

HALOCHOSCOPE

This week's question:

May a *sefer Torah* be scanned onto an electronic device? If it is scanned, may one fuzz out the *shaimos*, holy Names of Hashem?

The issues:

- A) Respect for a *sefer Torah*
- B) The sanctity of the Names of Hashem; writing and erasing
- C) Are electronic impressions considered written?

A) Respect for a *Sefer Torah*

Each aspect of respect one is obliged to show for a *Sefer Torah* appears to have its own source. The main factor is the content of the *Sefer Torah*. As the Talmud says, it has within it the words of the *Luchos Habris*, tablets of the covenant, and must be treated with respect. We are commanded to respect students of the Torah, so we must certainly respect the Torah itself. The other factor is the sanctity with which a *Sefer Torah* must be written, and with which its materials are manufactured.

The sources for the *mitzvah* to respect a *Sefer Torah* include the *umikdashi tira'u*, revere [My] sanctuary. This applies to the *Bais Hamikdash*, but also to *shuls* and holy artifacts. A *Sefer Torah* is considered *kedusha atzma*, holiness itself. It is on the highest level of *kedusha* that we have nowadays. Due to this reverence, one may not sit on the same level as a *Sefer Torah*, place it on the floor, or do anything mundane in its presence. It must be treated with extra care, and a special place must be designated for it. Some derive this from the *pasuk* stating that the *Sefer Torah* written by Moshe was placed beside the *Aron Habris*, holy ark in the Tabernacle. This teaches us to treat the *Sefer Torah* with comparable reverence and to designate for it a place of honor. The same *pasuk* states that the *Sefer Torah* will serve as a witness. In its presence one must feel profound awe.

Mipnei saivah takum is the Scriptural *mitzvah* to rise for an approaching Torah scholar and to remain standing until he passes by or reaches his seat. This is also part of a more general *mitzvah* to respect a Torah scholar, which is, in turn, derived from the language of the *mitzvah* to revere Hashem Himself. From this *mitzvah* we learn that if one must rise for those who study the words, one must certainly rise for the *sefer* itself. From a further *passuk* we learn that one must walk along to accompany a *Sefer Torah*, as it says, 'you shall follow behind Hashem your G-d'.

Obviously, one may not behave disrespectfully in the presence of a *Sefer Torah*, even if the disrespect is not directed at the *Sefer Torah*. One may not turn his back on it. Certain bodily functions may not be performed in the presence of a *Sefer Torah*. One may not hold a *Sefer Torah* 'naked'. Some say this means one who is inappropriately clad or unclad may not hold it. Others say it refers to holding it with bare hands, while the *sefer* is 'naked', without its wrappings. One may not stretch ones legs in its presence.

In addition to respect, one must also beautify the *Sefer Torah*. This is part of the general *hidur mitzvah*, beautifying any *mitzvah*, but for this *mitzvah* in particular stronger terms than the usual are used. It must be written beautifully and adorned with beautiful coverings. The immediate coverings are the *mitpachas*, wrapping, which nowadays is the *gartel*, and *tik*, the pouch, which nowadays is the *mantel*. They must be made of superior quality materials. As mentioned, a special place must be designated for the *Sefer Torah*. This is the source for the *aron hakodesh*. The *aron hakodesh* has a special level of *kedusha*, by virtue of its housing the *Sefer Torah*. It is either built into the Eastern wall of a *shul*, or is a self-contained chest. While one may not usually turn his back on the *aron hakodesh*, when addressing the congregation, the *rav* may do so, out of respect for the *tzibur*. The justification for this rests on the principle that the *aron hakodesh* is kept closed at all times, except when the *Sefer Torah* is removed or returned. The status of the *aron hakodesh* as a secure or an honorable place for the *Sefer Torah* is debated. However, all agree that since it is kept closed, it is mean to separate the *Sefer Torah* from the room it is in. Therefore, as long as it is closed, certain activities that would otherwise be restricted in the presence of the *Sefer Torah* are relaxed. Nonetheless, the *aron hakodesh* commands its own respect.

A *sefer Torah*, or, for that matter, any *sefer*, may not be left exposed and unattended. It may not be placed face down, (with the written side down). In an extreme circumstance, the Talmud suggests, placing the writing face-down, rather than leaving it exposed. In this circumstance, closing it is forbidden for technical reasons. In our case, the issue is whether to turn the *sefer Torah* on its face to scan it, or to lift the scanner into position over the exposed *sefer Torah*. Since the Torah is not being read, it is being exposed unnecessarily. On the other hand, it is not left unattended. The additional issue of whether it is appropriate to scan it at all is also raised.

When discussing exposing the *sefer* unnecessarily, the poskim discuss airing the newly written words to dry. Even this is forbidden. However, they raise the issue of a scroll that is beginning to mold. It is necessary to expose it to the air. When the exposure is for the needs of the *sefer*, it is permitted. Unlike drying, which can be done with a cover, this requires exposure. In our case, scanning is needed to determine certain characteristics of the *sefer* regarding fixing it. It should be done with the minimal exposure and disrespect. If possible, the *sefer* should not be laid on its face.

The poskim debate how one should store a *sefer Torah* inside the *aron hakodesh*, horizontally or vertically. The consensus is to stand it up. Some also read it in an upright position. They consider it more respectful. Accordingly, for scanning, the *sefer* may be stood upright. [See Brochos 25b-26a, Eruvin 91a, Megilah 26b (Tosefta 3:14) 32a, Kidushin 33a-b, Avos 4:6, Menachos 33a (Tos), Sofrim 3:11-13, Poskim. Rambam Tefila 11:2 Sefer Torah 10:2-11 (Kiryas Sefer. Hagahos Maimoni 8). Tur Sh. Ar. OC 147:1, 154:3-6, YD 277, 282, commentaries.]

B) Shaimos

The seven Names that identify Hashem by his attributes are extremely holy. When the Torah commands us to destroy idols, it states: you shall not do so to Hashem! There is also a positive *mitzvah* to fear Hashem. An aspect of this awe is the prohibition on using His Name in vain or erasing it. This includes writing it for unnecessarily. An item

usually attains its holiness through a verbal proclamation. The writer declares, before beginning to write the *shem*, his intention to write this word *lishma*, with the holiness ascribed to it. Once written, the *shem* assumes a holiness of its own. It sanctifies other letters suffixed to it, and to a lesser degree, the entire scroll or paper it is written on.

There are preconditions for the validity of a *shem* written in a *sefer Torah*, *teflin* or *mezuza*. However, *mechikah*, erasing, is forbidden even when many preconditions are not met. A *shem* written in colored ink, on wood or other materials, or embossed on metal or glass may not be erased. Engraved and embroidered *shaimos* are the subject of discussion. Some rule them full-fledged *shaimos* even though they are not considered written. It is forbidden to erase a *shem* written in a Hebrew alphabet other than that used for a *sefer Torah*, such as 'Rashi' lettering. Erasing includes cutting through them or, in the case of metal, melting them. The poskim debate the severity of erasing a *shem* written without *lishma* intent. Some say, though it is invalid for a *sefer Torah*, it is Scripturally forbidden to erase. Others consider it Rabbinically forbidden. Some consider a printing press, when powered by a human *lishma*, as fully holy. An electrically powered press has more outside power. Some suggest that an ink-jet printer could even be considered valid for a *sefer Torah*, since it is not a press and real ink is thrown onto the page. Nonetheless, most printed material is not *lishma*, and *mechika* is less stringent on it.

Words that are not *shaimos*, but are holy, such as prefixes to a *shem* and other words in the *sefer Torah*, *mezuza* or *chumash*, may not be erased, Rabbinically. This also applies to translations of *shaimos* and descriptions of Hashem's G-dly attributes. Books used to learn from may not be destroyed. Some maintain that four factors determine the level of holiness: the materials; the lettering; the intent; and the content.

Grama, indirect erasing, is not considered *mechika* when unintentional. Thus, one with a *shem* written on his skin may immerse, though the water will erase the *shem*. Nonetheless, *grama* should be avoided. [The poskim discuss *sh'ailas chalom*, a *kabbalistic* divining method. Specific *shaimos* are written on one's palms before going to sleep. Changes occur during the night, that are read according to formula in the morning. When washing *netilas yadayim* they will be erased. The issues are the *heter* to write them and to cause their being erased.] When a *shem* is erased in a non-destructive manner, but for constructive purposes (as in some cases of fixing a *sefer Torah*), the poskim debate the whether the Scriptural prohibition is violated. Fixing other words in a *sefer Torah* by erasure is not forbidden Scripturally. [Erasing often does not fix the mistake. The entire word must be written in form, rather than created by scratching away excess. Therefore, in many cases writing is necessary after the erasure.] [See Shabbos 115-116 120, Eruvin 98a, Megilah 26b Rosh Hashana 18b Gitin 45b 54b, Makos 22a, Shavuos 35a-36a, Menachos 30b 32b, Sofrim 3:11-13, Poskim. Tur Sh Ar OC 154 YD 179:8 276 282 284:2, commentaries. Chinuch 437, MnCh. Chavos Yair 116. Chazon Ish YD 164:2-3. Igros Moshe YD II:134-136. Shvus Yaakov III:10. Tzedaka Umishpat 16:n78-83 91 93.]

C) Electronic writing

The *halachic* definition of writing varies, depending on the application. For commercial purposes or other documentary applications, the main factor is whether the signature can be recognized or identified. As such, it need not even be written in a known alphabet, but may be any form of sign. In some situations, it is possible that an electronic

impression is valid. For *Shabbos* and *melacha* applications, the word must be written in a permanent way. There are also conditions on the form of the lettering, and materials and the like. For *mechikas shaimos*, there must be a physical impression. Thus, an engraving or embossing, embroidery, or even a transparency could be considered written. Even braille is forbidden to erase, Scripturally according to some. Invisible ink, readable by infra-red light or by painting chemicals over it, is also considered written by many.

Magnetic recordings, or circuitry, that will be used to project a temporary image, or even to print off an image, are not written. There is no permanent impression on the surface of the medium, that can be recognized as the *shem*. It acts more like a tool to write automatically. Nonetheless, the impressions are there. Some poskim are wary about *mechika*, suggesting that if they need to be erased, it should be done by a gentile or a child. Erasing by *grama*, such as overwriting is an even better solution. In our case, fuzzing is a type of overwriting. In the case of a real written *shem* it would be forbidden Scripturally. It involves scraping the ink or adding ink over the impression. However, on magnetic or circuitry impressions, it simply manipulates the part that projects the *shem*.

The poskim discuss a chalk image written on a black-board. The image is intended to be temporary, but will take a while to fade away by itself. Its temporary nature is really due to the intent of the teacher to erase it. However, in our case, the impression on the screen is not permanent. In fact, the nature of this impression is that it is continuously refreshed. There is no ink or paper, but little bits of light, based on the pixels. Indeed, the Talmud describes the original Torah as black fire written on white fire. However, the use of the term 'written' in this context is meant as a perception, rather than a *halachic* definition. Therefore, one may type on a screen that has a *shem* displayed, despite the fact that he will move the text, causing the *shem* to be written and erased all the time. One may fuzz the *shem* or even erase it. [See Yerushalmi Shkalim 6:1. Tzedaka Umishpat 16:n44 83 84. References to HalochoSCOPE II:4 III:1 IV:12 VII:38.]

On the Parsha ... Yitzchok said to Yaakov 'Come near that I can feel you, my son. Are you this my son Eisav?' [27:21] Yitzchok said to himself 'It is not the way of Eisav to have the Name of Hashem fluent in his mouth. And [Yaakov] just said 'for hashem your G-d just brought it before me by chance!' [Rashi] If Yitzchok knew that Eisav was not the type to mention Hashem's Name, why did he consider him so righteous? He thought that Eisav did this from his respect for the Name of Hashem. He knew he would often be in the presence of filth. He did not want to be in the habit of using Hashem's Name, so he shouldn't mention it in inappropriate places. Alternatively, one who serves out of love mentions the Name frequently. One who serves out of fear has too much awe for the Name. [Mizrachi, Gur Aryeh] Why does it seem that using Hashem's Name is either all, like a habit, or nothing? Couldn't it be used sparingly? Surely, Eisav used it sometimes! When used properly, Hashem's Name applies in all situations, major or minor, and it is always holy even if the situation is mundane. Thus, the caution lies in the decision, or commitment to use it at all.

♣ In honor and in memory of my mother, Yitele bas R. Shimon a'h, Henriette Silver. ♣

Sponsored by Robin Knee in honor of Alan's birthday on the 25th of Cheshvan.

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