

מכה בפטיש-שיעור #58-Final שיעור (4) – Assorted Topics

These notes are MY record of what Rav Bednarsh said, and have not been reviewed by him.

I, Natan Brownstein erred in recording the last שיעור-so here are my notes instead.

איסור שחייה בשבת

One cannot swim (שלט:ב) שמא you make a raft (river or even a pool). But if there is a big lip/side around the area of the water than it's מותר (it's more like a כלי/less like a נהר).

- (Q) How is this different than bathing (which in cold water is completely מעיקר הדין)? The main difference is that bathing is done in a כלי, whereas the case that we are talking about swimming is in the נהר. Another point that the גמ' says that swimming is obviously when you are עקר רגליו, but bathing you may not be עקר רגליו.
- (אה"ע ח"ב סימן יג ד"ה ולשחות) There are two other reasons why one shouldn't swim on שבת, (a) because it's מנהג אשכנז not to bathe, and (b)¹ it's a סחיטה of your bathing suit, and בזמן of the גמ' they didn't use bathing suits so you didn't have the סחיטה problem.
 - Some have a hard time understanding this ר"מ because maybe there shouldn't a problem of סחיטה! The סחיטה of גזירה was on things which you might not want to be wet, but you דווקא want the bathing suit to be wet!
- At the end of the day, the מנהג is not to swim on שבת. Sfarim are more מקיל.

שלט:ו-ז

it's אסור to push something in the water or pull it towards you (same גזירה as swimming). And even if things are on the water you can't clear the water. If the boat is sitting on the ground, or tied well, then you can go on it on שבת.

It's (מ"ב שלט:לג) שמא you might make a raft to go on a boat on שבת, and the reason is because of שמא. (מ"ב שלט:לג) says that although there is a התר (according to some ראשונים) for the ת"ח to do "nap" in a boat on שבת and he will "end up on the other side of the river". But he says that today we don't really have the דין of a ת"ח and therefore no one is allowed to use the הערמה.

This whole אסור is only when you leave on the trip on שבת, but if one is already on the trip then it's מותר to stay on the boat.

- The (רמח"ג) ש"ע says that one goes onto the boat on ע"ש and is קונה שביתה then he can leave on the boat on שבת (because then it becomes like you are just in your house. The רמ"א there quotes a י"א that you are even allowed to leave the boat and come back to it on שבת because

¹ RB-It's not a question of מלבן: Most ראשונים hold that מלבן is only when the item is dirty. And even according to those that it's שייך even with a clean item-the exception is when the דרך to use it is לכלוך. A bathing suit is used לדרך לכלוך-because we generally wash them after being used in the pool.

you were קונה שביתה you're good. And there were those who would have קידוש on the boat, eat something and then go home and that would be good for the שביתה קנין.

Can one tell a גוי to drive a boat w/you on it (for a מצוה or ממון)? The מקיל is ר"י הלוי (and also חיי אדם/מ"ב), and the מ"א says that it's אסור. The המח' יסוד could be that according to the מ"א, you are violating the גזירה of swimming. According to the מתירין a גוי is violating the גזירה of swimming.

שלח:א-ד-השמעת קול בשבת

Making noise with musical instruments on שבת is אסור, but knocking on a door in a way that isn't musical is OK.

said that any עולא-גמ' ערובין (קד). אסור is it שיר with the כלי רבה. אסור is it שיר with the כלי רבה.

- עולא Paskins like ר"ח.
- רבה like פסקין-שאר ראשונים.
- אסור even when you aren't doing anything שיר-like if the כלי itself is a כלי המיוחד אסור to use even to make something which is not שיר-like.
 - Paskins like ש"ע (שם) שאר ראשונים.
 - Paskins like the ר"ח גר"א (שם).
 - Paskins like the אגור רמ"א (שם).

מעשה² מותר to whistle or to do anything else where you aren't doing a מותר-רמ"א (שם).

- משמע, that beatboxing is completely מותר.

to use anything which is a כלי המיוחד לכך to make any noise. Therefore it's אסור to use anything which is a כלי המיוחד להשמעת קול, and even if the שמש is going round town to wake people up for Shul on שבת he can't use a כלי המיוחד להשמעת קול. (Q) What is the סברא for the אגור/רמ"א?

- The לבוש (ש"ע) says that it's a problem of שמא יתכוון לשיר (and then it's אסור even for the ש"ע), the עובדין דחול (ב"ה) says that it's a problem of שמא יתקננו (שה"צ), and the פ"מ (in ב"ה) says that it's אסור if the פ"מ is like the פ"מ then in theory if you used one that was special for שבת then it could be מותר, but this is not the mainstream שיטה for פסק.
 - And רש"ז actually says that if it's גרמא ע"י it's מותר if it's דחול.
 - The תוספת שבת actually says that if the כלי is מיוחד for שבת then it would be מותר. (this is a דעת יחיד but it means that there is a מקום להקל).

So, just to review: If a non-שיר noise made with an item which is not מיוחד להשמעת קול, then it's totally מותר. If the noise is made with מיוחד להשמעת קול even if it's not a שיר is אסור for רמ"א and מותר for ש"ע. But if you use anything to make a שיר-like sound, whether it's a כלי המיוחד לכך or not it's אסור according to everyone.

² The עה"ש says that even if you are using your hands to do the whistling, it's מותר because the עיקר sound is coming just from your mouth.

Bells: They had bells to remind everyone to stand up, and even sometimes there is a door that has a bell. For the פרוכת, the ט"ז and אסור גר"א (אסור גר"א ספר תורה) and ש"ך-הלכות ספר תורה

- (1) Bells on פרוכת or ס"ת: There are multiple possible reasons to say that it's מותר (1) It's not ש"ע (so therefore מותר for the ש"ע), (2) you're not מכוון להשמיע קול, (3) its מקום מצווה.
 - אגור/רמ"א explains that it's because at the end of the day the intention is for it to make a noise and therefore it's within the גדר of the רמ"א.
 - מותר-מ"א (א"ח שם ס"ק א/ש"ך (שם ס"ק ד)
 - unless אסור- (במ"ב ו) שאר אפרים is מנהג המקום. Don't have to change whatever מנהג is, but if you are starting a new Shul you should not use them.
- (2) Door with a bell hanging on it: You have (1) and (2), but you don't have (3). And the מ"ב (שם) says that it's אסור but it's הדחק.
- (3) You're locked out of your house and the only way to get in is to ring the non-electric bell-you only have (1), and this should be אסור for the רמ"א.
 - ש"ע you can rely on the שעת הדחק-In a big שעת הדחק (ד"ה הואיל) and try and use a שינוי.

(ב) ש"ע-Some say you are allowed to tell a גוי to play musical instruments for a חופה.

- מתיר רמ"א and ש"ע. And the הלכה is that the ש"ע and the רמ"א are both מתיר.
- ע"ש ש"ע if the גוי does it himself/you tell him on ש"ע (במ"א ד) רדב"ז.
 - Nowadays it's even אסור to tell a גוי to do it, and this is our מנהג.
- כלי שיר a מתקן to tell a גוי to be מותר it's רמ"א (שם).
 - יישוב א"י³ like מצווה- And it's a super-עדיף משאר מצוות שמחת חו"כ-מ"א (ד).
 - דארייתא מלאכה to tell a גוי to do a מד"א that it's מותר to tell a גוי to do a מלאכה (עיסור) and we don't פסקין like that. (ט) מ"ב-We אסור this.
 - שמחות:
 - כלי שיר בקי in fixing Other-רמ"א (שם) are OK because today we aren't בקי (This is a big דחוק, the people w/the instruments can fix them).
 - שבת if you don't tell him on מותר-א"ר (במ"ב י).
 - אסור. Our מנהג is that it's אסור for all other שמחות. אסור-לבוש (במ"ב שם).

(ג) ש"ע-You can set up the grandfather clock on Friday.

- If it's something that people will think that you set up on שבת then it's אסור to set it up before שבת and have it go off on שבת.

(ד) ש"ע-Guarding your produce from animals don't clap or anything to scare them away because you might take a rock and through it at them-and that's חילול שבת if you throw it אמות ד' in a ר"ה.

- And if something is a כרמלית then it's מותר and you don't need that גזירה. מ"א (ו)

שבת Clapping and Dancing on שלט:ג

³ What the רמ"א actually does say, is that the רמ"א was מעצמו this דין of חו"כ שמחת חו"כ being different. The פ"מ ש"ע explains that it's a מצווה גדולה. This lead RB to understand the פשט that the רמ"א is explaining the רמ"א and holding this מצווה to be a "super מצווה, like we have similar קולות in regards to the "super מצווה" of יישוב א"י.

שמא יתקן On שבת it's אסור to: Clap, slap your hands on your thighs, dance, or snap because כלי שיר (שם).

- מותר (like getting someone's attention etc.) This means that clapping normally for applause is completely מותר (ב) If you are snapping or doing any of these things not- שיר-דרך then it's מותר (like getting someone's attention etc.) This means that clapping normally for applause is completely מותר.

What are the התרים:

- (התר) מותר (this is the least controversial) מותר it's שינוי a ש"ע (שם).
- (רש"ז) מותר that's not dancing and is totally מותר (רש"ז). For dancing, if one just does the "shuffle"
- _If one doesn't know it's אסור and continues to do it, then better to do it בשוגג.
- 'תוס' Today since we don't know how to build musical instruments, all of these things are מותר.
 - This 'תוס' is very difficult, normally we that even though a reason is בטל the גזירה is not. Therefore, everyone tries and deals with the פשט of the 'תוס'. What's פשט?
 1. (ג) The רמ"א uses the words "מלתא דלא שכיח" and therefore he is explaining 'תוס', we know that גזרו ביה רבנן לא שכיח לא גזרו ביה רבנן and that is why here the גזירה does not apply.
 2. Rav Schechter-They ('תוס') must have had מסורה that this גזירה never was originally legislated to apply only in times and places where the reason applies.
 3. () didn't mean is. This סברא of 'תוס' only works if it was never accepted by the ציבור.
 4. If a גזירה was never accepted by the ציבור, it is not binding. And after stopped knowing how to make instruments, the גזירה was never accepted by the ציבור in those circumstances.
- (בב"י שם) There is a התר on התורה to dance for כבוד התורה (כבוד התורה can beat an אסור דרבנן).

הלכה למעשה:

- (י) If someone wants to rely on the רמ"א they can only do it מצוה במקום מצוה.
 - The logical application (מ"ב י) is for clapping and dancing-things that were אסור because we might come to fix כלי שיר. But actual כלי שיר would not be in the התר. Therefore, the people holding like the רמ"א allow clapping and singing in any מצוה מקום.
- So, the מחמירין will clap and dance normally at שמחת תורה, and will clap for non-שיר reasons. But they will not clap and dance in other cases of מצוה מקום.
- Banging on the tables:
 - On the one hand, according to the רמ"א today it should be מותר.
 - But the (שם) מ"ב says that it's just clapping and dancing that gets the התר.
 - (כח:מא) It's אסור to bang on the table with your hand or כלי during song.
 - The מנהג העולם is to be מקיל. But RB says that since it's a חידוש in the first place to be מקיל about dancing and singing it's better not to rely on the קולא about banging on the table on שבת.