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Daf Notes is currently being dedicated to the neshamot of

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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

Rabbi Yehoshua ben Levi said: If a person sells a house to another, as soon as he hands over the key to him, the conveyance is complete. What are the circumstances? If money was previously paid, why was the conveyance not completed by the money? If the intention was to complete the transaction through chazakah, why was the conveyance not completed by chazakah? — We suppose that in fact the buyer intended to purchase it through chazakah, and it was still requisite for the seller to say to the buyer, “Go forth, perform an act of chazakah and become the owner,” but as soon as he handed over the key to him, this was equivalent [in the eye of the law] to his saying to him, ‘Go forth, perform an act of chazakah and complete the conveyance.’”

Rish Lakish said in the name of Rabbi Yannai: If a man sells a flock to his fellow, as soon as he has handed over the mashkuchis (that which draws the flock after it) to him, the conveyance is complete. What are the circumstances? If possession by pulling [has already taken place], why was the conveyance not completed by the act of pulling (meshichah)? If delivery [of the flock has already taken place], why was the conveyance not completed by the act of handing over (mesirah)? — We suppose in fact that possession by pulling [has already taken place], and it was still necessary for the seller to say to the buyer, “Go forth, take possession by pulling and become the owner,” but as soon as he handed over the mashkuchis to him, this was equivalent [in the eye of the law] to his saying, “Go forth, take possession by pulling and complete the

conveyance.” What is mashkuchis? — Here they interpreted it: The bell. Rabbi Yaakov, however, said: The goat that leads the flock. So too a certain Galilean in one of his discourses before Rav Chisda expounded that when the Shepherd becomes angry with his flock, He blinds the leading goat.¹ (51b5 – 52a1)

MISHNAH: If the first one covered it and the second one came along and found it open and [nevertheless] did not cover it, the second would be liable. If [an owner of a pit] had covered it properly, and an ox or a donkey [nevertheless] fell into it and was killed, he would be exempt. But if he did not cover it properly, and an ox or a donkey fell into it and was killed, he would be liable. If it fell forward, [being frightened] on account of the noise of digging, there would be liability, but if it fell backward on account of the noise of digging, there would be exemption. If an ox fell into it together with its utensils which thereby broke, [or] a donkey together with its utensils which was thereby torn, there would be liability for the animal but exemption regarding the utensils. If there fell into it an ox, deaf, deranged or young, there would be liability. But in the case of a young boy or girl, a slave or a maidservant, there would be exemption. (52a1 – 52a2)

Up to when would the first partner be exempt [altogether]? — Rav said: Until he had time to learn [that the cover had been removed]. Shmuel said: Until there was time for people to tell him. Rabbi Yochanan said: Until there was time for people to tell him and for him to hire

¹ He causes the unqualified leader to make a catastrophic decision for the people.

workers and cut cedar trees to cover it [again]. (52a2 – 52a3)

The Mishnah had stated: If [an owner of a pit] had covered it properly, and an ox or a donkey [nevertheless] fell into it and was killed, he would be exempt.

The Gemara asks: But seeing that he covered it properly, how indeed could the animal have fallen [into it]? — Rabbi Yitzchak bar Bar Chanah said: We suppose [the boards of the cover] to have decayed from within.

They inquired: Suppose he had covered it with a cover which was strong enough for oxen but not strong enough for camels, and some camels happened to come first and weaken the cover and then oxen came and fell into the pit, what would be the law? — But I would ask what were the circumstances? If camels frequently passed there, should he not be considered negligent? If camels did not frequently pass there, should he not be considered blameless? — The question applies to the case where camels used to pass occasionally, [and we ask]: Are we to say that since from time to time camels pass there he was negligent, since he ought to have kept this in mind; or do we rather say that since at the time the camels had not actually been there, he was blameless? — Come and hear (from our Mishnah): If [an owner of a pit] had covered it properly, and an ox or a donkey [nevertheless] fell into it and was killed, he would be exempt. Now, what were the circumstances? If it was covered properly, both regarding oxen and regarding camels, how then did any one fall in there? Does it therefore not mean ‘properly regarding oxen, but not properly regarding camels’? Again, if camels frequently passed, why should he be exempt where he had been so negligent? If [on the other hand] camels did not frequently pass, is it not obvious [that he is exempt since] he was blameless? Did it therefore not refer to a case where camels used to pass occasionally, and it so happened that when camels passed they weakened the cover so that the oxen coming [later on] fell? And [in such

cases] the text says, ‘he would be exempt.’ Does this not prove that since at that time camels had not actually been there he would be considered blameless? — I would say, no. For it might still [be argued that the pit had been covered] properly both regarding oxen and regarding camels; and as for the difficulty raised by you ‘how did any one fall in there?’, [this has already been removed by] the statement of Rabbi Yitzchak bar Bar Chanah that [the boards of the cover] decayed from within.

Come and hear (from the next clause of the Mishnah): But if he did not cover it properly, and an ox or a donkey fell into it and was killed, he would be liable. Now what were the circumstances? If you say that it means not properly covered regarding oxen, [which would of course imply] also ‘not properly covered regarding camels,’ is it not obvious? Why then was it necessary to state liability? Does it not therefore mean ‘that it was properly covered regarding oxen but not properly covered regarding camels’? [Again, I ask,] what were the circumstances? If camels frequently passed [is it not obvious that] he was negligent? If [on the other hand] no camels were to be found there, was he not blameless? Does it not [therefore speak of a case] where camels used to arrive occasionally and it so happened that camels passed by and weakened the cover so that the oxen coming [later] fell in? And [in reference to such a case] the text states liability. Does this not prove that since from time to time camels did pass he should be considered negligent as he ought to have borne this fact in mind? — In point of fact [I might reply, the text may still speak of a pit covered] ‘properly’ regarding oxen though ‘not properly’ regarding camels, and [of one where] camels frequently passed, and as for your question. ‘[Is it not obvious that] he was negligent?’ [the answer would be that] since the prior clause contains the words, ‘If he covered it properly,’ the later clause has the wording, ‘If he did not cover it properly.’

Some reported that certainly no question was ever raised about this, for since the camels used to pass from time to

time he was certainly negligent, as he ought to have borne this fact in mind. If a question was raised, it was on the following point: Suppose he covered it with a cover that was strong enough for oxen but not strong enough for camels and in a place where camels frequently passed, and it decayed from the inside, what should be the law? Should we say miggo, [i.e.,] since he had been negligent with respect to camels he ought to be considered negligent also with respect to the [accidental] decay; or should we not say miggo? — Come and hear (from our Mishnah): If [an owner of a pit] had covered it properly, and an ox or a donkey [nevertheless] fell into it and was killed, he would be exempt. And it was stated in connection with this ruling that Rabbi Yitzchak bar Bar Chanah explained that the boards of the cover had decayed from the inside. Now, what were the circumstances? If we say that it means ‘properly covered regarding oxen’ and also ‘properly covered regarding camels,’ and that it had decayed from the inside, is it not obvious that there should be exemption? For indeed what more could he have done? Does it not mean, therefore, properly covered regarding oxen though not properly covered regarding camels, and in a place where camels frequently passed, and it so happened that the cover decayed from the inside? And [in such a case] the text states exemption. Does this not prove that we should not say miggo, [i.e.,] since he was negligent with respect to camels he ought to be considered negligent with reference to the decay? — No, it might still [be argued that the pit was covered] properly regarding camels as well as oxen, and it so happened that it became decayed from the inside. And as for your question ‘if it becomes decayed [from inside] what indeed should he have done?’ [the answer would be that] you might have thought that he ought to have come frequently to the cover and knocked it [to test its soundness], and we are therefore told [that he was not bound to do this].

Come and hear (from the next clause of the Mishnah): But if he did not cover it properly, and an ox or a donkey fell

into it and was killed, he would be liable. Now, what were the circumstances? Should you say that it means ‘not properly covered regarding oxen,’ [which would of course imply also] ‘not properly covered regarding camels,’ why then was it necessary to state liability? Does it not therefore mean [that it was covered] properly regarding oxen but not properly regarding camels? But again if camels frequently passed there, [is it not obvious that] he was negligent? If [on the other hand] no camels were to be found there, was he not blameless? Does it therefore not deal with a case where camels did frequently pass, but [it so happened] that the cover decayed from the inside? And [in such a case] the text states liability. Does this not prove that we have to say miggo, [i.e.,] since he had been negligent with respect to camels, he should be considered negligent also with reference to decay? — I would say: No. For it might still [be argued that the pit had been covered] properly regarding oxen but not properly regarding camels, and in a place where camels were to be found frequently, and [it happened that] camels had come along and weakened the cover so that when oxen subsequently came they fell into the pit. And as for your question, ‘Is it not obvious that he was negligent?’ [the answer would be that] since the prior clause contained the words ‘If he covered it properly,’ the later clause similarly uses the wording. ‘If he did not cover it [properly].’

Come and hear (from a Baraisa): If there fell into it an ox that was deaf, deranged, young, blind or while it walked at night time, there would be liability. But in the case of a normal ox walking during the day there would be exemption. Why so? Why not say that since the owner of the pit was negligent with respect to a deaf animal he should be considered negligent also with reference to a normal animal? Does not this show that we should not say miggo. — This does indeed prove it [that we do not say miggo]. (51b4 – 51b5)

DAILY MASHAL

A Galilean person said to Rav Chisda, “When the shepherd of a flock is angry with the flock he blinds the leading goat.”

The context for this statement on our *daf* is how to make an acquisition of a herd of animals. Rav Yaakov states that when the seller gives possession of the “front goat” to the buyer, this act constitutes an agreement for the buyer to acquire the *entire* herd, since the entire herd follows the leading goat. The *gemara* cites the above statement of the Gallilean to show that this is the typical manner of “animal behavior”, and is what many refer to as “herd mentality.” Rashi, however, explains that the *gemara* also cites the statement of the Gallilean to teach an important lesson in *human* behavior, in particular with regard to the relationship between the nature of the *people* to be led and the nature of the leader who is appointed from Above to lead them. According to Rashi we are meant to learn from the goat analogy the following: When God feels it necessary to punish the Jewish People, He chooses leaders who are inappropriate, and who will lead their followers to receive the punishment that they deserve.

This statement on our *daf* teaches that the Jewish nation receives a leader that it is worthy of. We have witnessed this Divine appointment of Jewish leaders throughout the Tanach until the end of the era of prophecy. The first “king” appointed by G-d was Moshe Rabbeinu, followed by Yehoshua bin Nun, the *Shoftim* (“Judges”, who were leaders) and the Kings who ruled the Jewish People. But what about the rulers who were appointed *after* the end of the era of prophecy, and the rulers who are elected nowadays in a democratic system? How does “Divine appointment” continue to provide leaders who reflect the level of righteousness of the Jewish People?

Rabbi Moshe Newman from Ohr Somayach heard from a great Rabbi in Jerusalem that the leaders are controlled by G-d even nowadays, as is taught in Mishlei (21:1): “A king’s heart is like a stream of water in the hand of God; He turns it wherever He wishes.” Although we have free-

will, it seems from this verse that a special exception is made in the case of a leader’s behavior and actions. Even in a democracy. If so, one might ask, what is the point of voting, since the leader is decided from Above?

One explanation is that the act of choosing a leader can be one of “*Kiddush Hashem*” — “Sanctifying God’s Name” — if a person shows that he wants a leader who represents the values, ethics and principles taught in the Torah. In addition, if the leading Rabbis of that generation issue clear guidance regarding the candidate of choice, the voter is fulfilling the mitzvah of “obeying the words of the Rabbinical Sages”. The voters can do their part to perform a *Kiddush Hashem* and also fulfill a mitzvah, and regardless of the outcome they need not be concerned since the “heart of the leader is in the hand of God”, and He will “turn the heart of the leader as He wishes.”

HaRav Shimon spritzer adds: When we complain that our situation is so bad because we lack tsaddikim in this generation who can compare to those of the past, let’s ask ourselves how we propose to improve the situation. Do we feel qualified to replace the leader with someone else of our choice? Do we really think we can improve on Hakadosh Baruch Hu’s plan? Would we have replaced Dovid Hamelech with someone else because of Dovid’s shortcomings? Dovid Hamelech himself was very aware of his weaknesses, but he also knew that Hashem chose him to lead his people. What the critic can do, and should do, is to look inwards and do teshuvah. As more and more people in the community seek ways to improve in their avodas Hashem, their progress will fuel their leader’s success. In summary: Hakadosh Baruch Hu doesn’t abandon us. He sends neshamos of tzaddikim to every generation. If we do what we have to do, those neshamos will have the power to change the world.