

This month's Daf Digest is dedicated
לכבוד the Wedding of Yosef and Shoshana Sokolin
And לעלוי נשמת Israel Isser Ben Tzion ben Yaakov whose yahrtzeit is on 19 Iyar

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah lists those accessories that a woman may not go out with into a public domain on Shabbos.

2) The reason for the decree

R' Nachman bar Yitzchak in the name of Rabbah bar Avuha explains that the reason a woman may not go out on Shabbos with hair accessories is because of the concern that she may have to immerse in the mikveh on Shabbos. Since she must loosen her hair accessories for the immersion to be valid, Chazal were concerned that she may inadvertently carry the accessories four amos in the public domain.

Rav ruled, following an inquiry of R' Kahana, that those items that are woven were not included in the decree. R' Huna also agrees with the lenient ruling of Rav, although according to one version if the woven item became soiled it would be prohibited to wear it outside on Shabbos.

3) A Mishnah in Mikvaos

The Mishnah in Mikvaos states: The following are a chatzitza for a person who is to immerse: woolen threads, linen threads and straps that are worn on the heads of girls. R' Huna explains that all three items are worn on the heads of girls.

R' Yosef explains that R' Huna meant to teach that these threads are not a chatzitza when worn on the neck because a woman would not strangle herself by tying the threads too tightly.

In the above cited Mishnah, R' Yehudah states: Threads of wool or hair are not a chatzitza because the water penetrates them. R' Yosef in the name of R' Yehudah in the name of Shmuel rules like R' Yehudah that threads of hair are not a chatzitza.

Abaye is troubled by R' Yosef's ruling because it implies that Tanna Kamma disputes this ruling and there is no evidence to indicate that that is so. Proof to Abaye's assertion is presented from a statement of Shmuel, a Baraisa and a Mishnah.

4) Defining the items enumerated in the Mishnah

Abaye identifies the טוטפת as a frontlet which R' Avahu explains is an ornamental plate worn on a woman's forehead from ear to ear.

R' Yannai is uncertain whether the term כבול refers to a slavewoman's emblem, but a woolen ornamental hat would be permitted for a woman to wear in a public domain, or perhaps the Mishnah was prohibiting the woolen hat and certainly the emblem would be prohibited.

R' Avahu demonstrates from a Baraisa that the Mishnah was referring to an ornamental hat rather than a slavewoman's emblem.

The previously quoted Baraisa mentioned an איסטטמא which Abaye defines as a scarf worn to hold back protruding hairs.

A Baraisa states that the איסטטמא is not subject to the prohibition against shaatnez, cannot become tamai with tzaraas and can not be worn while going into the public domain on Shabbos. In the name of R' Shimon it was stated that it is not subject to the prohibition of "crowns of brides." ■

Distinctive INSIGHT

Wearing Jewelry in Public

במה אשה יוצאת וכי

In his Sefer אליהו ברכת, HaRav Eliyahu Fischer writes a fascinating thought from the Meshech Chochmah, who, in turn, cites the Gr"a as his source. We often find rules and regulations which the rabbis enacted for various reasons. It is important to realize, though, that beside the reason given for any decree, there are also underlying and unwritten principles behind these laws. For example, here we find that a woman should not go into the public domain while wearing her jewelry. The given reasons are that she may take off a particular piece and show it to her friend, and at the same time unintentionally carry the ornament a distance of four amos. Alternatively, the woman may have occasion to go to the mikveh, when she will have to remove the jewelry. Here, too, once the item is removed, we are afraid that it may be carried in the public domain.

The Midrash Tanchuma adds another reason to this rule other than those listed in our Gemara. "The Rabbis were concerned lest a woman wear jewelry in public even on weekdays. People look at a woman who is appearing in an attractive manner, and it is a degradation for the woman and a violation of tznius standards when a woman displays herself for others to notice."

According to the Midrash, this is a reason for a woman being prohibited from wearing her jewelry in public on Shabbos. Even though this reason would prohibit such conduct during the week, as well, nevertheless, the rabbis only enforced their rule on Shabbos. There are basically four reasons why this is so.

On Shabbos, beside the tznius consideration, there is also the problem of possibly carrying in the public domain. It is only this combination of factors which contribute to the enforcement of the rule. Furthermore, it is more common for women to dress nicely and to adorn themselves with jewelry, more than during the week. This is why the rabbis might have only activated their prohibition on Shabbos, and not during the week. Thirdly, it is specifically on Shabbos that people are idle from work. Therefore, having woman walking around fully adorned with their jewelry would potentially cause a problem on Shabbos more than it would during the week, when people are preoccupied with the toil of their work. Finally, Shabbos is a time for kedushah and purity. It is a special day when we can immerse ourselves in spiritual pursuits and when we can attain great heights in heavenly realms. The rabbis realized this, and they created rules to ensure that the aura of Shabbos remain one of holiness. Therefore, although it was generally not acceptable to have women parade around with their jewelry, it is specifically on Shabbos that they safeguarded the public domain so that any risk of promiscuity be diminished. ■

REVIEW and Remember

1. Why did Chazal prohibit women from wearing certain pieces of jewelry in a public domain on Shabbos?
2. What halachic conclusion did R' Huna the son of R' Yehoshua draw from his sister's behaviour?
3. Why would a woman want to tighten straps around her neck?
4. Why is an איסטטמא not subject to the prohibition against shaatnez?

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Mr. and Mrs. Akiva Goldstein in loving memory of
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ל"נ אבי מורי ר' משה בן ר' אהרן ז"ל
by Rabbi and Mrs. Aharon Gulkowitz, Brooklyn, NY

HALACHAH Highlight

May women today go out wearing jewelry on Shabbos in places where there is no Eruv?

במה אשה יוצאה? ובמה אינה יוצאה? ... ולא בטבעת שאין עליה חותם, ולא במחט שאינה נקובה. אם יצאה—אינה חייבת חטאת.

With which accessories may a woman go outside with on the Shabbos? And with which accessories may a woman not go out with on Shabbos? ... She may not go out wearing a ring without a signet, nor may she go out with a non-pierced needle. If she did go out with these, she is not obligated to bring a Chatas offering.

Rashi¹ explains that the reason why a woman who did go out wearing these items would not be obligated to bring a Chatas offering is because this interdiction is in fact a Rabbinic injunction. The Rabbis were concerned that if a woman were to go out with any of these items there exists the possibility that upon meeting a friend she would remove the accessory to display it to her friend and then proceed to carry the item in the public domain, thereby transgressing a Torah-level prohibition. Thus, the Rabbis forbade wearing these items out into the public domain on Shabbos.

Although the Mishnah here clearly prohibits women from wearing jewelry onto the public domain on Shabbos if it may be shown to others, it is documented that at least from the Geonic period and onward it has been the custom of women to wear ornaments when going out into the public domain on Shabbos, even where no Eruv exists. The discussion of this custom has been the center of much attention in the writings of Halachik masters through the ages and until our days.

Rabeinu Tam² rules in accordance with the opinion³ that this Rabbinic enactment was limited to wearing the items onto a public domain, from which he derives that to enter a Carmelis (domain that does not fit the conditions of either a public domain or a private domain) would be permitted. Thus, today, says Rabeinu Tam, when our streets can not be categorized as true public domains being that 600,000 people do not travel over them in the course of the day, nor are they 16 amos wide [see Daf Digest Shabbos 6], our public thoroughfares would have the status of a Carmelis. If so, effectively it would be permitted for women to wear their jewelry out onto the public domains of the period. This view is challenged from different quarters⁴.

Some authorities⁵ state that indeed wearing these items onto even a Carmelis would be forbidden. However, it was the assessment of the Rabbis that if the women would be reprimanded on this score, they would ignore the rebuke. As such, מוטב שיהיו שוגגין, ואל יהיו מזידין (it is preferable that they act without intention, than they be aware and act deliberately). [see Daf Digest Shabbos 55]

Other authorities⁶ posit that women today are not accustomed to re-

moving their jewelry to exhibit it to their friends. Some explain⁷ that this as a function of the women of the time being generally more sophisticated, and thus not inclined to removing jewelry in public. Others⁸ add that this decree was not unconditional and unchanging, rather it was meant to be applied only to the situation of the day when women had a tendency to remove and display jewelry publicly. However, provision was made for times when women would not display their jewelry, as which time the decree would not apply.

The Shulchan Aruch⁹ and Rema¹⁰ reference most of the above mentioned cogitations, without appearing to render a final determination. The Aruch HaShulchan¹¹ writes at length to support the custom of women to wear jewelry publicly on Shabbos. He explains that the women of the Talmudic period usually did not venture from their homes, and even when they did, they enwrapped themselves fully. As well, they did not generally go to the synagogue. Therefore, they only saw each other infrequently. Under these conditions, there was concern that if they would come across each other in the streets, maybe they would remove and display their jewelry. However, in the present, women do frequently leave their homes. Also, they encounter one another regularly, whether it is in each others' homes, or in the synagogue. As such, they do not typically remove and show their jewelry in the streets.

It is clear from the Aruch HaShulchan¹² that he views this as a satisfying reasoning to permit the wearing of jewelry out onto the public domain. Indeed, some contemporary Poskim¹³ rule similarly. However, several Poskim¹⁴ appear to view these as attempts to justify the common practice, but not as true Halachic reasonings. As such, they seem to opine that preferably a woman should avoid wearing this type of jewelry out on Shabbos¹⁵. ■

1 רש"י כאן (ד"ה במה אשה וכן ד"ה ואם יצאת) ע"י לקמן נט ע"ב. 2 שיטת ר"ת בתוס' לקמן (סד ע"ב ד"ה רבי ענני) [ע"י ספר הישר (סי' דר.)]. והשווה לשיטת רבינו ברוך בעל ס' התרומה (סי' רמ) והוב"ד בתוס' (סד ע"ב ד"ה רבי ענני) ועוד. 3 רבי ענני בר ששון משמיה דרבי ישמעאל ברבי יוסי לקמן בדף סד ע"ב. 4 ע"י בתוס' שם וכן ברא"ש (פ"ו סי' יג). וע"י בריטבי"א (סד ע"ב ד"ה רבי ענני) 5 ע"י ברא"ש (פ"ו סי' יג) בשם ר"ת, וכן סיים התוס' שם, וע"י ברי"ן (דף כו ע"א בדפי הרי"ף סוד"ה אבל קשה), וכן ראה בריטבי"א (סד ע"ב ד"ה רבי ענני) וכן באור זרוע (סי' פד) בשם ה"ר יוסף בתוספותיו. וכן בארחות חיים (הל' שבת סי' רסא) בשם רבי דוד בר לוי. וע"י ברבינו ירוחם (ספר אדם נתיב יב ח"א, דף פא ע"ד) בשם ר"ת. ועוד. 6 רב שר שלום גאון הוב"ד בתוס' (סד ע"ב ד"ה רבי ענני). [ע"י פ"י תשובות רב שר שלום גאון (סי' כט וסי' ל)]. 7 סי' יראים (סי' רעד, דף קמח סוע"ב) ובסי' הרוקח (סי' ק) ובסי' שבלי הלכת (סי' קו, דף לח ע"א) בשם סי' יראים. וע"י בסי' ארחות חיים (הל' שבת סי' רסא). ועוד. 8 ריטבי"א (סד ע"ב ד"ה רבי ענני). והשווה לדברי התפארת ישראל על המשניות (שבת פ"ו אות טו) 9 שו"ע (סי' שג ס"י"ח) 10 שם בהגה 11 ערוך השלחן (סי' שג סכ"ב) 12 ע"י שם שסיים: "וזהו היתר נכון וברור." 13 שו"ת אור לציון ח"ב (פרק כג שאלה יא). וכן ראה בסי' ארחות רבינו ח"א (פרק שבת אות קמט, עמ' קלז) בשם החזו"א. וע"י שו"ת אגרות משה (ח"ה מחא"ח סי' יח, הערה לפי שג סיח, דף מה ע"ב). 14 ע"י ביאור הלכה (סי' שג ס"י"ח ד"ה כי בזה) וסי' שש"כ (פרק ח' ח"א). 15 ע"י בריטבי"א (שבת סד ע"ב ד"ה רבי ענני) בשם תוס' האחרונים כי הרבנית אשת ר' יהודה ז"ל היתה אומרת כי בעלה היה אוסר לה, וגם השר מקוצי ואחיו ז"ל היו אוסרים לנשותיהם. ע"ש. ■

STORIES Off the Daf

The Bequest of the Rebbe

תנו רבנן ג' דברים נאמרו באיסטמא... ואינה מטמאה בנגעים

Tosafos (ד"ה ואינה) refers to the Aruch which translates this material (איסטמא) as a piece of fabric that has a golden cover, with precious stones set into it. The laws of plagues for cloth do not apply to such an item, because the layer of gold and the valuable stones placed upon it result in the fabric being secondary and even null in terms of importance in contrast to the metal. What we have here is a piece of jewelry, not a piece of fabric or clothing.

When the Rebbe from Sadigera past away, he left instructions in his will regarding the specific way he wanted the silver and gold utensils he owned to be divided among his heirs. The question arose regarding certain silver and gold vessels which had precious stones set into them. Were these to be divided according to the guidelines set for silver, or were these to be considered more valuable showpieces and heirlooms?

This issue is discussed in the responsa letters of כוכב מיעקב, and he tends to view these vessels as silver and gold bowls, and not as being in any other category. He then refers to our Tosafos. "It may seem from the opinion of the Aruch, quoted in Tosafos, Shabbos 57b, that the jewels and precious stones are more significant, and we do not

consider the garment to be the main item. However, there is a difference. Tosafos is dealing with a case where the fabric itself is layered with gold, even before the jewels are set into it. Of course in such a case the underlying layer of fabric is no longer significant. The Gemara (Chagiga 26b) clearly points out that the actual material from which a vessel is made is nullified by its plating. However, in the case of the silver and gold plates and dishes, the precious metal from which the plate is made is certainly still intact. It is just that there are valuable stones set into it besides.

Therefore, the ruling should be that they should be divided according to the guidelines set by the Rebbe for apportioning the silver and gold plates. ■

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HaRav Pinchas Eichenstein, Nasi; HaRav Zalmen L. Eichenstein, Rosh Kollel; Rabbi Tzvi Bider, Executive Director, edited by Rabbi Ben-Zion Rand.

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