סימן כ

דיני קנית ומכירת טלית

א. הלוקח טלית מצוייצת מישראל, או מסוחר גוי שאומר שקנאו מישראל, כשר. דכיון שהוא סוחר, חזקה שלקחה מישראל, דלא מרע אנפשיה. אבל אם לקח טלית מצוייצת מגוי שאינו סוחר, פסולה.

[ש"ע סי' כ ס"א]

Siman 20

Buying and Selling a Tallit

Day 86

From a Jewish or no-Jewish merchant

1) When someone purchases a tallit with tzitzit attached to it from a Jewish merchant, he may assume that the tzitzit tassels are kosher. Even if he purchases it from a non-Jewish merchant, he may assume that it is kosher as long as the merchant claims that he received it from a Jew. He is trusted in this matter since it is unlikely that he would risk ruining his reputation [by lying and then being contradicted by the Jew who supposedly sold the tallit to him]. If someone purchasely a tallit with tzitzit attached to it from a non-Jew who is not a merchant, he must suspect that it is not kosher.[250]

250. Here is a presentation of the basic halakhot as defined by the *Shulḥan Arukh* and the *Aḥaronim*. Unfortunately, many of the lenient rulings presented here are no longer practical, as will be explained in the latter section of this halakha.

Purchasing a tallit or tzitzit from a Jew

The *Shulḥan Arukh* (20:1) ruled that one may purchase a tallit from a Jew, whether or not he is acquainted with the dealer and whether or not the person selling it is a merchant by profession. The purchaser may assume that the tzitzit are kosher and that they were spun and plied for the sake of the mitzvah, and that the tassel was attached to the tallit for the sake of the mitzvah. If the dealer is suspect, however, he may not be trusted. The *Shulḥan Arukh* (*Y.D.* 119) explains the criteria for a Jew being "suspect."

Purchasing a tallit, with tzitzit attached, from a non-Jewish merchant

The *Shulḥan Arukh* (20:1) ruled that one may purchase a tallit from a non-Jewish merchant since we may assume that the non-Jew acquired it from a Jew. This leniency applies to a non-Jew who makes his livelihood as a merchant, since we may assume that he would not lie about these things and risk ruining his reputation among his Jewish clients. If he would be caught lying, he would lose far more than he would gain by lying about the tallit. Of course, the merchant must declare to his customer that he acquired this tallit from a Jew. See the *Mishna Berura* (20:3) and the *Kaf Haḥayim* Sofer (20:4).

The merchant does not have to have tallitot as part of his regular stock for this leniency to apply. As long as he makes his livelihood in the retail business he may be trusted. After all, if he would be caught lying about any of his merchandise he would no longer be trusted for the quality of anything he sold. See the *Mishna Berura* (20:2) and the *Kaf Haḥayim* Sofer (20:3).

Purchasing tzitzit strands from a non-Jew

The *Ture Zahav* and *Derekh Haḥayim* ruled that a non-Jewish may be trusted about the kashruth of a tallit since it is unlikely that the non-Jew would attach tzitzit to it. However, one may not purchase tzitzit strands from a non-Jew since they may not have been spun or plied for the sake of the mitzvah. The *Eliya Rabba* and Harav ḤIDA (*Birke Yosef*) ruled that the non-Jew may be trusted to sell tzitzit strands as well. The *Artzot Haḥayim* and *Yeshu'ot Yaakov*,

ובזמן הזה נחלשה החזקה הזו, כי מצוי אנשים שומרי מצוות שאינם נזהרים בעשיית ציצית לשמה, וגם שכיח שנותנים עשיית הציציות בידי נכרים וקטנים, וגם בתליית הציציות שכיח שנותנים הדבר בידי הפסולים בעשייתן, או שאינם יודעים לכיון לשמה וכדו'. ולכן כל אדם יחוש מאד שלא לקנות טלית וציציות, אלא ממפעלים הנתונים תחת השגחה של גופי כשרות המפקחים על תהליך ייצור החוטים ותליית הציציות על פי דרישות ההלכה. ויש לוודא שהחותמת הכשרות אינה מזוייפת, ושהסוחר יהודי נאמן מוחזק בכשרות שלא גנב סחורתו, שלא יהיה בכלל מצוה הבאה בעבירה. [עי' פסקי תשובות ר"ס כ, הלכה ברורה עמ' שפו]

In modern times things are more complicated since there are Jews who are otherwise observant but who disregard the rules requiring tzitzit to be attached to a tallit for the sake of the mitzvah. In some cases, tzitzit manufacturers have hired non-Jews, children or others, who are not aware of the halakha requiring the proper intentions, to perform the task of spinning tzitzit strands or even to attach tzitzit to the garments.

Therefore, everyone must make sure to purchase a tallit and tzitzit from a company that is under the supervision of a rabbinical kashruth board who makes sure that the tzitzit are manufactured and attached to the tallit in the manner required according to halakha. Furthermore, one should purchase these items from a merchant who has a reputation of being honest and God-fearing, who would not deal in stolen goods. Otherwise, the purchaser might end up performing a *mitzvah haba'a ba'avera*.[251]

cited in the *Mishna Berura* (20:4), ruled that a non-Jew who deals regularly in tzitzit strands may be trusted to claim that they are kosher. This is the ruling of the *Halakha Berura* (page 387) as well.

Purchasing a tallit from a non-Jew who is not a merchant

The *Shulḥan Arukh* (20:1) ruled that if someone purchases a tallit with tzitzit attached to it from a non-Jew who is not a merchant, he must suspect that the tzitzit are not kosher, even if the seller claims that he acquired it from a Jew. He must suspect that this non-Jew attached the tzitzit to the tallit himself. The *Mishna Berura* (20:5) added that one may certainly not purchase tzitzit strands from this person since we must suspect that they were not spun for the sake of the mitzvah. Furthermore, the *Mishna Berura* (*Bi'ur Halakha* 20:2) and the *Arukh Hashulḥan* (20:2) pointed out that it will not help to untie the tzitzit from the tallit and tie them onto it again, since we must suspect that the strands were not spun for the sake of the mitzvah.

251. Many *Aḥaronim* cited the responsa of the *Ḥatam Sofer* (*O.Ḥ.* #6) protesting the practice of purchasing tzitzit strands from any itinerant peddler who offers them for sale. It is a known fact, he explained, that a fair percentage of these people cannot be trusted. Likewise, the responsa *Shemen Roke'aḥ* (Vol. III, *O.Ḥ.* #2) wrote that "it is commendable to be careful to purchase tzitzit only from people known to be trustworthy, especially in our generation when there are quite a few dishonest peddlers going around selling tzitzit strands. Everyone must remain on guard not to be duped by them." The *Ḥesed La'alafim* (11:2; repeated by the *Od Yosef Ḥai parashat No'aḥ* halakha 5) warned that we must be very careful not to purchase tzitzit strands from just anyone, but only from people reputed to know how to make them for the sake of the mitzvah. This is important in order to avoid being guilty of reciting blessings in vain and in order to avoid being guilty of failing to fulfill the mitzvah of tzitzit. See above in *Siman* 11:12.

A merchant who was caught being dishonest

The *Kaf Haḥayim* Sofer (20:6) cited the *Shenot Ḥayim* (#257) relating that once a peddler came to town selling tzitzit strands and afterward it became known that he was a thief guilty of many sins. Anyone who had purchased tzitzit strands from this person must assume that they are not kosher. If he wears them, it will be considered a *mitzvah haba'a ba'a ba'avera*. Maran the Rishon Letziyon (responsa *Ḥazon Ovadya* Vol. II, page 402) discussed the consequences of performing a *mitzvah haba ba'avera* unintentionally.

ב. אין מוכרים טלית מצוייצת לגוי, שמא יתלווה עם ישראל, בדרך ויהרגנו. [ש"ע סי' כ ס"ב]. ואפילו הגוי סוחר, אסור למכור לו. [משנ"ב ס"ק ו, כה"ח ס"ק ח]. ואפילו למשכן ולהפקיד טלית מצוייצת לגוי, אסור, אלא אם

Selling a tallit to a non-Jew

2) It is forbidden to sell a tallit with tzitzit attached to it to a non-Jew, lest he disguise himself with it and join a Jew on the road and murder him.[252] This is forbidden even if the non-Jew is a merchant by profession.[253] In fact, it is forbidden to deposit a tallit in a non-Jew's possession, whether for safekeeping or as a

252. The Talmud (*Menaḥot* 43a) offers two reasons for this prohibition: One is because of the threat of "a harlot." Rashi suggested two explanations for this. One explanation is that the non-Jew might disguise himself as a Jew and thus "patronize" a Jewish harlot. Another is that the non-Jew might use the tallit as payment for a harlot's services, and then the harlot might claim falsely that the Jew who had once owned the tallit was one of her clients. The Talmud's other reason is that the non-Jew might disguise himself as a Jew, accompany an unsuspecting Jew out to an uninhabited area and then murder him.

Rambam (*Hilkhot Tzitzit* 3:9) mentions only the last reason. Maran explained in the *Bet Yosef* that this is because this reason is far more compelling and more likely to take place. Therefore, this is the reason mentioned in the *Shulḥan Arukh*.

Attaching tzitzit to a non-Jew's garment

The *Mekor Ḥayim* (20:2) deduced from this that it is likewise forbidden for a Jew to attach tzitzit tassels to a non-Jew's garment, since the same reason is applicable.

Selling a tallit to a non-Jewish woman

The *Mishna Berura* (20:7) and the *Kaf Haḥayim* Sofer (20:10) added that it should certainly be forbidden to sell a tallit to a non-Jewish woman according to Rashi's second explanation of the Talmud's first reason. The woman who purchases it might then accuse the Jew of hiring her services as a harlot. According to the Talmud's second reason, however, there should be no problem selling a tallit to a woman, since Jewish women do not wear any garments with tzitzit. It is possible, however, that the woman who purchases the tallit might give it to a non-Jew so that he can murder Jews. For this very reason, it is forbidden to sell the tallit to a non-Jewish merchant, since he might in turn sell it to a second non-Jew who will use it as a disguise and murder Jews. Therefore, it is prohibited according to either reason to sell it to a non-Jewish woman.

In contemporary times

The *Haye Adam* (cited in the *Mishna Berura* 20:7) asserted that in contemporary times, the average non-Jew is not suspected to be a murderer. Nevertheless, he ruled that it is forbidden to sell a tallit to a non-Jew for the Talmud's reason of "harlot." The *Kaf Haḥayim* Sofer (20:12) countered that the non-Jews are certainly suspect of planning to murder Jews in our times, and that therefore the halakha remains in place. The author of the *Kaf Haḥayim* was a resident of Yerushalayim until his passing in 5699/ 1939. He remembered vividly the pogroms in Ḥebron and other cities in the Land of Yisrael. The Palestinian Arab's hatred for Jews has not subsided even today. Nowadays, Arabs often disguise themselves as Jews in order to carry out terrorist attacks and to pick up innocent hitchhikers and to murder them.

A tallit without tzitzit

The *Mishna Berura* (20:8) ruled that it is permissible to sell a tallit to a non-Jew after removing the tzitzit tassels from it, even though the holes in the corners have not been sewn shut. The source for this halakha is Rabbenu Yeruḥam, with Maran's explanation in the *Bet Yosef*. It is possible, however, that this leniency applies to regular garments but not to a tallit used for prayers. A tallit is recognizably a Jewish garment and other Jews might not pay attention to the fact that the tzitzit are missing. Therefore, the tallit presents a danger even without its tzitzit.

Finding a tallit in a non-Jew's possession

The responsa *Lev Ḥayim* Palachi (Vol. III, #1) ruled that if a Jew discovers a tallit with tzitzit in the possession of a non-Jew who is not a merchant, he should attempt to purchase the tallit from him, even if it becomes necessary to pay more than it is actually worth. This is in order to remove the danger of a non-Jew using it as a disguise and attacking other Jews. The *Piske Teshuvot* (20:4) added that if someone finds a tallit that has been discarded and there is a possibility that Arabs might take it, he should pick it up and dispose of it where no one can retrieve it.

253. The *Bayit Ḥadash* ruled that it is permissible to sell tzitzit to a non-Jewish merchant, but the majority of *Aḥaronim* ruled that it is forbidden. This seems to contradict the halakha that it is permissible to purchase tzitzit from a non-Jewish merchant who claims that he acquired them from a Jew. The *Aḥaronim* resolved this, explaining that

כן הוא לפי שעה, שאז אין לחוש לזה. [ש"ע שם, עפ"ד הנמוק"י]

ג. אסור לשלוח ציצית אפילו פסוקין ושזורין על ידי שליח גוי, אם לא בשני חותמות. [משנ"ב ס"ק ח] שכל שהוא איסורא דאוריתא, השולחו ביד גוי, צריך חותם בתוך חותם. [כה"ח ס"ק טו] ודוקא בענין שיהיה לגוי הנאה להחליף הציציות בחוטים פסולות (וכגון שהציציות יקרים), אבל אם לא יהנה הגוי בחליפין, אין חוששים שהגוי יחליף כדי להכשיל את הישראל. [כה"ח ס"ק טז]

והוא הדין השולח ציציות ביד ישראל "חשוד" צריך שיהיו צרורים בשני חותמות. [כה"ח ס"ק טו] ובזמננו אין כלל חשש זה, כי אין מצוי להשתמש בציציות שזורים אלא למצוה ולא לסתם בגדים, לכן אין צריך חותם בתוך חותם. ואפשר לשולחם על ידי הדואר וכל צורת שליחות אחרת ללא פקפוק. [פסקי תשובות אות ג]

security deposit. It is permissible, however, to deposit a tallit with a non-Jew for a short time.[254]

Non-Jew delivering tzitzit

3) It is forbidden to employ a non-Jew to deliver tzitzit strands to others unless the tzitzit are wrapped in a double-sealed package. This is the rule whenever employing a non-Jewish messenger to deliver something that, if switched for something else, would cause a transgression of a Torah prohibition. In this case, if kosher tzitzit strands are more expensive than plain cords, the non-Jew stands to gain by switching the kosher tzitzit for other cords. If the non-Jew would not gain anything by switching them, there would be no reason to suspect him of switching them [and it would be permissible to send them with this messenger even if the package is not sealed].

Day 87

Whenever it is forbidden to send tzitzit with a non-Jewish messenger, it is likewise forbidden to send them with a Jewish messenger if there is reason to suspect that he might switch the tzitzit for his own gain.

In contemporary times, no one uses tzitzit strands for any purpose other than for the mitzvah of tzitzit. Therefore, there is no reason to suspect that a non-Jewish messenger would switch them. It is permissible to send tzitzit strands through the regular mail service or other delivery service even without a double-sealed package.[255]

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the case would have to be where the Jew wrongfully sold the tzitzit to the non-Jewish merchant.

254. The *Nimuke Yosef*, cited in the *Bet Yosef*, ruled that it is forbidden to deposit a tallit in a non-Jew's hands. The *Kaf Hahayim* Sofer (20:13) added that it is forbidden to lend a tallit to a non-Jew as well. Although the reason of "harlot" might not apply to such a case, the reason of safety certainly does apply, and therefore it is forbidden.

For a short time

The *Nimuke Yosef* stated that it is permissible to deposit a tallit with a non-Jew if it is only for a short time. The *Kaf Hahayim* Sofer (2O:14) ruled that it is forbidden to allow a non-Jew to examine a tallit to figure out how tzitzit are made since he might then create disguises to enable non-Jews to attack Jews, or he might make a fake tallit and use it for the purposes of "harlot."

Teaching a non-Jew how to make tzitzit

The *Halakha Berura* (page 391) deduced from the *Kaf Hahayim* that it is forbidden to teach a non-Jew how to tie tzitzit tassels onto a tallit.

255. This is the ruling of the *Piske Teshuvot* (20:3). His additional comment about kashruth certification, however, is not understood.