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.

---

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.

י. נחלקו הראשונים אם בלשון תרגום יש איסור "דברים שבכתב אי אתה רשאי לאומרם בעל פה". והמקיל בזה יש לו על מה שיסמוך. [ראה ילקו"י הלכה יד. ובשו"ת דברי שלום ח"א סי' כב]

יא. איסור "דברים שבכתב אי אתה רשאי לאומרם בעל פה", הוא אפילו בתיבה אחת [ראה חקרי לב ובהקדמה], וגם נשים וקטנים בכלל אזהרה זו. [שפתי שושנים פ"א אות ו]

יב. כל תיבה שהיא קרי וכתיב [כגון מה שכתוב בפרשת כי תבוא (דברים כח, כז): "ובעפלים", וקרינן "וּבַטְחֹרִים"], הלכה למשה מסיני שתהא נכתבת כמו שהיא בתורה ונקרית בענין אחר. [ש"ע סי' קמא ס"ח]

Translations

10) The *Poskim* debated whether or not it is permissible to recite a translation of the Written Torah by heart. There is a sound basis for leniency in this matter.[117]

Parameters of this rule

11) The rule forbidding us to recite passages of the Written Torah by heart applies to even a single word. The rule applies equally to men, women, and children.

Keri ukhtiv

12) There are many examples in the Torah where a word is not spelled with the letters that correspond to the way we pronounce it. This is called *keri ukhtiv* (the way it is pronounced and the way it is written) and it is a tradition from Moshe Rabbenu (*halakha leMoshe miSinai*) to spell these words one way and to pronounce them another way. For example, in *Devarim* 28:27 there is a word that is written ובעפלים but it is pronounced וּבַטְחֹרִים. Actually, the classic example is Hashem's Name *Havaya*, which is spelled totally different from the way it is pronounced. See the

---

According to this, even a blind person is forbidden to recite a passage of the Written Torah by heart unless he translates it into another language.

The Tosafot then refuted this interpretation, insisting that this prohibition is certainly waived in the case of a blind person since it is not possible for him to read any written text and the only way for him to discuss the Written Torah is to recite the verses by heart. Rav Yosef happened to be particularly expert in the correct Aramaic translation of the Prophets and Writings, and therefore he was frequently cited as his authority in such matters.

There are several *Rishonim* who concurred with the first opinion that it is forbidden for a blind person to recite the Written Torah by heart. They ruled that a blind person should avoid reciting verses in the original Hebrew. See the *Birke Yosef* and *Shiyure Berakha* on *Siman* 49. Despite this, the *Magen Avraham* (41:1), the *Mishna Berura* (49:1), and the *Kaf Hahayim* Sofer (49:5) ruled that a blind person may recite the Written Torah by heart, following the Tosafot's conclusion.

117. Since the Tosafot cited in the previous footnote explained that Rav Yosef always translated verses into Aramaic in order to avoid reciting the Written Torah by heart, it seems obvious that when someone recites the translation of verses he does not transgress the sin of reciting the Written Torah by heart. The *Hikre Lev* (Vol. I, *O.H.* #12) discussed this Tosafot and its ramifications, and concluded that we should be stringent and avoid reciting verses by heart even in translation.

The responsa *Divre Shalom* (Vol. I, #22) cited proof from *Sefer Ha'eshkol* that it is permissible to recite translations of verses by heart, and he ruled that we may be lenient when it would be difficult otherwise, especially since many *Rishonim* ruled that the prohibition applies only when reciting the passage on behalf of others. This gives us a sound basis for leniency, and this is the ruling of the *Yalkut Yosef* (49:14).

דברים שבעל פה אי אתה רשאי לכותבם

יג. יש מי שכתב שהמחבר ספר ומערב במחשבתו לגדל שמו ולנחול כבוד, הרי הוא עובר על איסור דברים שבעל פה אי אתה רשאי לכותבם, שרק משום עת לעשות לה׳ הפרו תורתך הותרה הכתיבה, ואם אינו עושה לשם ה׳ הרי האיסור במקומו עומד. אולם העיקר להלכה שאין בזה איסור, ולעולם יעסוק אדם בתורה אפילו שלא לשמה שמתוך שלא לשמה בא לשמה, ואדרבה מצוה להדפיס חיבוריו בחייו, כדי שלא ילכו לאיבוד, כמו שקרה להרבה מחברים. [ראה יחו״ד ח״ג סי׳ עד אות ז]

footnote to see how the rule of reciting the Written Torah by heart applies to these instances.[118]

Writing Parts of the Oral Torah

Publishing for the sake of fame and honor

13) According to one opinion, if someone publishes a book containing his novel Torah thoughts and his intentions are, at least in part, to gain fame and honor, he is guilty of transgressing the sin of writing the Oral Torah. Our Sages decided to allow us to write the Oral Torah in order to preserve it, for they realized that it would be forgotten otherwise. It stands to reason, therefore, that if this is not one's pure intention when writing a book of Torah content, the original prohibition remains in place.

Nevertheless, in practice it is permissible to publish the book even if the author does not have entirely pure intentions. We follow the principle of, "One should always engage in Torah study, even if for impure motives, for eventually it will foster Torah study for pure motives." On the contrary, it is imperative for a Torah scholar to publish his novel thoughts and discoveries during his lifetime in order to ensure that they are not lost. Unfortunately, that has been the fate of the novel halakhic discoveries of many worthwhile Torah scholars.[119]

---

118. The *Bet Yosef* (*Siman* 141) cited a responsum of the Rashb"a (Vol. VII, #361) discussing the verse (*Devarim* 28:30) where the word is written ישגלנה while it is supposed to be read יִשְׁכְּבֶנָּה. This poses a problem, since the cantor is supposed to read every word from the written text, and in such a case he reads a word that is not written at all. Rashb"a explained that the *halakha leMoshe miSinai* teaches that this is the way the Torah is to be chanted in these instances, based on the Talmud (*Nedarim* 37a). The *Bet Yosef* added that one recalcitrant Spanish cantor insisted on reading these words as they are written, while in the presence of Harav Yitzhak Abohab, Harav Avraham Valanci, and his son Harav Shemu'el Valanci. The rabbis warned the cantor to correct himself, and when he refused, he was pulled away from the Torah scroll and excommunicated.

The *Sha'are Efrayim* (3:13) ruled that the cantor must look at the word as it is spelled in the Torah while pronouncing it according to the *keri*. Otherwise, he would be guilty of reading a word of the Written Torah by heart. The same applies to God's Name, which is spelled י׳ ה׳ ו׳ ה׳ but is pronounced אֲדֹנָי.

119. The responsa *Hatam Sofer* (*O.H.* #208) ruled that if someone composes a *sefer* in order to enhance his own reputation, he transgresses the Torah prohibition of teaching the Oral Torah using a written text. He explained that our Sages issued a dispensation permitting us to write it and to teach it using written texts, but only because that became necessary so that the Torah would not be forgotten. Anyone who takes advantage of this as an opportunity to advance his personal goals and not for God's glory has no permission to utilize this dispensation.

In fact, he added, he is liable to be stricken by our Sages' curse (*Avot* 1:13), "Anyone who attempts to magnify his name will lose it entirely."

If all this is true, the same would apply to a Torah composition written for the sake of earning a college degree.

Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. III, #74) suggested that the *Hatam Sofer's* stringent view is consistent with his ruling (responsa of *Hatam Sofer*, *O.H.* #68) that the prohibition discussed here – that of writing the Oral Torah – is a Torah prohibition. A number of *Rishonim*, however, ruled clearly that this prohibition was instituted by our earliest Sages, and that the Torah does not include such a prohibition. In fact, there is one opinion among the *Rishonim* that it was never forbidden at all to write down the Oral Torah; it is just that the ideal way to fulfill the mitzvah of studying the Oral Torah is without a written text. Moreover, the *Hikre Lev's* position is that no punishment is due to someone who writes any part of the Oral Torah; the only consequence is that he will not be rewarded for studying Torah during that time. This was explained in the preface to this *Siman*.

In fact, the responsa *Aparkasata D'anya* (#2) challenged the position of the *Hatam Sofer*. If it is still forbidden to write down the Oral Torah in certain cases, he asked, why isn't this halakha mentioned at all by Rambam or the *Shulhan Arukh*? According to the *Hatam Sofer*, it is permissible only when the person's intentions are totally for the sake of the Torah, and if someone has any personal intentions it is forbidden. Since they did not mention such a distinction, it must be that our Sages absolved this prohibition altogether, and when someone studies the Oral Torah using a written text he fulfills the full-fledged mitzvah of Torah study.

Our Sages taught that even if someone finds that he cannot purify his thoughts, he should still engage in Torah study constantly. Eventually, the Torah will cleanse his soul and raise it to the level where he will be capable of studying it with the purest intentions.

A number of *Aharonim* (*Pada et Avraham* Palachi; responsa *Pene Yitzhak*) likewise disagreed with this ruling of the *Hatam Sofer*. Maran the Rishon Letziyon ruled leniently as well.