

## Q&A from the Bais HaVaad Halacha Hotline

### Clothing Arguments

November 16, 2022

**Q** Suits produced by several high-end clothiers are often found to contain *shatnez*. May I try on such suits at the store, before the *shatnez* is removed?



**A** The Mishnah (Kilayim 9:6) permits a tailor to sew a *shatnez* garment for a non-Jewish client, even though the garment sits on his lap as he sews. Likewise, a clothing peddler may don his *shatnez* products for display (ibid. 9:5). How are these permitted? The prohibition of *shatnez*, Chazal explain, is to derive pleasure from wearing *shatnez* clothing (Yevamos 4b). Because in these cases there is no intention to receive *hana'ah* from the clothes, it is permitted.

When passing through customs, clothing importers would often wear some of their merchandise in order to evade taxes (which were not levied on personal items). The Rambam (Hil. Kilayim 10:18) rules that a *shatnez* garment may not be donned for this purpose. (This is not to imply that tax evasion is permitted; the case involves an illegitimate tax. See Bava Kama 113a.) The Mechaber (Y.D. 301:5) follows this ruling. Why the difference? The Kessef Mishneh explains: The tax evader is wearing the garment in the normal fashion. But the tailor and peddler don't wear the garment, they only drape it on their bodies.

The Rosh disagrees with the Rambam in the tax case, and the Rama (ibid. 6) follows his ruling. The Rama adds that a salesman, for the same reason, is permitted to wear the forbidden garment to show its measurements to a customer. According to this, you may try on a suit known to contain *shatnez*. But the Chochmas Adam (106:20) says that the Rama's allowance only pertains to the seller, not the customer. The Sheivet Halevi (2:169) was asked why and suggests this distinction: When a buyer tries on a garment, aside from measuring the fit, he also instinctively assesses its texture and comfort, to see if he is satisfied with it generally. This, argues the Chochmas Adam, is akin to benefiting from the garment.

Still, the Sheivet Halevi quotes the Minchas Yitzchak, who finds grounds to extend the Rama's ruling to buyers. (He notes that the Chochmas Adam's view differs from that of the Gra.) He concurs with the Minchas Yitzchak's leniency, especially when the subject is only—as in your case—*safek kilayim*.