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In memory of their parents Dr. Irving & Mrs. Bernice Mehler & Mr. Gedalja & Mrs. Miriam Zupnik

לעילוי נשמת ר' יצחק מאיר בן אליהו ובריינא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

Disposing of Items Used for Torah and Mitzvos

Rosh Kollel Harav Shachne Sommers shlita

What is the proper way to discard the Dalet Minim after Sukkos?

May one place a bookcase used to hold Torah books in the trash?

A common question that arises this time of year focuses on the proper way to dispose of items that have been used for a mitzvah, such as a *lulav* or *schach*, after Sukkos. Similarly, what is one to do with a broken shofar that is no longer usable?

In order to properly address this question, it is necessary to explore a general area of halacha that is often not well-understood: the proper disposal of mitzvah-related items. Most people are familiar, in a general sense, with the concept of *shaimos* (lit., names). Basically, this refers to the halacha that the written name of Hashem must not be discarded with the trash. Rather, it requires *geniza* (a term referring to hiding something away) to protect it from disgrace. This principle also applies to Torah writings or printed Torah works (in any language), even if Hashem's name is not written. Such objects are referred to as *kedusha* (lit., holy) items and generally require *geniza*. A similar question of the need for *geniza* arises regarding covers and containers used for *kedusha* or mitzvah items. Some examples of these questions:

- 1) May one throw out an old *tallis*?
- 2) Does a *tefillin* or *tallis* bag require *geniza*? What about the plastic covers on the bags?
- 3) What's the proper way to discard a worn-out *aron kodesh*? What about bookshelves that held Torah books¹?

The issue of proper disposal of mitzvah-related objects is the subject of a discussion in the Gemara (Megilla 26b). The Gemara makes a distinction between two types of objects, *tashmischei mitzvah*, items used for a mitzvah, and *tashmischei kedusha*, items used for holiness. *Tashmischei mitzvah* may be thrown away, whereas *tashmischei kedusha* require *geniza*. The Gemara gives examples of *tashmischei mitzvah*: A sukkah, *lulav*, shofar and *tzitzis*. Examples of *tashmischei kedusha*, says the Gemara, are bags used for *sefarim* (Torah scrolls or books), *tefillin* or *mezuzos*; covers of Torah scrolls or *tefillin*;

¹ This refers to bookshelves used exclusively for Torah books. Most home bookshelves are intended to be multi-purpose and would not be subject to any restrictions.

and *tefillin* straps.

The principle the Gemara is teaching is that objects used for a mitzvah do not require *geniza*, and so they may be thrown out. However, Torah scrolls and books, *tefillin*, and *mezuzos* are all objects of holiness that contain the name of Hashem or words of Torah. Therefore, as discussed above, they themselves require *geniza* because of their *kedusha* status. The Gemara teaches that not only do *kedusha* objects themselves require *geniza*, but even items that service them, such as their containers and covers, require *geniza*.

This Gemara seems to provide clear answers to most of the aforementioned questions. Mitzvah items such as *lulav*, sukkah, *tzitzis* and shofar may be thrown out. *Tefillin* bags and containers for *sefarim*, on the other hand, are called *tashmischei kedusha* and require *geniza*.

Accordingly, there would seem to be no restrictions on discarding a *lulav*, *schach*, or a *tallis*. However, *tefillin* bags, an *aron kodesh* (ark in which the Torah scrolls are placed) and bookshelves used for Torah materials all service *kedusha* and would thus require *geniza*.

However, the matter is not as simple as it seems. The Gemara and Shulchan Aruch discuss limitations to both the requirement of *geniza* for *tashmischei kedusha* and the allowance to throw out *tashmischei mitzvah*.

The Gemara (ibid.) discusses the case of a table upon which a Torah scroll is placed. Rava initially thought that the table was not considered *tashmischei kedusha*. He reasoned that because the Torah scroll was not placed directly upon the table but, rather, with a cloth separation, the table is considered merely a *tashmish ditashmish*, (lit., a server for a server; this refers to an item that serves another item that is used for a *kedusha* item); it services the cloth but not the Torah scroll itself. Only when Rava observed that people occasionally used the table without the cloth did he conclude that the table was, indeed, *tashmischei kedusha*.

The Rema in Shulchan Aruch (Orach Chaim 154:3) rules in accordance with this principle that only something

which comes into direct contact with the *kedusha* object is called *tashmishei kedusha*. However, the Rema adds that something made for *kavod*, to honor the *kedusha* item, is called *tashmishei kedusha* even if it doesn't directly touch the object of *kedusha*. An example of this would be the silver crown placed on the Torah scroll. Although it does not come into direct contact with the parchment of the Torah scroll, it is still considered *tashmishei kedusha* because it serves to honor and adorn the Torah scroll.

Based on this, the Mishna Berura (154:9) explains that an *aron kodesh* that holds the Torah scroll is called *tashmishei kedusha* even though it doesn't touch the actual parchment with the words of Torah, because it's made for *kavod*. The *aron* does not merely store the Torah scroll, but also glorifies it in an honorable space.

However, there is a limitation to this as well. Even something made to honor the *kedusha* would only be considered *tashmishei kedusha* if it contains or covers the *kedusha*, such as the crown or the *aron*. Thus, the Rema (ibid. 4) rules that the *paroches*, the curtain that hangs in front of the *aron*, is not considered *tashmishei kedusha* despite its function to honor the Torah scroll, because it does not cover or contain the Torah scroll but merely hangs in front of it.

In summation, *tashmishei kedusha* that require *geniza* includes something that services a *kedusha* object under one of two conditions: Either by coming into direct contact with the *kedusha* object or by containing or covering the *kedusha* object, thereby serving as an honorable adornment.

Based on these principles, some of the questions posed at the outset can now be answered. A decorative *tefillin* bag would require *geniza* even if it doesn't directly touch the *tefillin* because it contains and honors the *tefillin*, similar to an *aron kodesh*. The plastic cover, however, would not require *geniza*, since it neither comes into direct contact nor honors the *tefillin*.

A bookshelf, even if used exclusively for Torah books, will often not require *geniza* for the following reason. The *kedusha* of a Torah book is in the pages of actual Torah material. The covers of the books are serving those pages and thus require *geniza*. However, the shelves generally do not touch the pages of the book, only the covers. Therefore, a plain bookshelf which does not function as an adornment for the books would not require *geniza*, as it neither touches nor honors the *kedusha* (Mishna Berura 154:9).

Regarding *tashmishei mitzvah*, as discussed above, they may be thrown away and, indeed, the Mechaber in Shulchan

Aruch (Orach Chaim 21:1) rules that torn *tzitzis* may be thrown in the garbage. However, the Rema (ibid.) quotes an opinion that although they do not require *geniza*, one may not disgrace them by actively throwing them in the garbage.

Thus, although *tzitzis*, a *lulav*, *schach* and a shofar all do not require *geniza* (although some do put *tzitzis* in *geniza*; see Rema ibid.), they must be discarded with respect. For example, a *lulav* may be placed on the ground in a place where it won't be stepped on. Alternatively, they may be placed in a bag separate from the dirty garbage², and left for the trash pickup.

A worn out *tallis*, after the *tzitzis* are removed, is not considered *tashmishei mitzvah* and may technically be discarded in the trash (Mishna Berura 21:13).

An interesting question is the status of a *tallis* bag in which one also keeps a small *tefillin* bag (as is usually the case). If it's only used for a *tallis* and not *tefillin* (e.g., a Shabbos *tallis*) then it certainly would not require *geniza*.

But if it is used also to hold one's *tefillin*, it may be considered *tashmishei kedusha* because it contains and honors the *tefillin* and, as such, it would require *geniza*. However, the Sefer Ginzei Hakodesh (17:fn. 28) quotes Rabbi Nissim Karelitz that it does not require *geniza*. His reasoning seems to be that because the *tallis* bag contains *tefillin* that is already inside two other containers, the *tefillin* boxes and *tefillin* bag, it is similar to the case of the *paroches*, which is too far removed from the *kedusha* to be considered *tashmishei kedusha*.

It is important to note that even when it is technically permitted to throw a mitzvah-related object directly in the trash, it may be praiseworthy to refrain from doing so. The Sefer Ginzei Hakodesh (17:13) quotes Rabbi Yosef Shalom Eliyashiv that one should not throw a *tallis* in the trash even though the Mishna Berura permits it. Similarly, Rabbi Eliyashiv ruled that even a *tashmish ditashmish* such as the plastic cover of a *tefillin* bag should not be thrown in the trash (ibid. 6:15). Showing respect for Torah and mitzvos is itself one of the greatest of mitzvos, and this concept of respect goes beyond the technical parameters of these halachos.

In conclusion, while the halachos of discarding *kedusha* and *mitzvah* items are somewhat complex and have different levels of stringency, by carefully observing these halachos, we ingrain in ourselves the glory and splendor of Hashem's Torah and mitzvos.

² Ideally, the item should be placed in two bags. If one cannot discard of the item without actually placing it in the trash with other garbage, one should certainly double-bag the item.

Points to Ponder:

May one simply cut the tzitzis from a worn-out tallis?

What is the status of a cover protector placed upon a Torah book?

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Please consult with a qualified halachic authority for all practical questions of halacha

Halachic Editor: Rabbi Shachne Sommers · General Editor: Rabbi Mordechai Fleisher

1395 Wolff Street, Denver, CO 80204 · 303-820-2855 · info@denverkollel.org · www.denverkollel.org

To receive Halacha Weekly by email, contact info@denverkollel.org