

מצות כתיבת ספר תורה

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In this shiur, we will discuss the *mitzvah* of ספר תורה. כתיבת ספר תורה : states that there is a *mitzvah* incumbent upon every individual to write a *sefer torah*, "משלו". Even if one inherits one, he still has this *mitzvah* and is not *yotzeh* with the inherited *sefer torah*. The *Shulchan Aruch* (יו"ד סי' ער סעיף ב') *paskens* this way, and the *nosei keilim* cite the *posuk*, "ועתה כתבו לכם את השירה הזאת" (דברים לא: יט), as the source of this *mitzvah*. *Chazal* understand that the *posuk* does not apply only to שירת האזינו, rather, the entire Torah.

Agav, there is a question if nowadays the *mitzvah* can also be performed through writing *seforim* on *chumashim*, *gemara*, and their *perushim*.

The following *shayluh* was proposed to R. Zavele Eiger, a relative of R. Akiva Eiger, which is recorded in *Teshuvos R. Akiva Eiger*: Can one be *mekayem* this *mitzvah* through buying a *sefer torah*?

In truth, the *Rema* deals with this question almost directly. *Rema* writes that if one hires a *sofer* to write a *sefer torah* for him, or if one buys it while it is not *kosher* and fixes it, it is then considered as if he himself wrote the *sefer torah*. However, if he buys it already made then it is as if he is "חוטף מצוה מן השוק" - grabbing a *mitzvah* from the *shuk*, and not *yotzeh* with it.

This *lashon* of "חוטף מצוה מן השוק" is taken from the גמ' מנחות דף ל. The line in that *gemara* reads as follows: "ווא"ר יהושע בר אבא אמר רב גידל אמר רב הלוקח ס"ת מן השוק כחוטף מצוה מן השוק כתבו מעלה עליו הכתוב" כאילו קיבלו מהר סיני". It seems that the *Rema* understood *peshat* in this *gemara* as one who buys a *sefer torah* from the *shuk* is just trying to grab a *mitzvah* and one is not *yotzeh* the *mitzvah* by doing so, but if one writes a *sefer torah* then the Torah views it as if he was *mekabel* it from Har Sinai.

However, the *Taz* points out that Rashi in the מנחות גמ' says explicitly not like *Rema's peshat*. Rashi learns that "חוטף מצוה מן השוק" means that the person *chaps* the *mitzvah* and is *mekayem* it, however, the most *lechatchilah* way of performing the *mitzvah* is to actually write it. Therefore, the *Taz* says that the *Rema* argues on Rashi, who seems to hold that buying a *sefer torah* does indeed count as fulfilling this *mitzvah*. The *Vilna Gaon* cites the *Taz* and says that Rashi's words are the *ikur* and one is *yotzeh* the *mitzvah* by buying a *sefer torah*.

R. Zavele Eiger continues and comments that Rashi's *peshat* is nearly *muchrach* from the *sugya*. The *lashon* of "כתבו מעלה עליו הכתוב כאילו קיבלו מהר סיני" suggests that writing the *sefer torah* is more than just the *ikur mitzvah*. Why doesn't the *gemara* state plainly that one must write it, not buy it? Were one to suggest that this language is meant to also highlight how *chashuv* the *mitzvah* is, the *lashon* of "כתבו" is still *mashma* "if one chose to write it" which then implies that writing it is not the only way to be *mekayem* the *mitzvah*. It seems that the *Rema* is even different than the strong *mashma'os* of the *gemara*.

R. Zavele Eiger goes on to explain that the *Rema* is basing himself on the Rambam א"ז הלכות ס"ת ז. Rambam says there is a *mitzvas aseh* on every man to write a *sefer torah* for himself, and if he writes it from his hand then it is as if he received it from Har Sinai. If he doesn't know how to write it, others write it for him.

What does the Rambam mean, "if he writes it in his hand it is as if he received it from Har Sinai"? *Lichora*, he means that hiring a *sofer* to write it will also work to be *mekayem* the *mitzvah* but writing it personally has the greater *myluh* of מהר סיני. This is what the *Rema* follows in his *pesak*.

R. Zavele Eiger writes at the end of his *teshuvah* that this is really the *pashutte peshat* in the *posuk*. "ועתה כתבו לכם" means the *kepeida* of the Torah is that the writing of the *sefer torah* must be attributed to the person. The *ikur kepeida* is for the *kesiva* to be from his own personal hand. Written by him is the best, but written for him also works for the bare *kiyum hamitzvah*. However, just buying it *stam* does not work for the *mitzvah*. This is how the Rambam and *Rema* learn the *mitzvah*.

How do we understand the *gemara* in their *mehalech*? R. Zavele Eiger does not explain this so clearly. It may be that Rambam and *Rema* read the *gemara* as two extremes: Buying the *sefer torah* is for sure not *yotzeh*, but writing it personally is even better than simply being *mekayem* the *mitzvah*. The middle stage, which the *gemara* doesn't mention, is having the *sefer torah* written for himself to fulfill the *mitzvah*.

R. Zavele Eiger writes that there is a way to learn Rashi as agreeing *lihalocho* to the *Rema*, despite understanding the *gemara* as allowing for one to buy a *sefer torah* from the *shuk*. The *lashon* of the *gemara* "הלוך ס"ת מן השוק" could mean that a *sofer* originally wrote the *sefer torah* to sell, with the *kavono* that the *kesiva* should be for whomever comes to buy it later. In such a case, buying it does indeed fulfill the *mitzvah*.

This concept, of allowing the *kavono* for whom the *sefer* is being written to be filled in later, is of course *taluy* on the *sugya* of *Yeish* or *Ayn Breira*. It is similar to the question regarding a *get* being written *lishma* without the subjects of it being yet decided. R. Zavele Eiger points out that *Rav* is the *man d'omar* of our *kesivas sefer torah gemara*, and he is also the *man d'omar* at the end of ביצה מס' who holds *Yeish Breira* even for *mitzvos d'oraisa*, which allows for *breira* in buying a *sefer torah* and having the *kesiva* be *leshem* the buyer, *limafray'a*. However, we *pasken* that there is no *breira* by *dinim d'oraisa*.

Therefore, it would come out that even though Rashi explains *Rav* as allowing for one to buy a *sefer torah* for the *mitzvah*, Rashi can still hold *lihalocho* that one is not *mekayem* the *mitzvah* through purchasing an already-written *sefer torah*, in agreeance with Rambam and *Rema*. (This is unlike the *Taz* and *Gr"a*.)

When it comes to inheriting a *sefer torah*, even the *Taz's mehalech* in Rashi will require one to be *tore'ach* for the *kesivas sefer torah*. Merely receiving it through inheritance does not count as the person did not give anything up to obtain the *sefer torah*.

I would like to suggest something, to take this *inyan* of *kesivas sefer torah* a step further to something which is very *noge'a l'ma'asuh*. There is a *din* in writing a *sefer torah* that every word must be written *lishma*. Furthermore, the *shaymos* of Hashem need an additional *kavono* of "I'shem kedushas HaShem."

There is also an *issur* of *mechikas haShem*, erasing the name of Hashem. The *Chazon Ish* says, from *mashma'os* in various places, that the *issur* applies even when the name of Hashem was written without the proper *kavono* of "I'shem kedushash HaShem." However, the *issur* does not apply if the name of Hashem was written without intention of writing *Shem Hashem*. For example, if one was spelling "Yehuda," and skipped the *daled*, the *Shem Hashem* has been formed but does not come with an *issur mechikas haShem d'oraisa*. There is no *kedusha* at all when the name was spelled unintentionally.

The *Radvaz* says a similar idea. He compares it to a *korban*. If one *shechts* a *korban* thinking that it is *chullin*, the *korban* is *pasul*. However, if he *shechts* it with the knowledge that it is in fact a *korban*, but doesn't know which specific type, then it is a *kosher korban*. So too by *kesivas Shem Hashem*. Knowing that he is spelling *Shem Hashem* is enough to imbue it with *kedusha*, even if it lacks the special "I'shem kedushas haShem" *kavono*. This *kedusha* then puts the *issur mechika* into effect.

This idea of the awareness of writing the *Shem Hashem* being the *siba* of it having *kedusha*, is very relevant to our everyday lives of Torah and *Mitzvos*. A person grows in *ruchniyus* when he is aware of what he is doing. When making a *beracha*, he is aware that he is speaking to Hashem. The same is true when one *davens*, he is aware that he is speaking directly before מלך מלכי המלכים. When learning Torah, he is aware that it is תורת ה'. When wearing *tefilin*, he is aware that he is wearing the שם שמים, literally, with the *keshorim*. Awareness of what we are doing is the very basic *madreiga* which we need in order to be *nis'aleh*.

In the *Sefer Ma'alos haTorah* (written by the brother of the *Gr"a*), he shares an amazing *chiddush* which is quite simple when we think about it. He says that *Yiras Hashem* is "עיקר כל המצוות והעבודות". That is the *ikur* of all service to Hashem. The *posuk* states, "...ליראה כי אם ליראה...". Even though the *posuk* and the next continue with other things, such as *holachto b'derochov* and *ahavas Hashem* amongst other *madreigos*, the *Maa'los haTorah* says that Hashem is only *mevakesh* from us *Yiras Hashem*. Everything else comes from *Yiras Shomayim*, being aware of Hashem throughout the day.

I heard once from HaRav Weinberg zt"l that this is *peshat* in the *gemara's* question of *Yirah* being a small thing. Why does the *gemara* ask only about *yirah*, what about the rest of the list in those *pesukim*? Even if *yirah* is small, there are so many other items. He answered with the same *vort*: The *Ribono Shel Olam* wants *Yiras Shomayim* from us, just *pashutte Yiras Shomayim*. *Pashutte Yiras Shomayim* is not so *pashut*. From it flows all the other *gevaldigge madreigos*, including loving the *Ribono Shel Olam* and emulating His ways. This is why we refer to an *ehrliche yid* as a "Yoreh Shomayim." We don't refer to him as a "Dovuk baShomayim," or an "Ohev Shomayim." We are showing that the most important level which we need to attain is *Yiras Shomayim*.

The awareness in what we are doing during the day, *im yirtzeh Hashem*, is something which automatically is *ma'aleh* us. Whether we feel it or not, it is a *metzius*. It is something which, *im yirtzeh Hashem*, we should all continue to grow from and experience.