

Wearing Shoes on Yom Kippur *Rabbi Aryeh Lebowitz*

- I. **Introduction.** Of the many fast days on the Jewish calendar, יום כיפור is the most severe. It is the only fast day that is biblically mandated, and it includes many other prohibitions besides for eating and drinking. In this essay we will discuss the prohibition to wear shoes on יום כיפור. We will outline the origin and scope of this prohibition and point out the various disagreements amongst leading halachic authorities relating to the issue of footwear on יום כיפור.
- II. **The Source.** The משנה in יומא (דף עג:) מסכת יומא states that on יום כיפור one is prohibited from eating, drinking, bathing, anointing, wearing shoes, and engaging in marital relations. These five "afflictions" that a person must endure find their source in the number of times the תורה uses the term "עינוי" (affliction) when speaking about יום כיפור. The גמרא continues to cite פסוקים that label each of these other four activities (bathing, anointing, wearing shoes, marital relations) as "afflictions." All ראשונים agree that the prohibition to eat on יום כיפור is biblical in nature. However, there is a dispute amongst the leading ראשונים regarding the other forms of "affliction" that the גמרא prescribes.
- A. **The opinion of תוספות.** (יומא דף עז. ד"ה דתנן) תוספות suggests that these activities are only rabbinically prohibited. That which the גמרא uses פסוקים to label each activity as an "עינוי" only suggests an אסמכתא, not a bona fide biblical prohibition. The בעלי תוספות point to the many leniencies found in the גמרא relating to this prohibition as proof to their contention. The גמרא makes exceptions to the prohibition of wearing shoes for a king, a bride, and a woman who has just given birth. The גמרא further exempts somebody with badly damaged skin from the prohibition of anointing, and somebody whose hands are dirty from the prohibition to bathe. If these prohibitions were really biblical in nature, argues תוספות, how would the rabbis have the right to exempt too many people from them? We must therefore conclude that these prohibitions are only rabbinic in nature and that is why the rabbis have license to compromise on these prohibitions in so many instances.
- B. **The opinion of ר"ן and רמב"ם.** רבינו נסים, in his commentary to the above-mentioned משנה, cites the opinion of תוספות, and

disagrees with them. The *גמרא* (יומא דף עד.) points to a *גמרא* that distinguishes between the prohibition to eat and drink, and the other prohibitions of *יום כיפור*, by stating that one is only liable for the punishment of *כרת* for eating and drinking, but not for the other prohibitions. If the other prohibitions were biblical in nature, why would the *גמרא* distinguish only regarding the punishment one receives for violating them, and not make the more basic distinction between that which is biblically prohibited and that which is only rabbinically prohibited. Furthermore, the very fact that it is necessary for the *גמרא* to inform us that one is not liable for *כרת* for these prohibitions suggests that they are biblically prohibited, because there are no rabbinic prohibitions for which one is liable for *כרת*. As far as *תוספות*'s point that the rabbis seem to take undue liberties in dishing out leniencies on these prohibitions, is due to the fact that these prohibitions are not explicit in the *תורה* and are only hinted to in the *תורה*, suggesting that the *תורה* authorizes the rabbis to define the scope of these prohibitions.

- C. **פסק הלכה**. The leading פוסקים do not seem to arrive at a definitive conclusion as to whether these prohibitions are rabbinic or biblical in nature. The *טור*, however, does seem to stress the role of the פסוק in determining the fact that wearing shoes is labeled as an "עינויי".

III. **What kinds of shoes are included in the prohibition?**

- A. The ראשונים are divided into three groups when it comes to determining the definition of a "shoe" vis-à-vis the prohibition of נעילת הסנדל (עיין בית יוסף או"ח תרי"ד):
1. **בעל המאור** suggests that any footwear that affords a person protection from the elements is included in the prohibition of נעילת הסנדל, regardless of the material they are made of.
 2. **רש"י** develops a more lenient approach than בעל המאור, but maintains that shoes made of either leather or wood are included in the prohibition of נעילת הסנדל.
 3. **רי"ף** develops the most lenient approach in

limiting the prohibition to leather shoes.

B. **פסק הלכה**. The (שביתת עשור פ"ג ה"ז) position of the רמב"ם is unclear. However, since the ר"ף and רא"ש agree to this lenient definition of the prohibition, the (תרי"ד:ב) שלחן ערוך subscribes to their approach. The (תרי"ד:ה) משנה ברורה cites the אליה רבה who follows רש"י's moderate approach, and the סופר who follows the המאור's stringent approach. The סופר suggests that one cannot wear any shoes that prevent him from feeling the ground under his feet. As a practical matter, the משנה ברורה concludes that while we may not object to those who follow the lenient opinion of the שלחן ערוך, it is appropriate to be more stringent and just wear a soft cloth slipper.

IV. How much leather is a problem? Most shoes nowadays are made with a combination of materials. Often one will have shoes that contain some leather but are not primarily made from leather. מטה אפרים (תרי"ד:ב) rules that even a leather soul would render the shoe forbidden for use on כיפור. יום כיפור שיק. (סימן שט"ז) שו"ת מהר"ם שיק adds that even leather stitching to hold the shoe together would disqualify the shoe for use on כיפור. יום כיפור. (תרי"ד:י) כף החיים points out, however, that leather shoelaces are permissible on shoes.

V. Sneakers. Based on the opinions that we have outlined, it seems that strictly speaking one should be permitted to wear sneakers or shoes that are made from synthetic leather or other non-leather materials. As mentioned above it would still be appropriate to accept the stringency not to wear any shoe that affords the normal protection one expects from a shoe. However, Rabbi Moshe Shternbuch (מועדים וזמנים חלק ו') (סימן כ"ח) suggests that the reason the שלחן ערוך is lenient with non-leather shoes is that it is abnormal to wear those shoes during the rest of the year. As such, even the most lenient opinions would not allow one to wear shoes that he usually wears throughout the year, regardless of what material they are made from. In Rav Shternbuch's view, one who normally wears canvas sneakers may not wear them on כיפור. Needless to say, the overwhelming majority of ישראל does not accept this stringency and relies on the simple understanding of the שלחן ערוך in wearing any shoe that does not contain leather.

VI. Exceptions to the prohibition.

A. **חולה/חיה**. The שלחן ערוך (תרי"ד:ג) rules that a woman who has given birth within the last thirty days may wear shoes on יום כיפור. Similarly, he rules, a sick person may wear shoes on יום כיפור. The משנה ברורה (תרי"ד:י) explains that these people are especially susceptible to damage from cold weather.

1. **Defining חיה**. It should be noted that although most פוסקים define חיה as a woman who has had a baby in the last thirty days, there are some who disagree with this definition. The אור שמח (הלכות שביתת עשור פ"ג ה"ח) suggests that when the גמרא exempts a "חיה" from the prohibition to wear shoes, it refers to a midwife who must wear good shoes to be able to run to a birth. Most פוסקים reject this definition of חיה in this context, but all would agree that if it is necessary for a midwife or doctor to wear shoes in order to get to the delivery it would be permissible to do so.

2. **Does this leniency still apply nowadays?** In light of the fact that many non-leather shoes provide equal or superior protection to leather shoes, Rav Shlomo Zalman Auerbach (cited in נשמת אברהם תרי"ד:א) rules that women who had recently given birth and sick people should not wear leather shoes. Even so, it seems that the stringency recommended by the משנה ברורה not to wear any shoe that provides real protection, would not apply to a woman who recently had a baby or to sick people.

B. **Somebody who needs protection from the elements**. The שלחן ערוך (תרי"ד:ד) rules that somebody who is worried about getting bitten by snakes if he does not wear shoes, may wear shoes when walking outside. Similarly, on a rainy day when one's feet are likely to become muddy and cold, one may wear shoes outside. Even so, the משנה ברורה warns, as soon as the person

arrives at his destination he should remove the shoes without any delay.

VII. Conclusion. We have discussed the prohibition to wear shoes on יום כיפור. We have pointed out the מחלוקת ראשונים as to the origin of this prohibition. We have also outlined the מחלוקת ראשונים as to the scope of this prohibition, with the majority of ראשונים limiting the prohibition to leather shoes. The suggestion of many leading פוסקים is to try not to wear any shoe that provides full protection. Finally, we have pointed out the various exceptions mentioned in the גמרא to this prohibition, including a new mother and one who is ill. May our meticulous observance of the laws of יום כיפור serve to help our תפילות be answered for abundant ברכה this year.