

HALOCHOSCOPE

TOI



A pair of pants has slits all the way up the sides. these are meant to be left open or closed with a series of snaps or with zippers. Since the bottom corners are square, why do these pants not require Tzitzis, or at least, to have one of the corners rounded?

The issues:

- (A) The Mitzvah of *Tzitzis*; removing a garment when in violation
- (B) Which garments are included in the requirement? When a slit is more than half the length of a garment. Exclusions. When Tzitzis do not apply
- (C) What is considered closing a slit?

(A) *Tzitzis*

One could avoid this Mitzvah entirely, by wearing clothing that does not require Tzitzis. The Talmud cites a Talmudic sage who wore clothing exempt from Tzitzis. An angel accosted him with the admonition that the entire Mitzvah would be lost. The sage replied, "can one be punished for not fulfilling a voluntary Mitzvah?" The angel answered, "indeed, Hashem exacts punishment for such neglect at times when he has already been aroused by other failings!"

Due to the value of this Mitzvah despite its ease, the practice is to wear a garment that does require Tzitzis at all times. All other garments that one wears during the day are constructed such that they do not require Tzitzis. However, wearing a garment that requires Tzitzis without attaching them is a violation of the Mitzvah. Therefore, if one wearing such a garment is unaware of the necessity to attach Tzitzis, then is alerted to the need for them, he must remove it immediately. He may not even remain standing in his place wearing it. Since at every moment that he wears this garment he violates the positive Mitzvah to attach Tzitzis to it, he must fulfil this right away. The same is true if one thinks that the garment he is wearing has kosher Tzitzis attached, and is made aware that they are not kosher. Even if one of the Tzitzis is invalid, it is as though the garment does not have Tzitzis attached. As soon as he becomes aware of the invalidity, he must take the garment off.

Exceptions to this rule apply when the Mitzvah is not considered Scriptural, and when removing the garment will incur embarrassment. Removing an item of clothing is embarrassing, the degree of which varies, depending on the size of the

garment, how it is worn, and the audience. The presence of embarrassment is sufficient to mitigate the circumstances, and the *Kavod Habriyos*, concern for human dignity, permits the person to continue wearing it until he reaches home.

If one is sitting in shul, the Poskim debate whether he must remove it immediately, or whether the embarrassment is sufficient to allow him to wear it until he has privacy to remove it. If the embarrassment is considered major, it can override even a positive Scriptural Mitzvah. Especially when there is a debate on the matter, *Kavod Habriyos* plays a greater role. In our case, though wearing the garment with the slit open is acceptable, it is embarrassing to remove it in public. [See Menachos 37b 41a, Poskim. Tur Sh. Ar. O.C. 13:3 24:1, commentaries.]

(B) Garments requiring Tzitzis; slits more than half the length

Garments that require Tzitzis must have four corners, be made to cover the majority of one's body, and be made of wool, linen, or other woven materials. Leather garments do not require Tzitzis. The Poskim debate, based on a Talmudic debate on the subject, whether the obligation on materials other than wool or linen is Scriptural or Rabbinical. A garment made of a mixture of materials is treated the same as the majority of its material. Some Poskim maintain that man made fibres are not included even in the Rabbinical obligation, while others maintain that on any woven material there is an obligation. [This could be relevant to our case.]

The corners must be square. If one is rounded, so that only three square corners remain, the garment is exempt. If a garment has more than four corners, the four that are furthest apart are used for the attachment of the Tzitzis. We are used to using a square garment as a Talis. However, any garment that is actually worn can have corners. It might have sleeves, but is not sewn up below the sleeves. The corners on the sides qualify for Tzitzis. A case debated by the Poskim is the common button down sweater, with corners at the top and bottom, but both at the front of the person's body. In Middle Eastern countries this same issue is raised with regard to the Arab or Turkish kaftan, worn nowadays by Yerushalmis (blue and white during the week, gold and white on Shabbos). It has square corners at the collar and square corners at the bottom. The exemption here is that the corners may not all be on the same side of the body. Tzitzis should be front and back.

Some garments have two corners at the front on the sides of the opening, and at the back, because it is not stitched down, leaving a slit. To require Tzitzis the slit must be more than half the length of the garment. If it is not this size, putting Tzitzis on creates a problem on Shabbos, because it is forbidden to "carry" them.

Furthermore, one may not recite a Brocha on Tzitzis on such a garment. On the other hand, if it is the right length, one may not wear the garment without Tzitzis. Assuming it is a long enough slit, one must either attach Tzitzis, round off a corner (commonly done to a frock, or tail coat) or stitch up the slit.

This issue itself is really the subject of major debate. Initially the issue was raised where a garment has a slit that does not necessarily reach half-way up. Two major responses are given. In one, the rationale for exempting it is that it must be open most of the way. In the other the rationale is that it must be open all the way. It would appear that the second view would not obligate a garment with a slit most of the way up. However, other Poskim maintain that the second view does not mean to dispute the first. Some disagree with this reading.

An additional leniency is based on the ruling that if a square piece of cloth is folded, with the intention of wearing it thus, the placing of the Tzitzis is debated. Some say that they should be placed on the corners when folded, and others, when unfolded. The issue is, when the garment is unfolded, the Tzitzis should not be in the middle of the garment, but on the "corners, or extremities. If the sides are stitched, they are placed on the folded corners. On a frock coat, once the coat is opened, the Tzitzis placed on the slit corners, would be in the middle of the garment. This would also apply to our case. In fact, in our case, were Tzitzis attached, the garment could not be opened up to show the corners. All the corners are slits.

Another factor could be applied in our case. Some Poskim exempt the coat because it is not wrapped around the person. Anything with sleeves would thus be exempt. The pants, due to their being sewn up around the waist and upper legs, are not possible to be worn as a wrapping. Furthermore, when the issue of majority of body coverage is discussed, a shawl type garment is raised. Since it is bigger than a scarf, though it is worn on a minority, it is obligated. The distinction is made between a turban and an Arab headdress, which covers the head as well as the body. We see that there is a Scriptural requirement for the ability to wrap and for the ability to cover the head, even if it is not worn this way all the time. This exempts, according to some, a coat. It should exempt our case.

In our case, another factor must be examined. Does the bottom half of the body count as "majority coverage"? An argument could be made that "covering" means covering the upper half of the body. Maybe, the garment should be large enough to drape down and cover a part of the lower body as well. In our case, the pants do not reach very far up the body. While wearing them one should still be considered not covered, unless he is also wearing a top. In addition, some

exempt even an Arab headdress, though the corners drape down and are thrown over the shoulders or the body. This is because it is not a body covering, but a head covering. This should certainly apply to pants.

In summary, taking into account the material and the type of garment, even those who obligate Tzitzis on a slitted garment would exempt this one. Apart from this, there is the view that a slit does not create proper corners to begin with. [See Menachos 39b 40b 41a 43b, Poskim. Tur, Bais Yosef, Sh. Ar. O.C. 9:1 10:1 4 7 8, commentaries. Aruch Hashulchan 5 15-22. Tzitz Eliezer VI:1.]

(C) Closing a slit

To close a slit, one must sew it permanently. The stitches need not be close together, but may be far apart and may be loose. The Poskim discuss sides of an opening that are closed by hooking a metal hook into a loop. What if, for example, one had a Talis that closed in this way, and the hooks became squashed in way that they could only be opened by prying them apart? This garment no longer requires Tzitzis. The connection of such hooks is sufficient to be considered permanent stitching. Alternatively, the Poskim permit attaching an ornamental string or cord, which is sometimes used as a buttoning device, but making the knot permanent. Buttons have no status as closures. They are intended as easy opening and closing devices.

Zippers and snaps have the status of buttons. However, buttons are used where they can easily be opened and closed. They are used on garments, such as coats or shirts, that cannot be donned easily with the buttons closed. Thus, they are always opened and closed at the time that one dresses. Pants can be put on or off with or without the slit closed. The slit is for air flow or some other fashion craze, and the closures can remain semi-permanently closed. They are certainly more permanent than hooks that have not yet become squashed. Such hooks, called by the German-Yiddish “kneupfel”, were apparently the forerunners of our modern buttons. However, zippers and snaps are easily opened with one’s fingers, and even with one hand. This makes them even easier than buttons, and they seem to be too temporary to qualify as a connection. [See Terumas Hadeshen 296 Maharik 149. Tur Sh. Ar O.C. 10:7-8, commentaries.]

Nonetheless, we have shown that the pants do not really qualify for Tzitzis. The zipper being a semi-fixed closure makes it easier to rule leniently.