



A PROJECT OF CHICAGO COMMUNITY KOLLEL

PARSHA ENCOUNTERS

27 Sivan 5769 / June 19, 2009

Parshas Shelach ✍️ Rabbi Akiva Niehaus

Opening Non-Food Packages On Shabbos

This week's *parsha* mentions the story of the *mikoshesh eitzim* - the first person to publicly desecrate *Shabbos*. Any time someone witnesses or hears about *chilul Shabbos*, it automatically causes a weakening in one's personal *Shabbos* observance. This is especially true in our times where *chilul Shabbos* is, unfortunately, quite rampant. Harav Moshe Feinstein *zt"l* writes that the way to avoid the negative influence of witnessing *chilul Shabbos* is to become well-acquainted in *Hilchos Shabbos*. This idea is found in the writings of Harav Yisroel Salanter *zt"l* (*Ohr Yisrael* 7) that if one wishes to fight the *yetzer hara* in a particular area, he should learn well the *halachos* pertaining to that *mitzvah*. Let us take this opportunity to strengthen our *Shabbos* observance by exploring an area of *Shabbos* that may need clarification.

Opening packages on *Shabbos* may result in violation of a number of *melachos*: *Asiyas Pesach* (creating an opening - an example of *Boneh* - building), *Makeh B'patish* (the final act of creating a utensil), *Mechataich* (tearing an object to a measured size or shape), *Mochaik* (erasing), and *Koraya* (tearing). The prohibitions of *Asiyas Pesach* and *Makeh B'patish* generally apply only to a firm, solidly constructed container (*e.g.*, can of soda) and are beyond the scope of this article. A flimsy, disposable bag which is usually discarded after opening is more comparable to a protective wrapping than a real utensil and is therefore not subject to these prohibitions. [However, some *Poskim* advise that the package should preferably be torn and destroyed while opening it.] When opening a package on *Shabbos* one must be careful to avoid tearing letters or pictures in order to avoid the prohibition of *Mochaik*. Additionally, one should not open a package upon its perforated lines (*e.g.*, a tissue box with perforated lines on top) because of *Mechataich*. Let us now focus on the prohibition of *Koraya*. How can one avoid the prohibition of *Koraya*? Also, is one permitted to open a non-food package on *Shabbos*?

The Source:

The *Mishna* in *Shabbos* (146a) states that a person may break open a cask in order to eat dried figs from it, provided that he does not intend to make a proper, symmetrical, opening for the cask. Similarly, the *Tosefta* (*Shabbos* 17:9) states that one may tear the leather covering of a cask in order to drink wine from it, provided that he does not intend to create a proper opening for the cask. Why is this permitted? There are various explanations for this *halacha*. *Rashi* explains that although the destruction of a cask can sometimes qualify as a *melacha*, it is permitted in this case because the act is *mikalkel* - purely destructive (*i.e.*, his intention is not to improve the usefulness of the item; rather, he is ruining the cask to get to the figs). The *Ran* (*Shabbos* 61b *dafei HaRif*) explains further that although destroying a vessel (*mikalke*) is Rabbinically prohibited on *Shabbos*, it is permitted to do so "*litzorech Shabbos*" - for an item necessary for *Shabbos*. (See *Biur Halacha* 314:1 *d.h. assur* that many *Poskim* argue with this conclusion.) Accordingly, it would seem to be permitted to open both food and non-food packages in a destructive manner if it is necessary for *Shabbos* use.

THIS SUNDAY!

The Kollel invites men in the community to a special shiur given by

**ROSH KOLLEL,
HARAV DOVID ZUCKER, SHLITA**
"The Principles of Hilchos Ribis"

Sunday, June 21st
8:45 a.m. at the Kollel

HALACHA ENCOUNTERS

Other *Poskim*, however, explain this *halacha* differently. The *Shvisas HaShabbos* (*Maaseh Choshev* 12b) and the *Igros Moshe* (*O.C. 1122:9*) explain that tearing a package on *Shabbos* is forbidden even if done in a destructive manner. However, when food is stored inside a cask, the cask is viewed as the wrapping of the food. Just as one may crack a walnut shell on *Shabbos*, so too, one may destroy a cask or tear a leather cover in order to consume the food inside (see *S.A.* 314:8).

According to this explanation it would seem that one may only open food packages; opening a non-food package would be in violation of *Koraya* (*i.e.*, the wrapping of a food package may be torn because the wrapper is considered like food and the prohibition of *Koraya* doesn't apply to food, whereas the wrapping of a non-food package is no different than the item itself which is prohibited to destroy). [See *Chazon Ish O.C.* 51:13 and *Chazon Yechezkel, Beitza* 3:9 for alternative explanations.]

The Halacha:

Hagaon Rav Shlomo Zalman Auerbach *zt"l* (cited in *S.S.K.* 15:80) holds that one may open non-food packages on *Shabbos* and one may therefore open a package of clothing on *Shabbos* in a destructive manner. He supports his position from the *Rashbatz* (brought in *Kaf HaChaim* 586:140) who writes that it is permitted to destroy a barrel on *Rosh Hashana* in order to get a *shofar* from it even though it's a non-food item.

The *Mishna Brurah's* opinion in this matter is not entirely clear. On the one hand, he quotes the *Tosefta* that one may tear the leather cover of a cask of wine (314:25). However, elsewhere he seems to contradict himself. He writes (340:41) that it is prohibited to tear open a sealed envelope on *Shabbos* because it is in violation of *Koraya* (in some circumstances it may be permitted to ask a non-Jew to open it - see *ibid.*). Why is this any different than the leather cask cover?

This contradiction may be answered based upon the two explanations previously mentioned. The *Igros Moshe* (*O.C. 1122:8*) and the *S.S.K.* (*perek* 9 footnote 18) explain that it is forbidden to open a sealed envelope because it is not considered a *tzorech Shabbos*. As mentioned previously, tearing a package is *mikalkel*, which is Rabinically forbidden. This prohibition is avoided only if one wishes to open a package for a *tzorech Shabbos*; opening an envelope is generally not a genuine *Shabbos* need and is therefore prohibited. According to this explanation, opening non-food packages in a destructive manner is permitted even according to the *Mishna Brurah*, provided that it is for a *tzorech Shabbos*.

This explanation, however, is difficult. Opening a letter on *Shabbos* should be considered a *tzorech Shabbos* if one wishes to read the letter inside (see *Shulchan Shlomo II siman* 314 foot-

note 20). Furthermore, the simple reading of the *Mishna Brurah* indicates that all envelopes are forbidden to open, without making exception for an envelope which is a *tzorech Shabbos*.

Harav S.Z. Auerbach *zt"l* (quoted in *S.S.K. perek* 9 footnote 11) explains that the *Mishna Brurah* may be explained based on the previously mentioned explanation of the *Shvisas Ha-Shabbos* that only food packages may be opened on *Shabbos*. Opening an envelope, a non-food item, is thus forbidden even for a *tzorech Shabbos*.

In Summary:

Harav S.Z. Auerbach *zt"l* holds that one may open non-food packages on *Shabbos* in a destructive manner provided that it is a *tzorech Shabbos*, but the *Mishna Brurah* (according to one explanation) holds that one may not open a non-food package on *Shabbos*. Since the *Mishna Brurah's* position is questionable, one may rely on the lenient opinion of Harav S.Z. Auerbach *zt"l*. However, the classification of "tzorech Shabbos" is quite vague and every case requires clarification if it is truly a *tzorech Shabbos* (Harav D. Zucker *shlita*).

Common Questions:

1) We forgot to open the plastic wrapping of a Jewish magazine before *Shabbos* - may we open it on *Shabbos*? Some *Poskim* say that it is permitted to tear the wrapping on *Shabbos* in a destructive manner. However, other *Poskim* say that it is debatable if reading a magazine is a real *tzorech Shabbos*. Therefore, it is preferable not to open it on *Shabbos* unless one's *oneg Shabbos* would be greatly disturbed (Harav D. Zucker *shlita*).

2) In the middle of the *Shabbos seuda* I discovered that all the napkins were used. May I open a new package of napkins? Although careful deliberation is necessary to decide what is, in fact, a *tzorech Shabbos*, one may certainly open a napkin package in a destructive manner (without tearing letters or shapes). Any item needed for the *seudos Shabbos* or food consumption (*e.g.*, cups, napkins) is considered a genuine *tzorech Shabbos* and may be opened on *Shabbos* (although preferably all packages should be opened before *Shabbos*).

3) I want to use disposable plates for the *Shabbos seuda* but the only open package of plates is plain, white ones. May I tear open a sealed package of more elegant plates? Some *Poskim* say that if one feels that using elegant plates constitutes *kavod Shabbos*, this is considered a *tzorech Shabbos*, and the package may be opened in a destructive manner.

Rabbi Niehaus is a full-time member of the kollel.