

CURRENT TALMUD PASSAGE

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BH

Cheshvan: What if Nobody is Watching?

This month's passage focuses on *Ma-arit Ha-Ayin*, literally, 'in the appearance of the eyes', the idea that some actions should be prohibited because they appear to be a transgression of Jewish law, even though according to the letter of the law, they may be permissible. The text comes from Masechet Beitzah, 9a. The translation and some of the commentary is based on the Soncino edition of the Talmud.

MISHNAH. BETH SHAMMAI SAY: ONE MAY NOT CARRY A LADDER [ON A FESTIVAL] FROM ONE DOVECOTE TO ANOTHER, BUT HE MAY INCLINE IT FROM ONE PIGEON-HOLE TO ANOTHER. BUT BETH HILLEL PERMIT [THIS].

GEMARA. R. Hanan b. Ammi said: The dispute refers only to public ground, when Beth Shammai is of the opinion that whoever sees [him carrying the ladder] might say that he needed it for [plastering his roof]; Beth Hillel hold, his dovecote proves his intention; but in private ground, all agree that it is permitted. But it is not so.

For Rab Judah said in the name of Rab: 'Wherever the sages have forbidden anything because of appearances, it is forbidden even in the most innermost chambers! — It is [a controversy of] Tannaim [teachers of the Oral law].

[Referring to clothes that accidentally became wet on the Sabbath], **it was taught: One may spread them out in the sun, but not in the presence of people.** [For people might say that one has transgressed Shabbat by washing the clothes. There is an opinion that in private ground, where the question of appearances does not apply, it is permitted to lay them out to dry.] **R. Eleazar and R. Simeon forbid this.**

Others say [thus]: R. Hanan b. Ammi said: The dispute refers to private ground; for Beth Shammai accept the teaching of Rab Judah [who says it is forbidden even in private] in the name of Rab, and Beth Hillel reject the teaching of Rab Judah in the name of Rab; but on public ground all agree that it is forbidden.

Shall it be said that Rab ruled as Beth Shammai?! [since in matters of Jewish law, the standard opinion is that Hillel prevails.] — It is [a controversy of] Tannaim. For it was taught: 'He may spread them out in the sun, but not in the presence of people. R. Eleazar and R. Simeon forbid this.'

Our Mishnah is not in agreement with the following Tanna. For it was taught: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel agree that one may carry the ladder from one dovecote to [another] dovecote; they dispute only about bringing it back, Beth Shammai saying: One may not bring it back [on the festival] , and Beth Hillel maintaining: One may even bring it back.

R. Judah said: These words apply only to a dovecote ladder [then the intention is for the pigeons to make use of it so there is no question]; but with respect to a loft-ladder all agree that it is forbidden.

R. Dosa says: One may incline it [the ladder] from one pigeon-hole to another. Others say in the name of R. Dosa: One may even move it with [short] hop-like steps.

Background and Comments

Here the issue has to do with carrying on a festival. Shammai is afraid that it will be interpreted that the ladder will be used to do work (plastering) which is prohibited on the festival; Hillel says that the ladder is being moved so that pigeons can use it to get out of their dovecote (a structure for housing pigeons).

They then examine a parallel case, that of laying out in the sun to dry clothing that accidentally became wet on Shabbat. It may appear that the clothing is being put out to dry because it gives the appearance of being washed on Shabbat. In this case, there is a teaching that it is permitted to lay out the clothes in private.

R. Hanan was an Amora, one of the sages who expounded on the Mishnah and in so doing, composed the Gemara. The Soncino Talmud states that the authority of Rab as head of the Babylonian Community was not to be disputed by all Amora like R. Hanan, for he was regarded as enjoying the authority of a Tanna. These Tannaim argue that what is not suitable to do in public because of appearance, should also be forbidden even in private.

The explanation that what you do in private differs from what you do in public would make Rab appear to side with Beth Shammai against Beth Hillel. But Rab would not go against the standard rule that the halachah prevails according to the opinion of Beth Hillel.

The notion of *Ma-arit ha-Ayin* shows up in the Talmud in a number of other places. Here are some examples:

- The Kohanim, descendants of Aaron, are supposed to not have any deformities in order to do their priestly service. Can a Kohein bless the people if he appears to have a deformity? [Bechoroth 43 b]
- If a male has been circumcised, but still has the appearance of a foreskin, he must repair it for fear of appearing to not have been circumcised. [Shabbat 137 a]
- On Shabbat one must not lead a number of animals tied together, for fear of being suspected of going to market with them. Accordingly this may not be done even in private. The Talmud states, "Rab Judah said in Rab's name: Wherever the Sages forbade [ought] for appearances' sake, it is forbidden even in one's innermost chambers." [Shabbat 64 b]

Questions for Discussion

1. How similar are the circumstances of moving the ladder on a festival and laying out the wet clothes on Shabbat? Why might one be permitted and the other forbidden?
2. What are some examples of *ma-arit ha-ayin* in your life? How do you deal with them?
3. Today we can go to the supermarket and purchase kosher "bacon", kosher "shrimp", and Passover "bagels". Should such products be permitted? Under what circumstances?
4. How important is *ma-arit ha-ayin* ? Are we responsible to justify our actions to others, or are we responsible only to ourselves, our loved ones, and God?