

Supplemental Text to Lesson 7

“Sheimot” and Their Disposal

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I. Introduction

Perhaps the best indication of the “love affair” which the Jews have with the Torah is their treatment of sacred writings and books. A point in case is the common practice of picking up and kissing a sacred book which has fallen to the ground.¹ This reverence and affection, which is manifest during the book’s lifetime, become even more pronounced “posthumously.” When the book is worn out and no longer usable, it is placed in a specially designated storage area,² and oft times transferred later for burial in the local cemetery. The invention and perfection of the printing process (and particularly, the dizzying technological advances which have been made during the last half-century) have imperiled this beautiful practice. Quite simply, the current infrastructure for the disposal of sacred works is no longer sufficient to meet the demands for the proper disposal

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1. See *Sefer Chassidim* no. 18 who permits one who is in the middle of the *Amidah* to pick up a sacred book which has fallen on the floor (if it is disturbing his concentration). See *Imrei Shalom* Vol. 2 no. 14, who proves that one may actually leave his place of prayer and walk to the fallen book in order to raise it.
 2. Adherence to this practice has yielded the treasure troves of the Cairo Genizah. For over one thousand years, the chamber in the women’s gallery of the Ben-Ezra synagogue served as a repository for all types of *sheimot*. Due to the dry climate these documents were remarkably well preserved.
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of reams upon reams of sacred writings. The many Torah pamphlets, newsletters, newspapers, magazines, and study sheets that are produced, cannot be provided with a dignified manner of disposal. The purpose of this essay is to explore the dimensions of this problem and examine several possible solutions.

The Biblical Prohibition

The Talmud states that it is forbidden to erase the name of God.³ The source for this prohibition is the biblical verse:

לא תעשון כן לה' אלקיכם

You shall not do so to the Lord, your God.⁴

Coming on the heels of the positive commandment to destroy any vestige of idolatry and pagan sites of worship, this verse is understood as a negative commandment against the destruction of all that is sacred. This includes: a) any item belonging to the *Bet HaMikdash* (Holy Temple),⁵ and b) God’s name.⁶ The prohibition against erasure of God’s name is limited to seven⁷ specifically enumerated names. They are as follows: the Tetragrammaton [יקוק], ‘Adonai’ [אדוני], ‘El’ [אל], ‘eloha’ [אלוה], ‘Elohim’ [אלוהים], ‘Elohai’ [אלהי], ‘Shaddai’ [שדי] and ‘Zebaoth’ [צבאות].⁸

Other names of God (e.g., רחום [Merciful One]) are considered merely as descriptive appellations and, as such, are not included in the prohibition. Rabbi Shabbetai HaCohen rules that the names of God in languages other than Hebrew, (e.g., God, Dieu), are viewed strictly as descriptive terms and possess no sanctity.⁹

3. TB, *Shavout* 35a.

4. Deuteronomy 12:4

5. TB, *Makkot* ibid.

6. TB, *Shavout*, ibid.

7. See *Kesef Mishneh* ad. loc. for variant reading.

8. The eight Divine names listed here are classified as only seven. The Tetragrammaton is not pronounced as it is written, but rather as ‘Adonai’. Hence, the first two Divine names are considered as one. See *Kesef Mishneh* ibid.

9. *Siftei Cohen*, YD, 179:11.

The Rabbinical Prohibition

The biblical prohibition, which is limited to the destruction or erasure of the seven names of God, was expanded rabbinically to include the destruction of any portion of Scripture and its translations and commentaries. As Maimonides puts it:

It is forbidden to burn or destroy by direct action any sacred texts, their commentaries, and their explanations.¹⁰

The source for this prohibition is found in a talmudic passage. Before citing the passage, it is necessary to understand its historical background.

Originally, the Oral Torah, as its name implies, was to be transmitted only orally. It was prohibited to commit the Oral Torah to writing. In addition, there existed restrictions in regards to the writing of the Written Torah. It was to be written in its original language (Hebrew), with specifically prescribed characters (Assyrian script), with certain inks, and only upon parchment. In fact, there existed an opinion that if these laws were contravened (i.e. the Oral Torah was committed to writing, or the Written Torah was not written according to specifications), then the ensuing written material (regardless of its value) was not permitted to be read or studied.

During the talmudic period (third to sixth century C.E.), the Rabbis realized that the Jewish people were in danger of forgetting the Torah. In order to insure the perpetuation of Torah study, they permitted the Oral Torah to be written and relaxed the restrictions in regards to writing the Written Torah. Henceforth, one was allowed to write the Written Torah in any language and script, with any ink, and upon any material.

Rabbi Yosse ben Yehuda relates that in times prior to the dispensation, Rabban Gamliel had a tub of mortar overturned upon a Targumic version of the book of Job, due to the fact that it was

10. Rambam, *Hilchot Yesodei HaTorah*, Chap. 6 sec. 8.

not written in Hebrew. Rebbe questioned the authenticity of the event and said:

וכי מותר לאבדן בידיים

Is it permitted to destroy them [these writings] with one's own hands?¹¹

Although these "illegal" writings are not deemed as functional study material, nonetheless, their sanctity is such that they may not be destroyed. If this is so in the era prior to the dispensation which relaxed the rules in regard to the transmission of the Torah, it is all the more true that in the post-dispensation era, Torah writings may not be destroyed.

The Burial Of Holy Writings

How does one dispose of these holy writings? In regards to a Torah Scroll the Talmud presents us with clear-cut guidelines.

A Torah Scroll which is worn out may be interred by the side of a Torah scholar Rabbi Aha bar Jacob said: It should be put in an earthenware vessel.¹²

As explained by Rabbi Nissim ben Reuben, a fourteenth century talmudic commentator, the insistence upon an earthenware vessel (as a container for the Torah scroll), is a further manifestation of our concern for the sanctity of the Scroll. Even upon burial, steps are taken to delay the inevitable disintegration.

What about the translations and commentaries upon the Torah? We have seen earlier that one is prohibited, albeit rabbinically, to destroy them, Must one afford them the same treatment as a worn-out Torah Scroll (i.e. burial in an earthenware vessel), or may they be disposed of in some other manner? The *Magen Avraham*¹³ seems to imply that all Torah works must be interred in the same honorable manner in which a Torah Scroll is

11. TB, *Shabbat* 115a.

12. TB, *Megillah* 26b.

13. ●.H., 154:9.

buried. However, the author of *Pri Megadim*¹⁴ writes that this approach is not commonly practiced. Similarly, the *Kaf HaChayyim*¹⁵ writes that the other holy writings are buried, but not necessarily in an earthenware vessel. Further substantiation of this position is found in the *S'dei Chemed*¹⁶ who cites the opinion of *Zera Emet* (authored by the eighteenth century Italian codifier, Rabbi Ishmael ben Abraham HaCohen) that the other Holy Writings (in contradistinction to the Torah Scroll) are placed in bags and buried.

The Problem and Two "Supply-Side" Solutions

Compliance with even the more lenient and prevalent opinion of non-earthenware vessel burial has proven to be of great hardship. Throughout the ages, rabbis have written about the accumulations of "*sheimot*" (literally: "names", i.e. of God, but a term commonly used for all worn-out sacred books, which may not be destroyed) and the inherent problems associated with these collections. The problems include the expense of burial, the fire hazard created by huge piles of "scrap" paper, and the frequent desecration by gentiles of these pages of sacred writing.

Most recently, Rabbi Moshe Feinstein has suggested that we deal with the problem from the "supply side." He advocates two suggestions to minimize the staggering amounts of *sheimot* that Jews are generating.¹⁷ One, he counsels teachers against assigning to their students the writing of Torah verses and commentaries. He writes that an oral review of the subject is sufficient, just as it was in his youth (in the Eastern European *heder*). He adds that teachers who wish to teach the skill of writing should provide their charges with secular material to write! Secondly, he advises publishers to print smaller and more specific volumes. For example, why publish the weekday, Shabbat, and Yom Tov liturgy under one cover? The wear-and-tear inflicted upon the weekday section is many times

14. *Aishel Avraham*, ibid.

15. *O.H.*, 154:37.

16. Vol. 1, p. 163.

17. *Iggerot Moshe O.H.* Vol. 4, sec. 39.

that to which other sections are subjected. Rather, the various sections should be published separately. This practice would yield Yom Tov and Shabbat *Siddurim* which "will last decades upon decades" and drastically reduce the amount of *sheimot*. Rabbi Feinstein sagaciously adds, however, that his one voice against the planned obsolescence of the book-publishing industry will be virtually ignored, and, hence, a solution must still be found.

Is Burning an Alternative?

A novel solution was proposed by the early 18th century halachic authority, Rabbi Jacob Reischer.¹⁸ He writes that when faced with the *sheimot* situation in Prague, he was resolute in his approach to the matter — they must be stored in a safe and secure container until their eventual burial. Upon assuming the rabbinate in Metz, he was confronted with the identical problem, but on a much larger scale. Noting the proliferation of *sheimot* in the wake of Pesach-cleaning (a phenomenon which, according to my observation, has continued to the modern day), and the insufficiency of "the synagogue attics" to serve as their repositories, he turned his attention to the possibility of burning the *sheimot*. He reasons that although the actual burning of *sheimot* involves either a biblical transgression (for destroying one of God's seven names) or a rabbinical transgression (for the destruction of other Torah writings), it is nevertheless preferable to the inevitable disgrace that will otherwise befall them.

In support of his "lesser of the two evils theory," he cites the example of suicide. Suicide is considered a most heinous sin. To take one's own life is treated more stringently than an act of murder. The Midrash, however, states that King Saul, who impaled himself on his sword because he knew the Philistines would capture him and torture him to death, did not act illegally. As reprehensible as suicide is, it becomes the preferred choice where the alternative would be torture and death. By the same token, the burning of *sheimot*, as odious as it may seem, becomes the disposal-of-choice, when viewed against the backdrop of more degrading and disgraceful options.

He therefore opines that where other more conventional

solutions are not viable, it is permitted to burn Torah writings. He concludes, though, that the ash should be buried next to a Torah scholar.

Rabbi Yechezkel Katzenellenbogen, in a series of responsa in his work, *Knesset Yechezkel*,¹⁹ strongly disputes this ruling. Even with the best of intentions, it is absolutely prohibited to burn the *sheimot*. He rejects Rabbi Reischer's adducement of King Saul's suicide as proof that a one-time intentional destruction is preferable in situations where the inevitability of the sacred writings' destruction will be preceded by the probability of their shameful and ignominious treatment. He cites Rabbi Shlomo Luria's opinion²⁰ that King Saul was exonerated for his suicide on entirely different grounds. King Saul committed suicide to prevent the death of the Jews who would otherwise have perished in the battle to rescue their king. As such, the parallel drawn from King Saul's suicide is invalid. He does rule, however, that in order to facilitate their burial, they may be placed in wooden containers (which are presumably cheaper than earthenware ones) or directly into the ground.

The consensus of halachic authorities throughout the ages has been to follow the more stringent opinion which forbids burning, the seeming lack of a viable alternative notwithstanding.²¹ However, some rabbinic authorities make the point that the lenient opinion may be followed in dealing with Torah works which have no mention of God's name. Being that the nature of the prohibition is merely rabbinical, as mentioned earlier, it may be permissible to burn them in order to avoid more drastic desecration. Rabbi Isaac Weiss²² follows this line of thought, to some degree, and permits the burning of Anglo-Judaic newspapers which contain Torah thoughts, in situations where they would otherwise be treated sacrilegiously.

18. Responsa *Shevut Yaacov*, Vol. 3, no. 212.

19. Y.D. no. 37

20. *Yam Shel Shlomo, Bava Kamma*, Chap. 8, sec. 59.

21. *Kaf HaChayyim O.H.* 154:37.

22. Responsa *Minchat Yitzhak* Vol. no. 18, sec. 18.

Oral Torah and Written Torah

Rabbi Moshe Feinstein, in a lengthy responsum to his grandson, offers a possibility towards the amelioration of the *sheimot* problem.²³ The gist of his approach is based upon the aforementioned distinction between the Written and Oral Torah. The Oral Law, by its very definition, was not to be committed to writing. The legalization of the Oral Torah's writing was based solely on the need of the Jewish people to continue studying Torah. Hence, the sanctity of Oral Torah writings is but a function of their ability to serve as learning texts. Once they have become torn or otherwise dysfunctional, they do not retain their sanctity. Therefore, a page torn from a Talmud which is no longer utilized for study is no longer considered a sacred item. The Written Torah, on the other hand, is intrinsically holy. Even in situations where it no longer functions as a viable text, it nevertheless retains its sanctity. For this reason, Rabbi Feinstein argues, Oral Torah writings, including Talmud, Midrash, halacha works, and commentary upon the Written Torah, which have ceased to serve as actual study-texts, may be destroyed. However, texts of Written Torah and mentions of the seven Divine names, by virtue of their intrinsic sanctity, may not be disposed of cavalierly. Rather, they should be disposed of in the traditional Jewish manner of interment. Rabbi Feinstein adds one caveat: Even the Oral Torah writings, which lose their sanctity due to their loss of functionality, are not to be destroyed personally by hand. It is permitted, however, to place them in a bin, from which they will be taken for incineration or recycling.

The Issue of Intention

Rabbi Isaac Elhanan Spektor, in dealing with the disposal of the printers' proofs of sacred works, makes a point which has bearing upon the many Torah writings found nowadays in newspapers and magazines. Based upon the wording of

23. *Iggerot Moshe, O.H.* Vol. 4, sec. 39. Disposal of sacred writings is also discussed in *Tzitz Eliezer*, Vol. III, #1.

Maimonides, he writes that the sanctity of Torah writings exists only where the writer intended to sanctify them. If the writer had no such intention, or certainly, in instances where the writer explicitly wished that the written material be devoid of sanctity, the written material is viewed merely as a mass of individual letters and words and is not deemed holy.²⁴ He advises printers to declare verbally, before making the proofs, that their intention is not to invest their printed matter with any sanctity.

Rabbi Isaac Weiss cites this ruling and adds that in regard to Anglo-Judaic newspapers which contain some Torah writings, no such explicit declaration is necessary.²⁵ He adduces the opinion of Rabbi Benjamin Aharon ben Abraham of Solnik who permitted the prevalent practice of disposal of the margins of sacred works. Rabbi Benjamin Aharon writes that halachically the sanctity of Torah writings extends to the margins as well. Nonetheless, since the common practice is to cut off the margins, it is as if the original writers of the book explicitly stipulated that the margins should be excluded from the sanctity from which they otherwise would have been imbued.²⁶ Rabbi Weiss opines that the publishers of these newspapers, knowing full well in advance that the Torah portions will not be disposed of in the traditional manner, desist from sanctifying them. In addition, since it is the common practice to destroy these papers, it is unnecessary for the publishers to stipulate verbally their desire to refrain from investing the text with any sanctity. Rather, the situation alone attests to the fact that these writings are not classified as sacred.

Rabbi Spektor issues one important qualification to his rule. Although the printers' proofs (or Torah articles in English newspapers) are not treated as holy writings, they are to be treated no less respectfully than "accessories of religious observances." Although the Talmud rules that "accessories of religious observances" may be thrown away (and don't require interment),

24. Responsa *Ein Yitzhak*, O.H. no. 5.

25. Responsa *Minchat Yitzhak*, Vol. 1 no. 18. sec. 19.

26. Responsa *Mas'at Binyamin*, no. 100.

nonetheless, the Ramo²⁷ cites the opinion that they should not be treated with disgrace. Therefore, although there is no prohibition to destroy or erase these Torah writings, nonetheless, one is not allowed to treat them as ordinary household garbage.

Recycling

I would like to propose another solution to the burgeoning *sheimot* problem. The credit for this method goes to the newly-rejuvenated environmental movement in this country. Recycling — the panacea for many of the world's environmental woes — may serve as the optimum solution for the *sheimot* dilemma. This proposed usage of recycling as a vehicle for dealing with the proliferation of *sheimot* is based upon a principle elucidated in the aforementioned responsum of Rabbi Isaac Elhanan Spektor.

Rabbi Spektor, in dealing with the disposal of the printers' error-filled first proofs, makes an important distinction between the biblical prohibition of erasing any one of God's seven names, and the rabbinic prohibition against erasing Torah writings. The rabbinic prohibition is limited to the *unnecessary* erasure of Torah writings. As the *Sefer HaChinuch* writes:

The rest of the Sacred Writ...it is permissible to erase for any particular purpose.²⁸

However, the seven Divine names may not be erased even for a constructive purpose. He does add, however, that where the erasure benefits the selfsame name of God, it is permitted.

This distinction is also found in the considerably earlier writings of Rabbi Shimon ben Zemah Duran.²⁹ Rabbi Duran was asked about the custom of teachers writing biblical verses (of the week's Torah portion) on tablets for their students. With the advent of a new week (and a correspondingly new Torah portion), are the teachers permitted to erase the verses and replace them with more

27. O.H. Sec. 21 no. 1.

28. *Sefer HaChinuch* no. 437.

29. Responsa *Tashbez* Vol. 1 no. 2.

contemporary material? Rabbi Duran permits the practice. As proof, he cites the parallel prohibition of destroying any part of the Holy Temple and the corresponding dispensation for “constructive destruction” (i.e. to rebuild or refurbish the *Bet HaMikdash*). By the same token, he argues, one may erase Torah verses to rewrite other more applicable verses in their stead. He stops short, though, of permitting the erasure of the seven Divine names for such purposes. He, therefore, advises teachers to refrain from writing any one of God’s names on these tablets.

This being the case, it stands to reason that it would be permitted to recycle *sheimot* (which contain no mention of God’s seven names) for their usage in other holy books. The reduction of the paper to pulp, which occurs in the recycling process, serves the “particular purpose” of providing newly-recycled paper for yet other Jewish books. It is important to stress that this erasure can be deemed justifiable only if it serves as a means for generating other Torah works. The dispensation of “particular purpose” which the *Sefer HaChinuch* provides does not include anything short of wanton destruction. The erasure of Torah writings, with the intent of replacing them with secular writ, is certainly prohibited. Similarly, the recycling of *sheimot* for their usage in notepads, books, and detergent cartons is a sacrilegious act which is prohibited. However, the recycling of *sheimot* as a means for providing paper for other Torah works may be an idea whose time has come. As stated earlier, this solution does *not* address the issue of *sheimot* in its literal sense – the seven Divine names. By virtue of their sanctity and the corresponding biblical injunction against their destruction, it is forbidden to erase them even in the process of generating a supply of paper for future Torah works.

Afterword

We have attempted to delineate the problems and solutions which exist in regard to the disposal of *sheimot*. Despite the leniencies and dispensations, there exists a sense that the current state of affairs leaves something to be desired. Indeed, Rabbi Aaron Walkin, in response to a questioner who inquired about the advisability of publishing a Jewish newspaper in Romania, argues

that all the leniencies exist after the fact (once the newspaper has been printed). However, “who can permit the practice of originally printing these works....knowing full well that they will be destroyed and treated shamefully?”³⁰

The question is a valid one, and must be faced honestly. Indeed, Rabbi Moshe Feinstein’s practice was to desist from writing Scriptural verses on the invitations to his children’s weddings.³¹ Perhaps the only valid answer to this question is mentioned in passing by Rabbi Menashe Klein.³² He states the aforementioned dispensation to commit the Oral Torah to writing as a possible precedent for this apparent breach of halacha: In the truest sense, Torah writings should not be published in situations where they will not be afforded the respect which they are due. However, the profusion of information (printed and disposable material) with which we are bombarded mandates that Torah-dissemination, too, must utilize this medium. The paramount importance of the perpetuation of Torah study permits us to override the directive of safeguarding the Torah’s sanctity. The acknowledgement of this practice as a concession, rather than a desired condition, will yield important results. Rabbi Moshe Hayyim Luzzatto writes that “every leniency requires analysis”³³ [i.e. to determine its validity]. It therefore would behoove publishers, who publish sacred writings which inevitably will be treated improperly, to critically examine the proposition whether the intended benefit of Torah study outweighs the risk of Torah desecration.

Summary

The proliferation of Torah publications (especially those in English) has cast a heavy burden upon the traditional methods for the disposal of *sheimot*. We have seen, however, that in a majority of cases, the prohibition to destroy these writings is of a rabbinic nature. Thus, certain leniencies (i.e. controlled burning) may exist.

30. Responsa *Z'kan Aharon* Vol. 2, y.d., no. 70.

31. *Iggerot Moshe Y.D.* Vol. 2 no. 135.

32. Responsa *Mishneh Halachot* Vol. 7 no. 183.

33. *Mesilat Yeshtarim*, Chap. 6.

Others argue that much of this printed matter is devoid of sanctity due to original lack of intent, or current lack of functionality. Despite their lack of sanctity, they must be treated with a modicum of respect, no less than "items of mitzva-observance." Thus, they should not be intermingled with foul and repulsive garbage. In addition, I have advanced the possibility of recycling this material for its usage in the printing of other Torah works. It remains to be seen whether this solution is technically feasible. Above all, the publishers of this material must make a serious benefit-loss analysis before undertaking the publication of Torah writings. In respect to this analysis, the bottom line is not a financial one. Rather, the crucial issue is whether the Torah dissemination that is to be gained can outweigh the risk of possible Torah desecration.