

הַלְכָה מִחֻזְרֵי אֶת הַשֶּׁבֶר. רַבָּה בַר
בַּר חֲנָה אֵיךְ לְעַל לְפִימְבֵדִיתָא, לֹא עַל
לְפִימְבֵדִיתָא דְרַב יְהוּדָה. שְׂדֵרִיהָ לְאִדָּא
דִּילָא, אָמַר לִיה: וְיָל גְּרַבְיָה. אָוִיל
גְּרַבְיָה, אֶתָּא, אֲשַׁכְחִיה דְקָא דְרִישׁ:
אִין מִחֻזְרֵי אֶת הַשֶּׁבֶר. אָמַר לִיה: הֲכִי
אָמַר רַב חֲנָא בְּגִדְתָּא אָמַר שְׂמוּאֵל:
הַלְכָה מִחֻזְרֵי אֶת הַשֶּׁבֶר. אָמַר לִיה:
הָא חֲנָא דִּידֵךְ, וְהָא שְׂמוּאֵל דִּידֵךְ – וְלֹא
שְׂמִיעַ לִי, וְלֹא בְדִינָא גְּרַבְתִּיךְ?!

”מִי שֶׁנִּפְרָקָה יָדוֹ כֹּו”. רַב אָוִיל הָיָה
יָתִיב קַמֵּיהָ דְרַב יוֹסֵף, שֶׁנָּא לִיה יָדִיה.
אָמַר לִיה: הֲכִי מֵאִי? אָסוּר. וְהֲכִי מֵאִי?
אָמַר לִיה: אָסוּר. אֲדִהֲכִי אֵיתְפַּח יָדִיה.

אָמַר לִיה: מֵאִי תִיבְעִי לָךְ, הָא תִּנְנָן
”מִי שֶׁנִּפְרָקָה יָדוֹ אוֹ רַגְלוֹ – לֹא
יִטְרַפֵּם בְּצוּנָה, אֲבָל רוֹחֵץ בְּדַרְבּוֹ. וְאִם
נִתְרַפָּא – נִתְרַפָּא”. אָמַר לִיה: וְלֹא
תִּנְנָן ”אִין מִחֻזְרֵי אֶת הַשֶּׁבֶר” וְאָמַר
רַב חֲנָא בְּגִדְתָּא אָמַר שְׂמוּאֵל:
הַלְכָה מִחֻזְרֵי אֶת הַשֶּׁבֶר? אָמַר לִיה:
כּוֹלְהוּ בְחֻדָּא מְחִיתָא מְחִיתָנְהוּ?
הֵיכָא דְאֵיתְמַר – אֵיתְמַר, הֵיכָא דְלֹא
אֵיתְמַר – לֹא אֵיתְמַר.

הדרן עלך חבית

The *halakha* is that **one may reset a break**^H on Shabbat, which was the ruling in Shmuel's version of the mishna. The Gemara relates that **Rabba bar bar Hana happened to come to Pumbedita and he did not enter Rav Yehuda's lecture.** Rav Yehuda sent for Adda, his attendant, and said to him: **Go drag him to the lecture. He went and dragged him** forcibly to the lecture (Rabbeinu Hanel). **Rabba bar bar Hana came and found Rav Yehuda teaching that one may not reset a break on Shabbat. He said to him: This is what Rav Hana of Baghdad said that Shmuel said: The halakha is that one may reset a break on Shabbat. Rav Yehuda said to him: Hana is ours,**^N a Babylonian scholar, **and Shmuel is ours, and nevertheless, I did not yet hear this halakha; did I not rightfully drag you to the lecture?**

We learned in the mishna that **one whose hand was dislocated** may not treat it by vigorously moving it about in water.^H The Gemara relates that **Rav Avya was once sitting before Rav Yosef and his hand became dislocated.** Rav Avya then displayed a variety of hand positions and **he said to him: What is the ruling with regard to this?** Am I permitted to place my hand in this way, or is it a violation of the prohibition against healing on Shabbat? Rav Yosef said to him: **It is prohibited.** Rav Avya again asked: **And what is the ruling if I position my hand in this way?** Rav Yosef said to him: **It is prohibited. In the meantime, his hand was restored to its proper location and was healed.**

Rav Yosef said to him: **What is your dilemma?** We learned in our mishna that **one whose hand or foot was dislocated on Shabbat may not vigorously move it about in cold water; however, he may rinse it in the usual manner, and if it is healed, it is healed.** Rav Avya said to him: **That is no proof, as didn't we learn in our mishna that one may not reset a break, and Rav Hana of Baghdad said that Shmuel said that the halakha is that one may indeed reset a broken bone.** Therefore, perhaps a dislocated limb may also be treated on Shabbat. Rav Yosef said to him: **Were all these woven together in a single weave? Where it was stated that an alternative version of the mishna exists, it was stated;^N where it was not stated, it was not stated.** Therefore, the ruling of the mishna with regard to a dislocated limb must be observed.

HALAKHA

One may reset a break – מחזירין את השבר – A broken or fully dislocated bone may be reset on Shabbat, in accordance with the ruling of Shmuel and his version of the mishna, as per Rashi's explanation (*Shulhan Arukh, Oraḥ Hayyim 328:47*).

Resetting a dislocated limb – החזרת נקע – If one's hand or foot was completely dislocated from its joint, it may be reset on Shabbat (*Shulhan Arukh, Oraḥ Hayyim 328:47*; see *Magen Avraham* and *Mishna Berura*). However, if it is not completely dislocated and does not pose a danger to the limb, one may only wash it in the usual manner. If it is healed in this manner, so be it (*Shulhan Arukh, Oraḥ Hayyim 328:30*).

NOTES

Hana is ours – הָא חֲנָא דִּידֵךְ – Everything that was taught publicly in lectures and in the study hall was known to the local Sages. Nevertheless, the possibility existed that a Sage would teach a halakhic ruling to one of his students, who would in turn transmit this teaching to only a few others, resulting in a situation where other students of that Sage were unfamiliar with that ruling. In this context, Rabba bar bar Hana, who came from Eretz Yisrael, was the only one familiar with this halakhic tradition from Rav Hana and Shmuel, both of whom were Babylonian, while Rav Yehuda, who was the preeminent disciple of Shmuel, was unfamiliar with it.

Where it was stated, it was stated – הֵיכָא דְאֵיתְמַר אֵיתְמַר – The rationale behind the distinction between a broken bone and a dislocated limb is that a broken bone is a more serious condition, and if it is not immediately reset the entire limb may be in jeopardy. That is not true of a dislocation (*Tosefot Rid*).

מתני' שואל אדם מחבירו בדי יון וכדי שמן ובלבד שלא יאמר לו "הלויני". וכן האשה מחבירתה כפרות. ואם אינו מאמינו – מניח טליתו אצלו, ועושה עמו חשבון לאחר שבת. וכן ערב פסח בירושלים שחל להיות בשבת, מניח טליתו אצלו ונוטל את פסחו, ועושה עמו חשבון לאחר יום טוב.

גמ' אמר ליה רבא בר רב חנן לאביי: מאי שנא "השאילני" ומאי שנא "הלויני"? אמר ליה: "השאילני" – לא אתי למיכתב, "הלויני" – אתי למיכתב.

והא בין דבחול, זימנין דבעי למימר ליה "הלויני" ואמר ליה "השאילני" ולא קפיד עילויה, ואתי למיכתב, בשבת נמי אתי למיכתב. אמר ליה: (בחול דלא שנא בי אמר ליה "הלויני" לא שנא בי אמר ליה "השאילני", לא קפדינן עילויה – אתי למיכתב). בשבת כיון ד"השאילני" הוא דשרוי ליה רבנן "הלויני" לא שרו ליה – מינברא מילתא, ולא אתי למיכתב.

אמר ליה רבא בר רב חנן לאביי: מפדי אמרו רבנן "כל מילי דיום טוב כמה דאפשר לשנויי" – משינוי, הני נשי דמליין חצבייהו מיא, מאי טעמא לא משנוי? משום דלא אפשר. היכי לעבדי – דמליין בחצבא רבא לימלו בחצבא זוטא – הא קא מפשו בהילוכא, דמליין בחצבא זוטא לימלו בחצבא רבא – קא מפשו במשוי.

MISHNA One may borrow^H jugs of wine and jugs of oil from another on Shabbat, as long as one does not say the following to him: **Loan me.** And similarly, a woman may borrow from another loaves of bread on Shabbat. And if the lender does not trust him that he will return them, the borrower may leave his cloak^N with him as collateral and make the proper calculation with him after Shabbat. And similarly, on the eve of Passover in Jerusalem, when it occurs on Shabbat, one who is procuring a Paschal lamb may leave his cloak with him, i.e., the person from whom he is purchasing it, and take the lamb to bring as his Paschal lamb, and then make the proper calculation with him after the Festival.

GEMARA It was taught in the mishna that one is permitted to borrow jugs from another on Shabbat, but one may not use the phrase loan me. **Rava bar Rav Ḥanan said to Abaye:** What is different about the expression **let me borrow**, that makes it permitted? And what is different about the expression **loan me^N** that makes it prohibited? **He said to him:** If someone says **let me borrow**, the lender will not come to write down the loan because the expression indicates that the borrower intends to return the object in its current state within a short amount of time. On the other hand, the expression **loan me** indicates a more extended loan in which the object is not necessarily returned in exactly the same manner in which it was taken. Therefore, the lender will come to write down the terms of the loan.

Rava bar Rav Ḥanan challenged Abaye's answer: **But since on weekdays there are times one intends to say loan me and instead says let me borrow, and the lender is not particular about his imprecise terminology and he comes to write down the terms of the loan, on Shabbat he will also come to write.** Abaye said to him: **On a weekday, when there is no difference if one says loan me or let me borrow, lenders are not particular about his terminology, and the lender will therefore come to write down the terms of the loan. On Shabbat, since only the expression let me borrow was allowed by the Sages, while the expression loan me was not permitted, the matter is recognizable.** Both of the parties must bear in mind which terminology is acceptable, and the lender will not come to write.

Rava bar Rav Ḥanan said to Abaye: **Now, since the Sages said that with regard to all matters of a Festival, as much as we can change the way we do things from the manner in which we do them on weekdays, we change,^H these women who fill their pitchers with water,^H what is the reason they do not change the way they draw water from their normal weekday procedure? Abaye answers: Because it is not possible to change the procedure. How would they do it differently? If you say that those who normally fill a large pitcher should fill a small pitcher on a Festival, they would thereby add to their walking and expend extra effort. Conversely, if those who normally fill a small pitcher would fill a large pitcher on a Festival, they would thereby add to the weight of their load. Even though these methods are different from the norm, they would cause added exertion. Therefore, the Sages did not require that one draw water in an unusual fashion.**

HALAKHA

Borrowing on Shabbat – שאילה בשבת: It is permitted to borrow objects or food and drink on Shabbat. However, as the mishna teaches, the borrower must be careful not to speak of it as a loan. If the lender does not trust him, the borrower may leave something as collateral but may not explicitly say: Here is the collateral (Rambam *Sefer Zemanim, Hilkhot Shabbat* 23:12; *Shulhan Arukh, Orah Hayyim* 307:11 and in the comment of the Rema).

Changing one's habits on Festivals – שינוי ביום טוב: Even though carrying an object from one domain to another is permitted on a

Festival, one may not carry a large load in the usual weekday manner. Rather, one should carry the object differently (Rambam *Sefer Zemanim, Hilkhot Yom Tov* 5:1; *Shulhan Arukh, Orah Hayyim* 510:8).

Drawing water on a Festival – מילוי מים ביום טוב: Even though one must carry a heavy object in an atypical manner on a Festival, if it is impossible to change the way the object is handled, or if doing so would require more effort, one does not need to carry it differently. This is in accordance with Abaye's ruling (Rambam *Sefer Zemanim, Hilkhot Yom Tov* 5:1; *Shulhan Arukh, Orah Hayyim* 510:10).

NOTES

The borrower may leave his cloak with him – מניח טליתו אצלו: The borrower may not say that the cloak is collateral. Rather, the lender will understand the borrower's intention in leaving the cloak (Rashba). Although this resembles a business transaction, the Sages did not prohibit it (*Tosefot Rid*), because the very prohibition of conducting business on Shabbat is itself a rabbinic decree.

Let me borrow and loan me – השאילני והלויני: See Rashi and *Tosafot*, who both attempt to clarify the distinction between these two phrases. From the conclusion of the Gemara, it is apparent that the very fact that a person must be careful to use a particular expression reminds the individual that it is Shabbat, which is the purpose of the decree. An opinion cited by *Tosafot* notes that in some languages there is no difference between these expressions. In these languages, the borrower should simply say: Give me, which does not have any connotations of a loan (Rashba).

NOTES

Clapping [*mesappekin*]...clapping against one's body [*metappehin*] – **מִסְפְּקִין...מְטַפְּחִין** – Elsewhere, Rashi reverses the definitions of these terms and explains that *metappehin* means clapping and *mesappekin* is tapping one's hand against one's leg.

And thus Hillel would say: A woman may not loan a loaf of bread to another, etc. – **וְכֵן הָיָה הִלֵּל אוֹמֵר לֹא תִלְוֶה אִשָּׁה** – Hillel used the example of loaves of bread because, generally speaking, no two people make exactly the same sized loaf of bread (Rashba). The possibility of incurring interest exists in this case. Since the woman borrowed such a small amount, i.e., a loaf or two of bread, she is likely to return an actual loaf, even if the price of wheat has risen, because she does not want to appear miserly (Ramban).

HALAKHA

One may not clap hands, or clap one's hand against one's body, or dance on a Festival – **לֹא מִסְפְּקִין וְלֹא מְטַפְּחִין וְלֹא מְרַקְדִין**: It is prohibited to dance, clap, or make other noises that accompany or stimulate song and dance on Shabbat or on a Festival. This is a rabbinic decree, lest one come to fashion or repair a musical instrument. However, if one performs one of these actions in an unusual manner, it is permitted (Rambam). Nowadays, people are permitted do these things because it is better that they do so unwittingly without knowingly violating the *halakha*. Some authorities rule that nowadays, since people do not generally have expertise in fixing or constructing musical instruments, all of these actions are permitted (Rema, based on *Tosafot*; Rambam *Sefer Zemanim, Hilkhot Shabbat* 23:5; *Shulhan Arukh, Orah Hayyim* 339:3, 524:1).

Rebuking violators – **מִתְקַדְּמִים לְעֹבְרֵי עֲוֹנוֹת**: If people commonly violate a prohibition unwittingly, we do not rebuke them for doing so, for they might continue to violate it intentionally. This even applies to Torah prohibitions, provided they are not explicitly stated in the Torah (Ran; Rosh, based on other sources elsewhere in the Talmud). Later authorities say that this *halakha* applies only to prohibitions that are not punishable by excision [*karet*]. However, we do rebuke those who unwittingly violate transgressions that carry a punishment of excision (*Mishna Berura*; Rambam *Sefer Zemanim, Hilkhot Shevitat Asor* 1:7; *Shulhan Arukh, Orah Hayyim* 608:2).

Loaning food or objects – **הִלְוֹאת מֵאֲכָלִים וְחֶפְצִים**: It is prohibited to loan anything that cannot be returned in its original form, except for money. The rationale is that the price of the object might increase and the parties involved would then violate the prohibition of charging and paying interest. If someone did borrow such an object, he should calculate its value immediately upon borrowing it and repay the loan based upon that price. Some authorities rule that when it comes to bread and other common household items, people are not particular about the slight differences in value, and it is therefore permitted to give them as a loan even without calculating their precise monetary value (*Tur*; Rambam *Sefer Mishpatim, Hilkhot Malve VeLoveh* 10:2; *Shulhan Arukh, Yoreh De'a* 162:1 and in the comment of the Rema).

This is in a place where the price of the loaf is set – **הָאֵלֶּה בְּמָקוֹם שֶׁהַחֵלֶל לֹא בָּאֵתְרָא דְּמִיָּה**: If a commodity has a set market price, it is permitted to loan it, and the borrower is permitted to return the same amount of that commodity. This ruling is in accordance with the answer of the Gemara (*Shulhan Arukh, Yoreh De'a* 162:3).

נִפְרוֹס סוּדָרָא – אֶתִּי לְיַדִּי סְחִיטָה. נִכְסֵייהּ בְּנִכְתָּמָא – זִמְנִין דְּמִיפְסֵק, וְאֶתִּי לְמִקְטֵרִיהּ. הִלְכֵךְ: לֹא אֶפְשָׁר.

וְאִמְרוּ לִיהֵא רַבָּא בְּרַב חֲנַן לְאֲבִי: תַּנּוּ, לֹא מִסְפְּקִין וְלֹא מְטַפְּחִין וְלֹא מְרַקְדִין בְּיוֹם טוֹב. וְקָא חֲזִינַן דְּעֵבְדִין, וְלֹא אֶמְרִינַן לְהוּ וְלֹא מִיָּדֵי. וְלִטְעָמֵךְ, הָאֵלֶּה דְּאִמְרוּ רַבָּא: לֹא לִיתִיב אִינִישׁ אֶפְוִמָא דְּלַחֲיָא, דִּילְמָא מִיַּגְדֵּר לִיהֵא חֶפֶץ וְאֶתִּי לְאִתְּוִי, וְהָאֵלֶּה קָא חֲזִינַן נְמִי דְּמוֹתְבֵי חֶזְבִּי, וְיִתְבֵּן אֶפְוִמָא דְּמִבּוֹאָה, וְלֹא אֶמְרִינַן לְהוּ וְלֹא מִיָּדֵי. אֶלָּא: הֵנַח לְיִשְׂרָאֵל, מִטְּבַב שְׂהִיב שׁוֹגְגִין וְאֵלֶּה יְהוּ מְוִידִין.

סְבוּר מִיָּנָה הֵי מִיָּלֵי בְּדַרְבְּנָא, אֶבְל בְּדַרְבְּנָא וְלֹא שְׁנָא בְּדַרְבְּנָא וְלֹא שְׁנָא בְּדַרְבְּנָא. דְּהָא תּוֹסֶפֶת דְּיוֹם הַכִּפּוּרִים דְּאִוְרִייתָא הִיא, וְקָא חֲזִינַן לְהוּ דְּקָאֲכָלִי וְשִׁתִּי עַד שְׁתַּחֲשָׁד, וְלֹא אֶמְרִינַן לְהוּ וְלֹא מִיָּדֵי.

“וְכֵן אִשָּׁה מִחֲבִירָתָהּ כְּבוֹתָא.” בְּשַׁבָּת הוּא דְּאִסּוּר, אֶבְל בְּחוּל – שְׁפִיר דְּמִי. לִיָּמָא מִתְנַתֵּין דְּלֹא כְּהִלּוּ: דְּתַנּוּ, וְכֵן הָיָה הִלֵּל אוֹמֵר: לֹא תִלְוֶה אִשָּׁה כְּכָר לְחֲבִירָתָהּ עַד שְׁתַּעֲשִׂינָהּ דְּמִים, שְׁמָא יִקְרוּ חֲטִין וְנִמְצָאוּ בְּאוֹת לְיַדִּי רַבִּית.

אֶפְיִלוּ תִימָא הִלּוּ, הָא – בְּאֵתְרָא דְּקִיץ דְּמִיָּה, הָא – בְּאֵתְרָא דְּלֹא קִיץ דְּמִיָּה.

If you say that, in order to draw water in an unusual manner, we should require a woman to spread a cloth over the vessel, she may come to violate the prohibition of squeezing water from the cloth. And if we would cover it with a lid, sometimes it is severed from the pitcher, and one will then come to tie it. Therefore, since it is impossible to require women to draw water any other way, women draw water on a Festival in the usual manner.

And Rava bar Rav Hanan said to Abaye: Did we not learn in a mishna that one may not clap hands, or clap one's hand against one's body,ⁿ or dance on a Festival?ⁿ And we see, however, that people do these things, and we do not say anything to stop them.ⁿ Abaye responded: And according to your reasoning, what about this *halakha* that Rava said: One may not sit on Shabbat at the entrance of a private alleyway next to the post, which delineates its boundaries, lest an object roll away into the public domain and he come to bring it back? And yet we see that women put down their jugs and sit at the entrance of the alleyway, and we do not say anything to stop them. Rather, in these matters we rely on a different principle: Leave the Jewish people alone, and do not rebuke them. It is better that they be unwitting in their halakhic violations and that they not be intentional sinners, for if they are told about these prohibitions they may not listen anyway.

There were those who understood from this statement that this *halakha* applies only to rabbinic prohibitions but not to Torah prohibitions, with regard to which we must certainly reprimand transgressors. However, that is not so. There is no difference between rabbinic prohibitions and Torah prohibitions. In both cases one does not reprimand those who violate unwittingly and would not listen to the reprimand. For the requirement of adding to Yom Kippur by beginning the fast while it is still day is from the Torah, and we see women who eat and drink on the eve of Yom Kippur up until nightfall, and we do not say anything to them. Thus, this rule, which applies to rabbinic prohibitions, applies to Torah prohibitions as well.

We learned in the mishna: And similarly, a woman may borrow loaves of bread from another on Shabbat. However, as in the previous *halakha*, she may not ask for them using the word loan. The Gemara asks: Is it only on Shabbat that it is prohibited, but on a weekday it seems well. Is it permitted to borrow bread as a loan on a weekday? If so, let us say that the mishna is not in accordance with the opinion of Hillel, for we learned in a mishna: And thus Hillel would say: A woman may not loan a loafⁿ of bread to anotherⁿ until she calculates its monetary value, lest wheat become more valuable and they come to violate the prohibition against lending with interest. If the price of wheat rises and the borrower returns the same sized loaf of bread, she will have returned something of greater value than what she borrowed, and therefore she will have paid interest on her loan. From here we see that even on weekdays it is prohibited to borrow a loaf of bread from another person.

The Gemara answers: Even if you say that the mishna is in accordance with the opinion of Hillel, we may distinguish between the cases such that there is no contradiction: This case, in which the mishna permits borrowing a loaf of bread as a loan, is applicable in a place where the price of the loaf is set,ⁿ while this statement, which was said by Hillel, is applicable in a place where its price is not set.

תביעת – תלוואת יום טוב – Claiming a loan that was made on a Festival – **תלוואת יום טוב**: Loans made on a Festival, including food and drinks (*Magen Avraham*), are like all other loans and can be claimed in court. This ruling follows the opinion of Rabba, whose opinions are generally accepted in his disputes with Rav Yosef, and whose opinion is supported by the Gemara's discussion (Rambam *Sefer Zemanim, Hilkhot Yom Tov* 4:25; *Shulhan Arukh, Oraḥ Hayyim* 525:1).

One who slaughters a cow and divides it on Rosh HaShana – השוחט את הפרה וחילקה בראש השנה – If a butcher slaughtered a cow on Rosh HaShana immediately following the Sabbatical Year, and people bought the meat on credit, and it turned out that the first day of Rosh HaShana was really the thirtieth day of Elul, the butcher cannot demand payment of their debts. This is because the debts were canceled by the conclusion of the Sabbatical Year. However, several authorities rule that debts owed to a storekeeper are not canceled by the Sabbatical Year. The butcher can indeed demand payment of the debts (Ra'avad, based on the Jerusalem Talmud; Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 9:5).

NOTES

שני ימי ראש השנה – שני ימי ראש השנה – During the Temple period, and even later, the beginning of the new month was determined by the testimony of eyewitnesses who saw the new moon. Consequently, the thirtieth day of the month of Elul was observed as Rosh HaShana, due to the possibility that witnesses would come and testify that they saw the new moon. However, if witnesses would not come on that day, it would be understood retroactively that it had not been Rosh HaShana, but rather the thirtieth day of Elul. Thus, Rosh HaShana would actually be the following day.

The Sabbatical Year – שנה השביעית – The Torah states that debts are canceled during the seventh, Sabbatical Year. From the verse: "At the end of seven years you shall make a release" (Deuteronomy 15:1), the Sages derived that the cancelation of loans takes place at the very end of the Sabbatical Year. After the last moment of the Sabbatical Year, all previous outstanding debts are annulled. Nevertheless, even when the Sabbatical Year is observed according to Torah law, it is still considered to be an act of piety to repay debt after it has been canceled. However, the lender should initially refuse to accept payment by verbally renouncing the claim.

"ואם אינו מאמינו" איתמר: הלוואת יום טוב, רב יוסף אמר: לא ניתנה ליתבע, ורבה אמר: ניתנה ליתבע. רב יוסף אמר: "לא ניתנה ליתבע". דאי אמרת "ניתנה ליתבע" – איתי למיכתב. רבה אמר: ניתנה ליתבע, דאי אמרת "לא ניתנה" – לא יהיב ליה, ואיתי לאימנועי משמחת יום טוב.

The mishna taught further that if the lender **does not trust** the one who borrows from him on Shabbat or a Festival, the borrower may leave his cloak as collateral. On this topic, the Gemara cites that which was said in an amoraic dispute with regard to **loans on a Festival: Rav Yosef said** that such a loan **cannot be claimed** in court. Although the borrower is obligated to return the object or reimburse the lender, the lender cannot force him to do so by taking legal action. **And Rabba said** that such a loan is like any other type of loan and **can be claimed** in court.^h The Gemara explains these two positions: **Rav Yosef said** that a loan made on a Festival **cannot be claimed** in court, **for if you say that it can be claimed**, there is a concern that the lender may **come to write** the details of the loan on the Festival so that he can claim it later. **Rabba said** that it **can be claimed**, **for if you say that it cannot be claimed**, the lender **will not give him** anything to borrow, **and the potential borrower will refrain from rejoicing on the Festival**.

We learned in the mishna that if he does not trust him, he may leave his cloak with him as collateral. The Gemara attempts to show that this *halakha* supports Rav Yosef's position: **Granted**, this *halakha* makes sense **if you say** that loans given on a Festival **cannot be claimed**, in accordance with Rav Yosef's position. **Due to this, he leaves his cloak with him and makes a calculation with him after Shabbat. However, if you say** that loans given on a Festival can indeed be claimed in court, **why then would he leave his cloak with him? Let him give him the item on loan and bring him to court** if he does not return it. The Gemara rejects this argument because the lender can say: **I do not want to stand in judgment before judges**; he may prefer taking collateral so that he will not need to go to court at a later time.

Rav Idi bar Avin raised an objection to the view of Rav Yosef, based on a mishna pertaining to **one who slaughters a cow and divides it** among purchasers on **Rosh HaShana**^h of a year that follows the Sabbatical Year [*shemitta*]. Even during the times of the Temple, they were already celebrating two days of Rosh HaShana. The first day was possibly the last day of the month of Elul and possibly the first day of the month of Tishrei, which is the actual date of Rosh Hashana.ⁿ The question therefore arises as to whether those who bought the meat of the cow initiated their debt on the final day of the Sabbatical Year, in which case the debts would be canceled, or whether the transactions took place on the first day of the following year, in which case the debts may still be collected. The mishna said that **if it becomes clear** that Elul of the previous year **was a full thirty-day month**, the Sabbatical Yearⁿ **cancels** the debts because the very end of the Sabbatical Year cancels the ability to collect all previous debts. **And if this was not** the case, and the first day of Rosh HaShana was actually the first day of the new year, the Sabbatical Year **does not cancel** the loan.

Based on that mishna, Rav Idi bar Avin makes the following argument: **If a loan given on a Festival cannot be claimed in court, what is the meaning of the word cancels?** In any event, the lender could not have presented his claim against the borrower in court. The Gemara rejects this argument: **It is different there**, in an instance in which the month of Elul has thirty days, **for it has become clear** that the first day of Rosh HaShana **was a regular weekday**. The loan could therefore be claimed in court, if not for the fact that it was canceled by the Sabbatical Year.

The Gemara attempts to bring a different proof: **Come and hear** a proof for this **from** what we learned in the **latter clause** of that mishna: **If the month of Elul did not turn out to be a full month**, such that the first day of Rosh HaShana was actually the first day of the new year, the Sabbatical Year **does not cancel** the loan. **Granted, if you say** that a loan given on a Festival **can be claimed, that which was taught that it does not cancel** the loan is understandable. **But if you say that it cannot be claimed, why** does it teach that **it does not cancel** the loan? In any event, the lender cannot make a claim on it in court. The Gemara explains: A loan given on a Festival cannot be claimed in court, but since it has not been canceled, **if the borrower gives him the money he may take it**.

תנן: אם אינו מאמינו – מניח טליתו אצלו. אי אמרת בשלמא לא ניתנה ליתבע – משום הכי מניח טליתו אצלו, ועושה עמו חשבון לאחר שבת. אלא אי אמרת "ניתנה ליתבע" אמאי מניח טליתו אצלו? ליתן ליה ולתבעיה. אמר: לא בעינא דליקום בדינא ודינא.

מתביב רב אידי בר אבין: השוחט את הפרה וחילקה בראש השנה, אם היה חדש מעובר – משמט, ואם לאו – אינו משמט.

ואי לא ניתנה ליתבע – מאי משמט? שאני התם, דאיגלאי מילתא דחול הוא.

תא שמע מסיפא: אם לאו – אינו משמט. אי אמרת בשלמא ניתנה ליתבע – היינו דקתני "אינו משמט". אלא אי אמרת "לא ניתנה ליתבע" – אמאי אינו משמט? דאי יהיב ליה – שקיל.

One repays a debt during the Sabbatical Year – **המחזיר חוב בשביעית**: If one is repaid a loan that was canceled by the Sabbatical Year, he must say: I relinquish my claim. If the borrower says: Nevertheless, I want you to accept my payment, the lender may accept it. It is commendable for the lender and borrower to follow this course of action (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 9:28; *Shulhan Arukh, Hoshen Mishpat* 67:36).

Consecrating offerings on Shabbat or on a Festival – **הקדשת קרבנות בשבת ובהג**: It is prohibited by rabbinic decree to consecrate animals or objects on Shabbat or on a Festival. However, it is permitted to consecrate a Paschal lamb on Shabbat or to consecrate a Festival peace-offering on the Festival. These are Torah obligations that have a set time; therefore, the Sages were lenient (Rambam *Sefer Zemanim, Hilkhot Shabbat* 23:14 and *Sefer Korbanot, Hilkhot Korban Pesah* 1:19).

מְכַלְל דְּרִישָׁא, אִי יְהִיב לֵיהּ – לֹא שְׁקִיל לְרִישָׁא צְרוּךְ לְמִימַר לֵיהּ "מְשַׁמֵּט אֲנִי", סִיפָא – לֹא צְרוּךְ לְמִימַר לֵיהּ "מְשַׁמֵּט אֲנִי". בְּדַתְנָן: הַמְחִזֵּיר חוֹב בְּשִׁבְעִית, יֹאמֵר לוֹ "מְשַׁמֵּט אֲנִי".

וְאִם אָמַר לוֹ "אֶף עַל פִּי כֵן" – יִקְבַּל מִמֶּנּוּ, מִשּׁוּם שְׁנֵאמַר "וְזֶה דְבַר הַשְּׁמִטָּה".

רַב אַוּיָא שְׁקִיל מִשְׁכּוּנָא, רַבָּה בַר עוּלָא מַעְרִים אֵיעְרוּמֵי.

"וְכֵן עָרַב פֶּסַח". אָמַר רַבִּי יוֹחָנָן: מִקְדִּישׁ אֶדָם פֶּסַח בְּשַׁבָּת, וְחִגְגָתוֹ בַּיּוֹם טוֹב. נִמְאָ מְסִיעֵ לֵיהּ "וְכֵן עָרַב פֶּסַח בִּירוּשָׁלַיִם שְׁחַל לְהִיּוֹת בְּשַׁבָּת מִנִּיחַ טְלִיתוֹ אֶצְלוֹ וְנוֹטֵל אֶת פֶּסַחוֹ וְעוֹשֶׂה עִמּוֹ חֶשְׁבוֹן לְאַחֵר יוֹם טוֹב".

הֲכָא בְּמַאי עֲסָקִין – בְּמַמְנָה אַחֲרִים עִמּוֹ עַל פֶּסַחוֹ, דְּמַעֲיָקְרָא מִיְקָדֵשׁ וְקָאֵי.

וְהָא אֲנִי תַנֵּן "אִין נִמְנִין עַל הַבְּהֵמָה בְּתַחֲלִילָה בַּיּוֹם טוֹב". שְׂאֵי הֲכָא, כִּיּוֹן דְּרָגִיל אֶצְלוֹ – כְּמֵאן דְּאִימְנֵי בֵיהּ מַעֲיָקְרָא דְּמֵי.

The Gemara is surprised at this statement: Does this prove **by inference that, in the first clause** of the mishna, if the borrower gives him the money, **he may not take it?** One does not have to refuse repayment of a loan that the Sabbatical Year has canceled. One is simply not allowed to demand repayment from the borrower. The Gemara explains the difference between the two clauses of the mishna: In the **first clause** of the mishna, in which the first day of Rosh HaShana turned out to be the last day of Elul, the lender **must say to him: I relinquish** my claim against you. However, in the **latter clause** of the mishna, in which the first day of Rosh HaShana is the first day of the new year, **he does not need to say to him: I relinquish** my claim. This is as we learned in a mishna: When **one repays a debt during the Sabbatical Year,**^h the lender **should say to him: I relinquish** my claim.

And if the borrower says to him: **Nonetheless, I want to repay you, he may accept it due to that which is stated:** "And this is the manner of the release [*devar hashemitta*], every creditor shall release that which he has lent to his neighbor; he shall not exact it of his neighbor or brother because the Lord's Sabbatical Year has been proclaimed" (Deuteronomy 15:2). The manner of the release, *devar hashemitta*, can be rendered: The statement of release. The Sages derived that, although the creditor must verbally release the debtor from obligation, if the debtor persists in his desire to repay the debt, the creditor may accept payment. If, however, the loan was made after the Sabbatical Year, as is the case in the latter clause of the mishna, the creditor need not verbally release the debtor from obligation.

The Gemara relates that **Rav Avya would take collateral** for loans that he gave on a Festivals. **Rabba bar Ulla would circumvent** the issue by taking something from the borrower after the conclusion of the Festival and holding onto it until the repayment of the loan.

We learned in the mishna: **And similarly, on the eve of Passover in Jerusalem, when it occurs on Shabbat, one who needs to obtain an animal for the Paschal lamb may leave his cloak with the owner of the lamb as collateral and then make the appropriate calculations with him after the Festival. Rabbi Yoḥanan said: A person may consecrate his Paschal lamb on Shabbat and his Festival peace-offering on the Festival.**^h The Gemara suggests: **Shall we say that the mishna supports him?** It states: **And similarly, on the eve of Passover in Jerusalem which occurred on Shabbat, one may leave one's cloak with him and take his Paschal lamb and make the appropriate calculation with him after the Festival.** Here, we see that the lamb itself is consecrated on Shabbat, which follows the opinion of Rabbi Yoḥanan.

The Gemara rejects this suggestion: This is not necessarily the case, for **with what are we dealing here? With a case in which one registers others to participate with him in bringing his Paschal lamb.**ⁿ In other words, the case is not one in which a person consecrates a previously unconsecrated animal but rather a case in which one allows others to join with him in registering for an animal **that was already consecrated from the outset.**

The Gemara challenges this: **But we learned in a mishna: One may not initially register for an animal on the Festival.** Therefore, even if the animal has been consecrated in advance, it is prohibited to register for it on the Festival, and it should certainly be prohibited to do so on Shabbat. The Gemara answers: The case **here is different. Since each person who joins regularly registers together with him,** the legal status of that person is like that of **one who registered for it from the outset.**

NOTES

A case in which one registers others to participate with him in bringing his Paschal lamb – **בממנה אחרים עמו על פסחו**: The Paschal lamb is not eaten by one individual. Rather, it is shared by a group of people, each of whom must join the group in advance. Sometimes one person would purchase the animal, a lamb or a kid, and then others would pay him for their share and join in the offering.

One may not consecrate, or take a valuation vow, or consecrate objects for use by the priests or the Temple, or separate *terumot* or tithes – **לא מקדישין ולא מעריכין ולא מחרימין ולא מגביהין תרומות ומעשרות**: One may not consecrate animals or objects, take a valuation vow, or separate *terumot* or tithes on Shabbat or on a Festival because these resemble commercial activities (Rambam *Sefer Zemanim, Hilkhos Shabbat* 23:14 and *Sefer Korbanot, Hilkhos Korban Pesah* 1:19; *Shulhan Arukh, Oraḥ Hayyim* 339:4, 524:1).

NOTES

One may cast lots – **ומטילין חלשין**: The rationale for this ruling is that by casting lots, the priests display affection for the mitzva of eating the sacrifices (Rambam).

והא תני רבי הושעיא: הולך אדם אצל רועה דרגיל אצלו ונותן לו טלה לפסחו ומקדישו, ויוצא בו. התם נמי, כיון דרגיל אצלו – אקדושי ליה מעיקרא, והא "מקדיש" קתני. הקדש עילו, מדרבנן.

The Gemara raises another proof to the view of Rabbi Yoḥanan: **But Rabbi Hoshaya taught: One who wants to bring a Paschal lamb and does not have his own lamb may go to a shepherd to whom he normally goes, and the shepherd may give him a lamb to be used for his Paschal lamb, and he may consecrate it and fulfill his obligation with it.** This indicates that one may consecrate an animal on Shabbat. The Gemara answers: **There, too,** it is referring to a special case. **Since he normally goes to him every year, the shepherd has already consecrated it beforehand,** prior to Shabbat. The Gemara challenges this explanation: **But it taught that one may consecrate it,** indicating that the animal is only now being consecrated. The Gemara answers: This is not an actual sanctification in the normal sense, but rather **consecration by valuation.** By consecrating their animals on their own, the owners add further sanctity to the offering. This process is merely **rabbinic,** and it may be performed on Shabbat according to all opinions.

ומי אמר רבי יוחנן הכי? והא אמר רבי יוחנן: הלכה כסתם משנה, ותנן: לא מקדישין ולא מעריכין ולא מחרימין ולא מגביהין תרומות ומעשרות, כל אלו – ביום טוב אמרו, קל וחומר בשבת. לא קשיא: כאן – בחובות שקבוע להן זמן, כאן – בחובות שאין קבוע להן זמן.

The Gemara questions the very basis of this discussion: **Did Rabbi Yoḥanan really say this? But Rabbi Yoḥanan stated as a general principle that the halakha is always in accordance with an unattributed mishna, i.e., a mishna that does not mention the name of the Sage whose ruling is quoted in the mishna. And we learned in an unattributed mishna: One may not consecrate, or take a valuation vow, or consecrate objects for use by the priests or the Temple, or separate terumot or tithes;** they said all of these prohibitions with regard to a Festival, and it is an *a fortiori* inference that these activities are prohibited on Shabbat as well. How, then, would Rabbi Yoḥanan have permitted sanctifying an animal on Shabbat or on a Festival? The Gemara answers: This is **not difficult.** Here, in the case in which Rabbi Yoḥanan deems it permitted, it is referring to **obligations that have a set time,** such that if the person does not consecrate the animal right now he will no longer be able to fulfill the mitzva. **There,** in the mishna that prohibits these activities, the prohibition is referring to **obligations that do not have a set time,** and one can therefore consecrate the animal after Shabbat.

מתני' מונה אדם את אורחיו ואת פירותיו מפיו, אבל לא מן הכתב. מפיו אדם עם בניו ועם בני ביתו על השולחן, ובלבד שלא יתכוין לעשות מנה גדולה כנגד מנה קטנה. ומטילין חלשין על הקדשים ביום טוב, אבל לא על המנות.

MISHNA One may count his guests who are coming to his meal and his appetizers, as long as he does so from memory; but one may not read them from a written list, the reason for which will be explained in the Gemara. **A person may draw lots with his children and family members at the table on Shabbat, in order to determine who will receive which portion, as long as he does not intend to set a large portion against a small portion in such a lottery. Rather, the portions must be of equal size. And one may cast lots^N among the priests for sanctified foods on a Festival, but not for the specific portions.**

Perek XXIII
Daf 149 Amud a

גמ' מאי טעמא? רב ביבי אמר: גזירה שמיא ומחוק. אבוי אמר: גזירה שמיא וקרא בשטרי הדיוטות.

GEMARA We learned in the mishna that one may not read the names of his guests or the appetizers served in his meal from a written list. The Gemara asks: **What is the reason** for this prohibition? **Rav Beivai said:** It is a decree lest one erase something that is written on the list if he regrets inviting a particular guest or changes his mind about a particular dish. **Abaye said:** It is a decree lest one read regular business documents.

מאי בינייהו? איכא בינייהו: דכתב אכותל, ומילי למאן דאמר שמיא ומחוק – לא חיישינן, ולמאן דאמר שמיא וקרא – חיישינן.

The Gemara asks: **What is the practical difference between them?** The Gemara answers: **There is a difference between them** in a case in which the writing is on a wall and it is raised higher than a person can reach. **According to the one who says that the decree was made lest one erase something from the list, in a case such as this we are not concerned about erasure because one cannot even reach the writing. But according to the one who says that the decree was made lest one read business documents, we are still concerned in this case.**