ואסור לומר לגוי שיתנם בזול יותר מדאי, שמא יתרגז הגוי, וינהג בהם מנהג בזיון. ואם הגוי רוצה הרבה ממון, מחוייבים לבוא עמו במשא ומתן ולדבר עימו דברי ריצוי, אולי ישתווה עמו בכדי דמיו או מעט יותר, ואם אף על פי כן עומד הגוי על דעתו, אז מניחו בידו וילך לו. [משנ"ב ס"ק יח, קול יעקב ס"ק כט]

איסור מכירת ס"ת ותפילין לגוים ורפורמים

כד. אסור למכור ספר תורה ותפילין לגוי, ואפילו הוא פסול ופיסולו ניכר. [הלכה ברורה עמ' רסב], ואפילו מטרת קנייתן כדי לשמור אותם דרך כבוד בבתי משכיותיהם וכדומה, אסור. ואף במקום איבה, נחלקו דיעות הפוסקים (רמ"א יו"ד סי' רצא ס"ב, וראשון לציון שם). [פסקי תשובות אות ו]

כה. אסור למכור ספר תורה ותפילין לקראים שאינם מאמינים בתורה שבעל פה ובדברי חז"ל, אף על פי שידוע שנוהגים בו כבוד. ואם הוא ספר תורה פסול, ופיסולו ניכר באופן ברור, מותר למוכרו

It is forbidden to try to bargain with the non-Jew to sell the Torah for far less than it is worth. This might infuriate him and then he might destroy the scroll or otherwise harm it. If the non-Jew insists on asking an exorbitant amount, the community should engage in calm negotiations in the hope of persuading him to sell it for its true market value or a bit more. If the non-Jew cannot be persuaded, the community should walk away from the bargaining table and leave the Torah scroll in his hands.

Day 83

Selling Torah Scrolls and Tefillin to Reform Jews

Selling scrolls to non-Jews

24) It is forbidden to sell a Torah scroll or a set of tefillin to a non-Jew, even if it is obvious that it is nonkosher.[311] This is the rule even if the non-Jew wishes to display the item in a museum and intends to treat it with the proper respect. If the Jew's refusal will increase hatred and friction between Jews and non-Jews, some *Poskim* ruled that it is permitted, but others forbade it even in such a case.

Selling scrolls to Karaite Jews

25) It is forbidden to sell a Torah scroll or tefillin to Karaite Jews even though it is obvious that they will treat it with respect, since they do not believe in the Oral Torah or the teachings of our Sages. It is permissible to sell them a Torah scroll that is obviously nonkosher, but if the problem with the scroll is not visible it is forbidden. For example, if the scroll was not written for the express purpose of the

311. The previous halakha states that if Jews discover a Torah scroll in a non-Jew's possession they are obligated to purchase it from him, and even to pay somewhat more than it might be worth. Harav Tzevi Hirsh Hayot (responsa #32) ruled, based on this, that Jews may not sell any of these sacred items to non-Jews. See more about this in the *Halakha Berura* (page 262) and the *Piske Teshuvot* (39:6).

Selling a mezuzah to a non-Jew

Mahari"l, cited by Rama (gloss to *Y.D.* 291:2), ruled that it is forbidden to sell a mezuzah to a non-Jew who wishes to affix it to his doorpost. The Rama added that this can be permitted if there is reason to suspect that the Jew's refusal will spawn hatred toward Jews. Several *Aharonim* disagreed and ruled that it is forbidden in any case. In fact, that is the ruling of the *Halakha Berura* (page 264).

להם, אבל אם אין פיסולו ניכר (כגון: שנכתב שלא לשם קדושת ספר תורה, או שנכתב על קלף שלא עובד לשם קדושת ספר תורה), אסור למוכרו להם. מפני שיש לחוש שמא יחזור ישראל ויקנה ספר תורה זה מהם, ויחשוב שהוא ספר תורה כשר. [הלכה ברורה עמ' רסב]

כו. אסור למכור תפילין וספר תורה לרפורמים ולקונסרבטיבים הרשעים, הנוהגים בזיון בספר תורה, ובהבליהם ותועבותיהם עושים צחוק וקלות ראש מכל דבר שבקדושה ומשתמשים בהנחת תפילין לנשים, או בקריאה בספרי תורה בתיפלותיהם, וגם שמעלים נשים לתורה ורוקדים עם הספר תורה בתערובת אנשים ונשים יחדיו. ויש להחמיר בזה אפילו בספר תורה פסול, שהרי אף בספר תורה פסול אסור לנהוג מנהג בזיון ושחוק וקלות ראש, אלא יש לגונזו. [שם, ובפסקי תשובות אות ו]

sanctity of Torah scrolls, or if the parchment was not tanned for the sake of Torah scrolls, the scroll has an invisible blemish that makes it nonkosher. If this Torah scroll would be sold to Karaites, they might someday sell it to Jews who would assume that it is kosher.[312]

Selling to Reform or Conservative Jews

26) It is forbidden to sell tefillin or a Torah scroll to a Reform or Conservative congregation, since they treat it with disrespect, making a mockery of its sanctity. They encourage women to wear tefillin and to participate in the Torah reading. When they dance with the Torah scroll, they do so with men and women mingling together. For these reasons, it is forbidden to sell them a nonkosher Torah scroll as well, for we are obligated to treat a nonkosher scroll with the same respect as we treat a kosher one. Any nonkosher scroll that cannot be repaired should be deposited in *geniza* and not used at all.[313]

Nevertheless, he added that if a Jew sells his home to a non-Jew and the purchaser pleads with him to leave the mezuzot on the doors, there is room for leniency.

312. Harav HIDA (*Birke Yosef*, *Y.D.* 281:4) cited the responsa *Sha'are Yeshu'a* Zayin ruling that it is forbidden to sell a Torah scroll to Karaite Jews even though they honor it, since this is tantamount to condemning a perfectly kosher Torah to a situation where it will never be used for the mitzvah. Furthermore, even if the Torah scroll is not kosher, but for a reason that is invisible, it is forbidden since a Jew might purchase it from the Karaites at some later point. If the Torah scroll would be obviously nonkosher to someone who examines it, however, it may be sold to Karaite Jews. Harav HIDA added that Harav David ben Zimra concurred with this ruling, and he testified that during the time of Harav Moshe Galanti, a nonkosher Torah scroll was sold to the Karaite community, and all the rabbis in the Land of Yisrael consented to the sale. The *Ginat Veradim*, however, ruled that it is forbidden to sell any Torah scroll to Karaite Jews, even if it is nonkosher.

313. The responsa *Igrot Moshe* (Vol. I, *Y.D.* #174) ruled that it is permissible to sell a Torah scroll to a Conservative congregation. He reasoned that the *Sha'are Yeshu'a* ruled that it is forbidden to sell one to Karaite Jews because, once it is in their hands, no one can tell the difference between a Torah scroll written by a Torah Jew and one written by a Karaite Jew. Therefore, no Torah Jew would ever consider buying a Torah scroll from the Karaites, and the unfortunate kosher Torah scroll is de facto taken out of circulation. In this case, there is no such thing as Conservative Jews writing a Torah scroll; all Torah scrolls are written by God-fearing Torah Jews. Therefore, there is always the possibility that the Conservative Jews will sell the Torah to an Orthodox congregation, and if so the Torah scroll is not taken out of circulation by being sold to a Conservative congregation. Since Conservative Jews treat the Torah with respect, it is not forbidden to sell a Torah scroll to them. This applies only to a brand-new Torah scroll. If the Torah scroll had already been used by an Orthodox congregation, its status has been raised and it is forbidden

בדיקת תפילין

כז. אין חיוב מעיקר ההלכה לבדוק בחודש אלול את התפילין, ומנהג חסידות להחמיר לבדקן בכל שנה בחודש אלול. [שו"ת יחו"ד ח"א סי' מט]

Day 84

Periodic Examination of Tefillin Parchments

Every year during Elul

27) The devout make sure to have their tefillin parchments examined each year during the month of Elul. Technically, there is no such obligation.[314] In our times, many of the scribes dealing with tefillin and mezuzot are not expert in the halakhot. Many times people have discovered, long after purchasing their tefillin, that

to lower its status by sending it to be used in a Conservative congregation.

The *Halakha Berura* (page 263) disagreed, arguing that the *Igrot Moshe* misinterpreted the *Sha'are Yeshu'a's* ruling. The problem with selling a Torah scroll to Karaites is not simply because no Torah Jews would consider buying it from the Karaites, but because the very act of selling the Torah to them is considered an act of taking a kosher Torah scroll out of circulation even if it is possible for it to be restored. As long as the Torah scroll is in the Karaite's hands, it is used by people to deny the authenticity of the Oral Torah, and therefore interpret the written Torah in a manner that is totally corrupt. They fulfill no mitzvah when they read from the Torah scroll, and therefore this Torah scroll is literally out of circulation.

Accordingly, there is no difference between selling the Torah scroll to Karaites or to a Reform or Conservative congregation. The very act of selling a Torah scroll to such a congregation is disrespectful to it. The responsa *Yaskil Avdi* (Vol. VII, appendix to *Y.D.* #1) concurred with this ruling.

The author of *Halakha Berura* added that he believes that if the author of *Igrot Moshe* was alive today he would agree that it is a crime to sell a Torah scroll to such a congregation, for their attitudes and practices have deteriorated to the point that their "prayer services" have been reduced to social events and discussions of anti-Torah dogma. On Simhat Torah, for example, men and women dance together in Conservative congregations. The status of such congregations today is far worse than that of Karaite Jews, and it is likely that it is forbidden even to sell a nonkosher Torah scroll to them, and even if they are willing to pay a premium price for it. The author related that he discussed this issue with his father, Maran the Rishon Letziyon, and that he agreed that one should be stringent regarding this.

314. The Talmud Yerushalmi (*Eruvin* 10:1) cites a *baraita*: According to Ribbi, tefillin parchments must be examined once every twelve months. According to Rabban Shim'on ben Gamli'el, it is never necessary to have them examined. Hillel the Elder [supported this position, and] declared, "These tefillin belonged to my maternal grandfather."

The *Mekhilta* at the end of *parashat Bo* presents an opposing version, stating that the scholars of Bet Hillel ruled that tefillin must be examined once every twelve months since the Torah uses the expression *miyamim yamima*, which means "once a year." The scholars of Bet Shammai, on the other hand, ruled that there is no such obligation, [based on the fact that] Shammai the Elder once declared, "These tefillin belonged to my maternal grandfather."

We always follow Bet Hillel and not Bet Shammai, so according to the version appearing in the *Mekhilta* we ought to rule that tefillin parchments must be examined once a year. According to the version appearing in the Talmud Yerushalmi, however, it was Hillel the Elder who declared that tefillin do not need any examinations. Even though the *Mekhilta* derives this obligation from a verse, the Talmud (*Menahot* 36b) states that Ribbi Akiva interpreted that verse as teaching about the *korban Pesah*, and it has nothing to do with tefillin. See the comment of Tosafot to *Menahot* 43a, and that of responsa *Yehave Da'at* (Vol. I, #49).

Comments of the *Rishonim*

Rambam (*Hilkhot Tefillin* 2:11) ruled: "If someone writes tefillin parchments for his own use, or if he purchases parchments written by an expert, or from another person but he has them examined and then placed into the tefillin housings, it is not necessary to have them examined again, even if years have passed. We need not fear that a letter became erased or that a hole was eaten through the parchments while they are sewn into their housings. Hillel the Elder used the same tefillin as his maternal grandfather."

The *Orhot Hayim* (*Hilkhot Tefillin* #29) cited the passage found in the *Mekhilta* and commented: "The Torah scholars of France would have their tefillin