

A NON-KOSHER SEFER TORAH

by Rabbi Doniel Neustadt

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

The laws of honoring a Sefer Torah which were discussed previously apply - for the most part - only to a kosher Torah. A non-kosher (pasul) Torah, even if it can be corrected, does not receive the respect that a kosher one does.⁽¹⁾ Thus it is permitted to leave it unattended, there is no requirement to stand in its honor and one may turn his back to it, etc.⁽²⁾ Indeed, a non-kosher Torah should not be left as is but should be corrected as quickly as possible,⁽³⁾ or at least before thirty days have elapsed.⁽⁴⁾ Even a privately-owned Sefer Torah must be maintained so that it does not become pasul. [Some individuals commission the writing of a Sefer Torah in order to fulfill, according to all views,⁽⁵⁾ the mitzvah of writing a Sefer Torah; but an individual whose Torah is pasul does not fulfill the mitzvah.⁽⁶⁾]

Is there, however, any purpose that a pasul Torah may serve? More specifically, may it be used for Kerias ha-Torah when no other Torah is available? The answer to this question is the subject of dispute among the Rishonim.

THE VIEWS of the RISHONIM

Most Rishonim⁽⁷⁾ are of the opinion that a pasul Torah cannot be used for Kerias ha-Torah. Since the reading must take place from a written text, reading from a pasul Torah is akin to reciting by heart. According to this opinion, even b'diavad the reading is invalid and the blessings recited over it are considered l'vatalah. If the weekly parshah is read in shul and subsequently a mistake is found in the Sefer Torah, the Torah reading must be repeated.

There are, however, dissenting opinions. The Rambam⁽⁸⁾ writes that one may - even l'chatchilah - read from a pasul Torah. He explains that the mitzvah of Kerias ha-Torah does not require that it be read from a written text. The essential component of the mitzvah is to read words of Torah in public on Shabbos morning. Indeed, according to his view, if someone knows the entire parshah by heart, he may recite it - with the blessings before and after - without using a text at all.⁽⁹⁾ Surely, then, reading from a pasul Torah, even if a word or a pasuk is missing here and there, is valid.⁽¹⁰⁾

A third view in the Rishonim, advanced by the Ran and quoted by Rama, is as follows: Unlike the

Rambam, he maintains that a pasul Torah may not be used, and even b'diavad the reading is not valid. But unlike the other Rishonim, he holds that as long as the chumash that is presently needed is error-free, we need not be concerned with mistakes or missing words in the other four chumashim. For example, if the Torah has a mistake somewhere in Sefer Shemos but is error-free in Sefer Bereishis, it is permitted - under extenuating circumstances - to use that Torah to read any parshah from Sefer Bereishis.

In practical halachah we take into account all of the views which are mentioned above(11):

PRACTICAL HALACHAH - L'CHATCHILAH:

L'chatchilah, the latter poskim are unanimous that a pasul Torah may not be used for Kerias ha-Torah under any circumstances, even if no other Torah is available. While the parshah is still read for the congregation from the pasul Torah, the blessings before and after the reading may not be recited. Indeed, even the blessings over the haftarah are not recited, since the haftarah is only recited when a valid Torah reading takes place.(12)

The poskim are divided as to whether or not we may rely on the aforementioned view of the Ran, who allows reading from a pasul Sefer Torah if the mistake is found in a chumash other than the one which is presently being read. Many poskim are lenient, and it is permitted to rely on this view(13) under extenuating circumstances.(14)

PRACTICAL HALACHAH - B'DIAVAD:

But, b'diavad (lit., after the fact), if the reading - or part of it - already took place and then the mistake was found, we rely on the view of the Rambam and consider the completed reading of the Torah as valid and as if one has fulfilled his obligation. The blessings already recited are not considered l'vatalah. Thus if the mistake was found after the entire reading was completed, the parshah is not re-read, even if a kosher Torah is available. In this case, the haftarah is read with its blessings.(15)

If the mistake was found in the middle of the reading and no other Torah is available, the reading is continued in the pasul Torah until the end of the parshah. While the minimum of seven olim are still called to the Torah, they do not recite the blessings over their portions. Instead, the one who was called up at the time the mistake was found remains on the bimah, and at the end of the parshah he recites the final blessing.(16) [There are conflicting opinions as to whether or not the haftarah is recited with its blessings in this case.]

If the mistake was found during the reading and another Torah is available to read from, we do not - as explained - repeat the part that was already read. Instead, another Torah is removed from the aron, rolled to the right place, and the reading resumes.(17) But whether or not a final blessing is recited depends on the following:

If the mistake was found after three pesukim were read and it is halachically permitted to stop at this point,(18) the final blessing is recited before the second Torah is taken out. A "before" blessing is then

recited over the second Torah.

If the mistake was found before three pesukim were completed,(19) or even if after three pesukim were read but in a place where a stop may not be made,(20) then the final blessing is not recited. The second Torah is immediately taken out, the reading continues [without a blessing before the reading] until the next aliyah and the final blessing is recited.(21)

PRACTICAL APPLICATIONS

A practical ramification of the discussion above regards bar-mitzvah boys. Many bar mitzvah boys who practice their keriah extensively and often know it almost by heart, inadvertently recite some words from memory without actually reading them from the written text. While they are not permitted to do so and should be trained to read every word from the text, it is clear from the above discussion that b'diavad the congregation fulfills its obligation, since after the fact, we rely upon the views that hold that reading from a pasul Torah, or reading by heart, is valid.

FOOTNOTES:

1 Mishnah Berurah 153:8.

2 Aruch ha-Shulchan Y.D. 282:4. See, however, Halichos Shelomo 12, note 55 that one should stand in honor of a pasul Torah.

3 If it cannot be corrected, then it should be hidden away.

4 Y.D. 279:1.

5 See Y.D. 270:2 and Pischei Teshuvah 10.

6 Sha'ar ha-Tziyun 545:1. See, however, Minchas Chinuch 613:10 who is doubtful whether or not this mitzvah is only a once-in-a-lifetime obligation, which means that as long as the Torah was kosher at one time the mitzvah has been fulfilled.

7 This is the view of Ra'avad, Ramban and Rashba, Ritva and most of the Rishonim who followed them.

8 Teshuvos ha-Rambam, Pe'er ha-Dor, 9. The fact that the Rambam seems to contradict himself in Hilchos Sefer Torah 10:1 is subject of much debate and there are various ways of resolving the contradiction.

9 The Rambam here does not deal with the separate prohibition of reading from a written text "by heart". Perhaps he held that this prohibition is only mitzvah min ha-muvchar (Tosafos Yeshanim, Yuma 70a). See Rambam Hilchos Tefilah 12:8 and Kesef Mishneh.

10 Many other Rishonim agree with this basic view, among them: Mordechai, Kol Bo, Avudraham, Orchos Chaim, Agur, Ohr Zarua, Mizrachi and several others. This was also the view of several

Geonim and the common practice in their day [as attested to by the Rambam] who relied on it in order to use the Sifrei Torah which were written on klaf and had not undergone the process of ibud.

11 We have followed the rulings of the Mishnah Berurah in O.C. 143. There are other opinions and customs as well.

12 Beiur Halachah 284:1 (s.v. asur).

13 For Shabbos morning only; Kitzur Shulchan Aruch 24:10.

14 Beiur Halachah 143:4 (s.v. yeish); Aruch ha-Shulchan 143:7.

15 Mishnah Berurah 284:3.

16 If the mistake was found during the reading but after the oleh had recited the final blessing on his portion, the rest of the parshah is read without any blessings at all.

17 When possible, the remaining part of the parshah should be divided among seven olim (Mishnah Berurah 143:13,16) since, in many shuls, the custom is to call additional olim on Shabbos (Kitzur Shulchan Aruch 24:7).

18 There are some places where it is prohibited to stop even if three pesukim have been read: 1) If fewer than three pesukim remain before a parshah pesuchah or setumah; 2) During the final aliyah on all days when there is Kerias ha-Torah except for Shabbos morning; 3) During Aseres ha-Dibros, Shiras ha-Yam, the Tochachah of Parshas Bechukosai and the last eight pesukim of the Torah (Eliyahu Rabbah 143:6).

19 If the mistake was found in middle of the third pasuk, the pasuk should be completed, the final blessing is recited and then the second Torah is taken out; Harav M. Feinstein, oral ruling quoted in Imrei Shalom 1:12. See also Chayei Adam 31:33.

20 See earlier note.

21 If this occurred on Monday, Thursday or Shabbos afternoon and ten pesukim were already read, a second Torah is not taken out.

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