יא. הרוצה לשמוע דברי תורה מחבירו, או שיעור תורה מפי תלמיד חכם, יברך קודם לכן ברכות התורה, ויאמר פסוקי "ברכת כהנים", ואחר כך יהיה רשאי לשמוע דברי תורה לכל הדעות. [הליכו"ע ח"א עמ' נז. ועי' יבי"א ח"ד סי' ח אות יט-כ]

spend time writing early in the morning must make sure to recite the blessings and the traditional verses of *birkat kohanim* before he begins.[71]

Day 26

Listening to a Torah lesson

11) It is necessary to recite the blessings over Torah study and the verses of *birkat kohanim* before listening to someone else recite Torah words or before listening to a rabbi delivering a Torah lecture.[72] These are the unanimous instructions of all *Poskim*.

clearly that one must not recite the blessings unless one intends to recite the verses before commencing to write.

Most likely, Harav David Yosef, author of *Halakha Berura*, wrote this entry in the *Halikhot Olam*, especially since it matches his version of the halakha in his *Halakha Berura* (page 376). The text of this halakha as it appears in the *Yalkut Yosef* (Vol. I, first edition, page 56) is superior.

71. The *Or Letziyon* (Vol. II, 42:50) ruled that a scribe does not need to recite the blessings over Torah study before writing passages of the Written Torah. Although the *Shulhan Arukh* states that one must recite the blessings before writing Torah material, in this case it is unnecessary since the scribe does not need to pay any attention to the meaning of the words he is writing. He is simply copying from one text to another, and that is not considered Torah study. The author stated that he is aware that some *Poskim* ruled that it is necessary to recite the blessings, but he insisted that it is not, since the scribe is not engaged in Torah study at all.

The *Kaf Hahayim* Sofer (47:5), however, ruled that whenever someone wishes to write any form of Torah material, he should first recite the blessings and the traditional verses and then write. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IX, #108) concurred with this ruling.

The *Bi'ur Halakha* (47:3) suggested that if someone is a professional typist and he is hired to type up a Torah scholar's handwritten notes, he does not need to first recite the blessings since his intention is simply to do his work. This is because he has no intention to fulfill the mitzvah of Torah study at this time, even if he vocalizes the words as he writes them. Nevertheless, he did not come to a definite conclusion regarding this halakha, and therefore he instructed any such scribe or typist to recite the blessings and the traditional verses before beginning his work. It seems that these instructions apply even to a typist who works without vocalizing the words he is copying.

72. The responsa *Halakhot Ketanot* (Vol. II, #159) discussed the issue of whether a person needs to recite the blessings over Torah study in order to listen to somebody else reciting a Torah text. He ruled that the person who wishes to listen must first recite the blessings over Torah study and only then may he listen. Based on the principle of *shome'a ka'one*, listening to Torah material is equal to speaking Torah material. For the same reason, we say that someone who listens to another person reciting *Megillat Esther* fulfills the mitzvah as if he recited it himself. This is true even according to the *Agur* cited in the *Bet Yosef* who ruled that no blessing is necessary in order to think about Torah thoughts. Thinking to yourself is not equal to speaking, but listening to someone else is equal to speaking.

Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. I, #8:19) suggested several proofs to this ruling. He pointed out that according to Rabbenu David Abudarham, Maharsh"a, and *Sefer Haredim*, the Talmud's source for the obligation to recite these blessings is the verse: "When I call out in the Name of God," meaning, "when I speak words of Torah," the listeners must bless God. Accordingly, the original form of Torah study, for which the blessings were instituted, was that of people listening to Moshe Rabbenu teaching them the Torah. This is a clear proof to the ruling of the *Halakhot Ketanot*, but according to Rashi's interpretation of the verse there is no proof. [There is no reason to assume that Rashi disagrees with the *Halakhot Ketanot*. A verse in the Torah may have multiple interpretations – one according to *peshat* and another according to *derash* – and all of them are true and compatible.]

An individual's Torah study vs. Synagogue Torah Reading

Regarding the mitzvah of the Torah reading in the synagogue, the principle of *shome'a ka'one* cannot be applied. Rabbenu Asher (*Megillah* 3:1) ruled that when someone is called up to the Torah and he recites the

blessing, he must read along silently together with the cantor; otherwise, he is guilty of reciting a blessing in vain; he cannot rely on the principle of *shome'a ka'one*. This is the ruling of the *Arba'aTurim* and the *Shulhan Arukh* (141:2).

The *Ture Zahav* and the *Peri Hadash* challenged this ruling, insisting that even if the person simply listens to the cantor reading the Torah it should be sufficient, based on the principle of *shome'a ka'one*.

In defense of the *Shulhan Arukh*, the *Hagahat Maharla"h* suggested that the principle of *shome'a ka'one* can be used only regarding a mitzvah that every individual must perform, whether he is alone or in a congregation. The mitzvah of publicly reading the Torah in the synagogue is unique – it is not performed by an individual, nor is it performed by everyone together. Instead, a specific number of people in each congregation are chosen to perform it. The form of the mitzvah is for each of the persons chosen to perform it himself; he cannot simply listen to the cantor just like the rest of the congregation, despite the principle of *shome'aka'one*.

The *Matte Yehuda* and Harav HIDA (*Mahazik Berakha* 47:4) added to this, explaining that originally, there was no official cantor who chanted the Torah portion for those who were called up to recite the blessings. Each person who was called up had to read his portion aloud for the sake of the congregation. This mitzvah does not allow for the principle of *shome'a ka'one*.

Maran the Rishon Letziyon then cited the *Zekan Aharon* (#60) who ruled that the principle of *shome'a ka'one* can be applied to mitzvot like kaddish and *Kedusha*, but it does not allow for one person to recite the blessing over a *mitzvah* while another performs the act of the mitzvah. For example, if someone wishes to listen to another person chanting *Megillat Esther*, he cannot recite the blessings and then listen – only the person chanting it can recite the blessings. In the same way, it is impossible for someone to recite the blessing for the Torah reading and then simply listen to the cantor. Apparently, the *Zekan Aharon* did not agree with the ruling of the *Halakhot Ketanot* cited earlier.

Harav Shelomo Kluger (responsa *Ha'elef Lekha Shelomo* #35) suggested that the question discussed by the *Halakhot Ketanot* touches upon the debate of Rashi and Rabbenu Tam in *Sukkah* 38b. If someone is in the middle of the silent *Amida* and he hears a congregation reciting kaddish or *Kedusha*, according to Rashi he may listen to the cantor and fulfill his obligation [of kaddish or *Kedusha*] through the principle of *shome'a ka'one*. According to Rabbenu Tam, he may not do that, since he would then be guilty of interrupting while in the middle of the *Amida*. Apparently, Rashi understood that although it is possible to fulfill one's obligations using the principle of *shome'a ka'one*, the person listening is not actually speaking, and therefore it is not an interruption. According to Rabbenu Tam, it is as if he had actually verbalized the words that he heard, and therefore it is an interruption. Apparently, Rabbenu Tam would say that a person must recite the blessings over Torah study before listening to a Torah lesson, whereas according to Rashi he might not have to recite the blessings.

The *Shulhan Arukh* (104:7) cited Rashi's opinion as the halakha in practice regarding someone interrupting while reciting the *Amida*. If so, it appears that according to the halakha it is not necessary to recite the blessings over Torah study before listening to a Torah lesson.

Maran the Rishon Letziyon rejected this comparison, and he insisted that the blessings are necessary even according to Rashi. The person who hears kaddish while in the middle of the *Amida* is in a unique position. Regarding his obligation to respond to the kaddish, the halakha counts it as if has actually responded verbally, but regarding the prohibition of interrupting his prayers, the halakha views him as someone who did not interrupt. This seemingly contradictory view of his actions is based on our Sages' teaching (*Kiddushin* 39b): "The Blessed Holy One counts a person's good thoughts as if he had actually performed the mitzvah [although circumstances prevented him from doing so] but He does not count a person's thoughts as if he committed a sin." In this case, this person wishes to fulfill the mitzvah of responding to kaddish, and since he can do no more than listen to the cantor, he is credited with fulfilling his obligation. He does not wish to sin by interrupting his prayer, and therefore the halakha does not regard it to be an interruption. Someone listening to a Torah lesson fulfills the mitzvah of Torah study no less than the person teaching it, and therefore the listener is fully obligated to recite the blessings before he listens.

The *Zekhor le'Avraham* (Vol. I, *ma'arekhet Berakhot* page 25b) cited the *Levush's* ruling that it is permissible to think about Torah subjects before reciting the blessings since no blessing was ever instituted for a mitzvah fulfilled by thinking. He inferred from this that the same would apply to someone listening to a Torah lesson, since the listener is entirely passive. Maran the Rishon Letziyon rejected this argument as well, because of the principle of *shome'a ka'one*. As mentioned above, thinking to yourself is not equal to speaking, but listening to someone else is equal to speaking.

In practice

The *Sede Hemed* (responsa *Mikhtav leHizkiyahu* page 24b) concurred with the *Levush* that it is permissible to think about Torah subjects before reciting the blessings. Harav HIDA (*Mahazik Berakha* 689:4) likewise ruled that no one may recite the blessings over Torah study simply in order to listen to a Torah lesson. Even so, the *Sha'are Teshuva* (47:2) and the *Ben Ish Hai* (*parashat Vayeshev* halakha 12) ruled that it is forbidden to listen to a Torah lesson before reciting the blessings, in deference to the *Poskim* who ruled that the blessings are definitely necessary before listening to a Torah lesson. This is likewise the conclusion of Maran the Rishon Letziyon. Before listening to a lesson, one must recite the blessings and the traditional verses of *Birkat Kohanim*, thus satisfying all opinions in this discussion.

Intentions when listening to a Torah lesson

Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IV, addendum to #8) ruled that the person delivering the Torah lesson does not need to have specific intentions for his listeners to fulfill the mitzvah of Torah study through his words, nor does the listener need to specifically intend to fulfill the mitzvah by listening to the teacher's words. The Talmud (*Sukkah* 38b) derives the principle of *shome'a ka'one* from the verse stating that King Yoshiyahu read the Torah scroll. The Talmud proves that Yoshiyahu did not read it himself; rather, Shafan read it to him. In that case, Shafan did not intend to help the king fulfill the mitzvah, and the king did not have any intention of fulfilling a mitzvah by listening to Shafan.

Listening to a recorded lesson

One way to interpret the previous paragraph is that the mitzvah of Torah study is unique among verbal mitzvot. Although people can fulfill other mitzvot through the principle of *shome'a ka'one* only if both the speaker and listener intend to enable that principle, this is unnecessary for the mitzvah of Torah study. The essential form of Torah study is for one party to speak to another, and for the other to listen. Both parties fulfill the mitzvah independent of one another; we do not view it as if the speaker performs the mitzvah on behalf of the listener. It is possible that this is what our Sages meant in *Avot* (6:6) that the Torah is acquired through listening.

Alternatively, it is possible that *shome'a ka'one* applies to the mitzvah of Torah study as well. Whenever someone teaches Torah to others, he automatically intends for them to fulfill the mitzvah by listening to his lesson, and the listeners automatically mean to fulfill the mitzvah through listening to the lecturer.

Suppose someone listens to a recorded lesson on an electronic device. According to the first interpretation, the listener fulfills the mitzvah of Torah study in this case as well since he does not need the intention of the speaker. According to the second interpretation, it is possible that he does not fulfill the mitzvah since there is no actual speaker at the time. This matter needs more research.

Harav Shelomo Zalman Auerbach (*Halikhot Shelomo Tefilla* page 75) ruled that it is necessary to recite the blessings before listening to someone else teaching words of Torah, but it is unclear whether one must recite the blessings to listen to a recorded Torah lesson. The classic form of Torah study is that a student listens to his teacher, but there is no precedent in our halakhic literature for listening to recordings.

Apparently, according to Rav Auerbach people can fulfill the mitzvah of Torah study through listening to someone teaching Torah without using the concept of *shome'a ka'one*. This is definitely his position regarding a case of someone listening to a live lecture, and it might be the halakha even in a case of someone listening to a recording. According to those who do not consider a voice heard over a loudspeaker to be a live voice, the same doubt would apply to someone listening to a live Torah lecture over a loudspeaker.

At any rate, in practice we must make sure to recite the blessings before listening to a Torah lesson in any form. After reciting the blessings, one must recite the verses of *Birkat Kohanim* before listening to the lesson, and in this way all bases are covered.

Teaching Torah to Secular Jews

In almost every community, secular Jews are invited to join Torah study groups or to listen to Torah lectures. This presents a problem since the secular Jews do not recite any blessings during the day and they do not recite the blessings for Torah study. By inviting them to join the class, the teacher is guilty of causing them to commit the sin of reciting words of Torah without first reciting the necessary blessing. One possible rationale is to say that whenever someone teaches Torah to others, he is automatically employing the principle of *shome'a ka'one*, enabling his listeners to fulfill the mitzvah of Torah study through his words. When teaching secular Jews who have not recited the blessing, he does not intend to employ the principle of *shome'a ka'one*, and thus the listeners will not be guilty of reciting Torah words without first reciting the blessing. Although the listeners fulfill the mitzvah of thinking about Torah subjects, it is not necessary to recite the blessing for thinking about Torah subjects.

According to the hypothesis forwarded by Harav Shelomo Zalman Auerbach, however, it is still a problem. He suggested that the classic form of Torah study is one person speaking and others listening, and both parties fulfill the mitzvah without resorting to the principle of *shome'a ka'one*. If so, it should be forbidden to teach Torah to people who have not recited the blessings for Torah study.

A stronger basis to permit this practice is to say that the secular Jew is like someone who, for whatever reason, cannot recite the blessings for Torah study. Above in halakha 4 it was explained that in such a case the person may still go ahead and study Torah although he has not recited the blessing. Since the secular Jew is unaware of the necessity to recite the blessing, he is like someone who does not know the text of the blessing. In either case, the fact that he has not recited the blessing does not prevent him from engaging in Torah study.

Some contemporary scholars contend that while it is technically forbidden to study Torah if one has not recited the blessing, in the case of secular Jews it is better that they transgress this prohibition in the hope that this exposure to the light of Torah will bring them closer to Torah and mitzvot.

Harav Yitzhak Zilberstein cited his father-in-law, Harav Yosef Shalom Elyashiv, ruling that it is permissible to teach Torah to secular Jews because they have no intention of fulfilling the mitzvah of Torah study although they attend a Torah class or lecture. To them, it is not the fulfillment of any mitzvah; it is simply a way of entertaining themselves

יב. נכון להחמיר שלא לפסוק דין אפילו בלא נתינת טעם והסבר, קודם שיברך ברכות התורה. ולכן אם נשאל שאלה בהלכה, יברך קודם ברכות התורה, ויאמר פסוקי פרשת "ברכת כהנים", ואחר כך ישיב על מה שנשאל. [הליכו"ע ח"א עמ' נז, ועי' יבי"א ח"ד סי' ח אות כב]

Answering a question in halakha

12) If someone asks a rabbi a halakhic question, but the rabbi has not yet recited the blessings over Torah study, it is best for him to postpone answering until after he recites the blessings and the traditional verses of *birkat kohanim*. This is true even if the answer is a simple "yes" or "no," and certainly if the answer is lengthy or if the answer includes an explanation for its rationale.[73]

through listening to this ancient wisdom. The *Minḥat Asher* Weiss (*Devarim* page 428) refuted this logic, however.

This issue is covered in full in the *Hilkheta Me'orayta* (Vol. III, #53).

73. The Rama (gloss to 47:4) ruled that it is permissible to issue a halakhic ruling even before reciting the blessings over Torah study, as long as one does not explain the rationale for one's ruling. The *Ben Ish Ḥai* (*parashat Vayeshev* halakha 12) concurred with this ruling.

Parameters of this halakha

The *Matte Yehuda* (47:4) explained that the Rama's ruling applies to a monetary dispute between two parties, and the rabbi was called upon to adjudicate between them. The rabbi may tell them which party wins the dispute even without reciting the blessings over Torah study, since he is simply informing them who is correct, and he is not engaging in Torah study. The Rama did not permit us to learn lists of halakhot before reciting the blessings, even if the list does not explain the rationale of those halakhot.

Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IV, #8:22) added that the Rama's lenient ruling applies not only to monetary disputes, but also to other halakhic rulings such as whether or not a certain food is kosher, or whether a certain act is permissible on Shabbat. This is likewise the ruling of the *Minḥat Aharon* (cited in the *Kaf Haḥayim* Sofer 47:9). Regarding a monetary dispute, however, the *Minḥat Aharon* ruled that the rabbi may not listen to the arguments of the two litigants and then say which one is correct. Maran the Rishon Letziyon pointed out that the *Matte Yehuda* concurs with this, and only permitted the rabbi to state his ruling early in the morning before reciting the blessings after having heard the arguments and studied the issue during the previous day.

Maran the Rishon Letziyon disagreed with these *Poskim*. He explained that the Rama's leniency applies even to issuing a list of halakhic rulings, as long as the reasons for the halakhot are not given. Likewise, it is permissible to write a halakhic ruling without explaining the reason for it.

In summary, before a rabbi recites the blessings over Torah study: a) the *Matte Yehuda* forbids him to recite a list of halakhot even if the reasons are not given, but Maran the Rishon Letziyon permitted it; b) it is forbidden for the rabbi to listen to the arguments of the parties in a monetary dispute, but if he already heard them on a previous day he may issue his ruling; and c) it is permissible for him to rule whether or not something is kosher, or whether a certain act is permissible or forbidden.

The *Mishna Berura* (47:7) cited Harav Eliyahu of Vilna who disagreed entirely with the Rama on this issue. He ruled that it is forbidden to issue a simple halakhic ruling, just like it is forbidden to read a Torah verse. Maran the Rishon Letziyon suggested that this issue is related to that of saying a halakhic ruling while in the dressing room of a bathhouse. According to the *Rishonim* who ruled that this is permitted, it is likewise permissible to issue such a ruling without first reciting the blessings. According to the *Rishonim* who forbade saying it in the dressing room, it is forbidden for the rabbi to issue the ruling until after he recites the blessings. Moreover, according to many *Poskim* it is forbidden to think about Torah subjects before one recites the blessings, and the rabbi must think of the halakha and its reasons if he is going to issue even a one-word ruling. For these reasons, Maran the Rishon Letziyon ruled that the rabbi should try to avoid issuing any halakhic ruling until after he recites the blessings. He repeated this ruling in *Halikhot Olam* (Vol. I, page 57).