

## פרק עשרים ושלש - שואל

This chapter focuses on matters relating to business dealings on שבת and related matters. The prohibition is anchored in a concern that the parties will engage in **בתיבה**. Note: the **תורה** prohibits lending or borrowing without **רבית**. **מדאורייתא**, the only prohibited interest is **רבית קבועה**, i.e. where there is a set amount determined as usury. **מדרבנן**, indirect and undetermined **רבית** is also prohibited; e.g. where an item is borrowed and, at the time of its return the value has gone up (the added value is indirect **רבית הלל** maintained that we must be concerned about the possibility of changing values even with relatively small amounts and that any loaned item must first be appraised and the loan relate to the value; **חכמים** only promoted this concern with regards to large amounts.

Note: Along with **שמיטת קרקעות**, the 7th year has the impact of **שמיטת כספים**; all loans are cancelled with the end of the **שמיטה** year. Someone who wishes to repay a loan that has been cancelled by **שמיטה** may not do so until the lender first states **"משמט אני"** and then, if the borrower insists on paying, acknowledges that his debt has been cancelled and that nonetheless he wishes to repay.

2.23.1; 148a (משנה א) → 148b (בחובות שאין קבוע להם זמן)

1. וְהָאֵלֶּיךָ הַשְּׂמִטָּה שְׂמוּטָה כֹּל בְּעַל מִשָּׁה יְדוּ אֲשֶׁר יִשֶּׂה בְרַעְיוֹהוּ לֹא יִגַּשׁ אֶת רַעְיוֹהוּ וְאֶת אַחֲיוֹ כִּי קָרָא שְׂמִטָּה לָהּ: דְּבָרִים טו, ג

- I. **משנה א**: Borrowing food on שבת
- a. **Wine, bread**: a person may borrow barrels of wine or oil or loaves of bread from a fellow on שבת
    - i. **However**: he may not say הלוויני (he should, rather, say השאילני)
      1. **Explanation** (**חנן**): even though we are not מקפיד on "הלוויני" vs. "השאילני" during the week
        - a. **Yet**: since we insist on him saying השאילני on שבת, he will be aware it is שבת and avoid writing
      - ii. **Tangent**: two other answers given by אביו to חנן בר ר'
        1. **Filling jugs**: even though we try to do tasks with a שנוי on י"ט, our women fill jugs in the usual way
          - a. **Reason**: there is no alternative way that wouldn't lead to a violation of י"ט
        2. **Dancing etc.**: reason we "allow" violations of rabbinic law – e.g. dancing, clapping etc. on י"ט (ביצה ה:ב)
          - a. **As well as**: sitting by edge of מבוּי (in spite of רבא's admonition)
          - b. **And even**: violations ענוי ביה"כ, such as מה"ת
            - i. **Reason**: we prefer to allow בני"י to sin as שוגגין rather than מזידין (i.e. they'll do it in any case)
    - b. **Bread**: implication: during the week, she may borrow bread
      - i. **Challenge**: הלל ruled that a woman shouldn't borrow a loaf w/o fixing a value (רבית)
        1. **Defense**: if price per loaf is fixed, no רבית problem (as in our משנה)
    - c. **And if**: the lender doesn't trust the שואל, he may leave a garment behind as collateral (they settle after שבת)
      - i. **Related discussion**: whether or not a loan made on י"ט can be collected – dispute יוסף ר'
        1. **ר' יוסף**: may not be collected – else, he may write
        2. **ר' דבה**: may be collected – else he won't lend and that will keep the putative borrower from שמתח י"ט
          - a. **Challenge**: from our משנה – supports ר' יוסף, as that is why he must leave collateral
            - i. **ר' דבה**: he leaves collateral as lender doesn't want to have to go to בית דין
            - b. **Challenge**: **יב** - שביעית ר"ה - if someone gives out meat on ר"ה of 8<sup>th</sup> year
              - i. **If**: month proves to be מעובר (i.e. "ר"ה" was end of שמיטה) - debt is משמט; if not (א' תשרי) not משמט
                1. **But if**: cannot collect, what is being משמט? (no collection → no cancellation)
                2. **Answer**: if it proves to be מעובר, that day was not י"ט
                3. **Yet**: **סיפא** is a challenge to ר' יוסף; if debt cannot be collected, why isn't it cancelled?
                  - a. **Answer**: in that case, the borrower may return it if he chooses to do so
                  - b. **Challenge**: in רישא he may also return it if he chooses to do so
                    - i. **Resolution**: in רישא, lender has to declare "משמט אני" (v. 1); not in סיפא
            4. **Note**: **ר' אויא** would take a משכון (for loaning on י"ט); **ר' עולה** would use הערמה (taking something owned by borrower and then using it to collect afterwards)
        - d. **Similarly**: if פסח falls on שבת, one may leave collateral, take his lamb and slaughter it and settle up after יום טוב
          - i. **suggestion**: our משנה supports ר' יוחנן's ruling that a man may be מקדש פסח on שבת and his חגיגה on י"ט
          - ii. **rejection**: could be a case where the פסח was already sanctified and he was just joining the group
            1. **challenge**: **ג**: ביצה ג: – may not be נמנה on an animal on י"ט
            2. **answer**: since they always share the קרבן, it is as if he was included from the beginning
            3. **parallel**: ר' אושעיא taught that you can go to his shepherd and be מקדיש a lamb for פסח on י"ט
              - a. **however**: it states "מקדיש" - (א: means הקדש עלוי מדרבנן – animal was already הקדש)
          - iii. **challenge**: אין מקדישין...ביום טוב ביצה ה:ב – and סתם משנה ר' יוחנן
          - iv. **answer**: if it is a חובה with a set time (and that time may pass) - permitted