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Moed Katan
Daf 4

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

The Gemora asks: Is it true that the halachah extending the Shemittah year thirty days before Rosh Hashanah is a halachah transmitted to Moshe at Sinai; but it was taught in a Baraisa: [Six days you shall work, but on the seventh day you shall rest]: in plowing time and in reaping time you shall rest. Says Rabbi Akiva: There is no need to be told [in the second clause] to desist from plowing or reaping in the Shemittah year, since it is already stated [elsewhere at length]: you shall neither sow your field nor prune your vineyard: [that which grows of itself you shall not reap]. [It can be taken] only [to exclude] plowing in the pre-Shemittah year [which may have beneficial effects] extending into the seventh year and [likewise] to the reaping of the seventh year's crops which mature in the post-Shemittah year. Says Rabbi Yishmael: [It is purely a Shabbos law]; as the plowing [here forbidden on Shabbos] is optional plowing, so is the reaping [here mentioned] optional reaping; outside this [law] is the reaping [of the new barley] for the 'omer' which is an obligation! — Rather, said Rav Nachman bar Yitzchak, when we received on tradition [that the pre-Shemittah restrictions had their origin in] the Oral Law, this had reference to the permission [of plowing for the benefit] of saplings; whereas the texts are for the prohibition of mature trees. - But since the Oral Law allowed [plowing] for saplings, is it not obvious that mature trees were forbidden? — What we must say therefore is, the Oral Law as basis for the prohibition is [necessary] according to Rabbi Yishmael, whereas the texts [serve as basis] according to Rabbi Akiva.

And Rabbi Yochanan said: Rabban Gamliel and his Beis Din nullified all the halachos restricting labor prior to Shemittah, even those halachos that were derived from Scripture. What was his reason? He was empowered to do this because he had his own Scriptural source proving otherwise. Rabban

Gamliel's source was through a gezeirah shavah of the words "Shabbos, Shabbos," from the Shabbos of Creation. Just as there, it is forbidden to perform labor on the day of Shabbos, but prior to that day and afterwards it would be permitted; so too regarding Shemittah, only the seventh year would be subject to the Shemittah restrictions and not the sixth or the eight years.

Rav Ashi objected to this explanation: How can a gezeirah shavah come and uproot a halachah transmitted to Moshe at Sinai or uproot a halachah derived from a Scriptural verse?

Rather, Rav Ashi explains: Rabban Gamliel and his Beis Din maintained that the halachah restricting labor thirty days prior to Shemittah was a halachah transmitted to Moshe at Sinai, but Rabban Gamliel maintained that this halachah applied only in the times that the Beis Hamikdosh was in existence, similar to the halachah of the water libations on Sukkos, which was applicable only in the times that the Beis Hamikdosh was in existence. Therefore, one would be allowed to plow any type of field up until Rosh Hashanah. (3a3 - 4a2)

The Mishnah had stated: One may not water his field during Chol Hamoed from a pool of rainwater or from a well. The Gemora asks: We understand that watering from a well should be prohibited because it involves excessive exertion, but what is the reason to prohibit watering from a pool of rainwater?

Rabbi Ila'ah said in the name of Rabbi Yochanan: The Rabbis issued a decree against watering from rainwater to safeguard the prohibition against watering from a well. (*They assumed*

that if people will water from a pool of rainwater, this will lead to watering from a well as well.)

Rav Ashi answers: They were concerned that the pool of rainwater will lose water and eventually become like a well, which will also involve excessive exertion (*one would be required to use a pail to water his field from there*).

And they differ on [the statement of] Rabbi Zeira; for Rabbi Zeira said that Rabbah bar Yirmiyah, citing Shmuel, said that rivers drawing from [adjoining] water pools may be used for watering during Chol Hamoed. One master is in agreement with [the statement of] Rabbi Zeira, while the other is not in agreement with [the statement of] Rabbi Zeira.

The text [above stated]: Rabbi Zeira said that Rabbah bar Yirmiyah, citing Shmuel, said that rivers drawing from [adjoining] water pools may be used for watering during Chol Hamoed. Rabbi Yirmiyah put an objection to him [Rabbi Zeira]: But [it was taught in our Mishnah] not watered from [stored] rain nor by that of a well! — Said Rabbi Zeira to him: Yirmiyah, my son, these Babylonian pools are like water [pools] that do not fail. (4a2 – 4a3)

It was taught in a Baraisa: One is not permitted to water his field on Chol Hamoed from water basins or trenches that were filled with water prior to the festival (*the water level might drop and he will be compelled to use a pail, which will involve excessive exertion*), however, if there is a water channel passing between them, it will be permitted (*since even if the water from the trenches dries up, the water from the channel can be used*).

Rav Pappa maintains that this is only true if the channel contains enough water to irrigate a majority of the fields at one time. Rav Ashi disagrees and holds that it would be permitted even if the channel does not contain enough water to irrigate a majority of the fields at one time because the person will say: if it cannot be irrigated in one day, it will be so in two or three days, and he will not bother himself to bring water from elsewhere. (4a3)

Our Rabbis taught in a Baraisa: If a pool gets tricklings from an irrigated field [higher up], it may be used for watering another field. - But is it not going [ultimately] to give out? — Said Rabbi Yirmiyah: For the present at any rate it is still trickling! Said Abaye: This is [permitted] only so long as the first source has not given out.

It has been taught in a Baraisa: Rabbi Shimon ben Menasya said: Where two cultivated beds lie one above the other, one should not draw from the [supply of the] lower to water the upper. Rabbi Elazar bar Shimon went even further, saying: Even in one bed, if half of it is low and the other half higher one should not draw from the low-lying part to water the upper part. (4a4)

It was taught in a Baraisa: We may draw water for vegetables in order to eat them, but it is forbidden if it is to improve them.

The Gemora records a related incident. Ravina and Rabbah Tosfa'ah went for a walk on Chol Hamoed. They observed a man drawing buckets of water with a pail and watering his vegetable field with it. Rabbah suggested to Ravina that this person warrants excommunication for violating the Rabbinic decree of watering a rain-watered field. Ravina disagreed and he quoted the Baraisa mentioned above that one may draw water for vegetables in order to eat them. Rabbah replied: The Baraisa does not mean that one can draw water for the vegetables; rather it means that one may pull out from an overgrowth of vegetables (provided that he will eat them on the festival). As it was taught in a Mishnah: If one is [engaged in] thinning vines, just as he may thin his own, so also he may thin those due to the poor; these are the words of Rabbi Yehudah. Rabbi Meir says: He is permitted [to attend] to his own but not to those of the poor. Ravina said back to Rabbah: There is an explicit Baraisa which allows one to draw water for vegetables in order to eat them. Rabbah said: If it was taught in a Baraisa like that, I retract my opinion. (4a4 – 4b1)

The Mishnah had stated that one should not make *ugiyos* for the grapevines. The Gemora asks: What are *ugiyos*? Rav Yehudah answers: They are ditches, which one digs around the roots of a grapevine in order to collect water. It is also taught like this in a Baraisa: These are *ugiyos*; light hoeing done about the roots of olives and at the roots of vines. [But] this is not so, for didn't Rav Yehudah allow the family of Bar-Zittai to make ditches for their vineyards? — This is not difficult: The one statement [in the Mishnah] refers to fresh [ditches] (*which involves strenuous labor*), the other [Rav Yehudah's] refers to re-trenching. (4b1)

The Mishnah had stated: Rabbi Elazar ben Azaryah says: One may not create a new irrigation canal during Chol Hamoed or Shemittah. The Gemora asks: We understand why this should be prohibited on Chol Hamoed because it involves excessive exertion, but what is the reason to prohibit creating a canal during Shemittah?

Rabbi Zeira and Rabbi Abba bar Mammal disagree on this matter: One says that it resembles hoeing to benefit the crops. And one says: It is preparing the banks of the canal for planting.

What is the practical difference between them? - A difference between the two reasons would be in an instance where water fills up the canal as he is digging. According to the one who says that it is preparing the banks of the canal for planting, there is (a reason to prohibit), but according to the one who says that it resembles hoeing, there is no reason to forbid it.

But, the one who objects on the ground that it resembles hoeing, should he not likewise object on the ground that he seems to be preparing the banks of the canal for planting? — Rather, a difference between the two reasons would be in an instance where he takes the dirt and throws it a considerable distance away from the canal. According to the one who says that it is preparing the banks of the canal for planting, there is no reason to prohibit, but according to the one who says that it resembles hoeing, there is a reason to forbid it.

But, the one who objects on the ground that he seems to be preparing the banks of the canal for planting, should he not likewise object on the ground that it resembles hoeing? — In fact, digging a canal does not resemble hoeing because the purpose of hoeing is to soften the ground and that is why one who hoes, places the earth back in its place; however, one who digs a canal, moves the earth away and therefore it is not similar to hoeing.

Amemar taught this [clause of the] Mishnah with the explanation [that Rabbi Elazar ben Azaryah forbids making a channel] because he seems to be hoeing [in his field], but felt some difficulty about it in view of another statement of Rabbi Elazar ben Azaryah. Could Rabbi Elazar ben Azaryah [said he] have held the view that wherever one seems to be hoeing [his field], it is forbidden? And he contrasted that with the [statement in the] following [Mishnah]: One may lay up a pile of dung [in his field]. Rabbi Meir says he may not until he places it either three handbreadths below or three handbreadths above [the surface]. If he had some small quantity [already there] he may go on adding to it. Rabbi Elazar ben Azaryah says [even then] he may not until he puts it down either three handbreadths below, or raises it three handbreadths above [the surface], or places it on a rock! — Rabbi Zeira and Rabbi Abba bar Mammal [explained this seeming discrepancy], one said: [The latter Mishnah means where], for instance, he has had the place excavated; the other said: [The reason there is because] the dung heap itself attests his intention. (4b1 – 4b2)

The Mishnah had stated: One may make repairs to the irrigation canal in the public domain, and clean them (from the mud and small stones that accumulate in them).

The Gemora asks: To what extent is the damage to the irrigation canal?

Rabbi Abba answers: If the canal is presently one tefach deep, it may be restored to its original depth of six tefachim.

It is obvious that [to restore it] from half a tefach to [the original] three, seeing that there was [originally] scarcely any flow of water, it is nothing at all; [to deepen it] from two tefachim to [the original] twelve, which involves extra exertion, is not [allowed]. The Gemora inquires: If the canal is presently two tefachim deep and he wishes to restore it to its original depth of seven tefachim; is that permitted? Do we say that since he is only digging five tefachim, it should be permitted just like from one to six or do we say that it should be prohibited on the account that he is digging an additional unnecessary tefach (*since a canal runs efficiently when it is six tefachim deep*). The Gemora lets the question remain unresolved. (4b3)

Abaye allowed the inhabitants of Bar Hamdoch to clear away the branches of the trees growing in the river on Chol Hamoed. Rabbi Yirmiyah permitted the inhabitants of Sechavta to clean a clogged river. Rav Ashi allowed the inhabitants of Masa Mechasya to clear away a sandbank from the river Burntiz. He said: Since many people drink from its water, it is considered a public necessity, and our Mishnah states that all work for the public is permitted. (4b3)

INSIGHTS TO THE DAF

FOOD FOR THOUGHT

1. The Gemora concludes that the halachah of extending the restrictions of Shemittah prior to the seventh year was transmitted to Moshe at Sinai only according to Rabbi Yishmael. Rabbi Akiva derived this halachah from the Scriptural verses.

It emerges that there is a dispute if there was an Oral Law transmitted to Moshe at Sinai regarding the pre-Shemittah restrictions.

Doesn't the Rambam state that there cannot be disputes regarding any halachah l'Moshe misinai?

2. Rabban Gamliel's source (that there are no pre-Shemittah limitations) was through a gezeirah shavah of the words "Shabbos, Shabbos," from the Shabbos of Creation. Just as there, it is forbidden to perform labor on the day of Shabbos, but prior to that day and afterwards it would be permitted; so too regarding Shemittah, only the seventh year would be subject to the Shemittah restrictions and not the sixth or the eight years.

Isn't there a halachah that one is required to add time to the beginning of Shabbos and afterwards as well (tosfos Shabbos)?

3. The Mishnah had stated that one should not make *ugiyos* for the grapevines. The Gemora asks: What are *ugiyos*? Rav Yehudah answers: They are ditches.

Rashi states that the word "*ugiyos*" means *agul*, round, similar to the words "*ag uguh*," he drew a circle around himself.

The Torah says [Shmos 12:39]: *And they baked unleavened cakes of the dough which they brought forth out of Egypt*. The term used for the unleavened cakes, i.e. matzos is "*ugos*" matzos. This would be a source that matzos should be round and not square.