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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

MISHNAH: If a man digs a pit in a private domain and opens it to the public domain, or if he digs it in a public domain and opens it to a private domain, or again, if he digs it in a private domain and opens it to the private domain of another, he becomes liable [for any damage that may result]. (49b3 – 49b4)

Our Rabbis taught in a Baraisa: If a man digs a pit in a private domain and opens it to the public domain, he becomes liable, and this is the pit of which the Torah speaks; these are the words of Rabbi Yishmael. Rabbi Akiva, however, says: When a man abandons his premises without, however, abandoning his pit, this is the pit of which the Torah speaks.

Rabbah thereupon said: In the case of a pit in a public domain there is no difference of opinion that there should be liability. What is the reason? — Scripture says: If a man shall uncover or if a man shall dig. Now, if for mere uncovering there is liability, should there not be so all the more in the case of digging? [Why then mention digging at all?] Scripture must therefore mean to imply that it is on account of the act of uncovering and on account of the act of digging that the liability is at all brought upon him. A difference arises only in regard to a pit on his own premises. Rabbi Akiva maintains that a pit in his own premises should also involve liability, since it says: The owner of the pit, which shows that the Merciful One is speaking of a pit which has an owner; Rabbi Yishmael, however, maintains that this simply refers to the master of the obstacle. - But what then did Rabbi Akiva mean by saying, ‘[When a man abandons his premises without,

however, abandoning his pit] — this is the pit stated in the Torah? — [He meant that] this is the pit with reference to which Scripture first began to lay down the rules for compensation [in the case of pit].

Rav Yosef said: in the case of a pit in a private domain, there is no difference of opinion that there should be liability. What is the reason? The Merciful One says: the owner of the pit, to show that it is a pit having an owner with which we are dealing. They differ only in the case of a pit in a public domain. Rabbi Yishmael maintains that a pit in a public domain should also involve liability, since it says, ‘If a man uncovers . . . and if a man digs . . .’ Now, if for mere uncovering there is liability, should there not all the more be so in the case of digging? Scripture therefore must mean to imply that it is on account of the act of uncovering and on account of the act of digging that the liability is at all brought upon him. - And Rabbi Akiva? [He might reply that] both terms were required to be explicitly mentioned. For if the Merciful One had said only ‘If a man uncovers’ it might perhaps have been said that it was only in the case of uncovering that covering up would suffice [as a precaution], whereas in the case of digging, covering up would not suffice, unless the pit was also filled up. If [on the other hand] the Merciful One had said only: If a man digs, it might have been said that it was only where he dug it that he ought to cover it, as he actually made the pit, whereas where he merely uncovered it, in which case he did not actually make the pit, it might have been thought that he was not bound even to cover it. Hence it was necessary to tell us [that this was not the case but that the two actions are on a par in all respects]. - But

what then did Rabbi Yishmael mean by saying: [If a man digs a pit in a private domain and opens it to the public domain, he is liable] and this is the pit of which the Torah speaks? — This is the pit with reference to which Scripture opens the rules concerning damage [caused by pit].

An objection was raised [from the following Baraisa]: If a man digs a pit in a public domain and opens it to a private domain there is no liability, in spite of the fact that he has no right to do so, as a cavity must not be made underneath a public domain. But if he digs pits, ditches or caves in a private domain and opens them to the public domain, there would be liability. If, again, a man digs pits in a private domain abutting on a public domain, such as e.g., workmen digging foundations, there would be no liability. Rabbi Yosi the son of Rabbi Yehudah, however, says there is liability unless he makes a partition of ten tefachim in height or unless he keeps the pit away from the place where people walk as well as from the place where animals walk at a distance of at least four tefachim.

- Now this is so only in the case of foundations, but were the digging made not for foundations there would apparently be liability. In accordance with whose view is this? All would be well if we follow Rabbah, since the opening clause would be in accordance with Rabbi Yishmael and the later clause in accordance with Rabbi Akiva. But if we follow Rav Yosef, it is true there would be no difficulty about the concluding clause, which would represent a unanimous view, but what about the prior clause, which would be in accordance neither with Rabbi Yishmael nor with Rabbi Akiva?¹ — Rav Yosef, however, might reply: The whole text represents a unanimous view, for the prior clause deals with a case where the man abandoned neither his premises nor his pit.

¹ For they both according to Rav Yosef maintain liability for pit in a private domain.

Rav Ashi thereupon said: Since according to Rav Yosef, you have explained the text to represent a unanimous view, so also according to Rabbah, you need not interpret it as representing two opposing views of Tannaim. For as the prior clause was in accordance with Rabbi Yishmael, the later clause would also be in accordance with Rabbi Yishmael; and the statement that this ruling holds good only in the case of foundations whereas if the digging is not for foundations there would be liability, refers to an instance where e.g., the digging was widened out into an actual public domain.²

An objection was [again] raised: If a man digs a pit in a private domain and opens it to a public domain, he becomes liable, but if he digs it in a private domain abutting on a public domain, he would not be liable. No difficulty arises if we follow Rabbah, since the entire text is in accordance with Rabbi Yishmael. But if we follow Rav Yosef, no difficulty, it is true, arises in the prior clause, which would be in accordance with Rabbi Yishmael, but what about the concluding clause, which would be in accordance neither with Rabbi Yishmael nor with Rabbi Akiva? — He might reply that it deals with digging for foundations, in regard to which the ruling is unanimous. (49b4 – 50a4)

Our Rabbis taught in a Baraisa: If a man dug [a well] and left it uncovered, but transferred it to the public, he would be exempt,³ whereas if he dug it and left it uncovered without dedicating it to the public, he would be liable. Such also was the custom of Nechunya the digger of wells, ditches and caves; he used to dig wells and leave them uncovered and dedicate them to the public. When this matter became known to the Sages they observed: This man has fulfilled this halachah. - Only this halachah and no more? — Read therefore ‘this halachah also’.

² But if the digging was not widened out into an actual public domain, there would be no difference as to the purpose of the digging, for there would be exemption in all cases.

³ As it became communal property.

Our Rabbis taught in a Baraisa: It happened that the daughter of Nechunya the digger of wells once fell into a deep pit. When people came and informed Rabbi Chanina ben Dosa [about it], during the first hour he said to them, "She is well," during the second he said to them, "She is still well," but in the third hour he said to them, "She has by now come out [of the pit]." They then asked her, "Who brought you up?" — Her answer was: "A ram came to my help with an old man leading it." They then asked Rabbi Chanina ben Dosa, "Are you a prophet?" He said to them, "I am neither a prophet, nor the son of a prophet. I only exclaimed: Shall the thing to which that pious man was distressed about (on account of the public) become a stumbling block to his child?" - Rabbi Acha said: Nevertheless, his son died of thirst, as it is stated: And His surroundings are extremely turbulent, which teaches us that the Holy One, Blessed be He, is particular with those who surround Him, even to the extent of a hairsbreadth. Rabbi Nechunya derived the same lesson from the verse: God is dreaded in the great council of the holy, and is awesome over all who surround Him.

Rabbi Chanina said: If a man says that the Holy One, Blessed be He, is lax in the execution of justice, his life shall be disregarded, for it is stated: He is the Rock, His work is perfect; for all His paths are justice.

Rabbi Chana, or as others read Rabbi Shmuel bar Nachmani, said: What is the meaning of that which is written: *Erech apayim*⁴, and not *erech aph*? [It must mean] He is slow [in showing a jubilant] face to the righteous,⁵ and [He is slow in showing an angry face] to the wicked.⁶ (50a4 – 50b1)

Our Rabbis taught in a Baraisa: A man should not clear stones from his domain into a public domain. A certain

man was clearing stones from his domain to a public domain when a pious man found him doing so and said to him, "Empty one, why do you clearing stones from a domain which is not yours to a domain which is yours?" The man laughed at him. Some days later he had to sell his field, and when he was walking in that public domain, he stumbled over those stones. He then said, "How fittingly did that pious man say to me, "Why do you clearing stones from a domain which is not yours to a domain which is yours?" (50b1)

MISHNAH: If a man digs a pit in a public domain and an ox or a donkey falls into it, he becomes liable. Whether he dug a pit, or a ditch, or a cave, trenches, or wedge-like ditches, he would be liable. If so, why is pit mentioned [in scripture]? [It is to teach that] just as a pit can cause death, being ten tefachim [deep], so also all [other similar obstacles] must be such as can cause death, [i.e.] ten tefachim [deep]. Where, however, they were less than ten tefachim [deep], and an ox or a donkey fell into them and died, there would be exemption. If they were only injured by them, there would be liability. (50b1)

Rav stated: The liability imposed by the Torah in the case of pit is on account of the foul air, but not for the impact of the fall into it. It could hence be inferred that he held that so far as the impact was concerned, it was the ground of the public that caused the damage. Shmuel, however, said: For the foul air, and, certainly on account of the impact. And should you say that it was on account of the impact only that the Torah imposed liability but not for the foul air, (you have to bear in mind that) for the Torah a pit is a pit, even where it is full of wads of wool.

What is the practical difference between them? — There is a practical difference between them where a man made a mound in a public domain: according to Rav there would

⁴ In the plural form.

⁵ By not rewarding them in this world for their good deeds.

⁶ By not punishing them in this world for their wicked deeds.

in the case of a mound be no liability,⁷ whereas according to Shmuel there would in the case of a mound also be liability.

What is the reason of Rav? Because Scripture says: And [an ox or a donkey] shall fall, [implying that there would be no liability] unless where it fell in the usual way of falling. Shmuel [on the other hand maintained that the words]: And it shall fall implies anything [which is like falling (– including a mound)].

We have learned in our Mishnah: If so, why is pit mentioned [in scripture]? [It is to teach that] just as a pit can cause death, being ten tefachim [deep], so also all [other similar obstacles] must be such as can cause death, [i.e.] ten tefachim [deep]. Now, this creates no difficulty if we follow Shmuel, since the phrase ‘so also all’ would imply mounds also. But according to Rav, what does the phrase ‘so also all’ imply? — It was meant to imply trenches and wedge-like ditches. - But are trenches and wedge-like ditches not explicitly stated in the text? — They were [first] mentioned and then the reason for them explained.

What need was there to mention all the things specified in the text? — They all required [to be explicitly stated]. For if only a pit had been explicitly mentioned, I might have said that it was only a pit where in ten tefachim [of depth] there could be [sufficient] foul air [to cause death] on account of its being small and circular, whereas in the case of a ditch, which is long, I might have thought that [even] in ten tefachim of depth there would still not be [sufficient] foul air [to cause death]. If [again] only a ditch had been mentioned explicitly, I might have said that it was only a ditch, where in ten tefachim [of depth], there could be [sufficient] foul air [to cause death] on account of its being small, whereas in a cave, which is square, I

⁷ As no foul air was created and the impact was given by the public domain.

might have thought that [even] in ten tefachim of depth there would still not be [sufficient] foul air [to cause death]. Again, if only a cave had been mentioned explicitly, I might have said that it was only a cave, where in ten tefachim [of depth] there could be [sufficient] foul air [to kill] on account of its being covered, whereas in the case of trenches, which are uncovered, I might have thought that [even] in ten tefachim [of depth] there would still not be [sufficient] foul air [to cause death]. Further, if only trenches had been stated explicitly, I might have said that it was only trenches where in ten tefachim [of depth] there could be [sufficient] foul air [to cause death] on account of their not being wider at the top than at the bottom, whereas in wedge-like ditches, which are wider at the top than at the bottom, I might have said that [even] in ten tefachim [of depth] there would still not be [sufficient] foul air [to cause death]. It was therefore necessary to let us know [that all of them are on a par in this respect].

We have learned in our Mishnah: Where, however, they were less than ten tefachim [deep], and an ox or a donkey fell into them and died, there would be exemption. If they were only injured by them, there would be liability. Now, what could be the reason that where an ox or a donkey fell into them and died there would be exemption? Is it not because the impact was insufficient [to cause death]? — No, it is because there was no foul air there. But if so, why where the animal was merely injured in such a pit should there be liability, seeing that there was no foul air there? — I might reply that there was not foul air there sufficient to kill, but there was foul air there sufficient to injure. (50b1 – 50b4)

DAILY MASHAL

“Something in which a tzaddik is involved will not be a cause of suffering to him.”

As taught in a *Baraisa* on our *daf*, this is how Rabbi Dosa explained how he was certain that Nechunya, the well-digger’s daughter, was not dead from having fallen into a well. After her falling in the pit, her father went to Rabbi Dosa to pray for her welfare. After the first and second hours passed, he told the father that she was still alive. After that, when it would be impossible to survive in the pit any longer, Rabbi Dosa announced that she had been taken out of the pit alive. When asked if he was a prophet, he replied, “I am not a prophet nor am I the son of a prophet, but something which a *tzaddik* is involved in will not be a cause of suffering to him.”

The *Gemara* continues with a statement from Rabbi Abba, “Nevertheless, his (the well-digger’s) son died from thirst.” This was despite the fact that the father dedicated his work to dig wells to provide water for those who came to Jerusalem (Rashi). Rabbi Abba cites another rule that G-d is “extremely exacting in judgment with the righteous”, as taught in various verses. Although we don’t see any change in the righteousness of Rabbi Nechunya the well-digger, his daughter survived the pit and his son did not survive a lack of water, which the pits were dug in order to store. Why the difference? One explanation is that the daughter was in danger from being in a pit, something that her righteous father was involved in making. The son, however, did not die as a result of the pit — his father’s work — but due to a lack of water (Tosefos as explained by the Bach; Rabbi Moshe Newman – Ohr Samayach).

Avrohom and Lot

We are taught that Lot was saved from Sodom where the smoke of the earth arose like the smoke of a lime pit. The *Gemara* tells a story that the daughter of Nechunya

(Nechunya dug cisterns along the roads for rainwater so that there would be abundant water for those who made the pilgrimage to Yerushalayim for Yom Tov) fell into a large cistern. She emerged safely from the pit since that which a Tzadik, Nechunya, occupied himself with, his child won’t stumble upon. The Chasam Sofer applies this idea here as Avraham knew that Lot would be saved since his father Haran honored Hashem by the furnace, thereby making it impossible that his son would suffer from the fire by Sodom. So, Lot was saved in the merit of his father.

Mashal

Our *Gemara* relates a story that took place with the daughter of Nechunya the well-digger. Nechunya would be hired to dig water wells for people, and one day his daughter fell into one of these pits. The towns-people rushed to Rabbi Chanina ben Dosa, and asked to daven for her to be safely pulled out of the pit. The first hour he said “shalom”, the second hour he said “shalom”, the third hour he said “she has emerged safely”. The people asked her, who saved you? She answered, “an elderly man leading a ram”. They people understood this to be Avraham Avinu leading the Ram that was brought in place of Yitzchak by the Akeidah. This perhaps can be used as a parable. The daughter of Nechunya is a reference to Klal Yisroel who have fallen into a deep pit; the tragedies that have befallen us of late. The towns-people went to ask Rabbi Chanina ben Dosa to daven, since Bnei Yisroel’s power is its mouth, it’s prayer. The first two hours he said shalom; in other words, he justified the midas hadin. The third hour he said she has emerged; Klal Yisroel have been redeemed from their galus. The savior was a man leading a ram; in the merit of the Akeidah of Yitzchok and Avraham Avinu.