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Inked in Unity

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THE ORIGINAL MITZVAH

One of the mitzvos the Jewish people received after their forty years in the desert — very close to (at least to the day of) Moshe’s passing — was the mitzvah to write a Torah scroll. As adduced from the verse,¹ “*So now, write for yourselves this song*”² — it is a positive mitzvah for every Jewish man to write for himself a Torah scroll.”

Since this command, “So **now**, write for yourselves this song...,” was given as a **preparation** for entering the Land — as the passage states,³ “For I shall bring them to the land... then this song shall speak up...” — it is self-evident that every Jew was required to **immediately** (“so now”) fulfill this command, and write their own Torah scroll.

As such, the following is puzzling: The command, “So now, write...,” was given to the Jewish people on the day of Moshe’s passing (the seventh of Adar).⁴ Yet, we don’t find a single mention in Scripture of over **six hundred thousand** Jews laboring on **a single day** to tan animal hides, and so forth, so they could write (or at least **begin** to write a portion of) Torah scrolls! [Had they done so, this event would constitute an even greater novelty than “*And Israel encamped there* — as one man, with one **heart**”⁵ — since this goal would engage {the entire Jewish nation uniting in} one **action**.]

This unlikelihood of having immediately begun to write scrolls is compounded by the Jewish nation already being preoccupied for thirty days in mourning the loss of Moshe⁶ and then crossing (after many preparatory steps)⁷ the Jordan River on the tenth of Nissan.⁸

{In addition, we must} note that to write this number of Torah scrolls (over six hundred thousand!), a **tremendous quantity** of animal hide parchment (which must be manufactured “from animals that are permitted in your mouth” {kosher animals}),⁹ ink, **and the other components**, are needed. Naturally, preparing this quantity of supplies takes time, effort, etc. It is also implausible to say that everyone had the necessary skills to write

¹ Wording of Rambam in *Mishneh Torah*, “*Hilchos Sefer Torah*,” ch. 7, par. 1; and similarly in *Sefer HaMitzvos*, positive mitzvah 18 — based upon *Sanhedrin* 21b.

² *Devarim* 31:19.

³ *Devarim* 31:20-21; note *Eshkol*, beg. of *Hilchos Sefer Torah* (and see *Tosafos* and *Ran* on *Nedarim* 38a; *She’eilos Uteshuvos Chasam Sofer*, “*Yoreh Deah*,” ch. 254; et al) that the exegesis from this verse that the command is to write a **Torah scroll** is indicated by the song referred to as “**a witness**.” See there for further explanation.

⁴ As seen at the beginning of this *parshah* (*Devarim* 31:2) and Rashi there.

⁵ Rashi on *Shemos* 19:2 (from *Mechilta* there).

⁶ *Devarim* 34:8.

⁷ See *Yehoshua* 1:11; 3:3 ff.

⁸ *Yehoshua* 4:19.

⁹ See *Shabbos* 108a; beginning of *Sofrim*; *Tur* and *Shulchan Aruch*, “*Yoreh Deah*,” beginning of ch. 271.

their own Torah scroll¹⁰ (as seen today — only a few people are fit and have the necessary skills to write a Torah scroll). All the more so when the writing of a Torah scroll must be done in a way to “beautify yourself before Him in mitzvos” — with the highest quality of parchment, ink, quill, and penmanship¹¹ — which from the outset, and for most people, can only be done through appointing a¹² *shaliach*.¹³

2.

THE FINAL TOUCH

A similar question can be asked about an event that happened on the same day: Our Sages tell us that on the day of his passing, Moshe wrote “thirteen Torahs. Twelve for the twelve tribes, and one to place in the Ark.”¹⁴ We may ask: How is it possible¹⁵ to write thirteen Torah scrolls in one day?

Commentators¹⁶ explain that on that day, Moshe **finished** writing these Torah scrolls. This explanation would align with the general system {of how Moshe transcribed the Torah}: “Whatever he heard from Hashem that day, Moshe would record. And this was the case every day. The only thing the Torahs were missing{on the last day of his life} was the concluding last sections.”

The same can be said for the {closing} sections of *Nitzavim* and on — that just as Moshe wrote, “and Moshe died” (something that would happen in the future [?]),¹⁷ he similarly wrote these sections (the majority of them) in the days preceding his death [although it is apparent that we are not proposing that he **transmitted** this to the Jewish nation before the day of his passing].

The same could seemingly be said for the entire Jewish nation. Rambam describes the system of study in the desert as follows: After hearing the commands and laws from Moshe, Aharon, and the other teachers of the Torah, the Jewish nation would then **write** “their mitzvos in scrolls”¹⁸ (from which they would study from later).

¹⁰ See *Bartenura* on this verse.

¹¹ *Shabbos* 133b.

¹² {Lit., “emissary,” or “proxy”; this refers to a person enlisted to perform an act on someone else’s behalf.}

¹³ See *Likkutei Sichos*, vol. 23, p. 17, and the sources listed there.

¹⁴ *Devarim Rabbah*, parshas *Vayelech*, ch. 9, par. 9; *Psikta deRav Kahana*, parshas *VeZos HaBerachah*; *Midrash Tehillim* on *Tehillim* 90:1; et al. Also mentioned in Rambam’s *Introduction to Mishnah Commentary* (and *Mishneh Torah*); et al.

¹⁵ Note *Bava Basra* 14a, and Rashi, s.v., “*dilmah*,” there.

¹⁶ This is the explanation of *Maharzav* on *Devarim Rabbah*, “*Vayelech*,” ch. 9, par. 9.

¹⁷ See *Bava Basra* 15a; Rashi on *Devarim* 34:5 {which cites two opinions regarding the authorship of these words and those that follow: (1) Yehoshua wrote them. (2) Hashem dictated them, and Moshe wrote them with tears}.

¹⁸ Beg. of Rambam’s *Introduction to Mishnah commentary*, s.v., “*da*” (see *Targum Kapach*, there).

Consequently, throughout the forty years in the desert, the Jewish nation (also) transcribed the better part of the Torah, and “the only thing... missing was the concluding last sections.”

We can, therefore, say that after receiving the command, “So now, write for yourselves...,” every Jew only needed to finish transcribing his Torah scroll.¹⁹

3.

PROBLEMS WITH THIS EXPLANATION

However, this explanation is not smooth because:

- a) This answer can only be offered according to the opinion that “the Torah was given scroll by scroll,”²⁰ or according to the interpretation given by *Tosafos*²¹ of the opinion that “the Torah was given complete” — meaning, “it was written in order.”

[In other words, “In order” of how it appears in the Torah: Since “there is no earlier and later {chronological order} in the Torah,” and certain sections were related {and occurred} “before the ones written before them.” In such scenarios, transcribing those {earlier} sections was delayed until the “ones written before them” were stated. Only then were all relevant sections written down in order.]

But this does not accord with **Rashi’s** interpretation, in which he explains that “given complete” means that “[the Sefer Torah was not written until the end of the forty years after all of the sections were said.”²²

- b) We must further investigate if the Rambam truly intended that **every single** Jew—all those who were obligated—would personally write every section of Torah in scrolls²³ over forty years (especially when we know that a large number of those who entered the Land were born in the desert).
- c) Most importantly, the teachings of our Sages²⁴ only mention that Moshe wrote thirteen Torah scrolls {but they do not mention anything about the Jewish people}.

¹⁹ *Cheshek Shlomo* provides a similar answer in *Gittin* 60a (Second introduction of *Responsa of Binyan Shlomo*).

²⁰ *Gittin* 60a.

²¹ *Tosafos*, *Gittin* 60a, s.v., “*Chasumah*.”

²² *Gittin* 60a, Rashi, s.v., “*Chasumah*”; similarly, *Ramban* states in his *Introduction* to his commentary on Torah — that according to this opinion, “it was written **entirely** in the fortieth year, when they were commanded “write for yourselves....”

²³ With all of the necessary conditions for it to be a **proper** Torah scroll.

²⁴ Also see Rashi on *Devarim* 31:9 (and *Gur Aryeh* and other commentators there); Rashi on *Devarim* 31:22; 31:24-26.

If every duty-bound man of that generation (after receiving the command, “So now, write for yourselves...”) indeed had written a “Torah scroll for himself,” then it should have been mentioned by our Sages, as suggested above. The fact that our Sages only mention the thirteen Torah scrolls implies that this incredible feat — completing (or even beginning to write) over six hundred thousand Torah scrolls — did not happen.²⁵

4.

HOLY BOOKS

This will be understood by first addressing a famous question: Since there is a positive command for every Jewish male to write a Torah scroll, why do the Jewish nation and many great Torah scholars, in particular, not fulfill this mitzvah? {Moreover, this obligation begins} **when upon reaching** the age of mitzvah responsibility,²⁶ beginning with the obligation for the mitzvah underlying the command to “write for yourselves” {a Torah scroll} **“and teach it”** {namely, the mitzvah to study the scroll (facilitating the knowledge necessary to observe the mitzvos)}.²⁷

At first glance, we might offer the following explanation: The *Rosh* writes (and the halachah follows his opinion)²⁸ that “nowadays, since Torah scrolls are written and placed in the synagogue to be read publicly, the positive command for every Jewish male... is to write books of Torah, Mishnah, Gemara, and their commentaries. This enables the person and his children to study from them. After all, the mitzvah of writing a Torah scroll was so that people could learn from it... these are the holy books that man is commanded to write.”²⁹ Similarly, the *Shach* rules, “nowadays,” the “positive command **specifically** concerns these holy works and **not** a Torah scroll.”³⁰

When it comes to regular holy books (either written or printed), many people — even those who have just reached the age of thirteen — purchase holy books from which to study. In doing so, they fulfill their obligation to “write for yourselves.”³¹

²⁵ See the explanation of *Rif Perla* on *Rasag's Sefer HaMitzvos*, “*Minyan HaParshiyos*,” *parshah* 60 (213c) — that according to *Rasag*, the verse implies that the in Scriptural command is only to write one Torah scroll for all of Israel; see there for elaboration.

²⁶ {Upon becoming bar mitzvah at 13 years old.}

²⁷ {Which, upon becoming bar mitzvah, the boy must be aware of, since he immediately becomes accountable for their observance.}

²⁸ *Tur* and *Shulchan Aruch*, “*Yoreh Deah*,” ch. 270, par. 2.

²⁹ *Rosh*, *Halachos Ketanos*, beg. of “*Hilchos Sefer Torah*.”

³⁰ *Shulchan Aruch*, “*Yoreh Deah*,” ch. 270, par. 2, *Shach* sub-par. 5.

³¹ See *Likkutei Sichos*, vol. 23 (pp. 24-25) that states we can posit, according to this opinion, that a person does not need books from **all** of the types that *Rosh* lists (and perhaps one holy book is sufficient?).

The *Rama* rules that “if a person purchases a holy book but did not emend it, he is considered to have ‘grabbed’ the mitzvah from the marketplace, and has **not** fulfilled his obligation.”³² (At any rate, everyone³³ agrees that the person has not fulfilled the mitzvah in its preferred manner.)

Nevertheless, this ruling (of the *Rama*) applies only to a Torah scroll when there is an obligation to **write** it. However, it does not apply “nowadays” since producing regular holy books now fulfills the mitzvah. Consequently, even the *Rama* thinks that the mitzvah today can be fulfilled through buying holy books, as explained elsewhere at length.³⁴

5.

WHAT IS THE OBLIGATION?

In truth, however, this is not a (sufficiently) viable answer: We don’t find **in practice** that all those who reach the age of bar mitzvah immediately write (or at least edit or even buy — based on the explanation in the previous Section) and own holy books {beginning with the books of the Torah, and} culminating with a *Shulchan Aruch*³⁵ from the precise moment that they become obligated to {study it; in the words of the verse:} “**teach it.**”

In addition, many halachic authorities [including the *Beis Yosef* (*Bach*) and *Taz*,³⁶ and similarly, many halachic authorities who came **after** *Shach*]³⁷ maintain that *Rosh*’s ruling does not replace the literal mitzvah of writing a Torah scroll. They maintain that it is in **addition** — that “nowadays,” (**another**) obligation was added — “to write books of Torah, Mishnah, Gemara, and its commentaries.”

This being the case, the original question remains: How can it be that many great Torah scholars, who were undoubtedly scrupulous in their performance of mitzvos — in a manner that would conform with **all opinions** — would nevertheless not try to write a Torah scroll

³² *Rema* on *Shulchan Aruch*, “*Yoreh Deah*,” ch. 270, par. 1.

³³ — Even those who maintain that he has fulfilled the mitzvah: Rashi on *Menachos* 30a, s.v., “*K’chotef*”; *Nimukei Yosef* on *Halachos Ketanos*, beg. of *Hilchos Sefer Torah*. *Gra* rules similarly, on *Shulchan Aruch*, “*Yoreh Deah*,” ch. 270, par. 1; this is also implied by *Taz* there, sub-par. 1; et al.

³⁴ *Likkutei Sichos*, vol. 23 (pp. 21, ff.); see the lengthy explanation there that this is in line with “Infer from it, and leave it in its place.” {That is to say, after the main provision of case A is applied to case B, case B is recognized as having its own character and specific rules that apply to it} (*Yevamos* 78b, and the sources listed there).

³⁵ For through this, “that it should serve as a testimony” will be in its most completed form, since he now knows the mitzvos clearly, and thereby — knows {how to prevent} “break[ing] {my covenant}.” However, I have not yet found anyone that highlights {the significance of having} *Mishneh Torah*, the *Shulchan Aruch*, or other such works in this context.

³⁶ On *Shulchan Aruch*, “*Yoreh Deah*,” ch. 270, par. 1.

³⁷ See *Shaagas Aryeh*, sec. 35; *Birkei Yosef* on “*Yoreh Deah*,” *ibid.*, *Chasam Sofer*’s responsa, “*Yoreh Deah*,” sec. 254; et al.

(personally or through a *shaliach*) to fulfill this mitzvah according to the above-mentioned halachic authorities who maintain that there is a mitzvah to write a Torah scroll?

Furthermore, even those Torah scholars who did write a Torah scroll didn't have them written the very first moment they were obligated, nor the very first moment when this undertaking became feasible (monetarily and so on). Only many years later did they do so!

We must, therefore, say that even before they wrote these Torah scrolls, they had already fulfilled this mitzvah and — consistent with their conduct, even about the halachic rulings of the later authorities,³⁸ and similar obligations — fulfilled it in the best and most beautiful manner. They subsequently endeavored to write a Torah scroll (not due to prior neglect of the positive biblical mitzvah, G-d forbid, but rather) as an extra measure, an embellishment of the mitzvah, etc.

6.

A GROUP EFFORT

We can posit the following explanation:

Among all Jewish communities, every congregation customarily possesses a communal Torah scroll.³⁹

In addition to the Torah scrolls that are privately written and then transferred to the synagogue (many are transferred to the community without reservation,⁴⁰ but the ownership of many of them is debatable— do they now belong to the congregation, or do they remain under the ownership of the private individual's?),⁴¹ there is a custom that community members join together to hire a scribe to write a Torah scroll (or they join together to buy one), and **the** community indeed owns this Torah scroll. Consequently, every Jew⁴² has a portion in the mitzvah of “write for yourselves....”

However, there is a scholarly debate⁴³ regarding an object owned collectively by a community: Can we now say that each person (individually) has their own portion of this

³⁸ {In Hebrew – *Acharonim*, lit., “last ones,” referring to the leading Rabbis and *poskim* living from roughly the 16th century and on.

³⁹ The inhabitants of the city are compelled to purchase a Torah scroll (*Mishneh Torah*, “*Hilchos Tefillah*,” beg. of ch. 11; *ibid.*, “*Hilchos Shchainim*,” beg. of ch. 6; *Tur* and *Shulchan Aruch*, “*Orach Chaim*,” beg. of ch. 150; *ibid.*, “*Choshen Mishpat*,” beg. of ch. 163; Alter Rebbe's *Hilchos Talmud Torah*, ch. 4, par. 13).

⁴⁰ *Rosh Hashanah* 7b; and the sources listed there.

⁴¹ See what is brought in *Pischei Teshuvah* sub-par. 3 on *Shulchan Aruch*, “*Yoreh Deah*,” ch. 270, par. 1; *Yesodei Yehurun*, vol. 2, pp. 90, 146; the citations in fn. 49 {in the original *sichah*}. Many have already probed this issue.

⁴² Even if he is not a part of that community — because they have the guests in mind, as well.

⁴³ See *Mefanayach Tzefunos*, ch. 4, par. 2 and 4; et al; *Likkutei Sichos*, vol. 18, p. 112; vol. 33, p. 110.

object? [A congregation (a community) is not just a collection of many individuals but a new entity. For this reason, a donated Torah scroll must be transferred without reservation.]

Furthermore, even if we consider it a shared Torah scroll, many later authorities⁴⁴ maintain that a person cannot fulfill the mitzvah with a shared Torah scroll, and he must write his **own**.

Our question returns: How can the mitzvah of writing a Torah scroll be fulfilled by having a share in a communal Torah scroll?

7.

ENTIRELY HIS

The explanation: The rule is⁴⁵ that a person cannot fulfill the mitzvah of esrog (and the other species) if he has shared ownership; rather, it must be “entirely his.”⁴⁶ Nevertheless, “There is a practice in places where there are no esrogim that the community collectively buys an esrog.... They can fulfill their obligation through it because since they bought it to fulfill the obligation, we assume that it is as if they specified that all members of the community relinquish their shares, on the condition that each share be returned, to whoever uses the esrog to fulfill the obligation .”⁴⁷

The same is presumably true here: Due to various limitations — financial or otherwise — many people cannot write their own Torah scroll. Therefore, each person can fulfill their obligation through the communal Torah scroll because “we assume that it is as if they specified that all members of the community relinquish their shares” to each person individually (“on the condition that each share be returned”). In this way, the Torah scroll (and its transcribing) entirely belongs to him, and through it, he can fulfill the mitzvah to “write... and teach it...”

Moreover, this is not a **shared** Torah scroll; when needed, it is considered entirely belonging to the individual, ab initio, as will be explained.

⁴⁴ See *Novellae of R' Akiva Eiger and Pischei Teshuvah* (sub-par. 1) on *Shulchan Aruch*, “Yoreh Deah,” *ibid.*; *Yesodei Yehurun*, there, p. 92; **and the sources listed there**.

⁴⁵ *Shulchan Aruch*, “*Orach Chaim*,” sec. 658, par. 7.

⁴⁶ The words of *Rashbam* on *Bava Basra* 137b, s.v., “*Yatza*.”

⁴⁷ *Shulchan Aruch*, “*Orach Chaim*,” sec. 658, par. 9 (based on *Rashbam* on *Bava Basra*, *ibid.*) Also see *S’dei Chemed Klalim*, *maareches* “*Lamed*,” *klal* 141, par. 51.

8.

WHO WROTE IT?

However, this does not seem to be a viable explanation because a Torah scroll and an esrog are dissimilar:

When it comes to an esrog, it only needs to be **owned** by him—“his.” Therefore, he can fulfill his obligation when the rest of the community transfers their ownership to him (when he performs the mitzvah).

The same cannot be said of a Torah scroll: It is not enough for a person to have a Torah scroll. Instead, everyone is obligated to have **written** it (either personally or through a *shaliach*). Because of this, the rule is that “even if a person’s forebears left him a Torah scroll, it is a mitzvah to write a scroll of his own.”⁴⁸ Furthermore, according to the *Rama*, even when someone **purchases** a Torah scroll “and did not emend it, he is considered to have ‘grabbed’ the mitzvah from the marketplace and has not fulfilled his obligation.”⁴⁹ —

As such, what does it accomplish when “all members of the community relinquish their shares” to each member individually, when this is no better than (just) buying a Torah scroll!?

The explanation: Here, we are discussing a **communal** Torah scroll that belongs to the **community**. Therefore, the general rule that “the court has implicit intent regarding it”⁵⁰ also applies. In other words, the person’s acquisition of the Torah scroll is (not accomplished as a private individual but rather) because the **implicit intent** of the court conveys the Torah scroll to every individual.

We can now propose that the “implicit intent” of the “court” in this context not only causes the Torah scroll to be considered “his,” but much more — the **writing** of the Torah scroll is also attributed to him. Right at the time of writing, the “implicit intent” of the “court” is that the writing is commissioned on behalf of every single member of the community. In this way, when the individual needs to fulfill his obligation of “and teach it,” using this Torah scroll — when he is called up to the Torah — the Torah scroll is considered to have been written (solely) for him.

The court need not verbalize this stipulation to the scribe writing the Torah scroll because the “implicit intent” of the “court” applies⁵¹ whether or not others are aware of or

⁴⁸ *Sanhedrin* 21b; *Mishneh Torah*, “*Hilchos Sefer Torah*,” *ibid.*; *Shulchan Aruch*, “*Yoreh Deah*,” sec. 270, par. 1.

⁴⁹ *Rema* on *Shulchan Aruch*, “*Yoreh Deah*,” *loc cit.*

⁵⁰ *Kesubos* 106b, and the sources listed there; also see *Sdei Chemed Klalim*, *maareches* “*Lamed*,” *klal* 141, par. 51. — that this same reasoning applies to the fulfillment of one’s obligation with a communal esrog, as well.

⁵¹ See *Ritva* on *Shavuos* 11a; *Rema* on *Shulchan Aruch*, “*Orach Chaim*,” sec. 154, par. 8 and on “*Yoreh Deah*,” sec. 259, par. 2; **et al.**

think about it. We see this applied in many different scenarios. For instance, when it comes to the rule that “the offering is slaughtered for the sake of six matters”⁵² — “even one who did not have in mind {to slaughter the offering} for the sake of any one of these, the offering is fit since this is an intended stipulation of the court.”⁵³

9.

FUTURE GENERATIONS

On this basis, we can posit further:

{This transfer even applies to} members of the community born after the Torah scroll was written (people whom the “mental stipulation” of the “court” would seem not to include [although there is room for discussion]): Since a Torah scroll must be checked from time to time, and “we ascribe credit to anyone who emends a Torah scroll, even a single letter, as though he had written it in its entirety,”⁵⁴ we can therefore posit that all would agree that the “mental stipulation” of the “court” also applies to the *future* corrections made on the Torah scroll. These corrections stand in place of the initial writing for those born (and reached the age of mitzvos) between the time of the original writing and editing of the Torah scroll, or between one edit and the next.

According to what has been explained above, even communities that merely **purchased** a Torah scroll {and did not commission its writing}, nevertheless, when (from time to time) the Torah scroll is repaired, the “mental stipulation” of the “court” dictates that this is done on behalf of every single duty-bound member of the community. {Through repairing the Torah scroll,} he now automatically fulfills his obligation of **writing** a Torah scroll.

⁵² {Zevachim 4:6.}

⁵³ Zevachim 2b.

⁵⁴ Menachos 30a; Mishneh Torah, “Hilchos Sefer Torah,” ibid.

PAST AND PRESENT

However, there is another point that must be addressed:

There seems to be another difference between a communal esrog and a communal Torah scroll —

— which parallels a distinction that our later authorities⁵⁵ make between a shared Torah scroll and a shared esrog [where *Rama* also rules that “if they acquired it to fulfill the mitzvah, {each partner} can fulfill their obligation with it (and there is no need to verbalize that it is now being transferred to the partner as a gift on condition that it be returned), for we can assume that they acquired it with this in mind”]:

When it comes to an esrog, it can be transferred as a gift on condition that it be returned because the esrog must only be “his” when he actively fulfills the mitzvah. However, the same can not be said for a Torah scroll, for it is something that must be in the person’s possession so he can study from it.⁵⁶ Even when ownership is transferred {momentarily} as a gift on condition that it be returned, when it is returned, the first partner no longer has a Torah scroll to study from!

However, this distinction no longer applies: **This** difference between an esrog and a Torah scroll only applied in the earlier generations, when a significant portion of their Torah study was done by studying from a Torah scroll.

However, when it comes to the Torah scrolls of today, the primary fulfillment of the directive “and teach it” (based on the practiced custom of world Jewry) is performed when the Torah scroll is used publicly. It follows that even according to those who maintain that (even according to *Rosh*) a person cannot fulfill their obligation of having a Torah scroll by owning holy books, and they must also write a Torah scroll. Nonetheless, there is no need for that Torah scroll to be in his possession at all times and places. A person only needs to have a personal Torah scroll when the mitzvah of “and teach it” is being fulfilled — when a person is called up to the Torah to read from it.

⁵⁵ See *Pischei Teshuvah* (subpar. 1) on *Shulchan Aruch*, “*Yoreh Deah*,” sec. 270, par. 1; *She’eilos Uteshuvos Kinas Sofrim*, *teshuvah* 2, 4-6; et al.

⁵⁶ See the wording used by *Chinuch*, mitzvah 613: An available Torah scroll for him, that he can always read from; and others.

11.

IT BELONGS TO ALL

Another point — a communal Torah scroll and a shared Torah scroll are very different:

When it comes to a shared Torah scroll, the possession of the scroll depends upon the implicit intent of the **partners**. And since the directive to {study it, in the words of the verse} “teach it” has no time constraint (unlike an esrog which is only needed for a specific time), we can’t say that someone “can fulfill their obligation with it” **by assuming** {that they intended to transfer it to each other without limitations}, because {clearly} they originally had the scroll written “with *this* in mind” (to transfer it to the other partner as a gift on condition that it be returned whenever he wants to fulfill the mitzvah to “teach it”), especially when both may want to learn from the Torah scroll at the same time.

However, when it comes to a **communal** Torah scroll, it belongs to the community to be read publicly, and therefore, there is no need to come up with conditions and the like. Instead, the “implicit intent” of the “court” {at the outset} is that whenever someone is called up to the Torah, the Torah scroll is considered to be “his” at that moment. Moreover, the very writing of the Torah scroll is considered to have been for his sake so that he can fulfill his obligation of writing a Torah scroll.

12.

TIMING IS EVERYTHING

In light of everything explained above, we can now say that it was in this manner that the Jewish nation fulfilled the first-ever mitzvah of writing a Torah scroll.⁵⁷

Since the Jewish people found themselves in a situation that made it impossible for each one of them to write their own Torah scroll, and especially because the directive “and teach it” — the instruction of how to fulfill the mitzvos — {only} begins with the verse “this month...,”⁵⁸ therefore, Moshe wrote thirteen Torah scrolls on their behalf. He wrote thirteen so that there would be one Torah scroll for each tribe, each being written as a *communal* Torah scroll. Therefore, the “implicit intent” of the “court” was such that whenever an individual studied from the Torah scroll, it would be considered as if Moshe had written it for him.

⁵⁷ Also see *Or Sameach on Hilchos Sefer Torah*, *ibid*.

⁵⁸ {*Shemos* 12:2.}

We can posit that this also clarifies why Hashem commanded writing a Torah scroll in this specific set of circumstances where each Jew couldn't write their own personal Torah. They could only fulfill this command through a communal Torah scroll.

The mitzvah was introduced as an instruction for the coming generations. When the time comes as it often does, when each Jewish man is unable to write his own Torah scroll, {the specific timing of the original command teaches us that} he can fulfill his obligation in its optimal form through a communal Torah scroll {just as his ancestors did}.

13.

A LETTER IN A TORAH SCROLL FOR EVERY JEW

This explanation provides excellent insight into the great importance of purchasing a letter in a communal Torah scroll:

When a letter is purchased, not only is the mitzvah of writing a Torah scroll fulfilled because the “court has an implicit intent for it” (which benefits even those who did not take part in the writing of the Torah scroll by purchasing a letter of it, as discussed above), but the person also benefits from **actually** taking part (financially) in the writing of the Torah scroll.

By doing so, there is certainly no concern that he “‘grabbed’ the mitzvah from the marketplace.” Instead, “he is considered to have received the scroll from Mount Sinai.”⁵⁹

And through every single Jew owning a letter in a Torah scroll — and the mitzvah of writing a Torah scroll is the “culmination” of all 613 mitzvos⁶⁰ — we will imminently merit the conclusion of this exile,⁶¹ an exile from which all Jews will depart with the coming of our righteous Mashiach who will write “two Torah scrolls”⁶² “on account of his sovereignty” that “should accompany him at all times... as it says,⁶³ ‘It shall be with him and he shall read it all the days of his life.’”⁶⁴

— From a talk delivered on the nineteenth of Kislev, 5742 (1982) and the subsequent *farbrengens*

⁵⁹ Wording of *Menachos*, loc cit.; also see *Nimukei Yosef*, beg. of *Hilchos Sefer Torah* (cited in *Beis Yosef on Tur “Yoreh Deah,”* loc cit., at the beginning.) that even when a person hired a scribe to write a Torah scroll for him... he is also considered to have received it from Mount Sinai. We can also posit that when a person makes the blessings upon being called up to the Torah, it is analogous to attesting that the scroll is kosher, and so it is comparable to having emended a letter (or perhaps even more effective) as explained in the *farbrengens*.

⁶⁰ See *Sefer HaChinuch*, loc cit.; et al.

⁶¹ See *Ben Ish Chai* on *parshas Bereishis* (p. 7).

⁶² *Devarim* 17:18.

⁶³ {*Devarim* 17:19.}

⁶⁴ *Mishneh Torah*, “*Hilchos Sefer Torah*,” ch. 7, par. 2.