The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן של"ט סעיף א'-ג'

Overview

Siman 339 Seif 1:

It is prohibited to ride on the back of an animal. (See *siman* 305:18 regarding the use of wagon.)

Siman 339 Seif 2:

It is prohibited to swim even in a pool in one's yard because when the water becomes dislodged and goes out of the pool it is similar to a river. If there is a rim around the water it is permitted since any water that becomes dislodged is returned due to the rim and it thereby resembles a utensil and thus there are no grounds to make a decree out of concern that one will make a swimming cask.

- The reason is the concern that one will manufacture a swimming cask. (M.B. 2)

Siman 339 Seif 3:

One may not clap by striking one hand against the other, slap by striking one's thigh with one's hand or dance out of concern that he will repair a musical instrument. It is even prohibited to strike the ground with one's finger or on a board or one against another as singers will do or rattle a nut for a child or play with a nut to quiet him. These and similar activities are prohibited out of concern that one will repair a musical instrument. Clapping in an unusual manner is permitted. The reason we do not protest against those who clap and dance is that it is better for them to do so inadvertently than intentionally. Some maintain that nowadays it is all permitted since we are not experts at repairing musical instruments and there is no reason for decrees based on the concern that one will repair an instrument since it is uncommon and it is possible that for this reason everything is permitted.

- It does not matter whether it is done as an expression of distress or joy. (M.B. 7)
- On Simchas Torah it is permitted as an expression of *kavod haTorah*. (M.B. 8)
- If one does so to wake a sleeping friend it is permitted since the intent is not to produce music but according Tosefes Shabbos infers from Rashi that it is prohibited even in this case and Pri Megadim agrees. (M.B. 9)
- Rema refers to clapping slapping and dancing and one should only be lenient when it is done for the sake of a *mitzvah*. (M.B. 10)

Halacha Highlight

Simchas Torah and Weddings

Shulchan Aruch Siman 339 Seif 3
אין מטפחין
We do not clap

Shulchan Aruch (סעי' ג') prohibits clapping, slapping one's thigh or dancing on Shabbos. The reason Chazal prohibited these activities is that Chazal were concerned that if one played music on Shabbos and the instrument breaks he may repair the instrument on Shabbos which would constitute a violation of a Biblical prohibition. Consequently, anything that a person does that relates to music is prohibited. Mishnah Berurah (סק"ז) notes that playing music is prohibited whether it is done while mourning or out of anger in order to increase one's distress or whether it is done to generate a happy mood. Rav Shlomo Zalman Auerbach (שולחן שלמה סי' תקכ"ד סק"ג) notes that when people "dance" together at the end of a *simcha* it does not violate this injunction since all they are doing is walking in a circle rather than dancing and thus is not included in the injunction.

Mishnah Berurah (סק"ח) notes that Simchas Torah is an exception to the injunction and it is permitted to clap and dance to give honor to the Torah, but it is not permitted to dance at a wedding. Teshuvas Salmas Chaim (סי' ע"ו) points out that this ruling indicates that there is more basis for leniency on Simchas Torah than a wedding and yet above (סי' של"ח סק"י) Mishnah Berurah wrote that there is room for leniency to ask a gentile to play music at a wedding but not on Simchas Torah, indicating that there is more basis for leniency for a wedding than for Simchas Torah. He answers that in reality there is more basis for leniency on Simchas Torah than a wedding. The reason why they were lenient to permit asking a gentile to play music at a wedding was that the absence of music would be recognizable since music is always played at weddings and the absence of music would detract from the celebration.