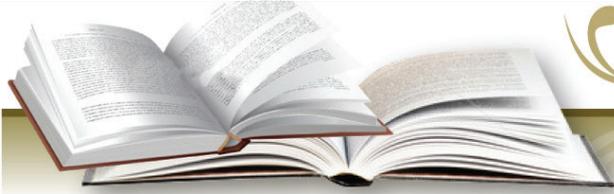


TORAH & HORAHAH



Behaalosecha 5777

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Dear Reader,

Parashas Behaalosecha is unique among the Parshios of the Torah. Whereas every other parashah finds its place within one of the five books of the Torah, this week's parashah crosses the borders of three different books of Torah!

The source of this cryptic statement is a teaching of the Gemara (Shabbos 115b), which explains that the passage within our parashah surrounded by two inverted letter Nuns – the passage of *va-yehi binso'a ha-aron* – is deemed an entire book of Torah in itself.

Chazal explain that if a fire should break out on Shabbat, only a section of Torah containing at least eighty-five letters should be rescued. The reason is that the smallest book of Torah – the passage of *va-yehi binso'a* – consists of eighty-five letters.

Together with the extra book, the Gemara continues, the five books of Torah become seven.

This week's article discusses the transportation of a Sefer Torah out of its regular place in Shul. What is the halacha concerning bringing a Sefer Torah to a beis avel? Must the Sefer Torah be read from at least three times? Does one need to keep the Sefer Torah in a fixed place after it is transported? These questions, among others, are discussed in this week's article.

This week's Q & A addresses the question of neutering a pet by means of a non-Jew.

Transporting a Sefer Torah

In Parashas Behaalosecha we read about the Aron HaKodesh, the holy ark that carried the tablets of the Torah: “And it was, when the Aron set forward, that Moshe said: Rise up, Hashem, and let Your enemies be scattered; and let them that hate You flee before You. And when it rested, he said: Return, Hashem, unto the many thousands of Israel” (*Bamidbar* 10:35-36).

This brings us to reflect on an interesting set of halachos that relate to the moving of the Aron. It is often desired to move a Sefer Torah, whether inside an Aron or outside of one. For instance, when there is a temporary *minyán* at a summer camp, a family Shabbos occasion, and so on, we often bring along a Sefer Torah for the Torah reading.

But is it always permitted to transport a Sefer Torah for such reasons? What is the halacha concerning bringing a Sefer Torah to a *beis avel*? Must the Sefer Torah be read from at least three times? Does one need to keep the Sefer Torah in a fixed place after it is transported? We will address these questions, and others, below.



Taking the Torah to the Reader

The book of Bamidbar, instead of being a single book, is split into three: one prior to the passage of *va-yehi binso'a*, one after it, and the passage between the inverted letters itself. Added to the remaining Bereishit, Shemot, Vayikra, and Devarim, we reach seven books of Torah.

What is the special nature of the two verses of *va-yehi binso'a*, which renders them an entire book of Torah?

It would appear that the answer to this is latent in a statement of the Chida. The Chida cryptically states that although the smallest “book of Torah” is indeed a “small book,” it is one day destined to become a great volume (Kisei Rachamim Chap. 6, citing from Kabbalists).

Superficially, the entire Torah is a record of the history of the Jewish People, and specifically the history of their relationship with Hashem. This is true both for the Torah, and even for the books of the prophets; the history of the Jewish People itself is itself Torah.

The chronicles of Jewish People conclude with the Destruction of the Temple, or shortly thereafter. It is here, with the physical exile of the people, that even prophecy was exiled from the nation, and the history of Israel ceased

Concerning the reading of the Torah by the Kohen Gadol on Yom Kippur, the Mishnah records how the Sefer Torah was passed from hand to hand, until it reached the Kohen Gadol who received it and read from it (*Yoma 7:1*). On this Mishnah the Yerushalmi asks: “In every place we say that people must go after the Sefer Torah, and here the Sefer Torah goes to the people?” The Yerushalmi answers: “Because they are important people, the Torah is elevated by them.”

In general the custom is to be called up to the Torah, and the person called up approaches the Torah and reads from it. For the Kohen Gadol, however, the Torah is brought to him for his reading. The Yerushalmi explains that this is permitted because the Kohen Gadol is a distinguished person, and bringing the Sefer Torah to him honors the Torah rather than the opposite.

The Yerushalmi states that the Torah is also brought to the Reish Galusa, the head of the exile and leader of the Jewish community, for him to read from it. Even if he was not always the most righteous and virtuous of people, the Gemara explains that his lineage from the house of David warrants the honor.

Similarly, the custom among the Geonim was that after the first two *aliyos* (Kohen and Levi), the Torah would be taken to the Nasi—the head of the community—who would read the Torah for the third *aliyah*. Following his *aliyah*, the Torah was returned to the *bimah* for the remaining *aliyos*. This custom is mentioned in *Sefer Hamanhig (Hilchos Shabbos, p. 181* in the Yitzchak Refael edition), among other places, and the source is given as the above Yerushalmi.

Transporting the Torah to the Sick

The sources above teach us that as a general rule, it is considered disrespectful to transport a Sefer Torah from its fixed location. If somebody wishes to read from the Torah, he must come to the Torah’s place, rather than the Torah be transported to him.

This principle receives halachic expression in the *Or Zarua (Kerias Shema 9)*, who writes that somebody who is sick, and cannot go to Shul, should host a minyan in his home if possible.

If he is an important person, an *adam chashuv* in his city, then a Sefer Torah may be brought from Shul to his home to read from the Torah (implying that if he is not an important person, it is forbidden to bring him a Sefer Torah).

The Maharam of Rottenberg, who was a disciple of the *Or Zarua*, writes in a similar vein that one does not bring a Sefer Torah to a prison facility for the benefit of Jews incarcerated there. This of course was of great relevance to the Maharam himself, who was tragically imprisoned for several years until his death.

Both these authorities note the Yerushalmi as the source for the rulings. It is permitted to transport a Sefer Torah for a distinguished person, but not for a regular Jew who cannot make it to Shul.

The ruling of the Maharam is cited by the Mordechai (*Rosh Hashanah 710*), and it serves as the basic ruling on which the discussion among later authorities is based.

Halachic Rulings

While the halacha of transporting a Sefer Torah is not mentioned by Geonim and by early Rishonim (including the Rif and the Rambam), it is noted by the Shulchan Aruch (*Orach Chaim 135:14*), who writes that it is forbidden to bring a Sefer Torah to a person who cannot come to Shul, such as somebody who is sick or a prison inmate.

However, as noted above, it is permitted to transport the Sefer Torah for the needs of an important person. This ruling is given by the Rema and the Mishnah Berurah (50) explains that this is considered an elevation for the Sefer Torah. Many authorities write that the important person must be sick. However, others are lenient in this, and the common custom is to rely on the lenient opinion (see *Darchei Moshe 135:10*; *Magen Avraham 135:23*; *Aruch Hashulchan 135:31*; *Kitzur Shulchan Aruch 23:30*; among others) and therefore a Sefer Torah may brought to a distinguished person even if he is not sick.

There is also a discussion about who qualifies as an “important person” for this halacha. The basic qualification is that the person

to be recorded as Holy Writ. The Chida, however, means to reveal that ultimately, all the sojourns of Israel will be revealed as Torah.

These journeys, which will come to their climax with the coming of the Mashiach, are represented by the journeying of the Aron – the journeying of the Torah – together with the nation. Our journeys are themselves the journeys of the Torah; the annals of our history, though today they go unwritten, are somehow a part of the Torah itself.

Thus, although today the book of the travelling Aron is small, one day it will grow to be a great volume – a great book that includes all the journeys of Israel over the course of the exile.

It is incredible to realize that with our own choices – with our own deeds and achievements – we ‘write’ our portion of Torah; indeed, of this we pray “give us our portion in Torah.” This is on the one hand a great merit, yet on the other a grave responsibility.

Our prayer is that indeed, Hashem should merit us with our portion in Torah, and that the great Book should speedily come to its conclusion, with the coming of the Redeemer, speedily and in our days.

must be important and a Torah scholar (see *Gra 135:21*; *Mishnah Berurah 50*). Note that it is permitted to transport a Sefer Torah for an important person even when it will not have a fixed place (*Mishnah Berurah 51*; see below).

Transporting for a Minyan

The Shulchan Aruch and Rema dispute whether an *avel* leaves his home to hear the reading of the Torah in shul (see *Shulchan Aruch, Yoreh De'ah 344:18*). The Ashkenazi custom is that the *avel* does not leave his home for this reason. But is it permitted to bring a Sefer Torah to the *avel's* home, so that the Torah can be read at his home minyan?

It is possible that the entire prohibition against transporting a Sefer Torah only applies to moving the Torah for an individual. By contrast, it is permitted to move a Sefer Torah for a *tzibbur*, a community (of at least ten). This ruling is noted by the *Pri Chadash (135:14)*, the *Elyah Rabba (135:17)*, and others, and is cited by the *Mishnah Berurah* in his *Biur Halacha (s.v. ein)*.

The *Mishnah Berurah* explains the reason for the leniency is that a minyan is equivalent to an important person, for whom it is permitted to move a Sefer Torah.

Although the above-mentioned ruling of the *Or Zarua* notes that a Sefer Torah must not be transported for a minyan held in the home of a sick person, it is possible that this refers only to an ad-hoc minyan for a sick person, and not to an actual congregation (see below, however, concerning cases in which the Sefer Torah has a designated place).

In the case of an *avel*, there are additional grounds for leniency when the Torah is read-from three times. While there is no clear basis for this, there is a common custom whereby if the Torah is read from three times, it is permitted to transport it. The idea is mentioned by the *Aruch Hashulchan (135:32)* and others. While there seems to be no halachic basis for this (see *Teshuvos Vehanhagos 1:694*; *Vayevarech David 1:26*; see also *Halichos Shlomo, Tefilla 12:38*), Rav Moshe Feinstein is cited as having said that one should not criticize those who rely on the custom (*Vayevarech David, loc. cit.*; *Rivevos Ephraim 3:95:1*).

Transporting to a Designated Place

An important leniency in the matter of transporting a Sefer Torah, which is also highly relevant for a *beis avel*, is putting the Sefer Torah in an appropriate place.

If a proper place has been prepared for the Sefer Torah, such as an Aron Kodesh, it is permitted to move it to the designated location (*Peri Megadim 135:12*). Some authorities write that the Sefer Torah must be brought a day or two before it is read-from, but most understand that this is not required (see *Maharam Padiva 88*; *Taz 12*; *Elyah Rabbah 18*; among others).

The reason for the leniency is that when there is an appropriate place for the Sefer Torah, it is not apparent that it was brought for the reading, but rather seems that it was transported to leave it in the new place—even for a short time.

Thus, where one needs to transport a Sefer Torah to a *beis avel*, to a hotel or camp, and so on, the best option is to have a proper Aron HaKodesh where the Sefer Torah will be

kept. This ensures that there is no concern for prohibition in transporting the Sefer.

Other Halachos

It is generally accepted that one may transport a Sefer Torah from room to room in the same building without concern. The Gra (*Ma'aseh Rav* 129), however, was stringent in this.

It is permitted to transport a Sefer Torah if this is needed to fulfill an obligation, such as Parashas Zachor or Parah (*Magen Avraham* 135:23, *Elya Rabbah* 17; *Chayei Adam*

31:15; *Mishnah Berurah* 46; among others). The *Aruch Hashulchan* (31) writes that this is permitted for all four Parshios.

The common custom is not to apply the above halachos to a private Sefer Torah that is kept at home (see *Shut Tzitz Eliezer* 18:6).

It is permitted to transport a Sefer Torah where this is required for the protection of the Sefer itself (see *Shut Tzitz Eliezer* 11:16). This was more common in times gone by (see *Shulchan Aruch, Orach Chaim* 148).

Halachic Responsa

to Questions that have been asked on our website dinonline.org



The Question:

Can one follow the lenient opinions of some authorities concerning whether a non-Jew is permitted neuter animals, and thereby ask a non-Jew to perform the procedure for a Jewish owner?



Answer:

The *Shulchan Aruch* writes that it is forbidden to neuter an animal even by means of requesting a non-Jew to do so (*Even Ha-Ezer* 5:14).

This is either because the prohibition applies even to a non-Jew (see *Beis Shmuel* who holds this to be true, whereas the *Aruch Ha-Shulchan* disputes this), or because of the prohibition of requesting a non-Jew to perform any prohibition.

However, for a female animal there is room for leniency where there are special circumstances. In addition, if done by indirect means (preventing blood flow from the reproductive organs) *poskim* are lenient in asking a non-Jew.

Best wishes.



Sources:

See *Nishmas Avraham* (*Even Ha-Ezer* 5:9), citing from Rav S. Z. Auerbach; *Shevet Ha-Levi* (Vol. 6, no. 204); *Har Zvi* (*Yoreh De'ah* 23); *Shevet Mi-Yehudah* 4:18.