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

# Overview

**Siman 135 Seif 10:**

**Some maintain that an individual who sells his own sacred items, even a *sefer Torah*, may use the money for whatever he wishes as long as the *sefer Torah* was not designated to be read by the community. Another opinion prohibits this unless it is to support Torah study or to marry a woman.**

- Olas Tamid writes that even according to this opinion that permits the sale of a privately owned *sefer Torah* one will not see blessing from that money. (M.B. 60)
- Magen Avrohom maintains that once one allows the *tzibbur* to read from the *sefer Torah* it is prohibited to sell even if it was not fully sanctified. (M.B. 61)
- There is a disagreement whether according to the stringent opinion it is permitted to use the money of the sale of a *sefer Torah* if the sale was authorized by the seven trustees in the presence of the *tzibbur*. (M.B. 62)
- There is a disagreement whether it is permitted for an individual to sell תשמישי קדשה that he owns and use the money for other purposes. (M.B. 62)
- Pri Megadim is uncertain whether it is permitted to sell sacred items to purchase a *shas* and the writings of the *Poskim*. (M.B. 63)

# Stories to Share

## Stipulations

ש"ע, ס' קנ"ג, י': "דיחיד בשלו אפלו ס"ת מתר למכרו ולעשות בדמיו כל מה שירצה"

Today's amud discusses one's rights to his personal sefer Torah.

One wealthy man was very careful in tevilas Ezra and tried to convince as many people as possible to be careful in this regard. When he was slated to donate a sefer Torah to a local shul, he did so on condition that the ba'al koreh immerse before reading each time. In this manner, he would be certain that his Torah would always be read in purity.

But the ba'al koreh soon complained. "The mikveh is very distant and I find it difficult to go before davening. I will try, but what if one time I simply do not manage it. Can't we read from this sefer Torah even if I didn't immerse?"

When this question reached Rav Yosef Shalom Elyashiv, zt"l, he ruled that this was not a simple question. "One who donated a sefer Torah on condition that the ba'al koreh immerse before laining might or might not have made his condition binding. If he simply said that the ba'al koreh should immerse before reading from the Torah, this is not a halachically valid stipulation and they can read even if the ba'al koreh did not immerse. But if the owner said something like, 'If the ba'al koreh reads without immersing, he is a thief,' or the like, the ba'al koreh is obligated to go to the mikveh first!"

וישמע משה, ע' ש'

# Halacha Highlight

## Selling a privately owned *sefer Torah* or other sacred items

Shulchan Aruch Siman 153 Seif 10

**יחיד בשלו אפלו ספר תורה מתר למכרו**

**An individual may even sell his own *sefer Torah***

Shulchan Aruch presents a disagreement whether one is permitted to sell his personally owned *sefer Torah*. According to the first opinion, one may sell a *sefer Torah* and use the money for whatever purpose he desires as long as he had not designated the *sefer Torah* for use for communal Torah reading. Mishnah Berurah (סק"ס) cites Olas Tamid who notes that even according to the opinion who permits one to sell his personally owned *sefer Torah,* the seller will not see any *beracha* from the proceeds of that sale. According to the stringent position, an individual may not sell his own *sefer Torah* unless it is to generate funds for Torah study or to get married. Kaf HaChaim (אות צ"א) rules that one who improperly sold a *sefer Torah* and now wants to retract the sale cannot force the buyer to return it to him since the buyer can claim that the *halacha* follows the opinion that permits an individual to sell his *sefer Torah*.

Mishnah Berurah (ס"ק ס"ב) relates that Magen Avrohom asserts that the stringent opinion only restricts the sale of a *sefer Torah,* but an individual may sell his *tashmishei kedusha* and use the proceeds for whatever purpose he wishes. However, it is evident from Shulchan Aruch in Yoreh Deah that there is an opinion that restricts an individual from using the proceeds of the sale of *tashmishei kedusha*. Teshuvas Shevet HaLevi (ח"א סי' מ"א אות ג') maintains that one may rely upon the lenient position and sell one's *tefillin* or *mezuzah* in order to have funds to purchase a nicer one. Furthermore, in this case one may rely upon Taz's opinion (מובא במ"ב ס"ק י"א) who even permits the sale of a *sefer Torah* since it is assumed that a person's intent was to keep it only for the time that it is needed but if one has an opportunity to obtain a nicer *sefer Torah* one may sell the old one for that purpose.