

CHAVRUTA

SHABBAT – DAF KUF MEM CHET

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PEREK SHOEL

MISHNAH

A person may borrow from his friend on Shabbat, barrels of wine and barrels of oil. And this is provided he does not say to him, “*halveini*,¹” because with a long-term loan, it is usual for the lender to write it down in a ledger so that he does not forget, so we are concerned that he will come to write. Rather he should say to him, “*hash’ileini*,²” since when using this term it is not usual for it to be written down.

And similarly, a woman may borrow from her friend loaves of bread on Shabbat, as long as she does not say, “*halveini*.”

And if the lender does not trust the borrower, the borrower leaves his cloak with him as a surety, and he makes with him a calculation of the debt after Shabbat. But on Shabbat itself, it is forbidden to make a calculation, as it says later on (103a).

And he may do so similarly on the Eve of Pesach, in Jerusalem, that falls out to be on Shabbat. If he forgot on Friday to buy a kid or lamb for the Pesach offering, this is what he should do: **he leaves his cloak with him, i.e., the seller, and takes his Pesach offering, and makes with him a calculation after Yom Tov.**

¹ “Lend me.” Generally, this word is used in formal transactions and signifies a loan of 30 days or more.

² This also means “lend me,” but has the connotation of “may I borrow for a short while”.

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GEMARA

It was stated in the Mishnah: A person may borrow from his friend barrels of wine and barrels of oil. And provided he does not say to him, “*halveini*.”

Said Rava bar Rav Chanan to Abaye: What difference is there if he says, “*hash’ileini*,” **and what difference** is there if he says, “*halveini*?”

He said to him: With “*hash’ileini*” **he will not come to write**, since this signifies a short-term loan, and he is not concerned that he will forget. But if he says “*halveini*,” **he will come to write**, as the expression of “*halva’ah*” – loan, indicates long-term. This is in line with the established concept that an unspecified *halva’ah* is for thirty days, and the lender is concerned that he will forget and therefore he writes it in his ledger.

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Rava bar Rav Chanan again raised a difficulty: **But note that during the week**, a *halva’ah* is also called *she’eilah*, because **sometimes he means to say** to his friend “*halveini*” **and he actually says to him “hash’ileini”**, where in reality it is a *halva’ah* and not *she’eilah*. This is because in common speech, the terms are often interchanged.

For the borrower often does not return the very item that he took, even if he said *hash’ileini*, rather he returns something similar or identical in its stead—such as a new loaf of bread in place of the loaf he borrowed. And it is only a true *she’eilah* when he returns the very same object that he borrowed.

And therefore the lender is not particular with him and he agrees that the borrower take it for a long time, as with a *halva’ah*, since the lender takes into account that the borrower might really mean *halva’ah*. Therefore the lender **will come to write** in his ledger. If so,

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on Shabbat as well, even if he said to him “*hash’ileini*” let us say that his intention is for a *halva’ah* and we should be concerned that perhaps the lender **will come to write** it.

Said to him Abaye: On Shabbat, since only with the expression of *hash’ileini* **did the Rabbis permit him** to take, but with the expression of *halveini* **they did not permit him, the matter is recognizable** i.e. the difference between the two terms takes on special significance. And by doing so he will remember that writing is forbidden on Shabbat, **and he will not come to write.**

Said Rava bar Rav Chanan to Abaye: Now that the Rabbis said: All matters of Yom Tov, as much as it is possible to change, we change, in order that he will not do it in the same manner that he does it during the week. For example, it was stated in Tractate *Beitzah* (29b): “One who brings pitchers of wine from place to place, he should not bring them in a basket or box (in the same manner that he does during the week), rather he should bring them on his shoulder.

If so, **these women who fill their jugs with water** on Yom Tov, **what is the reason that they do not change** they way of drawing the water?

He said to him: Because it is not possible to make any change with drawing water. **How should they do it?** If you say that the women **who fill** the jugs with water during the week **with a large jug should fill** on Yom Tov **with a small jug**, this should not be done, **as it increases the walking.** Because if we require them to draw with small jugs, they will need to draw and bring the water many more times than they would if they would draw with large jugs.

And if you say that those women **who fill** the jugs with water during the week **with a small jug should fill** on Yom Tov **with a large jug**, this they also should not do, as by doing so **they are increasing the load.**

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AMMUD BET

And if you say: Let us make a change that **we spread a cloth** over the mouth of the jug – it is forbidden to do so. This is because we are concerned that perhaps **he will come to squeeze** out the water from the cloth.

And if you say, **we will cover the jug with a cover**, and that will be a change – we cannot obligate them to do so, because **sometimes** the cover **will disconnect**, and if we require it to be covered, **he will come to tie it** with a permanent knot, which is forbidden by the Torah.

Therefore, it is not possible to make a change with water drawing, so we do it in the same way as during the week.

Said Rava bar Rav Chanan to Abaye: It was taught in a Mishnah: On Yom Tov **they do not clap** as a sign of mourning, **and they may not beat the heart** to show mourning on Yom Tov.

And similarly **they may not dance** out of joy **on Yom Tov**. The reason is explained in Tractate *Beitzah*, that we are concerned someone will fix a musical instrument.

And Rava bar Rav Chanan raises a difficulty: **But note that** in fact, **we see they do** these activities on Yom Tov. Why **do we not say anything** to stop them?

Said to him Abaye: And according to your reasoning, the same difficulty can be raised

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on that **that Rava said:** A *mavoi*³ that is open to the public domain and they made a *lechi*⁴ in order to permit carrying, **a person should not sit at the entrance of the *lechi*** that borders the public domain, **perhaps an object will roll** into the public domain within 4 *amot*.⁵ We are concerned that since the difference between the *mavoi* and the public domain is not readily recognizable, **he will come to bring** the object from the public domain back into the *mavoi* and thus transgress the prohibition of transferring objects from one domain to another.

And this is difficult, **because we see that women place their jugs and sit at the entrance of the *mavoi*.** Why **do we not say anything to them** that this is forbidden, like Rava said?

Rather, the reason we do not protest is because in any event the protest will not help. **Leave the Jews be,** because **it is better that** when they are transgressing, **they act unintentionally and they not act intentionally.**

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He, Rava bar Rav Chanan, **understood from this** which Abaye said, that **these words** (about refraining from protest) apply **in** a prohibition **of the Rabbis. but in** a prohibition **of the Torah** we protest, and we **are not** concerned that they may not listen.

The Gemara concludes: **This is not** true. Rather it makes **no difference with** a prohibition **of the Rabbis and** it makes **no difference with** a prohibition **of the Torah,** whatever they are accustomed to do, we do not protest against them, as it is preferable that they act unintentionally rather than act intentionally.

The Gemara proves this is so: **For** we may **note that the additional time period of Yom Kippur is a Torah** obligation. One must start the fast while it is still daytime, and thus

³ An alleyway enclosed on three sides with courtyards leading off of it.

⁴ A post placed at the entrance of the *mavoi*.

⁵ 1 *ammah*: 18.7 in., 48 cm

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add to the holy, i.e., Yom Kippur, from the mundane, i.e., the weekday. This mitzvah is derived from the verse (*Vayikra*⁶ 23:32), “And you shall afflict yourselves on the *ninth* of the month, in the evening.” This implies that the fast must begin while it is still the ninth of Tishri, which is the day before Yom Kippur.

And even so, we see that people eat and drink until it gets dark and they do not add anything to the holy day, **and we do not say anything to them.** This is because of “leave the Jews be, as it is preferable that they act unintentionally rather than act intentionally.” We see that even if they are transgressing a Torah prohibition, we do not protest against them in a case that it will not help.⁷

It was stated in the Mishnah: **And similarly, a woman may borrow from her friend loaves.**

The Gemara asks: This indicates that specifically **on Shabbat it is forbidden** to say “*halveini*” because he will come to write, **but during the week it is alright** and it is permissible to lend a loaf of bread. Although the Torah forbids taking interest on a loan, and the Sages made decrees regarding how a loan is to be worded, it is implied here that a loan of a loaf of bread is permissible even though it was spoken about as a *halva'ah*.

Shall we say the Mishnah is not like Hillel who forbade to do so even during the week?

Note **that it was taught** in the Mishnah: It is forbidden to borrow a *se'ah*⁸ of wheat on condition to pay back a *se'ah* of wheat, because if the wheat will become more expensive between the loan and the repayment, the borrower will pay back more than the loan.

⁶ Leviticus

⁷ The *Mishnah Berurah* comments that this does not apply to mitzvot that are clearly written in the Torah. It applies only to mitzvot that are derived on the basis of Talmudic explication of verses, such as that of adding on to the fast of Yom Kippur.

⁸ 1 *se'ah*: 8.8 US quarts, 8.3 lit.

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And so did Hillel say: A woman may not lend a loaf to her friend until she makes it into money, meaning, she evaluates its worth at the time of the loan and that is what she obligates herself to pay back. Because if this is not done, we are concerned **perhaps wheat will become more expensive and** if she pays back according to the value at the time of the payment **it will be found that they come to interest.**

The Gemara dismisses this: **Even if you were to say** that the Mishnah is **like Hillel**, there would be no contradiction. Because **this** where we learn from the Mishnah that during the week it is permissible to lend a loaf for a loaf is speaking **in a place where the price of the loaf is set**, and everyone knows its value, and therefore it is permissible even to lend without specifying. And if the price goes up, he will return its value of the time of the loan.

And **that** where Hillel forbade to loan without specifying, is speaking **in a place where the price of the loaf is not set**, where the market value has not been fixed and not everyone knows the value of the loaf. In this situation we are concerned that the price of the loaf will go up and since its value was not known at the time of the loan, she will pay back according to the price at the time of payment, and she will pay interest.

It was stated in the Mishnah: **And if he does not trust him**, he leaves his cloak with him and makes a calculation with him after Shabbat.

It was said in a statement of Amoraim: **A loan of Yom Tov - Rav Yosef said: It cannot be claimed** in court. If he sued his friend to pay back this loan, the court will not deal with this case and will not obligate the borrower to repay it.

And Rabbah said: The loan of Yom Tov **can be claimed** in court.

The Gemara explains: **Rav Yosef said: It cannot be claimed** because **if you say** that it

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can be claimed, the lender **will come to write** down the loan (and even if he does it through the wording of *she'eilah*, we are concerned about this).

And Rabbah said: it can be claimed because **if you say that it cannot be claimed**, a person **will not give** his friend anything on Yom Tov **and he will come to refrain from enjoying Yom Tov**.

The Gemara asks: **It was taught** in a Mishnah: **If he does not trust him, he leaves his cloak with him** and makes a calculation with him after Shabbat.

It is all right if you say Yom Tov loans **cannot be claimed, because of this he leaves his cloak with him** as a surety **and he makes with him a calculation after Shabbat**, since if he does not take a surety from him he will not be able to collect the repayment in court.

But if you say like Rabbah that **it can be claimed, why** does he need to **leave his cloak with him?** Let the lender **give him** the loan, **and claim from him** in court after Shabbat?

The Gemara answers: Even though he can claim from him, he does not want to lend without a surety, **because he says: I do not want to stand** against him **in litigation and I** do not want to have to choose **an arbitrator** and go through all the trouble.

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Rav Iddi bar Avin contradicted Rav Yosef: It was taught in a Mishnah: **One who slaughters a cow and divides** the meat to customers on credit, **on Rosh Hashanah of the year following shemidah.**⁹ **If the month of Elul is full**, i.e., thirty days, the *shemidah* **releases** (releases) the loan, since *shemidah* releases loans at its end, and since they made Elul full, it comes out that the first day of Rosh Hashanah is the thirtieth of Elul and it is still part of *shemidah*.

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And if Elul is not full, i.e., twenty-nine days, it comes out that this day is the first of Tishri of the eighth year, therefore **it does not release** loans.

And this is difficult. **If** a Yom Tov loan **cannot be claimed, what is released?** In any event, he cannot claim in court from the customers, because he lent them on Yom Tov of Rosh Hashanah.

The Gemara answers: **There is different.** Since they made Elul full, **it has been revealed** retroactively **that** this day **is a weekday**, therefore it is not a Yom Tov loan. For the real Yom Tov of Rosh Hashanah can only be one day—the 1st of Tishri—thus the 30th of Elul is in fact a weekday¹⁰. Thus, unless *shemita* releases the loan, it could be claimed.

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The Gemara again raises a difficulty: **Come hear from the latter clause: If not, it does not release.** If they did not make Elul full, that day is Yom Tov of Rosh Hashanah. **It is alright if you say** that a Yom Tov loan **can be claimed, that is what is taught, “It does not release,”** because it is now the eighth year. **But if you say “it cannot be claimed,” what** is the meaning of **“it does not release,”** in any event it cannot be claimed?

The Gemara answers: Even though he cannot claim a Yom Tov loan in court, nevertheless, **if** the borrower **gives him** the payment on his own, the lender may **take** it from him. And this is what was said: If Elul is not full, if the borrower gives it to him on his own accord, it is permissible for him to take it.

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The Gemara again asks: **This implies** that the term “releases” which was taught in **the first clause** is coming to say that even **if** the borrower **gave him** on his own, the lender

⁹ The seventh year of the seven-year cycle, in which the Torah commands to let the lands lie fallow. Also, as will be seen, all debts are released at the end of the seventh year.

¹⁰ At the time, it was not known whether this day would be called 29th of Elul, or 1st of Tishi.

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also **should not take** it. If the borrower gave it on his own, why should he not take it, even if *shemitah* released it?

The Gemara answers: Both the first clause and the latter clause are speaking where the borrower gave it to him on his own. But, in the **first clause**, since *shemitah* releases, the lender **needs to say** to the borrower: **I release** the loan in accordance with the mitzvah of *shemitah*. Then, if the borrower still wants to repay, the lender may accept.

But in the **latter clause**, since *shemitah* does not release, the lender **does not need to say to him**, “**My loan has been released.**” And if the borrower gives it to him, he may take it.

As it was taught in a Mishnah: **One who returns a loan during *shemitah***, the lender says to him, “**My loan has been released.**” **And if** the borrower says to him, “**Nevertheless,**” I do not want that it should be released, **he**, the lender, **should accept from him** the payment, **as it says** (*Devarim*¹¹ 15:2), “**This is the *devar* (matter) of the *shemitah*, release...**” The word “*devar*,” “the matter,” is similar to “*dibur*”, meaning “speech”. This implies that if the borrower wishes to pay, the lender must still mention *shemitah* in his speech.

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Rav Avya, when he would lend on Yom Tov, he would **take** a **surety**, as it says in the Mishnah: “He leaves his cloak with him and makes with him a calculation after Yom Tov.

Rabbah bar Ulah did not take a surety, but after Yom Tov **he would trick** the borrower by borrowing from him some item, and then hold onto it until the loan was repaid.

¹¹ Deuteronomy

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It was stated in the Mishnah: **And similarly on the Eve of Pesach**, in Jerusalem, that falls out to be on Shabbat. He leaves his cloak with him, and makes with him a calculation after Yom Tov.

Said Rabbi Yochanan: A person may consecrate¹² his Pesach offering on Shabbat that is the Eve of Pesach. **And** similarly, he may consecrate **his *chagigah*¹³ offering on Yom Tov**, which is the day that it is offered. Even though the established Halachah is that one may not consecrate items on Shabbat or Yom Tov, however, on the day of offering them up one may consecrate them, because just as offering them up (which involves forms of forbidden work) supersedes Shabbat, so does their consecration supersede Shabbat.

The Gemara says: **Let us say** that our Mishnah **supports him**, Rabbi Yochanan.

That it was taught in the Mishnah: **And similarly the Eve of Pesach, in Jerusalem, that falls out to be on Shabbat**, he if comes to buy an animal for his Pesach offering, **he leaves his cloak with him**, the seller, **and makes with him a calculation after Yom Tov**. We see that one may purchase his Pesach offering on Shabbat, and perforce he will also consecrate it on Shabbat.

The Gemara dismisses this: From here there is no proof, because we are not speaking here of the start of the consecration of the animal on Shabbat. Rather, **here with what are we dealing? With** an animal that was already consecrated for the Pesach offering, and the animal's owner is **appointing other members for his Pesach** offering. They are obligating themselves to give him the money for their portion of the animal, and for this debt, the new member leaves his cloak with the animal's owner. In this situation there is no problem with the prohibition of consecrating on Shabbat, **since originally** the animal **was consecrated and remains so**.

¹² A sacrifice must be designated as such before slaughtering. This designation is called its consecration, and from then on it may not be used for mundane matters.

¹³ A special holiday offering.

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The Gemara is puzzled: How is it possible to say that the Mishnah speaks of one who is coming to become a member on Shabbat? **And note that we taught** in a Mishnah: **One cannot be appointed** as a member **on an animal in the first place on Yom Tov**, and certainly not on Shabbat, because of the prohibition of doing business on Shabbat and Yom Tov.

The Gemara answers: **It is different here**, as we are speaking of a person who is accustomed to be appointed with the animal's owner. **Since he is accustomed with him**, it is not considered like coming to be appointed in the first place on Shabbat, rather **like a person who was appointed on it**, i.e., the animal, **originally**. Because when the owner originally consecrated the sheep, he had in mind that this person will likely be a member as well.

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The Gemara again attempts to bring a proof: **And** it is still possible to support Rabbi Yochanan from **that** that **Rabbi Hoshaya taught** in a Baraita: On Shabbat that is the Eve of Pesach, **a person may go to a shepherd whom he is accustomed to go to, and** the shepherd **gives him a young animal for his Pesach offering, and** the purchaser **consecrates it and fulfills his obligation with it** for the Pesach offering. We see that one may consecrate the Pesach offering on Shabbat, when it is the day that it is offered.

The Gemara dismisses this: From **there also** one cannot prove anything. This is because **since he is accustomed to buy from him** his Pesach offering, the shepherd **surely consecrated it originally** on Friday for this person's Pesach offering.

The Gemara is surprised by this answer: **Note that it was taught:** "He gives him a young animal for his Pesach offering **and he consecrates it**. It says explicitly that the purchaser does so on Shabbat.

The Gemara answers: Really, it has already been consecrated by the shepherd on Friday.

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However, the purchaser must again consecrate it with an **elevated consecrated**, according to **Rabbinic** law. I.e. he places sanctity on the sanctity. Thus, the second act of consecration is not the primary, Torah-ordained consecration.

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The Gemara asks: **And did Rabbi Yochanan really say this**, that a person may consecrate his Pesach offering on Shabbat?

But note that said Rabbi Yochanan: The Halachah is in accordance with an unnamed Mishnah¹⁴, and we find an unnamed Mishnah that teaches explicitly that we do not consecrate on Shabbat.

For it was taught in a Mishnah: **They do not consecrate, and they do not take the Erech¹⁵ vow, and they may not dedicate** (either to the cohanim or to Heaven) **and they cannot separate *trumot*¹⁶ and *ma'asrot* (tithes) on Yom Tov.** And **all these that on Yom Tov they** the Sages **said** not to do, **certainly** that they are forbidden **on Shabbat**. This is difficult for Rabbi Yochanan who said a person may consecrate his Pesach offering on Shabbat.

The Gemara answers: This is **not difficult**. **Here** in the statement of Rabbi Yochanan, it is speaking about the Pesach and *chagigah* offerings that are **obligations that have a fixed time**, i.e., they must be offered specifically on that day. Just like their being offered supersedes Shabbat, so too their consecration supersedes Shabbat. And **here** in the Mishnah, it is speaking **about obligations that have no fixed time**, such as vows and gifts, whose offering does not supercede Shabbat. So too, he may not consecrate them on Shabbat.

¹⁴ If a view is expressed in a Mishnah without mention of a particular Sage, it is assumed that this is the normative view.

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MISHNAH

A person may count on Shabbat the number of **his guests, and of his portions of delicacies**. And he may express this number **orally, but** he may **not** read them **from what is written**. In other words, if he wrote down the names of his guests or delicacies on Friday, he may not read this list on Shabbat. The reason is explained in the Gemara.

A person may make a drawing of lots with his children and household members who are **at the table**, in order to decide who gets which portion. **And this is provided that** the portions are equal and **he does not intend to make a large portion** for one person **in place of a small portion** for someone else. The Gemara will explain the reason.

And the cohanim may **draw lots for** the meat of **the consecrated offerings on Yom Tov, but** they may **not** draw lots **on the portions**. This will be explained in the Gemara.

¹⁵ This is a vow where a person takes upon himself to donate to the Temple his own value (*erech*) or the value of another person. When the person vows with the expression of *erech*, the Torah provides fixed values for the person, according to age and gender.

¹⁶ A small portion separated from agricultural produce in the Land of Israel, and given to cohanim for their personal consumption. It may be eaten only in purity.