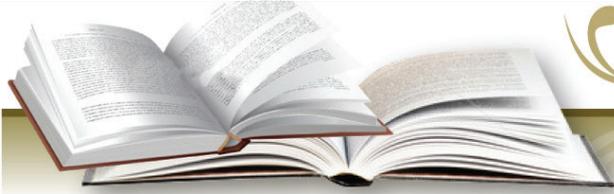


TORAH & HORAHAH



Yisro 5777

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Dear Reader,

The beginning of this week's *parashah* describes how a guest arrives at the camp of the Children of Israel – Yisro, Moshe's father-in-law. As soon as he arrives, Yisro begins to give Moshe advice:

“Moshe's father-in-law said to him, “What you are doing is not good... Listen now to me and I will give you some advice, and may G-d be with you.... But select capable men from all the people ... and appoint them as officials over thousands, hundreds, fifties and tens.”

The Torah relates how Moshe heeded his father-in-law's advice, and established a new judicial system over Israel.

The preparedness of Moshe to accept an outsider's advice – even if

This week's article discusses the matter of the *Aseres HaDibros*, the Ten Commandments we received at Sinai. Halacha is concerned over giving special prominence to the Ten Commandments, for fear that they will be considered inherently different to the rest of the Torah. Is it therefore permitted to stand for the reading of the *Dibros*? Should they be read each day? Is it permitted to inscribe the *Dibros* above the *Aron HaKodesh*? We will please G-d clarify these matters in this week's article.

This week's Q & A addresses the question of using *maaser* money to purchase lottery tickets.

The Special Status of the Ten Commandments: A Halachic Discussion

Parashas Yisro brings the Children of Israel to Sinai to receive the *Aseres HaDibros*, the Ten Commandments that are the cornerstone of the Torah.

The Gemara in *Berachos* (12a) notes that the Sages wished to insert the *Pesukim* of the Ten Commandments into the daily recitation of *Shema*, so that they would receive special prominence.

The Gemara, however, says that this suggestion was rejected, for fear that non-Jews might claim that the Ten Commandments alone are true (as opposed to the rest of the Torah), which is why they alone are mentioned in our davening. It is interesting to note that in Christianity the Ten Commandments retain obligatory status, in contrast to many other Torah mitzvos.

This passage of Gemara is a central source in a long-standing discussion over the public reading of the Ten Commandments. Must one stand for the reading of the Ten Commandments, or should one specifically sit (where the custom is to sit for Torah reading in general)? Is it appropriate to have the Ten Commandments >>

it was that of his father-in-law – demonstrates the tremendous virtue of humility that Moshe possessed. As the *pasuk* writes (Bamidbar 12), Moshe was “the most humble of all men that even lived upon the land.”

It was this disposition, a character trait that brings a person to see himself as an equal among equals, which enabled Moshe to accept external advice.

It is important to note that the virtue of humility is not limited to the sphere of perfecting one’s character. The Mishnah (*Avos 4*) teaches that the definition of a wise person is “somebody who learns from every person.” Humility is thus a precondition for wisdom – for only by means of humility can a person be considered wise.

It is possible that this is the reason why the episode of Yisro is recorded in the Torah before the event of Matan Torah – a difficult placement, certainly according to the opinion that Yisro actually came *after* the giving of

etched in stone atop the Aron HaKodesh? And should the Ten Commandments be recited daily?

These questions, among others, are discussed below.

Standing for the Occasion

Three times a year we read in public the Torah narration of the giving of the Ten Commandments at Sinai: on Shavuot, on Shabbos of Parashas Yisro, and on Shabbos of Parashas Va’eschanan.

The Shulchan Aruch rules (*Orach Chaim 146*) that one need not stand for the reading of the Torah in shul in general. The Rema adds that some are stringent to stand and that this was the custom of Maharam, yet the general custom is to sit for the reading of the Torah. Nonetheless, many stand up specially when reading the Ten Commandments.

One reason for this, as noted by the Chida (in his *Tov Ayin*), is that the Torah mentions that the Children of Israel “stood from afar” (*Shemos 20:14*) when the Torah was given. Indeed, Chazal teach that even when Moshe was taught the Torah by Hashem at Sinai, he was required to stand in respect for studying the Torah (*Megillah 21a*).

As a reenactment of the giving of the Torah, it is therefore appropriate to stand when the Ten Commandments are read publicly.

Learning Torah Standing

In principle it is correct to stand for all Torah study. The Gemara (*ibid.*) notes (citing a *baraisa*) that from the day the Torah was given until the age of Rabban Gamliel, Torah was studied while standing, and this practice was only discontinued after the generations became weaker. Of this it is written that in the generation of Rabban Gamliel, “the honor of the Torah was revoked.”

Another passage in the Gemara (*Berachos 22a*) notes that we are duty-bound to study the Torah “in the manner that it was originally given—with reverence, awe, trembling and quivering.” Indeed, the *Bach* (in his annotations to *Orach Chaim 146*) writes that the custom of Maharam to stand for the Torah reading derives from considering the Torah reading as though we actually receive the Torah anew from Sinai, which demands reverence.

While we cannot maintain this level the year long, standing shows respect for this Torah study, and recalls our obligation to study the Torah in the manner we received it at Sinai.

Recalling the Importance of the Event

Rav Moshe Feinstein (*Shut Igros Moshe, Orach Chaim 4:22*) suggests another reason for the custom, that standing underscores the importance for the Jewish people of the event that we read about. The giving of the Torah, which came with a revelation of Hashem to His people, is the most significant event in our history, and it is correct to highlight its importance by standing up as we read it in public.

This explanation squares well with the parallel custom in many congregations of standing for the reading of Shiras HaYam, which concludes the passage of crossing the sea. Like the Ten Commandments, the crossing of the sea was also a seminal event in Jewish history, representing the final stroke of our redemption from Egypt—which was the event of national coming into being (see *Berachos 14b*).

Just like the Ten Commandments, the gravity and significance of the event explains the custom of standing up for its public reading.

The Rambam's Ruling on Standing Up

The Rambam (*Teshuvos*, no. 263; no. 46 in the Jerusalem edition) was asked concerning the custom of standing for the reading of the Ten Commandments.

After noting that some congregations stand for the reading, he writes that the custom should be discontinued, "...for this causes a flaw in our belief, in the wrong conviction that there are different levels in the Torah, and that some parts are loftier than others, which is a grievous evil. It is therefore right to seal any fissures that might lead to this evil faith." This reflects the Gemara with which we opened, in which Chazal express a reticence to give special prominence to the Ten Commandments.

Based on the Rambam, Rav Ovadya Yosef has written that it is improper to stand for the Ten Commandments, since doing so will give an impression of this section of the Torah being loftier or more important than the rest of the Torah (*Yecheveh Daas 1:29*). Though he cites a number of authorities who uphold the

the Torah (see *Zevachim 116*; Ramban). Yet, Chazal (*Avos 6:6*) teach that one of the required attributes for knowing the Torah is humility, stating elsewhere (*Nedarim 55a*) that the Torah is given as a gift to those who make themselves as humble as a barren desert.

The episode of Yisro's coming, and the great virtue of humility displayed by Moshe, therefore provides an apt introduction to the giving of the Torah. Only because of his exceeding humility was Moshe considered suitable for receiving the Torah.

An appropriate measure of humility is our ability to heed the advice of others. Somebody lacking humility finds it very difficult to accept another's word – in particular when it runs against his own opinion.

Yet, by training ourselves to accept advice, and to listen carefully even to those with whom we disagree, we acquire the virtue of the wise "who learn from every person" – and we prepare ourselves for receiving the Torah.

custom, he writes that “the holy eyes of these authorities did not see the ruling of the Rambam, who rules that the custom should be discontinued, and who clearly did not agree with the distinctions they make. Would they have seen it they would surely not have dared to dispute his ruling.”

Concerning those who are in a Shul when the custom is to stand for the Ten Commandments, Rav Ovadya advises to stand up earlier, from the beginning of the reading of the Torah or at the very least from the beginning of the specific portion containing the Commandments, so that it will not look like he is standing up specifically in honor of the Ten Commandments.

Justifying the Custom

Yet, the ruling of the Rambam has not been adopted by the great majority of communities.

The *Mateh Yehuda* (1:6) suggests that standing for the reading of the Ten Commandments is not comparable to the issues raised in the Gemara over including the passage as part of the Kriyas Shema. While the Gemara disqualifies the idea of reading the Ten Commandments daily since their real prominence might lead people to false conclusions over their status vis-à-vis the rest of the Torah, this disqualification does not apply to merely reading the section in a different manner than other Torah portions. Standing for the reading is therefore permitted, and this will not lead people to believe that the Ten Commandments are a superior part of the Torah.

The *Iggros Moshe* justifies the custom of standing because it is customary to stand for another Torah reading—Shiras HaYam in Parashas Beshalach. Since this is done, the claim that the Ten Commandments are being conferred unique status is not valid, since it is not unique.

Finally, and in similar fashion to Rav Ovadya as cited above, the *Iggros Moshe* (see also *Shut Teshuvos Vehanhagos* 1:144) suggests that the issue can be avoided by standing up before the reader reaches the Ten Commandments, either from the beginning of the portion or for the entire Torah reading. He will thus stand for the reading of the Ten Commandments, but will not afford it a different status from the rest of the reading.

Standing on Shavuos

Shut Beis Yaakov (no. 125) suggests a special justification for treating the Torah reading of the Ten Commandments on Shavuos in a special manner.

He justifies the custom of many synagogues in his days, where the person reading the Torah would pause before reading the Ten Commandments. At this stage the entire congregation would then read them for themselves, after which the reader would then read them aloud from the Torah (as we do today for the Vayechulu portion at the end of the Simchas Torah reading).

He justifies the custom by arguing that the special custom while reading the Ten Commandments on Shavuos will not ascribe special status to the Ten Commandments, if we only do so on the festival of Shavuos which commemorates the giving of the Torah. Standing up on Shavuos is part of the commemoration, and does not confer any special status on the Ten Commandments.

Concerning the daily private recitation of the Ten Commandments, which is recommended by the Shulchan Aruch (*Orach Chaim* 1), the Beis Yosef explains that there is no concern for misinterpretation, since this is a private rather than a public reading.

Indeed, the Rema (1:5) cites the Rashba that the

Ten Commandments must not be recited publicly, and the *Mishnah Berurah* (16) explains that this is out of concern for the heretics, who will say that “there is no Torah other than this.”

Tablets Atop the Aron HaKodesh

It is common in many Shuls to place a tablet with a shortened version of the Ten Commandments on top of the Aron HaKodesh. Does this invoke the concern of giving the Ten Commandments special status?

Because of the public visibility of the tablets with the Decalogue, some authorities forbid the practice (see *Shut Adnei Paz*, no. 62; *Piskei Teshuvos*, note 148). However, the Orach Neeman (1:51) writes that this is permitted, since it only indicates that the entire Torah is included in the Ten Commandments (he adds that therefore it is only permitted to do so atop the Aron HaKodesh).

Shut Rivevos Efraim (1:3) adds that it is permitted for another reason, since the Ten Commandments are only summarized, and not written out in full. It is also common to embroider

the shortened version of the Ten Commandments on the Paroches of the Aron.

Conclusion

To conclude, let me cite the following anecdote.

A young scholar was invited to become rabbi in a small old community. On his very first Shabbat, a hot debate erupted as to whether one should or should not stand during the reading of the Ten Commandments.

Next day, the rabbi visited 98 year-old Mr. Katz in the nursing home. “Mr. Katz, I’m asking you as the oldest member of the community,” said the rabbi. “What is our synagogue’s custom during the reading of the Ten Commandments?”

“Why do you ask?” asked Mr. Katz.

“Yesterday we read the Ten Commandments. Some people stood, some people sat. The ones standing started screaming at the ones sitting, telling them to stand up. The ones sitting started screaming at the ones standing, telling them to sit down...”

“That,” said the old man “is our custom.”

Halachic Responsa

to Questions that have been asked on our website dinonline.org



The Question:

Is it permissible to give maaser money, knowing that you will get something in return? For example, there are some places where, when you give them tzedakah, they give you a gift-card or something in return. Also is it allowed to use maaser money to purchase tickets at a Chinese auction, or is that the same thing?



Answer:

With regard to receiving a free gift, or gift-card, it seems that one should estimate how much one would have paid for the gift by itself, which one then pays out of one's own pocket, and then the rest can come from maaser money. For example, if an organization gives a silver cup to anyone who donates \$200, and one would pay \$20 for such a cup, one should give \$20 from one's own money, and the other \$180 will come from maaser money.

The evaluation can be subjective: If you, personally, have another hundred cups at home, and it is therefore worthy only \$10 to you personally, then you can take off \$10 alone.

The question of using maaser money for buying a ticket in an auction (or similar idea) is discussed at length by contemporary poskim. The simplest approach follows on from the above: It is permitted to use maaser money, but one should deduct the value of the ticket from the contribution. Thus, if one would be prepared to pay \$5 for a ticket which costs \$10, this should be considered as \$5 worth of maaser money.

Rav Moshe Feinstein rules in this vein: If there are a fixed number of tickets (participants) in the lottery, it follows that there is a fixed value for each ticket (based on the probability of winning), and buying it with maaser money (without subtracting its value) will be problematic. However, if there is no fixed limit to how many tickets will be sold, one cannot fix any value to any single ticket, and thus one may purchase the ticket with maaser money.

According to this ruling, it will usually be permitted to use maaser money, because the number of tickets is unlimited.

Rav Chaim Kanievsky (Derech Emunah, Matnos Anim Chap. 7 Biur Halachah s.v. ve-echad) writes (in a similar vein) that where the ticket is certainly worth less than the contribution, the (real) cost of the ticket (based on chances of winning) should be subtracted from the contribution.

The book Tzedakah U-Mishpat (Chap 1, note 85) also writes that one should subtract the value of the ticket, but adds that if one is convinced that he would not buy the ticket at all (were it not for the tzedakah contribution), then no sum need be subtracted (this is more lenient than the ruling of Rav Moshe, who does not suggest this).

However, some poskim write that it is entirely permitted to use maaser money for purchasing a ticket at an auction, and it appears that many rely on these opinions (see Teshuvos Ve-Hanhagos 3:289, who qualifies the ruling by stating that one should not use more than 20% of one's maaser money for such purchases; Shevet Ha-Levi 9:200 is lenient, but does not disclose his rationale).

Shut Even Yisrael (8:64) writes that one should not purchase a ticket from maaser money at all, and that if one does, the prize (should he win) belongs to tzedakah (see also the sources above, concerning the status of the prize if one happens to win).