

Devorim 3:3:

“And you should destroy their names from that place. Do not do this to *Hashem* your God.” *Rashi* says this is a warning against erasing the name (of *Hashem*) etc (*Sifri*).

Shavuos 39b: You should know that the whole world shook in the moment that *Hashem* said “Don’t use the name of *Hashem* your G-d in vain.” (*Shemos 20:7*)

Rambam Perek Vav, Yesodei HaTorah Halacha Alef. Anyone who destroys a name from the holy and pure names that *HKB”H* is called by gets *malkus* from the *Torah*. The *Rambam* there writes further in *Halacha Ches*: The Holy Scriptures, in their entirety, and their commentaries and explanations, is forbidden to burn them or to destroy them with your hands, and if one destroys them with his hand, he gets whipped with “*makkas mardus*.” *Malkus mardus* is only used as a punishment for those who transgress *Rabbinic* decrees.

The *Chazon Ish* and most *poskim* say that the *Rambam* in *Halacha Alef* is referring to *seforim* with *Sheim Hashem* in it, but all other *kisvei kodesh* is an *issur d’rabanan*, as mentioned in *Halacha Ches*.

The *Magen Avraham* (*siman kuf nun daled, s”k tes*) quotes the *Rambam* in *Sefer Hamitzvos* (*mitzvah samach hei*) that all *sifrei kodesh* are *assur m’d’oreisah*, however as mentioned, most *poskim* disagree.

The *Shulchan Aruch* (*siman kuf nun daled, sif tes*) writes that a *sefer torah* which gets worn out, we place it in a earthenware vessel and bury it in the grave of a *talmid chacham*.

The *Magen Avraham*, according to his opinion mentioned earlier, writes that this is the same for all *kisvei kodesh*. On par with the others mentioned above, the *Pri Megadim*, which is brought down in the *Mishnah Berurah*, disagrees and states that this *halacha* only applies to *STA”M* (*sefer torah, tefillin, mezuzah*).

There is a long *teshuvah* from *R’ Moshe* (*Ig”m O”ch 4:39*) in which he writes that it may be possible by *Torah Sh’baal Peh* to recycle them. However he is uncomfortable with the idea and says it must first be discussed with other *gedolim* if it is okay. There are two potential *mekoros* to this idea. 1. The *Chinuch* (*Mitzvah 437*) writes that all other nicknames which we praise *Hashem* with them, for example “*Rachum V’Chanun*,” etc, they are like all other *kisvei kodesh* in which it is *muttar* to erase them for any necessity (possibly any necessity is for *Ruchniyus* necessities, so recycling may only be for more *sefrei kodesh* etc.) 2. The *Pischei Teshuvah* (*Yo”d Siman 283 s”k 2*) writes in the name of the *Tashbatz* that just like in the *Heichal* in order to fix it one may destroy and rebuild, so too a *melamed* can erase last week’s *Parshah* off the board **in order to write the new *Parshah*** (this is not the case by the actual *sheim Hashem*).

The *Ein Yitzchok* (*R’ Yitzchok Elchonon Spekter*) in *Oc”h Siman Hei* quotes the *Rambam* (*perek vav, yesodei Hatorah, Halcha Ches*) That if a non-believer writes a *sefer torah* we burn it because since he doesn’t believe in *Kedushas Hashem* and compares it to other things, it does not have *kedushah*. If that is the case, a person can write words of *Torah* with a condition that it does not have *Kedushas HaTorah*. The

Minchas Yitzchok adds that *Torah* in a newspaper, even if the writer did not make an explicit condition, it is like he made a condition that it won't have *Kedushas HaTorah*. (The *Tzitz Eliezer* quotes the *Tashbatz* mentioned earlier, and brings it as a proof against the *Ein Yitzchok*.)

I heard in the name of Rav Pam, *ztz"l* that in the case of *Torah* printed in a newspaper/magazine or the like he would

rely on the opinion of the *Har Tzvi* based on the *Rambam* who says that *kisvei kodesh* is forbidden to destroy with your hands, but to throw it away and let the *goy* deal with it isn't an issue.

Despite everything listed above, the *Ein Yitzchok* writes that one should still never be *mevazeh* (humiliate) *kisvei kodesh*.

Piskei Dinim:

- All *kisvei kodesh* that were made for temporary usage, such as copies, signs, invitations, and newspapers (even if the writer writes that this is *sheimos* and should be dealt with as such) may be thrown out in a *mechubadike* manner (i.e. placing it in a box or a bag before being discarded).
- A *sefer torah*, *tefillin* and *mezuzos* (*STA"m*) are to be placed in an earthenware vessel and buried with a *talmid chacham*.
- All other *sefarim* are to be buried.
- With *tzitzis*, if the strings are attached, one should put it into *sheimos*. If the strings are not attached, the *begeh* may be thrown out. Although it is permissible to throw the unattached strings out, one who puts them in *sheimos*, "*tavoh alav brachah*."
- Things that are used for *mitzvos* (i.e. the covers for *sefrei torah* or a cloth *tefillin* bag, i.e. not the plastic cover) - if it used for *STA"m* and actually touches the *davar sheb'kedushah*, it must be put in *sheimos*, otherwise it may be thrown out.