

Contemporary Issues of *Shaimos* Aryeh Lebowitz

I. Real *Shaimos*. *Chavos Yair* 16 writes that writing God's name is not a problem of saying the name in vain, but one must be careful to only write it in a place that it won't be treated in a disrespectful fashion (Rama 276:13). Rabbi Akiva Eiger (Responsa 30) says that even though *ksiva* is *k'dibur* (writing is considered to be the equivalent of speaking), a sofer may write the *Sheim Hashem* because he is doing it specifically for the purpose of writing and not for *dibbur*. The gemara (Rosh Hashana 18b) notes that the common practice used to be to include God's name in all contracts. When the rabbis saw that after loans are paid, contracts are generally discarded, they abolished this custom.

II. *Shalom*. The gemara (*Shabbat* 10b) rules that one may not greet his friend with the word "Shalom" in the bathhouse because "Shalom" is one of the names of God. *Tosafot* (*Sota* 10a) rules that for this reason one may not erase the word "Shalom". Although God is also called a "*Chanun V'rachum*" all agree that these words may be erased because they are descriptions of God but are not his formal name. *Rosh* (*Teshuvot Harash* 3:15) disagrees with *Tosafot* and maintains that one may erase the name "Shalom" just as he may erase "*Chanun V'rachum*". *Rama* 276 cites those who are careful not to write the entire word "Shalom", and instead merely omit the letter "mem" when writing "Shalom" in Hebrew. *Shach* (ibid. 16) notes that the general custom is to be lenient in this matter. (See also *Biur Hagra* 276:29 and *Nekudot Hakeseif* ibid.) Mishnah Berurah (85:10) takes the lenient approach and only requires that the word "Shalom" not be used in the bathroom in accordance with the ruling of the gemara in *Masechet Shabbat*. Rav Moshe Feinstein (*Orach Chaim* 4:40:3), while acknowledging that the overwhelming majority of people are lenient in this matter, limits the leniency. He says that whenever it is obvious from the context that the word "shalom" is being used to mean "peace" and not to mean the name of Hashem it is permissible to treat it as non-shaimos (e.g. *shalom aleichem, shalom u'bracha*). If, however, there is any ambiguity in the term, where it may be understood to mean peace or to mean the name of Hashem one must refrain from writing it in a regular letter. An example of this is when somebody write "*shalom imecha*" which can be translated to mean that you should have peace or that God should be with you. When the word "shalom" is written independently at the beginning or end of a letter, Rav Moshe recommends that one be careful not to discard the letter because we may assume that the intention in writing this is to auspiciously begin a letter with the name of God.

III. K'sav Ashuris .

A. What is K'sav Ashuris?

1. Letters of a *sefer Torah*. In general, the term *ksav ashuris* refers to the type of writing that is used in our *sifrei torah*. Such letters have a special status of *kedusha* even if they are not written to express any words of Torah.
 2. *Gilyon Maharsha* (*Yoreh Deah* 284) expands the definition of *k'sav Ashuris* to include any block print. Based on this definition it would seem that even secular Hebrew newspapers and books have to be treated with the same respect as *ksav ashuris*. Many authorities, however, point out that even if block print is considered to be *ksav ashuris*, when printed from a printing press in a way that would clearly not be a valid way to write a kosher sefer torah (see *Chayei Moshe* chapter 13 footnote 39 for a complete list of authorities who subscribe to this view).
 3. Rashi letters. *K'sav Sofer* (Responsa *Even Haezer* 22) points out that "Rashi letters" are certainly not to be considered *ksav ashuris*. In fact, some suggest that Rashi invented this style of writing with the specific intention to avoid any problems of *ksav ashuris* (Responsa *Machane Chaim* 1:25).
- B. What special *halachot* pertain to *ksav ashuris*? *Rama* (*Yoreh Deah* 284:2) cites an opinion that forbids writing secular material in *ksav ashuris*. *Pischei Teshuva* (*Yoreh Deah* 271:20) writes that one may not discard secular hebrew books written in *ksav ashuris* in a disrespectful fashion. This opinion seems to apply even according to those authorities who allow writing secular material in *ksav ashuris*. *Sefer Reishis Chochmah* (*Sha'ar Ha'yirah* chapter 15 s.v. "*v'kein*") points out that Hebrew newspapers should not

be treated disrespectfully for this reason. Indeed, Rav Moshe Betzalel Alter of Gur, rules that secular Israeli newspapers may not be brought to the bathroom. However, Rav Moshe Feinstein (Responsa *Igros Moshe Yoreh Deah* 2:76) permits bringing newspapers printed in Hebrew to the bathroom because you can't learn any *halachot* from them.

IV. Wedding Invitations. When people get married there are numerous halachic issues that must be dealt with. It is crucial that a young couple have a Rav who they feel comfortable with who may address all of their halachic queries. Sometimes the issues pertaining to the wedding invitations can be lost in the myriad of halachic issues that arise around the time of the engagement and wedding. We will outline the two primary halachic issues pertaining to invitations.

A. *Pesukim*. It is a common practice for people to include segments of *pesukim* relating to the theme of marriage on the top of wedding invitations. The *Shulchan Aruch* (283:4) rules that one should not write *pesukim* on a *tallit*. *Shach* (ibid.) explains that this is prohibited because eventually the *tallit* will be thrown away (one does not have to put a *tallit* in *genizah*) and the *passuk* would be thrown away with it. For this reason, Rav Yosef Shalom Elyashiv *Shlit"l* (*Kovetz Teshuvot* 115) writes that *pesukim* should not be published in newspaper advertisements. Based on these sources, at first glance it would seem to be prohibited to print *pesukim* on wedding invitations, as they are likely to be discarded in the trash. However, whether it is indeed prohibited to print *pesukim* and the exact parameters of the prohibition is the subject of debate amongst the leading contemporary *poskim*. It should be noted that this discussion is limited to *pesukim* that are exact quotes. The phrase "*Na'ale et Yerushalayim al Rosh Simchateinu*" is not a *passuk* and may therefore be printed on any invitation according to all authorities.

1. Rav Moshe Heineman *SHLIT"l* in an article published on the Star – K website writes that the *passuk* of "*Od Yeshoma*" is most often used as a *melitza* (common expression or figure of speech) and is not written on the invitation as a *passuk*. For this reason he argues that one may print invitations with the entire *passuk*, and one who receives such an invitation may throw it away.
2. Rav Aaron Tendler in a response on the JemSem website takes a far more stringent approach. He argues that the *passuk* "*Kol Sasson V'kol Simcha*" (even without the words "*od yishama etc.*") may not be printed on an invitation even if it is split up and even if only two words from the *passuk* are printed. The fact that the letters are generally written on a curve serves to address the problem of *sirtut* (prohibition of three block lettered words in a row without a line) but does not help to address the issue of *shaimos*.
3. Rav Herschel Schachter *SHLIT"l* has ruled that printing the *passuk* beginning with "*Od Yishama*" is prohibited but merely printing "*kol sason etc.*" is certainly only a *melitza* and therefore permissible.

B. *K'sav Ashuris*. Based on the above discussion about *ksav ashuris*, Rav Herschel Schachter has said that wedding invitations should not be written in *ksav ashuris*. Many early *poskim*, including *Rav Paalim* (Responsa; *Yoreh Deah* 32) and *Ksav Sofer* (Responsa; *Even Haezer* 22), also take the stringent view on this matter. However, *Chasam Sofer* (cited in *K'sav Sofer* ibid.) allowed wedding invitations to be written in *ksav ashuris*. The logic for this ruling is that invitations should not be considered "*divrei chol*" (mundane words), but are considered to be words written to perform the *mitzvah* of rejoicing with a *chassan* and *kallah* in the nicest form. Indeed, *Aruch Hashulchan (Yoreh Deah* 283:14) notes that most people have the practice of using *ksav ashuris* for wedding invitations.

V. Writing B"H and BS"D. The *Rama (Yoreh Deah* 276:10) rules that in a case of need one may erase the double *yud* that is printed in most *siddurim* as a reference to God's name. The clear implication is that if it is not a case of need, one may not erase these letters because, although they are not the name of God, they do refer to God. One should also be careful not to treat these letters with disrespect. Whether or not writing B"H on top of a paper is also prohibited is the subject of debate amongst the leading contemporary authorities.

- A. Rav Yosef Rosen. Presumably based on the above mentioned Rama, Rabbi Yosef Rosen *zt"l* (Responsa *Tzofnas Paneach* 196) rules that one should not write B”H on the top of letters. Just as the double *yud* should not be erased because it is a reference to God, one may not write B”H because the *heh* is a reference to God.
- B. Rabbi Ovadia Yosef. Rabbi Ovadia Yosef (*Yechaveh Da’as* 3:78 based on *Chida Bris Olam* page 148a) disagrees with Rav Rosen’s assessment and rules that one may write B”H (*bet, heh*) on the top of his letters even though the letter “*heh*” is a clear reference to the name of God. Rav Yosef goes a step further in citing *Toldos Yitzchak (Parshas Metzora)* who strongly supports the custom to write “*bet, heh*” on the top of all letters as a constant reminder of God.
- C. Rabbi Moshe Feinstein. Rabbi Moshe Feinstein (*Iggerot Moshe Yoreh Deah* 2:38) rules that one may include the B”H header on his letters. He argues that there is very little chance that the letter will actually be erased, and it is also unlikely that the letter will be treated with disrespect because most excess paper is burnt rather than thrown in the trash.¹ Rav Moshe does point out, however, that there is no reason to encourage this custom because it has no basis in the words of the great rabbinic authorities. Furthermore, Rav Moshe cautions, one should not write B”H on top of a paper that includes idle chatter or *lashon hara* because it is inappropriate to associate God’s name with such writing. If one wanted to write BS”D (i.e. *besiyata dishmaya*) there would be no objection because there is no specific reference to the name of God.
- D. Rabbi Moshe Shternbuch. Rabbi Moshe Shternbuch (*Teshuvot V’hanhagot* 1:640), while agreeing with the conclusion of Rav Moshe’s *teshuva*, takes issue with the logic employed to arrive at that conclusion. Rav Shternbuch argues that even if our papers were commonly erased and thrown in the garbage there would be no problem with writing B”H on the paper. He cites the Brisker Rav who explained that there is a distinction to be drawn between the “double *yud*” that the Rama had prohibited and the writing and erasing of B”H. Whereas the “double *yud*” is meant as a substitute for the name of God, the B”H is not considered to be a true substitute for God’s name and is therefore not subject to the requirement of showing proper respect to the name of God. Rabbi Shternbuch also notes that the Brisker Rav would not hesitate to write B”H on a paper that would eventually be discarded. Interestingly, Rabbi Shternbuch points out that the Vilna Gaon did not have the custom of heading his letters with a B”H, and there are conflicting reports regarding the custom of Rav Chaim Mi’Volozhin.

VI. Tapes - Discs. Rambam (*Hilchot Yesodai Hatorah* 6:1), basing himself on the ruling of the *gemara* (*Menachot* 30, *Makot* 22), writes that one may not erase the name of God. Rav Ovadia Yosef *Shlit”a* (*Yechaveh Da’at* 4:50) rules that erasing *divrei torah* or even the name of God from tapes presents no halachic problem because there are no words visible on the tape. Rav Ovadia marshals support for this ruling from a very interesting source. The *gemara* (*Gittin* 19b) states that if a man gives a piece of paper to his wife under the assumption that there is a *get* written on the paper, and the paper is found to be blank, under certain circumstances we may have to concern ourselves with the possibility that the woman is divorced. The *gemara* explains that there is a way to write with an “invisible ink” (some sort of fruit juice) whose letters are not visible until the paper is treated with a formula that makes the letters visible. If, we can ascertain that at the time of the giving of the *get* the writing was not visible, even though it is determined to have definitely been there, the *get* is considered invalid. Rav Yosef explains that when dealing with a tape (or a disc) that contains Torah, it can be no worse than the paper that has hidden writing. The *gemara*’s clear ruling about such hidden writing is that it is not considered to be writing and is of no halachic concern. Rav Moshe Feinstein (Responsa *Iggerot Moshe Yoreh Deah* 1:173) states that there is no halachic basis to prohibit the erasing of torah content from tapes but recommends to avoid erasing such tapes because it appears to be similar to erasing the name of God. (Interestingly, Rav Moshe

¹ This particular *teshuva* is undated, but, needless to say, Rav Moshe’s assumption of the normal method of disposal for paper is most curious.

writes in that *teshuva* that there is no reason that *pesukim* should ever be used in songs – see *gemara Sanhedrin* 101.)

- VII. God in English.** The *Mishnah Berurah* (85:10) rules that there are no limitations placed on the writing of God's name in languages other than Hebrew. A paper that says "God" may be thrown away in the normal fashion. However, the word "God" should not be uttered in the bathroom or other areas that are unclean. **Rav Shternbuch !:639**
- VIII. Emails.** With the ever expanding popularity of torah on the internet it is very common for people to print up substantial amounts of *divrei torah* from the internet. The disposal of these *divrei torah* presents a serious problem of *shaimos*. On the surface there seems to be very little room for leniency. However, Rav Aaron Tendler (in a *teshuva* on the internet at jemsem.org) writes that "there are halachic experts who say that if it was printed originally just for a quick perusal, with the intention to dispose of it immediately, it might not have the *din* of *davar shebikedusha*, rather that of *tzorchai mitzvah*, and it may be wrapped and disposed of in the garbage. However, if it has Hashem's name written there... it should be placed in *genizah*".