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Halacha Highlight

Burying a worn sefer Torah

Shulchan Aruch Siman 154 Seif 5

ספר תורה שבלה

A sefer Torah that becomes worn

Shulchan Aruch (סע׳ ה׳) rules that if a sefer Torah becomes worn it must be placed in an earthenware utensil and buried in the grave of a Torah scholar. Biur Halacha (ד״ה וגונזין) cites Pri Megadim who notes a significant change in wording between seif 4 and seif 5. In seif 4 Shulchan Aruch wrote that when the cover for a sefer Torah becomes worn they may (יכולין) use it for shrouds to bury a meis mitzvah. In seif 5 he writes that a worn sefer Torah is buried in the grave of a Torah scholar and does not use the term may, implying that it is obligatory. Pri Megadim then notes that he did not observe people who are particular about this. Aruch HaShulchan (סע׳ ח׳) contends that burying a sefer Torah near a Torah scholar is done only when there is no other place to store the sefer Torah but if one can find a place in one's home or in the Bais HaKnesses to keep the worn sefer Torah that is preferable.

The reason to place the sefer Torah into an earthenware utensil before burying it is so that it should not rot and disintegrate quickly. Poskim write that although it is preferable for one to follow the ancient custom of burying a worn sefer Torah in an earthenware utensil, if that proves difficult one may also place the sefer Torah in a wooden utensil if the wood is strong and will last more than 100 years. In the opinion of some Poskim, placing a worn sefer Torah in a concrete casing is also sufficient since it will prevent water from reaching the sefer Torah for many years. Another option is to place the sefer Torah in a hard plastic casing that will prevent water from reaching the sefer Torah (ע׳ ספר פסקי תשובות אות י׳ והע׳ שם).

Stories to Share

The Paroches

ש״ע קנ״ד, ו׳: ״ופרוכת...״

The venerable custom in Yerushalayim was to use the paroches on the aron hakodesh for what appeared to be much lower uses. Even rabbanim would use them to beautify communal sukkos during the festival, to cover Eliyahu's chair and the chair set aside for the sandek during a bris milah, and so on.

When Rav Efraim bar Moshe was asked about this he ruled that it was permitted. "Although the Bach prohibits using the paroches for any mundane use, many rabbanim and gedolei Yerushalayim were lenient about such matters. The Terumas Hadeshen is the first to mention a possible reason this could be permitted. He explains that it is as if beis din made a condition when sanctifying the paroches that they would also use it for these other purposes. And the Magen Avrhaham explains that this is the same reason for the custom to use the paroches for a chuppah at weddings.

"Even the Bach is only discussing during his times when this was not the prevalent custom, and he brings a proof that the Terumas Hadeshen held like him in such instances. But nowadays, he too would admit that this is permitted for the same reason. Although the Magen Avraham rules that one may not use the crowns on the sefer Torah for a chosson, that is not relevant to a paroches at all. The crowns are actually used for the Sefer Torah while the paroches is merely a cover of the aron hakodesh and has the halachah of a secondary use."

The Bnei Binyamin, zt"l, who brings the above also states that this is permitted. "It is already fifty years that this custom is prevalent in full view of the greatest poskim and not one has ever protested. Clearly we can continue to follow this custom."

שו״ת בני בנימין סימן ל״ט,

The Sedei Chemed, zt"l, rules similarly and concludes, "We hold that the prevalent custom established by great people can even nullify the halachah. How much more so in our case, when there are also excellent reasons for leniency!"

שדי חמד, מע׳ בהכ״, אות ל״ח, ל״ט

Overview

Siman 154 Seif 4:

Worn out sefer Torah coverings may be made into shrouds for a מת מצוה and this is the correct manner for its burial.

Siman 154 Seif 5:

If a sefer Torah becomes worn out it should be placed in an earthenware utensil and buried in the grave of a Torah scholar, even one who only studied halacha but did not serve Torah scholars.

- The same halacha applies for Nevi'im and Kesuvim when they are written on rolled parchment with דיו. (M.B. 22)
- The earthenware utensil allows it to last longer. (M.B. 23)
- It is prohibited to burn it even if one's intent is to save it from further disgrace. (M.B. 24)
- Meaning he studied mishnayos and beraisos but did not serve Torah scholars in the study of Talmud which is the explanation of the reasons for the rulings in the Mishnah. (M.B. 25)

Siman 154 Seif 6:

It is prohibited to make the teivah into a chair for a sefer Torah but it is permitted to make a small teivah from a large teivah. It is also permitted to make a small chair from a larger chair but it is prohibited to make a שרפרף. It is also permitted to make a small curtain from a large curtain or to make a cover for a sefer Torah but it is prohibited to make from it a cover for a chumash. The paroches that we hang in front of the aron kodesh possesses no sanctity other than the sanctity of a Bais HaKnesses. The poles from which the paroches hang fall into the same category but they may not be made into markers that point to where the day's krias hatorah will begin which are not as sacred.

- A teivah is the aron kodesh and the reason it is more sacred than the chair is that it is used more regularly to store the sefer Torah. (M.B. 26)
- It is prohibited to use the wrapping for a sefer Torah on Nevi'im. The cloth that covers the shulchan may not be used for the amud. The wrapping or silver accessories for a sefer Torah may be displayed in the Bais HaKnesses since they are not being actively used for another purpose. (M.B. 28)
- It is permitted to make a covering for the shulchan from a paroches. (M.B. 29)
- An accessory of an accessory which is not part of a Bais HaKnesses has no sanctity whatsoever. (M.B. 30)
- Nowadays that we hang the yad on the sefer Torah it is an accessory of a sacred item and may be made from the pole that held the paroches. (M.B. 31)
- There is a disagreement whether invalid sections of a sefer Torah may be stored in an aron kodesh but other sacred items certainly may not be placed even temporarily in an aron kodesh. The sanctity of an aron kodesh applies if it was intended to serve permanently as an aron kodesh. (M.B. 31)
- One may not use a sefer for personal use, e.g. to protect oneself from the sun. It is also prohibited to store personal papers in a sefer. (M.B. 31)