

OVERVIEW of the Daf

1) The case of בור mentioned in the Torah (cont.)

Rabbah concludes clarifying the exact point of dispute between R' Yishmael and R' Akiva and clarifies a point related to R' Akiva's position.

R' Yosef presents a different understanding of the dispute, and clarifies a point related to R' Yishmael's position.

An unsuccessful challenge to R' Yosef's understanding of the dispute is presented.

In light of the Gemara's response to this challenge R' Ashi suggests that Rabbah is not forced to assume the cited Baraisa represents differing opinions. Another unsuccessful challenge to R' Yosef's position is presented.

2) Digging a pit in the public domain

A Baraisa discusses liability for digging a בור in the public domain and discusses the practice of Nechunyah, the digger of pits.

The praise the sages had for Nechunyah the digger of pits is clarified. Another Baraisa related to Nechunyah the digger of pits is cited.

R' Acha takes note of the fact that the son of Nechunyah the digger of pits died of thirst and explains how that tragedy could occur.

Tangentially, the Gemara presents a number of statements related to Hashem's judgment.

Another Baraisa is cited that discusses the prohibition against putting obstacles in the public domain and how Divine Providence works to punish sinners.

3) MISHNAH: The Mishnah continues to elaborate on the conditions necessary for liability of digging a בור

4) Liability for digging a בור

Rav asserts that liability for digging a בור is due to the הבל but not for the impact of the fall whereas Shmuel maintains that liability is from the הבל and certainly for the impact of the fall.

The practical difference between these two positions is identified.

Rav presents the rationale for his position and the Gemara records Shmuel's response to that source.

Rav's position is unsuccessfully challenged.

The Gemara explains why it was necessary for the Mishnah to mention different varieties of pits.

The Gemara unsuccessfully challenges both Rav's and Shmuel's positions. A related incident is cited.

5) Liability for a בור that is less than ten tefachim deep

The Gemara infers from this incident that R' Nachman holds that there is liability for the death of an animal even if the בור is less than ten tefachim.

Rava challenges R' Nachman's position on this matter. ■

Gemara GEM

God does not overlook merit, and He does not overlook sin
 אמר רב חנינא כל האומר הקב"ה ותרן הוא יותרו חיינו שנאמר הצור תמים פעלו

As the Jewish people entered Eretz Yisrael, there was a great danger that they would forget that it was only in the merit of Torah and good deeds that they had conquered it. It was only through continual loyalty to God and to His Torah that they would be worthy of remaining there. They could not abandon Torah and do as they pleased, for it was not in their own merit that they were there.

The following generations committed many sins, but God overlooked them as long as they did not abandon the Torah. Even the three worst sins - idolatry, murder and adultery - were overlooked. However, for abandoning the study of Torah, the land was destroyed and they were sent into exile. Yet how can we say that God overlooked their sins? We have been told that God does not overlook anything. Even to mention that He overlooks something is considered blasphemy. Our Gemara states in no uncertain terms: "If a person says that God overlooks sins, God will overlook his very life." The justice of God is perfect, and to overlook anything would be a flaw and a perversion of justice.

In fact, God overlooks nothing. Sometimes, however, even if a person is sinful, God does not punish him. This can be compared to a fine musician who became the favorite of a king. This musician was really a wicked man, and the king's servants complained that he should be punished. But the king enjoyed listening to his music, so, although he knew about the musician's evil deeds and offensive qualities, he refused to punish him. One day, however, the musician got into a fight and lost his hand. When the king saw that the musician no longer could play music, he immediately had him hanged.

In the same way, a person is sometimes not punished even though he persists in his wickedness and does not repent. God refrains from punishing him because of some good deed that he is doing. He values the man's good deed and does not want him to stop. At the same time, God does not erase the sins, for as long as the sinner has not repented he continues to bear them, even though he is not punished.

However, if the time comes that this person neglects that good deed, he may suddenly be punished for all his other sins as well. So it was with the Jewish people at the time of the Beis HaMikdash. They committed many serious transgressions and deserved to be sent into exile. As long as they studied Torah, however, God refrained from punishing them, for there was hope that through the Torah they might come to repent and mend their ways. When they abandoned the study of Torah there was no longer hope and they incurred the punishment of exile. ■

HALACHAH Highlight

How long can a person survive underwater?

שעה ראשונה ... שניה ... שלישית וכו'

The first hour ... the second ... the third [hour] etc.

Rivash¹ writes that it is possible for a person to live up to three hours in water and still survive. Teshuvah Seder Elya Rabba² writes that our Gemara would seem to be the source for this ruling. When the daughter of Nechunyah, the pit digger, fell into a pit the Gemara relates that when they informed R' Chanina ben Dosa about the tragedy during the first hour he told them that she was fine. They came and told him during the second hour that she still has not emerged and again he assured them that she was fine and it wasn't until the third hour that he assured them that she had already emerged. Rashi³ explains that this was based on his understanding that she could not survive three hours under water.

Maharit⁴ argues that proof can not be drawn from our Gemara since it is possible that the term "hour" should not be understood literally that an hour passed; rather it refers to the number of times they came to express their concern to R' Chanina ben Dosa. Proof to this assertion can be found in a Tosafos in Sotah. Tosafos⁵ writes that when the Gemara relates that Miriam stood for an "hour" to see what would happen to Moshe it should not be understood as though she stood there for a full hour since the term "hour" is not meant literally and may even refer to a third or a quarter of an hour. Another reason our Gemara is not proof to this principle is that it is possible that Nechunyah's daughter may have had a ledge to stand on or a rock to hold her above the water and thus there is no proof that a person could survive submerged for three hours under water.

REVIEW and Remember

1. How does R' Yosef explain the dispute between R' Yishmael and R' Akiva?

2. Why is it that Nechunyah's son died specifically from thirst?

3. Why did the Torah choose to use specifically the term בור?

4. Why is it necessary for the Tanna to mention all the different types of pits?

Ginas Veradim⁶ follows Maharit by noting that most people cannot hold their breath for even an hour and certainly when people are panicking they lose their presence of mind and open their mouths and immediately lose air and swallow water. Chasam Sofer⁷ also agrees with Maharit and adds that this discussion is limited to assessing how long a person may survive while submerged in water that is calm but a person who falls into strong running water will have a shorter time frame to emerge from those waters. ■

1. שו"ת ריב"ש סי' תט"ז
2. שו"ת סדר אליהו רבה סי' י"ב
3. רש"י לסוגייתנו ד"ה שלישית
4. שו"ת מהרי"ט אהע"ז סי' כ"ו
5. תוס' סוטה י"א ד"ה מרים המתינה
6. גנת ורדים כלל ג' סי' ה'
7. שו"ת חת"ס אהע"ז ח"א סי' ס"ה ■

STORIES Off the Daf

The kindness in limits

כל האומר הקב"ה ותן ייותרו חייו

The Alter of Kelm, זת"ל, spent a great deal of time wandering from town to town with the intent of discovering the weaknesses of various communities so that he could help correct them.

While on such a journey, a certain very clever cheder boy once asked the Alter of Kelm, זת"ל, "In Bava Kama 50 we find that that whoever says that Hashem overlooks sins for which he does not repent, his life will be overlooked. But why doesn't Hashem overlook sins, even if one fails to repent? After all, does it not say that Hashem

is full of mercy and compassion?"

"I will explain this to you with an actual occurrence at which I was present," the Alter replied.

"In the city of Vilna, a certain poor man approached one of the wealthier members of the community and requested a loan so that he could purchase food. The wealthy man put his hand into his pocket and counted out seventy five kopeks into the poor man's hand.

The pauper was clearly affronted by the small amount he had received. "They say that you are a good person. Why are you so miserly when it comes to lending me money?"

The wealthy man replied, "My dear friend. If I was as generous as you seem to

believe appropriate, I would definitely be unable to provide you with even this meager sum. Every kopek that I own would surely have already been in the hands of other people who asked for loans or donations before you! It is only because I limit what I give that am able to give to all of the many people who request assistance."

The Alter then returned to the child's original question, "Do you understand, my child? If Hashem has mercy on all the cutthroats, swindlers, and other unrepentant sinners without limit, there would be an endless supply of such unscrupulous people. This would make the world a very difficult place to live in. Hashem's limits on His mercy is in itself the ultimate mercy! ■

1. מובא במכתב מאליהו חלק ג עמ' 336

