סימן יט

ציצית חובא גברא

א. ציצית, חובת גברא הוא, ולא חובת מנא, שכל זמן שאינו לובש הטלית פטור מציצית. ולפיכך אינו מברך על עשיית הציצית, שאין מצוה אלא בלבישתו. [ש"ע סי' יט ס"א]

Siman 19

Defining the Mitzvah of Tzitzit

The wearer's obligation

1) The Talmud defines the mitzvah of tzitzit as *hovat gavra* – the wearer's obligation. This means that the obligation of having tzitzit attached to the garment applies only when a person is wearing the garment. As long as he is not wearing the garment, he is not obligated to have tzitzit attached to it.[246] For this reason, no blessing is recited when attaching the tzitzit tassels to the garment. One fulfills a mitzvah only when wearing the garment with tzitzit attached.[247]

246. This is the ruling of the *Shulhan Arukh* (19:1). Although the Torah states, "they must make *tzitzit* for themselves," the mitzvah is defined by another verse (*Devarim* 22:12): "Make for yourself fringes on the four corners of your garments with which you cover yourself," meaning that the obligation applies only while covering one's body with the garment.

247. This is likewise the ruling of the *Shulhan Arukh* (19:1). The *Mishna Berura* (19:3) explains that one fulfills the mitzvah only when wearing the garment with tzitzit.

Tzitzit in contrast to mezuzah

The *Magen Avraham* (19:1) asked why the rules for tzitzit are different than those for mezuzah. We recite the blessing for the mitzvah of mezuzah when we affix it to the doorpost, not when we move into the home. If so, we should likewise recite a blessing when we attach tzitzit to a four-cornered garment, or alternatively we should recite a blessing for the mitzvah of mezuzah only when we move into the home.

The *Yad Aharon* pointed out that the *Magen Avraham's* comparison of these two mitzvot is flawed. The act of attaching tzitzit tassels to a garment is comparable to writing a mezuzah, whereas affixing it on the doorpost is comparable to putting on the garment with tzitzit. Therefore, the proper time to recite the blessing on a mezuzah is upon affixing it on the doorpost, just like we recite the blessing on tzitzit when we put the garment on.

Harav HIDA (*Birke Yosef* 19:2) disagreed with this. The mitzvah of mezuzah is that the resident of a home must have mezuzot on his doors. The act of entering the home is what is comparable to putting on a garment. Therefore, just like we recite a blessing when putting on a garment, we should have to recite a blessing on the mezuzah when moving into the home, not when affixing the mezuzah. The *Magen Avraham's* question, then, is valid.

To answer the question, Harav HIDA explained that with the mitzvah of tzitzit, the person actively fulfills the mitzvah when he wears it. It only makes sense to recite the blessing when putting on the tallit, when the person takes positive action to fulfill the mitzvah. Regarding the mitzvah of mezuzah, after someone affixes it to the doorpost he does nothing at all for the sake of the mitzvah. It makes no sense to recite a blessing for the mezuzah when moving into the house, since that has nothing to do with the mezuzah itself.

See more about this in the responsa of Harav Akiva Eiger (#9), the *Mishna Berura* (19:4) and the *Kaf Hahayim* Sofer (19:3).

טלית לצורך תכריכים

ב. עשה טלית לצורך תכריכין, אף על פי שלפעמים לובש הטלית בחייו, פטור מלהטיל בו ציציות. [ש"ע סי' יט ס"ב]. וטוב להחמיר לעשות בו ציצית, אך לא יברך עליו. [משנ"ב ס"ק האחרונים]

מודד בגד

ג. הבא לחנות לקנות טלית, ומעונין להתעטף בה כדי לבדוק גודלה אם מתאימה לו כדי לקנותה, מותר לעשות כן, אף שאין בכנפיה ציציות.

Burial shroud

Burial shroud

2) If someone fashions a tallit to be used as his burial shroud, the tallit is exempt from having tzitzit attached to it. Even if the person wears it occasionally during his lifetime, it is exempt nevertheless.[248] It is recommended, however, that he attach tzitzit to it, but he must not recite a blessing over it.

Trying on a Garment for Size

Trying on a tallit for size

3) If someone wishes to purchase a new tallit, and while at the store he needs to check to see whether it is the right size for him, he may try it on even though it does not yet have tzitzit attached.[249] Likewise, it is permissible for someone to put on a tallit without tzitzit if his entire intentions are to teach others how to put on a

248. This is the ruling of the *Shulhan Arukh* (19:2). The *Mishna Berura* (19:5) cited the *Aharonim* explaining that this ruling is based on the opinion of Rabbenu Asher. Just as Rabbenu Asher ruled that a nighttime garment is exempt from tzitzit even if someone wears it during the day, it follows that a garment meant to be used as a shroud is exempt from tzitzit even if someone wears it during his lifetime. According to Rambam, however, this person would be obligated to attach tzitzit to the garment just like he ruled that a nighttime garment is obligated to have tzitzit if it is worn during the day. Therefore, one must attach tzitzit to the shroud, but one must not recite a blessing over it when wearing it.

The *Nimuke Yosef*, which is the source for this halakha, appears to be following the opinion of Rabbenu Asher. Maran wrote in the *Bet Yosef*, however, that Rambam agreed that a shroud is exempt even if worn by a living person. This is because the Torah commands us to attach tzitzit to "your garment," meaning the garment of a living person. A shroud, therefore, is not considered a garment whatsoever and it is exempt even when worn by a living person.

The *Magen Avraham* did not accept this argument and he insisted that according to Rambam a living person must attach tzitzit to the shroud in order to wear it. Many *Aharonim* concurred with this, making the *Mishna Berura's* ruling absolutely clear. Sefardic Jews, however, may follow the opinion of Maran. This is especially so since there is a *safek sefeka* to be lenient: Perhaps the halakha follows the opinion of Rabbenu Asher, and if it doesn't Maran's interpretation of Rambam's opinion might be correct. Nevertheless, it is recommended to be stringent and attach tzitzit to the shroud.

249. It is self evident that if someone wishes to try on a tallit at a store before purchasing it that he may do so even though it has no tzitzit attached. Since he has not yet purchased the tallit, it is a borrowed garment, which is exempt from tzitzit as explained above in *Siman* 14:14. If he has already paid for it and taken possession of it, it is still possible that it is permissible to try it on before attaching tzitzit to it. Rambam ruled (*Hilkhot Kil'ayim* 10:16) that if someone has a business selling garments that are made of *sha'atnez*, he may drape them over his back as he makes

והוא הדין הלובש טלית כדי להראות לאחרים וללמדם סדר עיטוף, אף על פי שהוא שלו ועדיין לא הטיל בו ציציות, מותר ללבשו כדי ללמד בו. וטלית שיש בו ציציות, והוא לובשו כדי ללמד בו לאחרים או להראות להם בו דבר אחד, אינו צריך לברך, ואסור לו לברך. [עוד יוסף חי פי בראשית ה"ב]

ד. אם לובש ד' כנפות להעביר בזה את המכס, אפשר שחייב בציצית כמו גבי כלאים. [משנ"ב ס"ק ה]. ויש שפוטרים. [עי' כה"ח ס"ק ה]

tallit. Even though it is his own tallit without tzitzit, he may use it to teach others how to put on a tallit. If the tallit has tzitzit attached and the owner wishes to put it on only in order to teach others, he does not have to recite the blessing over it. In fact, it is forbidden for him to recite the blessing in such a case.

Wearing garment to avoid taxes

4) If someone wishes to wear a four-cornered garment only in order to pass through customs inspection without having to pay a fee, there is a basis to argue that he must have tzitzit attached to it. This can be compared to the halakha regarding *sha'atnez* – it is forbidden to wear a garment made of *sha'atnez* even if one's intention is only to avoid paying a customs fee. Nevertheless, some *Poskim* ruled that it is permissible in such a case to wear it without tzitzit attached.

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his rounds peddling the garments. Maran explained in *Yoreh De'a Siman* 301 that this is permissible as long as he does not dress himself with those garments. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. VI, *Y.D.* #27) cited proof for this interpretation from Rabbenu Avraham, son of Rambam (responsa *Birkat Avraham*). According to Tosafot and Rama, however, it is permissible for the peddler to actually wear the garments made of *sha'atnez* as long as his intentions are only to carry them around and not to be dressed in them or to use them to protect himself from the sun or rain.

The *Hokhmat Adam* (106:20), after citing the Rama's lenient ruling, pointed out that even Rama agreed that it is forbidden to try on a garment made of *sha'atnez* for size, since the person's intention is to wear the garment, not just to carry it. Maran the Rishon Letziyon (responsa *Yabia Omer* Vol. VI, *Y.D.* #27:4) explained that the peddler is already wearing his own clothes and it is obvious that he has put on the other garments only in order to carry them. When someone puts on a garment to see whether it fits him, however, he first removes his clothes. Therefore, he receives the benefit of being clothed in the meantime with the garment made of *sha'atnez*.

According to this, if someone owns a tallit without tzitzit it should be forbidden for him to try it on for size. This is certainly true according to Rambam since he ruled that it is forbidden to wear a forbidden garment in the manner it is normally worn, regardless of one's intentions. Even according to the Rama, it is permitted only for a peddler since that is his way of carrying his merchandize. A customer, however, would be forbidden to try on a garment made of *sha'atnez* for size, and likewise it is forbidden for someone to try on a tallit without tzitzit.

The *Od Yosef Hai* (*parashat Bereshit* halakha 2) and Harav Zalman ruled that it is permissible to demonstrate how to put on a tallit with one that has no tzitzit since one is not putting it on in order to wear it. Likewise, a storekeeper can put on a tallit to show his potential customers how it looks when worn. Apparently, this is permitted since the person putting on the tallit has no intention of wearing it at all and does not care whether or not it is a proper fit on him, whereas a customer trying on the tallit after purchasing it intends to be wearing it, at least for the moment. Alternatively, it could be that it is permissible to try it on if one's intention is only to check its fit, but it is forbidden to try it on to see how comfortable it is in general. This matter needs more research.

Of course, it is certainly permissible for a potential customer to try on a tallit in a store before purchasing it. Since the tallit is not yet his, it is definitely exempt from tzitzit.