

This month's Daf Digest is dedicated
L'Ilui Nishmas Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev
By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) Differences between Eretz Yisroel and Bavel (cont.)

R' Yochanan concludes his teachings regarding differences between Eretz Yisroel and Bavel with an explanation as to why non-Jews are impure.

2) **MISHNAH:** The Mishnah discusses issues related to opening or puncturing barrels on Shabbos.

3) Clarifying the Mishnah

R' Oshaya explains: The Mishnah follows the ruling of R' Nechemyah who only permits a utensil to be moved for its primary function. Therefore, a knife or sword may be used to open the barrel only if the barrel contains pressed figs but if it contained loose figs, which do not necessitate the use of a knife, a knife may not be used to open the barrel.

The Gemara cites another seeming contradiction that is resolved by attributing one of the sources to R' Nechemyah.

4) Thrusting a spear into the side of a barrel

R' Sheishes was asked whether it is permissible to thrust a spear into the side of a barrel. Is the intent to make an opening which would be prohibited or was his intent to appear generous and therefore permitted?

R' Sheishes ruled: It is prohibited.

5) Piercing the side of a barrel

R' Huna and R' Chisda dispute the precise meaning of the Mishnah's statement, "And he may not perforate it from its side."

A Baraisa is cited that discusses making openings in the side of a barrel.

The Gemara questions the Baraisa: If forming a new hole in the side of a barrel is prohibited what is the rationale of the opinion that permits enlarging a hole?

Rabbah explains the rationale of the opinion that permits enlarging a hole. The Gemara proceeds to explain the rationale of the opinion that prohibits the practice.

6) Issues concerning barrel openings

The above cited Baraisa permit reopening an old hole in a barrel. R' Yehudah in the name of Shmuel limits this ruling to where the plug was meant to preserve but if the plug was intended to strengthen the barrel it is forbidden.

R' Chisda and Rava dispute the meaning of the words "preserve" and "strengthen."

Rav and Shmuel dispute whether it is permitted to place a spigot into a hole in a barrel. The Gemara explains that their dispute is limited to the case of a reed that was cut but not yet trimmed. This dispute is also a dispute between Tannaim. R' Yochanan rules like the lenient opinion.

Rav and Shmuel dispute the permissibility of using oil to plug a barrel. Shmuel holds that it is permitted and there are two reports regarding Rav's position.

It is said in the name of Shmuel that it is prohibited to place a myrtle leaf in the opening of a hole in a barrel. There is a dispute regarding the reasoning behind this ruling.

On a tangential point the Gemara tells of an additional dispute between Rav and Shmuel concerning wrapping one's self in felt and walking outside.

7) **MISHNAH:** The Mishnah presents activities that are permitted to maintain or enhance a food. Additionally, the Mishnah discusses what a person may do if their clothing became wet on Shabbos.

8) Clarifying the Mishnah

The Gemara clarifies the novelty of the first two rulings of the Mishnah.

9) Maris Ayin

R' Yehudah in the name of Rav declares: Whenever an activity is prohibited because of maris ayin it is prohibited even if done in private.

The Gemara questions this principle from the Mishnah that indicates otherwise. R' Yehudah in the name of Rav is forced to admit that the issue is a dispute between Tannaim. ■

Distinctive INSIGHT

Building or finishing?

אמר רבה דבר תורה כל פתח שאינו עשוי להכניס ולהוציא אינו פתח

Rambam cites this general rule of making a hole through a wall among the guidelines of **מכה בפטיש** (Hilchos Shabbos 10:16), and not among the laws of building – **בונה**. Rambam is apparently of the opinion that making a hole which is made for entry and exit in a structure is a form of fixing and finishing, rather than being in the category of building.

Earlier (102b), we find a dispute regarding the reason a person is **חייב** for making an opening in the side of a chicken coop. Rav holds that one would be culpable for violating "building". Shmuel holds that this is in the realm of **מכה בפטיש**. Tosafos brings **ר"י** who explains that Shmuel is opposed to calling this "building", because in the case of a hole in a chicken coop, the opening is not made for both entry and exit, so it can only be in the category of **מכה בפטיש**. We see from Tosafos that when a hole for both entry and exit is made, the obligation would be for "building". This is unlike Rambam, who holds that this is under the category of **מכה בפטיש**.

Rambam, himself (ibid. 10:14), rules that a person is **חייב** for "building" in the case of a chicken coop where someone knocks a hole of any size into the wall in order for light to enter. The Lechem Mishna and Kesef Mishna both point out this apparent inconsistency. Here, Rambam rules according to Rav, that such a hole in the wall is "building". Yet Rambam also rules that this is **מכה בפטיש**, and not "building".

Lechem Mishna wants to resolve this by explaining that when Rambam says that making a hole in the wall of a chicken coop the person is **חייב** for "building" (Halacha 14), he means that the culpability is both for building as well as **מכה בפטיש**. However, this approach seems unlikely, because in Halacha 16 Rambam is explaining **מכה בפטיש** only. It does not seem that this ruling is incomplete, and that Rambam meant it as only a partial list of the various obligations.

Sefer **דף על הדף** suggests that in Halacha 14 Rambam is discussing a hole that is so small that it only serves to let light in. This is not a hole which is made "for entry and exiting". This type of hole can only be culpable for "building", but not **מכה בפטיש** because it is not a complete manner of finishing the structure. **בונה**, however, can be liable even for a relatively small hole. This is precise in the words of Rambam, as well, as he describes the hole as only being big enough to let light enter. However, once it would be large enough to allow exit as well as for entry, the person would be **חייב** for **מכה בפטיש**. ■

REVIEW and Remember

1. According to R' Abba bar Kahana, how did the Avose cleanse themselves of the impurity of the serpent
2. What melacha is violated when a person makes a new opening in a container?
3. What is the prototype of the Rabbinical prohibition against making an opening?
4. What was Rav's relationship with R' Kahana and R' Assi?

HALACHAH Highlight

Maris Ayin

כל מקום שאסרו חכמים מפני מראית העין אפילו בחדרי חדרים אסור

The term Maris Ayin, literally meaning "viewed by the eye", refers to any situation where an activity is performed in a manner that is likely to arouse suspicions in an objective (if unlearned) observer that a transgression is taking place.

Why hanging clothes to dry is Maris Ayin

If one was permitted to hang clothes to dry on Shabbos, an onlooker might conclude that they were laundered on Shabbos itself. He might be led to believe that laundering is permissible on Shabbos. For this reason, the Sages forbade hanging wet clothes on Shabbos.

It is important to understand that wherever the principle of Maris Ayin is applicable, it is prohibited even in the privacy of a concealed room (because it is difficult to always be certain that such activities will not somehow be noticed by others). In other words, whenever something is prohibited in public because of its Maris Ayin appearance, that activity is prohibited even in private. Therefore, it is just as prohibited to hang wet clothes to dry in a laundry room as it is to do so outdoors.

Hanging clothing to dry before Shabbos

Although it is forbidden to hang out wet laundry and clothing on Shabbos, one is permitted to hang out the wet clothing before Shabbos and allow it to remain hanging through Shabbos. The reason is because laundry is ordinarily hung out to dry immediately after it was washed. However once the clothing is hanging, it often remains that way for a long time. It therefore follows that an observer will only assume that the washing took place if he sees the clothing actually being hung out to dry. However, one who sees only the hung-out laundry (but not the act of hanging) cannot logically assume that the laundering occurred that day.

The two conditions to the prohibition of hanging wet clothes

The problem of Maris Ayin is not always present when hanging a wet garment or linen to dry. There are two conditions to the prohibition of hanging wet clothes to dry:

1. Only a truly wet garment (by Halachic definition) may not be hung to dry.
2. Only hanging in the usual manner is prohibited.

1: Only a Halachically wet garment may not be hung to dry

To be subject to this restriction, the fabric must be moist to the

degree of what is referred to as "Tofai'ach Al M'nas L'hatfiach." This means that the material is wet enough to moisten a second surface to the extent that the second surface could still transfer some moisture to a third surface.

As a general rule, it can be assumed that a cloth is *Tofai'ach Al M'nas L'hatfiach* if a moist spot remains on the surface from which it was removed.

2: Only hanging laundry in the usual manner of drying is prohibited

This means that a wet garment may not be hung where laundry is commonly hung to dry (e.g. on a clothes line, in an indoor laundry room, or in the bathroom over the shower). However, one may hang a wet garment in a closet or on wall hooks because laundry is not ordinarily hung to dry in these places. One may also hang the wet garment on the back of a chair, a door, on a doorknob, etc. Hanging laundry to dry in a manner not ordinarily used for this purpose is not Maris Ayin.

Dry-cleaned clothes

Some contemporary Poskim contend that there is a basis for permitting one to hang a suit or coat (that became wet in the rain, etc.) in a bathroom or laundry room because it is common knowledge that such clothes are never laundered, but are only dry cleaned. Therefore, no one could suspect that they were cleaned on Shabbos, since wet laundering would ruin these garments.

The same might be said of ladies' Shabbos attire. Although many ladies' garments are washable, it appears that Shabbos garments are almost never washed, but are dry-cleaned in the vast majority of cases. If this is true, it follows that if a woman was caught in the rain, she too is permitted to hang her Shabbos clothes to dry, even in a laundry room."

There are prominent Poskim, however, who do not make a distinction between dry-clean garments and ordinary washables. They rule that dry-clean garments which became wet are not exempt from the restrictions of Mar'is Ayin. Therefore, one who adopts a stringent attitude on this question has basis for doing so.

It appears, however, that the consensus of most Poskim is to allow a lenient attitude on this matter.

Hanging a wet raincoat

A wet raincoat may be hung out to dry in the laundry room (even if the coat is made of a moisture-resistant fabric), because it is obvious that the coat is not drying from a wash, but only from the rain.

A rubber or plastic coat may even be shaken out to remove the excess moisture on its surface. However, shaking out a wet fabric rain-coat is an act of S'chitah, and is forbidden. ■

¹ The 39 Melachos, by Rabbi Dovid Ribiat, pages 717-720. Used with permission of the author.

Gemara GEM

שבט—מקלקל לצורך שבת—Destructive Activities for the Purpose of Shabbos

The mishnah here states that a person may break a jug on Shabbos in order to eat the dates that it contains. By way of explanation, Rashi writes that destructive activity (e.g. breaking the jug) on Shabbos is not prohibited at all. The Rishonim find this assertion difficult, as it seems from several sugyos that there is a rabbinic prohibition even on destructive activities. They therefore write that the rationale underlying this mishnah's ruling is that it is only for the purpose of Shabbos (שבט—לצורך שבת—in this case, the eating

of dates) that destructive activity is permitted (see Rashba and Ran). Other Rishonim suggest that the jug in question here is of a special type: a mustiki - a jar that had previously been broken and then glued together again, and that it is because it is a "disposable" container that it may be broken (see Tosafos and Rosh).

Afikei Yam (vol. 2, 4:6) suggests that Rashi's position is that Chazal only forbade destructive activity when its constructive analog would constitute a Torah prohibition (מלאכה גמורה מהיית). The constructive analog of the destruction of a jug by breaking it would be breaking the jug in order to make it more useful (for example, if a jug is sealed with a plug, and cannot be used, breaking off the plug would be constructive breakage). However, in order to violate a Torah

prohibition one must break something in order to build something else in its place (סותר על מנת לבנות), not in order to improve the existing item. Hence, in our case, in which the breaking has no constructive analog, Chazal allowed the activity. Afikei Yam further notes that according to Rashi, in a case such as ours, which involves breaking vessels, even breaking the vessel in order to build something else in its place would be permitted, as Rashi's position elsewhere is that there is never any Torah prohibition involved in the construction or destruction of vessels of any sort (אין בנין וסתירה בכלים). [Afikei Yam cites several other authorities that seem to be of the same opinion, among them Sefer Yereim, mitzvah #272.] ■

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