

Daf Digest for the month of Av is dedicated

ל"ג ר' מנחם מנדל בן ר' יוסף יצחק אייזיק כ"ז מנחם אב תשס"ו בעל המחבר "עטרת אבי" על מסי ביצה ומו"ק מאת משפחת קאהן

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah presents discussions related to the use of irrigated fields and canals during Chol Hamoed and Shemittah. The Mishnah concludes by citing examples of activities that are permitted during Chol Hamoed because they involve public needs.

2) Clarifying the Mishnah

The Gemara clarifies why it was necessary for the Mishnah to emphasize that an irrigated field may be watered from a new or old spring.

The origins of the terms *בית השלחן* and *בית הבעל* are defined and explained.

3) Identifying the Tanna of the Mishnah

The Gemara questions the author of the Mishnah who maintains that one may only perform melachah to prevent loss and only if the melachah does not involve excessive exertion.

R' Huna suggests that the Mishnah expresses the position of R' Eliezer ben Yaakov.

This suggestion is challenged.

Based upon an explanation of Abaye, R' Pappa suggests that it expresses the position of R' Yehudah.

R' Pappa's assertion is unsuccessfully challenged.

4) Weeding and watering on Shabbos

Rabbah and R' Yosef dispute the melachah violated by weeding and watering on Shabbos. According to Rabbah it violates plowing, whereas according to R' Yosef it violates sowing.

Each Amora explains his position.

Abaye successfully challenges both positions.

R' Yosef unsuccessfully challenges Rabbah.

The Gemara challenges both opinions from our Mishnah which rules that watering an irrigated field is permitted during Shemittah. If watering involves a melachah how could it be permitted!?

Abaye answers that the Mishnah refers to Shemittah nowadays whose observance, according to R' Yehudah, is only Rabbinic.

Rava suggests that the Mishnah can follow all opinions and the Torah only forbids avos melachos but not toldos. ■

Distinctive INSIGHT

Marking graves and uprooting mixed seeds

יוצאין אף על הכלאים

The Mishnah presents a complete set of actions which are permitted on Chol Hamoed in order to prevent a loss. Arranging certain agricultural maneuvers to water an irrigated field, and fixing public works are among the activities which are allowed, in the given circumstances. Tosafos notes that the final halacha of the Mishnah— that the Beis din must send out messengers to uproot *כלאים*— is a mitzvah obligation. It is unlike the previous halachos listed in the Mishnah, as although they are all *allowed*, they are not required. What can we learn from the connection between these topics?

In Gilyonei HaShas, R' Yosef Engel cites a Tosefta in Kilyaim, Chapter 2. "If a Jew sustains mixed seeds in his field all kohanim must stay out of it. They should consider it as they do a cemetery, from which they are prohibited to enter." We see, explains R' Yosef Engel, that there is a comparison between mixed seeds and the impurity of the dead. In our Mishnah we also find that the requirement to mark graves is listed adjacent to the mitzvah to uproot mixed seeds.

This revelation will help us to understand why shrouds for the dead are allowed to be made from sha'atnez. Usually, we have a rule of *לועג לרש*, which teaches that we are not allowed to mock and taunt the dead, so to say, by performing mitzvos in their vicinity. For example, it is prohibited to wear one's tzitzis in a graveyard and to have the tzitzis strings drag along the graves. Doing so is tantamount to teasing the dead, and showing that we fulfill this mitzvah, when they can no longer do so. Similarly, we would expect that clothing the dead in sha'atnez should be prohibited, as this too seems to be an expression of confronting the dead with the fact that they are no longer bound by the mitzvos. Why, then, is this allowed?

As we have seen, the essence of sha'atnez and mixed seeds is one of ritual impurity. The dead body is itself also a source of this impurity. Technically, if a live person could be a source of this intense impurity, he would also be able to wear sha'atnez. However, as long as a person lives, this degree of impurity does not exist. Once he dies, he does possess this level of impurity. When we clothe him in sha'atnez raiments, we are not flaunting his inability to adhere to this mitzvah, but merely acknowledging his status of being impure. This is not *לועג לרש*. ■

HALACHAH Highlight

Community needs

ועושין כל צרכי הרבים

One may perform [melachah that provides for] all community needs.

The Mishnah rules that community needs may be met during Chol Hamoed. The reason for this leniency is that community needs are not the responsibility of any particular individual, and they are consequently often neglected. During Chol Hamoed people are idle from their regular occupations and can thus work on community needs¹. If these projects were not completed during Chol Hamoed they would likely not be completed altogether, therefore they are considered akin to *davar ha'aved*² (lit. a matter that is lost. *Davar ha'aved* is a leniency that permits melachah on Chol Hamoed to prevent a loss of principle.)

Obvious examples of community needs are fixing the roads, irrigation canals, community mikvaos or marking graves. Rav Yitzchok bar Sheishes³, the Rivash, extends the parameters of this leniency. There was a custom that following a transfer of property, an announcement would be made on Shabbos before Musaf for four consecutive weeks. The purpose of the announcement was to publicize the transfer of property so that anyone who may have a claim to land would be aware of the transfer and could file his complaint in Beis Din. There were a group of people who opposed the practice because, amongst other reasons, it involved discussing business on Shabbos, which is prohibited. Rivash responded that although the practice is strange, nonetheless, since it was put in place on the advice of Re'ah, it is worthwhile to justify the practice. The justification is that community needs, which may be discussed on Shabbos even if they are business related⁴, are not limited to community projects as assumed.

REVIEW and Remember

1. Why does the Mishnah mention a newly emerged spring and a spring that is not newly emerged ?

2. According to the Tanna of our Mishnah what two factors are necessary to permit melachah on Chol Hamoed ?

3. What is the purpose of plowing the ground ?

4. What is the prohibition against maintaining kilayim ?

Rather, any public need that arises regularly, even if when it arises it addresses only the individual, is considered a public need. For example, the Yerushalmi⁵ includes convening a Beis Din to adjudicate a monetary dispute as a public need. The reason is that the community requires a system of justice and the need arises regularly, even though each case addresses only the individuals involved. Nonetheless, it qualifies as a community need and may be addressed on Shabbos. Rav Yosef Karo⁶ cites this opinion in the halachos of Chol Hamoed to help define the category as it applies to Chol Hamoed. ■

1. עי' מג"א סי' תקמ"ד סק"ג.
2. פמ"ג שם מש"ז סק"ב.
3. שו"ת הריב"ש סי' ש"צ וכן מובא בשו"ת הר"ן סי' פ'.
4. עי' גמ' כתובות ה'.
5. ירושלמי מו"ק פ"א ה"ב.
6. ב"י אור"ח סי' תקמ"ה בשם הר"ן והרמב"ם. ■

STORIES Off the Daf

The Tired and Thirsty Land

"משקין בית השלחין..."

It was the tenth of Teves, 1844, the last night of the life of Rav Nosson of Breslov, zt"l. Although he had already been very ill for a number of years with a chronic and worsening intestinal illness, he still "strengthened himself like a lion" and arose at midnight to recite the chatzos service and spend an hour in heartfelt prayer to Hashem. Rav Nosson had adopted this practice in his youth, and never let go of it until the

day he died.

After his prayers, he committed his final words to writing: "We find in the beginning of Moed Katan that one may water crops on chol ha'moed if they would be otherwise ruined (a *בית השלחין*) and the owner will sustain a financial loss. This symbolizes how the true shepherds of the Jewish people are always trying to draw those who are weak to be closer to Hashem. This is especially true of those neshamos that are completely exhausted and cannot go on. This is one way to understand the concept of *דבר האבד*—it refers to those souls that seem on the verge of being completely lost, God forbid. These neshamos require an injection of new vitality that will help

them blossom so that they can live the good life of emunah and closeness to Hashem.

"This is why the Targum renders the word *שלחין* as 'ארץ עיפה וצמאה,' a tired and thirsty land. These are the souls who are tired and thirsting for closeness to Hashem.

"The first step in slaking that thirst is to convince the person that it is never too late to do teshuvah. And this is true of even the biggest sinner who has done the worst things until it seems that he could sink no lower. The truly righteous do not give up hope that even such a person will return. And they try with all their might to encourage such people. We must never write a person off!" ■