The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Wed, Sept 11, 2024 ■ ח' אלול, תשפ"ד
סימן תקל"ז סעיף ז'-י"ג

Overview

Siman 537 Seif 7:

It is permitted to direct water from one tree to another provided that one does not water the entire field. If the field was moist, it is permitted to water the entire field.

- Once there are furrows beneath each tree there is not much exertion to direct the water from one tree to another. (M.B. 26)
- Refraining from watering the field will not have a negative impact and thus the exertion is not permitted to improve its quality. (M.B. 27)

Siman 537 Seif 8:

It is prohibited to open a spot near the field so that water should enter and water the field. If one does so to capture fish to eat during *chol hamoed*, for example, one opens above a place for water to enter and a place below for the water to exit, it is permitted.

- Bais Meir contends that if one intends to save the fish for after the *moed* it is prohibited but if one intends to eat them, even some of them, it is permitted. Gra adopts a more stringent approach when one traps more fish than will be used. (M.B. 30)

Siman 537 Seif 9:

It is prohibited to level a field for the needs of plowing. If it is evident that he intends to thresh for the *moed*, e.g., he levels the entire field, it is permitted.

- Other Rishonim maintain the opposite and thus one should be stringent. (M.B. 33)

Siman 537 Seif 10:

It is prohibited to gather branches from a field for the needs of plowing but if it is evident that he needs the wood, for example, he takes the large branches and leaves behind the small branches, it is permitted.

Siman 537 Seif 11:

It is prohibited to trim a tree to improve it but if it is evident that he wants the branches to feed his animal rather than improve the tree, for example, he cuts branches from one side, it is permitted.

- In all of these cases he must have intent for a permitted activity and it must be evident from his activity that he has that permitted intent in mind. (M.B. 34)

Siman 537 Seif 12:

One may not remove worms from trees or muck (attach manure so that the tree should not die) **saplings but it is permitted to rub oil on the trees and fruit.**

- This involves a considerable amount of exertion. (M.B. 35)
- Rubbing oil does not involve great amounts of exertion. (M.B. 37)

Halacha Highlight

Washing one's hands over grass

Shulchan Aruch Siman 537 Seif 8

ואם עושה כדי לצוד דגים

If one does so to catch fish

Shulchan Aruch (סעי' ח') states that it is prohibited to open a place near one's field so that the water should enter and water the field. However, if one's intent is to catch fish to eat during the *moed*, it is permitted. For example, if one opens up a place above for the water to enter and a place below for the water to exit. Mishnah Berurah (ס"ק ל"ב) explains that at the bottom he digs a small ditch which will catch the fish and the water will run over it and out of the field. Furthermore, even though the field will fill with water it is permitted since his intent is to catch the fish rather than water his field. Even though on Shabbos and Yom Tov one may not perform an action that will inevitably result in a *melacha*, on *chol hamoed* Chazal did not prohibit activities that inevitably will result in a *melacha*. A similar principle was mentioned above (סי' תקל"ו סק"ה) where we are taught that it is permitted to comb an animal's hair even though inevitably the comb will pull out some of the hair.

Poskim discuss the extent of this leniency. For example, if someone will wash his hands before a meal and could wash them over the grass where he will be eating or he could move to another location to wash so that the water will not land on the grass, is he obligated to avoid pouring water on the grass? Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פס"ו הע' קפ"א) expresses uncertainty about the matter. Teshuvas Be'er Moshe (ח"ז סי' ק"נ) contends that it is permitted since Chazal did not prohibit activities that inevitably result in a *melacha*. Rav Nissim Karelitz (חוט שני חול המועד עמ' קע"ז סק"ב) rules that it is permitted only if his actions indicate that he intends the permitted activity rather than the prohibited one. For example, if one's sukkah is adjacent to his garden and he walks out of the *sukkah* to wash his hands. Rav Yosef Shalom Elyashiv (ספר הזכרון מבקשי תורה חול שמועד עמ' תע"א) maintains that one should refrain from pouring water onto grass since it will generate growth of the grass.

Siman 537 Seif 13:

Moles and mice that are damaging a field may be trapped in the normal manner by digging a hole and suspending there a trap. It is even permitted in a grain field that is adjacent to an orchard since they will go from the grain field to the orchard. If they are not adjacent one must employ a change by inserting a spit in the ground and moving it back and forth until a hole forms and then suspend in it a trap. Some maintain that that when a grain field is adjacent to an orchard one must employ a change and if they are not adjacent it is prohibited even with a change.

- They will not cause considerable damage to a grain field. (M.B. 39)