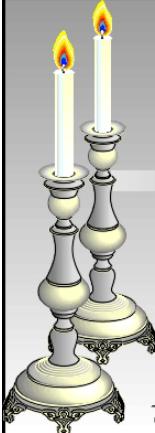


# THE SHABBOS WEEKLY

## HALACHA SERIES ON HILCHOS SHABBOS



Published by

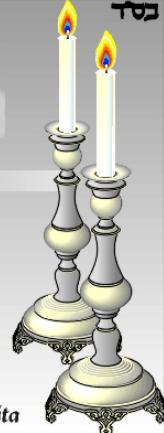


A Project of  
The Shema Yisrael Torah Network

based on the shiurim given by

RABBI DOVID  
OSTROFF shlita

developed from the Chabura of the  
Shulchan Aruch Project



These halachos were shown by Rabbi Ostroff to HaGaon HaRav Moshe Sternbuch, shlita

Parshas Shemos 5764

January 16, '04

Volume III Issue 13

Destructive tearing on Shabbos is merely an *issur d'rabanan* but constructive tearing on Shabbos is an *issur d'oraissos* (a biblical violation).<sup>1</sup>

The *M"b* writes<sup>2</sup> that tearing paper in order to use the torn pieces is a beneficial tearing and hence it would be an *issur d'oraissos*.<sup>3</sup>

Accordingly, tearing a piece of Glad Wrap or aluminum foil from the roll infringes on an *issur d'oraissos* and may not be done on Shabbos for any reason.<sup>4</sup> However, tearing open the glad wrap that is covering a bowl of salad is totally permitted as one is destructing the glad wrap and it is being done in order to be able to attain the contents of the bowl and not for the sake of tearing the wrapping.

This latter *halacha* is learned from a *Tosefta*<sup>5</sup> that teaches us that one may rip the leather covering a barrel in order to reach the wine.

*What about tearing toilet paper when there is no option?*

Obviously one must prepare toilet paper before Shabbos. The problem arises when

one has depleted the supply of tissues, torn toilet paper etc. or one is in a place where there is no pre-torn paper.

For obvious reasons we will not discuss the various technical options that are on hand when there is no toilet paper available, but when those options are exhausted and/or one's only practical option is uncut toilet paper, the following is the correct procedure:

One should tear the toilet paper by resting one's elbows on the sheet of toilet paper and tear it with one's elbows. This is called tearing *kilachar yad* – in a backhanded manner, and is only an *issur d'rabanan*.<sup>6</sup>

*Where do we find that one may violate an issur d'rabanan in such a case?*

There are two sources. The *Rama* says<sup>7</sup> that one may carry stones (olden day toilet paper) from a *reshus hayachid* (a private domain) into a *karmelis* even though one is violating an *issur d'rabanan*. The basis for this *heter* is that *Chazal* did not institute their prohibition when it confronts a person's dignity – **כבוד חברויות**.

The other source is the *Mechaber*<sup>8</sup> who permits one to raise a stone that has moss growing on it even though raising it from the ground is a violation of an *issur d'rabanan*. This therefore is the basis for this *heter*.

<sup>1</sup> *Rambam Hilchos Shabbos* 10:10.

<sup>2</sup> *M"b simon* 340:41, based on *simon* 340 *seif* 14.

<sup>3</sup> The *Shulchan Aruch* *simon* 340:17 has a different definition of the *melacha* of *Kore'ah*, see inside.

<sup>4</sup> See the *SS"K* 23 footnote 46 in the name of *Rav Shlomo Zalman*.

<sup>5</sup> See *M"b* 314:25.

<sup>6</sup> *SS"K* 23:16.

<sup>7</sup> *Simon* 312:1 and *M"b* 8.

<sup>8</sup> *Simon* 312:3 and *M"b* 12.

## Does it make a difference whether toilet paper is torn on the dotted line?

In order to answer this question we must, in a few words, familiarize ourselves with the *melacha* called *Mechatech* – tearing or cutting to an exact size or measurement.

מְחַתָּךְ is the *melacha* of cutting or tearing an item for a specific purpose or size. An example of this is a *gemora* which says that one who purposely breaks the feather between the soft part and hard part has violated *Mechatech*. The soft part would be used for down and pillows and the hard part would be used for hat manufacturing. Since one is particular about breaking the feather at that exact point, it is *mechatech*.

Based on this and many other proofs we can determine that although tearing toilet paper involves *Kore'ah* and maybe even “making a *k'il*”, tearing on the dotted line is probably not *Mechatech*. Rav Shlomo Zalman

Auerbach explains<sup>9</sup> that since one only tears on the dotted line because it is a convenient manner of tearing the paper but not because one is particular about the exact size of the paper. Proof of that is that each paper company has a different size paper and nobody buys paper because company A has paper size B.

This means that one may only tear paper backhandedly, as mentioned above, when there is no other feasible option, but one need not be particular about not cutting on the perforated line.

However, we do not find this opinion mentioned in other *poskim* and therefore, if possible, one should avoid tearing on the perforated line.

## Vort on the Parsha

*Hashem* tells Moshe Rabeinu that not only will Aharon your brother not be upset with you for being appointed the redeemer of Israel, he will be happy in his heart for you. Rav Sternbuch shlita heard in the name of Rav Chaim of Brisk, that when a rav declares that an animal is treif and it must be discarded, a person might be disheartened by the monetary loss but manages to get on with life, but when the same rav rules that one's litigant is correct and one must pay him, anger builds up inside and the same person finds it hard to come to terms with the verdict.

The reason is because one is more concerned when the other party gets credit than oneself not getting credited.

Aharon, although being Moshe's older brother, and he was the one who suffered all the hardships in Egypt together with the People of Israel all the while Moshe was in Midyan (and according to the *Midrash* he was away for many years), nevertheless he was truly happy about Moshe's appointment.

---

## Food For Thought

*May an adult hand a child food that is not kosher?*

*May an adult instruct a child to turn on the lights?*

*If a child turned on the lights may adults benefit from them?*

*If one forgot to turn out the refrigerator light may one ask a child to open the refrigerator door?*

Answers coming next week.

---

<sup>9</sup> תיקונים ומילויים פ"ג הערא נ"ה