

## OVERVIEW of the Daf

### 1) The order of aliyos (cont.)

R' Yitzchok presents the hierarchy for distributing the remaining five aliyos.

### 2) Writing Torah and Nevi'im

The Gemara records a discussion whether the Torah may be read from a chumash (i.e. a handwritten scroll that contains only one of the five books of the Torah).

Rabbah and R' Yosef rule that it is not permitted to read the Torah from a chumash.

Rabbah and R' Yosef assert that one should not read from a Haftorah book on Shabbos.

Mar bar R' Ashi asserts that a Haftorah book is also muktzah.

The Gemara rejects both rulings.

Abaye asked Rabbah whether it is permitted to write a scroll that contains only a section of Torah for a child to use for studying.

The relevance of the question is explained.

Rabbah rules that it is not permitted to write these scrolls.

This ruling is unsuccessfully challenged.

It is noted that the question of writing a scroll is a matter disputed by Tannaim.

### 3) The transmission of the Torah

R' Yochanan in the name of R' Bana'ah asserts that the Torah was given one scroll at a time, whereas Reish Lakish maintains that it was given as a single unit.

Both opinions are unsuccessfully challenged.

Tangentially, the Gemara cites R' Levi's statement regarding the eight sections of the Torah that were given on the day the Mishkan was erected.

R' Elazar and R' Yochanan dispute whether the majority of laws are part of the written Torah or the oral Torah.

Both positions are unsuccessfully challenged.

R' Yehudah bar Nachmani, Reish Lakish's speaker, taught

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## Distinctive INSIGHT

*The written law is not permitted to be spoken orally*

דברים שבכתב אי אתה רשאי לאומרו על פה

The Gemara presents the rule that the written Torah is not permitted to be spoken orally. Several approaches are suggested to explain the rationale behind this rule.

Ritva explains that the written verses contain many allusions and hints indicated by extra letters, letters which are not written, and words which are written one way but read another (קרי וכתבי). When these words and verses are read orally, these subtle but significant nuances are not able to be detected. These verses should therefore not be studied orally, as the proper and complete lessons of the words would not be conveyed. Tosafos Rid (to Megilla 17b) writes simply that when studying orally, one is more susceptible to making an error. The יראים writes that if it was not required to write verses down, many people would suffice with studying orally. Formal texts would become obsolete, and without them, עמי הארץ would begin to question the sages and to accuse them of fabricating the Torah and its laws.

Maharal (Tiferes Yisroel, Ch. 68) adds a new dimension to appreciating this rule. He writes that the written law is a complete and perfect system. When it is in print, there is an element of it which binds it and combines it into one component, and that is its being written in one entity. However, when something is an oral tradition, when one part is spoken, there is no trace of the rest of the body of this tradition at that moment. The aspect of the Torah being one complete unit is not apparent when it is spoken orally. However, when it remains a written tradition, its character of שלימות is evident.

The Rishonim discuss whether this rule applies to verses from נביאים and כתובים as well as to the verses of the Torah. Tosafos (Temura 14b) begins with stating that this rule only applies to verses in the Torah itself. He then cites Rabeinu Gershom who says that this rule applies to the entire Tanach.

Radbaz (Responsum 10) notes that this rule applies to all words of prophesy which were sanctioned to be written. This would mean that all of Tanach is included. This is especially the case according to Ritva, who wrote that the reason for this rule is that verses contain written hints and unique lessons which cannot be conveyed orally. ■

## REVIEW and Remember

1. Why isn't it permitted to read from a chumash in the Beis Haknesses?
2. Was the Torah given all at once or in separate sections?
3. What part of the Torah may not be written down?
4. What is the dispute between Rav and Shmuel concerning the use of a river to water a field?

# HALACHAH Highlight

## Which is the most prestigious aliyah?

אחריהן קוראין תלמידי חכמים הממונן פרנסים על הצבור

After them they would call Torah scholars who have been appointed as leaders of the community

**T**ur<sup>1</sup> writes that Rabbeinu Tam would always receive the third aliyah, even when he was in mourning. Chasam Sofer<sup>2</sup> cites as support for this practice our Gemara. The Gemara relates that after a kohen and levi received the first two aliyos they would call Torah scholars who were appointed as leaders of the community. This implies that the third aliyah is more prestigious than the others (sic) and that is why it was reserved for the distinguished Torah scholars who were appointed as leaders of the community.

He also mentions that there are some authorities who draw a parallel between the seven aliyos and Avrohom, Yitzchok, Yaakov, Moshe, Aharon, Yosef and Dovid. Accordingly, the sixth aliyah would be the one considered the most prestigious. Sefer Maaseh Rav<sup>3</sup> reports that the Vilna Gaon would receive the sixth aliyah and Be'er Heitev<sup>4</sup> quotes works that testify that according to Arizal the sixth aliyah is the most prestigious.

Rav Chaim Falagi<sup>5</sup> writes that one should not be particular about which aliyah he receives since it is the yetzer hora that entices people to get caught up in these matters. Humility is always a trait worth pursuing but especially during krias Hatorah since the Torah teaches the importance of the trait of humility when it is compared to water. Just like water always descends to the lowest point, so too Torah is found by those who are the most humble. Accordingly, people should not be disturbed if they are called for a “non-prestigious” aliyah or after people who are not

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that the written Torah was not meant to be transmitted orally and the oral law was not meant to be recorded in writing.

D'vei R' Yishmael derives this principle from another source.

R' Yochanan teaches that the covenant Hashem established with the Jewish People was on the basis of the Oral law.

### 4) Always placing the eruv in the same house

When an eruv is recreated at recurring times, the reason peace is promoted when it is always placed in the same house is explained.

### 5) Watering a field from a river

Rav and Shmuel disagree whether the fields downstream water their fields first or the ones who are upstream.

The point of dispute is clarified.

Rav's position is unsuccessfully challenged.

R' Huna bar Tachlifa teaches that since a definitive ruling was not expressed the stronger party will have the choice ( כל (דאליס גבר).

Two related incidents are recorded. ■

perceived as prominent members of the community. In fact, he continues, that he was once asked by the gabbaim if he would mind if they were to call him for the final aliyah after one of the less prominent members of the community. He responded that it was absolutely acceptable. “יעלה ויבא— why should it be different than Mt. Sinai when he and I stood together as one?” ■

1. טור יו"ד סי' תי'
2. שו"ת חתם סופר או"ח סי' ס"ו.
3. ספר מעשה רב סי' קל"ג.
4. באר היטב או"ח סי' רפ"ב ס"ק י"ג.
5. ספר חיים סי' י"א אות כ"ב. ■

# STORIES Off the Daf

## The Oral Torah

”דברים שבעל פה אי אתה רשאי לאמור בכתב...”<sup>1</sup>

**T**he incredible erudition of the Vilna Gaon, zt”l, is legendary. Although his writings demonstrate his incredible genius, they are nevertheless written so tersely that they are often very difficult to comprehend. Some believe that the Gaon wrote with such brevity precisely because of his brilliance and high standards in learning, but these are definitely not the only reasons.

When the students of the Gra asked him about the conciseness of his writings, he replied, “In Gittin 60 we find that one

may not write down the oral Torah—and this is the halachah. The only reason why we write the oral tradition down despite this injunction is to ensure that it is not forgotten. Clearly, the less one writes the better...”<sup>1</sup>

When asked why there is a prohibition to write down the oral Torah, the Maharal, zt”l, gave a compelling answers from the Midrash. “Moshe petitioned Hashem: Write down the oral Torah for Your children. Hashem replied: I would like to, but I know that the non-Jews are going to rule over them and take whatever is revealed in the written Torah. If I commit the oral Torah to writing, My children will be as the non-Jews! Therefore, only scripture is written. Agaddah, Mishnah, and Gemara must be transmitted orally.”

Rav Pinchas Koretzer, zt”l, gave another reason. “If Hashem had chosen to commit the oral Torah to writing, we would not be able to say any more than what was written down, just as one may not add or subtract to scripture. This would be very detrimental, since the only way to truly master the intricacies of oral Torah is to speak in learning and review the material in an individualized way. With each review, it gets clearer and clearer to the learner. This is why the Tikunei Zohar teaches that the oral Torah is an aspect of accepting Malchus Hashem. The difficult process of mastering the oral Torah is how we truly accept Hashem's Kingship over us!”<sup>2</sup> ■

1. החפץ חיים, חיינו ופעלנו, חלק א', עמוד 213
2. אמרי פנחס, שער התורה, מ"ג

