

מצות כתיבת ספר תורה¹

Harav Noach Shafran

The Gemara in **סנהדרין כא:** teaches that there is an obligation on each individual to write their own Sefer Torah, even if they inherit one, as inheriting does not exempt them from this mitzvah. The Shulchan Aruch (יו"ד ע"ב) rules accordingly, quoting the **פסוק** "ועתה כתבו לכם את פסוק" (דברים לא:יט) as the source for this mitzvah. Chazal understand that this **פסוק** refers not only to שירת האזינו but to the entire Torah.

A שו"ת רבי עקיבא was asked to R' Zavele Eiger, a relative of R' Akiva Eiger, as recorded in **אגרות ארי**: Can one fulfill the mitzvah by purchasing a Sefer Torah? The Rema addresses this question directly. He writes that if one hires a sofer to write a Sefer Torah, or purchases one that is not kosher and then corrects it, it is as if he wrote it himself. However, if one buys a Sefer Torah that is already complete and kosher, it is akin to "grabbing a mitzvah from the marketplace" (חוטף מצוה מן השוק), and one does not fulfill the mitzvah in this way.

This phrase, **חוטף מצוה מן השוק**, comes from **מנחות דף ל**. which states: "וא"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". The Rema seems to understand that buying a Sefer Torah does not fulfill the mitzvah fully, as it is like hastily grabbing a mitzvah, but writing it is viewed as receiving it from Har Sinai.

However, the Taz disagrees, noting that Rashi on this Gemara explicitly interprets **חוטף מצוה מן השוק** differently. According to Rashi, this phrase means that the person fulfills the mitzvah, but the way is to write the Torah oneself. Thus, the Taz argues that the Rema disagrees with Rashi, who believes that buying a Sefer Torah does fulfill the mitzvah. The Vilna Gaon supports the Taz, asserting that Rashi's interpretation is the **עיקר**, and one does fulfill the mitzvah by purchasing a Sefer Torah.

R' Zavele Eiger goes further, noting that Rashi's interpretation is **מוכרח** from the Gemara itself. The Gemara uses the phrase "כתבו מעלה עליו הכתוב כאילו קיבלו מהר סיני", implying that while writing is ideal, buying may also fulfill the mitzvah. This interpretation challenges the **שיטת הרמ"א**, that writing is the only proper fulfillment.

¹ This is based on a shiur from 5779. Any mistakes should be attributed to the transcriber.

R' Zavele Eiger explains that שיטת הרמ"א is based on the (הלכות ס"ת זא) רמב"ם, who writes that there is a mitzvah for each man to write a Sefer Torah for himself, and if he writes it personally, it is as if he received it from Har Sinai. The רמב"ם continues that if a person cannot write it, they can have it written by others. The רמב"ם's phrase, "if he writes it with his own hand, it is as if he received it from Har Sinai," suggests that there is a מעלה to writing it, while having it written by another is also מצוה מקיים. This seems to be הרמ"א שיטת.

At the end of the תשובה, R' Zavele Eiger suggests that the פשט of the פסוק of "ועתה כתבו לכם" is that the writing of a Sefer Torah must be attributed to the person, with the לכתחילה being that it is written by his own hand. Writing it personally is best, but commissioning it still fulfills the mitzvah. Simply purchasing it, however, does not.

R' Zavele Eiger does not explain clearly how we should understand the Gemara, but maybe we can explain that the Rambam and the Rema understand the Gemara as presenting two extremes: buying a Sefer Torah does not fulfill the mitzvah, while writing it oneself is the ideal. The intermediate option, which the Gemara does not explicitly mention, is having it written for oneself, which does fulfill the mitzvah.

R' Zavele Eiger even suggests that Rashi, despite allowing for the purchase of a Sefer Torah, might agree with הרמ"א שיטת. When the Gemara says "הלוקה ס"ת מן השוק" it could be understood as referring to a case where a sofer wrote the Sefer Torah with the intention of selling it to someone who would thereby fulfill the mitzvah. This would depend on how we understand ברירה.

Regarding inheriting a Sefer Torah, even Rashi's understanding would require one to exert effort to write a new Sefer Torah, as inheritance does not suffice.

Finally, I would like to take this discussion of ספר תורה כתיבת a step further and highlight a relevant practical point. There is a halachic requirement that every word in a Sefer Torah must be written לשמה, and the names of Hashem require an additional intention of לשם קדושת השם. The Chazon Ish points out that the איסור of erasing the name of Hashem applies even if the name was written without this specific kavana, although the איסור does not apply if the name was formed unintentionally, such as when writing the name "Yehuda" and omitting the letter ד.

This concept highlights the importance of awareness in mitzvos. Just as the names of Hashem require intent to acquire קדושה, so too does a person grow spiritually through conscious awareness of their actions. Whether making a bracha, davening, or learning Torah,

awareness of standing before the מלך מלכי המלכים. This concept applies to every mitzvah, including tefillin, where one becomes aware of wearing the שם ה' with the קשרים of the tefillin.

In his Sefer התורה, the brother of the Vilna Gaon teaches that יראת שמים is the "עיקר כל" "as the פסוק says, "מה ה' אלקיך שואל מעמך כי אם ליראה..." Even though the פסוקים continue with other מדרגות, such as הלכת בדרכיו and אהבת ה', the מעלת התורה says that Hashem is only מבקש from us יראת שמים. Everything else comes from יראת שמים, being aware of Hashem throughout the day.

I heard once from Harav Weinberg zt"l, that this is the פשוט in the Gemara's question of יראה being a small thing. Why does the gemara ask only about יראה, what about the rest of the מדרגות listed in those פסוקים? He answered with the same vort: הקב"ה wants יראת שמים from us, just פשוט יראת שמים. However, פשוט יראת שמים is not so פשוט because from it flows all the other מדרגות, including אהבת ה' and הלכת בדרכיו. This is why we refer to an ehrliche yid as a "ירא שמים". We are showing that the most important level which we need to attain is יראת שמים.

The awareness in what we are doing during the day is something which automatically lifts us. Whether we feel it or not, it is a metzius. It is something which, אי"ה, we should all continue to grow from and experience.