

22 Menachem Av 5774
August 18, 2014



Moed Katan Daf 7

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Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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The Mishna had stated: Rabbi Yehudah said: One can trap them (the rodents) from a field of trees in a usual manner (during Shemittah and Chol Hamoed), but in an unusual manner from a grain field. (*The potential loss in a grain field is relatively minor.*)

It was taught in a braisa: What is considered trapping the rodents in a usual manner? One digs a hole and hangs a trap inside the hole. What is considered an unusual manner? One pierces a spit into the ground above their hideaway and hits it with a hammer. He then flattens the ground underneath it, which crushes them. (7a)

Rabbi Shimon ben Elozar taught in a braisa: One must trap the rodents from a grain field in an unusual manner only when the field is close to a city, however, if the field is close to a field of trees, one can trap them in a usual manner because otherwise, they might destroy the trees. (7a)

The Mishna had stated: One may close a breach on Chol Hamoed (*but it cannot be built in a usual manner*).

Rav Yosef explains: The breach is closed with palm fronds and laurel (for when they are braided together, they form a barrier).

A braisa stated: Stones are piled up, but they are not smeared with plaster. (7a)

Rav Chisda said: This (that on Chol Hamoed, we allow the breach to be closed, but we do not allow the wall to be rebuilt) is only regarding a garden wall, but one can rebuild a courtyard wall (*since otherwise, thieves may enter and will cause a significant loss*).

The Gemora suggests that the following braisa provides support for Rav Chisda’s qualification: A wall that is leaning out into the public domain may be demolished and rebuilt in the usual way (on Chol Hamoed), because it constitutes a danger (to the people passing by).

The Gemora rejects the proof: There, the reason is as stated: Because it constitutes a danger.

Some had the following version (where the braisa was presented as a challenge to Rav Chisda): A wall that is leaning out into the public domain may be demolished and rebuilt in the usual way (on Chol Hamoed), because it constitutes a danger (to the people passing by). That is, where it constitutes a danger he may, but if it is not a danger he may not rebuild it. May we see in this a refutation of Rav Chisda?

The Gemora answers: Rav Chisda might reply: There (when there is an impending danger), he may demolish and rebuild, whereas here (by a regular courtyard wall), he may rebuild but not demolish.

The Gemora asks: Then let one in that case likewise merely demolish (to remove the danger) and not rebuild!?

The Gemora answers: If so, he might refrain even from demolishing it.

Rav Ashi said: Our Mishna, here, gives an indication to the same effect (like Rav Chisda said – that the Mishna is referring to a garden wall and not a courtyard wall), for it states: but in the Shemittah year, one builds in the ordinary way. Now, of what is it (that he may build the wall)? If it means the wall of his courtyard, does this need to be stated? [Construction on residential properties is not forbidden at all during Shemittah!?] It can only be referring to a breach in his garden wall. [It is permitted] although he might seem to be doing it in order to safeguard his produce (which would be forbidden). You can derive it (from this that the Mishna refers to a garden wall and not a courtyard wall, and the garden wall may be repaired in a temporary fashion on Chol Hamoed, but a courtyard wall may not). (7a)

Rabbi Meir said in the Mishna: A Kohen is permitted to look at a negah tzaraas (*erroneously described as leprosy, it is an affliction of the skin mentioned in the Torah*) in order to rule leniently, but he is not permitted to issue a strict ruling. The Chachamim disagree and maintain that a Kohen cannot render a

lenient, nor a stringent verdict (he may not look at the affliction at all). (7a)

The Gemora cites a braisa: Rabbi Meir said that a Kohen is permitted to look at a tzaraas affliction in order to rule leniently, but he is not permitted to issue a strict ruling. Rabbi Yosi says that he cannot look at all, not to issue a lenient ruling or a strict one, since if the Kohen looks at the affliction hoping to issue a lenient ruling, he might be compelled to issue a strict ruling as well. (*Once he looks at an affliction, he must issue a ruling.*) Rebbe said: Rabbi Meir's words, that a Kohen can look at an affliction, seems to be correct in regards to a confined metzora; and the words of Rabbi Yosi, that a Kohen cannot look at an affliction, seems to be correct in regards to a confirmed one.

Rava said: If he was never looked at altogether, everyone agrees that the Kohen does not look at the affliction during Chol Hamoed; if he is at the conclusion of the first confinement, everyone agrees that the Kohen does look at him; the argument is regarding a metzora who is at the conclusion of his second week of confinement. Rabbi Meir maintains that the verdict (of confirming him as a metzora) is dependent upon the Kohen, and therefore, he (the Kohen) can look at the affliction (on Chol Hamoed), because if it appears to be tamei, he has the option of remaining quiet and not ruling that he is a confirmed metzora. Rabbi Yosi holds that the Kohen must issue a ruling, for it is written: to declare it tahor or to declare it tamei, and therefore he should not look at all. (7a – 7b)



The master stated: Rebbe said: Rabbi Meir's words, that a Kohen can look at an affliction, seems to be correct in regards to a confined metzora; and the words of Rabbi Yosi, that a Kohen cannot look at an affliction, seems to be correct in regards to a confirmed one.

The Gemora asks from a braisa where Rebbe holds precisely the opposite.

The Gemora answers that it is a matter of dispute how Rebbe holds. One master is of the opinion that the metzora prefers the company of the world at large (and therefore, the latter braisa rules as follows: Inspect the confirmed metzora during Chol Hamoed to mitigate his plight, for if he is still a metzora, he loses nothing, and if he is found cured, he can at once get back to the camp by beginning his first ritual cleansing; and although his wife will be forbidden to him for seven days, he does not mind it, as he prefers to get back to his friends in the camp. But regarding the case of a confined metzora, we rule that there should be no inspection, for if he is confirmed as a metzora, you must confirm him as such and send him into complete isolation; this will mar his festival joy even though his wife will still be permitted to him), while the other master holds that he prefers to retain his wife's company (and therefore, the first braisa rules as follows: A confined metzora may be inspected on Chol Hamoed in order to ease his plight, for if he is declared tahor, he definitely gains, for he does not need a seven-day ritual process and his wife remains permitted to him; and even if he is declared a confirmed metzora and he must be banished out of the camp, this will not mar his festival joy, for his wife will remain permitted to him outside of the camp;

and regarding the case of a confirmed metzora, we rule that there should be no inspection to determine if he is tahor, for if you examine and find him tahor, he must at once begin counting seven days of his ritual cleansing and his wife will be forbidden to him; this will mar his festival joy even though he will be permitted to re-enter the camp and be with his friends). (7b)

The Gemora asks: Is that to say that a confirmed leper may have marital relations?

The Gemora answers: Yes, as it was taught in a braisa: But he (a confirmed metzora who has been declared to be tahor) shall dwell outside his tent for seven days. This means that he shall be precluded from engaging in marital relations; for 'his tent' means nothing but 'his wife,' as it is said: Go, say to them, "Return to your tents (your wives)." [This indicates that a metzora, during the purification days, is forbidden to be with his wife.] Rabbi Yehudah says: It is written: They shall reckon for him seven days, which implies that he is precluded only while counting his seven days (after he is cleansed), but not while he is a confirmed metzora. Rabbi Yosi bar Yehudah says: Since he is precluded while counting seven days (which is after he is already healed) - all the more so while he is a confirmed metzora. [Evidently, it is a matter of Tannaic dispute if a confirmed metzora is permitted to engage in marital relations.] Rabbi Chiya said: I argued on this point before Rebbe: Our master has taught us that Yosam could not have been conceived from Uziyahu except during the time that he was a confirmed metzora, to which Rebbe replied: and I said so as well.

The Gemora notes the issue of contention between them: Rabbi Yosi bar Yehudah argues that as the Merciful One has plainly indicated that a metzora is forbidden to engage in marital relations while counting his seven days, it is all the more to be expected that he be apart from his wife while being in the state of a confirmed metzora; and the other master (R' Yehudah) argues that what has been plainly indicated is indicated, and what has not been indicated is not to be assumed as indicated. (7b)

[The Gemora above seemed to indicate that everyone agrees that a person is not deemed to be tamei until he is examined by the Kohen and a verdict is issued.] The Gemora asks: Do you mean to say that the matter of becoming a metzora is solely dependent on the declaration of the Kohen?

The Gemora answers: Yes indeed, as it is taught in a braisa: *And on a day when it is observed on him, which means that there is a day when you do see it in him as well as a day when you do not see it in him. Therefore the Sages said that if a bridegroom on whom there appears a tzara'as affliction, we give him seven days (of the wedding week not to see the Kohen, for we want him to fulfill the mitzvah of rejoicing with his bride for seven days, and as long as a Kohen does not see the affliction and declare him tamei, he is still deemed tahor) - to him, to his cloak, and to his garments. And likewise, in the case of any person on a festival, we give him the entire festival (in which not to see a Kohen); these are the words of Rabbi Yehudah. Rebbe says: There is no need to resort to this exposition, as it is written: And the Kohen shall command that they empty the house (before the Kohen goes in to see the affliction so that*

all that is in the house should not become tamei). Now if the inspection is here delayed for his convenience (of a monetary loss), which is just an optional matter, may it not certainly be deferred for his due observance of a mitzvah!

The Gemora asks: What is the practical issue between them?

Abaye said: Merely the different interpretations obtained by each from his text is the difference between them. Rav said: It is the delay of inspection in an optional matter that is the issue between them.

The Gemora notes: Rabbi Yehudah maintains that from the other text (cited above by Rebbe) we cannot learn this, as it (the tzaraas on a house) is an anomaly, inasmuch as wood and stones elsewhere are not subject to tumah, whereas here (in a house afflicted with tzaraas) they are made subject to tumah. And Rebbe says that this text is also needed, for had the Merciful One prescribed only the verse: *And on a day when healthy flesh shall be seen in him, I might have thought that postponement (of inspection) is granted only for the observance of a mitzvah, but not for the sake of an optional matter; therefore the Merciful One prescribes also: And the Kohen shall command. And, had the Merciful One prescribed only: And the Kohen shall command that they empty the house, I might have thought that postponement is granted in the case of these effects of the house because the tumah is not that of a person, but where the tumah is that of a person I might say that the Kohen should inspect him (without delay); therefore it is necessary to have both verses. (7b – 8a)*