

# HALOCHOSCOPE



**This week's question:**

**When *Tisha b'Av* begins on *Motzai Shabbos*, may one wear dress shoes of man-made materials to *shul* on *Shabbos*, so that he has them on when *Tisha b'Av* begins?**

**The issues:**

- A) Wearing synthetic leather shoes on *Tisha b'Av*
- B) *Kavod Shabbos*, honoring *Shabbos*, on *Shabbos Chazon*
- C) *Hachanah*, preparing on *Shabbos* for after *Shabbos*

**A) Synthetic leather shoes on *Tish b'Av***

Refraining from wearing shoes is one of the Rabbinically instituted *inuyim*, self-afflictions required on *Yom Kippur*. It is added to the Scriptural *inuyim* to refrain from eating and drinking. It is derived from Scriptural references to *inuy* being *yachef*, barefoot and removal or absence of shoes. The same *inuy* applies to a public fast for rains and to *Tisha b'Av*, when one practices additional *inuyim* to the fasting.

Going about barefoot can be seen to represent a number of different things. It could be done to lower one's dignity, to show less attention to physical glorification, to afflict oneself, as a measure of penitence, or to show modesty. The Talmud discusses refraining from wearing shoes in various contexts, all of which can be explained by these frames of reference. In some of the contexts, these themes overlap. An *avail*, one in mourning, does not wear shoes. A *menudeh*, one who has been placed in a ban of shunning, removes his shoes. On *Yom Kippur*, one afflicts himself by refraining from wearing shoes. When entering the temple area, one removes shoes. Moshe was told to remove his shoes in the presence of the *Shechinah*, as was *Yehoshua*. A *kohain* removes his shoes before blessing the congregation. Removal of shoes, or their absence, is also a sign of poverty or slavery and captivity. Thus, it would be used to demonstrate this in various contexts. On a *Taanis Tzibur*, communal fast for rain, when the fast is more serious and begins at night, one may not wear shoes. Finally, on *Tisha b'Av* shoes may not be worn. The question is whether this is a show of public mourning, like an *avail*, or a show of submission, penitence and self-affliction, like a *menudeh* or a *Taanis Tzibur*.

There is also some question on the nature of the act, whether it is to remove or refrain from wearing shoes, or to go barefoot. If it refers specifically to removing shoes, the question arises what qualifies as a shoe. The standard shoe is leather. It is hardy and wears well, is thick and protects well, and it is somewhat waterproof, or can be oiled to waterproof it. It also takes the shape of the foot and adds extra comfort. It can be polished to show dignity or it can take scuffs and scratches and still look somewhat presentable.

This also depends on the purpose of the shoe. It clearly protects the foot from both painful contact with the ground and from dirt. In respect to the latter, in a respectful set-

ting they would be removed due to both the presence of the filth and the association of the shoe with it. It also provides comfort in its own right. Furthermore, the use of the hide of an animal is representative of the dominion of humanity over the animal kingdom, as the verse says 'You give [man] dominion over all of Your handiwork, You have placed them all under his feet' (*Tehilim* 8:7). According to some commentators, this is so that mankind does not make the mistakes of the generation of the Great Flood, when the distinctions between man and beast were blurred, leading to inappropriate interaction. Therefore, a piece of the hide on the animal is worn around the man's foot, and he continuously treads on it. Accordingly, when man is supposed to show humility and subordination, whether to Hashem, in the presence of sanctity, or in respect to others, he removes this mark of dominion. In this representation, the shoe could be a use of the leather, or specifically an item of clothing.

The Talmud discusses the status of the type of shoe with respect to two *halachic* applications, and whether they are related to each other, and compares it to two more applications. *Chalitzah* is the ceremony done to release a widow from levirate marriage. If a married man dies without issue, his widow marries his surviving brother. If he will not do so, she must be released from the relationship by a ceremony. The Torah says this involves her removing his *naal*, shoe, also known as *minal*. The question is, what are the *halachic* qualifications for the *naal*? The Talmud debates a wooden shoe or stump used by an amputee, and whether having leather parts to it changes its status. At the same time, the issue of removing it when entering the temple compound is raised. The Talmud relates this debate to *Yom Kippur* and to wearing an item on *Shabbos*, as opposed to carrying it.

By reconciling various statements with the various opinions, the Talmud concludes that one may indeed wear a shoe made of other materials, such as reeds or palm leaves, on *Yom Kippur*. In the process, the Talmud debates whether comfort is an issue on *Yom Kippur*. For example, one may wrap cloth around his feet. On the other hand, the Talmud clearly considers removing shoes an aspect of self-affliction.

Furthermore, an analysis of the Talmudic discussion both regarding *chalitzah* and *Yom Kippur* leaves some unanswered questions. While the acceptability of an amputee's stump is debated for *chalitzah*, it is unanimously forbidden on *Yom Kippur*, and unanimously permitted in the temple grounds. This leads some to say that there are degrees of comfort as well. The wooden prosthetic could be viewed as a *minal* or not, but it certainly protects the foot from feeling the uneven ground. The reed shoes could be considered shoes, even for *chalitzah*, but do not protect the feet from feeling the ground. Socks are not shoes for *chalitzah*, but leather socks might actually protect. Although cloth provides comfort, it does not provide protection. Thus, the Talmudic discussion can be interpreted to mean that any type of real shoes should be forbidden. The only question is what is considered a shoe. Or the conclusion could be that the level of protection is the deciding factor.

In terms of the *kohain* removing his shoes to bless the congregation, this is a Rabbinical institution. The Talmud debates the reason for it. It could be to show subordination or respect for the congregation, since the shoes are dirty or are associated with dirt. This is also based on a Scriptural reference. Or it is to avoid shaming the *kohain*? He might have a loose shoe, that he either does not know about or that he needs to fix, which

will cause him to miss joining his brethren in the blessings.

The conclusion of most poskim is to permit a shoe of any material other than leather on *Yom Kippur*. However, a minority view absolutely forbids it if it is as good as a leather shoe. The specific case is a hard felt shoe, with a raised heel. Others recommend trying to follow this view for those who feel able to do so. The same is followed with regard to *availim* and *Tisha b'Av*. For *kohanim*, common practice is to remove all shoes, but some permit wearing special felt slippers for the occasion. A further issue is raised by some poskim. Assuming that artificial leather shoes are permissible, if one wears these types of shoe all the time, how does he show that *Yom Kippur* is different? Or is this not necessary? In this case, some recommend that this person should not wear these types of shoes on *Yom Kippur*. However, it is not a *halachic* requirement. Rather it fulfills the spirit and essence of the institution. [See Brochos 54a 62b-63a Shabbos 65b-66b Yuma 73b 77a 78a-b Taanis 12b-13a 24b 30a Megillah 24b Yevamos 102b-103a Sotah 40a-b, Poskim. Tur Sh Ar OC 551:7 (Kaf hachaim) 554:16 (Shaarie Teshuva) 614:2, commentaries. Panim Meiros II:28. Knesses Yechezkel 11. Mayim Chaim OC 323.]

### **B) Kavod Shabbos on Shabbos Chazon**

Having recently discussed *kavod Shabbos*, we will focus here on *Shabbos Chazon*. One of the main manifestations of the *mitzvah* to honor *Shabbos* is the special manner of dress. In some *shuls*, a special *parochess*, curtain of the *aron hakodesh* is hung for *Shabbos*. In the home, the table is covered with a special tablecloth. One of the restrictions during the Nine Days is on wearing *Shabbos* clothing during the week. The poskim cite various *minhagim* with regard to *kavod Shabbos* on *Shabbos Chazon*. The best known are that *Ashkenazic* communities wore no *Shabbos* clothing at all, and the *Sephardic* communities who treated it exactly like any *Shabbos*. Variations of the *minhag* are to wear one item of *Shabbos* clothing. The item mentioned is a *kesoness*. There is some debate on what this means. Some say it refers to the shirt, an item worn on the skin, that absorbs sweat. Others maintain that it refers to an outer garment that does not obviously appear to be worn specially for *Shabbos*. As for the shirt, it may be changed anyhow, due to its lower level of prominence. Among *Sephardic* communities, during winter, colorful clothing was worn on *Shabbos*. During summer, it is all white. Some say that on *Shabbos Chazon* the colorful winter clothing should be worn. Some also maintain that while *Shabbos* clothing should be worn, *Yomtov* clothing may not be worn.

The prevailing custom nowadays, even among *Askenazim*, is to wear regular *Shabbos* clothing. Some have the practice to wear one item of weekday clothing. Others maintain that the entire practice flies in the face of the *mitzvah* to honor *Shabbos*.

The rationale to permit certain items of clothing, whether weekday according to the *Sephardic minhag* or *Shabbos* according to *Askenazic minhag*, but not others, is based on rules for showing mourning. One may not make a public show of mourning on *Shabbos*. Private mourning is permitted, and indeed required for an *avail* during *shiva*. The reason that public mourning is restricted is based on *kavod Shabbos*. Thus, those who require or permit wearing an internal weekday garment base it on the fact that it is not seen. Those who forbid treating *Shabbos* like a weekday, even in small measure, base it on public shows of mourning. Certain other private practices of mourners are followed on

*Shabbos Chazon* if it is *Tisha b'Av* but the fast is being pushed to *Motzai Shabbos*. Even some of these are controversial, with some poskim permitting them.

In light of this discussion, it is universally accepted that one may not walk around barefoot on *Shabbos Chazon*, even during *Bain Hashmoshos*, twilight at the end of *Shabbos*. Only after one has verbally ended *Shabbos* may he take off his shoes as a sign of mourning and self-affliction. Therefore, we do not remove our leather shoes before *maariv* on *Motzai Shabbos*. Rather, we first answer *borchu*, thus beginning *maariv*, and then remove shoes carefully. (Unlike *kohanim*, we do not want to wash our hands on *Tisha b'Av*, if we can avoid it.) The *shliach tzibur* cannot do this, so he verbally ends *Shabbos* beforehand and removes his shoes then. [See *HalochoScope* XVIII:38. *Tur* BY Sh Ar OC 551:1 553:2, commentaries.]

### C) *Hachanah*

If one did not prepare his non-leather shoes in *shul* before *Shabbos*, he may not bring them to *shul* on *Shabbos*. This involves *hachanah*, preparing on *Shabbos* for after *Shabbos*. We have also discussed this recently, so we will focus on our situation. Not only may one not bring the shoes in his hand to *shul*, he may also not wear them to *shul*. This is also a manifestation of *hachanah*. He would not wear these shoes on a regular *Shabbos*, and did not wear them earlier in the day. They are also not *kavod Shabbos*. He only wears them, assuming it is permitted, to bring them to *shul* for *Motzai Shabbos*.

Our questioner has thought of a different solution. He will wear non-leather shoes on *Shabbos*, and keep them on after *Shabbos*. Thus, he will wear them to *shul* on *Shabbos*, and will not need to slip off his regular shoes after *borchu*. One issue is whether these shoes show *kavod Shabbos*. While he does not have bare feet, a clear show of mourning, he will wear these shoes – in mourning! Since they look like shoes, perhaps this is permitted on *Shabbos*. If so, how could it work for *Tisha b'Av*! The second issue is whether the shoes qualify to show mourning, as we discussed. If they are good enough for *Shabbos*, maybe they are not good enough for *Tisha b'Av*. Or perhaps, following the letter of the law, this does not matter. The third issue is whether this itself still involves *hachanah*. He is really only wearing them before *Shabbos* is over to avoid changing into them after *Shabbos* goes out. Really all of these are the same issue. The main purpose of not wearing leather shoes is to feel the difference, regardless of whose opinion one follows in section A. Therefore, using this ploy defeats the entire purpose. While feelings are not usually invoked to resolve *halacha*, in the case of mourning, it certainly makes most sense. Therefore, it must either be seen as wearing mourning shoes on *Shabbos*, or as a contradiction in terms. Thus, it would be forbidden. [See refs to section B.]

**On the parsha ...** *For I will not give you [of the Land of Eisav] even up to the tread of the palm of a foot. [2:5 see Rashi].* Hashem used this term to make the point that He gave Yisroel no dominion at all over Eisav's lands. Treading with the palm of the foot represents dominion.

**Sponsored by Frank Lieberman and Beverly Barkon in memory of Beverly's father, Moshe ben**

**Asher a"h, whose *yahrzeit* is the 10<sup>th</sup> of Av. ׀**

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