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Mav the studing of the Daf Notes be a zechus for their neshamot and mav their souls find peace in Gan Eden and be bound up in the Bond of life

The Mishnah had stated: One may not set a broken bone. Rabbi Chana from Baghdad said in the name of Shmuel: The halachah is that one may reset a fracture. Rabbah bar Bar Chanah visited Pumbedisa. He did not attend Rav Yehudah's session, [so] he sent Adda the waiter to him and said, 'Go and seize him.' So he went and seized him. When he [Rabbah] appeared, he found him [Rav Yehudah] lecturing, One may not reset a fracture. Said he to him, Thus did Rabbi Chana from Baghdad say in Shmuel's name: The halachah is that one may reset a fracture. Said he to him, Surely Chana is one of ours and Shmuel is one of ours, yet I have not heard this; did I then not summon you justly? (147b – 148a)

**One whose hand or foot became dislocated cannot massage them in cold water on Shabbos.**

The *Mishna* stated that if one's hand or foot became dislocated on *Shabbos*, he cannot massage the hand or foot in cold water, because it is clear he is performing a medical procedure that is forbidden on *Shabbos*. Rav Avya was by Rav Yosef when his hand became dislocated. Rav Avya demonstrated to Rav Yosef different techniques that would remedy his hand. How is it thus? asked he. It is forbidden. And how is it thus? It is forbidden. By performing these techniques, Rav Avya's hand became healed. Rav Yosef questioned Rav Avya's assumption that any of these procedures would be permitted, because the *Mishna* states that one whose hand or foot becomes dislocated, he cannot massage them in cold water, but if he bathes in the usual

manner and the limb is healed, this is permissible. Rav Avya replied: Didn't the *Mishna* also state that one cannot set a bone that broke, yet we know that Rabbi Chana from Baghdad said in the name of Shmuel: The halachah is that one may reset a fracture.<sup>1</sup> Rav Yosef replied to Rav Avya: Is it all woven in the same weave? Wherever it (an emendation) was stated, it was stated, and where it was not stated, it was not stated. (148a)

**WE SHALL RETURN TO YOU, CHAVIS**

MISHNAH: One can borrow pitchers of wine or oil from his friend on *Shabbos*, but he must employ the term *hasheleini*, not *halveini*. And similarly a woman [may borrow] loaves from her neighbor. If he does not trust him he leaves his cloak with him [as a pledge] and makes a reckoning with him after the *Shabbos*. In the same way, if the day before Pesach in Yerushalayim falls on a *Shabbos*, one leaves his cloak with him [the vendor] and receives his korban pesach and makes a reckoning with him after the festival. (148a)

Rava bar Rav Chanan said to Abaye: What is the difference between *hasheleini* and *halveini*? He said to him:<sup>2</sup> By saying *hasheleini*, the lender will not write down the debt;<sup>3</sup> if one says *halveini*, however, the lender will come to write down the loan.<sup>4</sup> The Gemara asks: But during the week, there are times when the borrower wants to say *halveini* and he says *hasheleini*, and the lender is not particular with him, and the lender comes to write down the loan, on *Shabbos* as well,

<sup>1</sup> Rav Avya assumed that since that part of the *Mishna* was emended, this part of the *Mishna* discussing a dislocated limb would also be emended and one would be permitted to massage the dislocated limb in cold water.

<sup>2</sup> The word *shaal*, to borrow, implies an item that is returned, whereas the word *lavah*, to borrow, implies items that are repaid like money.

<sup>3</sup> Because this refers to a loan that is not subject to a specific time period, so the lender knows that he can reclaim the item loaned at any time.

<sup>4</sup> Because *halveini* implies a loan for a specific time period.



[we should be concerned that] he will come to write down the loan? He said to him: [Although during the week the lender is not particular as to whether the borrower says *hasheleini* or *halveini*, and he will come to write down the loan], we are not concerned that if the borrower says on *Shabbos hasheleini* that the lender will come to write down the loan. The reason for this is because on *Shabbos* the Chachamim permitted the borrower to say *hasheleini*, and *halveini* was not permitted, so when the lender hears the borrower say *hasheleini*, the lender will not assume that the borrower made a mistake. Rather, the lender will realize that the borrower specifically stated *hasheleini*, which implies a short term loan, and the lender will not come to write down the loan. (148a)

**One should deviate as much as possible when performing any activity on Yom Tov.**

Rava bar Rav Chanan said to Abaye: Let's see, the Chachamim stated that when performing any activity on Yom Tov, one should deviate as much as possible. Women who fill up buckets of water from the river and carry them home do not deviate from the normal manner of carrying buckets. Why not? Abaye replied: Because it is not possible. What should they do? If you would suggest that instead of drawing water with a large bucket, they should draw water with a small bucket, they would be required to make more trips to the river and this would not be considered a deviation, as this procedure will require more effort on the part of the women. If you recommend that instead of using a small bucket they should draw water with a large bucket, this would certainly not be considered a deviation, because they would be forced to carry more water than usual. Spreading a cloth over the bucket is not a good deviation because if the cloth becomes soaked with water, they may come to squeeze the water out of the cloth, which is forbidden on Yom Tov. Covering the bucket with a lid is also not considered a good deviation because the cord that holds the lid in place might break and they may come to tie the cord, which is forbidden to do on Yom Tov. Since there is no solution of how to deviate from

the normal practice, the women are permitted to carry the water in the usual fashion. (148a - 148b)

**It is better to let a Jew transgress a prohibition unintentionally rather than transgress a prohibition intentionally.**

Rava bar Rav Chanan said to Abaye: A *Mishna* states that one cannot clap hands, beat chests (or slap the thigh) or dance on Yom Tov.<sup>5</sup> Nonetheless, we see that people do these things on Yom Tov, and we do not rebuke them!? Abaye replied: We also know that Rava said that one cannot sit at the opening of a mavoï next to a lechi on *Shabbos*, because something may roll away from him into the public domain and he will bring it back inside the *mavoï*, thus transgressing the *melachah* of carrying. Yet we see that women place their buckets at the end of the mavoï and we do not rebuke them!? Abaye posits: Leave the Jews alone; for it is better that they commit a transgression unintentionally than to rebuke them and cause them to transgress intentionally.<sup>6</sup> Now, he understood from this that that [principle] holds good only in respect of Rabbinical [enactments] but not Biblical laws. Yet that is not so: there is no difference between a Rabbinical and a Biblical law. Proof that this concept applies even to Biblical laws is from *Tosefes Yom Kippur*, where one is required from the Torah to start the Yom Kippur fast before the tenth day of Tishrei. Nonetheless, we see that people, eat and drink until nightfall, and we do not rebuke them.<sup>7</sup> (148b)

**A woman cannot lend her friend a loaf of bread unless she knows the value of the bread at the time that she lent it.**

The *Mishna* states that a woman cannot lend her friend a loaf of bread on *Shabbos* unless she says *hasheleini* and not *halveini*. The implication of this ruling is that during the week, when we are not concerned that she will write down the loan a woman may say *halveini*. The difficulty with this ruling is that Hillel is of the opinion that a woman cannot lend her friend a loaf of bread unless at the time of the loan she knows the value of the loaf. The concern here is that maybe the price

<sup>5</sup> Clapping hands and beating the chest or slapping the thigh is an expression of mourning that is forbidden on Yom Tov. One cannot dance on Yom Tov because he may come to fix a musical instrument.

<sup>6</sup> As they will continue doing what they have been used to doing.

<sup>7</sup> Clearly, it is better that one violates the law unintentionally than be rebuked and continue to transgress the law intentionally.



of wheat will rise and then the lender and borrower will have participated in the prohibited act of *ribbis*, lending and borrowing with interest. How, then, can our *Mishna* permit by inference for a woman to lend her friend a loaf of bread during the week? The *Gemora* answers that the *Mishna* refers to an area where the price for a loaf of bread is fixed, so the lender and the borrower know the value of the loaf. If the price of wheat were to increase, then the borrower would pay back the lender with money instead of a loaf. Hillel's ruling, however, refers to a locale where the price of a loaf of bread is not set. (148b)

**There is a dispute regarding a loan that was made on Yom Tov if one has recourse in the courts to receive his money back or not.**

Rav Yosef maintains that one cannot reclaim a loan in court if the loan was made on Yom Tov. The lender can only attempt to claim payment from the borrower. Rabbah, however, maintains that one can reclaim in court a loan that was made on Yom Tov. Rav Yosef maintains that the loan made on Yom Tov is not reclaimable in court, because if the loan was able to be reclaimed, the lender would record the loan on Yom Tov. Now that the lender cannot reclaim the loan in court and can only reclaim the loan by asking the borrower for repayment, he does not have much of a need to write down the loan. Rabbah maintains that the loan is reclaimable in court because if the loan is not reclaimable in court, the lender would not loan the borrower from the onset, and this would cause the borrower not to have the items he needs to enjoy the Yom Tov. Although our *Mishna* states that if the lender does not trust the borrower, the borrower can leave his garment with the lender, and this implies that the lender has no recourse in the courts, the *Gemora* explains that even if the loan were to be reclaimable in court, the lender would take collateral from the borrower because the lender says he does not want to deal with litigation and choosing a judge. (148b)

**One who buys a cow and slaughters it on Rosh Hashanah following the *Shemittah* year and gives out portions of meat to his friends who bought the meat from him, payment of the debt is dependent on the preceding month of Elul being a full month or not.**

Rav Idi bar Avin asked from a *Mishna* which states that a group of people purchased a cow, and one person purchased the cow or gave his cow to be slaughtered, and the owner of the cow gave out portions of meat to his friends on Rosh Hashanah after the *Shemittah* year. If the month of Elul prior to Rosh HaShanah was full, i.e., a thirty day month, then the day of Rosh HaShanah really belongs to the previous year, and the law is that *Shemittah* cancels all debts. If Elul of the previous year was only twenty-nine days, then *Shemittah* does not cancel the debts. The *Gemora* questions according to the opinion of Rav Yosef who maintains that a loan made on Yom Tov is not reclaimable, what does the *Mishna* mean that when Elul is full, all debts are cancelled, if the court does not get involved, the debt is cancelled regardless? The *Gemora* answers that it is different in that case, for it was revealed that the day was actually a weekday.<sup>8</sup>

Come and hear [a refutation] from the second clause: 'but if not, it does not cancel the debt'. Now, it is well if you say that it can be claimed, hence he teaches [that] it does not cancel [the debt]; but if you say that it cannot be claimed, then what is meant by 'it does not cancel [the debt]'? — That if he [the debtor] pays him, he accepts it: from there it follows that the first clause means that [even] if he pays him he must not accept! — In the first clause he must tell him, 'I release it,' while in the second he need not say, 'I release it'. As we learnt: If one repays a debt in the seventh year he [the creditor] must tell him, 'I release it,' but if he [the debtor] replies, '[I repay] even so,' he may accept it from him, for it is said, And this is the word of the release.

Rav Avya used to take a pledge. Rabbah bar Ulla would employ a subterfuge.<sup>9</sup> (148b)

<sup>8</sup> Although the day the meat was purchased was looked upon as Rosh HaShanah, we really do not know if it was Rosh HaShanah, and we treat the debt as having been incurred on a weekday and not on a Yom Tov.

<sup>9</sup> After the Festival he would take an article from the debtor and then detain it.



**One can consecrate his Korban Pesach on *Shabbos* and one can consecrate his Chagigah offering on Yom Tov.**

The *Mishna* stated that when Erev Pesach falls on *Shabbos*, one who buys a Korban Pesach can leave his garment with the seller as collateral, and complete the sale after Yom Tov. Rabbi Yochanan said: When Pesach begins on Saturday night and the Korban Pesach is offered on *Shabbos*, one may consecrate his Korban Pesach on *Shabbos*. Similarly, one can consecrate his Korban Chagigah on Yom Tov.<sup>10</sup> Let us bring support to this from our *Mishna* which stated that when Erev Pesach falls out on *Shabbos* and one was in Yerushalayim, if he buys a Korban Pesach on *Shabbos*, one leaves his cloak with him [the vendor] and receives his korban pesach and makes a reckoning with him after the festival. The *Gemora* explains that the *Mishna* may be referring to a case where one enrolls himself with others to join in offering the Korban Pesach, so the animal may have been consecrated before *Shabbos*. But we learnt: One may not enroll [to share] in an animal on the Festival in the first place? — Here it is different: since he is accustomed to be with a member of this group, it is as though he had enrolled for it beforehand. But Rabbi Oshaya taught: ‘A man can go to a shepherd to whom he is accustomed to go and he gives him a sheep for his korban pesach, and he sanctifies it and fulfills his obligation with it? — There too, since he is accustomed to go to him, he [the shepherd] does indeed sanctify it beforehand. But he states, ‘he sanctifies it’? — This sanctification is a Rabbinical preferment. But did Rabbi Yochanan say thus? Surely Rabbi Yochanan said: The halachah is [always] as an anonymous Mishnah, whereas we learnt: One may not sanctify, vow a ‘valuation’, devote, or separate terumos and tithes: all these were said of Festivals, and how much more so of the *Shabbos*! — There is no difficulty: One refers to obligatory offerings for which there is a fixed time; the other refers to obligations for which there is no fixed time. (148b)

**INSIGHTS TO THE DAF**

***Dancing and Clapping on Shabbos and Yom Tov***

<sup>10</sup> Although the Chachamim normally forbade one to consecrate an animal on *Shabbos* or Yom Tov, when the actual offering of the sacrifice is done on *Shabbos* or Yom Tov, then one can consecrate the animal on *Shabbos* or Yom Tov.

A *Mishna* states that one cannot clap hands, beat chests (or slap the thigh) or dance on Yom Tov. Clapping hands and beating the chest or slapping the thigh is an expression of mourning that is forbidden on Yom Tov.

Rashi writes that one cannot dance on Yom Tov because he may come to fix a musical instrument. Tosfos<sup>11</sup> maintains that in earlier generations, people were experts in fixing musical instruments, so there was reason to decree that one should not dance and clap on Yom Tov because he may come to fix a musical instrument. In our time, when people are generally not proficient in fixing musical instruments, there is no reason to enact a decree against dancing on Yom Tov.

The Shulchan Aruch, however, rules that even in our times one cannot dance because he may come to fix a musical instrument. The Rama writes that we see in our times that people clap and dance on Yom Tov and no one rebukes them.

The Rama justifies this practice on two accounts. One justification of people who dance and clap on Yom Tov is that it is better that one transgresses unintentionally than to be rebuked and continue to transgress intentionally. The second explanation for people’s actions is the rationale of Tosfos that people nowadays are not expert in fixing musical instruments, so there is no need to decree against dancing and clapping on Yom Tov.

The Mishnah Berurah rules that one can calm a child on *Shabbos* or Yom Tov by clapping with a variation. With regard to Simchas Torah, the Mishnah Berurah is lenient that one can dance with the Torah because of the honor due the Torah. One certainly cannot play musical instruments, as this ruling is to be treated very seriously.

The Chofetz Chaim elaborates in Hilchos *Shabbos* in Biur Halachah<sup>12</sup> regarding dancing even during the weekday and concerning separate dancing for men and women.

<sup>11</sup> Beitzah 30a

<sup>12</sup> 339 s.v. lehakel bekach