

Vayeilekh - Placing the Torah Scroll In or Near the Ark
Rabbi Eliot Malomet September 27, 2025 5 Tishrei Shabbat Shuva

The Torah is comprised of fascinating details. In our parasha this week there is one small detail about the scroll of the Torah itself, that takes us to an interesting place regarding the role of the Torah scroll in the evolution of Judaism: We read at the end of this parasha:

וַיְהִי כְּכֹלֹת מֹשֶׁה לִכְתֹּב אֶת דְּבָרֵי הַתּוֹרָה הַזֹּאת עַל סֵפֶר עַד תָּמָם. וַיֵּצֵא מֹשֶׁה אֶת הַלְוִיִּם נְשָׂאֵי אֲרוֹן בְּרִית ה' לֵאמֹר. לָקַח אֵת סֵפֶר הַתּוֹרָה הַזֹּאת וּשְׂמַתֶּם אֹתוֹ מֵצֵד אֲרוֹן בְּרִית ה' אֱלֹהֵיכֶם וְהָיָה שָׁם בְּךָ לְעֵד. כִּי אֲנֹכִי יִדְעֹתִי אֶת מְרִדְךָ וְאֶת עֲרֹפְךָ הַקָּשָׁה הֵן בְּעֻדְדֹנִי חַי עִמָּכֶם הַיּוֹם מִמָּרִים הָיִיתֶם עִם ה' וְאָף כִּי אַחֲרֵי מוֹתִי. (דְּבָרִים ל:א-כז)

And it was, when Moses had finished writing down the words of this Instruction in a record, until they were ended, that Moses commanded the Levites, those carrying the Coffers of the Covenant of God, saying: Take this Record of the Instruction and place it beside the Coffers of the Covenant of the Lord your God; let it be there among you as a witness. For I myself know your rebelliousness, and your hard neck; here, while I am yet alive with you today, you have been rebellious against God— more so after my death! (Deut. 31:24-27)

We imagine then that Torah was placed next to the Ark in the Holy of Holies. But where? The Rabbis debate this. Rashi's summation of the debate will suffice here:

נִחְלָקוּ בּוֹ חֲכָמֵי יִשְׂרָאֵל בְּבִבְאָ בַּתְּרָא (דף י"ד), וְשׁ מֵהֶם אוֹמְרִים דָּף הָיָה בּוֹלֵט מִן הָאֲרוֹן מִבַּחוּץ וְשׁ מֵהֶם הָיָה מְנַח, וְשׁ אוֹמְרִים מֵצֵד הַלּוּחֹת הָיָה מְנַח בְּתוֹךְ הָאֲרוֹן:

The sages of Israel differ about it (the meaning of the phrase “at the side of the Ark”) in Treatise Bava Batra 14a. Some of them say: A board projected from the Ark outside it and there it (the scroll) lay, whilst others say that it lay at the side of the Tablets within the Ark.¹

Is there a difference if the scroll is stored outside the Ark or inside the Ark? In practical terms, very much so. When the Sanctuary moved from place to place during the desert wanderings, the Ark would have been visible to the people albeit under the coverings of cloths and skins (Num. 4:5-6) but somebody would have had to have been designated to carry the scroll.² Early in the book of Samuel (1 Sam. 4), the Ark is taken out to battle against the Philistines and captured by them. Later on, David dances in front of the Ark when it is brought to Jerusalem (2 Sam. 6:14). Again, in those cases, if the scroll was stored inside the Ark, there

would be no problem. But if it was kept outside of the Ark, somebody would have had to carry it. Once the Temple was completed by Solomon, the Ark was brought into the Holy of Holies and remained there until the Temple was destroyed. Theoretically, the Ark would have been inaccessible to everyone, except for the High Priest on the single day that he entered the Holy of Holies - Yom Kippur. According to our parasha, the scroll was to have been taken out and read once every seven years at the holiday of Sukkot (Deut. 31:11). If the scroll was stored in the Ark, that would have meant that someone would have had to open the Ark and take out the Torah every seven years. If it were stored alongside the Ark in a separate container it would mean that somebody would have to take it out to the public. In symbolic terms, storing the scroll inside the Ark accords it the same holiness as the Tablets of the Covenant which were already inside the Ark.³ While there is no record of such a seven-year convocation in the Bible, there is something that looks very much like a public Torah reading in the book of Nehemia at the end of the biblical period. When the exiles returned to Jerusalem Ezra gathered them at the Water Gate on the first day of the seventh month, that is, Rosh Hashanah. There Ezra read from "the scroll of Moses" (Neh. 8:2). It is a majestic moment:

וַיִּפְתַּח עֶזְרָא הַסֵּפֶר לְעֵינֵי כָל הָעָם כִּי מַעַל כָּל הָעָם הָיָה וּכְפָתְחוּ עִמּוֹ כָּל הָעָם. וַיִּבְרַךְ עֶזְרָא אֶת ה' הָאֱלֹהִים הַגָּדוֹל וַיַּעֲנוּ כָל הָעָם אָמֵן אָמֵן בְּמַעַל יְדֵיהֶם וַיִּקְדּוּ וַיִּשְׁתַּחֲווּ לִה' אִפְסִים אֲרָצָה. (נְחֵמְיָה ח:ו-ז)

Ezra opened the scroll in the sight of all the people, for he was above all the people; as he opened it, all the people stood up. Ezra blessed the LORD, the great God, and all the people answered, “Amen, Amen,” with hands upraised. Then they bowed their heads and prostrated themselves before the LORD with their faces to the ground. (Neh. 8:5-6).

Did Ezra read the actual scroll that Moses wrote? Obviously we don't know.⁴ But wait a minute! In our parasha it says that the scroll that Moses wrote was to be a witness! וְהָיָה שָׁם בְּךָ לְעֵד! This does not necessarily mean that it was supposed to be read! Rather, it is quite likely that he means that the actual scroll was to serve as a symbol for the people and be a reminder of the covenant, the same way that Lot and Jacob arrange a pile of stones

¹ Coincidentally, how interesting that our reading table in the daily chapel has a pull-out shelf on which you can place a book! And how interesting is it that in most synagogues there is a Torah-holder on the side of the bimah!

² Nowhere does it tell us that it was carried. However, there is an interesting midrash (Yalkut Shimoni 367:2 and other places) that tells us that there were in fact two Arks, one that held the Torah and one that held the broken tablets:

תָּנִי רַבִּי יְהוֹדָה בַּר בְּרַבִּי אֵילְעָאִי, שְׁנֵי אֲרוֹנוֹת הָיוּ עִם יִשְׂרָאֵל בְּמִדְבָּר, אֶחָד שֶׁהָיָה תּוֹרָה וְאֶחָד שֶׁהָיוּ שְׂבָרֵי לִיחוֹת נְתוּנִין בְּתוֹכּוֹ.

³ An analogy to this would be the Holocaust Scrolls that we have in our Ark. Rather than place them in a display case in the lobby, we keep them in the Ark to accord them the same degree of holiness as the regular Torah scrolls. The custom in our synagogue is to take them out only once a year, at Simchat Torah for the sixth Hakafah, which we have reserved for the memory of the Shoah.

⁴ The absence of an Ark in this story supports the position that the scroll was located outside the Ark.

to be a **witness of their covenant**.⁵ In both cases an object - there a pile of stones, here a scroll - **functions as a symbol and not an actual scroll that is used to be read**. The analogy would be to a mezuzah or tefillin. Although these objects contain some very important texts, we interact with them as **ritual objects** and **symbols** and not texts. We don't open up the mezuzah to read it every time we walk in a room; we don't open the tefillin to read the texts when we put them on. They are **symbols** of the deep connection that we have with God. **As Judaism evolved, something very interesting occurred. The Torah evolved from a witness or symbol to an actual scroll that could be read**. The moment Ezra reads the **Moses Scroll** in front of the people is actually a pivotal moment in this development. It is only after that moment that Torah reading begins to make its way towards the very center of Jewish religious life. By the end of the Second Temple period (70 CE), public reading of the Torah became the most prominent feature of Jewish worship. Eventually throughout the subsequent eras of Jewish history down to our own time, public reading of the Torah became the part of the service that is ornamented with the most decorous pageantry and music and the most symbolic objects and rituals. As Judaism evolved from a Temple religion to a religion based on the rigorous study and observance of the Torah, the Torah itself achieved the status of the most holy object. **But here is the paradox: even though every single Torah scroll is a copy of the original Torah, (indeed a copy, of a copy, of a copy!), every single scroll is accorded the same status of holiness as if it were the original**. When a letter is chipped or smudged, it is rendered invalid and cannot be used. When it falls on the floor, we are required to fast. When it is no longer usable, we are instructed to bury it in a cemetery. As a thought experiment, compare the Torah to the founding documents of the United States. As visitors to the National Archives will attest, the original founding documents of this country, known as the **Charters of**



⁵ See Gen. 31:48, 52 where the pile of stones is called an **tv**.

⁶ See for example, the US Chamber of Commerce 2024 study which found that 70% of Americans fail a basic civic literacy quiz. "As we approach our semiquincentennial in 2026, this report

Freedom, are located in the Rotunda of the National Archives Building. Visitors will see there the **Declaration of Independence**, the **Constitution**, and the **Bill of Rights** encased in protective glass, flanked by armed guards and under 24/7 video surveillance. The documents are never moved. In order to experience the awe of those documents, we have to travel to Washington DC on a pilgrimage and visit the National Archives. They are, as it were, deposited in the **Holy of Holies** of America, and function as monuments. However, unlike the biblical **Holy of Holies**, they are accessible to all. We look at them, but we cannot touch them. We experience their grandeur because of their place in history and respond with awe because they connect us with the founders who wrote them with their own hands. They are very much, **witnesses** to the founding of this country and the "covenant" that was created among the colonies and the people. Of course, there are replicas of the documents on display in many locations, and, this being America, you can buy your own set for about 40 dollars from the National Archives store! But owning a replica is not the same as owning the real thing. A replica is a replica and though we might want to frame the authentically looking copies and hang them in our homes, we interact with them as souvenirs. As opposed to the Torah scroll, these documents play no role in the inner life of the people who own them unless, of course, they read them and study them regularly or even memorize them. Outside of the academy, the legislatures and the courts, few people do. The extent to which these documents animate the inner life of average Americans is a great question. Many studies show that a large majority of Americans lack a rudimentary knowledge of what is contained in the Charters of Freedom.⁶

Judaism and America took their founding documents in two different directions. In Judaism the founding document was democratized as it left the **Holy of Holies**. It evolved from a monumental relic in a holy place to a living scroll that would be read and studied constantly in public as part of the life of the people. In America, the founding document was democratized as it evolved from a scroll that was read publicly when it was first written, to a monumental relic that is now housed in a secular **Holy of Holies** which is accessible to those who want to make the pilgrimage. Shabbat Shalom!

This Parasha Sheet is sponsored by Larry Klioze and Family to commemorate the Yahrzeit of his mother, Olive Klioze, z'l.

We mark 722 days for the hostages. We pray for their return and an end to the war. May God shield Israel, protect the IDF, heal the wounded, comfort the bereaved, and spare innocents from suffering.

amounts to a five-alarm fire drill for the civic health of the nation," said Hilary Crow, head of the U.S. Chamber Foundation's The Civic Trust®. "While Americans across backgrounds value civic participation in theory, we are sorely lacking in the basic knowledge that translates values into informed, engaged citizenship."