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HaRav Yosef Grossman zt"l

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## BREAKING COVER: MAY ONE REMOVE HIS YARMULKA TO COMPLY WITH AUTHORITY?

Adapted from the writings of Dayan Yitzhak Grossman

We have been discussing the refusal of Rabbi Abraham Cooper, a member of the U.S. Commission on International Religious Freedom, to accede to an order by a Saudi official to remove his yarmulka while on a fact-finding mission to that country. Our previous article asked whether there is an actual obligation for a man to cover his head; this one explores the permissibility of uncovering the head in compliance with a demand of, or in order to show respect to, non-Jews.

The question was first discussed about six centuries ago in several *teshuvos* of German halachic authorities. R' Yisrael Isserlin (the Trumas Hadeshen) and R' Yaakov (Mahari) Weil both discuss the permissibility of removing a hat to show respect to a Christian priest. Their primary concern was that the priests were wearing crosses or other idolatrous items on their garments, and so an act of obeisance to the priest might constitute idolatry. They both cite a ruling of an earlier Ashkenazic authority, R' Yitzchak of Oppenheim, allowing such acts, because the priests themselves are not the subject of idolatrous worship, "and they are only worshipped due to their greatness,

for they are nobles, but not because of their crosses." R' Yitzchak of Oppenheim derives that one may bow to someone who is not actually the subject of idol worship from the following *breisa*:

You shall not bow down to them (Shmos 20:5): To them, i.e., idols, you may not bow down, but you may bow down to a person like yourself. It might be thought that one may bow even to one who is worshipped by others, like Haman. The *pasuk* therefore states: And you shall not worship them.<sup>1</sup>

R' Yitzchak of Oppenheim concludes, however, that one should ideally close his eyes, to the extent possible, or stand before the priest arrives (to avoid having to honor him by rising).<sup>2</sup>

The Mahari Weil rules leniently, in accordance with R' Yitzchak of Oppenheim; the Trumas Hadeshen, however, argues that bowing to someone wearing a cross may give the appearance of bowing to the cross itself. The Rama cites both views and concludes that it is good to be stringent and follow the Trumas

<sup>1</sup> Sanhedrin 61b.  
<sup>2</sup> Trumas Hadeshen cheilek 1 siman 196; Shu"t Mahari Weil, Dinin Vehalachos siman 28 (both cited in Darchei Moshe Y.D. siman 150).



### PARSHAS TZAV

#### BIG DAY, SHABBOS

Excerpted and adapted from a shiur by  
Rav Moshe Ze'ev Cranek

He shall remove his garments and don other garments, and he shall take the ash out of the camp, to a pure place.

Vayikra 6:4

The Gemara (Shabbos 114a) derives from this mitzvah that changing one's clothing is a way to show honor to Hashem, which the Shibalei Haleket (58) says refers to changing clothes for Shabbos.

The Gemara (Shabbos 113a) also derives that one should wear different clothes on Shabbos from the word *vechibadto*. Why are two different *psukim* required to teach this halacha?

The Ben Yehoyada (Shabbos 114a) answers that these are two distinct halachos: *Vechibadto* teaches that we honor Shabbos by wearing nicer clothes, but our *pasuk* teaches only to wear different clothes on Shabbos, not necessarily nicer ones.

The Rambam (Shabbos 30:3) also alludes to these two aspects when he writes that Shabbos clothes should be both clean (i.e., nice)<sup>1</sup> and different from those worn during the week. The Vilna Gaon also apparently agreed, as he changed all of his garments, even undergarments,<sup>2</sup> for Shabbos (Ma'aseh Rav 147).

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<sup>1</sup> See Tosafos (Bava Kama 37a) and Shulchan Aruch (O.C. 262:2), who imply that "clean" may mean "nice."  
<sup>2</sup> See also Mishnah Brurah (262:5), citing the Arizal, that it is best not to wear any weekday item on Shabbos. But see Chut Shani (Shabbos Vol. 1 Ch. 3) that undergarments need not be changed.

Hadeshen, and to remove the hat and bow before the priests arrive.<sup>3</sup>

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<sup>3</sup> Rama ibid. sef 3.

## On the House

**Q** Does a greenhouse require a mezuzah?

**A** There is a *machlokes* whether a mezuzah is required for something other than a living space. The *pasuk* (Dvarim 6:9) says, "*Uchsavtam al mezuzos baisecha* (And write them on the doorposts of your house)," and some authorities say that "*baisecha*" means a living space (Rambam Mezuzah 6:7) and excludes a storehouse (*bais ha'otzar*). Others, including the Shulchan Aruch (Y.D. 286:1), consider storage space to be *baisecha* because there is foot traffic (Shach ibid. 2).

In practice, one must affix a mezuzah to a *bais ha'otzar*. Some *Acharonim* say not to make a *bracha* (Aruch Hashulchan ibid. 9), but others allow it (see Chovas Hadar 2:3).

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In another *teshuvah*, the Trumas Hadeshen addresses the case of a government order that someone taking an oath must remove his hat and invoke Hashem's Name (the "*Sheim Hameyuchad*") when required to swear. He rules that it depends upon the rationale behind the order: If the intent of the non-Jews is to desecrate the honor of Hashem's Name, then it is obvious that one must give up his life rather than do so (*yeihareig ve'al ya'avur*) if the setting is public (*befarhesia*). But if their motivation derives from a belief that this will make Jews take the oath more seriously and not perjure themselves, then it is not intended to cause us to violate our religion, only to promote their own interests, and one need not give up his life (*ya'avur ve'al yeihareig*). The Trumas Hadeshen concludes:

And I do not really know of an explicit prohibition against uttering the Name explicitly and with uncovered head for the sake of mandated oaths, for this is not an utterance in vain (*levatalah*), because it is necessary in order to comply with the law against believing their oaths (i.e., that Jews' oaths are not accepted unless they invoke Hashem's Name). And with regard to uncovering the head, we do not find any explicit prohibition against this.<sup>4</sup>

It seems clear that according to all views, there is generally no absolute prohibition against uncovering the head when non-Jews require it, as long as there is no concern of idolatry or the appearance thereof, and the non-Jews are acting in self-interest and not attempting to compel us to violate the Torah.

A couple of centuries later, R' Yaakov Reischer (the Shvus Yaakov) was asked whether it is permitted to be bareheaded in order to honor a "great man" or duke who visits a shul. He begins his response by echoing the Trumas Hadeshen's point that there is no clear basis from the Gemara for an absolute prohibition against bareheadedness, and he subsequently makes the above point that some allow it even in deference to someone wearing a cross, and all agree that doing so where no cross is present is permitted. He therefore concludes that baring the head for a distinguished government official can be justified by the goal of promoting good relations with the government (*shlom malchus*), but it is nevertheless ideal to avoid doing so if our perspective can be explained to, and accepted by, the dignitary:

Nevertheless, if it is possible to excuse ourselves to him by saying that we have a great prohibition against being bareheaded in a shul, and perhaps this will mollify him...certainly those who do so will be remembered for good.<sup>5</sup>

A century later, R' Shlomo Zalman Ullman was asked whether men in general, and community leaders (the seven *tuvei ha'ir*) that manage public affairs in particular, are permitted to sit bareheaded. He strongly forbids the latter on the grounds that such leaders are called a "holy assembly," about whom it is said that "Hashem stands in the Divine assembly,"<sup>6</sup>

and it is thus unthinkable for them to proceed in such a manner that they would be forbidden to utter Hashem's Name:

And it is thus an *avon plilah*,<sup>7</sup> *chas veshalom*, that is too great to be borne,<sup>8</sup> to sit bareheaded in the community meeting place and deal with public affairs, except for a situation where it is the law (*dina demalchusa*) that a picture of the kaiser or king be placed on the wall and it is a matter of his honor to sit bareheaded before his picture, as is known, in which case it is permitted, and *dina demalchusa dina*...<sup>9</sup>

R' Volf Breier (the Nachlas Binyamin) was asked whether the laxity regarding bareheadedness that prevailed in his time, and in particular the custom in schools of young students and their teachers sitting and walking to and fro while bareheaded, was justifiable. He concludes that it was not:

In my humble opinion, as a matter of halacha, the prohibition against bareheadedness is certainly a matter of *das Yehudis*<sup>10</sup>...insofar as Jews, who are holy, have always been accustomed not to walk or sit bareheaded, and they consider it frivolity (*kalus*) and licentiousness (*pritzus*), certainly for their descendants it is a matter of *das Yehudis*.

And even more than this: In my humble opinion, in a school where a rule has been established that young Jews must specifically sit bareheaded, and they do this in accordance with their father and the heads of the community, this is an absolute prohibition due to "*uvechukoseihem lo seileichu* (and do not follow in their traditions)"...

Similarly, one who is particular in this matter, to sit bareheaded like the custom of the nations, violates a prohibition...because he is particular to emulate the mode of conduct of the nations, he violates a Torah prohibition.<sup>11</sup>

R' Dovid Zvi Hoffmann was asked whether one may swear with uncovered head in a non-Jewish court. He cites a number of earlier authorities on the question and notes that while the G-d-fearing (*yerei'im*) Hungarian rabanim were very strict about bareheadedness, the Vilna Gaon concludes that even uttering Hashem's Name while bareheaded is not strictly prohibited, and avoiding doing so is merely a matter of piety.

He then cites the stringent conclusion of Rav Breier that obeying school regulations mandating bareheadedness violates *uvechukoseihem lo seileichu*, but he proceeds to report a remarkable *ma'aseh rav* as a contrary precedent:

In the holy community of the *yerei'im* of Frankfurt am Main, in the school that was established by the gaon R' Shmshon Raphael Hirsch zt"l (in which I was a teacher for two and a half years), the students sit bareheaded during secular studies, and only during the study of Torah do they cover their heads (and this is the custom in the school of Hamburg as well). This was done there

<sup>7</sup> See *Iyov* 31:28.

<sup>8</sup> Bereishis 4:13.

<sup>9</sup> Shu"t Yerios Shlomo siman 17. See Bnei Yisrael there for an extensive discussion of the halacha of bareheadedness.

<sup>10</sup> See Shu"t Mahari Bruna siman 34, cited in the previous article.

<sup>11</sup> Shu"t Nachlas Binyamin siman 30.

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The Shulchan Aruch (ibid. 7) cites one view that a walled garden does not require a mezuzah, because its walls aren't for shelter, only to keep out intruders. This is unlike a *bais ha'otzar*, whose walls shelter its contents, like the walls of a house (Mikdash Me'at 286:27). The Shulchan Aruch also cites a view that a garden needs a mezuzah *mideRabanan*. A *bracha* should not be made.



RAV ARYEH FINKEL

A greenhouse requires a mezuzah like a *bais ha'otzar*, because the structure shelters the plants from the elements (see Minchas Yitzchak 10:116, who rules this way without explanation).

This applies only to a greenhouse whose purpose is plant cultivation. A greenhouse that is used for recreation and is adjacent to the home is considered a *chatzeir* (courtyard) and requires a mezuzah according to all, and a *bracha* should be recited (Chovas Hadar 2 note 25).

in accordance with the edict of HaRav Hagaon Moreinu HaRav Shmshon Raphael Hirsch zt"l.

The first time that I arrived at the home of HaRav Hagaon Shmshon Raphael Hirsch with a hat on my head, he said to me that here it is *derech erez* to remove the hat from one's head when one visits an important person, and perhaps another teacher (there are many non-Jewish teachers as well in the school there), who will see that I am not removing the hat from my head in the presence of the head of the school ("director"), will consider this as though I am insulting him, and in this and similar contexts there is no issue of *uvechukoseihem*.

Rav Hoffman accordingly finds at least some room for leniency with respect to baring one's head in court:

And if so, in our case, if the judge grants permission to cover the head during the oath, that would be ideal, and everyone must certainly *lechatchilah* request permission from the judge to cover his head, and he should state that he is commanded to cover his head for all matters of holiness, and an oath for him is undoubtedly a matter of holiness. But if the judge does not wish to grant him permission, he does not have to accept upon himself even a financial penalty, and he may swear even while bareheaded, and so ruled the Trumas Hadeshen (as above)...<sup>12</sup>

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It would seem that despite the mitzvah to wear nicer clothes on Shabbos, one may occasionally wear Shabbos clothes during the week, as Rus did when meeting Bo'az (see

Shabbos 113a), and this is the ruling of the Netziv (Ha'ameik She'eilah 1:5).<sup>3</sup> As for *motza'ei* Shabbos, the Mishnah Brurah (262:8) says to remove Shabbos

clothes after havdalah, but it is unclear whether he means they may be removed or must be removed.<sup>4</sup>

<sup>3</sup> See Chut Shani (Shabbos Vol. 1 p. 53) who agrees about a *simcha shel mitzvah*, but see Orchos Rabeinu (Vol. 1 p. 107) that the Steipler would not wear a Shabbos jacket at a wedding during the week.

<sup>4</sup> See, though, Orchos Rabeinu (ibid) that the Steipler would remove his Shabbos clothes immediately after Shabbos. But see Kaf Hachaim (O.C. 300:6) that some do not remove Shabbos clothing until after *melava malka*.

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