

May a Minor Read from the Torah?

RABBI JOEL ROTH

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Note: "May a Pre-Bar Mitzvah Boy Read from the Torah?" a paper by Rabbi David H. Lincoln, was adopted as the Minority Opinion on January 13, 1982 by a vote of 6-6.

SHE'ELAH

May a pre-Bar Mitzvah boy read from the Torah?

TESHUVAH

The issue of whether a minor may read from the Torah is first dealt with in the Mishnah. In Mishnah *Megillah* 4:6 (*Megillah* 24a) a clear statement is found to the effect that a minor may both read the Torah and be a *metargem*. Significantly, the Mishnah makes this statement without reservations. It does not limit this practice to any set of Torah readings, does not stipulate any *aliyyot* that the minor may not read, and does not imply that the *katan* should read only when absolutely necessary.

The issue appears once again in a *baraita* on *Megillah* 23a (cf. *Tosefta Megillah* 3:11, Lieberman edition, p. 356). The *baraita* states that a woman should not read from the Torah because of *kevod hatzibbur*. It is essential to note that the restriction deals with women only. It expressly mentions them alone and it is only to them that it refers. Minors are not restricted at all.¹

Before proceeding to the later sources, two distinct ways in which the practice of Torah reading differed in Tannaitic and Amoraic times must be noted. First, a person who received an *aliyyah* also read the corresponding section of the Torah. Our distinction between a *ba'al keriyah* and the *oleh* did not exist at that time. Secondly, each blessing was recited only once.

The recipient of the first *aliyyah* recited the first *berakhah* before his *aliyyah*, and the recipient of the last recited the latter blessing at the conclusion of his *aliyyah* (cf. *Megillah* 4:1 [21a].) These differences in realia, which apparently changed during Geonic times, will assume great significance later in the discussion.

Few commentators on the Mishnah seem to apply any restrictions to its broad permission for a minor to read. The Rif (15a) presents the Mishnah as it appears in the Talmud, and adds no restrictions. In his commentary to the Mishnah, Maimonides adds that one of the latter Geonim restricted this rule to *aliyyot* after the third, but makes no other statement. It is interesting to note that even this suggested restriction does not appear in the Mishneh Torah (*Hilkhot Tefillah* 12:17). Finally, the Ran on the Rif (13a), discussing the *baraita*, says that given the realia discussed above, a minor should not receive either the first or last *aliyyah*, since they cannot fulfill adults' obligations for them, and those *aliyyot* require the recitation of *berakhot*. This conclusion reflects his understanding of the word *olim* to mean *olim lehashlim*. That is, minors can count toward the number seven, but may not constitute the entire number, since the congregation would then fulfill its entire obligation through their reading. He goes on to note, however, that given the system we use today, there is no reason why a minor could not receive even the first or the last of the *aliyyot*. He would still affirm, however, that minors could not receive all the *aliyyot*, since *olim* means *olim lehashlim*.

Three predominant legal sources base themselves on the Mishnah and *baraita* in *Megillah*, and adopt their position with no restrictions. As mentioned above, Rambam, in the Mishneh Torah, *Hilkhot Tefillah* 12:17, allows a minor to read. He makes only two restrictions: a minor who reads from the Torah must know how to read, and must know *lemi mevarekhim*.² The latter, it seems, requires that the *katan* be aware of the religious nature of the ritual in which he is participating. However, aside from these two restrictions, Rambam bases his *pesak* on the apparent *peshat* of the Mishnah and *baraita*.

The Shulhan Arukh, *Orah Hayyim* 282:3 follows the *baraita* and notes that a minor and a woman may read from the Torah, but that a woman should not do so because of *kevod hatzibbur*. Again, as in the *baraita*, the restriction is explicitly made in reference to women only. Karo adds Rambam's restriction that a minor must know *lemi mevarekhim*.

R. Moses Isserles, in his gloss to the Shulhan Arukh (*ad loc.*), mentions in the name of the Ran and Rivash the restriction we saw in the Ran, viz., that not all seven *aliyyot* be given to minors. Clearly, he adopts this position, even given the changed realia. However, he does permit a minor to read from the Torah.

It is in commentaries to the Shulhan Arukh that most of the sources

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prohibiting minors from reading from the Torah are found. The clearest source of restriction is Magen Avraham, *ad loc.* Gumbiner says that a minor may not be called *ad sheyavi shetei se'arot*. Significantly, he offers no reason for the restriction,³ even though he clearly disagrees with the sources which precede him.

Since Magen Avraham does not offer an explanation of his far-reaching restriction, other sources go to great lengths to discover one, and thereby to lend him support. Levushei Serad, commenting on Magen Avraham (*ad loc.*), supports the prohibition, explaining that a minor cannot be *motzi aherim*. Sha'are Ephraim 3:7 reiterates the prohibition found in Magen Avraham,⁴ and Sha'are Rahamim, a later commentary on that work, offers the same reason as does Levushei Serad. The Shulhan Arukh of the Rav also prohibits a minor from reading, for the same reason. Not surprisingly, the references there cite Magen Avraham as the source of the prohibition.

The *Arukh Hashulhan* also supports the prohibition of Magen Avraham, though without supplying a reason. His specific reference to *ad sheyavi shetei se'arot*, however, seems to imply that his reasoning would be similar to that of the sources just cited.

The issue of *hotza'at aherim* found in these sources was found in the Ran (13a), whom we cited above, and is also mentioned in the Mishnah Berurah 282:3:13 with no significant modification.

The *Pri Megadim* (*Mishbetzot Zahav* and *Eshel Avraham*) seems to wish to be *melamed zekhut* on Magen Avraham, but seems bothered that the primary texts support neither his prohibition nor his apparent reason. The *Eshel Avraham* 282:6 (69a) specifically notes that despite the prohibition, the Mishnah allows a minor to read from the Torah. The *Mishbetzot Zahav* 282:6 (69b) notes that a minor could read in general, and even be *motzi aherim*, since the practice of Torah reading in general is *derabbanan* (cf. *Berakhot* 20b for the source of this distinction), but in the case of *Parashat Zakhor*, which is *de'oraita*, a minor may not read.

Rabbi Moshe Feinstein, in *Iggerot Moshe, Oraḥ Hayyim* II:72, p. 263 ff, refers to the *Pri Megadim*, and notes that that source allows a minor to read *bishe'at hadehak*.⁵ Feinstein, however, is aware of the shortcomings of understanding the prohibition of Magen Avraham as stemming from the issue of *hotza'at aherim*, and in an attempt to lend support to Magen Avraham, tries to explain the prohibition in terms of *shelikhut*. According to his theory, anyone who gets an *aliyyah*, but does not do the actual reading, makes the *ba'al keriyah* his *shaliah*. Because, he claims, there is a commandment to hear seven different people read and since a minor cannot be a messenger for an adult, allowing a minor to read any *aliyyah* would fail to satisfy the requirement of the congregation to hear seven readings.

However, several difficulties with the reason R. Feinstein presents appear immediately. First, his theory is incompatible with the thesis (Beit

Yosef: *O.H.* 135, s.v. "*katav*" (end)) that in the case where there is only one Yisrael in a *kahal*, that Yisrael would receive several *aliyyot*. If one man gets several *aliyyot*, but there is a requirement not only to hear seven *aliyyot*, but seven *aliyyot* with different people, how is this requirement satisfied? Clearly, it is not. Similarly, if there is no Levi present, the Kohen receives the first two *aliyyot*, so that the total number of people receiving *aliyyot* is again fewer than seven. The explanation of the Magen Avraham offered by R. Feinstein seems even less tenable given his concluding remark that the Tosafot (*Rosh Hashanah* 33a, s.v. "*ha*") say that a *katan* can actually fulfill the adults' obligations. R. Feinstein concludes that this needs further investigation, but the implicit understanding of the Tosafot and the weaknesses with Rabbi Feinstein's approach make this theory relatively untenable. Therefore, given the fact that the issue of *hotza'at aherim* raised by the Ran does not really apply to the case of the minor serving as *ba'al keriya* since others will be reciting the blessings, and given the fact that R. Feinstein's justification of the position of Magen Avraham is not really compelling, we must find some other resolution to the problem. It seems plausible to claim that the requirement of *yode'a lemi mevarekhim* stipulated by Maimonides on the basis of the Yerushalmi provides the key. Since the phrase means that the minor is aware of the religious significance of the ritual, Maimonides seems to be saying that that awareness on his part qualifies him to be considered as an adult vis-a-vis Torah reading.⁶ That explains why the talmudic sources fail to raise the issue of *hotza'at aherim*.

At this point, the following conclusions may be made. All the primary sources allow a minor to read from the Torah. The commentators on those primary sources, though occasionally adding minor restrictions, clearly accept the ruling found in those sources. Three of the primary *posekim*, Maimonides, Yosef Karo and the Rema, also accept the ruling of those sources, adding no restrictions beyond those mentioned in the Ran (cf. Rema). It is with Magen Avraham that the prohibition is first mentioned, and he makes the prohibition without any explanation. Later *posekim* seem to attempt to justify him somehow, but none arrives at an acceptable explanation of his motives. Therefore, in the absence of any better explanation of the reasoning of Magen Avraham, except for the possibility that he felt that minors, by definition, do not know *lemi mevarekhim* (a contention we find difficult, to say the least), we must follow the clear and unambiguous ruling found in the primary sources, supported by many of the commentators.

CONCLUSION

By way of conclusion, several points should be made. Rabbi David Lincoln, advocating the position that a pre-Bar Mitzvah boy not be allowed to read from the Torah, says, "to permit those younger than 13 could lead to 10 or 11 year olds celebrating with a reading, never to be seen in the synagogue or Hebrew School again. The situation with post-B'nai Mitzvah is bad enough."

In fact, the opposite result seems more likely. In this day and age, a simple reading from the Torah would not, in all probability, be cause for celebration and disappearance from the synagogue. A 10 or 11 year old who read would not be treated as a Bar Mitzvah by the rabbi, congregation or halakhah. He could still not be a *sheliach tzibbur*, could not be counted toward a minyan, could not wear tefillin, would not be charged by the rabbi as a Bar Mitzvah, would not receive the usual congregational gift or certificate, and the celebrations that accompany a Bar Mitzvah would be totally absent. Thus, there would still remain a good deal of anticipation as the child looked forward to his real Bar Mitzvah day. Furthermore, allowing children under the age of Bar Mitzvah to participate in such a central and meaningful way would only encourage the idea of participation outside the realm of the Bar Mitzvah ceremony. After all, it is unlikely that a child would go to the trouble to learn a rather technical skill of Torah reading only to abandon it after one experience. Finally, allowing these younger children to read from the Torah might serve as an impetus for other children who see these children reading, to take greater interest in and devote more time to honing their skills in aspects of the prayer service.

It therefore seems that, given the halakhic sources discussed and the conditions in our synagogue, children under 13 years of age may be allowed to read from the Torah.

I would like to make absolutely clear, however, that allowing a minor to read from the Torah in no way implies any agreement on my part to permit an early Bar Mitzvah. On that subject, I am in complete agreement with Rabbi Lincoln's position, spelled out in his responsum on that issue.

NOTES

1. It is untenable to surmise that the *baraita* intended to exclude minors as well, but mentioned only women, if for no other reason than the principle *katan magi'a legadlut*.

2. See *Yerushalmi Berakhhot* 7:2 (11b) for the source of this requirement. See also *Hagahot Maimoniot* to *Hilkhot Tefillah* 12:17, letter 'ayin.

3. The printed editions of the Shulhan Arukh do cite a source for his restriction, based upon a manuscript responsum of R. Meir Melamed (cf. *Knesset Hagedolah* to Tur (O.H. 282, p. 145).

4. In 1:29, he also adds that it is disrespectful to a congregation to have them respond "Amen" to a minor, especially since a minor's clothes are usually unclean. He even advocates having minors leave during the first two *aliyyot*. Needless to say, if this is the basis for his prohibition in 3:7, it is not one which we need to take very seriously.

5. I am unable to locate where the *Pri Megadim* restricts the permission for a minor to read from the Torah to *she'at hadehak*.

6. It is a subject worthy of research to discover whether there are other areas in which a minor might have adult status because of adult-like awareness.