

YD 276
Discarding Large Quantities of Old Siddurim and Maḥzorim
Rabbi Micah Peltz

This teshuvah was unanimously approved by the CJLS on November 2, 2016 with seventeen voting in favor (17-0-0). Voting in favor: Rabbis Pamela Barmash, David Booth, Elliot Dorff, Susan Grossman, Reuven Hammer, Joshua Heller, Jeremy Kalmanofsky, Jane Kanarek, Gail Labovitz, Amy Levin, Jonathan Lubliner, Daniel S. Nevins, Micah Peltz, Paul Plotkin, Elie Spitz, Jay Stein, Iscah Waldman.

She'elah:

Many synagogues switching over to a new siddur or maḥzor have hundreds of copies of old siddurim that are no longer needed. Must these old siddurim be buried, or is it permitted to recycle or dispose of them in another way?

Teshuvah:

In 2003, the CJLS passed a *teshuvah* by Rabbi Avram Reisner entitled “On the Exodus (and Genesis) of Shemot.”¹ This *teshuvah* ruled that “bound books of Bible, rabbinic text or commentary, even the most modern, and in any language, similarly Jewish prayerbooks, and individual pages which are detached from them, are intended for long term use. They should be protected from dishonor and destruction, and when worn or no longer to be used, should be buried.” We believe that Rabbi Reisner’s reasoning for this ruling, presented thoroughly in his *teshuvah*, still holds.

Though there have been some changes in recycling technology since 2003, the ultimate fate of recycled paper is the same, whether one’s community uses single-stream or dual-stream recycling systems. With either system, it is not possible to recycle hard cover books without removing the hard covers first. This process would undoubtedly seem like desecration of sacred texts for any synagogue committee, and certainly not something we would want to delegate to maintenance staff. Additionally, during either recycling process, the paper is sent to a de-inker, which is a bath that contains air bubbles and soap-like chemicals called surfactants whose goal is to remove the ink from the paper, which would constitute *mehikah* (erasing of the Divine name). It is possible that, with future changes in recycling technology, this option could become more in line with *halakha*, but it is not at the present moment.²

That being said, we understand that the disposal of old siddurim or maḥzorim can be logistically difficult and cost prohibitive. Therefore, we offer the following *eitzah*, guidance to help communities discard of large quantities of holy books in a way that is consistent with *halakha*.

¹ Rabbi Avram Israel Reisner, “On the Exodus (Genesis) of Shemot,” 2003.

<http://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/20012004/Reisner%20Shemot.pdf>

² For a good summary of how recycling works: <https://www.youtube.com/watch?v=b7GMpJx2jDQ>

The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

1. **Geniza Burial** – Develop a plan with a local Jewish cemetery to bury holy books over a certain number of years. Each burial is an opportunity to educate members of your community about *shemot*, *geniza*, and holiness.
2. **Donation** – There may be congregations, Hillels, camps, Jewish prisoner organizations, the military, or other Jewish organizations in need of old siddurim or mahzorim. Contacting the RA, USCJ, and posting on Facebook can help connect you to one of these organizations who will be able to use them.

3. Incorporate the burial of the books with the burial of members of the congregation.

In the Talmud, Rava teaches that a Torah scroll that has become worn should be buried next to a Torah scholar.³ Maimonides and Rabbi Joseph Karo both codify this statement.⁴ Rabbi Avraham Gombiner, in his work Magen Avraham, extends this ruling to include “all books that are forbidden to burn.”⁵ While commentaries argue as to what exactly Rabbi Gombiner meant here,⁶ it stands to reason that he is speaking about other books with God’s name written in them, as they are generally not allowed to be burned.⁷ Here we see the roots of the custom to bury holy books with people. One could speak with family members at the time of loss about this custom, and the opportunity to bury old siddurim with their loved one. Obviously it is the family’s choice to participate in this custom, and they should not be pressured into doing so. If they do, however, choose to honor their loved one by burying him/her with siddurim, it could be done in one of the following ways:

- Place the books on the bottom of the grave before people arrive;
- Place the books on the sides of the *aron* before placing earth on the casket;
- Wait until the earth has covered the *aron*, but before the grave is completely filled.⁸

This option allows the holy books to be buried in the proper way while also potentially providing families with the comfort of doing an additional *mitzvah* in honor of their lost loved one.

It is our hope that these suggestions provide rabbis not only with different pathways for proper disposal of holy books that are no longer needed, but also ideas for how to make this process a meaningful educational experience for their community.

³ Talmud Bavli Megillah 26b

⁴ Mishneh Torah Hilkhhot Tefillin 10:3; Shulhan Arukh Orah Hayim 154:5; SA Yoreh Deah 282:10

⁵ Magen Avraham Orah Hayyim 154:9

⁶ see Mishnah Berurah on SA OH 156:5 who extends this ruling to the two other sections of the Tanakh, the Prophets and the Writings. Pri Megadim OH Eshel Avraham 154:9 writes that he has never seen this practiced, and that the matter requires further study.

⁷ For a discussion on this see Reisner “On the Exodus (and Genesis) of Shemot” pages 9-10

⁸ Thank you to Rabbi Baruch Friedman-Kohl for this suggestion, which he reports worked very well in his congregation when they needed to dispose of old *mahzorim*.

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1. *Megillah* 26b

ואמר רבא: ספר תורה שבלה גונזין אותו אצל תלמיד חכם, ואפילו שונה הלכות.

And Rava said: A *Sefer Torah* that is worn should be buried with a Torah scholar, and even with one who repeats laws.

2. Maimonides (Spain, Egypt 1135-1204), *Mishneh Torah Hilkhos Tefillin* 10:3

ספר תורה שבלה או שנפסל נותנין אותו בכלי חרש וקוברין אותו אצל תלמידי חכמים וזו היא גניזתו, מטפחות ספרים שבלו עושין אותן תכריכין למת מצוה וזו היא גניזתן.

A *Sefer Torah* that is worn or has become invalid should be placed in a clay jar and buried with a Torah scholar, and this is its burial. Wrap books that are worn out and make for them burial shrouds, like those made for a *met mitzvah*, and this is their burial.

3. Rabbi Joseph Caro (Spain, Israel 1488-1575) *Shulhan Arukh Orah Hayim* 154:5

ס"ת שבלה, מניחין אותו בכלי חרס וגונזין אותו בקבר ת"ח, אפי' אינו אלא שונה הלכות ולא שימש ת"ח.

A *Sefer Torah* that is worn, place it in a clay jar and bury it in the grave of a Torah scholar, even if it is someone who just repeats laws and did not serve a Torah scholar.

4. Rabbi Joseph Caro (Spain, Israel 1488-1575) *Shulhan Arukh Yoreh Deah* 282:10

ספר תורה שבלה או נפסל, נותנין אותו בכלי חרס וקוברין אותו אצל ת"ח, וזו היא גניזתו.

A *Sefer Torah* that is worn or invalid, place it in a clay jar and bury it with a Torah scholar, and this is its burial.

5. Rabbi Avraham Gombiner (Poland 1633-1683) *Magen Avraham on Shulhan Arukh Orah Hayim* 154:5

ס"ת שבלה - והוא הדין ספרים ואסור לשורפן [ב"ש] ונ"ל דה"ה בכל תשמישי קדושה דהוי בכלל לא תעשון כן לה' אלהיכם וכו' כמ"ש ססי' קנ"ב וכן כתב הרמב"ם במל"ת סימן ס"ה שהמאבד כתבי הקודש עובר בלאו:

A *Sefer Torah* that is worn – This is the law for books that are forbidden to burn. And it seems to me that this is the law for all holy items included in the law of “Do not worship the Lord your God in like manner...” (Deut. 12:4)...One who destroys holy writing is guilty of violating this negative commandment.