**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Contemporary Halakha**

**Rav David Brofsky**

***Keri'at Ha-Torah***

**Shiur #01: The Origins and Nature of *Keri’at ha-Torah* (1)**

**Introduction**

The first "mini-series" in this year’s Contemporary Halakha Series[[1]](#footnote-1) will cover the laws of *keri'at ha-Torah*. We will begin with the origins of *keri'at ha-Torah*, address fundamental questions about its nature and purpose, and then discuss several practical issues.

Although it is customary to read from the Torah during our daily *tefillot*, there is no indication from the Talmud that *keri'at ha-Torah* is related to prayer. The laws of *keri'at ha-Torah* are found in *Masekhet Megilla*, rather than in *Masekhet Berakhot* alongside the laws of *keri'at Shema, tefilla*, and *berakhot*.

It is, therefore, interesting to note that the Rambam places the laws of *keri'at ha-Torah* in the Laws of *Tefilla* (*Hilkhot Tefilla u-Nesi'at Kapayim*, chapters 12-13) – after the laws of a *beit* *knesset* (chapter 11) and before the laws of *birkat kohanim* (chapters 14-15).[[2]](#footnote-2) We can understand placing the laws of a *beit knesset* in *Hilkhot Tefilla*, in light of the Rambam's assertion that "wherever ten Jews live, as it is necessary to establish a place for them to congregate for prayer at the time of each prayer service" (10:1), and *birkat kohanim* may also be related to daily prayers, as I have discussed [elsewhere](https://etzion.org.il/en/halakha/orach-chaim/prayer-and-blessings/birkat-kohanim-priestly-blessing-1), but why did the Rambam place the laws of *keri'at ha-Torah* with these topics in the Laws of *Tefilla*?

Numerous *Acharonim*, in different contexts, cite the *Tikunei Zohar* (21, pg. 63a), which notes that the Rabbis instituted *keri'at ha-Torah* during prayers in consideration of the verse: "One who turns his ear away from hearing Torah, his prayer is an abomination" (*Mishlei* 28:9). The message is clear: Torah enriches and elevates prayers; therefore, the community should read from the Torah during prayer services.[[3]](#footnote-3)

**Biblical Models of Torah Reading**

The Torah, and afterward, the *Nevi'im*, describe numerous public Torah readings that reflect different models: some are educational, while others seem focused more on the experience than on learning per se.

For example, the Torah commands that every seven years, after the *shemitta* year, the Jewish people should gather to hear the Torah; this gathering is known as *Hakhel*.

Then, Moshe commanded them, saying, "At the end of [every] seven years, at an appointed time, on the Festival of Sukkot, [after] the *shemitta* year, when all Israel comes to appear before the Lord, your God, in the place He will choose, you shall read this Torah before all Israel, in their ears. Assemble the people: the men, the women, and the children, and your stranger in your cities, so that they hear, and so that they learn and fear the Lord, your God, and they will observe to do all the words of this Torah. And their children, who did not know, will hear and learn to fear the Lord, your God, all the days that you live on the land, to which you are crossing the Jordan, to possess. (*Devarim* 31:10-13)

The Mishna (*Sota* 7:8) describes this ceremony in detail. There are numerous indications that *Hakhel* was meant to be a religious experience and a re-creation of the giving of the Torah at Sinai, and not (exclusively) an educational event, i.e., *talmud Torah*.[[4]](#footnote-4)

We find another public reading of the Torah in the time of Ezra and Nechemya.

Now, all the people gathered as one man to the square that was before the Water Gate, and they said to Ezra the scholar to bring the scroll of the Law of Moshe, which the Lord had commanded Israel. And Ezra the priest brought the Law before the congregation, both men and women, and all who could hear with understanding, on the first day of the seventh month. And he read in it before the square that was before the Water Gate from the [first] light until midday in the presence of the men and the women and those who understood, and the ears of all the people were [attentive] to the Scroll of the Law… And Jeshua, and Bani, and Sherebiah, Jamin, Akkub, Shabbethai, Hodiah, Maaseiah, Kelita, Azariah, Jozabad, Hanan, Pelaiah, and the Levites explained the Law to the people, and the people stood in their place. And they read in the scroll, in the Law of God, distinctly, and gave sense, and they understood what was read to them. (*Nechemya* 8:1-8)

*Sefer Nechemya* describes the Torah being “explained” to the people by various leaders.[[5]](#footnote-5) In this case, the young children did not participate; only "those who understood" were included, as the event was, apparently, primarily educational.[[6]](#footnote-6)

We will return to these two models of *keri'at* *ha-Torah*, the experiential and the educational, as we analyze the enactment of *keri'at ha-Torah* on weekdays, Shabbat, Festivals, and fast days.

**The Institution (*Takana*) of *Keri'at Ha-Torah***

The Rabbis present numerous sources for the various Torah readings. Regarding Torah reading on the Festivals, the Talmud records:

"And Moshe declared to the children of Israel the appointed seasons of the Lord" (*Vayikra* 23:44) – the mitzva is that they should read [the portion relating to them], each one in its time. The Sages taught: Moshe enacted for the Jewish people that they should inquire and expound upon the matter of the day. [They should occupy themselves with] the *halakhot* of Pesach on Pesach, the *halakhot* of Shavuot on Shavuot, and the *halakhot* of Sukkot on Sukkot. (*Megilla* 32a)

Although this passage does not explicitly refer to the *keri'at ha-Torah* of Shabbat, Chol Ha-moed, and Rosh Chodesh, the *Yerushalmi* teaches:

Moshe enacted that the Jewish people should read the Torah on *shabbatot* and *yamim tovim*, and on *roshei chodashim* and on Chol Ha-Moed, as it says, "And Moshe declared to the children of Israel the appointed seasons of the Lord" (*Vayikra* 23:44). (*Yerushalmi Megilla* 4:1)

This passage clearly asserts that the Torah should be read on festive days, to occupy oneself with the relevant laws of each day.

Elsewhere, the Talmud discusses the *keri'at ha-Torah* of Monday, Thursday, and Shabbat *Mincha*.

Ezra instituted ten ordinances: He instituted that communities read the Torah on *Shabbat* in the afternoon, and they also read the Torah every Monday and Thursday. (*Bava Kamma* 82a)

The Talmud then provides the context and background. Regarding the *Mincha* reading on Shabbat, the Gemara explains that "communities shall read the Torah on Shabbat afternoon due to those who sit idly on street corners." Regarding the reading on Mondays and Thursdays, the Talmud traces the original enactment to the Jewish peoples' travels in the wilderness.

“And that they should read the Torah on every Monday and Thursday” – Did Ezra institute this practice? But it was instituted from the beginning, as it is taught, "and they went three days in the wilderness, and found no water" (*Shemot* 15:22). Those who interpret verses metaphorically said that “water” here refers to nothing other than Torah, as it is stated: "Ho, everyone who thirsts, come for water" (*Yeshayahu* 55:1). When the Jews traveled for three days without hearing any Torah, they became weary, and therefore the prophets among them arose and instituted for them that they should read on Shabbat, and pause on Sunday, and read again on Monday, and pause on Tuesday and Wednesday, and read again on Thursday, and pause on Shabbat eve, so they would not tarry three days without Torah.

Although the origins of the practice were much earlier, the Gemara explains that it changed during the time of Ezra:

Initially, they instituted that one man [would read] three verses; or alternatively, that three men would read three verses… [Ezra later] came and instituted that three men [would always read] and that ten verses altogether be read by them… (*Bava Kama* 82a; see also Mekhilta d'Rebbe Yishmael, Beshalach)

Although the Talmud attributes the original decree to the "prophets among them" in the time of Moshe, the Rambam writes:

Moshe, our teacher, ordained that the Jews should read the Torah publicly on Shabbat and on Monday and Thursday mornings so the [people] would never have three days pass without hearing the Torah. Ezra ordained that [the Torah] should also be read during the *Mincha* service on Shabbat, because of the shopkeepers. He also established that on Mondays and Thursdays, three people should read [from the Torah] and that they should read no fewer than ten verses. (*Hilkhot Tefilla* 12:1)

The Rambam attributes the practice of reading from the Torah on Monday, Thursday, and Shabbat to Moshe,[[7]](#footnote-7) and the reading on Shabbat afternoon to Ezra.

Interestingly, the *Yerushalmi* teaches that, in contrast to the readings of Shabbat and Festivals, "Ezra instituted that the Torah should be read on Mondays and Thursdays, and on Shabbat afternoon." (*Yerushalmi Megilla* 4:1; see also *Sofrim* 10:1).

R. Soloveitchik (*Shiurim Le-Zekher Abba Mari* v.1, "*Keri'at Ha-Torah Be-Shabbat, Be-Sheni U-vechamishi*") addresses the difference between the original decree of Moshe Rabbeinu and Ezra’s later revision. He explains that the original reading instituted by Moshe Rabbeinu consisted of a mere "exposure" to the Torah, while Ezra established that the Torah should be read publicly with the intention of understanding:

To enable the Jewish people to break their thirst [for Torah] and to adorn themselves with the words of Torah … even without comprehension and study; the obligation of *keri'at ha-Torah* is not the mitzva of learning, but rather, **the mitzva of sanctifying the person through *talmud Torah***… Ezra [however] based his reading of the Torah upon **the obligation of reading the Torah along with the Oral law**. In the framework of his enactment, we read and explain the Holy Scriptures according to the Oral Tradition.

That said, the question of the extent to which *keri’at ha-Torah* is intellectual or experiential, educational or ceremonial, will follow us throughout the upcoming *shiurim*.[[8]](#footnote-8)

***Chovat tzibbur* or *chovat yachid*?**

Although the commentaries differ on whether to categorize *keri'at ha-Torah* as "*devarim she-bi’kedusha*" (“words of holiness” subject to particular rules), all agree that *keri'at ha-Torah* can only be performed *be-tzibbur*, i.e., in the presence of a *minyan* of ten men (*Megilla* 23b; see also Rambam *Hilkhot Tefilla* 12:3 and *Shulchan Arukh* OC 143:1). This requirement, or characteristic, challenges us to articulate and properly define the obligation of *keri'at ha-Torah*. It seems that we might suggest two possibilities.

On the one hand, we might view *keri'at ha-Torah* as a *chovat yachid*, an obligation incumbent upon every individual, like any other.[[9]](#footnote-9) According to this approach, what would make *keri'at ha-Torah* unique is that one may only fulfill this obligation in the presence of a *minyan*. Alternatively, we may view *keri'at ha-Torah* as a "communal obligation," a *chovat tzibbur* – i.e., when a *tzibbur* (*minyan*) prays during these timeframes, they must read from the Torah.[[10]](#footnote-10) In addition, there may be a broader communal responsibility to ensure that the Torah is read *b'tzibbur*. However, the individual is not personally obligated to fulfill this mitzva.[[11]](#footnote-11)

R. Boruch Ber Leibowitz (1862-1939) records that his teacher, R. Chaim Soloveitchik, struggled with this question:

I heard from my teacher … that one should question… whether the obligation of *keri'at ha-Torah*, the reading of the *Megilla*, and the repetition of the *Shemoneh Esrei* are incumbent only upon [a quorum] of ten men, and as long as there aren't ten [men], there is no obligation at all…, or the obligation of *keri'at ha-Torah*, reading the *Megilla*, and the repetition of the Shemoneh Esrei are incumbent even upon the individual. However they may only be performed in the [presence] of ten. (*Birkat Shmuel*, *Yevamot* 21)

In other words: Is the obligation of *keri'at ha-Torah* a *chovat tzibbur* or a *chovat yachid*?

Seemingly, if *keri'at ha-Torah* is a *chovat yachid*, an individual should make every effort to hear the Torah reading.[[12]](#footnote-12) R. Yosef Dov Soloveitchik used to relate that while his grandfather, R. Chaim Soloveitchik, was not particularly careful regarding *tefilla b'tzibbur*, he made great efforts to hear *keri'at ha-Torah*. Similarly, at times when R. Soloveitchik would travel from Boston to New York on a Monday morning and was unable to hear *keri'at ha-Torah* before leaving, he would assemble a *minyan* in the afternoon and add *keri'at ha-Torah* to the *Mincha* service.[[13]](#footnote-13)

The *Acharonim* formulate this question in different ways, and offer a number of possible practical ramifications between these two broad and basic understandings. We will briefly relate to a few of them, including the definition of a "*tzibbur" for keri'at ha-Torah*, one's behavior during Torah reading, and whether an individual and/or community must "make-up" a missed reading.

**Definition of "*Tzibbur*" for *Keri'at Ha-Torah***

R. Boruch Ber Leibowitz, cited above, suggests a practical difference between the two understandings of *keri'at ha-Torah*: Does *keri'at ha-Torah* need ten men who have not yet heard the Torah reading, or is it sufficient if the majority of the men have not yet fulfilled the obligation, employing the principle "*rubo ke-kulo*"? He suggests that if the obligation is communal, then the Torah may only be read if there is a full *tzibbur* of ten men who have not yet heard the reading. If the obligation is individual, it would be sufficient if even most of the men have yet to hear *keri'at ha-Torah*.

R. Avraham Danzig raises this question as well:

It requires investigation: if they have all heard the Torah reading, and there are some people who have not heard, if it is permitted to read [the Torah] again for them. This is not similar to the public recitation of Shema [and *Kedusha*], as there, every individual is obligated in that blessing, but here the obligation is only that he hear the *keri'at ha-Torah* … and it may be that they instituted [*keri'at ha-Torah*] only when the entire congregation is obligated, but not for an individual. It requires investigation. (Chayei Adam v.1, 31,11)

The *Bi'ur Halakha* (143, s.v. *be-pachot*) cites the Ran (*Megilla* 3a, s.v. *amar*), who implies is sufficient if a majority have not yet heard the Torah reading.

The *Acharonim* discuss this question at length. While some agree with the *Bi'ur Halakha* (*Har Tzvi* OC 1:52, *Yabi'a Omer* OC 9:14), others (*Arukh Ha-Shulchan* 69:14, *Iggerot Moshe* OC 1:28) insist that the Torah may be read only if a full ten men haven't yet heard *keri'at* *ha-Torah*. Interestingly, it appears that R. Soloveitchik maintained that since *keri'at* *ha-Torah* is a *chovat yachid* (in his opinion), even one who has not heard *keri'at ha-Torah* may join nine others who already did, and read from the Torah.[[14]](#footnote-14)

**Behavior During *Keri'at Ha-Torah***

What is the obligation of those present while the Torah is being read? Are they required to listen attentively to every word of the Torah reading? The Talmud appears to prohibit occupying oneself with other matters during *keri'at ha-Torah*:

Rava son of Rav Chuna said: Once the *sefer Torah* has been opened, it is prohibited to speak even about a matter of *halakha*, as it is said "And when he opened it, the entire people stood" [*Nechemya* 8:5], and standing refers to silence, as it is said: "And I prayed, for they did not speak, for they stood [were silent] and did not respond further" [*Iyov* 32:16]. Rabbi Zeira said Rav Chisda said, from here: "And the ears of all the people were toward the Torah scroll" [*Nechemya* 8:3]. (*Sota* 39a)

Another passage, however, appears to contradict Rava’s statement:

Rav Sheshet would turn his face and learn [by himself]. He said: we are involved with our [matters], and they [the community] with theirs. (*Berakhot* 8a)

Here, Rav Sheshet appears to ignore the Torah reading, choosing to engage in his own Torah study while it is being read. The *Rishonim* offer numerous attempts to resolve this apparent contradiction.

Some *Rishonim* assume that in fact, not every individual present during *keri'at ha-Torah* must listen to the reading. For example, the Behag (*Halakhot Gedolot* 24) says that as long as ten men, a full *minyan*, are listening to the Torah reading, others may turn away and study. *Tosafot* (*Berakhot* 8a, s.v. *ve-im tomar*) maintain that Rava, who prohibits speaking during *keri'at ha-Torah*, only prohibits behavior that denigrates the Torah reading; studying quietly, however, is permitted.

Others insist that Rava's statement reflects the basic *halakha*: All of those present are required to listen to *keri'at ha-Torah*; therefore, they are not allowed to speak instead of listening to the Torah reading. So how was Rav Sheshet permitted to "turn his face and learn" during *keri'at ha-Torah*? The Rif (*Megilla* 4b; see also Rambam *Hilkhot* *Tefilla* 12:9) explains that Rav Sheshet was exempt from listening to *keri'at ha-Torah* because "*torato umanuto*" – Torah study was his occupation (see *Shabbat* 11a regarding R. Shimon bar Yochai).[[15]](#footnote-15) Alternatively, Ra’avya (*Berakhot* 21) suggests that Rav Sheshet had already reviewed the weekly Torah reading (*shenayim mikra ve-echad targum*) and that is why he was exempt from listening to *keri'at ha-Torah*.[[16]](#footnote-16) Finally, the *Ohr Zarua* (v.1, *Hilkhot Keri'at Shema* 11) explains that Rav Sheshet was blind, and was therefore technically exempt from the mitzva of *keri'at ha-Torah*.

The *Acharonim* explain that the Behag and *Tosafot* must assume that the mitzva of *keri'at ha-Torah* is, fundamentally, a *chovat tzibbur*; the individual is not personally obligated to listen to the Torah reading, as long as he does not disrupt it. However, the Rif, Rambam, Ra'avya, and *Ohr Zarua* maintain that each individual present during *keri'at ha-Torah* must listen to the Torah reading, aside from those who have already fulfilled their obligation or are otherwise exempt.[[17]](#footnote-17)

We might suggest that these two understandings, i.e., whether *keri'at ha-Torah* is a *chovat yachid* or *chovat tzibbur*, are already found in the Gemara in *Sota*. The first derivation cited there, "'And when he opened it the entire people stood' [*Nechemya* 8:5], and standing refers to silence" describes proper and respectful behavior while the Torah is being read. However, the second verse, "And the ears of all the people were toward the Torah scroll" [*Nechemya* 8:3], implies that the entire congregation – each individual, barring specific exemptions – is obligated to listen to *keri'at ha-Torah.*

The *Shulchan Arukh* (OC 146:2) cites the different perspectives:

Once the reader has begun to read from the *sefer Torah*, it is prohibited to speak even in matters of Torah, even between one reader and another, even if he has completed the portion. And there are those who permit learning quietly. And there are those who say that if there are ten who pay attention to the *sefer Torah,* it is permitted [for others] to speak (in matters of Torah (Rema)).

The *Shulchan Arukh* does not appear to rule conclusively between these opinions.[[18]](#footnote-18)

Next week, we will further and deepen our discussion of the nature of *keri'at ha-Torah*.

1. See <https://etzion.org.il/en/authors/rav-david-brofsky> for previous installments. [↑](#footnote-ref-1)
2. The *Shulchan Arukh* appears to organize the *halakhot* in their order of performance, beginning with the morning blessings, *pesukei d’zimra, keri’at Shema, tefilla*, *nesi’at kapayim (birkat kohanim), tachanun*, and then *keri’at ha-Torah* (OC 134 - 149), followed by the laws of a *beit knesset*. [↑](#footnote-ref-2)
3. R. Ovadya Yosef (*Yabi’a Omer* YD 4:31) cites R. Chaim Palagi, who uses this passage to prove that the mitzva of *keri’at ha-Torah* is incumbent upon every individual, as it is an inherent part of *tefilla*. R. Yosef, however, rejects his conclusion. R. Soloveitchik, based upon this verse, accepted the premise that *keri’at ha-Torah* is an integral and inseparable part of *tefilla*. In fact, on occasion, when he would arrange for a *keri’at ha-Torah* at *Mincha* on a Monday or Thursday (see below), he would integrate the *keri’at ha-Torah* into the service, starting with *Ashrei, Kaddish*, and then *keri’at ha-Torah*, *Kaddish* again, and then the *Shemoneh Esrei*. In similar situations, his grandfather, R. Chaim Soloveitchik, would arrange for the Torah to be read before *Mincha*, and only then begin *Ashrei*. See R. Aharon Ziegler’s *Halakhic Positions of Rabbi Joseph B. Soloveitchik* v.3, pp. 34-35. We will discuss this question in greater depth below. [↑](#footnote-ref-3)
4. The word “*hakhel*” is used in the context of *matan* *Torah*; see *Devarim* 4:11 and 18:16. Regarding the presence of women and children at the *Hakhel* ceremony, the Talmud explains: “Assemble the people, the men and the women and the little ones” (*Devarim* 31:12): If men come to learn, and women come to hear, why do the little ones come? They come in order for God to give a reward to those who bring them” (*Chagiga* 3a). The inclusion of women and children, who are formally exempt from the mitzva of Torah study, strengthens the assertion that the purpose of Hakhel is experiential and not educational. [↑](#footnote-ref-4)
5. See also *Megilla* 3a. [↑](#footnote-ref-5)
6. At the same time, the experience of this Torah reading was apparently so impactful that “all the people were weeping when they heard the words of the Law” (*Nechemya* 8:9). [↑](#footnote-ref-6)
7. The *Kessef Mishneh* (12:1) explains that Moshe was the “greatest prophet and the other prophets of the generation were his *beit din*”, or, that “the [prophets] would not have made this enactment without his consent, and therefore it is appropriate to attribute [the enactment] to him.” [↑](#footnote-ref-7)
8. It is, of course, important not to overlook the possible differences between different Torah readings, including those of Shabbat, *mo’adim*, Monday and Thursday, Shabbat *Mincha*, Chanuka and Purim, *korbanot* on Festivals, etc. [↑](#footnote-ref-8)
9. *Magen Avraham* (OC 282:7) suggests that women may be obligated to hear the *keri’at ha-Torah* of Shabbat, despite not being obligated in the mitzva of *talmud* *Torah*, similar to the mitzva of *Hakhel*, in which the Torah obligates women explicitly. Other *Acharonim* reject this view, asserting that women are exempt from *keri’at ha-Torah* as it is a *mitzvat* *aseh* *she-hazman gerama* (time-bound mitzva). [↑](#footnote-ref-9)
10. This question, whether the mitzva of *keri’at ha-Torah* is a *chovat tzibbur* or *chovat yachid*, may or may not be dependent upon another question raised by the *Acharonim* (*Tziyunim Le-Torah* 9): Is the mitzva of *keri’at* *ha-Torah* “to read” the Torah or “to hear” the Torah? See, for example, *Mikra’ei Kodesh*, pg. 49. We will return to this question when we discuss the “mechanics” of *keri’at ha-Torah*. [↑](#footnote-ref-10)
11. There are a few indications of each approach in the *Rishonim*. The Ramban (*Milchamot Hashem*, *Megilla* 3a), for example, contrasts *keri’at ha-Megilla* to *keri’at ha-Torah*, calling *keri’at ha-Torah* a “*chovat tzibbur*.” More recently, while the *Tzitz Eliezer* (18:5) asserts that *keri’at ha-Torah* is a *chovat* *tzibbur*, R. Shlomo Zalman Auerbach (*Halikhot Shlomo*, *Hilkhot Tefilla*, *Milu’im* 16) insists that it is a *chovat* *yachid*. [↑](#footnote-ref-11)
12. *Eshel Avraham* (*Butshash*) 90:16 rules that the effort one expends to pray with the *tzibbur* is similar to the effort one must make to hear *keri’at ha-Torah*. See *Shulchan Arukh* OC 90:16. [↑](#footnote-ref-12)
13. *Nefesh Ha-Rav*, pg. 130. [↑](#footnote-ref-13)
14. See *Shi’urei Ha-Rav*, *Hilkhot Keri’at Shema u’Tefilla*, pg. 235. [↑](#footnote-ref-14)
15. The *Hagahot Maimoniot* (ibid.) specifies that this exemption only applies if there are ten men listening to *keri’at ha-Torah*. [↑](#footnote-ref-15)
16. This is similar to the view of the *Ra’avan*, cited by the *Beit Yosef* (OC 285), who rules that the mitzva of *shenayim mikra ve-echad targum* is only incumbent upon those who do not hear the weekly *keri’at ha-Torah*. [↑](#footnote-ref-16)
17. R. Mosheh Lichtenstein (<https://etzion.org.il/en/talmud/seder-nashim/massekhet-sota/iyun-masechet-sota-39a>) suggests that the different opinions reflect different approaches as to whether the mitzva of *keri’at* ha-Torah is fundamentally didactic, which may be replaced by individual study, or experiential. [↑](#footnote-ref-17)
18. The *Bi’ur Halakha* (ibid., s.v. *ve-yesh*) suggests that even those who permit learning during *keri’at ha-Torah* must clearly assume that the person has already heard *keri’at ha-Torah*. [↑](#footnote-ref-18)