

*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) Plowing before the Shemittah year (cont.)

The Gemara completes its challenge against the assertion that the restriction against plowing in the thirty days leading up to Shemittah is Halacha L'Moshe M'Sinai.

R' Nachman bar Yitzchok suggests a resolution to the challenge but it is rejected. An alternative resolution is proposed.

R' Yochanan asserts that R' Gamliel nullified the Biblical restriction against plowing during the days that lead up to Shemittah by the authority of a גזירה שוה.

R' Ashi rejects this explanation and offers an alternative explanation in its place.

### 2) Watering an irrigated field with rainwater

The rationale behind the restriction against watering an irrigated field with rainwater is questioned.

R' Yochanan and R' Ashi offer different explanations and the Gemara states that their dispute revolves around R' Zeira's upcoming ruling.

R' Zeira rules that one may water fields on Chol Hamoed from streams that draw water from ponds.

R' Yirmiyah unsuccessfully challenges this ruling.

A Beraisa presents guidelines for drawing water from ditches and pools to water one's field during Chol Hamoed.

R' Pappa and R' Ashi dispute the practical application of the rulings in the Beraisa.

Three additional Beraisos are cited that relate to watering fields during Chol Hamoed.

An incident related to the third Beraisa is cited.

### 3) עוגיות

R' Yehudah translates עוגיות as ditches.

A Beraisa supports this translation.

The ruling of the Mishnah restricting the digging of ditches applies to new ditches but old ones may be dug.

### 4) Digging an irrigational canal during Shemittah

Two reasons are presented to explain why it is prohibited to dig irrigational canals during Shemittah.

The Gemara searches until it finally pinpoints the practical difference between these explanations.

Ameimar presents an alternative version of R' Elazar ben Azaryah's ruling in the Mishnah and notes that it contradicts another of his rulings. Two resolutions to the contradiction are presented.

### 5) Repairing canals

R' Abba explains the extent of the repairs that are permitted to a broken canal during Chol Hamoed.

The Gemara issues two rulings regarding other repairs, and a third matter is left unresolved.

Additional incidents related to clearing water sources are cited. ■

## Distinctive INSIGHT

*What is the prohibited case of מדלין?*

אמר ליה מי סברת מאי מדלין-מדליו מיא? מאי מדלין-שלופי.

The Beraisa cited earlier on the daf had discussed an activity known as "מדלין." The ruling was that it may be done on Chol Hamoed if the purpose is in order to eat the vegetables. However, if the purpose is in order to increase the growth of these plants, it is prohibited.

When רבה תוספאה and רבינא went for a walk on Chol Hamoed, they saw a man drawing buckets of water to enhance the growth of his field. Raba suggested to Ravina that the person should be placed in cherem for violating the sanctity of Chol Hamoed. As Rashi explains, the Mishnah only allowed watering a בית השלחין, which is in danger of suffering damage if it is not watered on Chol Hamoed. Ravina suggested to Raba that the man was justified, as the Beraisa allows the act of מדלין if done to improve the food. Raba, however, cited a Beraisa which describes מדלין as שלופי, which is plucking out from an overgrowth of vegetables which is too crowded. It is this uprooting which is allowed if it is for the sake of eating the vegetables. But, if the purpose is to promote the growth of the growth left in the ground, it is prohibited. Watering, however, is prohibition under all circumstances. Finally, a Beraisa is brought which explicitly defines מדלין as watering. Raba accepted this explanation (and the man observed watering his garden was subject to being placed in cherem).

Sefer עטרת אבי notes that this means that the distinction between plucking vegetables (שלופי) for eating or for enhancing the growth of the remaining plants is not necessarily accurate. In fact, the Rishonim dispute how to deal with שלופי according to the conclusion of the Gemara. Meiri learns that the original assertion of the Gemara remains intact, and that pulling vegetables from among a crowded patch is prohibited, but for eating, it is permitted. Similarly, watering a vegetable patch is prohibited, as stated in the Beraisa as the sugya concludes.

תוספות הרא"ש only mentions that Ravina accepted the Beraisa cited by Raba, that watering a vegetable patch is prohibited. This suggests that picking vegetables from a crowded patch (שלופי) is prohibited on Chol Hamoed, even for food purposes. Sfas Emes also understands this to be the conclusion of the Gemara. ■

# HALACHAH Highlight

## Fasting on Tu B'Shevat

וכי גמירי הלכתא בזמן שביית המקדש קיים דומיא דניסוך המים וכו' [R' Gamliel and his Bais Din hold that the restriction against plowing thirty days before Shemittah originated as Halacha l'Moshe M'Sinai] but it applies only while the Bais Hamikdash is extant, similar to the law of the water libation etc.

Rabbeinu Gershom Me'or HaGoleh<sup>1</sup> was once asked whether the members of a community should fast when a series of Monday-Thursday-Monday fasts was decreed, but one of the days coincided with Tu B'Shevat. The essence of the question was whether Tu B'Shevat is considered a Rosh Hashanah and fasting is prohibited, or whether it is not considered a Rosh Hashanah and the scheduled fast should be observed. Rabbeinu Gershom responded that the fast should be pushed off until the following week. Even though Tu B'Shevat is not invested with the same sanctity as the other Roshei Hashanah, nevertheless, since all the different Roshei Hashanah are listed in the Mishnah<sup>2</sup> together, they must share the same halacha.

Another example of this method of halachic derivation, notes Rabbeinu Gershom, is in our Gemara. The Gemara states that the restriction against plowing during the thirty days before Rosh Hashanah comes from Halacha l'Moshe M'Sinai, but since it was taught in juxtaposition with the mitzvah of water libations, which obviously only applies while the Bais Hamikdash exists, so too the

# REVIEW and Remember

1. Why is it prohibited to draw water from a well for watering?

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2. Under what condition is it permitted to draw water for vegetables on Chol HaMoed?

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3. Why is it prohibited to dig a new irrigation canal during Shemittah?

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4. What is the standard depth of irrigation canals?

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restriction against plowing applies only while the Bais Hamikdash exists.

A practical application of this halacha is that a couple getting married on Tu B'Shevat would not fast since the observance of this fast is customary rather than obligatory. Rav Avrohom Avli Gombiner<sup>3</sup>, the Magen Avrohom, writes that although a couple getting married in Nisan will fast on the day of the wedding since not fasting during Nisan is only customary, on the day following a Yom Tov, Tu B'Av and Tu B'Shevat fasting is prohibited since their sanctity is mentioned in the Gemara. This is also the ruling of Mishnah Berurah<sup>4</sup>. ■

1. שו"ת רבינו גרשום מאור הגולה סי' י"ד.
2. ראש השנה ב.
3. מג"א סי' תקע"ג סק"א.
4. מ"ב שם. ■

# STORIES Off the Daf

## The Extra Third of an Amah

"טפחיים של שבע מהו..."

A certain man hired workers to dig a channel around his field, 50 amos square and 1-1/3 amah deep. On the western side, the workers only dug down an amah rather than the requested 1 1/3. The owner paid the original workers only for what they had done, deducting for the incomplete work. He then searched for other workers to complete the job so that the whole field's crops would be uniformly irrigated. After some searching, the owner hired two odd-jobbers.

The first went to the field and dug half of the remaining third (1/6) on the

western side. The second worker was left to dig the lower half of the third amah (1/6) for the entire length of that side. When he discovered that he had been left with the deeper part of the channel to excavate, however, he was incensed.

The two workers brought their dispute before the Ben Ish Chai, zt"l. The plaintiff claimed that the labor had been improperly divided. "He left the entire lower length for me to dig, which meant that I would have to lift all the earth a longer distance to clear it from the channel! He should have just done the full depth by only half of the length—then it would have been fair!"

The other man defended himself, "We don't often work together, so why should I wait for you to do your share? As for your having to exert yourself

more to remove the dirt—that is a minor matter. In any event, what's done is done and I can't take it back now. Why not just let bygones be bygones?"

After hearing them out, the Ben Ish Chai rendered his opinion. "The proper approach to the problem is found in a Gemara in Moed Katan 4b, where the question of digging an extra tefach on Chol Hamoed is discussed. Although the Gemara leaves the question open, it is only with respect to whether it is permitted to perform the extra labor on Chol Hamoed—but there isn't any doubt that it's exertion! In a monetary dispute we must certainly take this into account. An expert should evaluate the difference in effort expended, and the worker who must do the lower part of the whole field should receive the difference!" ■

