חובה, וגם אין כוונתו לשם קריאה. וגם הואיל וקשה לו לחפש בכל שעה בחומש, מפני כבוד הצבור יש להקל. [ראה משנ"ב ס"ק ג]

וכן ראינו מעשה רב אצל מרן הראשון לציון זצ"ל, שהזכיר בדרשותיו פסוקים בעל פה. [ילקו"י סי' מט הלכה ז, ובהערה שם]

ה. פרשת "קדש" ופרשת "והיה כי יביאך" שנוהגים לאומרם בכל יום בעוד התפילין עליהם, אם הוא במקום שפרשיות אלו שגורות בפי כל, מותר לאומרם בעל פה. אולם אם הוא במקום שאין רגילים לאומרם, ולכן אינן שגורות בפי כל אלא רק שגורות בפי האומרם, טוב להחמיר לקוראם מתוך הסידור, ואם אי אפשר, המקיל לקוראם בעל פה יש לו על מה שיסמוך. [ראה פתח הדביר אות ב ובהשמטות. ועי' בכה"ח סופר ס"ק ז, וביבי"א ח"ט סו"ס יג]

knows the verses that he wishes to cite fluently. Moreover, he is not citing those verses in order to fulfill any particular mitzvah or obligation, not even the mitzvah of reciting Torah passages.[110] It would be quite awkward for him and for his audience if he had to interrupt his speech time and again to search in his *sefer* or his notes for the verses he wishes to cite. That in itself is sufficient cause to rely on the lenient opinion. Indeed, we also saw that Maran the Rishon Letzion mentioned in his *Shi'urim Pesukim* by heart.

Kadesh li **5)** The common custom in many communities is to recite the passages of *Kadesh li* and of *Vehaya ki yevi'akha* every day while wearing tefillin. In those communities, everyone knows those passages fluently and therefore it is permissible to recite them by heart. If someone happens to be in a community where people do not practice this custom and they therefore do not know those passages fluently, it is best to read them from a prayer book. If that is not possible, there is still a sound basis to be lenient and to recite them by heart.[111]

Siman) it is never forbidden to recite passages of the Written Torah by heart; it is simply more meritorious to use a written text. In light of all this, Maran the Rishon Letziyon ruled leniently in this matter, in contrast to the *Halakha Berura*.

Although the wording used by the *Shulhan Arukh* indicates that it is permissible only for passages that everyone knows fluently, the *Arba'a Turim* used the same wording and still the *Bayit Hadash* interpreted it to mean that the person reciting it knows it fluently. That interpretation can be applied to the *Shulhan Arukh* as well.

110. There are several reasons to rule leniently in this case. First, the speaker is fluent in those verses although most other people are not. Second, he is not reciting these verses in order to fulfill anyone's mitzvah, and therefore according to the third opinion cited in the preface he may recite them by heart. Moreover, the Ritb"a (opinion #5) ruled that it is always permissible to recite verses by heart if one's purpose is to practice reading them or as an expression of prayer or praise to God. The *Sede Hemed* (*ma'arekhet hatan vekhalla* #17) remarked that this opinion is valid as an added factor for leniency.

The *Mishna Berura* (49:3) added that a lecturer may rely on these lenient opinions in deference to the respect due to his audience. See the *Piske Teshuvot* (*Siman* 49, footnote 17). The author of *Yalkut Yosef* (49:7) testified that his father, Maran the Rishon Letziyon, always cited verses by heart when speaking in public, based on this consideration.

111. The *Petah Hadevir* (49:2) listed the passage of *Kadesh li* in the category of passages that only some people know fluently. Assuming that this is true, the *Darkhe Moshe's* opinion is that it is forbidden to recite it by heart, while the opinion of the *Bayit Hadash*, the *Ma'amar Mordekhai*, and the *Birke Yosef* is that it is permissible. The *Petah Hadevir* added that although it should be permissible according to opinion #3, the *Havot*

ו. שליח צבור הקורא בתורה שיש לו לחזור על הפרשה קודם שבא לקרות, יש אומרים שאם הוא בקי בקריאה בעל פה, מותר לו לשנן את הקריאה בעל פה. ובמקום צורך אפשר לסמוך על המקילים להכין הפרשה בעל פה. [ראה ילקו"י סי' מט ה"ז]

ז. מה שנהגו לומר פסוק הפותח וחותם בשמו קודם פסוק יהיו לרצון האחרון, אף שאין פסוק זה שגור בפי כל אלא רק בפיו, יש למקילים האומרים אותו בעל פה על מה שיסמוכו. [יבי"א ח"ט סו"ס יג]. ומכל מקום טוב יותר שיבחרו פסוק השגור בפי כל.

Rehearsing the Torah reading

6) Every cantor is obligated to review the Torah reading privately before chanting the Torah portion in the synagogue for the congregation. According to some *Poskim*, if the cantor is very familiar with the portion, he may review it by reciting it to himself by heart. In a situation where this becomes necessary, the cantor may rely on this opinion.[112]

Verse corresponding to your name

7) There is a common custom for people to add, at the end of the *Amida* prayer, a verse that begins with the first letter of their name and that ends with the last letter of their name. Although these verses are not printed in the prayer book and they are probably not known fluently by everyone, there is a sound basis to permit

Ya'ir rejected that opinion as unreliable. What's more, the *Hesed La'alafim* and the *Magen Avraham* both ruled that even when reciting a passage for your own sake, unless everyone knows it fluently you may not recite it by heart, and when reciting a passage on behalf of others you may not recite it by heart even if everyone knows it fluently.

The *Petah Hadevir* admitted that there is an opinion (#7) that permits reciting any passage by heart as long as it is not an obligatory passage. Rabbenu Yona, however, ruled exactly the opposite, and the *Havot Ya'ir* declared that Rabbenu Yona's distinction is the most correct of all those offered by the *Poskim*. According to this, it is forbidden to recite *Kadesh li* by heart.

Then there is the opinion (#4) that the entire prohibition applies only to the public Torah reading, but not to an individual's reciting of passages as part of his prayers and devotions. This opinion is found in the Talmud Yerushalmi, but Harav David ben Zimra demonstrated that the Talmud Bavli does not agree with it. Besides, the *Petah Hadevir* added, our custom is to chant the passage of *Kadesh li* with the liturgical notes, and the Ritb"a's opinion (#5) is that it is always forbidden to chant verses by heart with their liturgical notes.

The only reliable factor for leniency in this case, it turns out, is the fact that the person reciting this passage knows it fluently. As mentioned in the beginning of this discussion, the *Poskim* debated whether one can rely on that leniency. The *Petah Hadevir* concluded that whoever wishes to be lenient in this matter has a sound basis, but it is better to make sure to read the passage in the prayer book.

The *Kaf Hahayim* Sofer (49:2) cited the *Petah Hadevir's* ruling without comment. He later issued his own ruling, stating that we should not rely on the *Bayit Hadash's* lenient position unless we would experience hardship otherwise. In light of this entire discussion, it seems best to follow the instructions of the *Halakha Berura* (page 416): "In communities where people do not bother to recite the passage of *Kadesh li* on a daily basis, even those who know it fluently should make sure to read it from their prayer books."

We can deduce, based on this discussion, that the problem arises only in those communities where many people do not know this passage fluently. This was apparently the situation in Smyrna in the time when the *Petah Hadevir* was written – many people were barely literate and they did not recite these passages at all. In a community where everyone recites this passage daily and everyone knows it fluently, it is certainly permissible to recite it by heart.

112. The *Yalkut Yosef* (49:6) explained that in this case, the cantor knows the passage fluently and he is not at this time reciting it on behalf of others. Moreover, according to the Ritb"a it is permissible to review the Written Torah to yourself by heart.

ח. רבים נהגו לומר פרקי תהלים בעל פה, ולא חששו בזה משום "דברים שבכתב אי אתה רשאי לאומרם בעל פה", אף בפרקי תהלים שאינם שגורים בפי כל. ויש להם על מה שיסמוכו. [ראה משנ"ב ס"ק בשם החוות יאיר]. וטוב להחמיר לקרותם מתוך הכתב.

reciting them by heart. If possible, however, one should choose a verse that is known fluently by everyone.[113]

Tehillim **8)** The common custom in many communities is to recite *mizmorim* from *Tehillim* by heart without limitation or reservation, completely ignoring the halakha forbidding one to recite passages of the Written Torah by heart. This includes those *mizmorim* that only few people know fluently. There is a sound basis for this practice,[114] but nevertheless it is best to take care to read the *mizmorim* from a printed text.

113. The responsa *Hit'orerut Teshuva* (Vol. I, #52) challenged this custom, since in most cases the verse that matches a person's name is not known fluently to anyone but him. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IX, #13) reconciled the custom, since the person reciting the verse knows it fluently, and he is reciting it for himself only, and not for anyone else. Still, it is best to choose a verse that everyone knows fluently if possible, or to write the verse into the prayer book that one uses.

114. The responsa *Ḥavot Ya'ir* (cited by the *Mishna Berura* 49:6) ruled that it is permissible to recite the entire book of *Tehillim* by heart. He explained that since the entire text of *Tehillim* consists of inspirational verses with which the reader expresses his dependence on God and his desire to have an intimate relationship with Him, the reader is engaged in prayer as much as he is in Torah study. The *Mishna Berura* ruled that we may rely on this leniency, especially since several *Poskim* (*Ateret Zahav*, Harav Eliyahu of Vilna) ruled that the entire prohibition applies only when one person recites the passage on behalf of someone else but not when reciting it for himself.

The *Kaf Haḥayim* Sofer (49:6), however, demonstrated that the *Ḥaye Adam* and the *Ḥesed La'alafim* disagreed with this leniency and discouraged the practice of reciting *Tehillim* by heart. The *Ḥikre Lev* (*O.Ḥ.* #13) concurred with this, and concluded his discussion with the following suggestion: "It would be much better to memorize a chapter of the Mishnah and recite it by heart, even if one repeats the same chapter a hundred times! This is more meritorious than reciting *Tehillim* by heart." See the comment of the *Sede Ḥemed* (*Pe'at Hasade ma'arekhet dalet* #4).

All this notwithstanding, those who wish to follow the lenient ruling are standing on solid ground. As explained above in the footnote to halakha 3, Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. IX, #13) ruled that it is permissible for each person to recite the verse corresponding to his name at the end of the *Amida*, although it is not printed in his prayer book. This is because each person knows his own verse fluently [even if others do not] and because he is not reciting it on behalf of anyone else. We can apply the same leniency to *Tehillim*.

The *Ḥavot Ya'ir* fortified his lenient ruling with the opinion of Rabbenu Yona (#6) that it is not forbidden to recite passages by heart unless there is some obligation to recite them. Whenever someone wishes to recite passages voluntarily, he may recite them by heart according to Rabbenu Yona. The *Ḥavot Ya'ir* commented that this is the soundest resolution for the common practice of reciting passages by heart without reading them from a printed text.

There are several more arguments for leniency regarding *Tehillim*: The Ritb"a (opinion #5) ruled that whenever someone recites a passage as a prayer and not as Torah study, he may recite it by heart. According to the Tosafot in *Temura* (opinion #2) it is forbidden only to recite passages from the Five Books of Moses, but it is permissible to recite passages from the books of the Prophets and the Writings. Moreover, the *Ḥatam Sofer* (responsa *Y.D.*, #191) declared that the psalms of *Tehillim* were composed in the first place to be recited by heart. After all, when the Levites in the *Bet Hamikdash* sang passages from *Tehillim* each day, it is highly improbable that each of them held a scroll of *Tehillim* in his hands. And it is hard to believe that when everyone sacrificed the *korban Pesaḥ*, each person held a scroll of *Tehillim* in order to recite the Hallel. It must be, therefore, that the rule forbidding reciting passages by heart does not apply to *Tehillim* at all.

All this notwithstanding, the *Sifte Shoshanim* (2:1) pointed out that Maran did not mention any of the lenient opinions in the *Shulḥan Arukh* except for that of the *Mordekhi*, namely that it is permissible to recite passages by heart if everyone knows them fluently. It seems,

ומכל מקום הממתין לאיזה דבר הנצרך, וחושש על ביטול הזמן, נכון יותר שישנן פרקי משנה בעל פה, ועדיף משיאמר פרקי תהלים בעל פה. [ראה חקרי לב ח"א סו"ס יג]

ט. הסומא מותר לו לקרות בעל פה פסוקי התורה, משום "עת לעשות לה' הפרו תורתך". [כה"ח ס"ק ה]. והוא הדין אם הוא בבית האסורים ואין יכול להשיג שם חומש. [משנ"ב ס"ק א]

When someone is traveling, waiting in line, or in any other such situation where he would be wasting time unless he recited Torah passages by heart, the best choice is to review chapters of the Mishnah by heart.[115] [Of course, that calls for people to invest the enormous effort of studying the Mishna and memorizing it. It is much easier to recite the many psalms of *Tehillim* that everyone automatically knows by heart since they recite them daily in the prayers.]

Day 106

Blind people

9) A blind person may recite passages of the Written Torah by heart since this is it not possible for him to read them from a printed text. The mitzvah of Torah study overrides this prohibition in such a case.[116] Likewise, if someone has been imprisoned and has no printed books available, he may recite passages by heart.

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therefore, that Maran did not agree with any of the other opinions in practice. This is a challenge to the *Tzitz Eliezer*, who contended that Maran agreed to all the leniencies regarding this prohibition.

The *Yalkut Yosef* (*Siman* 49, footnote 11) explained that it seems from the *Shulḥan Arukh* that it should be forbidden to recite *Tehillim* by heart, but he nevertheless explained the basis for the common custom to permit it. He cited the responsa *Simḥat Kohen* (*O. Ḥ.* #3) who discussed the stringent ruling of the *Ḥikre Lev* and concluded that it is permissible to recite *Tehillim* by heart.

115. In the previous footnote, the *Ḥikre Lev* was cited ruling that it is preferable to recite a chapter of the Mishna by heart – and even to repeat it a hundred times – than to recite *Tehillim* by heart. Ostensibly, this is because it is forbidden to recite passages of the Written Torah by heart, whereas the preferred way to study the Oral Torah is to recite it by heart and not to read it from any written text.

Actually, there are other advantages to the study of the Mishna, since when reciting the Mishna a person needs to think of the words' meaning, whereas when someone recites *Tehillim* by heart he will likely repeat the words by rote without thinking of their meaning. Thus, the quality of the mitzvah of Torah study is enhanced when the subject is the Mishna, and the mitzvah of reciting *Tehillim* is inferior, although in both cases the person is using his time for Torah study.

This concept is demonstrated in the Talmud (*Megillah* 3a): "We are supposed to interrupt our Torah studies in order to hear the Megillah reading." The responsa *Bet Efrayim* (end of #68) pointed out that listening to the Megillah reading is also an example of Torah study, but that when someone studies Torah in depth he receives a far greater reward than someone who engages in shallow or casual reading of the Torah. Therefore, reciting the Megillah is considered an interruption of one's Torah studies. If so, the same is true when we compare the study of the Mishna to the simple reciting of *Tehillim*. In fact, the Talmud teaches (*Shabbat* 115a) that it is forbidden to engage in the study of the Writings on Shabbat so that people will use their time to study halakha. And Rambam (*Hilkhot Talmud Torah* 1:12) wrote that once a person has become fluent in the Written Torah and the Mishna, he should review them only occasionally and devote most of his time to the depths of Talmudic study. This is repeated in the *Shulḥan Arukh* (246:4). See the comment of the *Ma'or Yisrael* to *Megillah* 3a.

One might argue that the reading of *Tehillim* is exalted, since the Midrash tells us that King David asked God to reward people for reciting *Tehillim* just as much as for studying the most intricate subjects of halakha. The *Nefesh Haḥayim* (Unit 4), however, pointed out that the Midrash does not tell us that God granted this to King David, only that he made such a request.

116. The Talmud (*Bava Kama* 3b) relates that Rav Yosef [who was blind] was fluent in the Aramaic translation of all the Prophets and Writings. The Tosafot cited one authority explaining that Rav Yosef always cited the translation and not the verse itself since it is forbidden to recite passages of the Written Torah by heart.