



Constructive Tearing

The *Mishnah* (13:3) in *Masechet Shabbos* describes the *melecha* of tearing on *Shabbos*. The *Mishnah* states that one would be *patur* for tearing on *Shabbos* if one did so out of anger, or for someone who died or any other destructive purpose. The implication in the *Mishnah* is that if one tore for a constructive purpose then one would be liable for a *chatas* offering.

The phrase that the *Mishnah* uses to describe the tearing for mourning is quite intriguing. The *Mishnah* specifically refers to *meto* (literally: his dead). The understanding from the literal reading of the text is that if one makes a tear for someone he is obligated to mourn for, then he would be exempt. This seems counter intuitive considering that making this tear would be a constructive action as one is obligated to perform tearing on the loss of a close relative. *Bartenura* therefore interprets the *Mishnah* to refer specifically to someone he is not obligated to tear for. This would then make the act purely destructive for which one is exempt for doing the action on *Shabbos*. This interpretation is difficult, however, considering the specific language used in the *Mishnah*. It is for this reason, that the *Tifferes Yisrael* adds a comment in his explanation of the *Mishnah* and interprets the word '*meto*' to refer to '*tsa'aro*' (*his* pain) – the pain that a person feels when someone close to him (although someone whom he is not obligated to tear for) passes away.

Prima facie, tearing (except for the case where one tears in order to sew) seems to be a destructive act. What possible constructive benefit can come from this tearing over a close relative? The *Rambam* writes that when one tears his clothing over someone who has passed away, it has a calming effect on his mind and settles one's anger. The *Tosfot Yom Tov* seems to take issue with this interpretation for two reasons. Firstly, we learn in *Masechet Brachot*, that one must bless *Hashem* for the bad, just as one would do so for the good. The *Mefarshim* explain this as meaning that one must therefore accept all that happens with *simcha* and without getting angry. This seems to be in contradiction to our *Mishnah* which states that one tears in order to control anger! The second issue, is that if tearing is done in order to settle one's anger there should be no distinction regarding whether the deceased was a close relative (and is considered constructive/*chayav*) or not (deemed destructive/*patur*).

The *Tosfot Yom Tov* answers the first issue by saying that there is no contradiction between the statements. The *Gemara* in *Shabbos* (105b) corroborates the statement forbidding one from getting angry, as it likens one who gets angry and tears his clothes out of rage to serving idols. However, even though it is forbidden, practically, if one where to do this it would have a calming effect on a person (and would be *assur* on *Shabbos*).

Based on this answer, we are left with the second issue with the *Rambam*, namely, why there is a difference for *chiyuv* if the person was a close relative or not. The *Tosfot Yom Tov* puts forward a challenging suggestion to this issue. The answer is based on the concept that the *Torah* is a blueprint for life and all *mitzvot* are commanded with a profound understanding of the very depth of human emotion. With this in mind, the *Tosfot Yom Tov* states that since the *Torah* does not command one to undertake *aveilus* for those that are not considered close relatives – there is no deep *tza'ar* or anger that needs to be eased through the procedure of rendering ones garment. It is therefore a destructive act, and one who undertakes it is *patur*.

This answer does not seem to sit well with the *Tosfot Yom Tov*. Firstly, he does not think that one's anger would subside by the tearing, from the fact that this concept of tearing out of anger seems to contradict the *Mishnah* in *Berachot* of accepting the good along with the bad is difficult. Secondly *Tosfot Yom Tov* asks that a simpler solution would have been that the simply performing the *mitzvah* of tearing for a close relative itself is a constructive. The *Ri* (*Tosafot Shabbos* 105B) answers this point by stating that tearing for a *mitzvah* is not considered a constructive action unless another improvement is done beside the *mitzvah*. Consequently in this case you are being constructive for as you do the *mitzvah* of tearing, you are also calming yourself. It is not clear from here whether the *Tosafot* would also make someone who is not obligated to tear *chayav* for doing so on *Shabbos*.

Therefore, the *Tosfot Yom Tov* explains that in general the opinion of the *Mishnah* is that the tearing was not instituted in order to appease one's anger, but rather should be performed with '*tov-lev*' (pleasantness of heart) however difficult the emotional circumstance may be. However, he mentions that as a side benefit the reality of the situation is that one's anger would be subsided by doing this action and is therefore considered a constructive act.

Yehuda Gottlieb

Revision Questions

שבת י"ב ד'-י"ד: ד'

- Explain the debate regarding whether one is *chayav* from scratching letters into their skin? (י"ב: ד')
- Provide a definition of the *melacha* of *kotev* (writing). (י"ב: ד'-ה')
- Is one *chayav* if they wrote letters in sand? (י"ב: ה')
- Is one *chayav* if they wrote over existing letters? (י"ב: ה')
- Explain the debate regarding one who wrote one letter in the morning and another in the afternoon? (י"ב: ו')
- When would one be *chayav* for *oreg*? (י"ג: א')
- How many stitches are performed before one is *chayav*? (י"ג: ב')
- Is one *chayav* if they tore something out of anger? (י"ג: ג')
- How much of a thread must one dye to perform the *melacha* of *tzove'ah*? (י"ג: ד')
- Which other three *melachot* share the same *shiur* described in the previous question? (י"ג: ד')
- Other than literally trapping a deer, when would one have transgressed the *melacha* of *tzad* (hunting)? (Include all three opinions.) (י"ג: ה')
- If a deer wandered into a house, and one then closes the front door trapping it in the house, have they performed the *melacha* of *tzad*? (י"ג: ו')
- Regarding the previous question, if two people closed the door, when would they be *chayav*? (י"ג: ו')
- If a deer enters a house and one person stands in the doorway and does not completely cover the entire entrance, and then another person stands next to him covering the entire entrance, who is *chayav*? (י"ג: ז')
- If a deer enters a house and one person stands in the doorway and completely covers the entire entrance, and then another person stands next to him; then the first person leaves, leaving the second covering the entire entrance, who is *chayav*? (י"ג: ז')
- When is one *chayav* for killing a creepy-crawly? (י"ד: א')
- Is one *chayav* for trapping a domesticated animal? (י"ד: א')
- What is *hilmi* and why can't one prepare it on *Shabbat*? (י"ד: ב')
- What is the general principle set out in the *Mishnah* regarding eating foods that have medicinal properties? (י"ד: ג')
- What advice does the *Mishnah* give to one who has a toothache on *Shabbat*? (י"ד: ד')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

After *Ma'ariv*

Mizrachi Shul

Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*

Beit Ha'Roeh

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Shiur in English

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Rabbi Mordechai Scharf

9:00am

Kollel Magen Avraham

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Rabbi Chaim Brown

www.shemayisrael.com/mishna/

Rav Meir Pogrow

613.org/mishnah.html

Rabbi E. Kornfeld

Rabbi C. Brown

<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR

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Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
10 th July ח' תמוז	11 th July ט' תמוז	12 th July י' תמוז	13 th July י"א תמוז	14 th July י"ב תמוז	15 th July י"ג תמוז	16 th July י"ד תמוז
Shabbat 15:1-2	Shabbat 15:3-16:1	Shabbat 16:2-3	Shabbat 16:4-5	Shabbat 16:6-7	Shabbat 16:8-17:1	Shabbat 17:2-3

