

# HALOCHOSCOPE



**This week's question:**

Someone has a number of *siddurim* with torn pages, though not the same pages in each. By cutting and pasting, he could put together some complete *siddurim*, while the others would be put away in *genizah* (*shaimos*). Is this permitted, and if so, is it preferable to putting all of them in *genizah*?

**The issues:**

- A) The *kedusha*, sanctity, of printed *sidurei tefillah*
- B) *Lo saasuk kain*, the *mitzvah* forbidding destruction of holy items; *Hidur mitzvah*, making *mitzvah* items beautiful
- C) Destroying to repair – in a different place
- D) *Maalin bakodesh velo moridin*, increasing or reducing sanctity

## A) *Kedusha of sidurei tefillah*

As we shall see in the next section, there are *mitzvos* to protect holy items, and prohibitions against their destruction. These include various levels of holiness, ranging from *sifrei torah* down to a public square used for occasional public prayer. In this range, holy books can be considered quite high on the list. A written work attains sanctity, especially if the writer had specific intent to invest it with such sanctity. For *sifrei torah* this is required. Even if such intent was not explicitly stated, it might be assumed under certain circumstances. In addition, the materials used, the content, and the lettering, can all have inherent *kedusha*. Mundane items like vessels and documents, with Divine names written into them, can also have some *kedusha*. They should be treated with respect. Letters should not include verses or parts thereof, even as lighthearted references, unless certain specific conditions are met.

In former times, only *sifrei Tanach* were written. *Torah Sheb'al Peh*, the Oral Law, was always transmitted by word of mouth, teacher to disciple. This is based on Scriptural references that basically maintain that anything written must be read from the script and anything oral may not be. *Tefillah* was formalized in the period of Ezra, and was memorized. Those who had not memorized *tefillah* had to listen to a *shliach tzibur*. There was obviously a temptation to record the *tefillos*, but this was condemned by the Talmud. If a fire would break out on *Shabbos*, one may rescue holy works to some extent. This might involve *hotza'ah*, moving them to another domain. However, the *mitzvah* to protect their sanctity overrides certain types of Rabbinically instituted *hotza'ah*. In those times, this only applied to those *sefarim* that were permitted to be written. This list did not include *sidurei tefillah*. They were not permitted to be written, and their rescue could not be justified. Nevertheless, they had certain Divine Names written in them. These would end up being destroyed. Thus, the writers were indirectly responsible for some destruction of

Hashem's Names. Some poskim point out that even if an abbreviation is used, as was often the case, there seems to be concern over its destruction. The typical abbreviation was two letters *yud* with a third on its side above them.

At the point that it was determined that people were no longer able to memorize the *Torah Sheb'al Peh*, the decision was made to write it down, in authorized version. We know this as the *Mishnah*, and later on, the Talmud. Throughout this period, most people still relied on memorizing *tefilos* by heart. However, at a later point, *siddurim* were written down. Thus, the original condemnation no longer applies. The poskim discuss how this affects rescuing these items on *Shabbos*. Yet later, books were no longer hand-written but were printed. A new question arose as to the sanctity of something that was not manually written with intent. Pressing the paper onto the presses is a manual action, that involves a person, who can have intent. There is room to consider this a form of intent to invest sanctity. Yet later, printing evolved into an automatic process, and nowadays, might not even use ink and any form of 'pen'. On the one hand, this means that there is less human involvement. On the other hand, this makes printing holy words much easier and abundant. This raises new concerns.

The modern printed *siddur* includes hundreds of Divine Names. It also includes over half of a *sefer Tanach* – the book of *Tehilim*. It also includes many other passages, including many from the Torah itself. In addition, some *siddurim* actually have the entire *sefer Tehilim* printed at the back. Based on all of this, the poskim consider a *siddur* holy enough to rescue on *Shabbos*.

Either way, a *siddur* must be treated as a holy item with regard to respect. Thus, one may not show it disrespect by tearing it or throwing it in regular garbage. If it becomes worn out, it must be placed in *genizah*, indefinite 'storage'. For *sifrei kodesh*, the optimum *genizah* is burial in or near the grave of a Torah scholar. For items of lesser holiness, one may dedicate space where the items are left alone in a respectful way. With the explosion of printed matter, some poskim discuss the validity of compacting certain holy books and disposing of them in other ways. [The issue is whether indirectly causing erasure of a holy writing is forbidden.] In general, the question is raised whether the traditional manner of *genizah* can become disrespectful when the volume of items increases too much. [See Shabbos 115a-116b 120a Sukah 53a Megillah 26a-27a Gitin 60a-b, Poskim. Tur, Sh Ar OC 153:1-5 154:4-5 334:12-14 YD 276:10, commentaries. Sefer Chasidim 881-2 934-5, Mekor Chesed.]

### ***B) Lo saasun kain, morah mikdash, hidur mitzvah***

The respect accorded to holy items is derived from the positive *mitzvah* to respect or show awe for holiness, *umikdashi tira'u*. In addition, the Torah makes reference to placing a *sefer Torah* in an honorable place. From here we derive the *mitzvah* to act with respect toward *sefarim* of all kinds. There is also a negative *mitzvah* forbidding destruction of holiness. The Torah instructs us to eradicate any trace of idolatry, including its name, but not to do the same to Hashem. This refers primarily to erasing the Name of Hashem, but also includes any manner of destruction. The poskim debate whether these *mitzvos* are always considered Scriptural. However, it seems that all agree that *bizayon*, shaming

or disgracing these items is a Scriptural violation. In our case, removing a page from the *siddur* is a form of destruction on both the *siddur* and the page. Our case is complicated by the fact that the now deficient *siddur* will be less usable than before. On the other hand, the *siddur* to which this good page is added will now be made usable. Thus, in a way, the page is not being degraded, while the one *siddur* has its honor restored.

*Hidur mitzvah* is derived from a *passuk*, and is generally considered Scriptural. It does not usually have an absolute measure or value, but is subjective. However, there are certain things that are required due to *hiddur mitzvah*. In addition, there is a restriction on using ugly or deficient items for holiness, based on a *passuk* in Navi, *hakrivaihu na lefechasecha*, 'try offering this to your [human] governor'. Another Scriptural reference mentions that all things done for Hashem should be appropriately beautiful. There is a clear requirement to beautify a *sefer torah*, and by extension, any *sefer*. There is some debate on whether this is always considered Scriptural. This raises a question in cases like ours. Does the requirement of *hiddur mitzvah* on the one hand override the restrictions on degrading the sanctity on the other hand?

If a column in a *sefer torah* is in such a state of disrepair that it cannot be fixed, it is replaced. Usually, more than the one column must be replaced. The reason is due in part to *hidur mitzvah*. The result is that a decent column might need to be removed and buried in order to repair the whole *sefer*. The Talmud also discusses one who finds a nicer looking item than the one he already has. To fulfill *hiddur mitzvah*, he must exchange them, within reason. Based on these combined factors, some say that one may also replace an inferior column in a nice *sefer*, even if the inferior column is not actually deficient. While the application of this ruling to *sifrei torah* is debated, there seems to be consensus that one may do this with a *sefer* used to study from. A *siddur* would seem to have the same level of *kedusha* as a *sefer* in relation to this issue. Certainly, one should replace a deficient page in a *siddur*. Our question is whether one may remove a good page from an otherwise deficient *siddur*, in order to beautify the other *siddur*.

The Talmud discusses dividing a *sefer* in two. The poskim maintain that if this is done to give two parties one half each, it is considered *bizayon*. However, if it is done to serve the purposes of a single user or the purposes of the *sefer* itself, it is permissible. [See Shabbos 115-116 120 133b Eruvin 98a Megillah 26b Rosh Hashanah 18b Gitin 45b 54b Baba Basra 11a 13b Makos 22a Shavuos 35a-36a Menachos 30b 32b Sofrim 3:11-13, Poskim. Tur Sh Ar OC 154 YD 179:8 276 279 280:2 282 284:2 CM 173:, commentaries. Sefer Chasidim 879, Mekor Chesed. Chavos Yair 116. Minch. Chinuch 437. Chaz. Ish YD 164:2-3. Ig. Moshe YD II:134-136. Shvus Yaakov III:10. Tzedaka Umishpat 12:1 16, esp. notes. Halochoscope II:4 III:1 XIV:5.]

### **C) Erasing to fix somewhere else**

The Talmud considers destructive activity to be constructive, if and when it leads to a constructive end result. However, this principle cannot be applied indiscriminately. While one who does this on *Shabbos* is liable for having done a *melacha*, it might not apply leniently here. Similarly, the poskim maintain that erasing is only forbidden when done in a destructive manner. Thus, they permit erasing part of a Name in order to vali-

date its script. However, they debate whether this also applies when the erasure validates or otherwise fixes a different spot. For the purposes of our discussion, the poskim discuss cutting and pasting to edit a master copy. Sometimes, a letter or word is removed from one page to be placed on another page. Often this affects something printed on the reverse. It also affects the nearby print, and indeed, the entire page. It is done to perfect the other page. When it fixes the same *sefer*, they permit it. However, in our case, one is destroying one *siddur* to repair another. [See Shabbos 106a Baba Basra 3b Shavuos 35a-b Sofrim 5, Poskim. Tur BY Sh Ar YD 176:9-11, commentaries. Rambam Yesodei Ha-torah 6:1, Otzar Hamelech (R Tzadok). Tzedakah Umishpat 16:note 91.]

#### **D) Horadah bikedusha**

When removing a page from a *siddur*, one is lowering the *kedusha* of that *siddur*. One may not lower the level of *kedusha* of any item. Thus, one may not use a worn out *sefer torah* to make a *mezuzah*, by piecing together the relevant *parshiyos*. A *mezuzah* is less holy than a *sefer torah*. The poskim discuss whether this applies when one transfers something to an equal level of *kedusha*, as in our case with regard to the page being used. The poskim also debate whether one would be in violation of this when the item being used on a lower level is anyhow going to be idle. This does not apply to a *sefer torah*, but to lower types of *kedusha*, such as the mantle. Thus, one might be able to use the pages of one *siddur* that is going to *genizah* anyhow, to repair a *siddur* that will at least be used. A *siddur* does not have the level of sanctity of a *sefer torah*, but is more like the mantle.

A similar question is raised with regard to the sale of a used *sefer torah* (when permissible). As an old *sefer*, it will fetch a better price if it is taken apart and sold as separate *yerios*. Presumably, the removed *yerios* will be used to repair other *sifrei torah*. If the *sefer* is still kosher, this would clearly be lowering its *kedusha*. However, if it is already *pasul*, at least one *posek* permits this. Our case has many similarities to this. It would appear that this also resolves the issues raised in the last section. Dismantling an entire page at a time seems to avoid the issues of erasing. [See Megillah 26a-27a Menachos 22a 99a, Poskim. Tur Sh Ar OC 153:2-5 154:6-8 (Taz 7) YD 282:10-17 290:1, commentaries. Tzedak Umishpat 15:3 note 36. Sefer Chasidim 879, Mekor Chesed.]

In conclusion, it is preferred to use the pages of one worn *siddur* to repair another.

**On the Parsha ...** *Observe My Shabbos and have awe for my sanctuary; I am Hashem. [26:2] I am trustworthy to pay reward. [Rashi]* Elsewhere, this term refers to matters that pertain to the heart, that Hashem alone knows. The commentaries all explain the connection between *Shabbos* observance and awe for the sanctuary. One can show outward observance of *Shabbos*, but feel inside that it is burdensome. Likewise, one can take care not to physically abuse holy items without truly feeling awe for their holiness. Only Hashem knows the inner thoughts. To demonstrate inner awe and observance, one respects holy items after they have worn out, and adds to the sanctity of *Shabbos* before and after. [See *Daas Zekainim*, *Baal Haturim*]

**Sponsored by Dennis Wayne in memory of his mother, Chava bas Yaakov a”h, whose**

**yahrzeit is on the 11<sup>th</sup> of Iyar. ׀**

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