



- ▶ **Compiled by Moishe Dovid Lebovits**
- ▶ Reviewed by Rabbi Benzion Schiffenbauer Shlita
- ▶ All Piskei Horav Yisroel Belsky Shlita  
are reviewed by Horav Yisroel Belsky Shlita

## Moving a Sefer Torah

### The Issur

*M'd'rabanan*<sup>1</sup> one is not allowed to bring a *Sefer Torah* to one who is in jail even on *Rosh Hashana* and on *Yom Kippur*.<sup>2</sup> The reason is because it is a disgrace for the *Sefer Torah* to be moved for a person's needs; instead one should go greet the *Sefer Torah*.<sup>3</sup> Some say this *issur* does not only apply to someone in jail but even to any other incident that makes a person unable to come to *shul* and hear *laining* (i.e. he is sick).<sup>4</sup> The *Zohar* was very stringent with this *halacha*.<sup>5</sup> An exception exists in a case of an important person as will be discussed in the next paragraph.

### “Important Person”

A *Sefer Torah* may be transported for an important person's need.<sup>6</sup> The reason is because the *Sefer Torah* becomes elevated by being transported for an important person.<sup>7</sup> Many *poskim* say that the

important person must also be a sick person.<sup>8</sup> However, others say transporting a *Sefer Torah* is permitted for an important person even if he is not sick.<sup>9</sup> Many are lenient and rely on the second opinion.

Some *poskim* say the person we are referring to has to be important and well versed in *Torah*.<sup>10</sup> Other *poskim* maintain an important person (in this context) is a person who is careful not to miss hearing *krias hatorah*.<sup>11</sup> Transporting a *Sefer Torah* for an important person has no restrictions, and there is no need for a designated place for the *Sefer Torah* (see below).<sup>12</sup>

### Going with Ten people

Some *poskim* permit transporting a *Sefer Torah* from one place to the next if there are ten people who go along with the *Sefer Torah*.<sup>13</sup> Some say even the *Zohar* would agree that this is permitted.<sup>14</sup>

<sup>1</sup> Minchas Avraham 15:pages 27-28.

<sup>2</sup> Mordechai Mesechtas Rosh Hashanah 710, Bais Yosef 135, Shulchan Aruch 135:14, 584:3. Refer to Yesodo Yeshurin 2:pages 144-146. In regard to a *posul Sefer Torah*, see Da'as Kedoshim Y.D. 282:1, Tzedaka U'mishpat 16:footnote 3). In regard to *posuling* the *Sefer Torah* by undoing the sewing and then bringing it from place to place, see Lev Chaim 2:22. Bringing a *Sefer Torah* to a court to swear is forbidden (Yesodo Yeshurin 2:pages 144-146).

<sup>3</sup> Yerushalmi Yoma 7:1, Mishnah Berurah 47, Aruch Ha'shulchan 30. Refer to Levush 584:3.

<sup>4</sup> Mishnah Berurah 135:46, see Shar Ha'tzyion 42.

<sup>5</sup> Zohar Parshas Achrei Mos page 142, Kaf Ha'chaim 83, Vayivorech Dovid 1:26.

<sup>6</sup> Rama 135, Pischei Shearim 9:33.

<sup>7</sup> Levush 135:14, Mishnah Berurah 50.

<sup>8</sup> Darchei Moshe 135:10, Magen Avraham 23, Elya Rabbah 19, Shemen Hameor, Kitzur Shulchan Aruch 23:30, Sharei Ephraim 9:44, Aruch Ha'shulchan 31, see Elya Rabbah 17.

<sup>9</sup> Darchei Moshe ibid, Magen Avraham ibid, Chai Adom ibid, Mishnah Berurah 50, Aruch Ha'shulchan 30, Matei Ephraim 584:24.

<sup>10</sup> G'ra 21, Mishnah Berurah 50, Imrei Yosher 2:197:5:page 121. Refer to Biur Halacha ibid who says he can be great even not in *Torah*.

<sup>11</sup> Sharei Chaim 9:23, Pri Hasadeh 4:15:1.

<sup>12</sup> Mishnah Berurah 51, Matei Ephraim 584:24.

<sup>13</sup> Eishel Avraham Butchatch ibid, Bais Lechem Yehuda Y.D. 282:2, Birchei Yosef Y.D. 282:3, Kaf Ha'chaim 74, Avnei Yushfei 1:22:2, Refer to Elya Rabbah 135:17 who is stringent.

<sup>14</sup> Yaskil Avdi 6:page 294.

### **Tzibbur**

Many *poskim* say the whole *issur* of moving a *Sefer Torah* only applies where the *Sefer Torah* is being moved for an individual, and if a *tzibbur* needs to have a *Sefer Torah* in order to hear *laining* then moving a *Sefer Torah* from place to place is permitted.<sup>15</sup> Some say the reason for the leniency for a *tzibbur* is because they are equivalent to an important person for whom a *Sefer Torah* may be transported.<sup>16</sup>

### **Preparing a place for the Sefer Torah**

One who wishes to bring a *Sefer Torah* to another location may do so if he prepares a place for the *Sefer Torah* to be kept,<sup>17</sup> such as an *aron kodesh*.<sup>18</sup> Although, some *poskim* require the *sefer Torah* to be brought a day or two before it will actually be read<sup>19</sup> this is not meant to be taken literally, and as long as the *Sefer Torah* is in an *aron kodesh* it is permitted.<sup>20</sup> The reason why preparing a place permits transporting the *Sefer Torah* is because it does not seem that the *Sefer Torah* is brought because of the reading, but instead as being transported to leave it in the new place (albeit for a short time).<sup>21</sup> Some say when one takes a *Sefer Torah* from an *aron kodesh* to a sick person he should make sure not to place it in a room that is above a bathroom,<sup>22</sup> however, the *minhag* is to be lenient with this.<sup>23</sup>

### **“Reading from the Sefer Torah Three Times”**

Many people think one may transport a *Sefer Torah* from one place to another if one will read from it three times. This idea is quoted by the *Aruch Ha’s hulchan*<sup>24</sup> and others<sup>25</sup> *l’halacha*. However, most *poskim* say this should not be relied upon for *halacha l’maseh* since this opinion is not found in earlier sources.<sup>26</sup> Although, the earlier sources say one should prepare a place for the *Sefer Torah* a day or two early, there is no mention of the idea of reading from it three times to permit it to be transported without any restrictions.<sup>27</sup> *Horav Moshe Feinstein zt”l* said that although there is no source for this opinion, one should not disturb people who rely on it.<sup>28</sup>

### **Room to Room**

According to the writings of the *Zohar* one is not permitted to take a *Sefer Torah* to another place, even from room to room.<sup>29</sup> This was the custom of the *G’ra* as well.<sup>30</sup> Many *poskim* hold that it is permitted to take a *Sefer Torah* from one room to another room if both rooms are under one roof.<sup>31</sup>

<sup>24</sup> 135:32.

<sup>25</sup> *Toras Chaim* 135:page 113. Refer to the *Avnei Yushfei* 1:22:3 who says the *Aruch Ha’s hulchan* is saying a *chumra* that one has to read it three times and have a place set aside for the *Sefer Torah*. Most *poskim* learn the *Aruch Ha’s hulchan* as being lenient and only requiring reading from the *Sefer Torah* three times without preparing a specific place for it.

<sup>26</sup> *Horav Yisroel Belsky Shlita*, see *Sharei Chaim* 9:22, *Kinyan Torah* 4:18, *Emes L’Yaakov* 135:footnote 11:page 78, *Yabea Omer O.C.* 9:15:5, *Rivevos Ephraim* 5:219, 6:page 512, *Avnei Yushfei* 1:22:3, *Teshuvos V’hanhugos* 1:694, *Vayivorech Dovid* 1:26, *Halichos Shlomo Tefilla* 12:38, *Minhag Yisroel Torah* 135:7.

<sup>27</sup> *Yalkut Avrohom* 135:33-36:pages 17-19b in depth, *Rivevos Ephraim* 6:649.

<sup>28</sup> *Ha’tefilla B’tzibbur* page 133:footnote 123, *Rivevos Ephraim* 3:95:1, *Vayivorech Dovid* *ibid*, see *Tzitz Eliezer* 17:12.

<sup>29</sup> *Zohar Achrei Mos* page 142, *Tov Ayin* 18:45, *Kaf Ha’chaim* 74, *Orchos Chaim Spinka* 135:14, *Salmas Chaim* 146:page 44.

<sup>30</sup> *Masei Rav* 129:page 156.

<sup>31</sup> *Eishel Avraham Butchatch* page 531, *Da’as Kedoshim Y.D.* 282:1, *Orchos Chaim (Spinka)* 125:14, *Bais Shearim* 48:pages 20b-21, *Pischei Shearim* 9:35, *Har Tzvi O.C.* 71, *Kinyan Torah* 4:16, *Tzedaka U’mishpat* 16:footnote 10.

<sup>15</sup> Refer to *Pri Chadash* 14, *Elya Rabbah* 17, *Da’as Kedoshim Y.D.* 282:1, *Mishnah Beruah* 47, *Biur Halacha* “ein.”

<sup>16</sup> *Mishnah Berurah* 47, *Minchas Avraham* *ibid*, *Opinion of Horav Shlomo Zalman Aurbach zt”l* quoted in *Nishmas Avraham* 135:page 76.

<sup>17</sup> *Rama* 135:14, *Magen Avraham* 22. Some say one can transport a *Sefer Torah* even if he will prepare a place for it, but has not yet done so (*Eishel Avraham Butchatch* 135:page 531 in the *Friedman Shulchan Aruch*).

<sup>18</sup> *Pri Megadim M.Z.* 12.

<sup>19</sup> *Darhei Moshe* 135:10.

<sup>20</sup> Refer to *Maharam Padiva* 88, *Taz* 12, *Elya Rabbah* 18, *Be’er Heitiv* 22, *Sharei Ephraim* 9:43, *Matei Ephraim* 584:24, *Da’as Kedoshim Y.D.* 282:1. This may be done even on the day of the transport (*Mishnah Berurah* 49, *Da’as Torah* 135:14). If one has a specific place for the *Sefer Torah* it is permitted even if it is not in an *aron kodesh* (*Pischei Shearim* 9:32).

<sup>21</sup> *Taz* 12.

<sup>22</sup> *Mishnas Yosef* 34.

<sup>23</sup> *Opinion of Horav Korelitz Shlita* quoted in *Mishkan Dovid* 8:21.

Some say it is only permitted if there is a designated place for the *Sefer Torah* in the second room.<sup>32</sup>

This has ramifications for many *shuls* with two *minyanim* very close to each other in two separate rooms. A person from one *minyan* may go into the main *shul* to get a *Sefer Torah* for *laining* since the *Sefer Torah* is only being moved from one room to the next under the same roof. This is permitted as mentioned above since it is from one room to the next. Furthermore, it is for a *tzibur*, and there is usually a small *aron kodesh* in the second room to place the *Sefer Torah* in before *laining* begins.<sup>33</sup>

### **Parshas Zochor**

Some *poskim* maintain that transporting a *Sefer Torah* from place to place (even without placing the *Sefer Torah* in an *aron kodesh*) is permitted to enable someone to hear *parshas zochor*.<sup>34</sup> Others say it is also permitted for *parshas para*,<sup>35</sup> while others permit it for all of the four *parshas*.<sup>36</sup>

### **Chosson**

Some people have the custom to have a private *minyan* at the *chosson's* house for an *aufruf* or *Shabbos sheva beroshos*. The question arises if one is allowed to bring a *Sefer Torah* there? Many say that since one brings a *Sefer Torah* to greet a king,<sup>37</sup> and a *chosson* is comparable to a king,<sup>38</sup> bringing a *Sefer Torah* to him is permitted.<sup>39</sup> Others say doing

so is permitted if the *Sefer Torah* will be placed in an *aron kodesh* in the *chosson's* house.<sup>40</sup> Since the custom is to place the *Sefer Torah* in an *aron kodesh*, bringing a *Sefer Torah* to the *chosson* is allowed.

### **Bais Avel r"l**

The *Shulchan Aruch* and *Rama* argue if an *avel r"l* goes to *shul* to hear *laining*.<sup>41</sup> The custom of the *Ashkenazim* is that an *avel r"l* does not leave his house for *laining*.<sup>42</sup> Many say that a *Sefer Torah* may be brought to the house of an *avel r"l* since it is being brought for a *tzibur* which is permitted to do.<sup>43</sup> Some say if there will not be a designated place for the *Sefer Torah* (i.e. *aron kodesh*) then it should not be brought to the *bais avel r"l* even if a *tzibur* is there.<sup>44</sup> Since the *minhag* today is to have a small *aron kodesh* in the *bais avel r"l* for the *Sefer Torah* bringing it is permitted.

### **Protection**

One who is concerned that the *shul* is not a safe place for a *Sefer Torah*, may transport it to his house in order to keep it in a safer place.<sup>45</sup>

### **Private Sefer Torah**

Many people have a private *Sefer Torah* in their house which they bring along when traveling on vacation etc. Many *tzadikim* also had their own *Sifrei Torah* which they took with them when they traveled.<sup>46</sup> The question arises if the aforementioned *halachos* apply to a private *Sefer Torah* which is kept at home.

<sup>32</sup> Refer to Machzik Beracha 6, Me'or Vekitzia 135:page 142, Salmas Chaim 146, Teshuvos V'hanugos 2:90.

<sup>33</sup> Refer to Teshuvos V'hanugos 2:90, Minhag Yisroel Torah 135:8. Refer to Kovetz Bais Aaron V'Yisroel 125:pages 124-125.

<sup>34</sup> Magen Avraham 135:23, Elya Rabbah 17, Be'er Heitiv 22, Chai Adom 31:15, Kitzur Shulchan Aruch ibid, Mishnah Berurah 46, Aruch Ha'shulchan 31. According to the *Zohar* this would be forbidden (Kaf Ha'chaim 85).

<sup>35</sup> Chai Adom ibid, Kitzur Shulchan Aruch ibid, Mishnah Berurah 46.

<sup>36</sup> Aruch Ha'shulchan ibid.

<sup>37</sup> Pischei Teshuva Y.D. 282:1, Toras Chaim 135:page 13, Kaf Ha'chaim 77, Tzedaka U'mishpat 16:2:footnote 5.

<sup>38</sup> Pirkei D'Rabbi Eliezer 16:page 74 (new). Refer to Yismach Lev 1:page 183 who says in the name of the *Brisker Rav* that since a *chosson* is like a king he should wear a hat the entire wedding. Refer to ibid:page 91.

<sup>39</sup> Imreo Dovid 51, Igros Moshe O.C. 1:34, Kinyan Torah 4:18, Yabea Omer O.C. 9:15:6, Vayivorech Dovid 1:26:page 139.

<sup>40</sup> Imrei Yosher ibid, Soveh Smochos (Yosef) 1:page 69:7.

<sup>41</sup> Shulchan Aruch Y.D. 344:18, 393:3,

<sup>42</sup> Rama ibid 393:3.

<sup>43</sup> Yugel Yaakov 14, Binyan Shel Simcha 5:page 10, Kaf Ha'chaim 75, Toras Chaim 135:page 113, Am Hatorah 2:12:page 90:13, Igros Moshe Y.D. 4:61:13, Kinyan Torah 4:18, Teshuvos V'hanugos 1:694, Pnei Boruch 10:24, Yavivorech Dovid 1:26, Piskei Teshuvos 135:footnote 172, Chai Ha'Levi 4:14, Yabea Omer 9:15, Yalkut Yosef 135:12.

<sup>44</sup> Yugel Yaakov ibid, Vayivorech Dovid ibid, see Me'or Vektziah 135:page 142 who is stringent. Refer to Orchos Chaim (Spinka) 135:16:page 50, see Avnei Yushfei 1:22:3.

<sup>45</sup> Shraga Hameir 6:88, Tzitz Eliezer 11:16, Piskei Teshuvos 135:28.

<sup>46</sup> Darchei Chaim V'sholom 213:page 69, Piskei Teshuvos 135:footnote 145. Refer to Kaf Ha'chaim 82 who says a *sefer torah* that is not usually used may be transported from place to place.

## Halachically Speaking

*L'maseh*, the aforementioned *halachos* do not apply to a private *Sefer Torah*.<sup>47</sup> A *Sefer Torah* which was donated to a *shul* is not considered privately owned.<sup>48</sup>

Accordingly, one may take a private *Sefer Torah* into the office with him on a fast day especially since it is being brought for a *tzibur* of ten people to hear *laining*.<sup>49</sup>

### Hotel

When one wants to rent out a hotel for *Shabbos* or *Yom Tov* bringing a *Sefer Torah* is permitted for the following reasons. The *Sefer Torah* is usually kept in an *aron kodesh*, and is brought for at least a *minyan* of people.<sup>50</sup>

### Fixing a Sefer Torah

A *Sefer Torah* that needs to be fixed may be transported from place to place.<sup>51</sup>

### Wrapping while Transporting

When a *Sefer Torah* is transported from place to place the custom is to wrap it in a *tallis*. The source for wrapping it in a *tallis* is unclear.<sup>52</sup> One should not transport it past dirty places even if it is wrapped.<sup>53</sup>

### Kosel Hamaravi

At the *Kosel Hamaravi*, when a *minyan* davening outside needs a *Sefer Torah*, one person goes inside and brings it back inside immediately after *laining*. Some *poskim* say it is not in honor for the *Sefer Torah* for it to be brought from the inside area of the *kosel* to the outside, and instead the people at

the *minyan* should go inside to the *Sefer Torah*.<sup>54</sup> Since this is usually not practical, and some *poskim* hold that the *Kosel* is considered like one big *shul*, the custom is to be lenient.<sup>55</sup>

Some have the custom to *daven* at the “*Kosel Kotton*” which is located near the *Kosel*. Bringing a *Sefer Torah* to the *Kosel Kotton* is permitted since it is an honor for the *Sefer Torah* to be brought to such a holy site.<sup>56</sup>

### Yomim Noraim

One may move a *Sefer Torah* on the *Yomim Noraim* to allow more people to receive *aliyahs* which will raise more money for the *shul*.<sup>57</sup>

### Simchas Torah

On *Simchas Torah* the custom in many places is to make many *laining* stations so everyone can receive an *aliyah* in a short period of time. The question arises if moving a *Sefer Torah* from one place to the next is permitted. The custom is to permit this, even if the *Sefer Torah* is being brought to a different building since the moving is being done in the honor of the *Torah*.<sup>58</sup>

One is permitted to bring *Sifrei Torah* from other *shuls* in honor of *Simchas Torah*.<sup>59</sup> Many have the custom to bring *Sifrei Torah* during *hakofes* to be able to go around the *bimah* with seven *Sifrei Torah*.<sup>60</sup>

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<sup>54</sup> Tzitz Eliezer 11:16:2:page 48.

<sup>55</sup> Yalkut Yosef 135:15:footnote 22. This is the opinion of Horav Yisroel Belsky Shlita.

<sup>56</sup> Rivevos Ephraim 5:219.

<sup>57</sup> Mishnah Berurah 135:48, Shar Ha'tzyion 46. Refer to Aruch Ha'shulchan 32 who speaks against this practice.

<sup>58</sup> Levushei Mordechai 3:97:1, Bais Shearim 49, Shulchan Hatohar 135:8, Kaf Ha'chaim 80, Igros Moshe O.C. 1:34, Yalkut Avraham 135:33-36, Tzedaka U'mishpat 16:6, Vayivorech Dovid 1:26:page 139, Ishei Yisroel 47:33:footnote 87, Minhag Yisroel Torah 135:8:page 248. See Aruch Ha'shulchan 32 who is stringent. One would also be permitted to take a *Sefer Torah* from place to place for one who has *chosson Torah* (Bais Yisroel O.C. 1:22:pages 21-21b). This is permitted just as many other actions are permitted on *Simchas Torah* that normally are not allowed (Piskei Teshuvos 135:footnote 139).

<sup>59</sup> Sharei Ephraim 9:46, Mishnah Berurah O.C. 669:9.

<sup>60</sup> Birchei Yosef 135:13, Sharei Ephraim 9:46.

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<sup>47</sup> Refer to Torah L'shma 58, Har Tzvi O.C. 71, Tzitz Eliezer 18:6, Vayivorech Dovid 1:26:page 139. See Mesechtas Yoma 70a, Sotah 41a, Shearim Metzuyanim B'halacha Sotah 41a:pages 352-353.

<sup>48</sup> Vayivorech Dovid ibid.

<sup>49</sup> Vayivorech Dovid ibid. When taking a *Sefer Torah* with you on a plane one may keep it in the overhead compartment, but may not *chas v'sholom* place it with the luggage underneath the plane (Piskei Teshuvos 135:footnote 187).

<sup>50</sup> Rivevos Ephraim 5:219.

<sup>51</sup> Kaf Ha'chaim 79,80, Mikdash M'eat Y.D. 282:1, Yalkut Yosef 135:18.

<sup>52</sup> Tzeadak U'mishpat 16:footnote 3.

<sup>53</sup> Piskei Teshuvos 135:25.

Some *shuls* have the custom to bring their *Sifrei Torah* outside and join other *shuls* in singing and dancing on *Simchas Torah*. This is permitted because it is done out of honor for the *Torah*.<sup>61</sup> The same is true for *hakofes shenias* which are made in *Eretz Yisroel*.<sup>62</sup> Some say this would even be permitted according to the opinion of the *Zohar* mentioned above.<sup>63</sup>

### ***Hachnoset Sefer Torah***

The custom seems to be that when a new *Sefer Torah* is brought into a *shul* other *Sifrei Torah* are brought outside to greet it.<sup>64</sup> The reason why this is permitted is because it is an honor for the new *Sefer Torah* that other *Sifrei Torah* come out to greet it.<sup>65</sup> Others feel that the *Sifrei Torah* should not be taken out of the *shul* to greet the new *Sefer Torah*.<sup>66</sup>

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<sup>61</sup> Yechaveh Da'as 1:72, Yabea Omer O.C. 7:56, Yalkut Yosef 135:footnote 21. Refer to Me'or V'ketzia 135:page 142.

<sup>62</sup> Yechaveh Da'as 1:72, Yabea Omer O.C. 7:56, yalkut Yosef 135:20:footnote 28. One should not throw the *Sefer Torah* in the air as this is a great disgrace to the *Sefer Torah* (Yabea Omer *ibid*). Furthermore, giving a *Sefer Torah* to a young child should be avoided (Yalkut Yosef *ibid*:footnote 28).

<sup>63</sup> Divrei Chachumim O.C. 52.

<sup>64</sup> Noheg K'tzon Yosef page 135, Birchei Yosef 135:13, Orchos Chaim (Spinka) 135:14:page 50, Sharei Ephraim 9:46, Kaf Ha'chaim 77, Yaskil Avdi 5:9:3, Heichel Yitzchok 7:2, Yabea Omer O.C. 4:15, 7:56. Some say not to go with the old *Sifrei Torah* pass the opening of the *shul* (Sharei Ephraim *ibid*).

<sup>65</sup> Toras Chaim 135:page 113, Yalkut Yosef 135:19.

<sup>66</sup> Bais Shearim 49:page 21, Halichos Shlomo Tefilla 12:38:footnote 112. Refer to Kaf Ha'chaim 77 who says one should not do this unless ten people escort the *Sefer Torah*.

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**Halachically Speaking**

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