

# HALOCHOSCOPE

This week's question:

An author is raising money to publish a *sefer* or book on Torah matters. He has been offered money by sponsors that include someone non-religious. Another person would like to sponsor in the name of a non-Jewish relative who is a religious functionary. Is this appropriate in a holy book, with or without mentioning a name and a title?

The issues:

- A) Torah study and teaching through publication of *sefarim*
  - B) Source for listing names of sponsors
  - C) Accepting a gift from a heretic or a non-Jew to a holy cause
  - D) Mentioning an honorable title of a non-Jewish religious functionary
- A) Torah study through publication of *sefarim* [excerpted from Halochoscope XXII:44]

The ideal form of Torah study may be learned from the format of the *mitzvah* in the Torah. The language used is "to teach one's children." To teach usually involves speaking – telling the child the words and their meanings and applications. The Torah also uses the term *vedibarta bam*, you shall speak about them, referring to the *mitzvos*. It is assumed that this means to study their rules using speech. Evidently, the ideal is to engage in study as an interactive activity. One must communicate verbally. The question is whether both parties need to speak. When there is a *shiur*, for example, there is a speaker and there is a listener, who does not speak. The speaker is clearly engaged in the *mitzvah*. May we assume that the listener is also participating in the *mitzvah*? The speaker could not perform his part without a listener. The listener is definitely helping in the *mitzvah*, and most likely, is also fulfilling the *mitzvah*. Thus, the speaker is also helping the listener fulfill his *mitzvah*, and the cycle repeats itself endlessly.

The Oral Torah is, by definition, transmitted through speech. It is only due to the foresight of the Rabbis that it is written and printed nowadays. They knew that had they not recorded it, it would be forgotten. The Written Torah is studied by reading the words. Theoretically, one could read with his eyes and not verbalize it. However, there are specific tunes for the words, which add to the meanings. The Talmud says that one should verbalize the words. This also applies to studying the Oral Torah. Indeed, this is considered the true way to study. Although it sounds like advice to aid memory, it has significant consequences with regard to the *mitzvah*. One may not begin the study before reciting *birchas hatorah*. If one has no plan to verbalize, but to read a *sefer*, should he recite the *brocha*? The *brocha* is not recited on *hirhur*, thinking. *Hirhur* is not like *dibur*, speaking. This ruling is applied in situations where one may not speak, due to defilement. He may think, but it does not count as *dibur*. However, if one plans on writing, most poskim say he does recite the *brocha*. Some explain it as an action, as opposed to a

thought. Some say that one who writes inevitably also says the words he writes. Some say that writing is another way to perform the essential *mitzvah* of teaching. Others can read his written words. *Hirhur* does not work for this, since people don't read minds.

Based on this line of reasoning, publishing a *sefer* is considered an ideal way to fulfill the *mitzvah* of Talmud Torah. Furthermore, the people who help with the costs of the publication have a share in the *mitzvah*. They share in the *mitzvah* of the publisher or author, and the *mitzvos* performed by those who study the *sefer*, in accordance with the endless cycle mentioned before. They also have the merit of supporting a Torah scholar financially, which is also a *mitzvah* of *zedakah* at a high level.

While *hirhur* does not count as *dibur* for a *brocha*, *shomaia keoneh*, listening counts as though the listener is saying the words he hears. The question is whether it is exactly the same, or whether in cases where it counts the actual verbalization is not as essential as hearing them. In any event, the poskim debate this with regard to reciting a *brocha* before listening to a *shiur* before *shacharis*. Some connect it to an earlier debate. If one is in the middle of *shemone esrai*, and he hears *kedusha*, what should he do? He may not interrupt. May he stop and listen, fulfilling his obligation to respond with *shomaia keoneh*? Or do we say *shomaia keoneh* is as though he interrupted with speech? Others explain the question in other ways. The consensus is that a *brocha* should be recited on listening to Torah study.

However, as mentioned, just thinking does not require a *brocha*. The *sefer* can be used for both *hirhur* and for *dibur*. While *hirhur* does not count for the person thinking, it counts for the person who wrote the *sefer* as his fulfillment of study by teaching. In addition, the reader can mouth the words. He can also read them to others. The poskim maintain that one of the best ways to teach nowadays is to publish *sefarim*. This would reach a much larger audience, and in perpetuity. Moreover, many authorities insist that one must publish his novel ideas in a *sefer*. Neglecting to do so withholds good from the public, who deserve to study these Torah novella. [See Tur Sh Ar OC 47:3-4, Shaarei Teshuva 3. Mishkenos Yaakov 64. Ha'elef Lecha Shlomo 35. ShuT RAE 25-29. Binyan Olam 12. Besoraso Yehege III:1:4, footnotes.]

There is a separate issue dealing with the *mitzvah* to write a *sefer Torah*. Most poskim maintain that the purpose of this is to study from it. Thus, nowadays, this *mitzvah* is accomplished by buying other *sefarim*, since most people do not study from a *sefer Torah*. Accordingly, making the *sefarim* available supports this *mitzvah* as well.

#### **B) Listing names of sponsors**

A source for recording names of those who dedicate an item for *mitzvah* usage can be found in the Talmud. Certain people are singled out for their contributions to the service in the *Bais Hamikdash*. These include families who made the incense or the special bread. Some are commended, while others are condemned for not being open to sharing their secrets. Others mentioned are those who provided a reflector to determine sunrise and the like. The main gates into the *azarah*, courtyard of the *Bais Hamikdash* are called *Shaar Nikanor*, after the person who donated them with great sacrifice. Some commentaries mention the names of certain of the portions of the Torah, that are named for peo-

ple in that portion. This is a special merit based on something they did (even including *Balak!*) The main source for publicizing names of sponsors in a *sefer* is a responsum of one of the early poskim. The actual case is writing one's name on an item donated to a *shul* for public use. The congregation apparently did not wish to have this person's name on their furniture. The ruling sided with the donor, based on various Talmudic and Midrashic sources. They say that had the people who performed heroic feats known that their names would be recorded, they would have done even more. The lesson is that mentioning the names and giving credit encourages them and others to step up.

This source is cited for various other credits, including writing the names of sponsors in a *sefer*. Indeed, one of the verses cited by the Midrash is "The when one man speaks to his fellow (in Torah study) Hashem listens and it is recorded in a *sefer!*" That is, a *zikaron*, memory or testimonial list of names. This can certainly be applied in our case, as it is by some commentaries. [See Shekalim 5:1 Yuma 37a-38b Erchin 6a-b, Poskim. Midrash Rus Raba 5:6. Bamidbar Raba 12:11. Teshuvos Rashba 981. Tur Sh Ar OC 154:MB59 YD 249:13 259:3, commentaries.]

#### **C) Donations from heretics or non-Jews**

This matter is addressed by the Talmud, based on Scriptural references. The original sources in Scripture are about donations to the *Bais Hamikdash* or help in its construction. A heretic's offering is not accepted at all. This generally refers to a brazen heretic who knows better and rebels. It does not refer to an ignoramus who does not observe *mitzvos* because he was misled by others. Often this "*tinok shenishba* - kidnapped child" knows no better. He is considered a *shogaig*, unintentional sinner. From a non-Jew we may accept any voluntary offerings. We may not accept obligatory offerings. This includes the mandatory half-shekel to the communal offerings.

The second source is in Ezra. The heathen tribes who settled Israel after the first destruction offered to participate in the building of the second *Bais Hamikdash*. They were told firmly that they could not be partners in this project. The Talmud debates the reason for this. According to one view, it was not possible to consecrate their work or materials. If they did donate something, it was never consecrated for this use. Rather it reached a state of forbidden usage, but could not be used in the construction. The other view maintains that it could become consecrated, and they could really participate. They were excluded for a practical reason: they would intentionally slow down the construction.

The Talmud subsequently debates what may be accepted from a gentile toward the maintenance of the *Bais Hamikdash*. In the initial construction, nothing may be accepted at all. Once the building is up, in one view, raw materials may be accepted. A distinct item may not be accepted. Firstly, it is an embarrassment to the Jews that not enough Jewish donors donated. Second, it will lead to gentile boasting about it. The stringent view maintains that nothing may be accepted. We follow the lenient view. The Talmud also debates donations to a *shul*. There seems to be a difference in this case. A gentile may donate a *menora* (in Talmudic terms, this means a lamp). Presumably, this could be one of many such donations, rather than a single distinct item. [The poskim are unclear on this. In some references, it is implied that distinct items for a *shul* are the same as for

*Bais Hamikdash* maintenance. In others, this seems to be disregarded.] If a Jew made this type of donation, at some later point, the item may be switched to a different use or melted down. If a gentile donated it, it may not be altered until the name of the donor is forgotten. When the poskim rule on this matter, they mention that if the name has been inscribed on the item, it is not considered forgotten. The clear implication is that a gentile may have his name inscribed on this kind of donation. [There are other ways to interpret this, but the this is the simplest.]

Accordingly, one could record the name of a gentile donor in a *sefer* as well. The entire thing could not be dedicated by the gentile, but he could be one of many donors. His name may be recorded as well. A heretic's name should not be mentioned, except to condemn him. However, the vast majority of non-religious Jews nowadays are in the category of *tinok shenishba*, as mentioned earlier. Therefore, they may certainly donate and their names may be included in the dedications and credits. [See Shekalim, Yerushalmi 1:4 Erchin 5b-6b, Poskim. Tur Sh Ar YD 254:2 259:3-4, commentaries. Tzedakah Umishpat 11:19, note 38.]

#### **D) Mentioning religious functionaries with their titles**

The Torah forbids mentioning a deity. The poskim maintain that even the 'saints' should not be mentioned with their titles, which mean "holy". All of this accords recognition and legitimacy to their claims of divinity and sanctity. Accordingly, it would appear that unless one needs to do so for fear of *aivah*, antisemitism, such people should not be accorded titles. Nonetheless, in everyday speech, it is sometimes impossible to refer to them using any other name. However, in a holy *sefer*, where the name is additionally recorded for posterity, it is unseemly to use a reverent title. Rather, the name may be recorded without any titles. [See Mishpatim 23:13, Mechilta. Sanhedrin 63b Avoda Zara 45a, Poskim. Tur Sh Ar YD 147:2 darkei Teshuva 7, commentaries.]

In conclusion, the name of a brazen violator should not be recorded. His sponsorship should not be accepted. If his relative sponsors in his name, the name should not be written in the credits. A regular non-observant Jew is not considered a brazen heretic, and his donation should be accepted. It should be to his merit. His name may be mentioned. A gentile's donation may be accepted. His name may be listed. A donation in honor of a gentile religious functionary may be accepted and his name may be listed. It should not include any honorific titles.

**On the Parsha ...** Take the two shoham stones and engrave on them the names of the Children of Israel. Six of the names ... [28:9-10] The stones shall be by the names of the Children of Israel ... twelve tribes [28:21]. In reality both only had the twelve tribes' names. The names were there as a *zikaron*, reminder of the entire people. On the *choshen*, they would light up when the *Urim Vetumim* was consulted. This is the only place names are written in the *Mishkan*. The princes of the tribes donated them, and maybe their names serve as a dedication. The rest of the *Mishkan* was donated by the public.

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