



THE HAKUK EDITION

ENGLISH TOPICS ON THE DAF

Dedicated L'Refuah Shlaima of Moshe Kalman ben Rivka

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Daf Hashovua Yevamos Daf 4

Our **Gemara** mentions the halacha that people selling clothing may wear their merchandise, even if they may contain shaatnez.

Let's explore this topic in the poskim, with the relevant practical applications.

The **Shulchan Aruch** (Y.D. 301:5-6) prefaces this with, "One may not wear kilayim, even temporarily, even atop ten articles of clothing, and even if just to avoid a tax." He is referring to the example given in the Mishnah in Kilayim (9:2) of someone wanting to import clothing without paying tax, by wearing it over the border. Although he's not wearing it for the regular benefit of clothes, it is nonetheless forbidden.

The **Taz** points out that we this applies only to taxes which are excessive and not legal. One is required to follow the laws of his country, and may not evade paying taxes.

The next halacha is that of our Gemara, that those selling or making clothing may don them in the process, as long as they don't intend to benefit

from them, like to take shelter from the sun or rain. Scrupulous people, however, are stringent and refrain even in these instances (ibid. 9:5).

These two laws seem to contradict each other. He cannot wear it to avoid tax, but he may wear it when offering it for sale. In both cases he isn't wearing it as his clothing per se, but for an different reason. Why is the former forbidden but the latter permitted?

The poskim offer various resolutions. The Taz answers that the one selling it isn't really getting anything out of wearing it. On the other hand, wearing it to save tax money is considered a benefit *from the clothes*, and thus is forbidden if it has shaatnez in it.

This is the opinion of the Shulchan Aruch. The **Rema**, however, cites the poskim who permit wearing it even to save on taxes, or to try it on to display the size to buyers. Many Rishonim qualify this to instances where he doesn't need to wear it – e.g. he is already wearing sufficient clothing. The benefit is then irrelevant and deemed unintentional (davar she'ein miskavin). If he is deriving clear benefit from it, it would not be allowed. Rabbi Akiva Eiger quotes the Ran who is lenient even in this case.

The second example of the Rema is a seller putting it on to show potential customers its size. The **Chochmas Adam** (106:20) states that only the *seller* may do this. If one intends to *buy* it, he cannot put it on even to check the size! **Rav Nissim Karelitz** said the reason is that he may intend to see how it feels on him – how comfortable, warm, etc. – and that itself is benefit from shaatnez (Chut Shani, Hilchos Klei Begadim 7).

How then can we try on clothes to see if they're suitable for us?

Firstly, Rav Nissim said that if it's only a question of possible shaatnez, one may be lenient. This depends on the circumstances and probability of shaatnez in the garment. Secondly, he notes that Shiltei Gibborim permitted buyers to try it on.

Rabbi Yitzchok Weiss zt"l was asked this very question (Minchas Yitzchok Vol. 4:15). According to the Chochmas Adam, one may not try on a garment until he checks it for shaatnez, yet we see the common practice is to do just that?

He responds that there are several grounds for leniency (although like the “scrupulous people” mentioned in the Shulchan Aruch, it would be commendable to be stringent). This halacha is disputed in the poskim; the Gr”a would permit it. It is not considered “benefit” to wear it for such a short time. Additionally, the alternative is to order custom-made clothing, so one doesn’t have to try it on. This is not feasible for many people. Anyway, standard woolen or linen clothing is only questionable shaatnez, so we may rely on the lenient poskim to try it on before buying it.

The **Eimek Halacha** (Rabbi Tuvia Goldstein zt”l) echoes this psak, that one may be stringent if he wishes, but he cannot censure others for doing it (Vol. 2:49).

In **Chashukei Chemed** (here), Rabbi Yitzchok Zilberstein shlit”a offers some suggestions how to follow the Chochmas Adam and still be able to try on clothes. The problem would be that if it fits him, he immediately has benefit from it. A solution could be that he doesn’t look at a mirror himself but shows it to someone else to check if it looks good on him. Only after he takes it off, the friend may tell him that it does – so while he wore it, he didn’t know it’s good for him. Alternatively, if pins are stuck into it while he puts it on, the discomfort will cancel out the pleasure of wearing it.

Let’s conclude with a story of the **Chasam Sofer** showing the great severity of shaatnez (Minhagei Chasam Sofer, Ch. 3 note 25). His disciple gave him a fancy garment to wear to the mikveh, but the Chasam Sofer refused to wear it because it might have shaatnez. Instead, they purchased fabric and brought it to the Rabbi’s house, where the tailors made it into a coat for him, under his watchful eye!