

HALOCHOSCOPE



This week's question:

Someone has adopted a practice to wear an additional item in honor of *Tefilah*. For example, he wears a hat, jacket or *gartel* (girdle) when *davening*, specifically *shemone esrai*. He arrives at *shul* and remembers that he does not have this item with him. Should he go back to get it, thereby missing *tefilah betzibur*, *davening* with a *minyán*?

The issues:

- A) *Tznius*, modesty in dress, as it pertains to uttering sacred things
 - B) *Hikon*, the requirement to prepare oneself, including dress, for *tefilah*
 - C) *Tefilah betzibur*, *davening* with *minyán*
 - D) *Hanhagah Tova*, a meritorious practice that becomes binding
- A) *Tznius* for sacred utterances

Tznius guidelines are part *halacha* and part sensitivity to the Jewish approach to human feelings and thought. Hashem made clothing for Adam and Chava to protect from shame and the elements. It also serves to identify, and often to put one in a mood. This is apart from the tendency to be aroused emotionally by the exposure of the human figure. While Hashem created people with this natural tendency, its misuse is also a misuse of the *tzelem elokim*, the image of G-d. One unashamed to walk about doing his work unclad is unfit to act as a witness in all Jewish legal matters. Due to his lack of self-respect, there is concern that he is willing to violate Torah commandments and to testify falsely.

Halachically, *tznius* is detailed Scripturally for women particularly. A married woman may not show her hair, legs and more private parts in public. Rabbinically, arms and certain other areas must also be covered. Dressing modestly in private is highly praiseworthy. Additional stringencies are practiced, varying by community. These become obligatory based on *minhag makom*. Furthermore, where people are accustomed to seeing people this way, breaking with the practice would be immodest. In addition, clothing may not attract undue attention, such as bright red outer clothing.

References to general *tznius* for men are implicit when the Torah describes *giluy ervah*, 'exposure' of a nakedness. There are also commandments for *tznius* in specific situations, such as one of the items of clothing for *kohanim* and the structure of the ramp to the altar. Specific guidelines depend on communal practices. Other laws of modesty include performing bodily functions in the most private manner. Even in bath-houses one must conduct himself in as modest a fashion as possible. A married couple must take care not to show too much affection in public. Cross-dressing is forbidden Scripturally.

For matters of holiness, the issues are more specific and more stringent. *Tefilos*, Torah matters or the Name of Hashem may not be uttered when *ervah* is in view. Thus, even where *tznius* does not apply due to circumstances, such as in a bath-house, one may not recite *brochos* or speak words of Torah. 'Hashem walks in your camp .. your camp

shall be holy and He shall not see in you an *ervah* (Ki Saitzai 23:15), indicates when dealing with matters of Hashem, *ervah* may not be seen.

Under certain circumstances, some prayers may be said with minimal clothing covering only the *ervah*. An unclad woman may recite a *brocha* when seated, because she can conceal the *ervah*. A man is unable to do this. In addition, his heart can always see his *ervah*. To recite *brochos* a partition must be made between them, and according to one view it is necessary to cover the entire lower body, (rather than with shorts). This can be in the form of an item of clothing covering the lower body (but not the heart) or even murky water. This should only be a last resort to avoid missing the time for *shema* and the like. Ideally, the upper body should also be covered. One must gird himself before reciting a *brocha*. Elasticated underwear serves this purpose nowadays. Only the heart may not face the *ervah*. Other parts may face it but not touch it while saying *brochos*. Therefore, undergarments are always recommended. [See Beraishis 3:21, Noach 9:21-24, Yisro 20:23, Tetzaveh 28:42, Ki Saitzai 23:10-15, Brochos 22b 24a-25b, Shabbos 40b, Kesubos 72a-b, Sotah 14a, Baba Kama 86b, commentaries, Poskim. Tur, Sh Ar OC 1 2 74 75240 241, YD 178:1 182, EH 21, CM34:18, commentaries.]

B) *Hikon*

For *tefilah* (*shemone esrai*) one must cover the upper body as well, even in a pressing situation. Prayer directed to Hashem Himself is like addressing a king. The special awe requires extra respectful dress. Accordingly, some are accustomed to wearing a *gartel* for *tefilah*, even if they already have elasticated garments. This special attention on dress for *tefilah* is based on the verse, '*Hikon likras Elokecha Yisroel*, prepare [beautify yourself - *Rashi*] to meet your G-d, Yisroel.' (Amos 4:12) The Talmud describes conflicting practices. One should remove his cloak and wring his hands in supplication, and one should don his fanciest clothing. Some say that in times of crisis one should not wear his finest clothing. In times of calm one should dress his best.

Some manners of dress are acceptable in certain localities, even in the presence of a king or high dignitary, but are totally unacceptable in other locations. For example, the poskim say that where it is not the custom to appear before important people without socks, one must wear socks for *tefilah*. Some say this means wearing good quality socks and heeled shoes or sandals, unless one's clothing covers his feet. By implication, in hot regions where people do not wear socks, one may wear clothing that exposes his feet.

In modern society, an all powerful king is hard to imagine. It is possible to imagine a situation where one dresses to impress, such as for an important interview or meeting one's most important client. Appearing in a courtroom or before a great Torah sage are also cited as ways to measure acceptable norms for dress to satisfy *hikon*. In addition, one must dress the way he dresses outside the home, rather than in the casual manner he does at home. Thus, if one wears a hat or tie outside, he should wear them for *tefilah*. In addition, dressing formally inspires *tefilah*-appropriate feelings. For this reason, some add items of clothing specially for *tefilah*, such as a *gartel*, hat or jacket, even though these are not necessarily items that one wears to meet a high dignitary. [See Brochos 26a Shabbos 9b-10a, Poskim. Tur Sh Ar OC 91 183, commentaries. Chorev (Hirsch).]

C) *Tefilah betzibur*

Tefilah betzibur, communal prayer service, is highly recommended by the Talmud.

If one cannot join a *tzibur*, he should *daven* alone at the same time that the *tzibur daven*s. However, there is a question whether it is indeed an **obligation** in its own right. Clearly, if one is unable to pray with a *minyán* he must still pray privately. The only occasion when this is even debated by the Talmud is regarding *Musaf*. However, the question is, is it a *chiyuv*, strong obligation, a *mitzvah*, or simply a *maaleh*, advantage?

The most obvious advantage of the *minyán* is that *kadish*, *kedusha* and *borchu* may only be said with a *minyán*. However, even if one is not together with the *tzibur* in their location, he still gains an advantage by *davening* with them, at the time of their service. This time is an *ais ratzon*, time of Divine benevolence. Hashem is 'open' and positively disposed at this time. Some say that this is because a large group has approached Hashem at this time, or because when a *minyán* assembles, and are qualified to say *devarim shebikedusha*, the *Shechinah*, Divine Presence, is present, or that at this time, all *tefilos* are gathered up together, including those of one who was not present with the *tzibur*.

If ten are needed for the reciting of *devarim shebikedusha*, there is something about the number ten that has in it the secret of the sanctity of Hashem in it. When a group does a *mitzvah* together the combined efforts add up to much more than the sum of the parts. Furthermore, just as each member of a team contributes a unique part, a group of Jews has different parts to it. Each contribution to the whole makes a difference in the result. The complete group is able to accomplish some things that none of the individuals can do by themselves. This is learned from the inclusion in the blend of incense in the *bais hamikdash*. One ingredient had a natural bad odor. It was added in, according to some, because when combined with the others, it brought out hidden qualities in them, and they brought out hidden benefits in it. An individual needs to be sure that his prayer is pure. Some aspects could be lacking in the average individual. The *tzibur* has a special quality of its own. Even if individuals are unable to focus and concentrate on their personal *tefilos*, when said with a group, the group's *tefilah* is accepted. Often a group includes some who are not deserving. Yet, in general, a group is judged by its majority.

Tefilah is to make one's voice heard by Hashem. There is a chance that when *davening* alone it will not be heard. With a *tzibur* there is a guarantee that it will be heard. It follows that one is obliged to *daven* with a *tzibur*. Thus, the Talmud does not specify the obligation, but highlights the advantages. Furthermore, since one fulfills a *mitzvah* when *davening* alone, the Talmud, and later on, the poskim do not use terminology that implies that there is something wrong with *davening* without a *minyán*.

Perhaps the *mitzvah* of *tefilah* is essentially different when done with a *tzibur*. *Tefilah* is *rachamei*, to plead one's cause, or *avoda*, service of Hashem with the heart, or both. There is a big difference between one presenting it as an individual and a group presenting the *rachamei* of the entire Israel. There is a difference between individual *avoda*, such as an individual's offering in the *bais hamikdash*, and the *avoda* of the *tzibur*. Therefore, there is an additional obligation on anyone who is part of the *tzibur*.

When traveling, one is obliged to go a certain distance out of his way in order to catch a *minyán*, but no further. As a *maaleh*, it would not make sense to oblige one to make accommodations for it. Furthermore, how could one be exempted if the *minyán* is past the limit? In summary, it is certainly an advantage, apparently a *mitzvah*, and possibly an obligation to participate in *tefilah betzibur*. To qualify as *tefilah betzibur*,

some suggest that one must begin with the *tzibur*. Some say as long as one is generally saying his personal *shemone esrai* in a group setting, at approximately the same time, it counts as *tefilah betzibur*. [See Brochos 7b-8a 21a-b 30a-b, Megillah 19b, Poskim. Tur, B.Y. Sh. Ar. OC 55:22 (Rema), 90:9, etc. commentaries, Bais Elokim II:11, Igros Moshe OC II:27, III:4 7.] [See Nidah 4a, Poskim. Tur Sh Ar OC 467:11, YD 105:1 (Taz 3, PMG) 84; Darkei Teshuva 72 133 136 139, commentaries.]

D) *Hanagah tovah*

One who follows a pious or good practice three times is duty-bound to continue with it. It takes the status of a *neder*, vow, or a *shvua*, oath. If the practice is not merely a nice thing but a *mitzvah*, it becomes a *shvua* the first time he does it. Therefore, it is highly recommended that one not begin this before stating that he does this '*bli neder ushvua*' not intending it as a permanent practice. At the annual annulment of vows on *Erev Rosh Hashana*, there is a formula to renounce future pious practices as *bli neder*. Thus, if one forgets to state it at the time he does the practice, he is insured by this formula.

A tribunal of three can annul a vow by showing that the person undertaking it did not realize its full implications. He could only undertake it with full consent. If he could not have meant it quite the way it worked out, he was not fully aware of what he was doing. A meritorious practice requires annulment if it indeed has meritorious basis. If it turns out to be a mistakenly meritorious, the one undertaking it thought it was required rather than voluntary, or if he knew that it was a voluntary stringency but thought that it was not an extreme stringency and then found out that it is extreme, it does not even need annulment. A minority say that if the one undertaking it knew that it was not required, yet treated it as such, he must abide by it, and may not gain annulment.

There is some debate on whether the type of *neder* that applies to a pious practice is Scripturally binding or only Rabbinical. Normally, to be Scripturally binding, one must have verbalized the ban. If it is Rabbinical, one may rule leniently in cases of doubt. [See Nedarim 15a, 81b, Psachim 51a, Poskim. Tur Sh. Ar. YD 214:1, 232:10, commentaries.]

Though it is not obligatory, if our questioner undertook the practice without the disclaimer, it is binding. Can his pious practice override the *tefilah betzibur*? Even if it could, perhaps the undertaking was only made when it does not conflict with *tefilah betzibur*. In addition, the disclaimer on *Erev Rosh Hashana* should certainly work here. If the person finds himself truly unable to focus without his additional *tefilah* garment, he should remember the advantages of *tefilah betzibur* to help his focus.

On the Parsha ... [Misha'el and Eltzafan] carried [Nadav and Avihu] in their tunics out of the camp ... [40:38] Outside the camp they would strip of them of the priestly garments to bury them in shrouds. [Ramban] Hashem is concerned for the dignity of the righteous after death. [Malbim]. Perhaps we could add, they had 'come close before Hashem' clothed appropriately, then died. They were still 'close, before Hashem,' in His presence. It would be inappropriate to change them into their shrouds before they would 'take leave' of the presence of the King.



In memory of Harav Kehos ben R. Yechizkiyahu Shmuel Weiss a"h.

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