

SURVEY OF RECENT HALAKHIC PERIODICAL LITERATURE

Ha/torah FROM A BRAILLE TEXT

It is now customary in most synagogues to accord a Bar Mitsvah the honor of reading the *hat. torah* on that auspicious occasion. The Bar Mitsvah reads the prophetic portion either from a printed text or, in some synagogues, from a parchment scroll. Frequently, the Bar Mitsvah also chooses himself to read *maftir*, the final verses of the weekly Torah reading, rather than have the Torah reader chant them on his behalf.

A blind person cannot, of course, read in the usual sense of the term. A blind Bar Mitsvah boy, however, may well be able to commit his *ha/torah* to memory or to read it from a Braille text. Whether or not a blind Bar Mitsvah boy, or for that matter, any other blind person, may read the *ha/torah* in this minner is the subject of a responsum published in booklet form by Dayan Abraham Rapoport. This booklet, *Be-lnyan Kri'at ha-Haftorah be-'al Peh*, was published in 1961 as the eighth in a series of publications of the London *Bet Din*. A shorter treatment of the same topic by Rabbi Nachum L. Rabino-vitch, principal of Jews' College in London, appears in the Tishri 5738 issue of *Ha-Darom*.

There is a general prohibition against the reading of even a single word of the Written Law from

memory (*Gittin* 60b; Rambam, *Hilkhot Tefilah* 12:8; *Shulchan Arukh, Orach Chaim* 53:14; and *Yoreh De'ah* 139:3). The Written Law may be read or studied only from a written text. Even though *Magen Avraham, Orach Chaim* 49:1, indicates that this restriction is relaxed in the case of a blind person who would otherwise be prevented from studying Torah, the public reading of the Torah on prescribed occasions requires that the appropriate portion be read from a Torah scroll and not be recited from memory. The Torah scroll must be written in the prescribed manner and, hence, a Braille text may not be used for this purpose. Nevertheless, Rem., *Orach Chaim* 139:3, rules that a blind man may be called to the reading of the Torah since it is our custom that the person called to the reading of the Torah does not read from the Torah scroll itself, but rather the portion is read on his behalf by a reader. A blind person may, therefore, pronounce the blessing and listen attentively as the Torah portion is read on his behalf.

It follows, therefore, that a blind Bar Mitsvah boy called to *mat hr* may not read the final sentences of the Torah reading from the Torah scroll. The question requiring clarification is whether he may recite the prophetic selection from memory or from a Braille text.

Survey of Recent Halakhic Periodical Literature

It should be noted that for some authorities the *ha/torah* must be read from a scroll of the Prophets, just as the Torah portion is read from a Torah scroll. Both *Magen Avraham* 284:1 and *Taz* 284:2 cite the opinion of the *Levush* to the effect that a parchment scroll containing the entire prophetic work from which the *ha/torah* is selected must be used for this purpose. Although *Magen Avraham* and *Taz* disagree with the position of the *Levush*, the latter's opinion is vigorously affirmed by *Arukh Shulchan*, *Orach Chaim* 284:2-6. *Chayyei Adam*, however, asserts that, even according to *Levush*, a single scroll containing only the *ha/torah* selections is sufficient. It was also the practice of the Gaon of Vilna to use a parchment scroll for the reading of the *ha/torah*. *Mishneh Berurah* 284:1 states that, optimally, parchment scrolls on which the prophetic books are written in a manner similar to a scroll of the Torah should be used for the reading of the *ha/torah* and praises those communities which follow this practice. In *Sha'ar ha-Tziyun* 284:4, the same author indicates that this practice has fallen into disuse in some communities because of the relatively high cost of acquiring a complete set of scrolls of the Prophets. He concludes with the wry comment that "in our day," when huge outlays of money are made for various adornments of the synagogue "which are not so very necessary," funds should certainly *be* set aside for acquiring scrolls of the Prophets.

Of course, according to the authorities who maintain that the *haf-*

torah must be read from a scroll of the Prophets, it may not be recited from memory or from a Braille text. The Bar Mitsvah may, however, pronounce the blessings and have the Torah reader read the prophetic portion on his behalf. The question of whether a blind person may read the *haftorah* must, however, be analyzed according to the opinions of those who maintain that a parchment scroll is not required for this purpose — particularly since most synagogues, at present, do not use scrolls of the Prophets.

Both Rabbi Rabinovitch and Dayan Rapoport show that the resolution of this question is contingent upon an analysis of a ruling of the Gemara, *Gittin* 60a. The Gemara asserts that, in transcribing any of the prophetic works, any single book of the Prophets must be written in its entirety, i.e., the writing of a partial book is forbidden. In this context the Gemara refers to a *Sefer Aftarta*, a book of *haftorot*, written on parchment in the manner of a Torah scroll, but containing only the prophetic selections read on the Sabbath to the exclusion of the remainder of the text of the books of the Prophets. Rabbah and Ray Yosef forbade not only the writing, but also the use, of such scrolls on the Sabbath. The Gemara, however, concludes that it is permissible to use such scrolls, explaining that since not every community can afford a set of complete scrolls, the requirement that only complete books be written is suspended. Rabbinic hermeneutics found sanction for this practice in Psalms 119:126 which was interpreted by the Sages as meaning,

TRADITION: *A Journal of Orthodox Thought*

"At a time when it is necessary to work for the Lord, make void Thy law." The Sages understood this verse as granting dispensation to abrogate the prohibition against transcribing incomplete books of the Bible.

The readily apparent analysis of this discussion is that the only requirements which are suspended are the requirements that a prophetic book be committed to writing only in its entirety and that public reading of the ha/torah be only from a complete scroll. If these are the only requirements which are suspended, it follows that the prohibition against reading or studying the Written Law other than from a written text remains in effect. However, another interpretation is also possible: Only complete scrolls are endowed with the sanctity of scrolls of the Written Law. Thus selections from prophetic works, even if written in the appropriate manner on parchment, do not enjoy this sanctity. Accordingly, reading from a scroll composed of such selections is tantamount to recitation from memory. If the latter analysis is correct, then, in permitting the use of the Sefer Aftarta, the Sages, in effect, permitted what is tantamount to the study or recitation of the Written Law from memory.

Some evidence substantiating the latter analysis may be derived from the fact that the Gemara draws a parallel between use of the Sefer Aftarta and the fact that other Amoraim made use of written compilations of sections of the Oral Law, It was originally forbidden to commit the Oral Law to writing. This prohibition was later suspend-

ed because of the difficulties involved in preserving the tradition orally. If, in permitting use of the Sefer Aftarta, it is the Prohibition against studying the Written Law other than from a properly written scroll which is suspended, the parallelism is precise.

The latter analysis is explicitly formulated by Ritva while, argues Dayan Rapoport, Me'iri's explanation of this discussion tends toward the former. Rabbi Rabinovitch endeavors to demonstrate that each of these divergent analyses is espoused by a different Tosafist as recorded in Tosafot, Temurah 14b. He further cites a responsum authored by Rambam, and cited by Bet Yosef, Orach Chaim 143, in which Rambam permits oral recitation not only of prophetic selections but of the Pentateuch as well.

Both authors further maintain that Levush, who insists upon written parchment scrolls for the reading of the ha/torah, understands Gittin 60a as permitting only the use of an incomplete scroll, but not oral recitation of the ha/torah. Use of a printed paper text, in contradistinction to a hand-written parchment scroll, is the equivalent of oral recitation and hence, according to Levush, is prohibited. Those who disagree with the opinion of Levush understand use of the Sefer Aftarta to be tantamount to oral recitation and hence permit use of a printed text as well.

Accordingly, both Dayan Rapoport and Rabbi Rabinovitch permit a blind child to read the haf torah from memory or from a Braille text in synagogues which do not follow the practice of reading the ha/torah

Survey of Recent Halakhic Periodical Literature

from a parchment scroll. Dayan Rapoport prefers that the reader repeat the *ha/torah* prior to the *recitation* of the final blessings by the Bar Mitzvah, or that he read it before the Bar Mitzvah does so subsequent to the pronouncement of the blessing preceding the *haftorah*.

Dayan Rapoport's concern is based upon the opinion of *Tosafot, Temurah* 14b, to the effect that the prohibition against the study or reading of the Written Law from memory applies only to situations in which such reading is for purposes of enabling others to discharge their ritual obligations. Since the blind Bar Mitzvah boy is in the position of reading from memory not only on his own behalf but on behalf of the entire congregation as well, Dayan Rapoport prefers that the reader repeat the *ha/torah* on behalf of the congregation. This consideration does not, however, appear to be a compelling one. Indeed, it is questionable whether the members of the congregation can at all discharge their obligation simply by listening to the *ha/torah* as it is read from a printed text. *Chayyei Adam* 31:40 implies, and *Teshuvot Chatam Sofer, Orach Chaim*, no. 68, states explicitly, that members of the congregation cannot discharge their responsibility simply by listening to the reading of the *ha/torah* without themselves reciting the *ha/torah* unless it is read from a parchment scroll. Moreover, on the basis of the sources cited, reading from a printed text is in any event tantamount to reading without any text at all but, nevertheless, is permissible in the case of the *ha/torah* because

of the reason cited in *Gitlin* 60a, "At a time when it is necessary to work for the Lord, make void Thy law:"

SETTLEMENT IN EGYPT

Recent events have focused the attention of the entire world upon diplomatic relationships now being forged between Jerusalem and Cairo. Diplomatic shuttles between Jerusalem, Cairo, Aswan and Ismailia may be expected to bring in their wake pleasure jaunts ferrying tourists between the holy places and the pyramids. Should normal relations be established between Israel and Egypt it will undoubtedly become possible for Jews not only to enter Egypt as tourists but also to consider establishing residence in that country for longer periods of time. In point of fact, renewal discussion in recent years of the permissibility of permanent domicile in Egypt actually antedates the diplomatic talks now taking place.

The rout of the Egyptian Third Army in the aftermath of the Yom Kippur War found Israeli troops within some fifty miles of Cairo. Having crossed the Red Sea in pursuit of the aggressor, the Israeli army, for a time, occupied a significant segment of Egyptian territory. During that period, a number of army camps were established. The soldiers settled into a nearly normal routine of life, even to the point of establishing a "yeshivah" for Torah study. Of course, the capture and holding of this territory were, at the time, vital to the security and defense of the *State* of Israel. The phenomenon of a new

TRADITION: A Journal of Orthodox Thought

Jewish "settlement" in Egypt did, however, generate interest in the question of whether settlement within the boundaries of biblical Egypt would be permissible even in the absence of danger. The opinions of various rabbinic authorities regarding the parameters of the prohibition against residence in Egypt are collected and discussed in the 5735 issue of *Torah She-be-al Peh*, in two separate contributions authored by Rabbi Judah Ger-shuni and Rabbi Shiloh Rafael.

Interesting, not only from the perspective of Halakhah, but also as a historical sidelight is that, now, several years later, following President Sadat's visit to Jerusalem, Israeli reporters were invited to cover subsequent developments in Egypt. A number of reporters inquired of Rabbi Ovadiah Yosef whether or not it was permissible for them to travel to Egypt in order to do so. The response, which deals not only with a temporary sojourn but with permanent residence as well, appears in the Adar 5738 issue of the Sephardic Torah journal, *Or Torah*.

Although residence in Egypt seems to be explicitly forbidden by Scripture, many Jewish communities did thrive in Egypt over the centuries, apparently without evoking the censure of rabbinic authorities in the post-Talmudic era. Indeed, Rambam himself lived in Egypt for many years. It is unthinkable that Rambam willingly committed a transgression in doing so, although R. Ishturi ha-Parchi, *Kaftor va-Ferach*, chapter 5, reports that, while visiting Egypt, he was informed by a grandson of Rambam

that the latter was wont to append to his signature the legend "who each day transgresses three negative commandments," i.e., the three biblical prohibitions against residence in Egypt. R. Jeruchem Fishel Perle, in his commentary to *Kaftor va-Ferach, Pirchei Zion* (Jerusalem, 5706), p. 184b, cites R. Ya'akov Emden's incredulity in questioning the authenticity of this report. Rabbi Reuven Margolis, *Margaliyot ha-Yam, Sanhedrin* 21b, reports that this legend is not to be found affixed to any of the many extant letters and responsa of Rambam. *Kaftor va-Ferach* as well as Radbaz, in his commentary to *Hilkhot Melakhim* 5:7, assert that the government authorities did not permit Rambam to leave Egypt because of their desire to retain his services as a physician to the Egyptian court.

In any event, the establishment of Jewish communities in Egypt, apparently with rabbinic sanction, indicates that residence in Egypt is permissible at least under some circumstances. The following are the varying and diverse views set forth by different authorities with regard to the ramifications of the prohibition against residence in Egypt:

1. Rambam records the prohibition against residence in Egypt both in *Sefer ha-Mitzvot*, negative commandment no. 46, and in *Mishneh Torah, Hilkhot Melakhim* 5:7-8. In *Sefer ha-Mitzvot* Rambam cites three separate verses as sources for this prohibition: "You shall henceforth return no more this way" (Deuteronomy 17:16); ". . . by the way whereof I said unto you, 'You shall see it no more again'" (Deuteronomy 28:68); and "For whereas

Survey of Recent Halakhic Periodical Literature

you have seen Egypt today, you shall see them again no more for ever" (Exodus 14:13). In citing all three verses as negative commandments Rambam follows the Palestinian Talmud, *Sukkah* 5:1. The Babylonian Talmud, *Sukkah* 51b, however, cites only Deuteronomy 17:16. Maharsha explains that, for the Babylonian Talmud, Exodus 14:13 is a promise rather than a prohibition. Deuteronomy 28:68 is presumably viewed as a threatened punishment rather than as a prohibition. Basing himself upon the Palestinian Talmud, Rambam declares that the prohibition is limited to permanent residence. Accordingly, it is permissible to return to Egypt for business purposes or for other reasons which involve only temporary domicile. Rambam further rules that it is permissible to reside in Egypt if the land is conquered by "a king of Israel" with the approval of the Sanhedrin "since [the Torah] forbids [us] only return to [Egypt] as individuals or to dwell therein while it is in the hands of idolators." The reason, as explained by Rambam, is that settlement in Egypt is forbidden because of the degenerate moral character of the ancient Egyptians. Reference to the immorality of ancient Egypt is made in Leviticus 18:13. Hence, when Egypt is under the dominion of Israel, Jews are permitted to reside in that land.

A number of commentaries question why, according to Rambam, the prohibition should remain in effect in our day. The prohibition, states Rambam, is predicated upon **the immorality** of the ancient Egyptians. **The Tosefta**, *Kiddushin* 5:6,

reports that Sennacherib, King of Assyria, upon conquering most of the civilized world of his day, **effected** forced population transfers among the nations under his domain in order to solidify his rule. As a result, the peoples of antiquity are no longer ethnically identifiable. If descendants of the morally degenerate Egyptians of antiquity no longer inhabit Egypt, why should settlement in that country be forbidden? *Torat ha-Melekh, Hilkhot Melakhim* 5:7, answers that while Sennacherib forcibly removed the bulk of the Egyptian population and resettled them elsewhere, a significant number undoubtedly remained in Egypt and, for that reason, settlement in Egypt remains forbidden. R. Chaim Joseph Azulai, *Chaim Sha'al*, I, no. 91, sec. 4, infers from Rambam's choice of language that the prohibition against living in Egypt remains in effect even if that country is inhabited by other non-Jews. Rambam states that it is forbidden to live in Egypt not "while it is in the hands of Egyptians," but rather "while it is in the hands of *akum*," i.e., idolators or gentiles. Technically, then, the prohibition is against residence in the *land* of Egypt rather than against living among Egyptians.

2. R. Eliezer of Metz, *Seler Yere'im*, no. 309, opines that the ban against settlement in Egypt is not a restriction against residence in Egypt but a restriction against *return* to the land. As a prohibition against return, the commandment restricts only "return . . . this way" (Deuteronomy 17:16), i.e., by way of the route travelled by our ancestors in departing from Egypt.

R. Yosef Sha'ul Nathanson, in his commentary on the Pentateuch, *Divrei Sha'ul*, remarks that the detailed scriptural description of the route travelled by the generation of the Exodus is of more than historical significance. It serves to delineate the route by which Jews are forbidden to return to Egypt. Return by other routes is permitted. Ritva, *Yoma* 38a, also interprets *Sefer Yere'im* in this fashion. *To'lot Re'em*, a commentary on *Sefer Yere'im*, refutes this interpretation by citing *Sukkah* 51b which declares that the Jewish community of Alexandria was annihilated because its members had established a settlement in Egypt in violation of the biblical commandment. According to *Divrei Sha'ul's* analysis, the Alexandrian Jews, who presumably did not return via the route mapped out in the Bible, should not have been deemed transgressors. Since the Gemara reports that they were punished, it may be inferred that the prohibition is broader than asserted by *Divrei Sha'ul*. *Teshuvot Dei Hashev*, *Yoreh De'ah*, no. 15, and *Ma'aseh Bezalel*, no. 573, interpret *Sefer Yere'im* as meaning that it is forbidden to return to Egypt from the Land of Israel but that return to Egypt from other countries is not forbidden.

3. Rabbenu Bachya, in his commentary on the Bible, Deuteronomy 17:16, states that this prohibition is directed against living among Egyptians rather than against establishing residence in the land of Egypt and is designed to prevent Jews from imitating the immoral life-style of the Egyptiani. According to Rabbenu Bachya, the pro-

hibition forbids only living among the degenerate Egyptians of the time of the Exodus and was not intended to apply to later generations. This is also the position of Rabbenu Meyuchas ben Eliyahu, as found in his recently published commentary on the Bible (Jerusalem, 5728). The obvious problem with regard to this position is that it appears to be contradicted by the previously cited statement of *Sukkah* 51b to the effect that the Jews of Alexandria sinned in settling in Egypt.

4. Ritva, *Yoma* 38a, declares that the prohibition against residence in Egypt was in force only as long as the people of Israel dwelled in *Erets Yisra'el*. During the exile, when Israel is dispersed among the peoples of the world, no land is forbidden to them. Rabbi Isaac ha-Levi Herzog, *Heikhal Yitzchak*, *Even ha-Ezer*, I, no. 12, questions whether according to Ritva, the prohibition is not again applicable in our own day, subsequent to the establishment of a Jewish homeland in *Erets Yisrael*.

5. Ritva cites yet another opinion. "Some say" that the prohibition is no longer in effect since the Egyptian cities of antiquity have been destroyed and their populace dispersed by Sennacherib. According to this view, the restriction is directed against living among Egyptians, but not against residence in the land of Egypt. *Chaim Sha'al*, I, no. 9, sec. 2, argues that this view is not compatible with the Gemara's assertion that the Jews of Alexandria were punished for having returned to Egypt. Rashi, *Sukkah* 51b, indicates that the Alexandrian

Survey of Recent Halakhic Periodical Literature

community was established after the destruction of the First Temple, during the time of Jeremiah, after Sennacherib effected the transfer of populations. Similarly, *Mekhilta Beshalach*, 2:13, speaks of instances of punishment for return to Egypt subsequent to the time of Sennacherib. An identical view is tentatively set forth by *Sefer Mitsvot Gadol*, negative commandment 227, and rejected because of precisely this objection.

Rabbi Yosef, seizing upon the phrase, "and these cities are different ones which were settled afterwards," understands this opinion in an entirely different manner. According to Rabbi Yosef's interpretation, the meaning of this statement is that the geographic location of Egypt of today is not identical with that of Egypt of the Bible. The cities inhabited by Rambam and others were not part of ancient Egypt and hence Jews may reside in such places without restriction. Indeed, Rabbi Ya'akov Castro, in a gloss to *Even ha-Ezer* 128, declares that the city of Cairo is not within the boundaries of ancient Egypt. Citing Saadia Gaon's translation of Numbers 13:22, R. Castro identifies Egypt of antiquity with the area surrounding Fostat. Rabbi Yosef points out, however, that the basic question is not really resolved since Alexandria was within the boundaries of Egypt, as indicated by *Sukkah* 51b, and Jews nevertheless resided in Alexandria over a period of centuries.

6. While - at least some of the other authorities cited maintain that the essence of the prohibition is residence among Egyptians, *Sefer*

Yere'im clearly maintains that the essence of prohibition is return to the *land* of Egypt, Mahari Pen, in his commentary on the *Sefer ha-Mitsvot* of R. Saadia Gaon, and *Minchat Eliyahu*, no. 37, maintain that there are two distinct prohibitions, one against residence in Egypt and a second against settlement among the people of Egypt. Exodus 14:13, "You shall see them again no more," implies a prohibition against settlement among the people, while the other two verses refer to return to the land of Egypt. Rabbi Gershuni and Rabbi Rafael both endeavor to show that this is also the position of Rashi in his commentary to both *Sanhedrin* 21a and Exodus 14:13, as well as that of *Sefer Yere'im*.

Rashi explains that the prohibition against a king amassing horses is predicated upon the fear that a king who maintains an interest in horses would send purchasing agents to Egypt, a country once renowned for fine horses, and thus violate the prohibition against returning to Egypt. Ramban, *Commentary on the Bible*, Deuteronomy 17:16, rejects this rationale, pointing out that the Palestinian Talmud explicitly permits return to Egypt for purposes of commerce, [Cf. however, *Chaim Sha'al*, who offers a different interpretation of Rashi's position.]

In arguing that return to Egypt from countries other than *Eretz Yisra'el* is permitted, *Sefer Yere'im* cites *Sanhedrin* 93a, which reports that at the time that Chananiah, Mishael and Azariah were *cast* into the burning oven, Daniel was sent to bring swine from Alexandria.

TRADITION: A Journal of Orthodox Thought

Since there is no prohibition against journey to Egypt for business purposes, Daniel's action in this regard does not at all appear to support *Sefer Yere'im's* thesis.

Rabbi Rafael argues that, insofar as the ban against residence in the land is concerned, there is indeed a distinction between permanent dwelling and temporary residence for business purposes and the like. However, insofar as the prohibition against settling among the people of Egypt is concerned, no such distinction can be drawn. Accordingly, return to Egypt even for purpose of commerce is, in fact, included in the biblical prohibition. The statement found in the Palestinian Talmud which permits return for purposes of commerce must be understood as permitting return to Egypt only subsequent to the displacement of the Egyptian populace by Sennacherib. Since the inhabitants of Egypt are no longer the Egyptians of antiquity, temporary residence in Egypt is now permissible.

7. Radbaz, IV, no. 73, notes that only permanent residence in Egypt is forbidden as is indeed 'stated explicitly by Rambam, *Hilkhoh Melakhim* 5:8. Radbaz offers an *apologia* for the conduct of those who lived in Egypt by stating that their residence was merely transient in nature since all Jews eagerly anticipate the opportunity to settle in *Erets Yisra'el*.

8. *Pirchei Zion* explains that Rambam was willing to live in Egypt because in our day there is **no greater prohibition in living in Egypt than in living in any other country.** Rambam, *Hilkhoh Avodah*

Zarah 7:9, rules that it is forbidden to enter any city containing idols. In his *Commentary on the Mishnah, Avodah Zarah* 1:4, Rambam adds that, in our day, we have no choice and are forced to live in such cities since all cities contain edifices devoted to idolatry. Since all places are, in actuality, **prohibited** as places of **residence, our justification** for residing in such places is that the necessities of life force us to do so. This justification applies to residence in Egypt as well, since removal of one's residence to another country would also involve violation of a prohibition.

9. Rabbi A. I. Kook, *Mishpat Kohen*, no. 145, advances the novel view that the prohibition against return to Egypt devolves only upon individuals, but that entire communities may establish settlements in Egypt. This position, he maintains, is that of Rambam. Rambam's terminology in *Hilkhoh Melakhim* is usually understood as distinguishing between individual settlement as against conquest by a King. Rabbi Kook, however, interprets Rambam quite literally as permitting settlement by any community. According to Rabbi Kook, it must be assumed that Alexandrian Jews were punished despite the fact that they constituted a community because they had originally transgressed in returning to Egypt as individuals.

PHOTOSENSITIVE EYEGLASSES

Photosensitive eyeglasses and sunglasses which darken when exposed to sunlight and lighten when removed **from contact with the**

Survey of Recent Halakhic Periodical Literature

sun's rays have grown in popularity in recent years. The lenses used in these glasses contain particles which darken in the presence of ultraviolet rays causing the glass to assume either a gray or brown color. Such lenses are marketed by a number of manufacturers of optical lenses under various brand names. In the Cheshvan 5738 issue of *Or Torah*, Rabbi Ovadiah Yosef, Israel's Sephardic Chief Rabbi, examines the question of whether or not such eyeglasses may be worn on *Shabbat* in view of the fact that in moving from a shaded area to a sunlit area while wearing such eyeglasses one automatically causes coloration of the lenses.

Coloring, painting or dyeing constitutes one of the thirty-nine categories of "labor" which are forbidden on the Sabbath. However, Rambam, *Hilkhot Shabbat* 9:15, codifies the provision stating that the biblical prohibition against these activities is limited to engaging in a process which creates a permanent bond between the coloring or dyeing agent and the substance to which it is applied. Processes which lead only to transitory coloration are not biblically proscribed. Accordingly, since the coloring effect of the sun's rays dissipates when the wearer enters enclosed or shaded areas, exposing photosensitive lenses to the sun's rays does not constitute a biblical transgression.

However, temporary coloration is forbidden by virtue of rabbinic ordinance. This prohibition is exemplified in the ruling of *Shulchan Arukh, Orach Chaim* 302:25, which forbids the application of

rouge or lipstick on *Shabbat*. The permissibility of wearing photosensitive glasses on *Shabbat* is contingent upon the question of whether or not wearing such lenses constitutes an infraction of this rabbinic ordinance.

Rabbi Yosef rules that the wearing of photosensitive sunglasses is permissible without question. The definition and delineation of all categories of labor prohibited on *Shabbat* is directly related to utilization of similar processes in construction of the Tabernacle and its appurtenances in the wilderness. The coloring or dyeing associated with construction of the Tabernacle involved the use of pigments. Hence the coloring or painting which is forbidden on *Shabbat* is limited to coloration which results from applying one material substance to another, e.g., purple dye upon wool and the like. Coloration caused by exposure to the sun's rays is not the result of application of a material substance and hence is permissible, particularly, since, in any event, the resultant change in color is not permanent.

The use of photosensitive sunglasses is also permitted by Rabbi Moses Feinstein in a somewhat cryptic responsum published in his *Iggrot Mosheh, Orach Chaim*, III, no. 45.

***TZitzit* FOR NYLON AND POLYESTER GARMENTS?**

Modern technology has devised a host of synthetic fibers which to a large extent have replaced natural materials in the manufacture of clothing. Garments made of these materials are often lighter, cooler,

cheaper, and more easily laundered than clothes made of natural fibers. The selfsame advantages have prompted purveyors of religious items to utilize man-made fibers in the manufacture of the four-cornered *taut katan*. Indeed, a *taut katan* of polyester is at present more readily available than one of cotton. There are, however, those who question whether four-cornered garments made of such synthetic materials require *tzitzit*. If not, the blessing may not be pronounced upon donning the garment and such a *tat katan*, since it is worn solely in order to enable the wearer to fulfill a *mitsvah*, serves no purpose. The question whether nylon or polyester may be used as a *talit katan* is examined in detail by Rabbi Benjamin Silber of Bnei Brak in two articles which appeared in the Cheshvan and Adar Sheni-Nisan 5736 issues of the Israeli journal, *Ma'ayan ha-Torah*, published by the Pressburg Yeshiva, *Shevet Soler*. The Elul 5735-Tishre 5736 and Adar Rishon 5736 issues of this journal also feature articles by Rabbi Noson Gestetner and Rabbi Zevi Domb dealing with this question. The matter is also discussed by Rabbi Silber in his commentary on *Chayyei Adam, Bet Barukh*, no. 11, p. 230, as well as in his *Oz Nidbaru*, VII, nos. 52-54. Earlier discussions of this question appear in Rabbi Zevi Pesach Frank, *Har Zevi, Orach Chaim*, 1, no. 9, Rabbi Yonatan Steif, *Teshuvot Mahani Steif*, no. 27, and Rabbi Moses Feinstein, *Iggrot Mosheh, Orach Chaim*, II, no. 1.

It is clear that not all materials require *tzitzit*. The Gemara, *Mena-*

chot 40b, specifically excludes leather garments from this obligation. *Levush* 10:4 explains that only a "begged" or "garment" requires *tzitzit*. In terms of its halakhic definition, a *begged* must be made of woven cloth; a four-cornered item of clothing made of solid, unwoven material such as leather is not considered to be a *begged*, and is, therefore, exempt from *tzitzit*. Accordingly, Rabbi Frank rules that a nylon garment may be used as a *wilt katan* provided it is made of cloth woven from nylon thread, as is usually the case. Rabbi Frank states, however, that should such a garment be made of a single sheet of unwoven nylon it would be exempt from *tzitzit*, as is a garment of leather.

Rabbi Feinstein presents an opposing view in ruling that all garments made of synthetic materials are exempt from *tzitzit*. In his view, all such garments are comparable to leather garments by virtue of the fact that these materials can be synthesized in the form of solid sheets which can then be cut and sewn as garments without need for weaving. Garments made of solid, unwoven material are, according to Rabbi Feinstein, certainly exempt from *tzitzit*. Rabbi Feinstein argues that garments made of synthetic fiber are exempt even if a solid bolt of man-made material is produced as the product of the manufacturing process and is only subsequently cut into threads and then woven into cloth.

As evidence he cites the statements of Rashi and Bertinoro in their respective commentaries on the Mishnah, *Kelim* 27:1, pertain-

Survey of Recent Halakhic Periodical Literature

ing to garments fashioned of thin, woven strips of leather. Such leather garments, declare Rashi and Bertinoro, are not subject to the ritual defilement associated with "woven" garments. Since the weaving process is not essential in light of the fact that the garments could be fashioned from the original whole piece of leather, the process of cutting the leather into strips and later weaving the strips into a garment does not give it the status of a "woven" garment. This line of reasoning applies to garments made of synthetic materials as well, argues Rabbi Feinstein. Since, when such materials are used, weaving is not essential to the making of the garment, the garment—even when in fact it is woven—is exempt from *tzitzit*. Moreover, argues Rabbi Feinstein, the garment is exempt from *tzitzit* not only in cases in which the material is synthesized in large pieces which are then cut into thread from which cloth is woven but also when the original product is synthesized in the form of thread at the very beginning of the production process and subsequently woven into cloth. Rabbi Feinstein opines that since the material could have been synthesized in sheet form rather than as thread, a garment made of such material is not to be considered a "*begged*."

Rabbi Gestetner adduces sources in an endeavor to show that a "*begged*" must, by definition, be fashioned from materials derived from either vegetable or animal matter. Materials composed of inorganic matter are, according to this thesis, excluded from the category of "*begged*." Rabbi Silber dis-

putes this conclusion and contends, *argumendo*, that if such a distinction were valid it would be limited to a definition of "*begged*" for matters of ritual impurity but entirely irrelevant to the concept of a "*begged*" which requires *tzitzit*.

Rabbi Yonatan Steif advances a rather curious argument in support of the position that garments made of synthetic materials are exempt from *tzitzit*. *Menachot* 39b cites specific biblical references to linen and wool as the materials of which "garments" are woven. The Gemara then proceeds to query, "Whence can garments of camel hair or rabbit hair, or goats' hair, or of raw silk or floss-silk or fine silk be added?" In answer, the Gemara cites the redundant phrase "or a garment" (Lev. 13:47). It is usually assumed that the materials enumerated by the Gemara are simply common examples of materials used in weaving garments but that that list is by no means exhaustive. Rabbi Steif, however, maintains that the enumerated materials exhaust the category of *begged*; other materials are not mentioned because they are not *beggadim*. According to this position, even other natural fibers not recorded in this list are exempt from *tzitzit*.

This argument might perhaps be entertained if it is ruled that materials other than wool and linen require *tzitzit* only by virtue of rabbinic ordinance; the Sages may then have included in their decree only materials in common use at the time and may have done so by the process of enumerating only specific materials with the intention of excluding all others. However,

if the materials enumerated in *Menachot* 39b require *tzitzit* by virtue of biblical law, as Rema, *Orach Chaim* 9:1, does rule, the argument is difficult to fathom. The materials which are listed are not specifically enumerated in Scripture but require *tzitzit* because they are considered to be within the category of *begged* by virtue of a pleonasm which is general in denotation. There is no reason to assume that the reference is to one type of material and not to another, provided, of course, that such materials possess the stated characteristics of *begged*.

Rabbi Silber takes issue with the position of both Rabbi Feinstein and Rabbi Frank and maintains that garments made of synthetic material require *tzitzit* no less than those made of natural fibers. He recognizes no distinction between garments made of synthetic thread and those cut directly from sheets of synthetic material. The arguments of those who disagree, Rabbi Silber points out, are based primarily on the phraseology of the *Levush* who states that a "*begged*," by definition, must be made of woven material. Rabbi Silber cites *Mishneh Berurah* 10: 11 which omits any reference to weaving in citing *Levush*. According to Rabbi Silber, "weaving" is not a necessary condition of what constitutes a *begged* but is simply a generalization used to exclude materials which do not constitute a *begged*. Leather is exempt, argues Rabbi Silber, because by its nature it does not generate warmth. Since it is not generally used for the making of clothing it is not deemed

to be a "*begged*" even if it is fashioned into an article of clothing. This is so even if the leather is first cut into strips and then woven into a garment. That leather is not considered to be a *begged* is manifest from the phrase "a garment or leather" (Leviticus 11:32). Reference to "a garment (*begged*) or leather" as separate entities demonstrates that leather, by definition, is not deemed to be a *begged*. Since synthetic fibers do provide warmth and are commonly used in the manufacture of clothing, a garment made of synthetic material, argues Rabbi Silber, should be considered a *begged* and such a garment requires *tzitzit* if it is four-cornered in shape. Furthermore, argues Rabbi Silber, since synthetic cloth is manufactured by a process which causes separate particles to adhere to one another, this process is comparable to weaving cloth out of individual strands of thread. Such materials are significantly different from leather which comes into being as a single entity. The term "woven" as used by *Levush*, argues Rabbi Silber, is intended simply to exclude that which is fashioned from a single piece, e.g., leather. According to Rabbi Silber, nylon or polyester may be used in the making of a *talk katan*.

The basic contention that the term "*begged*" does not refer exclusively to a garment made of woven material is borne out by Rambam's ruling, *Kelim* 1:11, to the effect that cloth made of pressed or matted (but unwoven) materials are considered to be in the category of *begged* "for all

Survey of Recent Halakhic Periodical Literature

purposes." This is also stated explicitly by Ravad in his commentary on *Torat Kohanim, Parshat Shemini* 6:8. [See also *Chatam Soler, VI (Likkutim)*, no. 81 and sources cited by R. Yitzchak Ya'akov Weisz, *Minchat Yitzchak*, IV, no. 118, which indicate that, prac-

tically speaking, paper cannot be made into a garment but were it possibly to do so—as indeed is the case at present, for example, with regard to disposable swimming suits and the like—a paper garment would be deemed a *begged* for purposes of ritual impurity.]