

MARIS AYIN – SHOULD WE CARE WHAT OTHERS THINK?

by Rabbi Dr. Nachum Amsel | July 22, 2019

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As we were growing up, most of us heard a variation of the following “rules” from our parents: Do the right thing. I do not care what your friends are doing. You have to behave properly. (“If all the other kids jumped off a bridge, would you do it too?”) It makes no difference what other people think, as long as you do the right thing. The first two statements seem to be ideas everyone can agree on: act morally and resist peer pressure. But is the last statement really the ideal? Should people not care what others think of them or their actions? If each individual acts ethically in a given situation, but it looks unethical to others, should people still take that action? Is it really ethical and moral to not be concerned about how others react to the way people conduct themselves? Judaism has much to say about these questions and this moral issue.

JUDAISM VERY MUCH CARES WHAT OTHERS THINK ABOUT OUR ACTIONS

In Judaism, how people react to a Jew’s action is indeed very important. The very essence of being Jewish is how one impacts not only upon oneself but also upon others. Therefore, to consider the reaction of others as unimportant is to contradict a fundamental precept in Judaism, because it does not allow a Jew to fulfill his or her overall mission. The very first Jew, Abraham, is promised by G-d that he will be a blessing to all people of the world, not just for Jews. This indicates that others would aspire to be like Abraham.¹ Every action that Abraham took was scrutinized by others, and rightly so. Had Abraham acted in a way that would have affected people negatively, he would not have been able to succeed in his goal to inspire others to believe in one G-d.

This is not just Abraham’s mission, but it is also the mission of every Jew. Therefore, the Talmud² explains how a person fulfills one of the main guiding principles of Judaism: “You shall love G-d with all your heart...”³ A Jew is obligated to act in a manner that will cause people to say how great this person is and how special G-d must be to inspire such behavior. By learning and keeping the Torah’s teachings, a Jew creates a *Kiddush Hashem*-Sanctification of G-d’s Name. Therefore, what other people think of our actions is certainly important in Judaism. The Midrash tells us⁴ that had the personalities in the Bible such as Reuven and Boaz (and others) known that their actions would be recorded in the Torah and scrutinized by millions throughout the ages, they would have acted in a much more careful manner, especially when they did not behave in a totally righteous manner. How people perceived their actions was important to them, as it should be to all Jews.

When considering the proper path in life, says the Mishna⁵, it is not enough that we choose deeds that will bring honor only to G-d. They also must bring honor to other human beings. Therefore, every time a person decides upon any behavior, he or she must be very conscious that not only it is the right thing to do in that individual’s eyes and even in G-d’s eyes, but it must likewise be behavior that others will interpret as ethical as well. This concept – acting ethically in both G-d’s eyes and in the eyes of others – is derived from the Torah story of the two and a half Tribes who wished to remain on the east side of the Jordan River. Even though they displayed the right motives, they had to demonstrate in

¹ Genesis 12:3 with Rashi commentary

² Yoma 86a

³ Deuteronomy 6:5

⁴ Midrash Vayikra Rabbah 34:8

⁵ Mishna Avot 2:1

their actions to G-d and also to their fellow Jews that they were ethical. (For this reason, the men left their homes and families to fight alongside the other Tribes for fourteen years.)⁶ It is a Torah imperative that Jews take into account how their actions are perceived by others – i.e., Jews must always behave in a way that is not only moral, but also appears moral to others. King Solomon echoes the same imperative when he writes that Jews need to be right and seek favor both in G-d's eyes and in men's eyes.⁷ Traditional Jews ask G-d to help them achieve this goal each day when they recite the Grace After Meals.⁸

This concept of taking an action specifically to assure that one does not appear guilty in the eyes of others is such an important one that it twice saved the Jewish people in the desert. If not for this idea, the entire Jewish people, as we know it, simply would not exist today. After the first great sin that the people committed in the desert by worshipping the Golden Calf, G-d wanted to destroy the entire nation and begin again with Moses. What was Moses' argument that saved the Jewish people from destruction? Moses tells G-d⁹ that if He were to destroy the Jewish people, the Egyptians would (completely erroneously) think that G-d was simply too weak to fulfill His promise to bring them into the Holy Land (see Ibn Ezra commentary), and that is the reason the Jewish people were destroyed, rather than because of their sins. Though the Egyptians would have been totally mistaken to think this way, and G-d's punishment of death would have been deserved (an omnipotent G-d could certainly have brought them to the Land of Israel), G-d relents and does not destroy the people in order to avoid a desecration of His Name (*Chilul Hashem*). Moses uses the same argument less than two years later one more time. The Jews sin, once again, in believing the ten spies' negative report and not having faith that G-d would make them victorious in their conquest of the Land of Israel. Once again G-d wishes to destroy the people. This time, Moses spells out what people would say if this were to occur:¹⁰ The Egyptians would say that G-d had some powers, but not enough strength to lead them successfully into the Land of Israel to triumph over the Seven Nations living there, and that is why G-d had to destroy the Jews in the desert. As foolish and incorrect as this argument was, G-d says to Moses that he forgives the Jewish people "because of your words." Thus, how something appears is as important as doing the right thing. Even G-d changed His plans and the Jewish people were saved because of how the situation would appear to the nations of the world, although, if He had acted as He had wanted, of course G-d would have been right and the nations mistaken.

Rabbi Moses Sofer (1762-1839), one of the most outstanding and pious rabbis in Europe, writes¹¹ that one of the most difficult precepts he encountered in trying to fulfill all of Judaism's commandments is this one. It was far easier for him to remain "clean" and righteous in the eyes of G-d, than to "remain clean in the eyes of his fellow man." People are always filled with all kinds of suspicions and thoughts, even about rabbis, so a Jew must work very diligently not only to be guiltless but also to appear guiltless in the eyes of others.

HOW FAR SOME PEOPLE WENT SO THAT OTHER PEOPLE WOULD NOT THINK THEM SINFUL

There are numerous incidents related in the Talmud describing how people and families went "the extra mile" in their actions in order to insure that they would be above suspicion, even when they had done absolutely nothing wrong. For example, the family of Garmu was responsible for baking the dough, of the finest quality, for the *Lechem Hapanim*-Bread of Display for the Temple. The rabbis praised them because this family consciously would not allow any clean flour to enter their own homes so that no one would suspect them of using the dough designated for the Temple for their own

⁶ Numbers 32:22

⁷ Proverbs 3:4

⁸ Grace After Meals, end of the last blessing

⁹ Exodus 32:11-12, 14

¹⁰ Numbers 14:11-20

¹¹ Chatam Sofer, Responsa 6:59

needs.¹² Abba Hoshiya was a launderer who made sure to always wear clothing made of a special type of cotton (not commonly found) so that people could not say that when he washed clothes belonging to others, he took little pieces of material from them and made a garment for himself.¹³ The family of Avtinas was responsible for mixing the spices used for the incense in the Temple.¹⁴ The rabbis praised them because whenever a woman in their family got married, she would not wear any perfume at all at the wedding, and when the men in the family got married, they made sure that their brides would not wear perfume as well. They did all this so that they would be above suspicion that they may have used the spices meant for the Temple incense for their personal use. Moses was responsible for both building the Mishkan-Tabernacle and keeping the accounts for all the gifts and how they were used. Even though no accounting of each donation was required, Moses insisted on giving a detailed public accounting so that even he, the great and respected leader, would be above suspicion that he took some of the donations for his personal use.¹⁵

The obligation to act in a manner that eliminates suspicion, even when a person does nothing wrong, is so important that Jewish law required that anyone who entered the Temple area where the money was stored had to wear clothing without pockets or any other places that might be used to stash coins. Thus, the person had to go in barefoot since coins could be stored in shoes. Similarly, one could not wear a coat or even an amulet, or any other type of clothing that might allow a person to store a coin. In this way, if the person later became wealthy, no one could attribute this wealth to money stolen from the Temple.¹⁶ The Tiferet Yisrael commentary points out¹⁷ that in all these cases, the people went beyond the original Torah requirement of this principle that was delineated in the desert when the Tribes of Reuven, Gad and half of the Tribe of Menashe wanted the land on the eastern side of the Jordan River, and asked to stay behind while the other Tribes fought for the rest of the land. In that case, these Tribes wanted something special and tangible for themselves, but they had to make sure that their actions did not appear to be selfish, subversive or insensitive to others (and that is why Moses told them to fight alongside the other Tribes before returning to their land and cattle). However, in the cases delineated above, the people did absolutely nothing wrong or suspicious in any way and gained nothing. Yet they still took steps to ensure that no one could suspect them of any improper activity. This shows to what degree Jews have to care what people think of them and their actions. Even when they do nothing remotely wrong or suspicious, they should anticipate what people might think and avoid any activity that could arouse suspicion and compromise their integrity.

Sefer Chinuch adds another layer to this sensitivity.¹⁸ If the person in question is very prominent, in addition to violating “keeping clean in the eyes of the people,” any action that (wrongly) looks suspicious also automatically involves desecration of G-d’s name. Thus, a Torah scholar has to avoid any situation that might even remotely look wrong, even if he is completely in the right. So if the Torah scholar is doing something that he knows to be moral and right but it may look to others like a sin, he may not do it for both of these reasons.

HOW THIS CONCEPT RELATES SPECIFICALLY TO JEWISH LAW

As a result of this concept, there are many instances in daily Jewish living when a person acts in complete accordance with Jewish law (Halacha), but to someone else, a particular action might look like a sin that violates Jewish law. If that situation arises, the person is forbidden from doing that action, even though it would normally be permitted by Halacha. When a normally permitted act is prohibited because someone else may think it is a sin, it is called either *Marit Ayin* or *Cheshad* in Jewish

¹² Yoma 38a

¹³ Jerusalem Talmud, Bava Kama 44b

¹⁴ Yoma 38a

¹⁵ Midrash Tanchuma, Pikudei 5

¹⁶ Mishna Shekalim 3:2

¹⁷ Tiferet Yisrael commentary on Mishna Shekalim 3:2

¹⁸ Sefer Chinuch, Mitzvah 295

law. There are numerous examples of this in the Talmud and in the codes of Jewish law, and, as usual, there is some disagreement about the finer points of the laws, even though all agree to the basic principle. Only a few examples will be brought here.

One classic case is the person who gets caught in the rain on Shabbat and his clothing is soaking wet. It is perfectly permissible to put these clothes out in the sun to dry without violating any Shabbat laws. But if people see these clothes drying, they may suspect that the person washed them on Shabbat, which is forbidden. Thus, the Mishna states¹⁹ that any individual may not dry these clothes in the sun on Shabbat in a place where people can see them (because they might suspect that individual washed them on Shabbat). But in the privacy of one's backyard, the clothing may be laid out to dry. Another classic case in the Talmud²⁰ is the person who lives in a corner house, with windows facing two different streets. If that home owner lights Chanukah candles in the windows facing one street, he has completely fulfilled the mitzvah-commandment of lighting Chanukah candles. But people who pass by only on the other street will see no candles in those windows and possibly think that this man has not lit Chanukah candles and has sinned by neglecting a rabbinical mitzvah. Therefore our concept – caring what others think even when doing the right thing – obligates him to light candles in both windows, so that no one should think he has sinned by forgetting to light the Menorah. Other examples abound. For instance, the eating or drinking of both human and animal blood is forbidden in Jewish law, but the blood of fish is permitted. If a person wanted, for some reason, to drink the blood of a fish (in some places this is considered a delicacy), it would be forbidden to do so even though there is nothing forbidden about this act. Since people might assume it is blood that came from an animal, it is forbidden. However, if there is some sign that it is from fish -- i.e., some fish bones or other parts of the fish were lying next to it, then it is permitted.²¹

If coins in a person's pocket happened to fall on the ground in front of a statue that was an idol, which some people consider a G-d, it would be forbidden to bend down and pick them up. Even though that Jew has no intention to do so, others looking at this scene might think that he or she is bowing down to an idol and thus it is forbidden. Likewise is the case of a water fountain located near the statue of an idol. If bending down is required to reach the water, some may think the drinker is bending down to worship, and therefore, it would be forbidden to drink from that fountain.²² That is how far this concept extends and how seriously Judaism takes this idea.

Another situation which is very common today is the use of a liquid that looks like milk but comes from non-dairy sources. In earlier times, it was milk that comes from nuts or coconuts that looked like cow's milk. Even though perfectly permitted in Jewish law, a Jew may not use this milk with meat because it looks like one is doing the forbidden act of mixing meat and (dairy) milk together.²³ However, mixing this (non-dairy) "milk" with chicken would be permitted, since chicken itself is not Biblically considered meat (and therefore could be used with even dairy milk according to Biblical law), but the rabbis forbade it in order to avoid confusion. A prohibition due to a rabbinic concern on top of another possible rabbinic concern (i.e., suspicion it is dairy milk) would indeed be permitted. This law had very practical implications when Coffee Rich non-dairy creamer came on the market more than 50 years ago. It was forbidden then to serve it with coffee in a Kosher restaurant after a meat meal, unless the container was left on the table, because people might think it was actual milk. (Jewish law therefore required visible proof that no sin was being committed.) Now, when almost everyone is familiar with non-dairy creamers, people are not so quick to assume it is milk and therefore it is permissible to serve a non-dairy creamer with a meat meal even without the carton on the table. (More about this particular case is discussed below).

¹⁹ Mishna Shabbat 22:4

²⁰ Shabbat 23a

²¹ Shulchan Aruch Yoreh Deah 66:9

²² Avodah Zara 12a

²³ Rema, Shulchan Aruch, Yoreh Deah 87 with Turei Zahav commentary

Though not common today since Kosher meat that has already been slaughtered is readily available, in the time of the Talmud (before refrigeration), most Jews had to know how to slaughter meat in order to eat it. Jewish law requires that the blood of a slaughtered animal be covered up properly. Heretics and Sadducees who did not believe in the Oral Torah used to slaughter into an open pit, which is technically permitted. But since this was the standard way that heretics and Sadducees operated, the Mishna²⁴ forbids slaughtering in this manner, lest people think that this upstanding Jew is a heretic or Sadducee. However, the Mishna continues and says that if one does this in the privacy of his own home, where no one can (supposedly) see, then it would be permitted. We will see below whether or not this idea and the laws of *Marit Ayin* and *Cheshad* apply in a private situation.

THE DIFFERENCES BETWEEN THE CONCEPTS OF MARIT AYIN AND CHESHAD

On the surface, it appears that both concepts *Marit Ayin* (“how it looks”) and *Cheshad* (“we are afraid because...”) are identical, and seem to be used interchangeably in the Talmud. However, later authorities present three distinctions between these two concepts.

Rabbi Abraham Teumim (1800-1868) writes²⁵ that *Marit Ayin* is something that appears like a sin regarding a Jewish law that everyone already knows is forbidden, like coconut milk mixed with meat, for example (because everyone is aware that combining meat and milk is prohibited). Since all know the “apparent” sin is forbidden, this kind of act (which is actually perfectly legal and moral but it appears wrong) would be forbidden even in the privacy of one’s home, since if people happened to see it, they would immediately question, “How can this be done?” A *Cheshad*, however, is an act that appears to be forbidden but not everyone knows that it is a definite sin. Thus, this type of act is permitted in private, like the example brought above of slaughtering into a pit. A clearer distinction between the two concepts, based on the above notion, is a psychological difference in how the person seeing the action will react. If a person watching you do an action that appears to be sinful (but is not, in actuality) thinks that if you are doing it, this act must be permitted, since you are such an upstanding Jew who is careful about Halacha (Jewish law), then this is a *Cheshad*. So if, for example, the person sees you eating fish blood and thinks that Jewish law must be that drinking animal blood is now permitted, then it is a *Cheshad*. But if the person sees you doing the act is sure it is a sin (even if it is not) and will then think that you are a sinner, then it is a case of *Marit Ayin*. Thus, since everyone knows that meat and milk is forbidden, by putting coconut milk into meat, the person will think that you have become a sinner -- and that is *Marit Ayin*. Both explanations are mentioned by Rashi²⁶, but Rabbi Moshe Feinstein makes this distinction. Finally, *Marit Ayin* involves an “apparent” sin that is rabbinically forbidden, while the *Cheshad* can even involve what appears to be a Biblical sin.²⁷ The Encyclopedia Talmudit summarizes all three opinions and distinctions.²⁸

DO THESE LAWS APPLY EVEN IN THE PRIVACY OF ONE’S HOME?

In the Talmud,²⁹ Rav made a statement that seems counterintuitive. He states that in a case of *Marit Ayin*, all Jewish laws that are forbidden because they look like a sin, even though technically permitted, are also forbidden within one’s home, even in a “room within a room.” Why should something that is only forbidden because we are afraid of what an onlooker will think, continue to be prohibited when there are no onlookers? Numerous reasons have been given. One is that if the rabbis permit it privately, a person might forget and do it publicly. Others say that even in the privacy of one’s home, it is possible that “nosy neighbor” might see the action, even though a person thinks the

²⁴ Mishna Chulin 2:9

²⁵ Chesed Le-Avraham, Orach Chaim 21

²⁶ Rashi commentary on Shabbat 64b

²⁷ Igrot Moshe, Orach Chaim 4:82

²⁸ Encyclopedia Talmudit, vol. 17 “*Cheshad-Marit Ayin*”

²⁹ Shabbat 64b

situation is private. In the 21st century, this idea has proven to be a reality. There are many times when “private” actions in one’s home, when a person was “sure” no one was looking, have been captured on camera, either with telephoto lenses, hidden cameras, on a cell phone camera or even from a very small, remote controlled drone. But is Rav’s premise indeed Jewish law?

Rashi, in citing the Mishna discussed above that says³⁰ a person may indeed dry his clothing on Shabbat in the privacy of his own home, points out that this opinion disagrees with Rav’s principle that this concept is valid even in the privacy of one’s home. The Jerusalem Talmud also cites many instances where others disagree with Rav about this principle.³¹ Tosafot commentary, in citing that there is indeed a fundamental argument between those who agree and those who disagree that this concept is also valid in private, add³² that even Rav would agree that the only time an action is forbidden in the privacy of one’s home is if it looks like a sin for which one would be Biblically culpable, but for a sin that appears to be a rabbinic transgression, even Rav agrees that it would be permitted privately.

This argument continues in the post-Talmudic period as well, with Rif and Rabbeinu Nissim disagreeing with Rav that *Marit Ayin* applies in private,³³ while Tosafot, Rosh and others agree with Rav. Finally, Rabbi Joseph Caro, in his Code of Jewish law, rules according to Rav. Thus, when people might suspect Jews doing something wrong, even if he or she is not, it is forbidden both in public and in private to act in this manner, but only when the suspected sin would be Biblically forbidden.³⁴ This is good advice, especially in the age of the super telephoto lens.

OTHER JEWISH LEGAL PRACTICAL ISSUES THAT RELATE TO THIS CONCEPT

There are two specific interesting areas where these concepts of *Marit Ayin* and *Cheshad* have led to discussions involving practical implications for observant Jews of today.

Make a Blessing?

We saw above that in certain circumstances, the rabbis obligated a Jew to do something even though the act itself would normally not be required, but it was only performed because of what people might think. In those cases, would the Jew have to recite a blessing? After all, the only reason to perform these acts is to quell people’s possible suspicions. Shulchan Aruch brings the case of the person living in the corner house with windows facing two different streets. While he obligates a Jew to light two Menorahs, he writes that a second blessing is not said on the second Menorah.³⁵ Rashba disagrees and says that a second blessing should be recited. He cites the case of a cow that was slaughtered while almost about to give birth. If the calf emerges alive and healthy, there is a Jewish law that this animal does not need to be slaughtered before eating it, since it is considered already slaughtered, having been inside the slaughtered cow (called a *Ben Pakua*). Nevertheless, so that people will not think that a Jew is eating a cow that was not slaughtered (or that it is no longer required to ritually slaughter cows), the rabbis ruled that a Jew is required to slaughter even this cow. Rashba says³⁶ that the slaughterer recites the standard blessing on slaughtering this cow that you recite for every cow that requires slaughtering. Why? Just as the Rabbis require a blessing and establish so many other Jewish laws rabbinically, the idea of not appearing to do sin (even when doing nothing wrong) is also a rabbinic law. Thus, like any other rabbinic act where a blessing is required, so too would a blessing be mandated in this case.

³⁰ Rashi commentary on Shabbat 64b “*Aval Lo Keneged Ha-am*”

³¹ Jerusalem Talmud 40b.

³² Tosafot on Chulin 41a “*Uveshuk*”

³³ Rabbeinu Nissim on Rif, Beitza 4b

³⁴ Shulchan Aruch, Orach Chaim 301:45 with commentary of Mishne Berurah (165)

³⁵ Shulchan Aruch, Orach Chaim 671:8

³⁶ Responsa of Rashba 1:525

A Non-Jew Doing a Job for a Jew on Shabbat

While it is forbidden on Shabbat for a Jew to ask a non-Jew to do a certain prohibited Shabbat activity for him or her, it is permitted to contract with a non-Jew on Thursday or Friday to do such a job, without specifying that it be done on Shabbat. If the non-Jew wishes to do it on Shabbat, it is completely permissible. But what if the work given to the non-Jew on Thursday involves working in the Jew's backyard? Won't some people think that the Jew asked the non-Jew to do work on Shabbat itself, and thus it would be forbidden as *Marit Ayin*?

The Talmud³⁷ asks this question, and says that if the work (such as laundering or repairing a car) is done on the premises of the non-Jew, it is perfectly permissible, since no one knows or sees that he is doing the work specifically for this Jew. But if the work is done in the Jew's backyard or an area of town where many Jews pass by on Shabbat and they know the work is for a particular Jew, then it would be forbidden. However, in an area where Jews do not live or walk, it would be permitted. This is precisely how the Code of Jewish law rules³⁸ and it coincides with the parameters of our overriding idea – that only when someone would think that the person is doing a forbidden action (even when this is not the actual case) would that action be prohibited. However, three sentences later the Shulchan Aruch discusses another case and brings a ruling which seems to contradict this basic idea.

Some Jews used to collect the taxes for the local governor, from Jews and non-Jews alike, and this job entailed a seven day work week. Since this activity was obviously forbidden on Shabbat, a Jew in this profession was forced to hire a non-Jew to collect the taxes for him on that day. But in this situation, everyone would see and know that the non-Jew was working for the Jewish tax collector on Shabbat. Logically then, it should have been forbidden. However, Shulchan Aruch and Rema both say this is permitted,³⁹ and they give a new reason for this: Failure to hire the non-Jew for this purpose would result in a great financial loss and possibly even the loss of the Jewish tax collector's job. Therefore, in this case it would be permitted even though, to other Jews, the non-Jew seems to be working for the Jew on Shabbat. (This situation is technically permitted since the deal was not made on Shabbat or for Shabbat specifically.)

The idea that financial loss plays a role in the concepts of *Marit Ayin* and *Cheshad* is already mentioned in the Talmud.⁴⁰ But regarding this ruling in the Shulchan Aruch, the twentieth century Rabbi Israel Meir Kagan writes at length⁴¹ and says that it applies only to the specific case of tax collection, and should not be extrapolated to other situations that seem similar. He specifically mentions observant Jews who own taverns and bars, where Friday night is the busiest night of the week. When the Jewish owners pay non-Jews to run the bar for them so that the owners could reap all the profits, they are engaging in a forbidden act. Rabbi Kagan explains that unlike the tax collection case, the work in taverns and the like is designated only for Shabbat. Moreover, in the case of tax collections, the non-Jew kept all the profits accrued on Shabbat, which would not be the case in the tavern. Therefore, it is not advisable for Jews to hire non-Jews to work for them on Shabbat.

APPLYING THESE IDEAS TO JEWISH LIVING IN THE 21ST CENTURY

The ideas of *Marit Ayin* and *Cheshad* raise many practical questions for Jews of the 21st century. With modern inventions, many new situations arise where the actions themselves are not forbidden but may appear to be to others. (For example, in the early 1900's, the idea of a Shabbat clock turning out the lights on Friday night would have been a problem of *Marit Ayin*, but now it is known that this is done in most Observant Jews' homes. Therefore, seeing lights go out in such homes on Shabbat would

³⁷ Moed Katan 12a with Rashi commentary

³⁸ Shulchan Aruch, Orach Chaim 244:1

³⁹ Shulchan Aruch, Orach Chaim 244:4

⁴⁰ Ketuvot 60a

⁴¹ Mishne Berurah 35 on Shulchan Aruch, Orach Chaim 244

not be *Marit Ayin* today.) Concerning the subject of food alone, many questions abound: Would it be permissible to bake rolls for Pesach that look like bread, using matzah meal that is completely Kosher for Pesach? People might think that it is bread which is now permitted on Passover, or that the person eating such a roll is committing a sin. Similarly, food producers have created “Bacos” that look and taste somewhat like bacon, but are fully Kosher. Is it permitted to buy and eat these? Clocks and other electronic devices can automatically do many actions that are forbidden on Shabbat. While technically permitted, people might think that a Jew performed these actions himself rather than relied on the devices. Are they permitted or not? The rabbis of today have discussed these and other issues, enumerated below.

Already in the 1600’s, an Italian rabbi came up against these questions, and Rabbi Da Silva (1656-1695) ruled⁴² that only those specific *Marit Ayin* cases mentioned in the Talmud and in the previous books of Jewish law should be respected and observed. But about new cases, such as the baking of Kosher for Passover items that look like Chametz (leavened products), one need not worry. The Encyclopedia Talmudit seems to agree with this overall analysis.⁴³ Of course, many twentieth and twenty-first century rabbis were asked specific questions and wrote Responsa that are very instructive, not only for Jewish law, but for the ethics and morality of this overall concept. Only a few examples are brought below.

Rabbi Moses Feinstein, the “dean” of Jewish law in the United States in the twentieth century, writes about a number of situations which presented themselves and relate to the concepts discussed. Since a married Jewish woman is supposed to cover her hair according to Jewish law, many women today cover their hair with wigs made of human hair, which is permitted by almost all Halachik (Jewish law) authorities. But what if the wig is so professional looking that it appears as if it is the woman’s own hair? People might think that she is violating this law by not covering her hair, even though she is actually keeping the law. May she still wear the wig in this situation? Rabbi Feinstein says⁴⁴ women may indeed wear such wigs today for several reasons. First, it is already well known that many religious women wear wigs, in order to fulfill the requirement to cover their own hair, so that most people who see this woman and know she is an Observant Jewess in all other areas will not suspect her in this area. Then he says that if one looks carefully, it is possible to see that this is a wig. Finally, he reiterates the words of Rabbi Da Silva and says that today we do not forbid what was not forbidden by the rabbis of the Talmudic or Gaonic periods.

Another question asked of Rabbi Feinstein⁴⁵ involved travelling in a car to the synagogue on Friday night after the time of candle-lighting but before sunset, as candle-lighting is usually takes place 18 or 20 minutes before sunset. A woman usually accepts Shabbat early when lighting candles, but she can make a stipulation not to accept Shabbat until right before sunset if she wishes. Then, even after lighting candles, she can legitimately travel in a car, along with a man, who accepts Shabbat later, immediately following the Afternoon (Mincha) Prayer in the synagogue. A person seeing the woman in the car after candle-lighting but before sunset might think she is violating the Shabbat. Is travelling in the car at that time then permitted? Rabbi Feinstein says yes, and establishes several important principles about *Marit Ayin*. First, he generally says that a situation is considered *Marit Ayin* only when more than 50% of the time it involves an action that is actually forbidden, though the person is doing it now in a permitted manner. That, as we have discussed, constitutes *Marit Ayin*. In this case, however, most Observant people who drive their cars to synagogue after candle-lighting time, do so legitimately. Thus, this is not a case of *Marit Ayin*. Furthermore, he says that only a very small percentage of people will mistakenly believe that this Observant person is actually violating the Shabbat, so that the case

⁴² Pri Chadash on Shulchan Aruch, Orach Chaim 461:2

⁴³ Encyclopedia Talmudit, Vol. 17 “*Cheshad-Marit Ayin*”

⁴⁴ Responsa Igrot Moshe, Even Ha-ezer 2:12

⁴⁵ Responsa Igrot Moshe, Orach Chaim 1:96

would not qualify as Marit Ayin for this reason as well. In general, when the percentage of people thinking this is a sin is small (probably less than 50%), there is no problem of *Marit Ayin*.

There is also a question about the permissibility of going to the bathroom or buying a soda in a non-Kosher restaurant. Jews who see an Observant Jew go into the restaurant for these purposes may mistakenly think he is buying non-Kosher food or (in Israel) that this restaurant is now Kosher. May a person buy Kosher food that is sold in a non-Kosher restaurant, or even just go inside to use the bathroom there? Rabbi Feinstein writes⁴⁶ that indeed this would be a violation of *Marit Ayin* and *Cheshad*. But if this person is very thirsty and there are no other places nearby to purchase the soda, and if there are no Jews in the vicinity (or no one he recognizes who would see him go in), then it would be permitted. If he sees Jews that he recognizes, he should first explain to them why he is going in, so they will not get the wrong idea.

Another contemporary expert in Jewish law of the 20th and 21st century, who lived in Jerusalem, is Rabbi Ovadia Yosef. He was asked about a Kosher hotel that serves non-dairy creamer in coffee following the meat meal. As noted above, this is perfectly legitimate today. But in this particular hotel, many of the guests are non-observant tourists who, upon witnessing this, would probably think it is now permitted to drink milk after a meat meal. Rabbi Yosef answers⁴⁷ that ideally there should be some indication that this is non-dairy creamer and not milk, either that it is served in a separate kind of dish or the packaging is brought onto the table. But even if not, since waiting six hours in between meat and milk is only a custom (the real Torah prohibition is not eating them together at the same time), and waiting a few minutes in between is sufficient from the perspective of Torah law, it would not be considered *Marit Ayin*, and could be served even without the container.

With all these technical issues, one may lose sight of the overall concept that is crucial in Judaism: Jews should care what other people think and how other people view them, and Jews may not do anything which appears wrong, even if it is completely moral and correct. Chatam Sofer reiterates⁴⁸ how hard it is to fulfill this precept, but how important it is at the same time. As we saw, even though the two and a half Tribes seemed to do everything right according to the directions of Moses, there still lingered some doubt and suspicion of their motives by the other Tribes, and this was so even though they fought 14 years alongside their brethren before returning home. And it was for this reason, this skepticism by other Jews, that in the end, these two and a half Tribes were the first of the Jewish people to be exiled many hundreds of years later.

Rabbi Dr. Nachum Amsel currently works with Rabbi Berel Wein and the Destiny Foundation as the Director of Education, whose mission is "to bring Jewish history to life in an exciting, entertaining and interactive way." Rabbi Amsel has also served as a teacher, a school principal, and an adjunct professor. He has also taught over 2000 educators how to teach more effectively. Rabbi Amsel has worked in all areas of formal and informal Jewish education and has developed numerous curricula including a methodology how to teach Jewish Values using mass media. Recently, he founded the STARS Program (Student Torah Alliance for Russian Speakers), where more than 3000 students in 12 Russian speaking countries learn about their Jewish heritage for five hours weekly. Rabbi Amsel previously served as the Educational Director of Hillel in the Former Soviet Union. He lives in Jerusalem with his wife and has four children and four grandchildren.

⁴⁶ Responsa Igrot Moshe, Orach Chaim 2:40

⁴⁷ Responsa Yabia Omer, Section 6, Yoreh Deah 8

⁴⁸ Chatam Sofer, Responsa 6:59

