

שְׁנֵי שָׁבָיִם לְשָׁבִיעִית, וְקָצִיר שֶׁל שְׁבִיעִית
שֶׁיֵצֵא לְמוֹצָאֵי שְׁבִיעִית.

that entered into the Sabbatical Year, i.e., plowing in the sixth year that will benefit crops growing in the seventh year, and reaping the crops of the Sabbatical Year that continued into the conclusion of the Sabbatical Year, i.e., reaping seventh-year produce that continued to grow into the eighth year.

רַבִּי יִשְׁמָעֵאל אוֹמֵר: מֵהַ חֲרִישׁ
רְשׁוּת – אֵיךְ קָצִיר רְשׁוּת, יֵצֵא קָצִיר
הָעוֹמֵר שֶׁהֵיא מִצְוָה.

Rabbi Yishmael says that this verse is to be understood as referring to Shabbat and not to the Sabbatical Year, in accordance with the straightforward meaning of the verse. It teaches as follows: **Just as only optional plowing is prohibited on Shabbat, as there is no instance where plowing fulfills a biblical mitzva, so too, only optional reaping is prohibited, to the exclusion of the reaping of the omer^b offering, which is a mitzva,^{HN} and consequently permitted on Shabbat.** Nonetheless, the first opinion cited in the *baraita*, that of Rabbi Akiva, holds that the prohibition against plowing on the eve of the Sabbatical Year is derived from an explicit verse.

אֵלֶּיךָ אָמַר רַב נַחֲמָן בַּר יִצְחָק: כִּי
גַמְלִי הִלְכֵתָא – לְמִישְׁרֵי יְלֻדָּה,
קָרְאִי – לְמִיסַר וְקִינָה.

Rather, Rav Nahman bar Yitzhak said: When we learned this as a *halakha* transmitted to Moses from Sinai, it was to permit plowing in the case of young saplings until Rosh HaShana. In contrast, the verses that were cited come to prohibit plowing in the case of mature and well-rooted trees thirty days before Rosh HaShana of the Sabbatical Year.

וְכִיּוֹן דְּהִלְכֵתָא לְמִישְׁרֵי יְלֻדָּה לָאוּ
מִמִּילָא וְקִינָה אִסְרָה?

The Gemara asks: But since the *halakha* transmitted to Moses from Sinai comes to permit plowing in the case of young saplings until Rosh HaShana, does it not automatically follow that in the case of mature trees, plowing is prohibited before Rosh HaShana? Therefore, not only the allowance, but the prohibition as well was learned by tradition as a *halakha* transmitted to Moses from Sinai, and not from the verses.

אֵלֶּיךָ: הִלְכֵתָא לְרַבִּי יִשְׁמָעֵאל, קָרְאִי
לְרַבִּי עֲקִיבָא.

Rather, the *halakha* transmitted to Moses from Sinai is the basis of the prohibition against plowing on the eve of the Sabbatical Year according to the opinion of Rabbi Yishmael, who interprets the verse as referring to Shabbat, and not to the Sabbatical Year, whereas the verses are the basis of the prohibition according to the opinion of Rabbi Akiva.

וְרַבִּי יוֹחָנָן אָמַר: רַבֵּן גַּמְלִיאֵל וּבֵית
דִּינֵו מְדַאֲרֵי תָא בְּטִיל לָהּ.

The Gemara previously cited Rabbi Yitzhak, who explained how Rabban Gamliel's court nullified the extension to the prohibition against plowing before the Sabbatical Year that had been enacted by Beit Shammai and Beit Hillel. The Gemara now cites another opinion, which holds that Rabban Gamliel's court abolished the prohibition against plowing before the Sabbatical Year entirely. And Rabbi Yohanan said that Rabban Gamliel and his court nullified the restrictions on working the land on the eve of the Sabbatical Year based on a source written in the Torah.^N

NOTES

The reaping of the *omer* offering, which is a mitzva – קָצִיר – the Jerusalem Talmud to be in accordance with the latter opinion as well.
הָעוֹמֵר שֶׁהֵיא מִצְוָה: According to most commentaries, Rabbi Yishmael understands the verse as referring to Shabbat, in accordance with the straightforward interpretation of the verse. The verse teaches that only optional reaping is prohibited on Shabbat, but an act of reaping that constitutes a mitzva is permitted. Harvesting barley for the *omer* offering the night before it is sacrificed is a mitzva, and it is therefore permitted on Shabbat. Others explain that even Rabbi Yishmael interprets the verse as referring to the Sabbatical Year, and the verse indicates that even during the Sabbatical Year, the *omer* may be reaped in the usual manner (Rabbeinu Gershom Meor HaGola; Rabbi Yitzhak ben Malki Tzedek; Rav Natan Av HaYeshiva). Some interpret

the Jerusalem Talmud to be in accordance with the latter opinion as well.

Nullified the restrictions on working the land based on a source in the Torah – מְדַאֲרֵי תָא בְּטִיל לָהּ – The Ritva explicates two different versions of the text in this passage. One version states that Rabban Gamliel and his court nullified the restrictions from the Torah, meaning that based on a source written in the Torah, they derived that it is permitted to work the land prior to the Sabbatical Year. A different version states that Rabban Gamliel and his court nullified the Torah prohibition, meaning that there had been a rabbinic decree to refrain from working the land in accordance with the Torah law that had been applicable during the time of the Temple, and Rabban Gamliel and his court nullified that decree.

BACKGROUND

Omer – עוֹמֵר: This term is used to refer to the measure of barley brought in the Temple on the sixteenth of Nisan, the second day of Passover. The offering was a measure of grain, one-tenth of an *epha*, that was brought irrespective of whether the sixteenth of Nisan was a Shabbat or a weekday. The *omer* consisted of newly ripe barley that was prepared as roasted flour. The barley was harvested on the night following the first day of Passover. A handful of the barley flour was burned on the altar and the rest was eaten by the priests. In addition to this meal-offering, a male sheep was sacrificed as a burnt-offering, together with a wine libation and two-tenths of an ephah of wheat flour as a meal-offering. Once the *omer* was sacrificed, grain from the new harvest could be eaten.

HALAKHA

The reaping of the *omer* offering, which is a mitzva – קָצִיר – הָעוֹמֵר שֶׁהֵיא מִצְוָה: The grain used for the *omer* offering must be reaped at night on the eve of the sixteenth of Nisan, whether it is a weekday or Shabbat. Only if there is no grain that was reaped at that time may one bring the *omer* offering from grain that had been reaped earlier (Rambam *Sefer Avoda, Hilkhot Temidin UMusafin* 7:6–7).

BACKGROUND

Verbal analogy – גזירה שוה: This is a fundamental talmudic principle of biblical exegesis that appears in all standard lists of exegetical principles. If the same word or phrase appears in two places in the Torah and a certain *halakha* is explicitly stated in one of those places, it may be inferred on the basis of the verbal analogy that the same *halakha* must apply in the other case as well. Consequently, the inferences drawn on the basis of verbal analogy rely on verbal, rather than conceptual, similarity. For example, the Torah states concerning those convicted of certain types of sorcery: “They shall be put to death; they shall stone them with stones; their blood shall be upon them” (Leviticus 20:27). Since this verse uses the expression: Their blood shall be upon them, in the context of death by stoning, the Talmud infers by verbal analogy that in all cases where this expression is used, capital punishment is to be inflicted by stoning. Generally, inferences can be drawn through verbal analogy only if the same word or phrase appears in both of the verses being compared, although a verbal analogy may occasionally be drawn even if the words being compared are not identical, provided that their meanings are similar.

NOTES

Can a verbal analogy come and uproot a *halakha* transmitted to Moses from Sinai – אֲתֵיָא גִזְרָה שְׁוֵה עֵקְרָה הַלְכָתָא – It is clear that this verbal analogy is unlike other verbal analogies, which have the force of Torah law. In this case, the Sages developed their own exposition according to the style of verbal analogy. Since a verbal analogy is authoritative only if it was transmitted to Moses from Sinai, the Sages’ exposition does not have the authority to override a known *halakha* based upon a biblical verse or a *halakha* transmitted to Moses from Sinai.

It is similar to the water libation – דְּוִמְיָא דְּנִיסוּךְ הַמַּיִם: The Gemara could have cited the mitzva of the willow branches as a precedent, as it too was applicable only in the Temple, but the water libation was cited instead because there is no vestige of the mitzva today, even by rabbinic decree (Ritva).

A rabbinic decree was enacted with regard to rainwater – גִּזְרָה מִי גֶשְׁמִים – Many explain this decree as an extension of the decree prohibiting irrigating with well water, which is gathered in one place and does not flow. The Sages extended that decree to all water that does not flow (*Tosefot Rid*; Ran; Ritva). Some say that there was one decree prohibiting all forms of rainwater, as well water is also rainwater (*Talmid Rabbeinu Yehiel of Paris*).

Streams that draw water from pools of collected water – נְהָרוֹת שְׁמוֹשְׁכֵי מַיִם מִן הָאֲגָמִים: The commentaries emphasize that this refers not to actual streams but to water channels. *Talmid Rabbeinu Yehiel of Paris* adds that since these channels are shallow, using their water does not require much exertion.

HALAKHA

Streams that draw water from pools – נְהָרוֹת הַמּוֹשְׁכֵי מַיִם – On the intermediate days of a Festival one may irrigate a field from a stream that draws water from a pool, provided that there is no danger that the supply of water will cease. If it will cease, even if there is sufficient water for his field, one may not irrigate from it, due to a rabbinic decree (*Magen Avraham*). Similarly, one may irrigate a field that requires irrigation from a pool that is fed by water dripping from another field, as long as the spring that is the source of the water in the latter field continues to flow (*Shulhan Arukh, Orah Hayyim 537:3*).

מאי טעמא? גמר “שבת” “שבת” משבת בראשית, מה להלן היא אסורה, לפניה ולאחריה – מותרין, אף כאן, היא אסורה, לפניה ולאחריה – מותרין.

מתקיף לה רב אשי: מאן דאמר הלכתא – אתיא גזרה שוה עקרה הלכתא? ומאן דאמר קרא – אתיא גזרה שוה עקרה קרא?!

אלא אמר רב אשי: רבן גמליאל ובית דינו סברי לה ברבי ישמעאל דאמר הלכתא גמירי לה, וכי גמירי הלכתא – בזמן שבית המקדש קיים, דומיא דניסוך המים, אבל בזמן שאין בית המקדש קיים – לא.

“אבל לא ממי הגשמים וממי הקילון.” בשלמא מי קילון – איכא טירחא יתירא, אלא מי גשמים מאי טירחא איכא?

אמר רבי אילעא אמר יוחנן: גזירה מי גשמים אטו מי קילון. רב אשי אמר: מי גשמים גופיהו לידי מי קילון אתו.

וקמיפלגי בדרבי זירא. דאמר רבי זירא אמר רבה בר ירמיה אמר שמואל: נהרות המושכין מים מן האגמים – מותר להשקות מהן בחולו של מועד.

מר אית ליה דרבי זירא, ומר לית ליה דרבי זירא.

What is the reason? He derives it by means of a verbal analogy between the word *Shabbat* stated with regard to the Sabbatical Year in the verse: “But in the seventh year shall be a sabbath of solemn rest for the land” (Leviticus 25:4), and the word *Shabbat* stated with regard to the weekly Shabbat, which commemorates the Shabbat of Creation. Just as there, on Shabbat itself it is prohibited to perform labor, but before and after Shabbat it is permitted, so too here, in the case of the Sabbatical Year, during the Sabbatical Year itself it is prohibited to perform labor, but before and after the Sabbatical Year it is permitted.

Rav Ashi strongly objects to this: If Rabban Gamliel and his court nullified the restrictions based on a verbal analogy, then according to the one who said that the prohibition against plowing thirty days before Rosh HaShana of the Sabbatical Year is a *halakha* that was transmitted to Moses from Sinai, can a verbal analogy⁸ come and uproot a *halakha* that was transmitted to Moses from Sinai?⁹ And similarly, according to the one who said that the prohibition against plowing is derived from a verse, can a verbal analogy come and uproot a verse?

Rather, Rav Ashi said: Rabban Gamliel and his court held in accordance with the opinion of Rabbi Yishmael, who said that they learned this prohibition as a *halakha* transmitted to Moses from Sinai. But they learned this *halakha* only with regard to the time period when the Temple is standing. This is evidenced by the fact that it is similar to the other *halakha* stated along with it, that of the water libation,¹⁰ which was part of the service in the Temple. But when the Temple is not standing this *halakha* does not apply, and therefore Rabban Gamliel and his court nullified the prohibition after the destruction of the Temple.

It was taught in the mishna: However, one may not irrigate a field on the intermediate days of a Festival with rainwater collected in a cistern or with water drawn with a shadoof. The Gemara asks: Granted, irrigating a field with water drawn with a shadoof involves excessive effort, and so it is prohibited on the intermediate days of a Festival. But what excessive effort is involved in irrigating a field with rainwater? Rainwater collects on its own and one merely has to channel it to where it is needed.

Rabbi Ile’a said that Rabbi Yohanan said: A rabbinic decree was enacted with regard to rainwater¹¹ due to its similarity to water drawn with a shadoof. Rav Ashi said: Rainwater itself will come to be like water drawn with a shadoof. Once the level of the collected rainwater drops, it will become necessary to draw it with a bucket, a procedure involving excessive effort.

The Gemara comments: Rabbi Ile’a and Rav Ashi disagree with regard to the ruling issued by Rabbi Zeira, as Rabbi Zeira said that Rabba bar Yirmeya said that Shmuel said: With regard to streams that draw water from pools of collected water,¹² one is permitted to irrigate his field from them on the intermediate days of a Festival,¹³ because the flow of water is steady.

One Sage, Rav Ashi, is of the opinion that the ruling is in accordance with the opinion of Rabbi Zeira, as he prohibits only irrigating with rainwater, because the supply might come to an end, but he does not prohibit watering from a source whose flow is steady. And one Sage, Rabbi Yohanan, is not of the opinion that the ruling is in accordance with the opinion of Rabbi Zeira, as he prohibits irrigating with rainwater due to its similarity to water drawn with a shadoof. This applies regardless of whether the level of the rainwater will drop, and therefore Rabbi Yohanan would prohibit using collected water even if a stream flows through it and it will not dry up.

Yirmeya, my son – ירמיה ברי: Most commentaries explain that this is an expression of affection (see Rabbi Shlomo ben HaYatom). The Ritva explains that the word *beri* does not mean my son, but clearly, or certainly.

Like water that does not stop flowing – דל לא פסקי: Opinions differ as to whether water was so abundant that there was no concern that there would not be enough to water the field (*Talmid Rabbeinu Yehiel of Paris*) or whether the water still flowed continuously because it was fed from a spring (*Maggid Mishne*). The opinions of the halakhic authorities are similarly divided (see *Beit Yosef*).

Temporary pools [*pesikot*] – פסיקות: Some commentaries explain that *pesikot* are imperfectly finished channels, whereas *bereikhot* are well-constructed and finished (Rashi manuscript; Rabbeinu Yehonatan). The Meiri suggests that *bereikhot* are structures, while *pesikot* are simply trenches dug in the ground. *Talmid Rabbeinu Yehiel of Paris* maintains that *bereikhot* are rounded, whereas *pesikot* are squared.

HALAKHA

Drawing water – דלית מים: One may not draw water from a channel supplying the lower portion of a garden bed even to irrigate the upper portion of that very same garden bed (*Shulhan Arukh, Oraḥ Hayyim 537:2*).

גופא, אָמַר רַבִּי זֵירָא אָמַר רַבָּה בַּר יִרְמְיָה אָמַר שְׂמוּאֵל: נְהוּרוֹת הַמּוֹשְׁכִין מִיַּם מִן הָאֲגָמִים – מוֹתֵר לְהַשְׁקוֹת מֵהֶן בְּחוּלּוֹ שֶׁל מוֹעֵד.

אִיתִיבִיהּ רַבִּי יִרְמְיָה לְרַבִּי זֵירָא: אֲבָל לֹא מִמֵּי גְשָׁמִים וְלֹא מִמֵּי קִילוּן! אָמַר לִיהּ: יִרְמְיָה בְּרִי, הֲנֵי אֲגָמִים דְּבָבַל – כְּמִיָּא דְלָא פָּסְקִי דָּמוּ.

תְּנִי רַבָּנִן: הַפְּסִיקוֹת וְהַבְּרִיכוֹת שְׁנַתְּמַלְאוּ מִיַּם מְעַרְבַּיּוֹם טוֹב – אָסוּר לְהַשְׁקוֹת מֵהֶן בְּחוּלּוֹ שֶׁל מוֹעֵד, וְאִם הִיתָה אֲמַת הַמַּיִם עוֹבְרַת בֵּינֵיהֶן – מוֹתֵר.

אָמַר רַב פַּפָּא: וְהוּא שְׂרוּבָה שֶׁל אוֹתָהּ שָׁדָה שׁוֹתָה מֵאוֹתָהּ אֲמַת הַמַּיִם. רַב אֲשִׁי אָמַר: אִף עַל פִּי שְׂאִין רַבָּה שֶׁל אוֹתָהּ שָׁדָה שׁוֹתָה, בֵּינֵן דְּקָא מְשַׁכָּא וְאֲתֵיָא – מִימַר אָמַר: אִי לֹא שְׁתֵּיָא לְחַד יוֹמָא – תִּשְׁתֵּי לְתֵרֵי וְתִלְתָּא יוֹמֵי.

תְּנִי רַבָּנִן: בְּרִיכָה שְׁנוֹטְפַת מִיַּם מִשְׁדָּה בֵּית הַשְּׁלַחִין וְזוֹ – מוֹתֵר לְהַשְׁקוֹת מִמֶּנָּה שְׁדָה בֵּית הַשְּׁלַחִין אַחֲרָהּ.

וְהָא עֲבִידָא דְּפַסְקָא! אָמַר רַבִּי יִרְמְיָה: וְעַדִּין הִיא מִטְפֹּטֶפֶת. אָמַר אַבְיִי: וְהוּא שֶׁלֹּא פָּסַק מִעֵינֵי רֵאשׁוֹן.

תֵּנִיא, רַבִּי שְׁמַעוֹן בֶּן מְנַסְיָא אוֹמַר: שְׁתֵּי עֵרוּגוֹת זֹו לְמַעְלָה מִזֹּו – לֹא יִדְלָה מִן הַתַּחְתּוֹנָה וְיִשְׁקָה אֶת הָעֲלִיוֹנָה. יוֹתֵר עַל כֵּן אָמַר רַבִּי אֶלְעָזָר בַּר שְׁמַעוֹן: אֲפִילוּ עֵרוּגָה אַחַת, חֲצִיָּה נְמוּךְ וְחֲצִיָּה גְבוּהָ – לֹא יִדְלָה מִמֶּקוֹם נְמוּךְ וְיִשְׁקָה לְמֶקוֹם גְבוּהָ.

After mentioning the statement of Rabbi Zeira in the course of the previous discussion, the Gemara examines the matter itself. **Rabbi Zeira said that Rabba bar Yirmeya said that Shmuel said:** With regard to streams that draw water from pools of water, one is permitted to irrigate his field from them on the intermediate days of a Festival.

Rabbi Yirmeya raised an objection to Rabbi Zeira from what is taught in the mishna: **However, one may not irrigate a field on the intermediate days of a Festival with rainwater collected in cisterns or with water drawn with a shadoof.** This indicates that whenever there is a concern that the water might run out, it is prohibited to irrigate from this water source. Consequently, Rabbi Yirmeya wanted to know why this concern did not exist in the case of the pools of water as well. Rabbi Zeira said to him: **Yirmeya, my son,^N these pools in Babylonia are like water that does not stop flowing.^N** Therefore, there is no concern that the water level in these pools might go down to such an extent that it will become necessary to draw the water with buckets.

The Sages taught in a baraita: With regard to temporary pools^N and regular pools that were filled with water on the eve of a Festival, it is prohibited for one to irrigate his field from them on the intermediate days of the Festival, lest they run out of water and he will come to exert himself and bring water from elsewhere. **But if a water channel passes between them so that water flows from the one to the other, it is permitted.**

Rav Pappa said: **And this allowance applies only when the majority of that field can be irrigated from that water channel,** such that most of the field can be irrigated at the same time. In this case, there is no concern that when the water runs out, he will come to exert himself and irrigate the rest of the field from another source of water. **Rav Ashi said:** It applies even though the majority of that field cannot be irrigated from that water channel at the same time. **Since the channel continuously draws water,** constantly replenishing its supply, even if it does so at a slow rate, one will say to himself that even if the entire field cannot be irrigated from that water channel on a single day, it can be irrigated from it over the course of two or three days. Accordingly, he will not find it necessary to exert himself to quickly irrigate that portion of the field that did not already receive its water.

The Sages taught in a baraita: With regard to a pool that receives drips of water from this field that requires irrigation, which itself receives water from a spring, one is permitted to irrigate from this pool another field situated below it that requires irrigation.

The Gemara asks: **But isn't the pool likely to stop flowing,** which will force him to exert himself and draw water from somewhere else? **Rabbi Yirmeya said:** The case is where the upper field is still trickling water into the pool and does not stop. **Abaye said:** **And this allowance applies only when the water from the first spring that irrigates the upper field has not stopped flowing.** Only in that case can one rely on the water trickling from the upper field and consequently irrigating the lower field from the pool.

It is taught in a baraita that Rabbi Shimon ben Menasya says: With regard to two garden beds located one above the other, one may not draw water from the channel supplying the lower garden bed in order to irrigate the upper garden bed, due to the excessive exertion involved. **Furthermore, Rabbi Elazar bar Shimon said:** Even in the case of a single garden bed, half of which is lower and half of which is higher, one may not draw water¹ from the channel supplying the lower area to irrigate the upper area, even though they are two parts of the same garden bed.

Circular ditches around the bases of grapevines – עוגיות – לְגַפְנִים: One may not dig circular ditches around the bases of grapevines and olive trees during the intermediate days of a Festival. It is permitted to repair old ditches if they are still somewhat recognizable (*Mishna Berura*). However, one may not render them deeper than they had been originally (*Shulḥan Arukh, Orah Hayyim 537:5*, and in the comment of Rema).

NOTES

What are ugiyyot – מאי עוגיות – There are two explanations of the source of the term *ugiyyot*. Rashi explains that it comes from the word *uga*, circle. Others connect the term to the word *igun*, waiting, as in the verse “Would you, for them, refrain [*te’agenā*] from having husbands?” (*Ruth 1:13*). This is because water collects and stands still alongside the vines.

New and old – חֲדָתִי וְעֵתִיקִי – According to most commentaries, the reason why it is prohibited to dig new ditches is that digging new ditches involves excessive effort, whereas restoring old ditches does not. It has also been suggested that digging new ditches is prohibited because the walls of the ditches may collapse (*Peirush*). Some understand the passage in the opposite manner and explain that digging new ditches is permitted, whereas restoring old ones is prohibited. The reason for this is that new ditches are dug around young vines, and if they are not dug, the vines may become ruined and cause a significant loss (*ge’onim*). Alternatively, old ditches could certainly have been strengthened prior to the Festival.

Because he prepares the channel’s banks – מִפְּנֵי שְׂמֻכְשִׁיר אֲגַפְיָהּ – The commentaries disagree about the substance of this prohibition and the reason why it is prohibited. According to Rashi, the earth that is removed from the channel is soft and fit for planting. On the other hand, in the Rambam’s Commentary on the Mishna it says that the earth adjoining the channel becomes moister from the water in the channel and is therefore better fit for planting. Rashi and Rabbeinu Ḥananel explain that the reason for the prohibition is that although the individual digging the water channel does not intend to make the ground suitable for planting, the fact that he accomplishes this task classifies his activity as prohibited agricultural labor. Conversely, the Ran and the Ritva maintain that although there is no real agricultural labor being done here, it appears as if he is doing so. *Tosafot* cite both explanations.

What is the difference between them – מֵאֵי בִּינְיָהוּ – Rabbi Shlomo ben HaYatom explains that the question is based upon the fact that both sides agree that the prohibition is due to the impression the activity will leave on others. A difference between the two sides that is not mentioned here is cited in the Jerusalem Talmud, and that is a case where he digs for construction purposes rather than for irrigation.

LANGUAGE

Bedidin – בְּדִידִין – The *ge’onim* explain that the term *badid* refers to a kind of hoe, but the term is also applied to the ditches that are dug with that tool.

“וְאִין עוֹשִׂין עוּגִיּוֹת לְגַפְנִים.” מֵאֵי עוּגִיּוֹת? אָמַר רַב יְהוּדָה: בְּנִכְי תִּנְיָא נְמִי הָבִי: אִלוּ הֵן עוּגִיּוֹת – בְּדִידִין שְׂבִיעִיקְרִי וְיִתִּים וְשְׂבִיעִיקְרִי גַּפְנִים.

It was taught in the mishna: **And one may not construct circular ditches [ugiyyot] around the bases of grapevines^H on the intermediate days of a Festival.** The Gemara asks: **What are ugiyyot?**^N Rav Yehuda said: They are what are called in Aramaic *binkei*, circular ditches around vines. The Gemara notes that **this is also taught in a baraita: These are ugiyyot: Bedidin,^L circular ditches around the bases of olive trees and around the bases of grapevines.**

אֵינִי? וְהָא רַב יְהוּדָה שָׂרָא לְבַנְי בְּרִ צִיתָאֵי לְמַעְבַּד בְּנִכְי לְכַרְמֵיהוֹן! לֹא קִשְׂיָא, הָא – בְּחֲדָתֵי, הָא – בְּעֵתִיקִי.

The Gemara asks: **Is that so?** Is it prohibited to dig circular ditches on the intermediate days of the Festival? **Didn’t Rav Yehuda permit the family of bar Tzitai to construct circular ditches for their vineyards on the intermediate days of a Festival?** The Gemara answers: This is **not difficult.** This source, i.e., the mishna that renders the practice prohibited, is referring to digging **new ditches.** That other source, i.e., Rav Yehuda’s ruling that permits the digging of such ditches, is referring to **old ones,^N which merely need to be cleared.**

“רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה אָמַר אִין עוֹשִׂין אֶת הָאֵמָה.” בְּשִׁלְמָא מוּעַד – מִשּׁוּם דְּקָא טְרַח. אֶלָּא שְׂבִיעִיָּת – מֵאֵי טַעְמָא?

It was taught in the next clause of the mishna that **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.** The Gemara asks: **Granted, it is prohibited for him to do so on the intermediate days of a Festival, because in so doing he excessively exerts himself on the Festival. But what is the reason that this is prohibited during the Sabbatical Year, when only labors that enhance the growth of plants are prohibited?**

פְּלִגּוּ בְּה רַבִּי זִירָא וְרַבִּי אֶבְיָא בְּרַם מְמַל. חֲדָ אָמַר: מִפְּנֵי שְׂנַרְאָה בְּעוֹדֵר, וְחֲדָ אָמַר: מִפְּנֵי שְׂמֻכְשִׁיר אֲגַפְיָהּ לְזִרְיָעָה.

The Gemara answers: **Rabbi Zeira and Rabbi Abba bar Memel disagreed with regard to this issue. One of them said:** It is prohibited because it appears to others as if he were hoeing his field. As onlookers do not know that he is merely digging a water channel, they suspect him of working his land during the Sabbatical Year. **And the other one said:** It is prohibited because he thereby prepares the channel’s banks^N for planting, for when he digs out the channel, he piles the fresh soil that is fit for planting on its two banks.

מֵאֵי בִּינְיָהוּ? אֵיבָא בִּינְיָהוּ דְּקָא אָתוּ מֵאֵי בְּתֵרִיהּ. מֵאֵן דְּאָמַר מִפְּנֵי שְׂמֻכְשִׁיר אֲגַפְיָהּ לְזִרְיָעָה – אֵיבָא, וּמֵאֵן דְּאָמַר מִפְּנֵי שְׂנַרְאָה בְּעוֹדֵר – לֵיבָא.

The Gemara asks: **What is the practical halakhic difference between them?**^N The Gemara answers: **There is a practical halakhic difference between them** in a case where **water comes into the channel immediately after he digs it out.** According to the one who said that digging a water channel is prohibited because he thereby prepares its banks for planting, there is still a prohibition, as here too, he piles the fresh soil on the channel’s banks. **But according to the one who said it is prohibited because it appears as if he were hoeing, there is no prohibition here, as the immediate entry of water makes it obvious that he is digging a water channel.**

וְלִמָּאן דְּאָמַר מִפְּנֵי שְׂנַרְאָה בְּעוֹדֵר – לִיחוּשׁ מִפְּנֵי שְׂמֻכְשִׁיר אֲגַפְיָהּ לְזִרְיָעָה! אֶלָּא: אֵיבָא בִּינְיָהוּ דְּקָא שְׂקִיל מִינְיָהּ וְשָׂדֵי לְבָרָאֵי. לִמָּאן דְּאָמַר מִפְּנֵי שְׂמֻכְשִׁיר אֲגַפְיָהּ לְזִרְיָעָה – לֵיבָא, לִמָּאן דְּאָמַר מִפְּנֵי שְׂנַרְאָה בְּעוֹדֵר – אֵיבָא.

The Gemara asks: **But according to the one who said that digging a water channel is prohibited because it appears as if he were hoeing, let him be concerned that the digger thereby prepares the channel’s banks for planting and render digging prohibited in this case as well. Rather, the matter must be explained differently, such that there is a practical difference between them** in a case where he takes the earth that he excavates from the channel and throws it a considerable distance outside. **According to the one who said that it is prohibited because he thereby prepares the channel’s banks for planting, there is no prohibition here, as he does not prepare them for planting. But according to the one who said it is prohibited because it appears as if he were hoeing, there is a prohibition here, as here too, it appears as if he were hoeing.**

וְלִמָּאן דְּאָמַר מִפְּנֵי שְׂמֻכְשִׁיר אֲגַפְיָהּ לְזִרְיָעָה, לִיחוּשׁ מִפְּנֵי שְׂנַרְאָה בְּעוֹדֵר? עוֹדֵר נְמִי, בִּי קָא שְׂקִיל – בְּדוּכְתֵיהּ מִנְחָ לִיָּהּ.

The Gemara asks: **But according to the one who said that digging a water channel is prohibited because he thereby prepares its banks for planting, let him be concerned that the digger appears as if he were hoeing.** The Gemara answers that this is not a concern, because it is also true of one who hoes that when he takes up a clump of earth, he puts it down again in its place. Consequently, since one throws the dug-up earth far away, it is immediately apparent that he is not engaged in hoeing but is rather digging a water channel.

Storing manure during the Sabbatical Year – **הַטְּמֵנֶת יָבֵל** – **בְּשָׂבִיעֵית**: One may gather and bury his manure during the Sabbatical Year in order to use it the following year, in accordance with the opinion of the first *tanna* of the mishna cited here (Rambam *Sefer Zera'im, Hilkhot Shemitta VeYovel* 2:2).

Fixing a water channel on the intermediate days of a Festival – **תִּיקֹן אֶפֶת מַיִם בְּמוֹעֵד** – It is permitted to fix a blocked water channel on the intermediate days of a Festival. If it is one handbreadth deep, one may deepen it up to six handbreadths; if it is two handbreadths deep, he may deepen it to seven handbreadths, as one may be lenient with regard to matters of rabbinic law that are left unresolved in the Gemara. However, some are strict in this matter (*Nimmukei Yosef*). The *Magen Avraham* writes that if the channel is three handbreadths deep, it may not be deepened to eight handbreadths (*Shulhan Arukh, Oraḥ Hayyim* 537:6).

NOTES

He may continue to add to it – **מוֹסִיף עָלָיו וְהוֹלֵךְ** – It is explained in the Jerusalem Talmud that although outsiders will not know that there was a small amount of manure in the heap from before the Sabbatical Year, this is of no consequence, as one must be concerned only about the suspicions of the local population.

Half a handbreadth to a depth of three handbreadths – **חֲצִי טֶפַח עַל שְׁלֹשָׁה טְפָחִים**: Rabbi Shlomo ben HaYatom presents an entirely different understanding of this passage, and claims that these dimensions refer to the width and the depth of the channel. A small channel that is half a handbreadth wide and three handbreadths deep is not useful, whereas restoring a large channel that was two handbreadths wide and twelve handbreadths deep involves excessive effort. The *Sefat Emet* explains that if the channel was originally only half a handbreadth deep, it is not regarded as a proper channel that is being deepened, but as a channel that is being dug out for the first time.

Since there is an extra handbreadth, it involves greater effort – **כִּיּוֹן דְּאִיכָא טֶפַח יִתְרָא אִיכָא טִירְחָא טָמִי** – Rabbeinu Gershom Meor HaGola explains that the extra effort consists of the very activity of deepening of the channel, since it already has the necessary depth of six handbreadths, and further deepening is unnecessary. Others suggest that the extra effort involved refer to the need to reach lower down in order to remove the dirt from the bottom of the channel (Rabbeinu Yehonatan; Ran).

BACKGROUND

Handbreadth – **טֶפַח**: A handbreadth is one of the standard measures of length used in the Talmud. It is the width of a clenched fist. One handbreadth is equal to four fingerbreadths, equivalent to five times the width of the middle finger, or six times the width of the little finger. According to the measurements of Rabbi Hayyim Na'e, a handbreadth is 8 cm long. According to the measurements of the *Hazon Ish*, a handbreadth is 9.6 cm long.

אֲמַיִמַר מִתַּי לָהּ מִפְּנֵי שְׁנֵי רֵאָה כְּעוֹדֵר, וְקִשְׂיָא לִיה דְּרַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה אֲדַרְבֵּי אֶלְעָזָר בֶּן עֲזַרְיָה: וְיָמֵי אָמַר רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה כָּל שְׁנֵי רֵאָה כְּעוֹדֵר אָסוּר?

וְרַמְיָנָה: עוֹשֶׂה אָדָם אֶת זְבִלוֹ אוֹצֵר. רַבִּי מֵאִיר אוֹסֵר עַד שְׁיַעֲמִיק שְׁלֹשָׁה טְפָחִים, אוֹ עַד שְׁיִגְבִּיהַ שְׁלֹשָׁה טְפָחִים. הֲיֵיה לֹ דָבָר מוֹעֵט – מוֹסִיף עָלָיו וְהוֹלֵךְ.

רַבִּי אֶלְעָזָר בֶּן עֲזַרְיָה אוֹסֵר עַד שְׁיַעֲמִיק שְׁלֹשָׁה, אוֹ עַד שְׁיִגְבִּיהַ שְׁלֹשָׁה, אוֹ עַד שְׁיִתֵּן עַל הַסֶּלַע.

רַבִּי זֵירָא וְרַבִּי אַבָּא בַר מַמְלָה חָד אָמַר: בְּגוֹן שְׁהַעֲמִיק, וְחָד אָמַר: זִבְלוֹ מוֹכִיחַ עָלָיו.

”וּמִתְקַנֵּין אֶת הַמְּקוּלְקֵלֶת בְּמוֹעֵד.” מֵאִי מְקוּלְקֵלֶת? אָמַר רַבִּי אַבָּא: שְׂאֵם הֵיחָה עֲמוּקָה טֶפַח – מַעֲמִידָה עַל שְׂשָׂה טְפָחִים.

פְּשִׁיטָא, חֲצִי טֶפַח עַל שְׁלֹשָׁה טְפָחִים, כִּיּוֹן דְּלֹא עֲבַר מִיָּא – לֹא כְּלוּם הוּא. טְפָחִים עַל שְׁנַיִם עָשָׂר, דְּקָא טִירְחָא יִתְרָא – לֹא.

טְפָחִים עַל שְׁבַע מַהוּ? הֲכָא חֲמִשָּׁה קָא מַעֲמִיק וְהֲכָא חֲמִשָּׁה קָא מַעֲמִיק, אוֹ דְלִמָּא, כִּיּוֹן דְּאִיכָא טֶפַח יִתְרָא – אִיכָא טִירְחָא טָמִי? תִּיקוּ.

Ameimar would teach this mishna as stating explicitly that Rabbi Elazar ben Azarya says that one may not dig a new water channel during the Sabbatical Year because it appears as if he were hoeing his field, and he therefore found a difficulty between this statement of Rabbi Elazar ben Azarya and another statement of Rabbi Elazar ben Azarya. The difficulty is as follows: Did Rabbi Elazar ben Azarya actually say that any action that causes him to appear as if he were hoeing is prohibited?

One may raise a contradiction to this assertion from a mishna (*Shevi'it* 3:3) that states: A person may pile his manure in his field during the Sabbatical Year so that it becomes a storage heap,^h and there is no cause for concern that it may appear as if he were fertilizing his field. Rabbi Meir prohibits this unless he deepens the storage area for the manure three handbreadths below the ground or raises it three handbreadths above the surface of the ground, so that it does not appear as if he were fertilizing his field. If he already had a small amount of manure in that heap from before the Sabbatical Year, he may continue to add to it,ⁿ and there is no need for concern.

Rabbi Elazar ben Azarya prohibits piling his manure in his field unless he deepens the storage area for the manure three handbreadths below the surface of the ground, or he raises it three handbreadths above the surface, or he places it on a rock. In any event, it seems that according to Rabbi Elazar ben Azarya, it is permitted for him to dig a hole in the ground in order to deposit his manure there, even though he might appear to be hoeing the ground.

Rabbi Zeira and Rabbi Abba bar Memel both offered resolutions to this difficulty: One of them said: The case in this second mishna is one where he had already deepened the three-handbreadth pit during the sixth year. And the other one said: His pile of manure is proof that he intends merely to bury the manure and not to hoe the field.

It was taught in the mishna that the Rabbis say: One may repair a damaged water channel during the intermediate days of a Festival. What is meant by a damaged water channel? Rabbi Abba said that if it was now a handbreadth⁸ deep because it had become filled with sediment, he may dredge it out until he sets it at its original depth of six handbreadths.^h

Based on this ruling, the Gemara clarifies several practical issues: It is obvious that if the channel is half a handbreadth deep and he wants to restore it to a depth of three handbreadths,ⁿ since water does not flow through a three-handbreadth-deep channel in sufficient quantity, it is nothing at all and it is certainly prohibited to exert oneself with work that provides insignificant benefit. So too, if the channel is two handbreadths deep and he wants to deepen it to twelve handbreadths, even though he preserves the same ratio as in Rabbi Abba's case, since it involves excessive exertion, no, this is also not permitted.

However, in a case where the channel is two handbreadths deep and he wants to deepen it to seven handbreadths, what is the halakha? The Gemara explains the two sides of the question of whether this can be compared to the case in the mishna: Here, in the case of dredging a one-handbreadth-deep channel to restore its depth of six handbreadths, he deepens the channel by five handbreadths, and similarly here, in the case of deepening the channel from two to seven handbreadths, he likewise wants to deepen it by five handbreadths, and therefore it should be permitted. Or perhaps, since there is an extra handbreadth of depth, then bending over to dig that additional handbreadth involves greater effort,ⁿ which is unnecessary, and so possibly it should be prohibited. The Gemara states that the dilemma shall stand unresolved.

אבני שרא לבני בר המדוך לשחופי נהרא. רבי ירמיה שרא להו לבני סכותא למיכרא נהרא טמימא. רב אשי שרא להו לבני מתא מחסא לאקדוחי נהר בורניץ. אמר: כין דשתו מיניה רבים – כרבים דמי, ותנן: עושין כל צורכי רבים.

It was related that **Abaye permitted the people of Bar Hamdakh to remove^N the branches of the trees from the river on the intermediate days of a Festival. Rabbi Yirmeya permitted the people of Sekhavta to dredge out a river that had become blocked. Rav Ashi permitted his townsmen, the people of Mata Meḥasya,⁸ to clean out the nearby Burnitz River.^N He said: Since the public drinks from it, it is considered like a public need, and we learned in the mishna that one may tend to all other public needs on the intermediate days of a Festival.^H**

וּמְתַקְנִין אֶת **S** It was taught in the mishna: During the intermediate days of a Festival **one may repair**

BACKGROUND

Mata Meḥasya – מְתָא מְחָסְיָא: A small town near Sura, Mata Meḥasya was the home of Rav Ashi, and the Talmud was edited there. In later times, Sura and Mata Meḥasya apparently merged, becoming a single town.

HALAKHA

Fixing rivers – תיקון נהרות: It is permitted to redirect a river on the intermediate days of a Festival as well as to clean out a river that had become blocked, as these tasks represent communal needs (Rambam *Sefer Zemanim, Hilkhot Yom Tov* 8:4).

NOTES

To remove – לשחופי: Some explain that this refers to cleaning the dirt and the rocks at the bottom of the river (Rashi manuscript). Others explain that this refers to cutting the roots or the branches of the trees that grew in the river (Rabbi Shlomo ben HaYatom).

to clearing out the sediment in the river in order to enhance its flow. Others say that it means widening the opening of the spring or the bed of the river (Rashi manuscript; Rabbeinu Yehonatan). The Ra'avad and Meiri explain that it means redirecting the river so that it flows closer to the town. The Rambam seems to accept this interpretation as well, and he also includes digging new wells in this category.

To clean out the Burnitz River – לאקדוחי נהר בורניץ: This expression is explained in various ways. Rashi explains that it is referring

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קילקולי המים שברשות הרבים, וכו'. חטטה – אין, חפירה – לא.

damaged water cisterns in the public domain and clean them out by removing the dirt and sediment that has accumulated in them. The Gemara infers: Cleaning^N out the cisterns of dirt and sediment during the intermediate days of a Festival is indeed permitted, but digging a new cistern is not permitted.

אמר רבי יעקב אמר רבי יוחנן: לא שנו אלא שאין רבים צריכין להם, אבל רבים צריכין להם – אפילו חפירה מותר.

Rabbi Ya'akov said that Rabbi Yoḥanan said: They taught that it is prohibited to dig new cisterns only when the public does not need them; but if the public needs them,^N even digging new cisterns is permitted.

וכי רבים צריכין להם מי שרי? והתנא: חוטטין בורות שיחין ומערות של יחיד, ואין צריך לומר של רבים, ואין חופרין בורות שיחין ומערות של רבים, ואין צריך לומר של יחיד. מאי לאו – בשורבים צריכין להם?

The Gemara asks: And when the public needs them, is digging really permitted? But isn't it taught in a baraita: One may clean out cisterns, ditches, and caves of an individual during the intermediate days of a Festival, and, needless to say, one may clean out those of the public. But one may not dig new cisterns, ditches, or caves of the public during the intermediate days of a Festival, and, needless to say, one may not dig those of an individual. What, is it not so that this baraita is referring to a case where the public needs them, but nevertheless digging new cisterns, ditches, and caves is prohibited?

לא, בשאין רבים צריכין להם.

The Gemara rejects this opinion: No, this baraita is referring to a case where the public does not need them.

NOTES

Cleaning – חטטה: According to Rashi and most commentaries, this refers to removing rocks and dirt that fell into cisterns in order to create room for more water. Rabbi Shlomo ben HaYatom explains that it refers to removing dirt and sand in order to clean the water in the cistern.

The public needs them – רבים צריכין להם: Opinions differ as to how to define public need. The Ritva cites Rashi as explaining that this refers to a case where there is no drinking water at all. Some question this explanation, however, as in that instance even an individual would be permitted to do whatever necessary, as it would be a matter of life and death. The Ritva cites *Tosafot* as explaining that the water is not needed immediately but it will be needed after the Festival. The Ritva provides another explanation, citing the Ramban, that there is enough water for the public but they would like to have easier access to it by digging a well that is closer to where they are located.