

**מתני' משקין בית השלחין במועד ובשביעית, בין ממעין שיצא בתחילה, בין ממעין שלא יצא בתחילה. אבל אין משקין לא ממי הגשמים, ולא ממי הקילון.**

**ואין עושין עוגיות לגפנים. רבי אלעזר בן עזריה אומר: אין עושין את האמה בתחילה במועד ובשביעית. וחכמים אומרים: עושין את האמה בתחילה בשביעית, ומתקנין את המקולקלות במועד.**

**ומתקנין את קלקולי המים שברשות הרבים, וחוטטין אותן, ומתקנין את הדרכים ואת הרחובות ואת מקוות המים, ועושין כל צרכי הרבים, ומציינין את הקברות, ויוצאין אף על הכלאים.**

**MISHNA** One may irrigate<sup>N</sup> a field that requires irrigation<sup>N</sup> on the intermediate days of a Festival<sup>H</sup> as well as during the Sabbatical Year,<sup>H</sup> both from a newly emerged spring that began to flow only during the Festival, and from a spring that did not just emerge and that has been flowing for some time. However, one may not irrigate a field with rainwater collected in a cistern, a procedure that requires excessive exertion, or with water drawn with a shadoof [*kilon*],<sup>LBN</sup> a lever used to raise water with a bucket from deep down in a well.

And one may not construct circular ditches around the bases of grapevines on the intermediate days of a Festival. Rabbi Elazar ben Azarya says: One may not construct a new water channel during the intermediate days of a Festival or during the Sabbatical Year. And the Rabbis say: One may construct a new water channel during the Sabbatical Year<sup>H</sup> and one may repair damaged water channels during the intermediate days of a Festival.

In addition to performing labor on one's own property in order to avoid financial loss, it is also permitted to perform labor on the intermediate days of a Festival for the public welfare: One may repair damaged water cisterns<sup>N</sup> that are in the public domain, and clean them out by removing the dirt and sediment that accumulated there; one may repair roads, streets,<sup>N</sup> and ritual baths; and one may tend to all other public needs.<sup>H</sup> So too, one may mark graves to inform the public of their ritual impurity, and inspectors may even go out to uproot the shoots of prohibited diverse kinds [*kilayim*]<sup>B</sup> that grew in the fields during the rainy season.

NOTES

**One may irrigate** – משקין: This tractate opens with the *halakhot* concerning working the land on the intermediate days of a Festival. As some Sages rendered prohibited all agricultural labor, there is consequently a novelty in the leniency presented here (*Tal Hayyim*).

**A field that requires irrigation** – בית השלחין: Opinions differ as to the precise meaning of a field that requires irrigation. Some explain that it refers exclusively to a field of grain, and not to an orchard (Rif). Others say that it refers specifically to a vegetable garden (Rid; Rid the Younger). Yet others say that it is referring to both a vegetable garden and a field of grain (Ritva; Meiri). Many early authorities maintain that orchards are also included in the definition.

**Shadoof [*kilon*]** – קילון: Some commentaries explain *kilon* to mean a deep channel (*Arukh*; Ran). Others say that it is called *kilon* because a bucket, *kulta* in Aramaic, is used to draw water

from it (Rif; *Nimmukei Yosef*; Ritva). Following Rav Hai Gaon, the Meiri explains that a *kilon* is a deep, covered channel from which water is drawn through special openings.

**Damaged water cisterns** – קלקולי המים: Some explain that the reference is to water cisterns that were damaged (*Talmid Rabbeinu Yehiel of Paris*). This also fits in with the Ra'avad's version of the text of the Gemara, in which the word *kilkulei* is spelled with two *kafs*, and, therefore is referring to ducts through which water is channeled to provide for municipal needs (see Meiri). Others explain, according to the standard text in which the word is spelled with two *kufs*, that this is referring to the sewage system through which unclean water flows (Rif; Ritva).

**Streets** – רחובות: This term includes the city plazas where business is conducted. However, others say that it is referring to the lots behind houses where children play (*Talmid Rabbeinu Yehiel of Paris*).

HALAKHA

**Irrigation on the intermediate days of a Festival** – השקיה במועד: On the intermediate days of a Festival, one may not irrigate a field that suffices with rainwater, as the labor enhances, rather than maintains, the land. If a field requires irrigation, and one has begun to irrigate it before the Festival, one may continue to water the field on the intermediate days of a Festival. This is due to the fact that insufficient irrigation would lead to a significant loss. Even in the case of a field that requires irrigation, watering is permitted only when it does not entail excessive exertion, as in the case where one irrigates the field from a spring. One may not draw water from the spring with a bucket (*Magen Avraham*). It is also prohibited to irrigate with rainwater collected in a cistern, which must be drawn with a bucket (*Shulhan Arukh, Oraḥ Hayyim* 537:1–2).

**Irrigation during the Sabbatical Year** – השקיה בשביעית: A field that requires irrigation may be watered during the Sabbatical

Year so that the trees will not be ruined (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 1:8).

**Working the land during the Sabbatical Year** – עבודת קרקע – בשביעית: One is permitted to perform agricultural labor during the Sabbatical Year if it serves to preserve, rather than enhance, the trees or plants. This includes activities such as digging and repairing water channels, as will be explained in the Gemara (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 1:9).

**One may tend to all other public needs** – עושין כל צרכי הרבים: Public needs may be tended to during the intermediate days of a Festival. Therefore, one may repair roads, damaged water systems, and public ritual baths, as well as mark graves. The Rema adds that tasks that do not fulfill bodily needs, such as building a synagogue, should not be performed during the intermediate days of a Festival (*Shulhan Arukh, Oraḥ Hayyim* 544:1).

LANGUAGE

**Shadoof [*kilon*]** – קילון: From the Greek κηλῶν, *kèlon*, a mechanical device for drawing water operated by a lever. In the Gemara, *kilon* water refers to water that is not directly accessible and can be drawn only by means of a *kilon*.

BACKGROUND

**Shadoof [*kilon*]** – קילון: The *kilon* was generally constructed with a long rod that served as a lever to draw water primarily from streams or irrigation canals.



Shadoof

**Diverse kinds [*kilayim*]** – כלאים: This general term refers to many types of prohibited mixtures: Mixtures of wool and linen, crossbreeding of livestock, food crops in a vineyard, and a mixture of seeds. The mishna is discussing the prohibition against planting a mixture of seeds, i.e., planting different species of crops in one area of the same field.

Likely to collapse – דָּאָתִי לְאִינְפּוּלִי – Most commentaries explain that if the walls of this new spring were to collapse, the field's owner would be forced to exert himself excessively on the Festival. Others add that if the walls of the irrigation channel were to collapse, the efforts that the owner had already invested would have been for naught, as he would be unable to utilize the spring (Ritva).

A term denoting thirst – לִישָׁנָא דְצַחוּתָא – Some commentaries note that the Gemara in tractate *Bava Batra* (68a) discusses the meaning of the term *beit hashelahin*, translated here as a field that requires irrigation, and offer various biblical sources: “Your shoots [*shelahayikh*] are like an orchard of pomegranates” (Song of Songs 4:13), and “Who sends [*shole’ah*] water upon the fields” (Job 5:10). Some explain that in the context of that tractate the Gemara seeks to demonstrate that the term *beit hashelahin* is referring to a specific type of field, whereas here the Gemara cites a source to indicate that any field that requires irrigation is a *beit hashelahin* with regard to the *halakhot* discussed in the mishna (see *Talmid Rabbeinu Yehiel of Paris*, Rabbi Shlomo ben HaYatom, Ritva, and Meiri).

A term denoting settlement – לִישָׁנָא דְמִייתְבוּתָא – Some explain this derivation as follows: Similar to a young man who is pleased with his wife, a field referred to as a *beit haba’al* is a field whose owners are pleased with it and have no worries, as it has all the water it needs (Ran; Ritva).

Who is the *tanna* – מֵאן תָּנָא – A parallel discussion in the Jerusalem Talmud does not reach a clear conclusion with regard to the opinion of the anonymous *tanna* of the mishna in a case of excessive exertion to avoid financial loss. There is even an opinion cited in that discussion that attributes the mishna to Rabbi Meir, who holds that one may even use a new spring to irrigate a field that is not dependent upon irrigation.

One may draw...provided that he does not water the entire field – מוֹשְׁבִין...וּבְלִבְדּוֹ שְׂלֵא יִשְׁקָה אֶת הַשָּׂדֶה כּוֹלָה – The commentaries dispute what type of field this is referring to. Rashi explains that the reference is to a field that suffices with rainwater. The Ra’avad and Ran maintain that it is referring to a field that requires irrigation, where there are trees but not vegetables growing.

גַּמְ' הַשְּׂתָא יֵשׁ לוֹמַר מִמַּעֲיִן שְׂיִצָּא בְּתַחֲלִילָהּ, דְּאָתִי לְאִינְפּוּלִי – מִשְׁקִין, מִמַּעֲיִן שְׂלֵא יִצָּא בְּתַחֲלִילָהּ, דְּלֵא אָתִי לְאִינְפּוּלִי, מִיִּבְעֵיָא?

אָמְרִי: אֲצַטְרִיךְ; אִי תָנָא מַעֲיִן שְׂיִצָּא בְּתַחֲלִילָהּ – הוּהּ אָמֵינָא: הֵכָא הוּא דְבִית הַשְּׁלַחִין – אִין, בֵּית הַבְּעֵל – לֵא, מִשּׁוּם דְּאָתִי לְאִינְפּוּלִי, אֲבָל מַעֲיִן שְׂלֵא יִצָּא בְּתַחֲלִילָהּ, דְּלֵא אָתִי לְאִינְפּוּלִי, אִימָא אֲפִילוּ בֵּית הַבְּעֵל נָמִי.

קָא מִשְׁמַע לָן: לֵא שְׂנָא מַעֲיִן שְׂיִצָּא בְּתַחֲלִילָהּ, וְלֵא שְׂנָא מַעֲיִן שְׂלֵא יִצָּא בְּתַחֲלִילָהּ, בֵּית הַשְּׁלַחִין – אִין, בֵּית הַבְּעֵל – לֵא.

וּמֵאִי מִשְׁמַע דְּהָאִי בֵּית הַשְּׁלַחִין לִישָׁנָא דְּצַחוּתָא הֵיא? דְּכִתְיִב: “וְאִתָּה עֵיף וְיָנַע” וּמִתְרַגְּמִינָן: וְאִתָּה מְשַׁלְּהִי וְלָאִי.

וּמֵאִי מִשְׁמַע דְּהָאִי בֵּית הַבְּעֵל לִישָׁנָא דְּמִייתְבוּתָא הֵיא? דְּכִתְיִב: “כִּי יִבְעֵל בְּחֹר בְּתוֹלָהּ”, וּמִתְרַגְּמִינָן: אַרְי כְּמָה דְּמִיתְתַּב עוֹלָם עִם בְּתוֹלָתָא יִתְיִתְבוּן בְּגוּיךְ בְּנִיךְ.

מֵאן תָּנָא דְּפְסִידָא – אִין, הַרְוּחָה – לֵא, וְאִפִּילוּ בְּמָקוֹם פְּסִידָא מִיִּטְרַח נָמִי לֵא טְרַחֲנִין?

אָמַר רַב הוּנָא: רַבִּי אֶלְיעֶזֶר בֶּן יַעֲקֹב הֵיא. דְּתַנְנָן, רַבִּי אֶלְיעֶזֶר בֶּן יַעֲקֹב אָמַר: מוֹשְׁבִין אֶת הַמַּיִם מֵאִילָן לְאִילָן, וּבְלִבְדּוֹ שְׂלֵא יִשְׁקָה אֶת הַשָּׂדֶה כּוֹלָה.

**GEMARA** The Gemara begins by questioning the wording of the mishna: **Now that it has been said that on the intermediate days of a Festival one may irrigate a field from a newly emerged spring**, whose walls have not yet stabilized and are **likely to collapse**,<sup>N</sup> necessitating laborious repairs, **is it necessary to mention that one may irrigate a field from a spring that did not just emerge**, whose walls have already stabilized and are therefore **not likely to collapse**?

The Gemara answers: **They say that it was necessary to mention the second case as well. For had the *tanna* taught us the *halakha* with regard to only a newly emerged spring, I would have said that here, in the case of a field that requires irrigation, yes, one is permitted to irrigate from such a spring, but in the case of a field that ordinarily suffices with rainwater, no, one is not permitted to do so, because it is likely to collapse. But with regard to a spring that did not just emerge, that is not likely to collapse, I might say that one may provide supplementary irrigation even in the case of a field that ordinarily suffices with rainwater.**

Therefore, the *tanna* teaches us that a newly emerged spring is no different from a spring that did not just emerge. In the case of a field that requires irrigation, yes, one may irrigate on the intermediate days of a Festival, while in the case of a field that ordinarily suffices with rainwater, no, one may not do so, even from an established spring.

The Gemara raises a question with regard to a linguistic issue: **And from where may it be inferred that this term, *beit hashelahin*, a field that requires irrigation, is a term denoting thirst**,<sup>N</sup> implying that supplementary watering is necessary? The Gemara answers: **As it is written: “And you were faint and weary”** (Deuteronomy 25:18). The term faint is referring to the thirst of the Israelites in the desert. **And**, in the standard Aramaic translation, we translate the verse as: **And you were thirsty [*meshalhei*] and weary**. The letters *het* and *heh* are sometimes interchanged, and therefore the term *beit hashelahin* connotes a thirsty field.

**And from where may it be inferred that this term, *beit haba’al*, a field that suffices with rainwater, is a term denoting settlement**,<sup>N</sup> i.e., an established field that does not require extensive upkeep? **As it is written: “For as a young man takes to himself [*yiv’al*] a virgin, so shall your sons take you to themselves”** (Isaiah 62:5). **And it is translated in the Aramaic translation: As a young man settles down with a virgin, so shall your sons become settled within you.** Similarly, *beit haba’al* is referring to a settled field that suffices with rainwater.

The Gemara begins to clarify the underlying principle of the mishna, asking: **Who is the anonymous *tanna***<sup>N</sup> of the mishna who maintains that labor performed to prevent a considerable loss, such as watering a field that requires irrigation, **yes**, it is permitted on the intermediate days of a Festival; but labor performed to increase one’s profit, such as watering a field that ordinarily suffices with rainwater, **no**, it is not permitted? Furthermore, **even in a case involving loss, one may not excessively exert oneself**, as the *tanna* of the mishna renders prohibited all cases of watering fields with collected rainwater or with water drawn with a shadoof, even in a field that requires irrigation.

**Rav Huna said: It is Rabbi Eliezer ben Ya’akov, as we learned in a mishna: Rabbi Eliezer ben Ya’akov says: In a field filled with trees, one may draw water via channels from tree to tree, provided that in doing so he does not water the entire field.**<sup>N</sup> As this field ordinarily suffices with rainwater, it is prohibited to water the entire field. Therefore, it is evident that Rabbi Eliezer ben Ya’akov renders prohibited work performed to increase profit on the intermediate days of a Festival.

**Profit is not permitted** – הַרְוֵתָהּ דְּלֹא – Some read this sentence together with the next word, exertion [*tirha*], forming a phrase that means: Say that you heard that Rabbi Eliezer ben Ya'akov holds that labor done to increase profit without exertion is not permitted, but did you hear him prohibit labor done to prevent financial loss? Labor done in this circumstance should be permitted even if it involves exertion (see Ran). They explain that an orchard requires little water, and therefore one can profit without significant exertion by allowing the water collecting around one tree to flow to the others (*Peirush*).

**Divert...to water his garden** – וַיִּשְׁקֶה לְגִינתוֹ: This is referring to a garden that suffices with rainwater (Rashi on Rif). However, *Tosafot* and the Ran hold that it is a field that requires irrigation.

**Perhaps...Rabbi Yehuda stated a distinction...only with regard to a newly emerged spring** – לֹא קָאָמַר רַבִּי יְהוּדָה...אֵלָּא מֵעֵינַי שֶׁיֵּצֵא בְּתַחֲלִילָה: This is a logical assumption, as Rabbi Yehuda's statement is a continuation of a *baraita* that discusses a newly emerged spring (*Talmid Rabbeinu Yehiel of Paris*).

**To whom would you attribute the mishna** – מִתַּנְיִתֵּי אַמָּאן – **תַּרְמִימִיָּה**: There are no other known tannaitic opinions on the topic of watering fields during the intermediate days of a Festival. Since it is difficult to assert that the mishna is an additional opinion unlike other known opinions (see Meiri), it is preferable to suggest that Rabbi Yehuda's ruling in the *baraita* is not limited to a newly emerged spring, so that his opinion, which is already quite similar to the ruling of the mishna, is entirely consistent with the mishna (see *Tosafot*).

אימור דְּשִׁמְעַתָּ לִיהִ לְרַבִּי אֶלְעָזָר הַרְוֵתָהּ דְּלֹא, טִירְחָא בְּמִקּוֹם פְּסִידָא מִי שִׁמְעַתָּ לִיהִ?

The Gemara challenges this comparison: **Say that you heard that Rabbi Eliezer ben Ya'akov holds that labor performed only to increase profit is not permitted.**<sup>N</sup> But did you hear him prohibit excessive exertion in a case of considerable loss? This aspect of the mishna finds no expression in the words of Rabbi Eliezer ben Ya'akov.

אֵלָּא אָמַר רַב פַּפָּא: הָא מִנֵּי – רַבִּי יְהוּדָה הִיא, דְּתַנָּיָא: מֵעֵינַי הַיּוֹצֵא בְּתַחֲלִילָה מִשְׁקִין מִמֶּנּוּ אֶפִּילוּ שְׂדֵה בֵּית הַבַּעַל, דְּבָרֵי רַבִּי מֵאִיר. רַבִּי יְהוּדָה אָמַר: אִין מִשְׁקִין אֵלָּא שְׂדֵה בֵּית הַשְּׁלַחִין שְׁחָרְבָה. רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה אָמַר: לֹא כֵּךְ וְלֹא כֵּךְ. יָתֵר עַל כֵּן אָמַר רַבִּי יְהוּדָה: לֹא יִפְנֶה אָדָם אֶמֶת הַמַּיִם וַיִּשְׁקֶה לְגִינתוֹ וְלִחְרָבְתוֹ בְּחוּלוֹ שֶׁל מוֹעֵד.

**Rather, Rav Pappa said:** In accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Yehuda, as it is taught in a *baraita*: **From a newly emerged spring one may irrigate even a field that ordinarily suffices with rainwater; this is the statement of Rabbi Meir. Rabbi Yehuda says: One may irrigate only a field requiring irrigation that dried up and needs water. Rabbi Elazar ben Azarya says: Neither the one nor the other. Furthermore, Rabbi Yehuda said:** Owing to the exertion involved, one may not divert a water channel from its regular path in order to water his garden<sup>N</sup> or his ruin, which is now being used for planting, during the intermediate days of a Festival.

מֵאִי חָרְבָה? אֵילִמָּא חָרְבָה מִמֶּשׁ – לְמָה לִּי דְּמִשְׁקִי לָהּ? אָמַר אַבְיִי: שְׁחָרְבָה מִמֵּעֵינַי זֶה, וַיֵּצֵא לָהּ מֵעֵינַי אַחֵר.

The Gemara first clarifies the case of the *baraita*: **What does Rabbi Yehuda mean when he speaks of a field that is dried up? If we say that the field is literally dried up and the plants are already parched, why do I need to water it? Abaye said:** It means that the one spring from which the field had been irrigated until now dried up, but in the meantime another spring emerged. If the field is not irrigated from this spring, it will be ruined.

רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה אָמַר לֹא כֵּךְ וְלֹא כֵּךְ. לֹא שָׁנָא חָרַב מֵעֵינָהּ וְלֹא שָׁנָא לֹא חָרַב מֵעֵינָהּ, מֵעֵינַי שֶׁיֵּצֵא בְּתַחֲלִילָה – לֹא.

The Gemara explains the next clause of the *baraita*, which states: **Rabbi Elazar ben Azarya says: Neither the one nor the other.** By this he means that it is no different whether the original spring dried up or did not dry up. The guiding principle is: From a newly emerged spring one may not irrigate even a field that requires irrigation.

וּמֵמָאִי? דְּלִמָּא עַד כָּאֵן לֹא קָאָמַר רַבִּי יְהוּדָה בֵּית הַשְּׁלַחִין אִין, בֵּית הַבַּעַל לֹא – אֵלָּא מֵעֵינַי שֶׁיֵּצֵא בְּתַחֲלִילָה.

In any event, Rabbi Yehuda seems to maintain an opinion that is like that of the mishna, i.e., that only a field that requires irrigation may be watered, but not a field that suffices with rainwater. And even in the case of a field that requires irrigation, excessive exertion is prohibited. The Gemara challenges this understanding: **And from where do you conclude that the mishna reflects the opinion of Rabbi Yehuda? Perhaps Rabbi Yehuda stated that a field that requires irrigation, yes, one may irrigate it on the intermediate days of a Festival, and a field that suffices with rainwater, no, one may not do so, only with regard to a newly emerged spring,**<sup>N</sup>

## Perek I

## Daf 2 Amud b

דְּלִמָּא אֶתִּי לְאִינְפּוּלִי. אֲבָל מֵעֵינַי שְׂדֵה יֵצֵא בְּתַחֲלִילָה, דְּלֹא אֶתִּי לְאִינְפּוּלִי – אֶפִּילוּ בֵּית הַבַּעַל נְמוּ.

as it is likely to collapse. But in the case of a spring that did not just emerge, which is not likely to collapse because its walls have already stabilized, even a field that ordinarily suffices with rainwater may be irrigated.

אִם כֵּן מִתַּנְיִתֵּי אַמָּאן תַּרְמִימִיָּה? אֵלָּא: לְרַבִּי יְהוּדָה לֹא שָׁנָא מֵעֵינַי שֶׁיֵּצֵא בְּתַחֲלִילָה וְלֹא שָׁנָא מֵעֵינַי שֶׁלֹּא יֵצֵא בְּתַחֲלִילָה, בֵּית הַשְּׁלַחִין – אִין, בֵּית הַבַּעַל – לֹא. וְהָאִי דְּקָתְנִי מֵעֵינַי שֶׁיֵּצֵא בְּתַחֲלִילָה – לְהוֹדִיעַךְ כַּחוֹ דְּרַבִּי מֵאִיר, דְּאֶפִּילוּ מֵעֵינַי הַיּוֹצֵא בְּתַחֲלִילָה מִשְׁקִין מִמֶּנּוּ אֶפִּילוּ שְׂדֵה הַבַּעַל.

The Gemara asks: **If that were so, then to whom, i.e., to which *tanna*, would you attribute the mishna?**<sup>N</sup> According to this interpretation, the mishna does not correspond to any opinion, while according to the previous interpretation, it corresponds to the opinion of Rabbi Yehuda. **Rather, it must be that according to the opinion of Rabbi Yehuda, a newly emerged spring is no different from a spring that did not just emerge. A field that requires irrigation, yes, it may be irrigated, while a field that suffices with rainwater, no, it may not be irrigated. And the *baraita* opted to teach this dispute in the case of a newly emerged spring in order to convey the far-reaching nature of the opinion of Rabbi Meir, which states that one may irrigate even from a newly emerged spring, and even a field that suffices with rainwater.**

One who weeds or one who waters seedlings on Shabbat – **הַמְנַבֵּשׁ וְהַמְשָׂקָה מִיַּם לְיָרְעִים בְּשַׁבָּת**: One who weeds beneath trees in order to facilitate their growth (*Lehem Mishne*) or who waters plants on Shabbat violates a subcategory of the prohibited labor of sowing, in accordance with the opinion of Rav Yosef (*Maggid Mishne*; Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 8:1–2).

If one prunes the branches of a tree and he needs the wood – **זוֹמֵר וְצָרִיךְ לְעֵצִים**: If one unwittingly prunes a tree on Shabbat in a case where the pruning facilitates the growth of the tree, and he needs the wood that he prunes, he is liable to bring two sin-offerings, one for the prohibited labor of reaping and one for the prohibited labor of sowing, in accordance with the opinion of Rav Kahana (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 8:4).

NOTES

For what prohibited labor do we forewarn him – **מִשּׁוּם מַאי בִּיהַ מְתַרְיֵנּוּ בִּיהַ**: Since weeding and watering plants are not explicitly mentioned in the Torah, and are also not listed among the thirty-nine primary categories of labor prohibited on Shabbat, the transgressor might think that they constitute labors prohibited merely by rabbinic decree, not by Torah law. Therefore, the name of the primary labor whose category includes weeding and watering must be mentioned in the warning (Rid; *Talmid Rabbeinu Yehiel of Paris*).

The dispute between Rabba and Rav Yosef – **מִחְלוקֵת רַבָּה**: *Tosafot* explain that their dispute is whether an activity is categorized based upon the nature of the action one performs or based upon the purpose of that action. The Ritva offers a different explanation, that the dispute is whether to define the action based upon what occurs at the time of the action or based upon the eventual result.

It is difficult – **קָשִׁיא**: Many delete this phrase from the text of the Gemara, because as a principle, the Gemara does not challenge the opinion of one *amora* with the opinion of another (see *Tosafot*). Some say that because Rav Kahana was the greatest Sage of his generation, and his opinions were widely accepted, his statements are considered like those of a *tanna* and there is no need to delete the phrase. Nevertheless, the Gemara did not deem Rav Kahana's statement a conclusive refutation of the opinions of Rabba and Rav Yosef, because Rabba and Rav Yosef maintain that a Festival is different from Shabbat, and one is not liable to be punished separately for the performance of each one of multiple primary categories of labor. Indeed, the Ritva cites a version of the text that indicates that the Gemara is referring to one who performs these activities on a Festival and not on Shabbat. Alternatively, according to the Rashbam (*Bava Batra* 52b), although the Gemara does challenge the opinion of one *amora* on the basis of the opinion of a more authoritative *amora*, such a challenge can never serve as a conclusive refutation of the ruling of the other *amora*.

אֵתְמַר, הַמְנַבֵּשׁ וְהַמְשָׂקָה מִיַּם לְיָרְעִים בְּשַׁבָּת, מִשּׁוּם מַאי מְתַרְיֵנּוּ בִּיהַ? רַבָּה אָמַר: מִשּׁוּם חוֹרֵשׁ; רַב יוֹסֵף אָמַר: מִשּׁוּם זוֹרַע.

אָמַר רַבָּה: כְּוֹתִי דִּידֵי מְסַתְבָּרָא, מַה דְּרַבּוּ שְׁלֵי חוֹרֵשׁ – לְרַפּוּי אַרְעָא, הָאֵי נְמִי מְרַפּוּי אַרְעָא. אָמַר רַב יוֹסֵף: כְּוֹתִי דִּידֵי מְסַתְבָּרָא, מַה דְּרַבּוּ שְׁלֵי זוֹרַע – לְצִמּוּחֵי פִּירָא, הֵכָא נְמִי מְצַמּוּחַ פִּירָא.

אָמַר לִיָּה אַבְי לְרַבָּה: לְדִידֵךְ קָשִׁיא, וְלָרַב יוֹסֵף קָשִׁיא. לְדִידֵךְ קָשִׁיא: מִשּׁוּם חוֹרֵשׁ אִין, מִשּׁוּם זוֹרַע לֹא? לָרַב יוֹסֵף קָשִׁיא: מִשּׁוּם זוֹרַע אִין, מִשּׁוּם חוֹרֵשׁ לֹא?

וְכִי תִמְאָה כָּל הֵיכָא דְאִיכָא תִרְתִּי לָא מִיחֵיב אֵלָא חֲדָא, וְהָאֵמַר רַב בְּהֵנָּא: זוֹמֵר וְצָרִיךְ לְעֵצִים – חֵיב שְׂתִים, אַחַת מִשּׁוּם נוֹטֵעַ וְאַחַת מִשּׁוּם קוֹצֵר.

It was stated that the *amora'im* disputed the following question: With regard to one who weeds or one who waters seedlings on Shabbat,<sup>H</sup> for what prohibited labor do we forewarn him?<sup>N</sup> Judicial punishment may be administered to a sinner only if he has been forewarned by two witnesses prior to the commission of his offense. This forewarning must include the specific transgression being violated, and on Shabbat it must include the specific category of prohibited labor that the action involves. Rabba said: It is due to the prohibition against plowing. Rav Yosef said: It is due to the prohibition against sowing.<sup>N</sup>

Rabba said: According to my opinion it is reasonable. Just as the usual objective of plowing is to loosen the earth, so too, this, weeding or watering, loosens the earth. Rav Yosef said: According to my opinion, it is reasonable. Just as the usual objective of sowing is to cause the fruit to grow, here too, weeding or watering causes the fruit to grow.

Abaye said to Rabba: According to your opinion, it is difficult, and according to the opinion of Rav Yosef, it is difficult. Abaye explains: According to your opinion, it is difficult: Is it true that for the prohibition against plowing, yes, he is forewarned, but for the prohibition against sowing, no, he is not forewarned? Similarly, according to the opinion of Rav Yosef, it is difficult: Can it be that for the prohibition against sowing, yes, he is forewarned, but for the prohibition against plowing, no, he is not forewarned? Everyone should agree that weeding and watering fall under the categories of both plowing and sowing.

And if you say that anywhere that there are two possible categories of prohibited labor into which a particular action might fall, one is liable to be punished for only one of them, didn't Rav Kahana say: If one prunes<sup>B</sup> the branches of a vine on Shabbat and he needs the wood<sup>H</sup> for firewood or any other purpose, he is liable to bring two sin-offerings? He is liable to bring one sin-offering for violating the primary category of sowing, as pruning vines facilitates their growth, and so it is a sub-category of sowing. And he is liable to bring one sin-offering for violating the primary category of reaping, as the essence of reaping is detaching that which one needs from the ground. Since he needs the wood that he is detaching from the vine, his action is considered reaping. Consequently, one action that incorporates two prohibited labors causes liability for both.

The Gemara concludes: Indeed, it is difficult<sup>N</sup> according to both opinions.

BACKGROUND

If one prunes – **זוֹמֵר**: Pruning, which was performed primarily on grapevines, is done in order to strengthen the vine. A grapevine that is not pruned will not grow well the following year and will not produce good fruit. Consequently, the purpose of such pruning is to facilitate the vine's growth.



Pruned vines

One who weeds or covers with earth the exposed roots of diverse kinds – **הַמְנַבֵּשׁ וְהַמְחַפֵּה לְכִלְאִים**: It is prohibited to sow diverse kinds of seeds in Eretz Yisrael. If one sows them or performs any other action to facilitate their growth, such as weeding or covering them with earth, he is liable to receive lashes (*Shulḥan Arukh, Yoreh De'a 297:1*).

NOTES

**One who maintains a mixture of species – הַמְקַיֵּים**: Opinions differ as to how to interpret this category of prohibition. In several places in his commentary, Rashi interprets maintaining a mixture of species in its simple sense, as referring to one who sees diverse kinds in a vineyard but refrains from uprooting them. Many commentaries challenge this understanding, because it is a generally accepted principle that one is not flogged for a passive transgression. One is responsible for maintaining diverse kinds only if he performed some action, e.g., if he constructed a fence around the prohibited plantings (Rashi on *Avoda Zara 64a; Talmid Rabbeinu Yehiel of Paris*; Ritva). Some explain that others sowed the diverse kinds for him, and now he is tending to them and facilitating their growth (Rabbeinu Hananel).

**Diverse kinds, you shall not sow your field with mingled seed – כִּלְאִים שְׂדֵךְ לֹא** – According to many early commentaries, the text here reads: No diverse kinds. According to this reading, the verse is being interpreted homiletically in accordance with the method of subtracting a word and interpreting what is left. In this case the word sow is left out, and the verse is understood to mean that the mere presence of diverse kinds is prohibited (Rid; Rabbi Shlomo ben HaYatom).

BACKGROUND

**The Sabbatical Year – שְׁבִיעִית** – The Sabbatical Year is the last year of the seven-year Sabbatical cycle. The first such cycle began after the conquest of Canaan by Joshua. It is also known as *shemitta*, literally, abandonment, or release. The *halakhot* of the Sabbatical Year are explicitly commanded in the Torah (Leviticus 25:1–7; Deuteronomy 15:1–6). Most authorities maintain that the conditions under which there is an obligation by Torah law to observe the Sabbatical Year have lapsed, and its present-day observance is by rabbinic decree. The particular regulations that apply to the Sabbatical Year fall under two main categories:

(1) All agricultural land must lie fallow. It is prohibited to work the land, except for what is necessary to keep existing crops alive. All produce that does grow is ownerless and must be left unguarded in the fields so that any creature, including wild animals and birds, can have ready access to it. So long as produce can still be found in the fields, one may keep small amounts of it in his home in order to eat it. After the last remnants of a crop have been removed from the field, that crop may no longer be kept in one's home. Produce that grew from existing plants during the Sabbatical Year may be eaten, but it may not be bought and sold in the normal manner or used for purposes other than eating. Produce that grew from seeds during the Sabbatical Year, even if it grew by itself, may not be consumed. Most understand that the prohibition against consuming produce that was grown from seeds during the Sabbatical Year is by rabbinic decree, but some authorities say it is prohibited by Torah law.

(2) All loans are canceled. All outstanding loans owed by Jews to each other are canceled on the last day of the Sabbatical Year. This does not apply to loans whose payment is not yet due on this day, nor does it apply when collection proceedings have already been initiated in court.

אִתִּיבִיָּה רַב יוֹסֵף לְרַבָּה: הַמְנַבֵּשׁ וְהַמְחַפֵּה לְכִלְאִים – לֹקֵה. רַבִּי עֲקִיבָא אוֹמֵר: אִף הַמְקַיֵּים.

Rav Yosef raised an objection to the opinion of Rabba from what is taught in the following *baraita*: **One who weeds in proximity to diverse kinds of seeds, or covers with earth the exposed roots of diverse kinds,<sup>4</sup> is flogged** for transgressing the prohibition against diverse kinds, i.e., tending different species of crops in one area of the same field, as it is stated: “You shall not sow your field with two kinds of seed” (Leviticus 19:19). **Rabbi Akiva says: Even one who maintains** in his field a mixture of species<sup>5</sup> that he could have uprooted is flogged for violating the prohibition against diverse kinds of seeds.

בְּשִׁלְמָא לְדִידֵי דְאִמְנָא מְשׁוּם זֹרַע – הֵינּוּ דְאִסְרָא זְרִיעָה בְּכִלְאִים. אֵלָּא לְדִידֵךְ דְאִמְרַת מְשׁוּם חֲרִישָׁה חֲרִישָׁה בְּכִלְאִים מִי אִסְרָא?

Rav Yosef explains: **Granted, according to my opinion, that I say** that one who weeds on Shabbat is forewarned for the prohibited labor of **sowing, this is the reason** he is liable to be punished with flogging for weeding diverse seeds: **Sowing diverse kinds is prohibited. But according to you, who said** that one who weeds on Shabbat is forewarned for **plowing**, why is one liable to be flogged for weeding in proximity to diverse kinds? **Is plowing prohibited** in connection with diverse kinds? At the time of plowing, there is no mixture of different species of crops, so plowing cannot be prohibited in this case.

אָמַר לֵיהּ: מְשׁוּם מְקַיֵּים.

Rabba **said to him**: According to my opinion, one who weeds a field of diverse kinds is flogged not because he is guilty of plowing, but for violating the prohibition against **maintaining** a mixture of species in his field.

וְהָא מְדַקְלָנִי סִיפָא: רַבִּי עֲקִיבָא אוֹמֵר אִף הַמְקַיֵּים, מִכְּלָל דְתַנָּא קַמָּא לָא מְשׁוּם מְקַיֵּים הוּא!

The Gemara objects: **However, from the fact that it teaches in the latter clause of the baraita that Rabbi Akiva says: Even one who maintains** in his field a mixture of species is liable to be flogged, **it may be inferred that** according to the anonymous **first tanna**, the liability for weeding is **not for maintaining** diverse kinds, but for performing some other prohibited labor.

בוֹלָה רַבִּי עֲקִיבָא הִיא, וּמֵאֵי טַעַם קָאָמַר; מֵאֵי טַעַם הַמְנַבֵּשׁ וְהַמְחַפֵּה בְּכִלְאִים לֹקֵה – מְשׁוּם מְקַיֵּים, שְׂרַבִּי עֲקִיבָא אוֹמֵר אִף הַמְקַיֵּים.

The Gemara rejects this opinion: In fact, **the entire baraita** reflects the opinion of **Rabbi Akiva, and it is stated** in the style of **what is the reason**. The *baraita* should be understood as follows: **What is the reason that one who weeds and one who covers** the exposed roots of diverse kinds with earth **is flogged?** He is flogged for **maintaining** diverse kinds in his field, as **Rabbi Akiva says: Even one who maintains** in his field a mixture of species is flogged.

מֵאֵי טַעַמָא דְרַבִּי עֲקִיבָא? דְתַנָּא: “שְׂדֵךְ לֹא תִזְרַע בְּכִלְאִים.” אִינּוּ לִי אֵלָּא זֹרַע; מְקַיֵּים מִנִּיּוּן?

With regard to Rabbi Akiva's opinion, the Gemara asks: **What is the reason for Rabbi Akiva's opinion?** How did he derive this prohibition from the verses? The Gemara answers: **As it is taught in a baraita: “You shall not sow your field with mingled seed”** (Leviticus 19:19). **I have derived from this verse that only sowing** diverse kinds is prohibited. **From where** is it derived that **maintaining** diverse kinds, which does not involve any positive action, is also prohibited?

תְּלִמּוּד לֹמַר: “כִּלְאִים שְׂדֵךְ לֹא.”

**The verse states: “Diverse kinds, you shall not sow your field with mingled seed”** (Leviticus 19:19).<sup>6</sup> The prohibition against planting different species of a crop in one area of the same field is preceded in the verse by the prohibition against cross-breeding livestock: “You shall not let your cattle gender with a diverse kind.” A slight change in punctuation yields the phrase: Diverse kinds in your field, you shall not, indicating that merely preserving diverse kinds in one's field is prohibited.

תַּנּוּ: מִשְׁקִין בֵּית הַשְּׁלֵחִין בְּמוֹעֵד וּבְשִׁבְעִית.

**The Gemara returns to the original topic of discussion: We learned in the mishna: One may irrigate a field that requires irrigation on the intermediate days of a Festival as well as during the Sabbatical Year.<sup>8</sup>**

**The release of land – שְׁמִיטַת קֶרֶקַע:** The Sabbatical Year is observed only in Eretz Yisrael. The Sages were divided as to whether it must be observed by Torah law at all times, or only when the Jubilee year is observed, or only when the Temple is standing. Some maintain that even today, the *halakhot* governing the Sabbatical Year are in effect by Torah law. Rabbi Yehuda HaNasi and Abaye do not agree with this opinion (*Kesef Mishne*). Others hold that the obligation at present is by rabbinic law (Ramban; Rashba). Some (*Sefer HaTeruma*; Rabbi Yosef Kurkus; see also *Pe'at HaShulhan*) claim that the Rambam agrees with the opinion that at present the obligation is by rabbinic law (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 4:25).

**The release of money – שְׁמִיטַת כֶּסֶפִים:** The Torah obligation to release money, i.e., the prohibition against collecting loans, is applicable only when the Jubilee is in effect. When the Jubilee is in effect, loans are canceled upon the conclusion of the Sabbatical Year, both in and outside of Eretz Yisrael. The obligation to release money is observed today by rabbinic law, so that the Jewish people will not forget this *halakha* (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 9:2–3).

NOTES

**בְּזִמְנָן – When you are mandated by Torah law to release land – שְׁמִיטַת קֶרֶקַע:** The commentaries disagree about the meaning of the release of land. According to Rashi, the Gemara is referring to the prohibition against performing agricultural labor during the Sabbatical Year. When this prohibition is not in effect, there is also no obligation to refrain from collecting loans. Other commentaries question this explanation: Why was it more obvious to Rabbi Yehuda HaNasi that the Torah prohibition against agricultural labor does not apply nowadays and less obvious that the prohibition to collect loans does not apply? Rabbeinu Hananel explains that the prohibition against agricultural labor became irrelevant de facto because the majority of the land in Eretz Yisrael was owned by gentiles. According to this explanation, the Gemara speaks not of the Temple period, but of a period many years after the destruction of the Temple. Rabbeinu Tam (cited in *Tosafot* on *Gittin* 36a), on the other hand, maintains that the release of land referred to here is the release of land in the Jubilee Year, when fields that have been purchased return to their original owners. This release of land no longer applied from the end of the First Temple period. The later commentaries discussed these *halakhot* at great length in connection with the present-day obligations of the Sabbatical Year (see *Hazon Ish*).

בְּשִׁלְמָא מוֹעֵד מְשׁוּם טִירְחָא הוּא, וּבְמִקּוּם פְּסִידָא שְׂרוּ רַבְנֵי. אֵלָּא שְׁבִיעִית, בֵּין לְמָאן דְּאָמַר מְשׁוּם זִוְרַע, וּבֵין לְמָאן דְּאָמַר מְשׁוּם חֹרֶשׁ – זְרִיעָה וְחִרְשָׁה בְּשְׁבִיעִית מִי שְׂרִי?!

אָמַר אַבְי: בְּשְׁבִיעִית בְּזִמְנָן הֵּהָּ, וְרַבִּי הֵיא. דְּתַנָּי, רַבִּי אֹמֵר: "זִוְרַע דְּבַר הַשְּׂמִיטָה שְׂמוּט" – בְּשִׁמְיֵי שְׁמִיטוֹת הַכְּתוּב מְדַבֵּר, אַחַת שְׁמִיטַת קֶרֶקַע וְאַחַת שְׁמִיטַת כֶּסֶפִים.

בְּזִמְנָן שְׂאֵתָה מְשִׁמַּט קֶרֶקַע – אֵתָה מְשִׁמַּט כֶּסֶפִים, וּבְזִמְנָן שְׂאֵי אֵתָה מְשִׁמַּט קֶרֶקַע – אֵי אֵתָה מְשִׁמַּט כֶּסֶפִים.

רַבָּא אָמַר: אִפְּלוּ תִימָא רַבְנֵי, אֲבוֹת אֶסַר רַחֲמֵנָא.

The Gemara asks: **Granted**, with regard to the intermediate days of a Festival, where the prohibition against irrigation is due to the mandate to avoid excessive exertion on the Festival, in a case of considerable loss, the Sages permitted one to exert himself. However, during the Sabbatical Year, both according to the one who said that one who waters is liable due to the prohibition against sowing, and according to the one who said that one is liable due to the prohibition against plowing, are sowing and plowing permitted during the Sabbatical Year? How can these actions be permitted when the Torah explicitly renders prohibited working the land during the Sabbatical Year?

Abaye said: The mishna is referring to the Sabbatical Year in the present time, when its prohibitions are only by rabbinic decree, and it is in accordance with the opinion of Rabbi Yehuda HaNasi. As it is taught in a *baraita* that Rabbi Yehuda HaNasi says: When the verse states: "And this is the manner of the release, every creditor will release that which he has lent to his neighbor" (Deuteronomy 15:2), the verse speaks of two releases: One is the release of land,<sup>h</sup> that one must refrain from working the land, and the other is the release of money,<sup>h</sup> that one must refrain from collecting debts.

This verse equates these two releases, indicating that when you are mandated by Torah law to release land,<sup>n</sup> you must release money, and when you are not mandated to release land, you need not release money. This indicates that according to Rabbi Yehuda HaNasi, at the present time, the release of land is not mandated by Torah law. Therefore, observance of the Sabbatical Year is mandated only by rabbinic law, and the Sages were lenient in a case of significant loss.

Rava said: Even if you say that the mishna was taught in accordance with the opinion of the Rabbis, who disagree with Rabbi Yehuda HaNasi and maintain that the observance of the Sabbatical Year, even at the present time, is mandated by Torah law, one can understand the leniency in the mishna. The reason for the leniency with regard to irrigation is because only primary categories of labor were prohibited by the Merciful One, i.e., by Torah law,

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תּוֹלְדוֹת לֹא אֶסַר רַחֲמֵנָא, דְּכִתְיִב: "וּבִשְׁנָה הַשְּׁבִיעִית שִׁבְתָּ שְׂבָתוֹן יְהִיָּה לְאֶרֶץ שְׂדֶךְ לֹא תִזְרַע" וּגו'.

whereas the subcategories of labor that are derived from them, e.g., watering, were not prohibited by the Merciful One, i.e., by Torah law, but only by rabbinic law; and in a case of loss the Sages were lenient. The source for this distinction is as it is written: "But in the seventh year shall be a sabbath of solemn rest for the land, a sabbath for the Lord: Your field you shall not sow, and your vineyard you shall not prune. That which grows of its own accord of your harvest you shall not reap, nor gather the grapes of your undressed vines" (Leviticus 25:4–5).

מְכַדֵּי, זְמִירָה בְּכֻלָּהּ זְרִיעָה, וּבְצִירָה בְּכֻלָּהּ קְצִירָה, לְמֵאֵי הַלְבָּתָא בְּתַבְיִינְהוּ רַחֲמֵנָא?

Since pruning is included in the principal category of sowing, as its objective is to encourage the plant's growth, and picking grapes is included in the principal category of reaping grain, as both involve removal of produce from a plant, for the purpose of teaching what *halakha* did the Merciful One write them? Why did the Torah explicitly prohibit pruning and picking grapes, rather than sufficing with the general prohibitions against sowing and reaping?