

Laws related to Birchas Hatorah

The Gerald & Karin Feldhamer OU Kosher Halacha Yomis This Column is dedicated in memory of: Rav Chaim Yisroel ben Reb Dov HaLevi Belsky, zt'l Senior OU Kosher Halachic Consultant from 1987-2016

I just finished reciting *birchos ha'shachar* (the blessings recited upon waking in the morning), but I do not remember if I recited *birchas ha'Torah*. What should I do?

In a previous *halacha*, we noted the ruling of the Mishnah Berurah (47:1) that *birchas ha'Torah* is a Biblical obligation, and in cases of doubt one must recite the *bracha*. However, this is only an option of last resort. Since many *Rishonim* maintain that *birchas ha'Torah* is only rabbinic and may not be recited in cases of doubt, if possible, one should find someone who has not yet recited the *bracha*, and fulfill the obligation by listening to the second person's recitation.

If one realized their predicament before having recited the *bracha* of *Ahavah Rabba* (the blessing recited before *Shema*), one should have in mind when reciting this *bracha* that they are fulfilling the *mitzvah* of *birchas ha'Torah*. In case of need, this *bracha* can substitute for *birchas ha'Torah*, since it also mentions Torah study. Immediately after *Shmoneh Esrei*, one must study some portion of Torah, so that there will not be a disruption between the *bracha* and the study of Torah. Rav Schachter said that on a day when *Tachanun* is said, one should not interrupt between *Shmoneh Esrei* and *Tachanun*. One should wait to study Torah until after *Tachanun*. The Mishnah Berurah cites the Pri Megadim that in this case, even if one did not study immediately after *Shmoneh Esrei*, one may also be lenient not to repeat *birchas ha'Torah*, since immediately after the *bracha* one recited "*Shema*." Although Shulchan Aruch writes that it is questionable whether "*Shema*" can be counted as Torah study, in this case there is a double doubt, since it is also possible that a *bracha* was said. Because of the double doubt, one does not repeat *birchas ha'Torah*. In truth, there are very few cases when one would ever be required to repeat *birchas ha'Torah*.

What is the reason we recite *birchas ha'Torah*?

There is a disagreement among *Rishonim* as to whether *birchas ha'Torah* is a Torah obligation or a Rabbinic obligation. Sefer Pnei Moshe 1:1 (*Benvenisti*) writes that the Ramban, Rashba and Sefer Hachinuch maintain that there is a Biblical obligation to recite *birchas ha'Torah* daily. This is derived from the verse (Devarim 32:3) "When I call out the name of Hashem, ascribe greatness to our God." This is understood to mean that before I read the Torah, I must recite a blessing. The Rif, Rambam and Rosh are of the opinion that *birchas ha'Torah* was instituted by the rabbis. Either way, the Gemara (Bava Metzia 85b) ascribes extreme importance to this *bracha*. There it relates that the Bais Hamikdash was destroyed because people did not recite *birchas ha'Torah*, which reflected a lack of appreciation for the value of Torah (Rashi).

The above disagreement among *Rishonim* leads to the following practical

difference. When there is an uncertainty as to whether one recited *birchas ha'Torah*, must one repeat the *bracha*? If *birchas ha'Torah* is a Torah obligation then one must repeat the blessing. The Mishnah Berurah (47:1) rules in accordance with the Shaagas Aryeh that one must indeed be concerned that *birchas ha'Torah* is a Biblical obligation; however in a case of doubt one only recites the *bracha* of "*asher bachar banu*," since one blessing is enough to discharge the Torah obligation.