The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן קנ"ג סעיף א'-ד'

Overview

Siman 153 Seif 1:

It is permitted to transform a *Bais HaKnesses* into a *Bais HaMidrash* but it is not permitted to transform a *Bais HaMidrash* into a *Bais HaKnesses*.

- The sanctity of a place set aside for learning is greater than a *Bais HaKnesses* even though the *Bais HaMidrash* is not used for *davening*. It is not clear whether it is permitted to transform a *Bais HaKnesses* into a private *Bais HaMidrash*. (M.B. 1)

Siman 153 Seif 2:

If the residents of a city sold a *Bais HaKnesses* they may use the money to purchase a תבה which is the place where the *sefer Torah* is stored or the shelf upon which the Torah is placed. If they sold the תבה they may use the proceeds for a Torah cover. If they sold a Torah cover they may purchase *sefarim* which are scrolls with individual books of the Torah as well as *Nevi'im* and *Kesuvim*. If they sold *sefarim* they may use the proceeds for a *sefer Torah*. It is prohibited to go in the reverse and use the money for something that is less sacred. Even if the money was used to purchase something more sacred the extra money may not be used for something less sacred.

- *Nevi'im* and *Kesuvim* are similar to *chumashim* in that they are more sacred than a Torah covering but they are not entirely comparable because the sanctity of a *chumash* is greater than *Nevi'im* and *Kesuvim* and money generated by the sale of *chumash* may not be used to purchase *Nevi'im* and *Kesuvim* but one may purchase a *chumash* with money generated by the sale of *Nevi'im* and *Kesuvim*. (M.B. 6)

Siman 153 Seif 3:

A *sefer Torah* that has an error has the same level sanctity as a *chumash*.

- This ruling is true even though the *sefer Torah* can be repaired. (M.B. 8)

Siman 153 Seif 4:

There is a debate whether one can use money generated by the sale of a sacred object for another item at that same level.

- The stringent position is based on the fact that the money was not elevated. (M.B. 10)
- The lenient position is based on the fact that the money was not lowered. This debate relates to a *b'dieved* circumstance but *l'chatchila* all opinions agree that one may not sell one item to purchase something that is comparable since the money should be elevated. If, however, something is wrong with the item that one already possesses it is permitted to sell it to purchase something that is comparable. (M.B. 11)
- Taz notes that many people sell *sefarim* and purchase others with the proceeds and it seems that the practice is based on the premise that people purchase *sefarim* with the intent that they will use them as long as they are needed but if one finds a nicer one he will sell the old to purchase one that is new. (M.B. 11)

Stories to Share

The Transfer of Holiness

ש"ע, ס' קנ"ג, א': "מותר לעשות מביה"כ ביהמ"ד..."

In Haifa, part of a private house served as a shul for many years. Eventually there was more of a demand to make the house into a beis midrash. One of the community rabbis pointed out that, as we find on the Shulchan Aruch on today's amud, it is permitted to transform a shul into a beis midrash since the holiness of the latter is greater than the former. Other local rabbis pointed that out that although this was undeniable, they had heard that nowadays, the opposite is true!

When this question was brought before Rav Yosef Shalom Elyashiv, he ruled that things had indeed changed. "If the shul has emptied out over the course of years by attrition, it can certainly be transformed into a beis midrash. But if there are still people attending, this is forbidden."

Rav Moshe Fried explained this psak. "The achronim explain that nowadays batei midrash are built with a condition that one may eat, drink or sleep in them. Therefore a shul, where these activities are not engaged in is holier."

When the congregation heard about this, they wondered whether they could simply stop attending the shul, enabling the holiness to be transferred to that of a beis midrash. "This will not work," replied the gadol, "since the shul must have fallen into disuse without conscious planning!"

וישמע משה, ע' ע"א, והערה צ"א

Halacha Highlight

Redirecting sacred money

Shulchan Aruch Siman 153 Seif 4

אם מותר לקנות בדמי קדשה אחת קדשה אחרת כיוצא בו וכו'

Whether it is permitted to use money raised for one sacred purpose for another similar sacred purpose etc.

Shulchan Aruch (סע' ב' וג') discusses redirecting money that one raised for one purpose to another purpose. The principle that guides these decisions is מעלין בקדש ואין מורידין—we rise in matters of sanctity and we do not descend. This principle teaches that money can be redirected for a more sacred purpose but not to a less sacred purpose. Shulchan Aruch (סע' ד') then relates that there is a dispute whether one could redirect funds from one item to another where the level of sanctity remains the same. The first opinion maintains that it is prohibited. The reason is that when redirecting money it is necessary to redirect it towards a more sacred purpose and even a lateral move is not sufficient (מ"ב סק"י). The second opinion maintains that it is permitted since the money was not redirected towards a less sacred purpose (מ"ב ס"ק י"א). Mishnah Berurah then adds that the allowance to redirect the money to another item that has the same level of sanctity as the item for which the money was raised is only *b'dieved* but *l'chatchila* it is prohibited to redirect the money to a parallel purpose since ideally the money should be redirected to a more sacred purpose.

Mishnah Berurah (שם) writes that if the item is damaged or if the *Bais HaKnesses* is too small to hold everyone for *davening,* it is permitted according to all opinions to sell the one that is already owned in order to purchase another. *Poskim* express uncertainty whether it is permitted to sell an item in order to purchase another that is more beautiful. In the event that there is a specific need, *Poskim* permit this practice (פסקי תשובות אות ד'). An example of this need is presented in Sefer Leket HaKemach HaChadash (אות כ"ז). A man purchased a cover for the *sefer Torah* and then was killed על קידוש ה'. His son wanted to purchase another *sefer Torah* cover to honor his father as well and the ruling was that it was permitted as long as the new cover is more beautiful than the first cover.