The Chicago Center
Digest
# Mishna Berura
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סימן קל"ה סעיף י"א-י"ד

# Halacha Highlight

## Transporting a *sefer Torah* for *krias haTorah*

Shulchan Aruch Siman 135 Seif 14

**אין מביאים אצלם ספר תורה**

**We do not bring to them a *sefer Torah***

Shulchan Aruch (סע' י"ד) writes that a *sefer Torah* should not be brought to people who are in prison for *krias haTorah* even on Rosh HaShanah and Yom Kippur. The reason is that it is degrading to the *sefer Torah* for it to be brought to others; others should travel to the *sefer Torah* (מ"ב ס"ק מ"ז). Mishnah Berurah (ס"ק מ"ו) cites authorities who disagree with Shulchan Aruch and contend that since the people imprisoned are incapable of going to a *Bais HaKnesses* (אנוסים) it is permitted to bring them a *sefer Torah* for *krias haTorah*. Mishnah Berurah rules that for *parshas zachor* and possibly even *parshas parah* one may be lenient and bring a *sefer Torah* to prisoners.

Rema explains that Shulchan Aruch's restriction is limited to when the *sefer Torah* is brought to the prisoners for *krias haTorah* and then returned to its place. If, however, they prepare a place for the *sefer Torah* a day or two before *krias haTorah* it is permitted. Eshel Avrohom (בוטשאטש) explains that the phrase "a day or two" means that preferably the *sefer Torah* should be brought two days before *krias haTorah* but if that is not possible it should be brought at least a day in advance. Mishnah Berurah (ס"ק מ"ט) cites authorities who maintain that it is even acceptable to set up a place for the *sefer Torah* on the day from which it will be read as long as it was already in its new location before *krias haTorah* and will be returned to that location following *krias haTorah*. Rav Shlomo Zalman Auerbach (הליכות שלמה פי"ב הלכה ל"ח) contends that the custom to make sure to read from a *sefer Torah* three times when it is moved to another location has no source. Aruch HaShulchan (סע' ל"ב), however, explains that by reading from the *sefer Torah* three times in the new location it is considered as though the new location was permanent rather than temporary.

# Stories to Share

## The Prisoner's Duty

ש"ע ס' קל"ה, י"ד: "בני אדם החבושין בבית האסורין..."

Today's amud discusses the halachah regarding hearing the Torah reading when one is in prison. It used to be that most prisons would not allow a sefer Torah inside—even for an important person or a minyan of prisoners. When the Vilna Gaon spent about four weeks imprisoned it was impossible for him to fulfill the mitzvah of hearing the Torah reading. After he left prison he called a baal koreh to read all four parshios he had missed while in prison.

תוספות מעשה רב, ל"ד

Although missing so many weeks is very unusual, many greats were meticulous to make up the reading that they had missed that day.

In an effort to formulate appropriate halachic responses to the many challenges presented by contemporary issues, gedolei Torah have often—sometimes in the company of lay community leaders—met together for extended conferences. On one particular Monday, Rav Chaim Brisker attended such a meeting. Unfortunately, there was no minyan at the meeting and they were forced to daven alone. But by minchah time more than a minyan of participants had arrived. To the surprise of many, Rav Chaim ruled that they read the morning's Torah portion before minchah.

סידור צלותא דאברהם, פירוש עמק ברכה, ע' שס"ו

Similarly, Rav Yoshe Ber (Yosef Dov) Soleveitchik of Boston would travel to R.I.E.T.S. every Monday for his shiur and was regularly unable to hear the Torah reading . As a result, he had the practice of asking his students if anyone else had not heard the reading—he would then form a minyan for the reading and for minchah. The group would recite ashrei and kaddish and would take out a sefer Torah and recite that day's portion. Before shemonah esrei they would say another half-kaddish and then pray.

נפש הרב, ע' ק"ל

# Overview

Siman 135 Seif 11:

**There is an opinion that maintains that if a kohen or levi are called for an *aliyah* but they are not present another kohen or levi should not be called up by name out of concern that people will think the first person's lineage is tainted; rather someone should ascend without being called** (and this is our custom. A *shaliach tzibbur* who is a kohen may call another kohen to the Torah.)

- If a yisroel is called up and he is not there another yisroel may be called up by name. (M.B. 38)
- If the kohen is *davening* another kohen may be called up by name. (M.B. 39)
- Later authorities write that the son of the one who was called up may be called up by name. (M.B. 40)
- Sha'arei Ephraim rules that if a kohen or levi was called for *acharon* or *maftir* and he is not present another kohen or levi may be called in his place by name. (M.B. 41)

Siman 135 Seif 12:

**In a city of *kohanim* – if there is a yisroel he should be called for the first *aliyah* out of considerations for peace. If there are not a sufficient number of *kohanim* or if there are no *yisroelim* it is permitted to call up kohanim consecutively since it will not raise questions concerning their lineage since everyone realizes that there are only *kohanim* present. The same *halacha* applies in a city of *levi'im*.**

- If there is a levi they should call up a kohen, levi then yisroel and the rest of the *aliyos* will be given to the *kohanim*. (M.B. 43)
- If there are two *levi'im* and two *yisroelim* the order of the *aliyos* should be: kohen, levi, yisroel, kohen, levi, yisroel and then a kohen or *kohanim*. (M.B. 44)
- If there is only a levi in a city of *kohanim* he should receive the first *aliyah*. If there are only *kohanim* and *levi'im* they should alternate between *kohanim* and *levi'im*. (M.B. 45)
- If a kohen is a mourner and it is Shabbos it is permitted to call him for an *aliyah* so that it will not be a public display of mourning. During the week he should not be called for an *aliyah* but it is best during the week and on Shabbos for the kohen to walk out of the *Bais HaKnesses* so that a levi or yisroel could be called for the first *aliyah*. (M.B. 45)

Siman 135 Seif 13:

**Whether a minor may read from the Torah is discussed in *siman* 282. If the only kohen is blind or incapable of reading, see *siman* 139.**

Siman 135 Seif 14:

**A *sefer Torah* is not brought to people who are imprisoned even on Rosh HaShanah and Yom Kippur.** This restriction is limited to where the *sefer Torah* is brought only for Torah reading but if the *sefer Torah* is brought a day or two in advance it is permitted. If the person is honorable it is permitted in all circumstances.

- There are authorities who disagree with Shulchan Aruch and for *parshas zachor* and perhaps *parshas parah* one may be lenient. (M.B. 46)
- Biur Halacha maintains that if there are ten people in prison it is permitted to bring them a *sefer torah*. (M.B. 47)
- Later authorities agree that if one prepared a place for the *sefer Torah* to remain for a day or two it is acceptable as long as it was placed there before *krias haTorah* so that it can be taken from and returned to that place for *krias haTorah*. (M.B. 49)
- There is a dispute whether a Torah may be moved for an important person if there is not an *ones* and it is best to prepare for the *sefer Torah* a place. (M.B. 50)