

KERIAS HATORAH ISSUES PART 3

by Rabbi Doniel Neustadt

Sitting or standing?

The koreh and the person receiving the aliyah must stand while reading from the Torah. Members of the congregation, however, are not required to stand. Indeed, there are three views in the poskim as to what is preferred:

1. Some hold that it is preferable to stand while the Torah is being read, since Kerias ha-Torah is compared to the giving of the Torah at Mount Sinai where everyone stood[1].
2. Others maintain that there is no preference and one is free to sit or stand as he wishes[2].
3. A third view holds that it is preferable to sit while the Torah is being read[3].

The basic halachah follows the middle view that there is no preference whether to sit or stand during Kerias ha-Torah and one can choose. There are, however, some people who are stringent and insist on standing while the Torah is being read.

Most poskim agree with the following:

- A weak person who will find it difficult to concentrate should sit.
- Between aliyos there is no reason to stand.
- For Barechu and its response, everyone should stand[4], but during the recital of Birchos ha-Torah there is no obligation to stand.

The custom in most congregations is that everyone stands while the Aseres ha-Dibros and Shiras ha-Yam are read[5]. As with all customs, one should not deviate from the custom of the shul where he is davening.

Consecutive aliyos for relatives

In order to avoid ayin ha-ra, a "bad omen," the gabbai does not call a father and a son, or two brothers [who share a father] for consecutive aliyos[6]. Even if the parties involved are not concerned with ayin ha-ra and wish to be called consecutively, it is not permitted[7]. Moreover, even if the gabbai mistakenly did call the relative for a consecutive aliyah, the one who was called should remain in his seat and not accept the aliyah[8]. If, however, the mistake was realized only after he ascended the bimah, then he is not instructed to descend[9].

L'chatchilah, even brothers who share only a mother, or even a grandfather and his son's son[10], should not be called for consecutive aliyos. If, however, there is a need to do so, or if - b'diavad - the call to ascend to the bimah was already made, it is permitted for them to accept the aliyah[11]. All other relatives may be called consecutively even l'chatchilah.

The consecutive aliyos restriction does not apply:

- If the consecutive aliyah is the maftir on a day when a second Sefer Torah is read for maftir, e.g., on Yom Tov or Rosh Chodesh, or when the Four Parashiyos are read[12].
- In a congregation where the names of the olim are not used when they are called for an aliyah. [In some congregations no names are used for the shevi'i or acharon aliyos[13] .]
- To hagbahah and gelilah, in a congregation where names are not used when calling up for hagbahah and gelilah[14].

Question: How is an adopted child called to the Torah?

Discussion: The poskim disagree as to whether an adopted child should be called to the Torah as the son of the adoptive father[15]. Rav S.Z. Auerbach[16] rules that if the biological father's name is known, then the child should be called to the Torah by that name. If the biological father's name is not known, then he may be called to the Torah as the son of the adoptive father.

Question: If, mistakenly, the "wrong" Sefer Torah was removed from the Ark, may it be returned and exchanged for the "correct" Torah?

Discussion: Most poskim maintain that it is improper to return a Torah to the Ark once it has been removed[17]. Although using the "wrong" Torah will cause a delay (tircha d'tzibbura) since it will have to be rolled to the correct place, it is still considered degrading to a Torah to be put back once it was taken out of the Ark. There are two notable exceptions to this basic rule:

1.If the Torah was lifted up by the person removing it, but not actually taken out of the Ark, it is permitted to set it back down and remove the correct Torah from the Ark[18]. On a day when two (or three) Sifrei Torah are taken out of the Ark, and the "wrong" one was laid on the bimah mistakenly, it is permitted to pick up the "wrong" Torah from the bimah and replace it with the correct one[19].

1. Rama, O.C. 146:4, as explained by Bach and Mishnah Berurah 19.

2. O.C. 146:4.

3. This is the view of the Ari z"l as understood by many of the later authorities; see Chesed l'Alafim 135:14; Sdei Chemed (Beis, 29); Kaf ha-Chayim 146:20; Da'as Torah 146:4; Shulchan ha-Tahor 146:4. Note that this view has an early source; see Sefer ha-Machkim, pg. 15, and

Teshuvos Rama mi-Pano 91.

4. See, however, Kaf ha-Chayim 146:20-21 and Halichos Shlomo 1:12, Devar Halachah 30, that the custom is to remain seated even during Barechu.
5. Igros Moshe, O.C. 4:22; Halichos Shlomo 1:12, Devar Halachah 30. See Yechaveh Da'as 6:8 for a dissenting opinion.
6. O.C. 141:6. This holds true even for shevi'i and maftir, unless the maftir is a boy under bar mitzvah; Mishnah Berurah 141:20.
7. Mishnah Berurah 141:19. Aruch ha-Shulchan 141:8 maintains, however, that one who is unconcerned with ayin ha-ra may do as he wishes.
8. Be'er Heitev 141:5; Sha'arei Efrayim 1:33. 9. Mishnah Berurah 141:18.
10. But a grandfather and his daughter's son are permitted to be called for consecutive aliyos; Kaf ha-Chayim 141:27
11. Sha'arei Efrayim 1:33.
12. Mishnah Berurah 141:20. Some poskim do not recommend relying on this leniency when no Kaddish is recited between the aliyos, e.g., Chof ha-Moed Pesach (Sha'arei Efrayim 1:32), while others are not particular about that (Aruch ha-Shulchan 141:8). On Simchas Torah, however, all poskim are lenient about this; see Yechaveh Da'as 3:50.
13. Mishnah Berurah 141:21.
14. Teshuvos Avnei Cheifetz 16, quoted in She'arim Metzuyanin B'halachah 23:10. See also Ashrei ha-Ish, vol. 1, pg. 141.
15. Minchas Yitzchak 4:49; 5:44; 6:151, strictly prohibits this practice. See also ruling of Rav Y.E. Henkin (Yagel Yaakov, pg. 133). Other contemporary poskim find room for leniency; see Lev Aryeh 1:55 and Nachalas Tzvi, vol. 1, pg. 31-35.
16. Quoted in Nishmas Avraham, vol. 5, pg. 136 and in Halichos Shelomo 1:12-18. The same ruling applies to writing the adopted child's name in a kesubah or a get. See also Igros Moshe, E.H. 1:99; 4:26-2.
17. See Yabia Omer 8:15-4, who quotes the various views who rule stringently. See, however, Igros Moshe 2:37, who rules that one may not object if a member of the congregation instructs the chazan to return the "wrong" Torah to the Ark.
18. Eishel Avraham, O.C. 144.
19. Peri Megadim (Mishbetzos) 140:4; Beiur Halachah 684:3, s.v. ve'im ta'ah, quoting Acharonim. Even if the "wrong" Torah was already unrolled to the Torah reading of the day (and even if the

one called up for the aliyah already recited Baruch Atah but did not yet say Hashem), it is permitted to roll it up and exchange it for the correct one.

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Rabbi Neustadt is the Yoshev Rosh of the Vaad Harabbonim of Detroit and the Av Beis Din of the Beis Din Tzedek of Detroit. He could be reached at dneustadt@cordetroit.com