

HALOCHOSCOPE

This week's question:

Someone is attending a non-Jewish convention over a weekend. May he attend the sessions on *Shabbos*, if he will not actively participate?

The issues:

- A) *Kedushas Shabbos*, sanctity of *Shabbos*; *Mimzo Cheftzecha Vedaber Davar*
- B) *Uvdlin Dechol*, weekday activity
- C) *Maris Ayin*, giving the appearance of violating *Shabbos*
- A) *The sanctity of Shabbos*

The usual restrictions associated with this kind of meeting are general business restrictions. These include the restrictions we will discuss, with the additional *mekach umemkar* prohibitions. Commercial activity is forbidden, in part as a precaution against writing. As part of these, one may not read *shtarei hedyotos*, transactional documents. This is extended to include other types of non-*Shabbos* documents or written matter. Commercial activity would then be a Rabbinical prohibition based on a Scriptural *melacha*. It is also forbidden due to some of the activities we will discuss that also apply outside the business realm. As we shall see this is a Prophetic *mitzvah* in its own right, called, by the *Navi*, *asos chafatzecha*. However, the questioner in our case is not involved in a business based convention. He is attending as an invited guest, and the convention is organized by a group of activists or enthusiasts. They will not be discussing or dealing with any commercial activity.

However, there are other issues involved in participating in this type of meeting. Apart from what is actually *melacha*, many activities that are not in the spirit of *Shabbos* are also forbidden. In general, these are part of the *mitzvah* to show honor for *Shabbos*. Refraining from them also increases one's sense of the sanctity of *Shabbos*. The *Navi* promises great reward, ... [If] *Vechibadeto mai'asos derachecha mimzo cheftzecha vedaber davar*, you shall honor [*Shabbos* by refraining] from doing your ways, from seeking your affairs, and from talking about the matters. The restrictions on commercial activity are based on this verse as well. These restrictions are assumed to be in the vein of a positive *mitzvah midivrei sofrim*, by the Prophets. This is more serious than a Rabbinical *mitzvah* but not on the level of a Scriptural *mitzvah*.

Apart from outright business dealings, even without the transfer of money or property, thinking of business would also be forbidden. Though no affairs are being discussed or checked into, one is reducing his *oneg Shabbos*, gaining pleasure from *Shabbos*. This is another one of the *mitzvos* mentioned in the same passage of *Navi*. However, if the matter thought about does not involve business, but something recreational in the mind of the thinker, it might indeed be a fulfillment of *oneg Shabbos*. Some matters could go either way. For example, gardening or interior or exterior decorating one's home could be

seen as a chore or enjoyment. If it is viewed as a chore, *oneg Shabbos* is somewhat diminished when thinking about it, and certainly when talking about it. If it is an enjoyment, thinking about it would be *oneg Shabbos*. Talking about it would be forbidden as *vedaber davar*, since it is an activity forbidden on *Shabbos*. *Vedaber davar* includes talking about plans or of taking care of a matter after *Shabbos*. Some might add, in our case, a restriction based on *shtarei heduyos*. Though the attendee does not read business documents, the Talmud extends the prohibition to include some other written things. If the lecturer uses visual aids, this might be considered the same. However, the attendee is easily able to avoid the intentional violation of this.

One more issue, also based on the passage in *Navi*, applies here. *Vechibadto mai'asos derachecha*, honor [*Shabbos* by refraining] from doing your ways. One may not walk on *Shabbos* in the same way as he does on weekdays. There are many applications of this restriction, including walking to one's business. Entering a store or marketplace, walking to a place from where one plans to travel to business, or, in our case, walking into a meeting place where business is conducted, would all be forbidden. As mentioned, our questioner is not involved in business. However, if it is determined that the activity here is mundane enough to be forbidden as a non-*Shabbos* activity, all of the above could apply. [See Yeshaya 58:13-14. *Shabbos* 19a 113a-b, 116b, 148a-151a, 126b, etc., Poskim. Tur. Sh Ar OC 246 306 307, commentaries.]

B) Uvdin Dechol

Besides the *melachos* and the activities determined by the *Navi* as matters not in the honor of *Shabbos*, sometimes, the Rabbis invoke the positive *mitzvah* of *Shabason*, to rest on *Shabbos*. This means to desist from mundane weekday activities. The Rabbis determined that certain activities should be forbidden as a *shevus*, desisting. Specific to our case, we will focus on the idea of *uvdin dechol*, something considered too weekday to be allowed on *Shabbos*. In some ways, these institutions are based on the *Navi's* injunctions against mundane activities. These are usually case sensitive issues, and in each generation, the rabbis of the time would be able to make this determination. However, a common theme is an activity that makes people forget about *Shabbos* and its holiness. Attending a session associated with one's usual business would certainly fit the criteria of *uvdin dechol*. [See refs as for section A.]

C) Maris Ayin

Some activities involve no real prohibition at all. However, the onlooker could mistake them for a forbidden activity. In such cases, the Rabbis instituted an ordinance to forbid such activity. Generally, each case could be judged individually. However, some cases were ruled *maris ayin* by the Rabbis, regardless. In most such cases it applies in privacy as well, though no-one is looking on. Some maintain that for cases where the appearance is of a Rabbinical violation, it does not apply in privacy.

The uninformed onlooker could make one of two mistakes. He could perceive the act as forbidden, to the best of his knowledge. He would then be suspecting the person of violating something. This is called *chashad*, and is based on a Scriptural reference to being 'innocent in the eyes of Hashem and Yisroel'. Even so, it is considered a Rabbinical prohibition. This act must be so ambiguous as to arouse suspicion of the average person. If it is only slightly suspect, the suspicious onlooker is considered in the minority, and it

is permitted. One could also make it obvious that he is not violating the act being confused with it. Or the onlooker will not be so familiar with which activities are permissible and which are forbidden. He will. He might confuse the activity he sees with a similar activity that is indeed forbidden. Due to the confusion, he thinks that the other activity must be permitted. This is called *shema yilmedu*, people might learn the wrong idea from him. This is also linked to a Scriptural violation, *lifnei ivair*, setting a stumbling block before the 'blind'. If done unintentionally, one is not in violation of the Scriptural *mitzvah*, but it is Rabbinically forbidden *maris ayin*. This type of ambiguity is relaxed when the act is widespread and known to be permitted by the average person. Also, if others are already doing the ambiguous action, it is permitted. One need not be concerned that his personal actions mislead others, if they could be mislead by others anyhow.

Some restrictions connected to *mekach umemkar* are due to *maris ayin*. For example, one may not lead animals through the street in a way that they are usually led to market. While the activity is not being done for commercial purposes, it gives this appearance. Measuring is forbidden because it is usually done for commercial purposes. The onlooker could think that one is engaged in business. Even the appearance of going there is forbidden, and certainly going into the marketplace, or a store. Animals formerly owned by Jews may not be used by gentiles for forbidden activities. Thus, a Jew is restricted from selling such to gentiles if they are still associated with their former owners. Thus, commercial activity is singled out as one that has *maris ayin* repercussions.

In certain cases, there is a prohibition due to *maris ayin* even where the activity is totally permissible and can not be confused with anything forbidden. Just that the onlooker might believe that it is forbidden in its own right. One may not practice leniency in these people's presence, but not really because of pure *maris ayin*. The reason not to act in defiance of their beliefs is because it could lead to arguments and strife. However, this really only applies where the local practice of stringency has already become accepted as though it is the *halacha*. One such practice involves sitting on the benches frequented by merchants during their business dealings. In one town it was forbidden, due to *maris ayin*. This is either because people thought it was a forbidden act, or because it could be confused with one.

If the activity is common enough that a thinking person realizes that it is not what it appears to be, the rule of *maida yedia* comes into effect. This means that when it is clear enough for the onlooker to understand that nothing is being violated, there is no prohibition based on *maris ayin*. This also includes activities that have become widespread and established. When they first were practiced, the onlookers did not know what they were and might indeed suspect or confuse. They should have been outlawed. However, now that people know what they are, they no longer arouse *maris ayin*. Although some uninformed people will still suspect the actor of a violation, he need not take these individual onlookers into consideration. [Though many applications of *medidah*, measuring, are not linked to business, the Rabbis forbade it across the board, based on its association with *mekach umemkar*.]

The type of *maris ayin* would make a difference depending on the type of onlooker. For example, if all the onlookers are non-Jewish, one need not be concerned that they might learn the wrong idea from his actions. Even if they later relate the actions to Jews,

the Jews should not believe the non-Jews. If they choose to believe them and also to act on the information, the first Jew is not responsible for their mistakes. [We do find restrictions on selling certain forbidden items to gentiles that might be resold to unwitting Jews. However, this refers to items that one is allowed to believe a gentile about.] If the issue is suspicion, one may not necessarily act in a suspicious way before a non-Jew. Apart from bringing suspicion upon himself, he is also touching on the issue of *chilul Hashem*, bringing a measure of desecration to Hashem's Name among the nations. They will mock the lack of observance by Jews of Hashem's words.

If an obviously observant Jew seems to be violating *Shabbos* by entering the hall where the lecture takes place, he must take *maris ayin* into account. However, since no actual violation is really necessary in this case, even to the onlooker, the rule of *maida yedia* should be in effect. As for non-Jewish observers, they do not necessarily know what is forbidden in the first place. They will probably not view the Jew as a violator of *Shabbos*. [See *Shabbos* 149a, *Psachim* 51a, *Avoda Zara* 21a, *Chulin* 41b, *Poskim*. *Tur Sh Ar OC* 243, etc., 307:1, commentaries. *Shailas Yavetz* I:167. *Igros Moshe OC IV*:82.]

In conclusion, the activity in our case does not involve business. It could be viewed as enjoyment, especially by an enthusiast, and would not be a violation of *oneg Shabbos*. It could, however, touch on *uvdin dechol*. If the participant does not see anything specifically weekday-like with the speeches, he still needs to be concerned with *maris ayin*. If the onlookers fully understand that he is an observant Jew, and also realize that he is able to avoid all *chilul Shabbos*, he need not be concerned with this either. He should sit at the back, and he should not participate [which could involve speaking into a microphone].

On the Parsha ... The brothers of Yosef saw that their father died, and they said "perhaps yosef will hate us, and he will repay us all the evil we did to him." They commanded Yosef saying your father commanded before his death saying ... [46:29] The [brothers] commanded Yaakov's servants [to tell Yosef] "Your father commanded us to tell you this ourselves. He never suspected this about you, but he told us that if your brothers are afraid of you, we should say this to you." Yosef wept when they mentioned his father and that he had never suspected him. [Sforno] The brothers thought it might be true that Yosef did indeed harbor hatred for them. If so, why was it so important to give the impression that Yaakov did not suspect him! Perhaps Yaakov did suspect him! It could not be because they did not want to lie, because the entire setup was untrue. Yaakov had not given such instructions at all. They changed things for the sake of peace [Rashi]. Furthermore, they clearly indicated that Yaakov would suspect the brothers – of suspecting Yosef! One is only suspected of something that he did indeed think about [Moed Katan 18b]. The reason the brothers suspected Yosef was because when they passed the pit that the brothers had thrown Yosef into, Yosef went over and recited a *brocha* on being saved from there. [Tanchuma] They thought he might hate them and have plans against them. But was it not obvious why he did this? They understood that what he did was justified itself, but that there was some *maris ayin*. They pretended that their father would have foreseen this, and that he would fully understand his intentions. But he wished to warn Yosef that he had aroused *chashad*, allowing others to suspect that he might have a small thought of hate.



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