESSON #1

The Foundations of the Institution of Krias Hatorah, The Order of Aliyos, The Amount Read for Each Aliya

I n t r o d u c t i o n

In this lesson, we will learn the foundations of the *takana*¹ to read from the Torah, as it is brought in the words of Chazal, in many locations. We will deal with the fundamental question of the extent of the obligation which is incumbent upon an individual in this regard. This topic is primarily discussed in *siman 146, se'if Beis*.

We will also discuss the halachos surrounding reading the Torah on Mondays and Thursdays, and the halachos associated with the Kohen and Levi taking precedence over others with regard to *aliyos*. This topic is discussed at the start of Hilchos Krias Hatorah in Shulchan Aruch, *siman 135, se'ifim 1-10*.

The conclusion of the lesson will cover the question of when it is permissible to stop in the midst of a reading, and call up someone else. This is from *siman 138*.

¹ Institution/directive.

The Origins of the Instruction to Read from the Torah in Public

The takanana² of Moshe Rabbeinu that 3 days should not pass without a public reading from the Torah

On the passuk, “And they traveled for three days in the desert, and they did not find water,” Chazal say in the gemoro:

“Water must refer to Torah, as the passuk states: ‘Behold, all who are thirsty, go to the water.’ After traveling three days in the desert without Torah, they were tired [and thirsty]. So the prophets amongst them stood up and instituted for them, that they should read [from the Torah] on Shabbos, take a break on Sunday, read on Monday, take a break on Tuesday and Wednesday, read on Thursday, and take a break on erev Shabbos — so that they should not pass by 3 days without Torah.” *Bava Kama, 82a*

The mitzvah to study Torah is a foundational mitzvah, for all the other mitzvos depend on it. The Torah did not instruct that Torah be studied in a specific time, but rather, it is a “constant mitzvah,” incumbent upon each individual, as the passuk states: “And you shall toil in it day and night.”

However, in addition to the constant mitzvah in which each individual is obligated, the Nevi'im saw it fit to institute a permanent framework for reading the Torah in the public setting, so that 3 days will not pass without the study of Torah.

Ezra Hasofer added onto the institution of Moshe Rabbeinu

The gemoro, *ibid*, states that the *takana* to read from the Torah during the Mincha of Shabbos was instituted later than the rest, and was put in place by Ezra Hasofer. Additionally, the *takana* to read at least 10 pesukim on Mondays and Thursdays, 3 pesukim for each *aliya*, was put in place by Ezra Hasofer.

In the words of the Rambam:

“Moshe Rabbeinu instituted for the Jewish people that they should read from the Torah in public, on Shabbos, and on Monday and Thursday, during Shacharis — so that 3 days will not pass without hearing [words of] Torah. And Ezra instituted that they should read in this manner [also] during Mincha, every

² Institution.

Shabbos, because of 'those who sit at the corners.' And he also instituted that 3 people should read³ [from the Torah],

and that they should not read less than 10 pesukim." Hilchos Tefila, 12:1

Hearing the Torah being read from a sefer Torah

The *takana* to read from the Torah is not only in order to fulfill the obligation to learn Torah. Because to fulfill this mitzvah, there is no need for a *sefer* Torah, and it can be fulfilled through studying from printed *seforim* (or written, but not as a *sefer* Torah), or by heart. But rather, the primary institution was that the congregation should hear the words of Torah from the holy *sefer* Torah, which is written with ink on parchment, as Moshe Rabbeinu commanded that it be written. Therefore, they instituted that the Torah should also be lifted, to show its holy letters to the entire congregation.

The amount of people who receive aliyos depends on the holiness of the day

The mishna in maseches Megillah states that we are to read from the Torah also on each day of Yom Tov, Chol Hamo'ed, and Rosh Chodesh:

"On days of Rosh Chodesh and Chol Hamo'ed, 4 [people] read [from the Torah]. We do not reduce from this amount and we do not add onto them, and there is no Haftorah from the Prophets. One who starts and concludes [reading from] the

Torah, recites a blessing before and after [doing so]. This is the rule: [On] any [day] which has a Musaf [prayer] and is not Tom Tov, 4 [people] read [from the Torah]. On Yom Tov, 5 [read]." Megillah, 4:2

And it is stated in the gemoro Yerushalmi⁴: "Moshe instituted for the Jewish people that they should read from the Torah on Shabbos and Yom Tov, and on Rosh Chodesh, and on Chol Hamo'ed, as the passuk states⁵: 'And Moshe spoke [about] the Festivals of Hashem to the Jewish people.'"

3 It used to be that those called up for *aliyos* would read from the Torah themselves. In the context of the system these days, the amount of people who "read" from the Torah refers to the amount of people called up for *aliyos*.

4 מגילה פרק ד הלכה א.

5 ויקרא כג מד.

The amount of people who receive *aliyos* differs based on the holiness of the day; for Moshe instituted that the holier the day is, the more people are called up to the Torah⁶.

The least number of people called up is 3, corresponding to the groupings of Kohen, Levi, and Yisrael. This is the amount of people called up when the Torah is read on a weekday (a day which is not Shabbos or Yom Tov): on Mondays and Thursdays, fast days, Chanukah and Purim.

On Rosh Chodesh and Chol Hamo'ed, there is additional holiness, which is expressed in the fact that we *daven* Musaf on these days. Therefore, there is an additional *aliya*, and 4 people are called up to the Torah. There is even more *kedusha* on Yom Tov, expressed in the fact that we may not perform *melacha* on such days, and therefore, 5 people are called up.

On Yom Kippur, when there is abundant holiness, expressed in the fact that there are additional *melachos* which may not be performed (such as preparing food — which is permitted on Yom Tov, but not on Shabbos and Yom Kippur), 6 people are called up to the Torah.

On Shabbos, there is even more holiness, expressed in the fact that one who transgresses its laws is punished by stoning (as opposed to one who violates Yom Kippur, who is punished by *korres*, by Heaven), and therefore, we call up 7 people to the Torah.

For the reading at Mincha of Shabbos, we call up 3 people, because this is not the primary reading for Shabbos, but rather, as mentioned above, a *takana* instituted by Ezra Hasofer, because of “those who sit at the corners.”

Some interpret this to be a reference to idle people, who may spend Shabbos afternoon inebriated, and the like, and Ezra wanted to ensure that they would engage in Torah study. Others interpret this as a reference to people who sit in shops, and deal in business throughout the week, and do not hear Kerias Hatorah on Mondays and Thursdays. So in order for them to make up for this, Ezra Hasofer instituted reading the Torah during Mincha of Shabbos.

The strength of this takana and to whom it applies

Even though the *takana* to read from the Torah is attributed to Moshe Rabbeinu, the obligation to read from the Torah is not *min hatorah*, but rather, it is similar to all other *takanos* of the Prophets and *chachomim*, according to most *poskim*.

Generally speaking, Krias Hatorah is an obligation upon a group of 10 Jews who are together, as opposed to any individual. The *poskim* differ as to the extent of the obligation

6 משנה שם. ובשוע"ר סימן רפב סעיף א מובא שגם ענין זה מתקנת משה רבינו.

of an individual to hear Krias Hatorah on the days we were instructed to, by Moshe Rabbeinu and Ezra Hasofer.

A seeming contradiction between different gemoros, and 4 answers offered by the Rishonim

The gemoro in maseches Sota states:

“Once the *sefer* Torah has been opened, it is forbidden to speak, even words of halacha.”

Sota, 39a

On the other hand, the gemoro in maseches Brachos⁷ states that Rav Sheishes would turn his face to the other side, and study on his own during Krias Hatorah.

Some answer that the prohibition against speaking during Krias Hatorah is only about loud speech, and Rav Sheishes would learn quietly. Others answer that the prohibition is only if there aren't 10 people who are listening to the reading, and Rav Sheishes would learn when 10 were listening. Yet others explain that the prohibition against speech does not apply to someone whose entire occupation is the study of Torah (“*toraso umnaso*”). Another answer offered is that because Rav Sheishes would turn his face before the *sefer* Torah was opened, thus showing that he wanted to engage in his own study at that point, the prohibition did not apply to him.

Ruling of Shulchan Aruch

With regard to the halacha⁸, the Mechaber writes in Shulchan Aruch that it is forbidden to engage in any speech once the *ba'al koreh* has started reading — even words of Torah, and even between *aliyos*.

The Mechaber adds that there are those who permit learning alone quietly (based on the above first answer); and that some say that it is permitted if there are already 10 people who are listening to the reading (based on the above second answer); and that some permit it for one who is constantly involved in the study of Torah (based on the above third answer). And there are others who permit it for someone who turned his head before the *sefer* Torah was opened, showing that he does not want to hear the reading,

7 דף ח א.

8 אורח חיים סימן קמו סעיף ב.

and wishes to learn on his own — and if he began learning before the *sefer* Torah was opened (based on the above fourth answer).

The Mechaber adds that it is permitted to read Shenayim Mikra V'echad Targum during Krias Hatorah.

But all of these leniencies do not apply during the reading of Parshas Zachor, which one must hear *min hatorah*, and one must listen to it intently from the *ba'al koreh*. And the same is with regard to Parshas Parah (which is *min hatorah* according to many *poskim*).

The Mechaber concludes that still, what is proper for someone it is proper for a scrupulous person to listen to the reading intently, without any speech. (Until here is from the Shulchan Aruch.)

In Sha'alos Uteshuvos “Yabia Omer⁹,” the author explains that according to the Mechaber, it is permitted to rely on each of the 4 above-mentioned opinions, from the perspective of raw halacha — because Krias Hatorah is a mitzvah which applies to the congregation as a whole, and there is no obligation upon an individual to hear Krias Hatorah, from the perspective of raw halacha. Therefore, the Mechaber added that it is more proper to hear Krias Hatorah, and not rely on one of these *heterim*.

The ruling of the Mishna Berura

All of this is with regard to the ruling of the Mechaber. But the Mishna Berura's opinion¹⁰ seems to be that even though there is no obligation upon one who cannot go to *shul* to hear Krias Hatorah, from the perspective of raw halacha¹¹ — when someone is indeed in *shul*, they must listen to the entire reading, and not involve themselves in anything else.

From the words of the Mishna Berura, it seems that the permissible way to study personality while the Torah is being read, is if a few conditions are present:

1. If there are 10 people listening, besides this person.
2. If the person is studying quietly.
3. If the person already heard Krias Hatorah (or if they intend to hear it with another *minyan*).
4. Additionally, it is proper for the person to turn their face away, or to sit in the corner, so that people will understand that he has already heard a reading.

9 חלק ז אורח חיים סימן ט.

10 על השו"ע שם.

11 ביאור הלכה סימן קלה סעיף יד ד"ה אין מביאין.

The Readings on Mondays and Thursdays

3 people are called up to the Torah

On Mondays and Thursdays, and on Shabbos at Mincha, 3 people are called up to the Torah. We do not decrease from 3 people, and we do not add onto that amount — so as not to keep people away from work for an extended period¹².

On Monday and Thursday, it is a mitzvah, *l'chatichila*, to read from the Torah in the morning hours; and *b'dieved*, it can be read the entire day¹³.

The Rama writes that if there are two *chassanim* in *shul*, and they are both Yisraelim, it is permitted to add onto the amount of people called up, and to read 4 portions from the Torah, so that they can both have an *aliya*. This is because for the *chassanim*, it is a Yom Tov, when it is permitted to add *aliyos*.

But practically, the *Acharonim* write that we do not practically follow the Rama's ruling in this regard, but rather, only 3 people are called up.

Kohen, Levi and Yisrael

The Torah tells us with regard to Kohanim¹⁴, “*Vekidashto* — and you shall sanctify him.” And the *chachomim* of the gemoro explained this to mean that the Kohen must be first, for any matter of holiness: to begin something first (first to read from the Torah, or to be first to speak at an event), to recite a blessing first (during a meal), and to have the first choice between portions of food.

“The students of Rabi Yishmael taught: ‘And you shall sanctify him’ with regard to all matters of holiness, to begin first, and to recite a blessing first, and to take a better portion first.” Rashi: If he is splitting

something with a Yisrael, with regard to anything — after they split it equally, [the Yisrael] should tell him: Choose and take whichever you want. *Gittin*, 59a

12 שו"ע סימן קלה סעיף א.

13 משנ"ב שם.

14 ויקרא כא ח.

Based on this, the *chachomim* established that the Kohen should be the first to read from the Torah, followed by a Levi (in connection with the passuk¹⁵, “And he delivered it to the Kohanim, the sons of Levi¹⁶”), followed by a Yisrael¹⁷.

If there is no Kohen in the *shul*, the first to be called up should be the greatest in the wisdom of Torah, even if people older than him are in the *shul*¹⁸.

With regard to all matters of holiness, the halacha is that a Kohen may forgive his honor and give it to his teacher, or someone who is greater than him, by giving them his place in an order of precedence. However, with regard to Krias Hatorah, the Mishna Berura holds that there is a specific *takana* of Chazal that a Kohen or Levi may not forgo their honor, so as not to lead to quarrels (in which each may say “I am greater, and I will read first”).

However, the Mechaber writes in Shulchan Aruch¹⁹ (in the halachos of Krias Hatorah) that a Kohen may also forgive his honor with regard to his taking precedence for an *aliya*. This is because the honor accorded to him, in his taking precedence over others, is bodily pleasure, and when he wishes to forgive this honor, and honor another person, the principle is that fulfilling a person’s desire is their honor²⁰.

If the Kohen forgives his honor and honors a Yisrael to read from the Torah first, the *gabai* should not say, “*Ein kan Kohen, ya’amod...* — there is no Kohen here,” because people may think that the one known as a Kohen is not truly a Kohen, or that he is a Kohen *pasul* (such as if his father married a divorced woman). But rather, the *gabai* should say: “*Birshus HaKohen, ya’amod...* — with the permission of the Kohen...”

And some write that the Kohen needs to exit the room when the Yisrael is called up²¹.

15 דברים לא ט.

16 In which, the words, “the sons of Levi,” seem unnecessary, for we know that the Kohanim are from the *shevet* Levi. And so, it can teach that Kohanim are followed by Levi'im. (This is an *asmachta*.)

17 שו"ע סעיף ג.

18 משנ"ב שם.

19 בהלכות נשיאת כפים (סימן קכח סעיף ט).

20 ראה ספר המנהגים (חב"ד) עמ' 14 שרבותינו נשיאנו היו מדקדקים ביותר אשר בכל קריאה, אפילו בשני וחמישי ומנחה של שבת, יעלו לתורה כהן לוי וישראל כתקנת חז"ל.

21 ראה פסקי תשובות סימן קלה אות ט.

”

"And therefore, my intention is that one should receive smicha at least in this way – to know what should be done.. And not stumble, Heaven forbid, with many halachos, such as Hilchos Shabbos (as the Alter Rebbe writes in Igeres Hakodesh) and similar."

(Sichas Chof Daled Teves 5712)

