

HALOCHOSCOPE

This week's question:

Disposable diapers have sticky tabs, peeled from their backing and stuck onto the diaper. The used diaper is folded up and sealed closed by the same tabs. There is some question whether the sealed item will ever reopen in the garbage system. In addition, some diapers are sealed before use, such that they need to be 'torn' open. Sometimes this is the result of being pressed together by a cutting machine. In such instances, they are sometimes slightly fused. Others are just pressed tightly. Some brands appear to have been intentionally closed or made of one continuous piece, with perforations where they are opened.

Does any of this pose a problem on *Shabbos* or *Yomtov*?

The issues:

- A) The *melachos: koshair, matir, tofair* and *koraia*, tying, untying, stitching and tearing
- B) *Mechatech*, cutting [parchment] to size; *Makeh bepatish*, finishing a utensil
- C) *Miskayem*, what is considered permanent?

A) *Koshair, matir, tofair, koraia*

There are thirty-nine avos *melachos*, main categories. Each of the *avos* can have *tol-dos*, sub-categories, that produce a result comparable in purpose and method to the *avos*. The diaper is an item of clothing, and the activities required to make it usable resemble preparing a garment, finishing it, or readying it for use. A garment is closed with buttons, drawstrings, laces or ribbons. Buttoning is called *prifa*. The original buttons were coins wrapped in the fabric of the garment, and tied around with a string. The fabric was brought together from both sides, and the string was then tied around it. This involves tying the string, yet is permitted. Drawstrings and laces also involve tying. Drawstrings also resemble sewing. Ribbons or tapes also involve tying. All of this can also involve finishing a utensil, if it is not quite ready for use, or if it is improved by the activity. Removing the clothing involves the reverse of these activities, respectively. Untying would be necessary in order to retie, and tearing would facilitate sewing smaller pieces together. An item of clothing could be manufactured with its openings closed, because this is easier during the sewing process. When finished, the neck hole is cut open. If it is perforated this involves an additional *melacha*, that of cutting something to a particular size.

To qualify as a Scriptural *melacha* activity, it must be done to produce a specific quasi-permanent result. Similar temporary activities can be forbidden as a Rabbinic extension of the *melacha*. In some cases, the temporary nature of the *melacha* makes it totally permissible. If an activity that is usually constructive is done for destructive purposes, it is often permitted. In some instances, an activity has both results. One might do something constructive for a destructive end purpose. In our case, the used diaper is being thrown away. Before disposing of it, the person wishes to tie it up to keep it from leaking and causing a bad smell. The end result is not tying, but clean disposal.

Koshair, tying, is part of the process of weaving and of the manufacture of nets. *Matir*, untying, was done when the trapped animal was taken out of the net. The consensus seems to be that it applies specifically to tying a knot. There is some discussion on braiding. Some consider braiding ropes a *tolda* of *koshair*. Others suggest that it is closer to *oreg*, weaving. Knots are tied for strength, albeit in a way that they could be untied later. Their entire purpose is to ensure that the item is secured. They will be tight and hard to untie. Therefore, a knot intentionally made easy to be untied is considered temporary. It is not considered the full *melacha*. The complexity of a knot is also a factor. The Talmud debates whether a knot that can be untied with one hand is considered *koshair*.

Matir applies to all the things that *koshair* applies to, in the reverse. If *matir* is permitted, one may also cut the string near the knot. Otherwise, cutting the string could involve this *melacha*, along with other restricted activity. When a garment is closed using a ribbon, the issues of *koshair* and *matir* arise. One may not tie the ribbons that are meant to remain this way quasi-permanently. When tying closures that are meant to be opened and closed regularly, one may tie temporary knots, such as a single knot, a bow, or a bow over a knot. All indications are that both *koshair* and *matir* do not have a *tolda* when the ribbon is attached with no knot. Diaper tabs are stuck with glue. It seems that *koshair* does not apply here. Accordingly, *matir* does not apply either, when peeling the tapes off.

To qualify as *tofair*, thread must be secured to the cloth. The Talmud debates how many times the thread must pass through the cloth for this, two times or three. We follow the view that it is twice, or one stitch. Usually, this also involves pushing the needle through. However, the needle is not considered thread. The poskim ponder why a pin or needle going through the cloth should not be considered sewing in its own right. Sometimes, a pin is used as a button. In such instances, it could not be considered *tofair*.

Koraia is basically the opposite of *tofair*. Whatever is included in the restriction of *tofair* when attaching it, is forbidden to tear apart. Scriptural *koraia* applies when the cloth is cut before sewing it. It can apply to a small tear made to prepare the cloth for sewing, and it also applies to removing the stitches from a seam in order to sew it again. Destructive tearing is not usually included in the Scriptural *melacha*.

Sticking two things together with glue, such as leather, parchment or paper, is considered by many poskim a *tolda* of *tofair*. The poskim maintain that it does not apply to gluing hard items, like wood and stone. Nowadays, *tofair* applies to plastics and the like. Since no thread is used for this, there seems to be no minimum. Rather, any time one sticks the two sides together securely, it involves *tofair*.

In our case, the tabs are stuck to the diaper. This should involve *tofair*, and removing them from the backing and from the diaper later on, should involve *koraia*. The fact that they serve as a button or ribbon does not necessarily mitigate it. Drawstrings that are meant to tie the sides of a garment together are sometimes forbidden if they resemble *tofair* too closely. However, the drawstring is indeed a 'thread' that is threaded through the cloth. When it is tight, it resembles the act of tightening a stitch, part of the *melacha* of sewing. In our case, the ribbons are being used as buttons. *Tofair* is defined as connecting two things to make them into one. Buttoning does not make the two sides into one, but joins the two separate pieces for the time-being. In addition, *tofair* is meant to be irreversible. *Koraia* is a new activity. By comparison, *koshair* is also permanent in the sense

that it is secure. However, the knot is made in a way that the same string can be untied later if necessary. Applying that to buttoning, if a pin is used as a button, it could not be considered *tofair*. It would not be considered *koshair* either, as explained. The sticky tabs are used as buttons, in the place of diaper pins. Clearly, there are two ways these garments are made and worn. The diaper-tabs are buttons or ribbons.

In addition, the glue is not being used in the way the poskim describe. They refer to scribe's glue. This used in the process of sewing a scroll together, or binding a book. Enough glue is used to hold the parts together permanently. The same is done when sealing an envelope. One may not open the envelope, as this involves *koraia*. Even if the glue is such that the letter can be opened easily, it was glued quite permanently. Clothing is made to be opened and closed. It could be argued that a disposable diaper is not made to be opened and closed multiple times. However, it is definitely made to be opened in a short while. Many brands of diaper also make the glue weak enough to be removed and adjusted easily. This makes it more like a button. Removing the tabs from their backing raises *koraia*. It is meant to remain attached until needed. However, this is also less stringent than regular *koraia*. The backing is not placed there to connect the two, but to stop the glue from sticking to other things, or to keep it moist. There is no interest in the backing *per se*. Nonetheless, some suggest that one should remove the tabs from the backing right before *Shabbos*. Then, even if they are put back, the person sticking them back did not mean to leave them stuck for more than the duration of *Shabbos*. [See Shabbos 74b-75a 105a-b 111b-113a, poskim. Tur sh Ar OC 317 340:6 7 14, commentaries. Igros Moshe OC II:84. Tzitz Eliezer XIII:43 XVI:10. Minchas Chinuch, melachos 21-24]

B) Mechatech; Makeh bepatish

Having tanned a hide, before using it for writing, one must cut it to size. *Toldos* of this *melacha* include cutting a piece of paper along predetermined lines or perforations. Diapers that are manufactured closed, with perforations, may not be opened on *Shabbos*. If they are stuck shut, whether with glue or by being melted, they may not be opened on *Shabbos*. Ungluing them involves *koraia*. Separating a fused item could involve *koraia* or *mechatech*. Some poskim maintain that when cutting paper to size one is also producing a utensil [see section C]. In certain situations, it is possible to rip the sides apart with no intent to achieve the result of a measured piece. Since one does not intend to produce a measured result, nor it is inevitable, it is a *davar sheaino miskaven*, unintended result. This is not practical with a disposable diaper. This is permitted on *Shabbos*. If the sides were not stuck together, but pressed tightly, they may be separated.

Makeh bepatish, literally beating with a hammer, is Scripturally forbidden. One beats out the kinks in a metal pot as the final stage in its production. Any time one makes finishes a utensil, he violates this *melacha*. Thus, opening the neck of a garment (or the pockets) is for bidden for this reason as well. If a diaper is useless until it is opened at the perforations, it would appear to involve this *melacha*. [See Shabbos 113a, Poskim. Sh Ar OC 317:3 322:5, MB BHL, commentaries. Minchas Chinuch melachos 27 33.]

C) Miskayem

Generally, for a *melacha* to be considered scripturally forbidden, it must have a permanent effect. For *koshair* this is a specific condition. In the case of *tofair*, there is some debate. The Talmud mentions the requirement of two entries with the thread because oth-

erwise, it would not last. It seems that the term *kiyum*, permanent, has various different meanings, each with their own *halachic* implications. The Talmud means that the stitch has to have some permanence to be considered constructive activity. A thread going through one time can fall out by itself. However, if a launderer stitches items together for the short term, it could still be forbidden. This stitch will potentially remain until it is removed. The conclusion of many poskim is to permit this, but not to publicize it. The unlearned might not understand it properly. Our case does not involve thread, but a weak type of glue. Some suggest that the reservation about the unlearned should not apply.

One might stitch something with intent to remove it later that day. This could be a strong stitch, but not intended to be *miskayem*. Or it could be a weak stitch, because it is not needed for very long. Some poskim suggest this idea to permit joining the sides of a diaper on *Shabbos*. It is not intended to remain this way. A safety pin can remain indefinitely. A diaper tab will come off by itself eventually. It will last overnight (hopefully), but not much longer. In addition, one intends to take it apart, the same day.

Sealing it with the tabs for disposal, however, is intended for much longer. There is some discussion by contemporary poskim regarding tying a garbage bag. It is presumed that the garbage companies break the bags open to properly dispose of them. For *koshair*, this makes the knot permissible. For *tofair*, as is the case with the diapers, this touches on the aforementioned debate. Environmental activists claim that the bags, and certainly the individual diapers, are not properly opened. However, there is an additional reason to permit tying the garbage. The knot is not needed in its own right, but to make it easier to move the bag. In our case, too, sealing the diaper is not necessary. If taping the diaper were forbidden, one would not wait until after *Shabbos* to tape it shut. It is merely a way of keeping it closed for the interim. Thus, even if one did tape it, there was no intent to seal it, and certainly not for good. This might make it a *psik raisha*, if the seal would be permanent. The tabs often come off in the garbage anyhow, due in part to the glue and in part due to the way the way they are sealed. This reduces it from *psik raisha* to *davar sheaino miskaven*. [See References to earlier sections.]

In conclusion, one may use the diapers in the normal manner. One who wishes to practice personal stringency could peel off the backing and put it back right before *Shabbos*. He could avoid intentionally sticking the tabs to seal the diapers before disposal.

On the Parsha ... *Your garment did not wear out upon you, and your shoe did not wear off your foot ... [29:4] Your shoes did not fall off your feet. [Targum Yonasan]* The usual reason that a shoe does not fall off is because it is tied on properly. What is the great miracle here that the Jews' shoes were tied on well? Perhaps it would be expected that the straps or laces would wear out over forty years. Or perhaps the miracle was that the knots that were made temporarily lasted permanently for the duration of their sojourn in the desert. It is also possible that the miracle was a combination of both of these factors. Usually, laces or straps wear out due to being tied and untied all the time. Here, they did not need to keep tying and untying their shoelaces.

**Sponsored in memory of Sarah bas R. Shmuel a"h, whose *yahrzeit* was the 11th of Elul, and of
Rochel Devorah bas R. Moshe a"h, whose *yahrzeit* is on the 24th of Elul.**

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