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On the Exodus (and Genesis) of Shemot

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Sh'elah: May photocopies which include God's name be discarded or recycled? Does the same ruling apply to copies of sacred texts that do not contain God's name, such as booklets of Megillat Esther, or which contain divine names reduced or deformed in some way? Does it apply to Latin lettered text which is a direct transliteration of the Hebrew? To Latin letter texts with a small part in Hebrew in which God's name is included?

T'shuvah:

There is little meaning to the religious identity of a Jew if it does not include the complete rejection of idolatry. This is said to be the defining feature of Abraham's foundation of our faith, and it is an unremitting demand by God of the Jewish people. This demand comes in both positive and negative formulations. Speaking at the moment of revelation, God commands that we should have no other gods and form no images, and later, projecting to a time when we would possess the land of Israel, God commands that we should tear down its idolatrous sites. That text, in Deuteronomy 12:2-3, bids us destroy their altars.

> אבד תאבדון את כל המקומות אשר עבדו שם הגוים אשר אתם ירשים אותם את אלהיהם... ונתצתם את מזבחותם ושברתם את מצבותם ואשריהם תשרפון באש ופסילי אלהיהם תגדעון ואבדתם את שמם מן המקום ההוא...

> You must destroy all the sites at which the nations you are to dispossess worshiped their gods... Tear down their altars, smash their pillars, put their sacred posts to the fire, and cut down the images of their gods, obliterating their name from that site...

Ostensibly the next thought is that we should never again worship idols as they did, and indeed, the next verses seem to offer that thought:

> לא תעשון כן לה' א-להיכם. כי אם אל המקום אשר יבחר ה' א-להיכם... תדרשו ובאת שמה. והבאתם שמה עולותיכם וזבחיכם...

> Do not worship the Lord your God in like manner, but look only to the site that the Lord

your God will choose... There you are to go, and there you are to bring your burnt offerings and other sacrifices...

Save for one problem. Worshiping the idolatrous gods at their holy sites is not the antecedent of לא תעשון כן -- "do not do so." The immediate antecedent of "do not do so" is destroying their holy places. But that cannot be the intent. The translation above supplies the subject, then, because it might be confusing as written, but it is clear what was intended. And, indeed it is clear. The JPS commentary, *ad locum*, points to the almost

identical phrase in verse 31, where the antecedent in verse 30 is straightforward.[1] But the Sages chose to understand the text as referring back to its direct antecedent in this run of verses. Just as one must destroy idolatrous temples, one must refrain from destroying God's Temple. Just as one must obliterate the name of idolatrous gods, so must one refrain from obliterating God's name. This *drashah* appears in full in Sifrei D'varim 61 (R'eh) and is referred to by the gemara on Makkot 22a.

מנין לנותץ אבן אחת מן ההיכל ומן המזבח ומן העזרות שעובר בלא תעשה? תלמוד לומר: ונתצתם את מזבחותם ושברתם את מצבותם לא תעשון כן לה' א-להיכם. רבי ישמעאל אומר: מנין למוחק אות אחת מן השם שעובר בלא תעשה? שנאמר: ואבדתם את שמם לא תעשון כן לה' א-להיכם.

Whence do we learn that one who sunders one rock of the Temple or its altar or courts transgresses a negative commandment? The text says: Tear down their altars, smash their pillars.... Do not do so to the Lord your God. Rabbi Ishmael says: Whence do we learn that one who obliterates one letter of the divine name transgresses a negative commandment? It says: Obliterate their name.... Do not do so to the Lord your God.

In fact, it was the latter ruling by Rabbi Ishmael, that one may not erase even one letter of God's name, which was the more important of the two even while the Temple existed, for it is quite unlikely that any Jew would seek to destroy holy objects, but God's name in writing is easily erased or destroyed.[2]

The baraita on Sh'vuot 35a assumes this ruling when it offers the explication:

אלו הן שמות שאין נמחקין: כגון א-ל, א-להיך, א-להים, א-להיכם, א-היה אשר א-היה, אל"ף דל"ת, יו"ד ה"י, ש-די, צ-באות. הרי אלו אין נמחקין.

These are the divine names that may not be erased: Those like El, Elohekha, Elohim, Eloheikhem, Eh'yeh Asher Eh'yeh, aleph dalet [viz. adonai], yod heh [viz. yhvh], Shadai, Tz'vaot. These may not be erased.

This list is honed through quirks of interpretation and transmission until a definitive list is arrived at. In *Shulhan Arukh*, Yoreh Deah 276.9, Caro (Israel, 16th century) writes:

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1. Verses 29-31 of Deuteronomy, chapter 12, are explicit:

כי יכרית ה' א-להיך את הגוים אשר אתה בא שמה לרשת אתם מפניך... השמר לך פן תנקש אחריהם אחרי השמדם

מפניך ופן תדרש לאלהיהם לאמר: איכה יעבדו הגוים האלה את אלהיהם. ואעשה כן גם אני. לא תעשה כן לה' א-להיך, כי כל תועבת ה' אשר שנא עשו לאלהיהם...

When the Lord your God has cut down before you the nations which you are about to invade and dispossess... beware of being lured into their ways after they have been wiped out before you! Do not inquire about their gods, saying: "How did those nations worship their gods? I too will follow those practices." You shall not act thus toward the Lord your God, for they perform for their gods every abhorrent act that the Lord detests...

2. Rabban Gamaliel comments to that effect at the end of the Sifrei text, that one could not imagine Jews destroying their own altars, so the prohibition must be taken metaphorically, warning that we should not by our evil behavior cause the Temple to be destroyed.

אסור למחוק אפילו אות אחת משבעה שמות שאינם נמחקים... ואלו השבעה שמות: שם ההויה, ושם אדנות, וא-ל, א-לוה, א-להים, ש-די, צ-באות. ויש גורסין גם א-היה אשר א-היה. כתב א-ל מא-להים, י-ה מהשם או שכתב שם י-ה, אינו נמחק.

It is forbidden to erase even one letter of the divine names which are not to be erased... and these are they: the tetragrammaton, the "lord" name, El, Eloah', Elohim, Shadai and Tz'vaot. And some add in their version: Eh'yeh Asher Eh'yeh. If he wrote El of Elohim or Yh of the tetragammaton, or if he wrote the name Yah, it may not be erased.[3]

To these Caro adds that suffixes, such as the -kha in E-lohekha and -khem in E-loheikhem, are accounted sacred, and may not be erased, because of the sanctity of the divine name to which they are attached, whereas prefixes are not so sanctified (a fact that is not stated, but that is clearly implied by his words).[4] Contrary to common perception, then, each of these names requires protection.

Beside this well known Biblical prohibition against erasing God's name stands a rabbinic prohibition against destroying or dishonoring sacred scrolls. This prohibition is inferred from several talmudic texts, notably that a used sefer Torah must be buried (Megillah 26b), that sacred writings may not be "tossed around" (Eruvin 98a), that it is appropriate to desecrate Shabbat to save sacred scrolls from a fire, and that they must be stored and retired from use respectfully (Mishnah Shabbat 16.1, Shabbat 115a). Initially this referred only to scrolls of Torah, Prophets and Writings. But already tannaitic sources discussed in the gemara and the earliest amoraim, there, seek to expand the respect accorded sacred writings to those in other languages, and to tiny fragments of only 85 letters in length which have no sacred names included therein. Thus this is not to be construed as part of the general prohibition against destroying God's name, but another prohibition atop that one. This can be seen clearly by reviewing the case of Megillat Esther. Though the view that it is not to be protected because there are no divine names in it is still represented as a divergent view in *Shulḥan Arukh*, Oraḥ Ḥayyim 334.13, Caro himself indicates that the law is otherwise, and in Magen Avraham, there, R. Abraham Gumbiner (Poland, 17th c.) argues that even the authors of that opinion must ultimately concede that it was included in the second, rabbinic, prohibition. In time, that rabbinic prohibition was extended to include rabbinic texts and siddurim, and to commentaries thereon, as stated in *Shulḥan Arukh*, Oraḥ Ḥayyim 334.12 and Yoreh Deah 282.5 and in Maimonides' Hilkhot Y'sodei HaTorah 6.8, respectively:

כל כתבי הקודש מצילין האידנא מפני הדליקה... וכן מטבע ברכות שטבעו חכמים מצילים אותם מן הדליקה ומכל מקום התורפא ... וכן ספר תורה שיש בו ללקט פ"ה אותיות מתוך תיבות שלימות או שיש בו אזכרה מצילין אותה.

אין זורקין כתבי הקודש, ואפילו הלכות ואגדות (מהרי"ל: ואסור להפוך אותו (!) על פניהם, וכשמצאו כך צריך להפכו).

3. Maimonides (R. Moses ben Maimon, Egypt, 12th century), Hilkhot Y'sodei HaTorah 6.2 also counts seven, but includes the written and spoken versions of God's name as one and adds Elohei as a member of the counted set, but makes no mention of Eh'yeh Asher Eh'yeh.
4. In Hilkhot Y'sodei HaTorah 6.3, Maimonides expressly states the rule for both suffixes and prefixes that Caro left incomplete.

כתבי הקדש כולן, ופירושיהן וביאוריהן, אסור לשורפם או לאבדם ביד.

> Today, one saves all sacred writings from fire... even the prayers that were coined by the sages are saved from the fire or from any exposed location.... Similarly, [fragments of] a Torah scroll wherein eighty five letters in whole words are salvageable, or which has any divine name, should be saved from a fire.
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> One does not throw sacred texts, even books of law or rabbinic homilies (Mahari"l: And it is prohibited to turn these upside down, and one who finds them that way should right them).
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> All sacred writings, their commentaries and explications, may not be burned or destroyed by hand.

That this is a rabbinic prohibition only is clear from Maimonides' presentation, wherein he distinguishes between erasing God's name, an action meriting the Biblical penalty of lashes, and destroying "all sacred writings, their commentaries and explications" which is accorded rabbinic lashes of rebellion.[5] All these sacred writings come to be known as *shemot*, a generic term derived from the respect afforded any divine names that might be present, but which refers, in the end, to any written works whose primary concern is the study of Torah. These must be retired from use respectfully -- in the term used by the Mishnah, they require *genizah*, that is, burial or sealing in a vault. [The primary use of this term is as a verb, the act of burial or sealing, but the identical verbal noun *genizah*, the place of burial or sealing, is better known in vernacular use.]

The advent of print

With the advent of print the settled law was forced to face technological innovation. Was print to be considered the equivalent of writing? Should printed Torah scrolls be considered valid? What of printed books? Are they identical with their handwritten predecessors, or are they to be considered different? This matter is reviewed at some length by R. Yitzhak Ze'ev Kahana in his chapter, "HaD'fus BaHalakhah."[6] Not surprisingly, voices were raised on all sides. R. Samuel di Modena, of 16th century Salonika, set out a rubric that appears to have held despite waves of attempts to refute his arguments over the years. Di Modena argues[7] that there are four reasons to consider

5. Rabbi Yitzhak Glickman, "B'din s'reifat divrei kodesh," *Noam* 7 (1964) considers whether this prohibition may be biblical, based on an anomaly in Maimonides' language elsewhere. In the pilpul style he deftly dodges several explanations that on the whole seem likely. During his discussion he

notes a text on Shabbat 116a which seems to indicate a distinction between the divine names and the rest of the text. R. Yosi argues that with regard to Torah scrolls written by sectarians, one should cut out and bury the divine names, then burn the rest. (The law does not follow his reasoning, preferring the position of R. Tarfon that there is no sanctity in the writings of heretics, so that the whole scroll should be burnt, divine names and all). Similarly Glickman flags the text on Sanhedrin 71a wherein R. Eliezer observes that the Biblical punishment of burning could not, in fact, be imposed on any idolatrous town which had a mezuzah. The issue, as Rashi (France, 11th century) notes, is the presence of a divine name which may not be erased or destroyed, not simply a general Biblical text. This distinction is evident in later responsa.

6. R. Yitzhak Ze'ev Kahana, *Mehkarim B'Sifrut HaT'shuvot,* Jerusalem, 1973.
7. R. Samuel di Modena, *Sh'elot uT'shuvot Maharashdam,* Yoreh Deah 184.

printed books as not meeting the requirements of a Sefer Torah. 1) That Torah scrolls, tefillin and mezuzot require writing, whereas printing is not writing but etching. 2) The writing must be letter for letter, and the printing process inscribes many letters at once. 3) Torah scrolls must be on parchment, whereas printed books are typically on paper.[8] 4) That Torah scrolls must be prepared לשמה, that is with full and proper intent -- and here di Modena does not finish the thought, so clear is it to him that proper intent is not present in the process of printing. Indeed, he identifies this fourth reason as the primary and probative one. Later writers explicate this concern. R. Yonah Land-Sofer, in early 19th century Prague, described the process as מלאכת הקוף -- unthinking work (lit. a monkey's work) -- and insisted that whatever intent was formed by the printer is dissipated in the course of the work.[9] R. Ovadiah Yosef presents a more formal argument that the intent of the owner does not carry forward over the rote activity of his typesetters, based on a principal of the Talmud that we do not accept the assertion that one person has intention applied through the actions of another.[10] Having said this, however, the whole burden of di Modena's responsum is to insist that despite the fact that printed books are not equivalent to Torah scrolls, yet they are sacred, and the prohibition of destroying them as well as the requirement to dispose of them respectfully apply. Thus without identifying the biblical / rabbinic nexus we have identified before, it is some such distinction between the highly sanctified and other sacred writings that do not bear that level of sanctity which he proposes.

Against this view, R. Menahem Azariah from Fano, Italy, also writing in the 16th century, insisted that print could not be viewed as etching, but must be seen as proper

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8. This objection does not go to the heart of the printing process. It can obviously be removed by printing on parchment.
9. R. Yonah Land-Sofer, *Bnei Yonah* 271 and the long summary, there, 2.2. [I was not in possession of R. Land-Sofer's work and have cited him as he is cited in Kahana's work, above note 6, and by R. Ovadiah Yosef (Israel), below. [Scholars working in the last 50 years will not be dated]. Land-Sofer's words are well worth reproducing:

עתה שהמציאו מלאכת הדפוס אפשר להדפיס ס[פר] ת[ורה] על הקלף... אכן י[ש] ל[ומר] שאין להדפיס ס[פרים] ת[פילין] ומ[זוזות] כי הם פסולים, שאין הדפוס כתב.... דפוס בספר תורה פסול, שצריכים שכל אות לבדה תוחק בכוונתה ובציורה, אבל כוונה כוללת לכל היריעה אינה מועלת... ונ[ראה] ל[י] לפסול הדפוס לגמרי, אפי[לו] אות א[חת] ואפי[לו] בקביעות הדפוס על הקלף שהוא כמעט מלאכת הכתב... משום שאינה כתיבה שהיא ציור האותיות בכוונה מכוונת, אלא מלאכת הקוף בעלמא... והמסדר ראשון הוא מסתלק ומחשבתו מסתלקת.

Now that they have devised the printing process, it is possible to print a Torah scroll on parchment... Yet it is possible to argue that one should not print Torah scrolls, tefillin and mezuzot

because they would be invalid, because print is not writing.... Print of a Torah scroll is invalid because one must form every letter with proper intent and in proper form, whereas a general intent for each page is insufficient... It seems to me that print must be altogether invalid, even were one to print each letter separately and on parchment, which is close to writing... because it is not writing, which consists of the forming of the letters with calculated intent, but simply unthinking work (lit. a monkey's work)... and the prime coordinator leaves and his thoughts depart with him.]

In a later responsum, R. Abraham Isaiah Karelitz, known as the Hazon Ish, distinguished between hand-print and those texts printed by machine (*Hazon Ish*, Yoreh Deah 124; Lithuania and Israel, early 20th century).

10. R. Ovadiah Yosef, *Y'haveh Daat* III, 79.

writing.[11] Indeed, this view was codified by R. David HaLevi in his classic early 17th century Polish commentary *Turei Zahav* to *Shulhan Arukh*, Yoreh Deah 271. But R. Ovadiah Yosef, writing to permit the use of Bibles printed by gentiles (whereas Torah scrolls written by gentiles must be buried -- Gittin 45b, codified by Maimonides Hilkhot Y'sodei HaTorah 6.8; Caro, *Shulhan Arukh* 281.1) based his decision on a distinction between print and writing much like that of di Modena, and noted the words of R. Ishmael Cohen, that even R'ma of Fano did not, in fact, ever permit a printed Torah.[12] Indeed, the theoretical debate over whether print is to be considered writing is moot, given the factual observation that, be this as it may, no printed text has ever attained the status of the highest sanctity. Therefore, R. Ishmael Cohen abandons the position of the *Taz* in favor of that enunciated by HaLevi's father-in-law R. Joel Sirkes in *Bayit Hadash* to *Tur*, Orah Hayyim 691 (s.v. v'im) with regard to Megillat Esther and seconded, there, by *Pri Hadash* (R. Hizkiyah da Silva, 17th century Jerusalem) and *Knesset HaG'dolah* (R. Hayyim Benvenisti, 17th century Salonika), that

> בחומשין שלנו שהם כקונטרסים כתובי[ם] בשני עבריה[ם] וכ[ל] ש[כן] ספרי הדפוס שלנו שאינן נכתבין, וקרא קאמר "ונכתב בספר", דבר פשוט הוא שאין יוצאין בה (י)

> With our humashim, which are like notebooks, written on both sides, and certainly with our printed books, which are not written, whereas the text says, "it shall be written in a scroll," it is clear that one cannot fulfill one's obligation using them.

That is the position taken in modern times by R. Ovadiah Yosef, R. Moses Feinstein and R. Eliezer Waldenberg and summarized by our colleague R. Chaim Weiner and the Va'ad Halakhah of the Rabbinical Assembly of Israel.[13] But all agree that,

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11. R. Menahem Azariah of Fano, *Sh'elot uT'shuvot R'ma* 93. R. David HaLevi, *Turei Zahav* 5, to *Shulhan Arukh*, Yoreh Deah 271. To my knowledge it has not been previously remarked that Taz's own comments, though purportedly supporting the ruling that print is equivalent to writing and oft quoted in that vein, bear the mark of pleading on behalf of the sanctity of books, much as di Modena did, but fall shy of actually proposing that printed texts be treated as written. He writes that "I have heard some say that books in print do not have the sanctity of written books. It seems to me that there is no difference, and even were you to hold that print is really etching, nevertheless it is like writing.... In my humble opinion... it is really writing and not etching, for what difference does it make if one pushes pen on paper or the paper on the lead letter-forms, both are writing. Nevertheless, in the matter of a woman's divorce document [N.B. the subject of R'ma of Fano's responsum in which he permits printed divorce papers since print is the same as writing] one must certainly not make this a printed document, since it is a little like etching. But in the matter of the sanctity of books whoever is lenient will have to answer for it."
12. R. Ishmael Cohen (Egypt, 17th century), *Sh'elot uT'shuvot Zera Emet* 117. R. Ovadiah Yosef, op. cit.
13. R. Ovadiah Yosef, op. cit. R. Moses Feinstein (USA), *Iggrot Mosheh*, Yoreh Deah I, 172. R. Eliezer Waldenberg (Israel), *Tzitz Eliezer* 14, 1.10. R. Chaim Weiner, *Responsa* II, Va'ad Halakhah of the Rabbinical Assembly of Israel, 5750-52 (1992). The opinions of the modern authorities each have their provenance in differing theories enunciated in earlier works. R. Waldenberg echoes the concern of R. Land-Sofer about intent, citing his description of printing as מעשה קוף -- a monkey's work. R. Yosef cites this as well, but focuses on another of Land-Sofer's points, that the intent of the printer does not carry through the intervention of his workers. R. Feinstein, for his part, reflects the thought of another 17th century resident of Prague, R. Eleazer Fleckeles, who finds that print is not writing because it is done upside down and in reverse, and cannot, therefore, carry meaning (*T'shuvah MeAhavah* III, 391).

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notwithstanding the lesser status of print, the rabbinic prohibition of destroying such writings remains.

The Matter of Intent

That which fuels the distinction between the high sanctity of divine names, protected by a Biblical law, and the lower sanctity invested in any sacred writing, appears to be the sanctity attributed to them by an act of human intention. An unusual level of sanctity adheres to the whole of the Torah scroll as well as to each divine name that appears therein. It begins with the very earliest preparations, thus the *Shulḥan Arukh* requires specific verbal acknowledgment of the intent to prepare a Torah scroll at the time of preparation of the hide (Yoreh Deah 271.1), at the time when the scribe commences writing the scroll (Yoreh Deah 274.1), and before the writing of each and every divine name (Yoreh Deah 276.2). If the scribe did not sanctify even a single divine name, the scroll is unfit for use as a Torah scroll. Such high sanctity did not apply to other written works, let alone rabbinic works, or, as we have seen, works in print. Indeed, the logic of this conception would have it that were a divine name written without sanctification, it should not carry the biblical prohibition against its destruction, but only the more general rabbinic prescription against destroying sacred writings. That this is in fact the case is evident in the following set of rulings. While sanctified names may not be erased, *Shulḥan Arukh* Yoreh Deah 276.11 provides that God's name, although sanctified appropriately, may be partially erased for the purpose of its own correction, based on permission granted in *M'sekhet Sofrim* 5.9. Debate exists about what constitutes a correction, but it is generally agreed that it should be for its own sake, not for correction of the scroll (as when one skipped a line and began the new line with a divine name, and now wishes to erase it in order to continue in the correct place). R. Shabbetai Kohen (Vilna, 17th century) in his commentary *Siftei Kohen* 12 to *Shulḥan Arukh*, Yoreh Deah 276.9 explains:

> בתשובה הארכתי בדינים אלו והעלתי ד...שם של קודש שלא נכתב לשם קדושה מותר למחקו לצורך תיקון דוקא, אבל לגוז ולגנוז שרי אפי[לו] שלא לצורך תיקון. אבל בנכתב לשם קדושתו אפי[לו] לגוז ולגנוז לצורך תיקון אסור.

> I explained these laws at length in a responsum, that... if a holy name is written without intent to sanctify it, it is permissible to erase it in order to make a correction only, or it may be cut out and buried even not with a mind to make a correction. But when a divine name is written with the full intention to sanctify it, it may not be cut out and buried even to make a correction.

While written divine names were accorded full protection, the halakhah was more lenient with those that were not properly and fully sanctified. But it remained difficult to treat them like any other piece of rabbinic text. So they occupied a middle ground, unsanctified, but protected more assiduously by rabbinic practice than the run of other

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R. Abraham Kook, former chief rabbi of mandate Palestine, considered print to be unlike writing in that in writing the pen is pulled, citing the verse מושכים בשבט סופר -- "those who hold [= pull] the scribal staff" (Judges 5:14), recalling the concern expressed by Land-Sofer for the drawing of the individual letters (*Da'at Kohen* 160).

sacred writings. Time and again later lenient rabbinic rulings carved out an exception to their leniency with regard to divine names.[14]

Several other such ancillary rules illustrate the importance of intent as well as some other significant points. I have discussed one of those rules already. Maimonides presents the ruling and explains in Hilkhot Y'sodei HaTorah 6.8:

> כתבי הקודש כולן, ופירושיהן וביאוריהן, אסור לשורפם או לאבדם ביד, והמאבדן ביד מכין אותו מכת מרדות. במה דברים אמורים: בכתבי הקודש שכתבם ישראל בקדושה, אבל אפיקורוס ישראל שכתב ספר תורה שורפין אותו עם האזכרות שבו מפני שאינו מאמין בקדושת השם ולא כתבו לשמו, אלא שהוא מעלה בדעתו שזה כשאר הדברים, והואיל ודעתו כן לא נתקדש השם, ומצוה לשורפו כדי שלא להניח שם לאפיקורסים ולא למעשיהם. אבל עובד כוכבים שכתב את השם גונזין אותו, וכן כתבי הקודש שבלו או שכתבן עובד כוכבים יגנזו.

> All sacred writings, their commentaries and explications, may not be burned or destroyed by hand, and one who destroys them receives [rabbinic] lashes of rebellion. Of what do we speak: of sacred texts that were written by a Jew in holiness, but were a Jewish heretic to write a Torah scroll, it should be burnt with all the divine names therein -- since he does not believe in the sanctity of God (NB: or the sanctity of the divine name) and did not write it with proper intent, but rather assumed it was just another word, and since in his mind it was that way, the divine name was not sanctified, therefore it is a mitzvah to burn it in order to leave no vestige of heretics and their deeds. But, were a gentile to write a divine name, it requires *genizah*. Similarly, sacred writings that are worn or that were composed by a gentile require *genizah*.[15]

There is a gradient at work here. A divine name penned by heretics can never be sanctified for their intent is surely not proper; therefore it should be destroyed. One written by gentiles should be buried, but not destroyed, for their intent, while it may be insufficient, is still not pernicious like that of the heretic. Divine names written by Jews without proper sanctification are unfit for official public readings, but they may be kept for general purposes, for they have, at least, a modicum of correct intent. As we have seen, R. Ovadiah Yosef and others before him[16] continue this gradient and permit use of a gentile's divine names when they are in print, and not in writing.

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14. R. Joseph ben David (*Beit David*, Orah Hayyim 145; Salonika, early 18th century) permits usage of Rashi script pages in book bindings, but only if they do not have divine names; R. Abraham Isaiah Karelitz (*Hazon Ish*, Yoreh Deah 164) accepts R. Yitzhak Elhanan Spektor's solution of burning publisher's proofs and corrections (*Ein Yitzhak*, Orah Hayyim 5; Lithuania, 19th century) but only without divine names and only those printed by mechanical presses (see infra); R. Yitzhak Yaakov Weiss (*Minhat Yitzhak* I, 17-18; Romania, England and Israel) allows burning newspapers with Torah thoughts, but not with divine names; R. Tzvi Pesah Frank (*Har Tzvi*, Yoreh Deah 231; Israel, early 20th century), allows unwrapped burial of rabbinic books, but not texts with divine names. In each case the divine names in question were not even written, unsanctified divine names, but something less, yet the sage continued to protect them specially. And there are many more such cases.
15. Maimonides here appears to conflate the rabbinic prohibition against destroying any sacred text even though it has no divine name, with the Biblical prohibition against erasing or destroying a sanctified divine name. It is worth noting that the chapter as a whole is about the Biblical prohibition. As such, I propose that the first sentence cited here, "All sacred writings" - "rebellion", be seen as parenthetical, with the following "Of what do we speak" referring to the discussion of the biblical prohibition which preceded. The last sentence, "Similarly...", would likewise then be parenthetical.
16. See note 10 and other precedents cited by him in his responsum.

The second such ruling has to do with the possibility of burning *shemot* instead of burying them. R. Issachar Dov Eilenburg, a rabbi in Italy, was asked about such a custom early in the seventeenth century.[17] His answer in the negative was reconsidered by R. Jacob Reischer a century later in Prague.[18] Pressed by *shemot* awaiting burial that were scattering to the winds, R. Reischer argued that where the proper respect could not be assured, it was better to burn *shemot* than to risk their defilement. A second gradient is in evidence here, between the most respectful disposition of used sacred writings through burial, a less respectful burning, yet less respectful abandonment or dumping in the trash and, finally, physical tearing or destruction by hand. Compare this to our thoughts about the proper respect for human remains. But this conception runs counter to the express provisions of Maimonides, above, that sacred writings may not be burned, and was the occasion of a strong rebuttal by R. Ezekiel Katzenellenbogen of Germany[19] which was cited as the norm by Abraham Gumbiner (Poland, 17th century) in *Magen Avraham* 9 to *Shulhan Arukh*, Orah Hayyim 154. The issue was reopened by R. Yitzhak Elhanan Spektor, not about general *shemot*, but expressly about the pages upon pages of printer's proofs and corrections that are run off before a final printing is prepared. Having recently completed work on *Siddur Sim Shalom*, I can personally attest to the enormous volume of material generated in this fashion. Relying on Maimonides' description of intent in sanctifying divine names, and Shabbetai Kohen's comment above, Spektor concludes that these printer's corrections were never intended to be sanctified in any sense, therefore may be destroyed, but that that destruction should not be a disrespectful one, therefore they should be burned.[20]

On its face, there is an apparent contradiction between the assertion that sacred writings are to be saved from a fire and that it would be a form of respect to burn them. The contradiction is, however, more apparent than real. Sacred writings may not be buried if they are in good shape either, but we bury them when they are worn. Two different etiquettes are in action. Called on to save a living book from destruction, we do so. When time has come to lay a book to rest, burial is clearly first. Reischer and Spektor have argued that burning is second. In the responses to Reischer's suggestion, that assertion is not challenged. Rather, the need that he claimed to allow descent to a secondary level of respect is found insufficient.[21]

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17. R. Issachar Dov Eilenburg, *Sh'elot uT'shuvot B'er Sheva* 43.
18. R. Jacob Reischer, *Sh'vut Yaakov* III, 10-12.
19. 19. R. Ezekiel Katenellenbogen (Germany, 18th century), *Knesset Yehezkel* 37.
20. R. Yitzhak Elhanan Spektor, *Ein Yitzhak*, Orah Hayyim 5. Spektor proposes that the printer should formally declare that he has no intent to sanctify his test pages, but the assumption stands in the absence of such a formal declaration. In his article on printing and Jewish law (see note 6), R. Kahana claims that Spektor limits his permission such that it does not include pages with divine names or, indeed, pages in Hebrew block print (*k'tav Ashuri*). Such a limitation would gut Spektor's responsum, offering little relief to the printing trade, as it was clearly meant to do. Spektor discusses such limitations as suggested by another writer, and expressly rejects them.
21. Worn books, then, still require *genizah*, not burning, even though they lack the divine names. But of printed books, this distinction between saving a living book and putting to rest one that is beyond use should yield the conclusion that while a living book is to be saved from a fire, a "dead" one, awaiting burial, shall not be, for it is destined for burial, and burning is secondary to that. That, indeed, is the judgment of R. Moses Feinstein, who writes in *Iggrot Mosheh*,Orah Hayyim IV, 39:

(continued on the next page)

The next area in which the aspect of intent is a clear part of the legal structure has to do with the concept of גרמא -- *grama*. This refers to an action that follows indirectly from one's own, and stands in contrast to *b'yadaim*, directly, or in the singular *bayad*, literally: by hand. That term appeared in the citation above from Maimonides. The distinction is typical of things that require intent. One may not destroy any book "by hand," that is, directly. What is the rule with regard to causing their destruction indirectly? The clear implication from Maimonides' phrase is that the prohibition is only on direct action. This follows from the case discussed in the gemara (Shabbat 120b) of a man with God's name written on his skin who is called on to dunk in a mikveh in a matter of mitzvah. Rabbi Yosi permits it, as long as he does not actively rub it off. The Talmud also draws the necessary conclusion, "עשייה הוא דאסור, גרמא שרי" -- it is the doing which is prohibited, but causing indirectly is permitted. The Sages there disagree with Rabbi Yosi and demand that a band cover the writing, but the Talmud establishes that that band must be loose, and is not intended to protect the writing from being dissolved. Rather, the Sages were simply careful that God's name should not be exposed to nakedness. Thus the Talmud and Maimonides appear to support this permission to indirectly cause the destruction of God's name based on the need for intent, and that position is taken at face value by significant poskim such as R. Joshua Boaz.[22] Nonetheless, not all writers felt that a broad permission of indirect erasure could be had from here, and they offered various limitations, the most obvious being that it must be in a matter of mitzvah or other need.[23] For now, it suffices to note that, again, intent plays a role in determining the law.

ולכן כשנקרעו ובלו באופן שלא שייך ללמוד בהן ואף אם שייך ללמוד בהן אבל שום אדם לא ילמוד בהם, אזלא קדושתם ואין להציל אותם מן הדליקה

Therefore, when they are torn and worn, such that it is impossible to study with them, or even if it is possible, such that no one will study with them, their sanctity has lapsed and they are no longer to be saved from a fire.

His position is discussed further below.

22. R. Joshua Boaz (Italy, 16th century), *Shiltei HaGibborim* 2 to Alfasi's *Halakhot*, Sh'vuot #1140 (Fez, 11th century). This principle specifically about the destruction of divine names is also enunciated clearly by Rabbi Judah the Patriarch, editor of the Mishnah, although in a rhetorical usage that is of no precedential value, on Shabbat 115a, where he objects, "But is it possible to destroy them actively (*bayad)*? Rather, let him place them in a dangerous place and they will be degraded on their own."
23. That *grama* only applies in cases of mitzvah is the position of R. Ezekiel Landau (Poland 18th century), *Noda BiY'hudah, Mahadurah Tinyana*, Orah Hayyim 17. R. Tzvi Pesah Frank permits *grama* on the basis of this gemara only for a mitvah or other needs, *Har Tzvi*, Yoreh Deah 231. For details of these various positions, see R. Uri Dasberg, "Isuf p'solet n'yar shel kitvei hakodesh l'tzorekh mihzurah," *Tehumin* 3 (1982).

    Their proof that they must limit the clear conclusion of the gemara in Shabbat rests in another gemara on Megillah 26b that instructs the burial of a worn Torah scroll in a clay jar. Why not directly in the ground, they ask? Clearly, so as to retard the degradation of the writing. But why bother, if *grama* is permitted? Clearly, it can only be permitted in cases of pressing need, like the case in Shabbat.

    Note, however, that Frank proceeds immediately to argue that, that being said, rabbinic books that have no divine names and are prohibited only by rabbinic decree would not be prohibited from destruction through *grama* because of their lesser level of sanctity. He cites R. Joseph Teomim (Poland, 18th century) in *Pri M'gadim*, Eshel Avraham 9 to *Shulhan Arukh*, Orah Hayyim 154, who opposes the extension by *Magen Avraham* of this requirement of clay-jar burial to rabbinic books:

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Sometimes the precise role of intent is unclear. When the name of God is intentionally abbreviated or otherwise deformed so that it might not be considered a sacred name -- is the intent not to write God's name or the intent for it to be recognized as God's name the predominent intent? Whereas some have argued that even abbreviations of God's name are protected against destruction, most have credited the clear intent to avoid the rules as the controlling impulse.[24]

It is clear that the rabbinic prohibition against dishonoring sacred writings is classed as a corollary of the greater sanctity of divine names, and is not seen as *sui generis*. The traditional writers often move freely from one to the other without clearly delimiting what aspects of respect apply to one and what aspects apply to the other. The same is true in this area of intent. But we need to distinguish between the type of intent that precedes the writing of sacred names and yields a high level sanctity and the sanctity that flows naturally, without specific intent, to all sacred writings. Spektor understands that intent to be the intent to use these texts for study or prayer, so that it might be said of printer's proofs that they do not share that intent. He also proposes that it might be possible to override any standard assumptions about intent by specifically denying such intent, which is similar to the theory by which one's clear intent to avoid sanctifying the divine name by abbreviating it takes precedence over the fact that the divine name is in fact intended thereby. But all seem to agree that, even though printed texts may be inferior to written ones and paper inferior to parchment, and even though prior intent is absent, if there is sanctity implicit in the use to which a book is put, that sanctity itself is sufficient to demand a basic level of respect.

מ[ה] ש[כתב] [הוא הדין] ספרים , לא ראיתי נוהגין כן. ואולי נביאים וכתובים כשהם כתובים בעור ובדיו וגלילה.

That which he wrote ["the same is true of] books," I have not seen this to be the custom. Maybe prophets and writing [merit clay jar burial] when they are written on hide, in [official] ink and rolled [in a scroll].

Indeed, *Pri M'gadim* argues clearly that not just rabbinic books without divine names, but even Biblical books with divine names, once on paper and in print no longer need a clay-jar burial; that is, *grama* in their disintegration when they are subject to burial is permitted. However, R. Abraham Isaiah Karelitz disagrees and prohibits *grama* re the destruction of rabbinic writings without divine names (*Hazon Ish*, Yoreh Deah 164.2).

Another curious case finds authorities on both sides. Asked if it is permissible to take tefillin to a highly contagious patient, all of whose belongings will be burned, a clear use of *grama* in their destruction in the interests of performing a mitzvah, R. Moses Feinstein (*Igrot Mosheh*, Orah Hayyim I, 4) answers no, whereas R. Menashe Klein (*Mishneh Halakhot* V, 121; USA and Israel) rules in the affirmative.

24. R. Ovadiah Yosef discusses this in passing in a responsum on whether audio tapes which have recordings of God's name cannot be erased or taped over. (He rules that they may). *Y'haveh Daat* IV, 50.

Technological Progress Strikes Again

Our modern photocopying and computer technologies, by translating our visual and keyboard product into emulsion or electrically digitized forms before printing, radically change the nature of the problem before us. This first became evident in considering the status of a photocopy. If it can be said that the intent of the printer does not carry through the physical work of the laborers in the print shop, certainly the intent of the writer does not carry through to a photocopy of his text. If print is considered less than writing because each letter is not separately formed, certainly a photocopy, which scans a whole page and prints whole lines at once, is deficient in that regard. If machine printed text can be said to be lesser than hand printed text, what should we say of photocopied text? And a photocopy of a printed text is doubly removed. Nor is this relevant only to loose photocopies. Photo-offset printing became a major form of reprinting older printed texts, and it was applied to all our well known rabbinic texts. What is the status of such texts?

The question becomes more severe as the relationship of the printed page to its author becomes more attenuated with newer technology. Today text is composed on computer consoles, recording digitally the response to the keyboard strokes. The keystrokes usually appear as visual images on a screen, each image made up of tiny pixels of constantly shifting light. Although the image seems stable to the viewer, it is the constant refreshment of the display that fools the eye. Alternatively, the screen might have a liquid crystal display, but the method of exciting the crystal medium is similar in that it involves recurring current to visual pixels. That pattern is then stored in hard disk memory in digitized forms, scattered throughout the disk, there to be manipulated until printed out in a hard copy. Is there an indestructible divine name formed either on screen or in the computer disk? The emerging consensus appears to be that there is not. Of the computer screen image, R. Yitzhak Hecht likened it to spelling out God's name in lights. The interruption of the current would amount to no longer writing God's name, not to erasing it.[25] Dr. Abraham Sofer Abraham cites R. Solomon Zalman Auerbach to that effect, as well: "Shooting electrons is not considered by the Torah as writing, but storing those letters on the diskette is likely to be considered under the prohibition of 'building', for he forms a container thereby."[26] R. Auerbach was concerned in that comment about Shabbat infractions, but he did not for a moment consider that the recording on the disk might be considered writing. That is fairly clear, for in the digitized form in which it is stored there is really no writing, no formation of letters per se. A single letter is scattered throughout the disk as a series of positive and negative charges that the computer reconstitutes as code for the letter in question. This follows directly from an old ruling.

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25. R. Yitzhak Hecht (USA), *Shaarei Kodesh* 166. Cited from Aryeh Brueckheimer, Halacha and Technology Erasing God's Name from a Computer," *Journal of Halacha and Contemporary Society* XLV (Spring 2003).
26. Dr. Abraham Sofer Abraham (Israel), *Nishmat Avraham* IV, p. 55.

ספר שכתוב עליו בראשי חודי דפיו אותיות או תיבות יש אוסרין לפותחו ולנעלו בשבת דע[ל] י[די] הפתיחה שובר האותיות והוי כמוחק וכן כשנועלו הוי ככותב. אבל דעת הרמ"א בתשובה להקל בזה, וכן דעת הרבה אחרונים. וטעמם דכיון דעשוי לנעול ולפתוח תמיד ליכא ביה משום מחיקה וכתיבה

> A book which had letters or words written on the edge of its pages -- there are those who prohibit opening and closing it on Shabbat, for by doing so, opening it causes erasing the letters and closing it is like writing. But the opinion of R'ma in a responsum is to be lenient here, and that is the position of many *Aharonim* [= latter sages]. Their reasoning is that since the [book] is made to be opened and closed constantly, there is no erasing and writing involved.[27]

As there is no writing, there can be no divine names.

There is a pragmatism about this result.Were God's name on screen an unerasable entity, then if a divine name once found its way once onto a computer screen, that computer would need to be buried -- plugged in. Were disk files with God's name uneraseable, and given, as my son points out, that the computer will choose to rearrange the storage of bits of information at will, it would be necessary to asssure that no file with God's name was ever renamed and that memory capacity was never taxed. These are clearly absurd results. But if that method of recording the results of the author's keystrokes is not uneraseable writing, in what sense is the printout thereof? Is the intent of the author present in the hard copy that may be extracted many days later or many miles away? Again, my personal experience is instructive. In working on the text of *Siddur Sim Shalom* I began with a commercial disk version of the *Siddur*, loaded it into my computer, manipulated text, e-mailed the results to Israel where the typesetter downloaded my e-mailed text, translated it into the coding he was using, emplaced graphic and other cues, e-mailed the results to me for further refining, received and made final corrections, and e-mailed the final form to the printer in New York, who then printed blueprints from text that had been part of the digital ether for the several years which our work spanned. How immediate or attenuated are we to view my intent to sanctify a divine name included therein, or that of the original maker of the generic *Siddur* disk? Though my imprint is on this arrangement, I may never have keystruck any of the divine names therein. And the anonymous fellow who did was assuredly producing a commercial *Siddur* program and not investing significant parts of his soul therein. מעשה קוף -- the product of a monkey.

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27. R. Israel Meir Kagan (Hafetz Hayyim; Lithuania, early 20th century), *Mishnah B'rurah* 17, to *Shulhan Arukh*, Orah Hayyim 340. The record on a magnetic disk may also be likened to that on audio tape. Here, too, modern opinion does not see recording as writing or rerecording as erasing. See R. Moses Feinstein, *Igrot Mosheh*, Yoreh Deah 173, R. Ovadiah Yosef, *Y'haveh Daat*, Yoreh Deah IV, 50, the discussion in *Nishmat Avraham* IV, p. 57 which considers altogether other categories for prohibiting audio tape recording on Shabbat, and see the 1989 CJLS Responsum on tape recording on Shabbat by R. Arnold Goodman. Memory on a CD, however, has a less ephemeral quality. It is clearly covered by the argument from the scattered nature of the recorded data, but less clearly by arguments that focus on its mutability.

Photocopies, Computer Printouts, the Sea of Paper

Not too long ago it was confidently predicted that computer technology would rid us of our need for large volumes of paper.[28] That has hardly been the case. On the contrary, the revolution in quick generation of a page of type has spawned a veritable ocean of disposable print. Perhaps in the area of communications, telephone and e-mail have reduced letter traffic, and movies and television have replaced books on our leisure agenda, and perhaps in the area of long-term storage, hard disks and cds have replaced file cabinets, and encyclopedias may well have been supplanted by the Internet and its search-engines, but in the arena of transient usage, quick generation of disposable paper is king. Why bother to pencil edit a manuscript, when I can just enter the changes on my computer and print out another copy? Why purchase an entire book, if I can just photocopy the pages I need now? "It is as though paper is taking its revenge on the futurists," writes Edward Tenner in prefacing a book entitled, *Why Things Bite Back: Technology and the Revenge of Unintended Consequences* (a book length expansion of musings begun in an article called, "The Paradoxical Proliferation of Paper.)"[29] "עשות ספרים הרבה אין קץ", wrote Kohelet, perhaps envisioning our own day -- "There is no end to the making of many books."

Given the inordinate surfeit of paper, including in the area of sacred writings, several halakhists have revived R. Reischer's considerations. His concern was animated by the fear of improper burial and led him to authorize the burning of sacred writings. The concern of the moderns has been animated more by the sheer abundance of printed matter and the difficulty of seeing to its *genizah* and has moved them to consider recycling. This was in line with the general social movement toward recycling as a more efficient and environmentally friendly disposal of used paper than burial in land fills.[30]

The first modern halakhist to suggest such an approach was actually writing before modern photocopying and electronics, and referring not to modern recycling but to a previous technology. Writing in Hungary in the early part of the twentieth century, R. Eliezer Deutsch found reason to allow the overstock of a general publisher, including sacred writings and including divine names in print, to be made into fresh paper.[31] His concern seems to be only that burial is difficult and unlikely. He relies on the following principles to allow his leniency: 1) Print is of lesser sanctity than writing. 2) Most of the books to be recycled are not sacred writings. 3) The new pages will be used only for the printing of new sacred texts. This third item is significant and problematic.

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28. Alvin Toffler, *The Third Wave*, New York : Bantam, 1981.
29. 29. Edward Tenner, *Why Things Bite Back: Technology and the Revenge of Unintended Consequences*, New York : Random House 1996 / Vintage Books 1997. "The Paradoxical Proliferation of Paper," *Harvard Magazine*, March-April 1988 (http://palimpsest.stanford.edu/byorg/abbey/ap/ar02-3/ap02-309.html).
30. I have been unable to get current figures of the amount of paper being recycled. More than five years ago, David Bainbridge claimed that 36% of office paper and 46% of newsprint was being recycled (www.sdearthtimes.com/et1096/et1096s11.html -- "Recycling Paper... and Recycled Paper," October 1996).
31. R. Eliezer Deutsch, *Mishnat Eliezer, Mahadurah Tinyana,* Sh'elot uT'shuvot 9.

R. Deutsch bases his leniency primarily on his notion of תיקון (*tikkun*), the correction of flawed text. He is prepared to take it well beyond the accepted parameters. R. Shabbetai Kohen, above, seemed to indicate that erasure could be allowed only for correction of the text itself, an interpretation which follows from the nature of the very concept of correction. But already an early source had considered the possibility of a broader notion of correction. R. Shimon ben Tzemah Duran had been asked the piquant question whether a classroom teacher may write Biblical verses from this week's parashah on the blackboard only to erase them in favor of the next week's Biblical verses. Duran answered in the affirmative. He writes:

> איכא למימר שאינו אסור למוחקן אלא שלא לצורך אבל לצורך כתיבת פרשה אחרת ה[רי] ז[ה] מותר, שכיון שעבר זמן פרשה זו הרי כהיכל שצריך תיקון שמותר לסותרו ולבנותו. ולפ[י] ז[ה] הי[ה] מותר אפילו היכא שיש שם אזכרות. אלא שהדבר קשה להתיר כן באיסור תורה... הרי אפשר לכתוב בלא אזכרות כדי שלא לבא לידי מחיקתן... אבל שאר פסוקים... כיון שאין איסורו אלא מדרבנן אפשר להקל להתיר מחיקתן לצורך כתיבת פרשה אחרת. ופוק חזי מאי דעמא דבר, ומנהגן של ישראל תורה היא, והרי הן נזהרין מכתיבת אזכרות ואין חוששין למחיקת הפסוקים.
>
> One can say that it is not prohibited to erase them except if it has no purpose, but for the purpose of writing another parashah it is permitted because the time has passed for that parashah, which is like the Temple when it needs repairs, wherein it is permitted to tear it down to rebuild it. Therefore, this would be permitted even where there are divine names. But it is hard to permit where the prohibition is Biblical... and one could write without divine names in order not to come to erase them... But the rest of the verses... since the prohibition is only rabbinic, it is possible to be lenient and permit their erasure in order to write another parashah. "Go out and see what people say" and "the custom of Israel is Torah." They take care not to write divine names but do not worry about erasing verses.[32]

Although Duran's ruling speaks to the classroom setting where much leniency is allowed in the name of education, and the medium is inherently mutable, created specifically for its changeability, Deutsch is prepared to extrapolate to texts printed in a publishing house in inks that are prized for their durability. Furthermore, he suggests that correction might be achieved by way of another entity altogether, that is, the recycled paper. He does so under the weight of the necessity he perceived to allow the disposal of those texts through recycling, citing R. Reischer approvingly. It is in order to justify the peculiar notion that the new paper continues the sacred mission of the old book that he must require that the new pages be reserved for sacred use. If not the transformation would be seen to go awry.

The theoretical problem with that analysis is substantial, but the pragmatic problems associated with such a solution, establishing trust and oversight to guarantee that the recycled paper would be used only in sacred writings, are greater still.

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32. R. Shimon ben Tzemah Duran (North Africa, 16th century), *Tashbetz* I, 2. Note that Duran, too, was unwilling to include divine names when formulating a leniency, even though his own logical would call for it, as he himself points out. See note 14 and the discussion below.

Nevertheless, this notion has resurfaced in several recent articles.[33] R. Dasberg, in particular, writing and thinking in the context of Israel which has a limited recycling industry and an unlimited government rabbinate which already takes a large regulatory role, devises a system whereby sacred writings would be packaged distinctly for recycling and processed separately, so that the paper stream from that line might be dedicated to rabbinically approved uses -- sacred writings, preferably, but other respectful uses if that is not possible. He asks that there be rabbinic supervision of the process, and that the recycling not avail itself of the standard shredding procedure that precedes an acid bath to dissolve the ink, for that seems too much like direct destruction which is prohibited.[34] He relies on the principle of *grama* and on the notion derived from *Mishnat Eliezer* that clean paper is a form of correction for sacred texts that must be destroyed. He relies expressly on R. Reischer's rejected argument that burials are not being done with sufficient care, so that this lesser form of respect is preferable. He notes having visited a major Israeli cemetery and found many loose pages of sacred books, piled up in degrading piles awaiting burial, cast to the wind. And, of course, divine names must be excluded from this recycling plan and buried as has been the traditional practice. While he does not discuss it per se, I imagine he expects the line supervision to pull out any divine names in the course of sorting the various items to be recycled.

This is clearly an Israeli concept. It is unworkable in this country. But others have taken the final steps to permit the recycling of sacred writings. In a journal issued by the yeshiva in Alon Shvut, part of Gush Etzion, R. Shabbetai Rappaport, head of Yeshivat Har Etzion, makes an unapologetic case for recycling based on the current need and the leniency with regard to *grama* in permitting disposal in recycling bins.[35] Like R. Deutsch, he suggests that despite the presence of sacred writings at the point of recycling, this is not a matter of concern since the sacred writings are a small part of the total volume of any general recycling operation, and no care need be taken to save the sacred writings from destruction when they are mixed in with other papers in that way.

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33. R. Jacob Schneider (USA), "'Sheimot' and Their Disposal," *Journal of Halacha and Contemporary Society* XXII (1991), pp. 31-43. R. Uri Dasberg, "Isuf p'solet n'yar shel kitvei hakodesh l'tzorekh mihzurah," *Tehumin* 3 (1982).

34. That placing texts to be recycled into a recycling bin should be considered *grama*, or indirect destruction, which appears to be permissible for texts without divine names, is clear. But the acid bath strikes me as every bit as much a direct destruction as shredding, and that step is not negotiable. Dasberg deals with the acid bath by requiring that it be operated by a *grama* switch, in which a human's apparently direct action is masked as indirect by the operation of the switch. A well known example is in Israeli hospitals, where to call the nurse electronically would be a Shabbat infraction. The nurse's call button is replaced by a *grama* switch. An electric eye is set up to release a beam in intermitent pulses. When that beam reaches the sensor opposite, the nurse's bell rings. But a small lead plate is placed between the electric eye and sensor, so that every pulse fails to reach its destination. When a patient wishes to summon the nurse, he removes the intervening plate. Removing the plate is an allowed Shabbat action, and directly does nothing. However, at the next timed pulse, the electric eye beam finds its sensor, the bell rings, and the nurse arrives. There is no reason, if such a *grama* switch is required for the acid bath that the same could not be required of the shredding machines, save that that seems particularly egregious and is dispensable.

35. R. Shabbetai Rappaport, *Alon Shvut*, Gilyon 86, 1981, pp. 68-77. I have not seen this responsum, but characterize it on the basis of R. Dasberg's description.

This is a judgment much more amenable to any recycling permission granted in this country, where the type of specialized halakhic supervision envisioned by R. Dasberg is unrealistic. But is it acceptable? In the area of admixtures in kashrut law, while we permit admixtures which cannot be recognized, we still require the removal of the foreign body if it is identifiable.[36] Furthermore, there is an area where he goes further than earlier halakhists. He argues that new paper that arises out of the recycling process is altogether new, bearing no tie to any former sacredness attaching to its sources, and fit to be put to any use whatsoever. If kashrut is our model, this utilizes the concept of דבר חדש (*davar hadash*, 'a new thing,' otherwise known as פנים חדשות -- *panim hadashot*, 'a new face,' which is the term Rappaport prefers), the concept that once changed through a procedure that rendered a substance unusable, any subsequent usable product derived therefrom is to be treated as a new substance, unrelated to the old. This does not follow from the precedent set by R. Duran and R. Deutsch, but makes more sense to me and is more easily supported. They argued that recycling was acceptable under the rubric of *tikkun*, that is, of correction, therefore they needed the clean recycled paper to show the sanctity of the originals. R. Rappaport probably was uncomfortable with that idea, as am I. He nowhere relies on the notion of correction of old, worn sacred writings, but rather substitutes the realistic assumption that sacred writings will be in the minority and are בטל ברוב, that they are nullified by the preponderance of other materials.[37] Therefore, it follows that the new paper is wholly new.

R. Rappaport sent his responsum to R. Moses Feinstein, the grandfather of his wife, before publication for his comments and he received a response that was published as *Iggrot Mosheh*, Orah Hayyim IV, 39. In it R. Feinstein concurred with the idea that one might recycle rabbinic books, but he rejects the standard argument upon which Rappaport relies, that only *grama* is involved in placing books in recycling bins, choosing to define that as one's direct responsibility because it is foreseen and intended.[38] This makes it unnecessary for him to discuss Rappaport's other points, that at the time of the actual recycling the sacred writings are nullified by the greater amount of unsanctified material and that the recycled paper is *davar hadash*, a new thing. Rather he proposes a whole new construct, to my knowledge unlike all that had been

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36. R. Moses Isserles' (Poland, 16th century) second set of comments to *Shulhan Arukh*, Yoreh Deah 98.4. I do not propose to follow up that thought, as it will prove irrelevant to the final judgment of the t'shuvah.

37. Nullification by simple majority is the general rule, to which the rule of kashrut requiring one in sixty for nullification is the exception. Surprisingly, I could find no one single clear statement of that principle, which is applied everywhere. *Entziklopedia Talmudit* (III, 70) puts it this way:

דבר הפסול למצוה שנתערב ברוב כשר, בטל ברוב

Something prohibited which is mixed with a larger amount of things that are permitted is nullified by the majority. See Mishnah Parah 9.7 and Rashi, s.v. *b'she-havatan*, to Sukkah 9b.

38. Feinstein's definition of direct responsibility would lead to the prohibition of a large number of *grama* applications which are in place concerning electrical appliances and Shabbat, see note 34 concerning the *grama* switch. He proposes that, fire being no more than *grama*, were *grama* permitted, there would be no reason to save sacred writing from the flames. Feinstein therefore understands that the gemara on Shabbat 120b, which states expressly that *grama* is permitted, must be limited to cases like the one mentioned there, where the writing is on a non-standard surface.

proposed before. In his view, the Biblical prohibition dealt with prior intent, and flows from our respect for God's name, applying only to writing on parchment with proper ink. The rabbinic prohibition refers to intent of use, the intent to study therefrom. It applies to all rabbinic texts, but flags when the book is no longer usable or apt to be used. In that case, there is no further obligation to save such a book from the fire, *nor to bury it.* His words are clear:

> ולכן כשנקרעו ובלו באופן שלא שייך ללמוד בהן ואף אם שייך ללמוד בהן אבל שום אדם לא ילמוד בהם, אזלא קדושתם ואין להציל אותם מן הדליקה
>
> Therefore, when they are torn and worn, such that it is impossible to study with them, or even if it is possible, such that no one will study with them, their sanctity has lapsed and they are no longer to be saved from a fire.
>
> מאחר שברור ששום איש לא ילמד בזה, אזלא קדושתו, ואין חייב אף גניזה.
>
> Since it is clear that no one will study from it, its sanctity has lapsed and it not even required to bury it.

Yet it is clear that traditionally such texts have been buried, and there is much written precedent requiring it. And so, he finds that that is yet a third layer of prohibition, neither the Biblical prohibition nor the original rabbinic one, which was only a prohibition on usable books. This third prohibition, which he attributes to Rabbi Judah the Patriarch, is a prohibition to destroy worn books out of fastidiousness, rather than the requirement of the law, and applies only to what one does actively, *b'yadayim*, and is acutely aware of.[39] Effectively, Rappaport's approval of *grama* with regard to placing sacred writings into recycling bins is duplicated by Feinstein under a different rubric. It is not that *grama* is permitted, but that the prohibition entered into on account of personal fastidiousness does not, in the end, carry as far as the mouth of the recycling bin. Recycling is permissible because there is no essential prohibition against destroying used rabbinic books, and it does not appear offensive. That said, Feinstein adds the stricture, common among halakhists, that divine names may not be so treated. In fact, given Feinstein's depiction of the law this makes some greater sense than it had for others, since the prohibition of destroying divine names is altogether different from that applicable to general sacred writings.[40] His views, however, are singular.

The other current halakhic source that has thrown its weight behind recycling is the Va'ad HaHalakhah of the Rabbinical Assembly of Israel in a responsum by R. Chaim Weiner.[41] His responsum is the only one to specifically address the matter of photocopies of sacred text. He considers whether they might be distinguished from books and judged to be intended for discard as were the printer's proof pages discussed by R. Spektor. He speaks firmly of their greater similarity to books, sanctified by their

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39. I have gone beyond the canons of scholarly acceptability in attempting to give some emotional substance to the position of R. Feinstein. I encourage everyone to experience his words directly.
40. See note 14, above.
41. R. Chaim Weiner, *Responsa* II, Va'ad Halakhah of the Rabbinical Assembly of Israel, 5750-52 (1992).

use for study or prayer, and so rejects that as a guiding precedent. Rather he sympathizes with the problem of inundation and the chance that burial itself will not be successful, echoing R. Reischer and the personal findings of R. Dasberg. He is particularly drawn to recycling as a solution, seeing in its environmental side a matter of mitzvah which might aid in permitting the *grama* involved. He proposes that *genizah* remain the preferred mode of disposing of sacred writings, but permits recycling where that is not possible (without the provisos attached by R. Dasberg), noting the matter of mitzvah and proposing that any proceeds be given to tzedakah. If even that is impossible, he follows R. Reischer and permits burning as well. His responsum purports to be about photocopies, but given his equating of photocopies with books and his reliance on R. Reischer, there appears to be nothing that would apply to photocopies that does not apply to any sacred book. He, too, upholds the traditional requirement of *genizah* of divine names.

None of these grants of permission to recycle sacred writings seems to me to strike the proper chord. R. Dasberg's proposal, as I indicated, is of no value in our reality. R. Feinstein's opinion appears fanciful and unprecedented (though surprisingly simple, were we to accept the first two prohibitions alone). R. Weiner grants the right to recycle rather more timidly than his rationale suggests. Only R. Rappaport spells out a clear argument permitting recycling,[42] but both R. Weiner and he fail to distinguish between photocopies and books, a distinction that I feel is key. The ruling that ought to follow from that distinction, it seems to me, follows.

In Pursuit of a Different Solution

R. Weiner is the only one who makes the case of the environmental necessity of recycling as a positive reason of mitzvah to move toward recycling. No one, to my knowledge, has remarked on the second technological revolution that has changed the nature of printed matter every bit as much as print changed bookcraft, so that today's *shemot* are far diffrerent from the sanctified *shemot* of old. These two reasons alone recommend recycling. And no one, as I indicated, has sought to distinguish between bound books and loose photocopies, a distinction that appears to me to be both plain and substantive. Let me begin there.

How does a photocopy differ from a bound book? One is the product of a publishing house, the other is the occasional product of businesses, students and journeymen.[43] One is planned months in advance, the other is spur of the moment. One

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42. R. Dasberg's synopsis of R. Rappaport's position, upon which my comments are based, did an admirable job of laying out the halakhic line that he developed. But R. Rappaport's reason for seeking to disturb the traditional requirement of burial, that is, the reason why one might initiate the *grama* of deposit of sacred books in recycling bins, goes unmentioned. I cannot fairly judge that until I gain access to his article, therefore this and subsequent comments must be judged in that light.
43. This too has been thrown in question by desktop publishing and publish-on-demand technology. Still it is the case that the purveyors of bound books, even if they lack a warehouse, have put effort into the specific art of bookcraft, which is not yet accessible to just anyone.

addresses universal thoughts, the other attends to immediate needs. One is produced in thousands of copies, the other in small numbers. One is made of durable materials, the other is expected to degrade and fade easily. One is stored on library shelves for long term reference, the other is filed or disposed of and easily forgotten. In short, the binding of a book testifies to our intentions to see long term use of it and its contents, whereas loose photocopies, even clipped, stapled and filed in manila or even looseleaf folders, speak eloquently of their mutability, of our desire to hold them loosely, to see them come and go. Taken in this way, R. Spektor's consideration of printer's proofs is precisely relevant. His permission to burn them was driven by their proliferation and the intent when they were created to use them for a passing function only. Our photocopies are admittedly ready for longer term use than his printer's proofs, and the judgment might go either way on where the line he proposes should fall, but a lenient decision with regard to photocopies while maintaining the traditional requirement of *genizah* for bound books seems plausible.

Indeed, that distinction has been recognized by the halakhah before. In his comments in *Shulhan Arukh, Yoreh Deah* 276.13, Moses Isserles reports:

ואסור לכתוב שם לכתחילה שלא בספר דיוכל לבא לידי בזיון. ולכן נזהרין שלא לכתוב שם באיגרת.

> It is prohibited to write a divine name *ab initio* other than in a book because it might be treated with dishonor. Therefore we are careful not to write a divine name in a letter.

This is based, in turn, on the Talmud's report on Rosh Hashanah 18b that the Sages were opposed to using divine names in contracts because of their likelihood of being discarded upon completion. So what are they worried about? They recognize that loose papers are inherently less likely to be protected than bound books. Just as Reischer's suggestion to burn books was rejected at law, but Spektor's suggestion to burn loose pages was widely accepted, so too should we reject suggestions that we might recycle books, and accept them with regard to photocopies and the printout pages that are spit out by every computer printer at increasing speeds.

In responding to some of the modern changes in the universe of print, but before the rise of recycling, R. Yitzhak Yaakov Weiss (Rumania, England and Israel) rejected burning printed books, even those printed by gentiles, even printer's proof pages, which he sees as book material that has remained unbound, even books in Rashi script.[44] He understood that the rabbinic prohibition was intended to cover all sacred books. But he then proceeds to permit the burning of newspapers and letters with Torah content due to their proliferation. On what basis does he distinguish? He first cites Isserles' comment, above, prohibiting the writing of divine names in letters, and notes that no such prohibition is enunciated with regard to writing Biblical texts into letters. Indeed that is specifically permitted.[45] But, he reasons, those documents are known to be prone to

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44. R. Yitzhak Yaakov Weiss, *Minhat Yitzhak* I, 17-18. The prohibition against burning books in Rashi script is in direct response to a proposed leniency. See note 14.
45. Shulhan Arukh, Yoreh Deah 284.2.

dishonorable treatment and destruction, and that is forbidden for all sacred writings, not just divine names. It is reasonable to conclude, therefore, that documents whose nature is to be destroyed are not subject to the rabbinic prohibition. While he rejects this argument, he does not seem to free himself of it. In the end his case rests on R. Spektor's argument that the intent is key, and asserts that there is no intent to sanctify such documents, whereas with regard to books he clearly felt that there was. But why do we conclude that there is no intent to sanctify newspapers and letters, as opposed to books? No distinction is available except for the obvious transitoriness of such newpapers and letters which are valuable for their timeliness, and lose their value rapidly when out of date. That would appear to be the case as well with regard to loose photocopies and pages. They are created with an eye to their temporary value, and no intent to sanctify them is implied by their use.[46]

Not unexpectedly, R. Weiss also warns that his leniency does not extend to divine names. Thus it seems that the clear majority of authorities have carved out an exception to whatever rules they establish by which divine names are always protected. This despite the clear indication that full Biblical sanctity accords only to names written on parchment, properly prepared, with proper ink and proper intent, verbally declared. Any lesser care and the sanctity inherent in the divine name is reduced to a rabbinic concern, to be honored on a par with the respect accorded any sacred writing. This extraordinary care was explained by R. Duran in the responsum cited above:

> הי[ה] מותר [נ.ב. למוחקן] אפילו היכא שיש שם אזכרות. אלא שהדבר קשה להתיר כן באיסור תורה... הרי אפשר לכתוב בלא אזכרות כדי שלא לבא לידי מחיקתן... ופוק חזי מאי דעמא דבר, ומנהגן של ישראל תורה היא, והרי הן נזהרין מכתיבת אזכרות ואין חוששין למחיקת הפסוקים.
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> [Erasure] would be permitted even where there are divine names. But it is hard to permit where the prohibition is Biblical... and one could write without divine names in order not to come to erase them... "Go out and see what people say" and "the custom of Israel is Torah." They take care not to write divine names but do not worry about erasing verses.[32]

The reason is ultimately a folk practice. And he was addressing first order unsanctified writing. When sanctified writing changes to unsanctified writing, to hand-print, to machine print, and finally to print generated out of digitized storage, which has no status as even minimally sanctified lettering, there can be no doubt that only folk customs are still insistent that God's name thus formed not be desecrated. But this is not to put down

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46. That one can establish a right to disregard the sanctity of an object "constructively," that is by implied intent that is assumed and never stated, is proven by citing another paragraph in Isserles' comments to *Shulhan Arukh* (Orah Hayyim 154.8):

> ונהגו ליהנות בכמה הנאות מדברי קדושה... וכתבו הטעם משום דכיון שנהגו כן ואי אפשר ליזהר, לב ב[ית] ד[ין] מתנה עליהם מעיקרא כדי שלא יבואו בני אדם לידי תקלה, וא[ף] ע[ל] ג[ו] דלא התנו כאלו התנו דמי

It was customary to have benefit from sanctified objects... The reason given was that since [these practices] had become customary, and it was impossible to forestall them, at heart the court made a condition to that effect from the first so that people would not become embroiled in wrongdoing, and even though they made no [such] condition, it was as they had made that condition.

that practice. The folk perception held that God's name should not be desecrated in any form, halakhic niceties notwithstanding. That argues well for the faithfulness of the people who refuse to appear to "do so" to God. **It remains the law that when God's name is fully produced *do novo* in writing as in print, it should be buried.** When producing text *de novo* that will appear in loose form, care should be given not to represent God's name in a complete form reminiscent of sanctifiable forms. To that end an appendix to this paper will suggest several ways to avoid the complete representation of the seven divine names. However, when photocopying already extant text, whereas blanking out divine names by the use of post-it notes or other temporary measures, is laudable, it is likely to be overly burdensome, and one may rely, to justify proceeding with the copying,[47] on (a) the positive value of the educational use of the material, and (b) the positive value of the recycling anticipated as the end of that page's life-span in controlling excess use of God-given natural resources, and (c) the indirect nature of one's involvement in the actual destruction of the divine names contained in the document, themselves far removed from any properly sanctified usage, and one may, therefore, recycle those pages when they are no longer of use. Note, also, that it is the original intent in creating the photocopies which is relevant, here, thus loose pages that have been torn from a bound volume retain the stringency under which they were created, and must be buried rather than recycled.

In sum, our reasoning in allowing recycling is that the printed texts before us are far removed from any technical sanctification, and their creation as unbound pages testifies that they are intended to be transient; that recycling is a positive value and constitutes *grama* in a pursuit of a mitzvah, which is permitted by almost all authorities, while the final destruction is done in a mass of material of which the sacred writings are but a small part, and are therefore nullified; and that recycling, given its positive valence, is a fitting and honorable secondary method of disposing of *shemot,* and that the mass of paper in our day demands an accessible alternative to *genizah.* To use a midrash beyond

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47. The act of copying, as much as the act of recycling, requires justification in light of Isserles' stated ban on writing the divine name in a letter. It is desirable to understand that ban in its correct light. It cannot be fundamentally prohibited to write God's name in a letter, since it cannot be fundamentally wrong to write God's name, and that letter could well be guarded in perfectly honorable circumstances. The ban is exclusively a prophilactic to prevent the desecration of God's name that is likely to follow. Copying, like writing divine names in a letter, could be prohibited if we expected desecration to follow. The import of this permission is not only that recycling is permitted, but also that it is in some measure desirable, and can be expected to occur among God-fearing Jews. Therefore there is no reason to enact a ban when we can enact a procedure that is beneficial in and of itself and that does not desecrate God's name, which is not really impacted, due to digitization prior to our copy, and we need not fear the folk reaction that it appears tantamount to destruction, because the placement of paper into recycling bins is far removed from any act of destruction. (This is similar to Feinstein's discussion of fastidiousness and recycling.)

It is appropriate to note that the commonly seen custom of substituting two yods for the tetragammaton in siddurim is itself a sign of the folk reverence for that specific name of God, not a halakhic step. The siddur in which that form appears still has other divine names (as in the standard *b'rakhah* form) and is still protected by the general rabbinic ban on destruction of rabbinic works. In neither regard, then, has it changed its status by the avoidance of printing the tetragrammaton. But this has been standard, if never universal, practice since Geonic times.

its original scope, but aptly, I believe: one of the hallmarks of the halakhah is the notion of וחי בהם -- ולא שימות בהם That you may live by them, and not die by them.[48] The signature of successful halakhic rulings is that living a Jewish life by them is possible rather than impossible. *Genizah* is possible for synagogues and institutions, and it is not an outrageous demand of individuals on the rare occasion that they retire worn books. But the creation and disposal of computer printouts and loose photocopies is a daily occurrence for many individuals, and the demand of *genizah* on a regular basis is not even remotely within their reach. To continue to demand *genizah* in the current situation is, in effect, to assure that more such pages will simply be discarded, and our ruling will take its place among the unrealistic rulings jettisoned by all but a few. Rather, this is the halakhah that is appropriate in our day.[49]

I Can't Believe It's Not Binding

Having distinguished between bound books, which require *genizah*, and loose pages, including stapled pages and even pages in a looseleaf binder, which are to be recycled, there is an intermediate category of 'lightly' bound pamphlets -- spiral bound, stapled with cardstock covers, perhaps lightly glued. Often it will be possible to discern by its content whether it is intended for long term use, whereupon it is to be stored and protected as a bound book and buried when worn, or whether it is intended for transient use, the minutes of a meeting or proceedings of a conference, perhaps. Such documents should not have complete divine names included therein, but they may well have verses of Torah or rabbinic citations, and should be recycled as loose papers would be.

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48. A midrash on Leviticus 18:5 found, among other places, on Yoma 85b and Sanhedrin 74a.
49. Another midrash seeks recognition, here, for those who are still squeamish about the halakhic grounds cited here. עת לעשות לה' הפרו תורתך It is time to act in God's service, even at the expense of the Torah's law -- Psalms 119:126, as interpreted throughout rabbinic literature as giving permission to abrogate the law for the needs of Israel. This verse plays an important role in this very issue, which begins with the question whether rabbinic sacred writings may ever be set in print since they are by nature Oral Torah, and must remain such. Perhaps, if encountered in print, they must be destroyed, rather than protected, because they are illegal from the first. The rabbis permit them to be written, however, for the good of Israel, and, having permitted them, also prohibited their destruction, So too, here, for the law of *genizah* to remain untenable is itself untenable, and thus, it might be argued, the old law requiring *genizah* must be abrogated for the good of Israel. This is not my position, since I feel the legal grounds developed here are sufficient without recourse to abrogating the Torah!

I was asked to consider a further *kula,* a leniency by which one could permit loose pages of Torah-centered writings which were created at this technical remove from sanctification and contain no full divine names to be discarded, and require recycling only of texts having in them divine names. Admittedly, texts which have no divine names are far from the core which we seek to protect. But given that loose pages with divine names, even denatured, would still require recycling, if only out of the folk feeling that one cannot discard a divine name, whatever its status, it is unclear what is to be gained. While these texts may be created to be temporary, still they serve a teaching function and deserve some respect, and given the positive valence of recycling and its ease, I see no reason to avail oneself of such a leniency, giving up the distance of *grama* for an act of direct destruction.

Part of the specific impetus for this paper is a query from United Synagogue concerning its pocket diary. It was published last year with a full *Minhah-Maariv* service based upon that in *Siddur Sim Shalom*. As such, it has complete divine names, including the tetragrammaton, and was prepared that way aforethought (it is not simply a photocopy of a preexistent master, wherein we permit recycling). It is book-bound. Clearly it must be treated as a book which requires *genizah*. It was asked whether it would be possible in subsequent editions to mask the divine names, so that it would be possible to discard the calendar when it was no longer timely. Here we have one of those median sorts of situations that bedevil any categorization scheme. The content and primary purpose of the book is clearly timebound, similar to other loosely bound pamphlets. As such it is a candidate for recycling (not discarding). In form, however, it is clearly bound, and the inclusion of the service is intended specifically for sacred use. As such it would seem to require *genizah* even if the *shemot* therein were neutralized. Here, since the central point is one's intent, it is possible to rely on intent to determine proper procedure. If a holder of the diary uses it as a calendar, and rarely has occasion to utilize the prayerbook, it would be appropriate to categorize the diary as an item of transient use, as that particular diary has been, and to recycle it upon its retirement. One who regularly uses it for prayer, though many appointment may have been logged therein, would be correct in choosing to treat it with even greater respect and seek to bury it. As a prayerbook it merits the higher classification. Essentially עיקר וטפל -- the primary and the secondary -- are thus being determined by the living experience of the book and its use rather than by some generalized conception of what might be.

I have been quick to note that "איש הישר בעיניו יעשה -- everyone does as they see fit" -- is used in the book of Judges to represent an unacceptable legal and social environment. While that is true of core law, we have noted that we are dealing, here, deep in the realm of customary behavior rather than law, and that recycling, the lesser of the two options, is itself meritorious, and, as such, not injurious to the honor of the sacred writings in question. Moreover, we live today in an era of Jewish empowerment and democracy in which we feel it appropriate for individuals to determine, not the law, but how they will observe the law. The reality is that it will be so, and always was. It is not harmful to recognize it in this ruling. This, too, has a point of congruency with halakhic rulings long established. When Rabban Gamaliel was in mourning for his wife, he washed. Asked by his students, was that not forbidden, he answered, אני איסטניס -- "I am unusually sensitive," and therefore washing is permitted me, because of my idiosyncracies.[50] Yet Rabban Gamaliel was imperious at times. Perhaps we wish not to learn from him. But a similar story is told of the amora Rav Joseph, of whom reports of piety and humility are the norm, that he retired early from the Sukkah on account of strong wind and falling twigs. Asked by his student if it wasn't too soon, he, too, answered, "I am unusually fastidious."[51] The very point of telling the story is to reveal that although the law establishes standard measures by which to judge standard cases, ultimate judgment rests in the case itself and with the individuals impacted.

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50. Mishnah B'rakhot 2.5
51. Sukkah 29a.

Nevertheless, it would be well to consider the specifics of the recycling program to which one consigns loose *shemot*. Some recycling collections are fully consonant with respect -- clean, orderly, far removed from malodorous garbage. Other recycling efforts are not. The former are appropriate for *shemot*, whereas the latter should be cleaned up, if at all possible. If not, and no other recycling possibility is at hand, *shemot* should be carefully contained in envelopes or other containers in order minimally to protect them from their surroundings. (In this regard, it has been called to my attention that recycling bins "often dissemble," that is to say that an announced recycling program may nevertheless dump its recyclables in its general waste stream on an occasional basis, due to recyclables exceeding capacity, or more consistently through sloth or negligence. If one intends to use recycling for *shemot*, one should, minimally, seek assurances that it is a *bona fide* recycling effort. Having done so, were the recycled *shemot* ultimately cast into the garbage, this will truly have been contrary to your intent and far from your personal responsibility, before the law and before God; and, in any case, even any divine names which are present, have not been sanctified, as argued here).

Transliteration

The normative ruling is that there are no proper divine names in any language other than Hebrew, therefore we need not be concerned for the possible dishonoring or erasure of divine names written in the vernacular, and it is not necessary or desirable to reduce the name (e.g. G-d for God).[52] What is the status of transliterated divine names? Transliteration occupies a strange middle ground, written in a font which characterizes the vernacular, but pronounceable, if read aloud, as Hebrew. Judging by the pronounced result it might be considered sacred, for what is spoken is a sanctified divine name; but it is the written form which lies before us. Maimonides, in Hilkhot Shabbat 23.26, is clear that the basic halakhah treats "other writing" as well as other languages, as of lesser sanctity. He writes:

> מותר להציל כל כתבי הקדש... והוא שיהו כתובים אשורית ובלשון הקודש, אבל אם היה (!) כתובין כל לשון או בכתב אחר, אין מצילין אותם.

> It is permissible to save sacred writings [on Shabbat]... those that are written in Ashurit [Hebrew block print] and in the Hebrew language, but if they were written in other languages or other writing styles, one does not save them.

Thus transliterated divine names, too, need not be protected and might be discarded. Where, however, it is a document intended for use in a sacred context, as, for instance, synagogue choral music, it is sanctified as a document by its use, not by the individual divine names within it. (Even Hebrew divine names written in syllables strung left to right to follow the music would not be considered properly written divine names). Despite the absence of proper divine names, these are to be adjudged as general loose sacred writings that may be recycled.

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52. R. Kassel Abelson, "Official Use of 'God'," *CJLS Responsa 1991-2000*, p. 151. R Shabbetai Kohen, *Shakh* 11 to *Shulḥan Arukh*, Yoreh Deah 179.

It is necessary to note, here, that the rabbinic prohibition against destroying sacred writings applies to Torah-centered writing even in the vernacular, even though these do not have any recognized divine names in them, as was the case for Megillat Esther. Thus English Bible translations and bound Bibles in Braille, as well as English books of rabbinic commentaries, require *genizah* even though the divine names in English have no specific sanctity, in accord with the rabbinic prohibition against destroying any sacred texts. But with regard to the names themselves, the ruling that the divine name is only represented in seven specific Hebrew forms yields a leniency, here, in that that transliterated or vernacular name could itself be erased without contravening the Biblical prohibition, while yet the book could not be destroyed on account of the rabbinic prohibition.[53]

Gentile and Secular Texts and Contexts

Where a Jewish sacred text is prepared by gentiles, we previously noted (p. 8) that it might be used, and should therefore be treated as a sacred text. This refers to a gentile publisher publishing a sacred text for Jewish or general use. What of a book such as The King James Bible, which is clearly intended for gentile religious use, even though it contains within it a Jewish sacred text? Here we are correct to judge the intent to be specifically Christian, and to judge the Old Testament content as of secondary value (טפל). The book may be discarded like any secular work. Thus we see that the role of intent goes both to the intent of the printer and to the use for which a text is intended.

Where a Jewish sacred text is included in, but is incidental to a secular text, whether in Hebrew or vernacular, even one which includes a divine name written in full in Hebrew -- as it might be in an epigraph -- it is clearly of secondary value (טפל). It does not characterize the book and it is not considered to be sanctified in that context, for it is overweighted by the preponderance of the secular text (בטל ברוב), unless it bore a divine name handwritten on parchment with a proper ink. While there is no requirement to take notice of it at all, it would be a gesture of piety to tear out any page which had a proper Hebrew divine name, so as not to discard it, in accordance with the extreme reverence we hold for the divine name. In this case, since the binding did not sanctify it originally, due to the secular context of the volume, the loose page may be recycled like any loose page. Thus even synagogue bulletins that are secular in their intent, but include occasional biblical verses in vernacular, may be discarded as primarily secular texts, although unadulterated divine names should not be allowed to appear in them for that reason.

Similarly, where a divine name appears within the name of a secular institution, such as a city or synagogue named Bethel or Beit El, even though it is etymologically clear that the reference is to the divine, the immediate reference is to a secular name, and there is no act of sanctification, therefore no need to be concerned about disposal of such names, even when written out in Hebrew. Even though the divine name appears to stand

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53. This irony is duly noted by R. Israel Meir Kagan in *Sha'ar HaTziyyun* 27 to *Shulhan Arukh,* Orah Hayyim 334.

alone, this is no different that any theophoric name, such as Yeshayahu or Yisrael which are considered thoroughly secular and are not at all protected, though they carry a clear reference to a divine name.[54]

Conclusions[55]

A) Handwritten, properly written appearances of the divine names must be buried. Care should be taken always to alter such names when writing or printing in an unbound, disposable text. Transliterations of God's name or God's name written in the vernacular do not constitute properly written appearances of God's name.

B) Bound books of Bible, rabbinic text or commentary, even the most modern, and in any language, similarly Jewish prayerbooks, and individual pages which are detached from them, are intended for long term use. They should be protected from dishonor and destruction, and when worn or no longer to be used, should be buried.

C) Loose pages from the printer or photocopying machine, even those that are lightly held together, but not bound into a book, are intended to be temporary. They should also be protected from dishonor and destruction, but when worn or no longer to be used, these may be recycled. When originally creating such text on a computer, typewriter or in print, the divine names that are in them should be altered. See appendix. When photocopying, while it would be laudable to employ post-it notes or other temporary measures to mask each appearance of God's name, it is not necessary to go to such lengths since the photocopy is to be recycled.

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54. This appears to be the meaning of the ruling that appears in M'sekhet Sofrim 5.12 and Yerushalmi Megillah 1.9 and is codified by R. Abraham ben Isaac of Narbonne (Provence, 12th century) in *Sefer HaEshkol*, Hilkhot Sefer Torah 17 which states that names like Beit El are to stand as two words whereas those like Amiel should be written in one. The section deals specifically with the rules of erasing divine names.

55. It has been noted that these conclusions are not keyed to the specific questions addressed, aiming as they do to summarize the situation. Specifically to the questions: (1) May photocopies which include God's name be discarded or recycled? -- They may be recycled or buried, but not discarded. (2) Does the same ruling apply to copies of sacred texts that do not contain God's name, such as booklets of Megillat Esther, or which contain divine names reduced or deformed in some way? -- Bound books and any pages that are torn from them must be buried, loose pages may be recycled. Booklets, such as Megillat Esther, which do not contain the divine name written in full are to be judged by the intent of their production and use. If it is for long term sacred use, it should be buried; if for temporary use, it may be recycled. (3) Does [the same ruling] apply to Latin lettered text which is a direct transliteration of the Hebrew? -- Transliterated text is not sanctified and may be discarded, except where its use is in a sacred context. Then it must be recycled ot buried. (4) [Does the same ruling apply] to Latin letter texts with a small part in Hebrew in which God's name is included? -- If these are gentile religious texts, they are characterized by their foreign intent, and may be discarded. If they are simply secular texts, they are categorized by the preponderant secular majority of their text and may be discarded; though it is a gesture of piety to cut out the appearances of God's name, which may then be recycled or buried.

D) If an item confounds categories, being bound but clearly temporary (such as a fancy annual planner might be), or unbound but clearly intended for long term use (such as a laminated birkat ha-mazon card), or if it is mixed in character (such as the United Synagogue Calendar Diary, including Minhah-Maariv), it should be judged by the intent of its owner in its use, whether temporary or long term, and when worn or no longer to be used, should be disposed of in the appropriate way, as described above in sections B and C.

E) Steps should be taken to assure that any recycling program used for *shemot* is appropriate. They should be put in a container if it is necessary to separate the *shemot* from their environment.

F) Sacred books prepared by gentiles for Jewish or general use may be used by Jews for sacred use, therefore they are treated as sacred books and require burial. Books prepared by gentiles for gentile religious use (such as the King James Bible) are not sanctified, and may be discarded, despite the presence of Jewish material therein. Secular books having sacred text and divine names reproduced within them may be discarded normally, but it is an act of piety to tear out the pages containing divine names. Those may be treated as loose pages and recycled.

G) Where a divine name appears as part of a secular name (such as the city of Beit El) it is considered fully secular in that context and may be discarded.

Appendix -- On Writing Divine Names

When writing divine names into documents that will likely be held loose and readily discarded, one should write the name in a changed or incomplete form. This is true for each of the seven divine names (the tetragrammaton [Yod Heh Vav Heh], Adonai, El, Eloah', Elohim, Shadai and Tz'vaot, as well as the shortened tetragrammaton Yah), and for suffixed forms thereof.

These are the acceptable forms:

The tetragrammaton: י-הוה, י-וה, יי, ד', ה'.

Adonai: א-דני, -דני, ד', ה'.

El and derivatives: א-ל, thus א-להים; -ל, -להים, etc.

Here the form of the changed name with a kof replacing the heh or the aleph is not acceptable, despite its prevalence in certain circles. This is for two reasons: First, the first two letters are themselves a divine name that has not been successfully avoided in the form that replaces heh with kof. Second, even where the kof replaces the aleph, the names in that form are a grotesque parody which does no honor to God's name.

Shadai: ש-די, שד'.

Tz'vaot: צ-באות, צב-ות.

When working with customizeable fonts, it should be possible to create an aleph, daled, heh or lamed shorn of their vertical legs ( ) which would be another appropriate substitute in each word, creating the desired incomplete form.

A guide to treating *Shemot* for Jewish schools

A) Students and teachers should be instructed never to write out one of the seven divine names in Hebrew (YHVH, Adonai, El, Eloah', Elohim, Shadai and Tz'vaot, as well as the shortened tetragrammaton Yh), neither on the blackboard nor on any paper or homework. When written in Hebrew these should always be presented in a changed or incomplete form, as follows:

The tetragrammaton: י-הוה, י-וה, יי, ד', ה'.

Adonai: א-דני, -דני, ד', ה'.

El and derivatives: א-ל, thus א-להים; -ל, -להים, etc.

Here the form of the changed name with a kof replacing the heh or the aleph is not acceptable, despite its prevalence in certain circles. This is for two reasons: First, the first two letters are themselves a divine name that has not been successfully avoided in the form that replaces heh with kof. Second, the names in that form are a grotesque parody which does no honor to God's name.

Shadai: ש-די, שד'.

Tz'vaot: צ-באות, צב-ות.

[When working with customizeable fonts, it should be possible to create an aleph, daled, heh or lamed shorn of their vertical legs ( ) which would be another appropriate substitute in each word, creating the desired incomplete form.]

1. If these divine names are inadvertantly written by hand in Hebrew on a blackboard, they may be erased. If inadvertantly written by an adult or child eight years old or older, the page should be buried. If written inadvertantly by a younger child, the page may be recycled. If not recycled, they should be buried.

B) When photocopying, it would be preferable to employ post-it notes or other temporary measures to mask each appearance of God's name in the original. If that is not possible, however, it is permissible to photocopy without masking God's name. All photocopies of Torah and Rabbinic works should be recycled. If not recycled, they should be buried.

C) Pamphlets which include Torah and Rabbinic texts that are temporary in nature may also be recycled. If not recycled, they should be buried.

D) Books of Torah and Rabbinic text, when no longer usable, must be buried.

(based on "On the Exodus (and Genesis) of *Shemot*",
by Rabbi Avram Reisner. Approved by CJLS -- 3/16/04)