

Birchas Hatorah *Rabbi Yehuda Balsam*

The Gemarah in Nedarim (81a) records that Hashem told the Jewish people that Eretz Yisrael was lost due to the fact that the Jews did not say birchas hatorah. The Ran (s.v. *davar zeh*) cites Rabbeinu Yonah who explains that the Gemarah is telling us that although the Jewish people were learning Torah, they didn't consider it worthy of meriting its own birchas Hamitzvah. Rather, they viewed it as any other subject that was to be studied in order to increase one's knowledge, but not something that carried an inherent spiritual value. Therefore, their Torah study did not achieve for them what it should have, and as a result, the Jews were left spiritually barren. From this Gemarah, we see the value of saying Birchas Hatorah as an enhancement of our Limud hatorah. But what about the Mitzvah itself? The Gemarah in Brachos (21a) asks: How do I know that Birchas Hatorah is d'oraisah? Because the Pasuk says: When I call in the name of Hashem, I must give praise to our master. The Gemarah continues and attempts to prove that Brachah Rishonah is D'oraisah as well using Birchas hatorah as a source of a Kal Vachomer. It seems clear from this Gemarah that Birchas Hatorah is a Mitzvah Mid'oraisah. This is the opinion of the Rashba, (brachos 48b s.v. *ha d'ifligu*), and the sefer Hachinuch. However, the Rambam leaves this Mitzvah out of his Minyan Hamitzvos, and the Ramban takes him to task for this. He writes (paraphrased): The fifteenth mitzvah (that the Rambam neglected) is that we are commanded to thank Hashem any time that we read from the Torah for the great gift that he has given us... Just as we are commanded to bless Hashem after we eat, so too we are commanded in this. The Ramban continues and says that there is no way that the Gemarah would have tried to prove that Brachah Rishonah is D'oraisah using Birchas Hatorah if it had not assumed that Birchas Hatorah itself is D'oraisah. He then explains that one should not assume that Birchas Hatorah should be included in the Mitzvah of Talmud Torah, (thereby disproving the notion that perhaps the Rambam agrees that Birchas Hatorah is D'oraisah, and his oversight of its inclusion in his Minyan Hamitzvos is due to the fact that it is included elsewhere) just as we do not include Mikrah Bikurim in the overall Mitzvah of bringing the Bikurim, nor do we include Sipur Yetzi'as Mitzrayim in the Mitzvah of eating Korban Pesach. Thus, we see that the Majority of Rishonim claim that Birchas Hatorah is d'oraisah, and the Rambam assumes that it is only d'rabanan. (For an extensive discussion explaining how the Rambam drew his conclusion,

see Sha'agas Aryeh siman 24.) However, the Aruch Hashulchan (siman 47, sif 2) claims that even the Rambam agrees that Birchas Hatorah is D'oraisah, and he includes it in the Mitzvah of Talmud Torah. Concerning the Ramban's disproof to this explanation, he explains that Mikrah Bikurim and Sipur Yetzi'as Mitzrayim are both Mitzvos that are done at separate times from their general categories, whereas Birchas hatorah is said immediately preceding the act of learning, and is the same action.

Whether we accept the Aruch Hashulchan's understanding of the Rambam or not, it is clear that the consensus opinion is that Birchas Hatorah is a Mitzvah Min Hatorah. (For an interesting third opinion, see Mishk'nos Yaakov Orach Chaim siman 63.) The most obvious Nafka Minah in any clarification of a mitzvah's biblical status is what to do in a case of safek. Generally, if one is unsure if he recited any Brachah (except Birchas hamazon) we say that he need not repeat it because of Safek Brachos L'hakel. However, this is generally assumed to be based on the rule of Sfeikah D'rabanam L'kulah. (For a contrary opinion, see the Pnei Yehoshua, Brachos 35a s.v. elah svarah.) Therefore, by birchas Hatorah, this would seemingly not apply, and one would be required to repeat Birchas Hatorah in a case where he was in doubt as to whether he has already said it. Indeed this is the opinion of both the Aruch Hashulchan (sif 6) and the Mishnah Brurah (s.k. 1). They recommend (based on the aforementioned Sha'agas Aryeh) that one should only recite the Brachah of Asher Bachar Banu, because that itself is enough to satisfy the D'oraisah requirement. The mishnah Brurah further recommends, that due to those whose opinion is that one should not repeat Birchas Hatorah in a case of Safek (see Kaf Hachaim s.k. 2, Tehilah L'dovid s.k. 1, and S'dei Chemed ma'areches 2, siman 37), one should ideally try to hear the Brachos from someone else and be yotzei through, him, or to have in mind during Ahavah Rabbah that he wishes to be Yotzei Birchas Hatorah and to learn immediately after Davening.

Birchas Hatorah on thoughts.

The מחבר writes (סימן מז סעיף ג'), that one need not say ברכת התורה if he is only planning to 'think in learning'. This is based on the opinion of the אגור (סימן ב') and ברכות כ: ד"ה ורב חסדא חו תוספות, who explain that since we generally assume that halachah does not recognize thinking as a valid form of performing Mitzvos which require speech (הרהור לאו

(כדיבור דמי), we only necessitate the recital of ברכת התורה on Torah that is uttered verbally. The Vilna Gaon (סעיף קטן ב') takes issue with the מחבר's decision and claims that since the Mitzvah of learning Torah can be accomplished through thought, as the pasuk says: והגית בו יומם ולילה, and you shall 'meditate' in it day and night, one must certainly recite ברכת התורה before he 'thinks in learning'. [Actually, the Vilna Gaon's premise is not universally accepted. The הלכות תלמוד (שולחן ערוך הרב), the (ברכות טו:) פני יהושע, and the (כלל ט' סעיף ד') נשמת אדם, (תורה יב, ב), all assume that one does not fulfil the Mitzvah of Talmud Torah through thought. Their opinion is based on such פסוקים as 'ולמדתם אותם את בניכם' and you should teach them to your children to speak in them, (which According to the רמב"ם, is the primary source for the Mitzvah of Talmud Torah (הל' ת"ת א,א) and 'לא ימוש תורת ה' מפיר' וכו'. The words of the Torah should never abandon your mouth. Thus, one way to understand the מחבר is that he assumes that Talmud Torah can only be accomplished through speaking. However, the overwhelming majority of Poskim (ריטב"א ברכות כ: רבינו יונה מס' אבות פרק ג' משנה ב') ערוה"ש סימן , מנחת חינוך מצוה תל, משכנות יעקב או"ח סימן סד, שאגת אריה סימן כד (מז, י) contend that one can accomplish the מצוה of תורה תלמוד through thought. Therefore, most approaches toward understanding the מחבר's position are premised on the notion that even the מחבר agrees that one fulfills the Mitzvah of Talmud Torah by thinking, but fulfilling the Mitzvah alone is not what necessitates the recital of ברכת התורה. This point can be further advanced based on the מחבר's own words in יורה וכל המשמיע קולו בשעת תלמודו מתקיים: where he states: סעיף כב בידו, אבל הקורא בלחש במהרה הוא שוכח 'Whoever raises his voice while he learns will keep his learning with him, but whoever reads quietly will forget his learning quickly. Thus we see that the מחבר discourages one from learning quietly so that he will retain his learning, but certainly he is יוצא the מצוה. This is not a clear proof to the מחבר's position, because even here the מחבר speaks of someone who is reading the words. Still, this would be an opportune moment for the מחבר to mention that one is not יוצא at all if he doesn't read the words. The omission of this הלכה from all of הל' תלמוד תורה strongly implies that he agrees that one who merely thinks in learning is יוצא. The משכנות יעקב responds to the Vilna Gaon's claim against the מחבר, explaining that ברכת התורה is only required when one performs a positive action of learning Torah, and although thinking is a legitimate form of fulfilling the מצוה of תורה תלמוד, it is not a מעשה definitive. The שולחן gives a similar answer and tries to prove this idea from the words of the 'the words of Torah' והערב נא...בפינו ובפי עמך which state ברכת התורה

should be sweet in our mouths and in the mouth of your nation'. Thus, he claims, the main mitzvah of learning Torah is through speaking the words. The Brisker Rav (על הרמב"ם הל' ברכות) has a novel approach to the entire issue. He quotes from his father, Rav Chaim Soloveitchik, that ברכת התורה is not a normal מצוה, rather it's a unique type of ברכה that praises Hashem for giving us the Torah, and commanding us to study it. This form of praise is not necessarily related to the fulfillment of the מצוה, rather it becomes obligatory when one comes in contact with a solid form of Torah (חפצה של תורה). Thus, thinking in learning does not constitute חפצה של תורה and does not require a ברכה. (משנת יעבץ או"ח סימן סא).

Regardless of whether one agrees with the מחבר or the Gaon, one should certainly make an effort to recite ברכת התורה as early as possible to remove himself from all doubt.

Based on what we've just learned, one can now understand why the מחבר seemingly contradicts himself in סעיף ב' when he writes that one should recite ברכת התורה if he plans on writing down words of Torah. Many אחרונים pose the obvious question: What is the difference between writing and thinking? Neither leads to a recital of the words, which is seemingly the מחבר's lone criteria for the recital of ברכת התורה. The ברכות ז. בדפי הרי"ף ד"ה היה (רבינו יונה חן משנה ברורה) suggests that perhaps we are afraid that one who writes words of Torah will inadvertently allow the words that he is writing to escape his lips. However, the ט"ז (ס"ק ב') rejects this notion, and claims that we would not require one to say Birchas Hatorah if we were not sure that his learning would necessitate it. The Aruch Hashulchan, along the lines of his aforementioned explanation, explains that writing words of Torah is a major form of transmitting it to others, and to future generations. Therefore, writing is a sure-fire criteria for ברכת התורה (perhaps even more than speaking). This idea can also be applied to the Brisker Rav's understanding as well. Even though thinking in learning isn't a concrete חפצה של תורה, writing most certainly is. It is important to note that writing refers to putting one's own words of Torah on paper, based on an understanding of what is being written, but not simply copying books that one is not reading, or is incapable of understanding. (מגן אברהם ס"ק א', ט"ז שם, מ"ב ס"ק ד') Also, most poskim (ט"ז, מ"ב ס"ק ג) assume that learning from a Sefer is considered the same thing as thinking about Torah, but hearing a Shiur is more than just thinking, and requires Birchas Hatorah. (שערי תשובה ס"ק ג)