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PARSHA

ENCOUNTERS

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Parshas Shelach - Rabbi Shlomo Pomerantz

## Believing in Yourself

After the *meraglim* returned from spying on Eretz Canaan, they recounted their impressions of the land to Bnei Yisroel: “*v’gam yilidei ho’anok ra’inu shom*” “we also saw the sons of the giants there.” They continued: “We were like grasshoppers in our eyes and so we were in their eyes!” The Yalkut’s commentary on this *posuk* notes that Hashem rebuked the spies for belittling themselves by assuming that the giants perceived them in such a negative light. That they viewed themselves as small and they felt like grasshoppers in the presence of these giants, on the other hand, was understandable and thus acceptable.

The Alter clarifies the nature of their error, explaining that man has the ability to see the true essence of creations, so that even the nations of the world should theoretically be able to view every Jew as an angel of Hashem. The physicality of man, however, obscures this true view. Hashem’s complaint against the spies was that it was not their place to jump to conclusions as to the perception of the giants; Hashem could have actually affected that perception by removing physical barriers and allowing the giants to see the true angelic nature of the *meraglim*.

R’ Elya Svei zt”l elaborates on the insights of the Alter, emphasizing the need for every Yid to believe in his lofty essence. We need to internalize the reality that we are truly angels and that every one of us can achieve greatness through his own unique mission.

In a similar vein, continues R’ Elya, we see how one small act can bring eternal reward in both this world and the next. Because Miriam inconvenienced herself to watch over Moshe’s bassinet when it was placed in the river, she merited that all of Bnei Yisroel waited for her to be healed from her *tzara’as*.

(As an aside, how does Miriam’s reward demonstrate the principle of *middah k’neged middah*? R’ Elya explains that Miriam believed in her prophecy that Moshe would lead Bnei Yisroel out

of *Mitzrayim*, although her father disputed her conviction. When Miriam spoke disparagingly about Moshe Rabbeinu and doubted his higher level of prophecy, it was a most opportune time to both remind her of, and reward her for, her original belief in her prophecy concerning Moshe Rabbeinu.)

The good we do can accrue eternal merit for us; the reciprocal is true as well. When one is not diligent in fighting his *yetzer hara*, one can suffer eternal shame.

When discussing Miriam’s sin in speaking negatively about Moshe Rabbeinu, the Seforno refers to its source as a “*roah lev*” “a bad heart” (unlike the Rambam, who says she erred in not appreciating the exalted level of Moshe Rabbeinu’s prophecy.) Seforno explains, as does Rashi, that by questioning Moshe’s decision to separate from Tziporah, Miriam and Aharon were actually questioning Hashem’s choice of Moshe Rabbeinu as the ultimate leader of Am Yisroel.

The Alter comments that notwithstanding Miriam’s lofty stature as prophetess, at the time of her error, she is called a “*roah lev*.” If Miriam received such a severe punishment as a momentary “*roah lev*,” concludes the Alter, one shudders to imagine the punishment for being a constant “*roah lev*.” Therefore, it behooves us to constantly work on our *middos* to avoid such retribution.

In conclusion, it is crucial that we, the *am hanivchar*, recognize and value our unique essence. When we internalize the reality of our potential, we can appreciate how every *mitzvah* and word of Torah generates eternal reward.

*Adapted from a shmuz delivered by R’ Elya Svei zt”l on the occasion of his mother’s yartzeit, parshas Shelach 1988. Rabbi Pomerantz, an alumnus of the kollel, is a rebbi at Arie Crown, and learns with the Zichron Aharon mechanchim chaburah at the kollel.*

# HALACHA ENCOUNTERS

## Wearing Hats on *Shabbos*

Rabbi Akiva Niehaus

In their great wisdom and foresight, *Chazal* often anticipated situations which could lead to transgression, and created barriers to prevent sin. One such scenario, the seemingly innocent act of wearing a hat on *Shabbos*, seems to be a common occurrence. Let us explore this restriction and discover its subtleties.

The *Gemara* in *Shabbos* 138b rules that a “*siana*” - a hat - may not be worn on *Shabbos*. The *Gemara* limits this restriction to a hat which is loose; a tight hat may be worn. Two explanations are given to clarify this seemingly strange prohibition.

*Rashi* explains that *Chazal* were concerned that if a person wears a hat outdoors on *Shabbos*, wind may blow off his hat, and he might carry the hat four *amos* after retrieving it before replacing it on his head. Therefore, if the hat is “tight,” *i.e.*, it is firmly tied down to his head, it may be worn without concern. A loose hat, however, may not be worn outdoors.

*Tosfos* explains the *Gemara* differently: Wearing a hat with a wide brim on *Shabbos* (even indoors) may be considered the creation of an *ohel* (a canopy), a sub-category of *boneh* (building). Therefore, if the brim is “tight,” *i.e.*, the brim is hard, then it has the appearance of an *ohel*; if the brim is soft, it does not look like an *ohel* and the hat may be worn. Furthermore, as with all situations of *ohel*, if the brim is less than a *tefach* wide, no concern of *ohel* exists. [This prohibition is Rabbinic in nature because this “canopy” does not have walls (*M.B.* 301:152).]

### I. *Ohel*

Both of these explanations are recorded in the *Shulchan Aruch*. Regarding the concern of *ohel*, the *Shulchan Aruch* (301:40) brings *Tosfos'* view that a hat with a *tefach* brim may not be worn. However, the *Poskim* record many limitations regarding this prohibition.

Harav N. Karelitz *shlita* (*Chut Shani, Shabbos* 1 36:9) writes that since we are dealing with a Rabbinical prohibition, one can certainly rely on the lenient opinion of the *Chazon Ish* that a brim less than 3.78” (9.6cm) is no problem. Furthermore, many *Poskim* say that if a hat is being worn for purposes other than shade or protection from rain then there is no concern of *ohel* (*S.A. Harav* 301:49, *Aruch HaShulchan* 301:110, *M.B.* 301:152). Therefore, one who wears his hat even when there is no sun or rain outside can wear a hat without concern of *ohel*.

Additionally, the *Gemara* differentiates between a hard brim and a soft brim. Many *Poskim* feel that the definition of “hard” is a brim that can not be bent; if the brim can be bent, there is no concern of *ohel* (*Rambam Hil' Shabbos* 22:1, *Tosfos Eruvin* 102b, *M.B. s.k.* 151). However, Rav Karelitz (*ibid.*) writes that it is quite possible that modern-day hat brims are considered hard and one should avoid relying on this leniency.

In addition, if the brim of the hat slants, as is the case on contemporary felt hats, it is not considered an *ohel*. (*MG" A* 301:51, *Aruch HaShulchan* 301:111. See, however, *M.B. s.k.* 152 who seems to be hesitant about this leniency.)

Finally, the *Elya Raba* writes that one may be lenient regarding this *halacha* because many *Rishonim* disagree with the notion that a hat is considered an *ohel*, arguing that a hat is considered an article of clothing. However the *Mishnah Brurah* (*ibid.*) finds this last point difficult. [See *Aruch HaShulchan* 301:110 for additional arguments.]

To summarize, we find many leniencies regarding hats and the creation of an *ohel*: If the brim is less than 3.78”, or the hat is worn for purposes other than shade or protection, or the brim is soft, or slants, then there is no concern of *ohel*. Accordingly, most contemporary felt hats are not subject to the prohibition of *ohel*.

### II. Blown off in the wind

In accordance with *Rashi's* opinion, the *Shulchan Aruch* (301:41) writes that a person may not wear a hat on *Shabbos* outdoors for fear that the hat may blow away. The *Mishnah Brurah* (*s.k.* 153) explains that we are dealing with a situation in which the hat is being worn over a *yarmulka*, so even if the hat were to blow off, he would not remain bare-headed. As such, concern exists that the hat may be carried if it falls off of his head. However, in a situation where one would be embarrassed to walk without a hat on his head (*i.e.*, he is not wearing a *yarmulka*), then we are not concerned about the possibility that he may carry his hat in his hand (*M.B. ibid.*). The *Magen Avrohom* (*s.k.* 52), quoting the *Maasas Binyomin*, expands this *halacha* and writes that one who is always careful to wear a hat outdoors may wear a hat on *Shabbos*, for even if the hat were to blow off, he would make sure to replace it before walking further. Accordingly, one who is careful in this respect may indeed wear a hat outdoors, even over a *yarmulka*.

One who usually wears a hat outdoors but occasionally walks outside without one, may not wear a hat outdoors (*S.A. Harav* 301:50). However, some suggest that since he generally wears a hat, perhaps *Chazal* weren't concerned that he may walk outside while holding his hat, similar to jewelry which may be worn outdoors on *Shabbos* if it's unlikely to be removed (*Shu" t Shoalin V'Dorshin* 5:23). One who rarely wears a hat outdoors would certainly not have this allowance. What, then, is the *halachic* basis for allowing the wearing of hats on *Shabbos* over a *yarmulka*?

The *Poskim* mention various exceptions to this prohibition. As mentioned, if the hat is tied down, or is pulled tight onto one's head, or the head is fully inserted into the hat (*e.g.*, a ski cap) then it may be worn (*S.A. ibid.*).

The *Tosfos Shabbos* (301:75) and *Aruch HaShulchan* (301:109) write that this prohibition applies only when walking in a *reshus harabim*; wearing a hat in a *karmelis* (a standard city street) is permitted even on top of a *yarmulka*. Even if one were to mistakenly carry his hat in a *karmelis*, only a Rabbinical prohibition would be violated. [Although there are numerous ways to define a *reshus harabim*, a lenient approach is used regarding this prohibition. Accordingly, most cities do not contain a *reshus harabim*, and a hat may be worn without concern.] A similar position is brought by the *Shulchan Aruch* (303:18) in the name of the *Ba'al HaTerumos*. However, the *Mishnah Brurah* (301:154) brings the opinion of the *Taz* that this prohibition applies even in a *karmelis*. Furthermore, the *Biur Halacha* (303:18 *d.h. ki*) writes that ideally one should not rely on this lenient opinion. In a location with an *eruv*, a hat may be worn without concern.

In summary, a hat may be worn outdoors if one of the following conditions are met: 1) one wears a hat without a *yarmulka* underneath, or 2) one is extremely careful to always wear a hat outdoors, or 3) the hat was tied down or pulled tight onto one's head, or 4) one is in a location with an *eruv*.

If one lives in a location where a *reshus harabim* does not exist, as is the case in most modern-day cities (see above), then a hat may be worn according to some *Poskim*, and this appears to be common custom (Harav D. Zucker *shlita*).

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