

One should not dig

לא יחפור -

Overview

The משנה rules that one may not dig all kinds of pits and water canals or a launderer's pond near his friends well. תוספות discusses the reason for this prohibition.¹

כל הני איירי דאית בהו מיא וטעמא משום מתונתא כדאמרינן בגמרא² -

All these prohibition are in a case where there is water in these excavations, and the reason it is prohibited is because of the moisture, as the גמרא states –

תוספות asks:

ותימה לרבינו יצחק והא אמרינן בגמרא³ כל מרא ומרא דקא מחית כולי⁴ -

And the ר"י is astounded, but the גמרא states, 'every single strike of the shovel, etc. weakens my earth –

תוספות answers:

ואומר רבינו יצחק דלא קאמר אלא שמאותה שעה מתחיל ההיזק -

And the ר"י says that רבא only meant to say that the damage begins at that time of the digging -

וכיון דבתחילת ההיזק הו גירי דיליה מודה רבי יוסי⁵ -

So since that at the onset of the damage (when he starts digging) it is 'his arrows' that are causing the damage, therefore ר' יוסי would admit that it is prohibited -

ומיהו אי לאו משום מיא⁶ לא היה צריך הרחקה ג' טפחים:

However if not for the water it would not be necessary to distance three טפחים from the בור.

¹ From רש"י ד"ה אא"כ it seems that the reason is that digging adjacent to a well weakens the walls of the well.

² יטא.

³ on the ב' עמוד maintains that our משנה can even follow the view of ר' יוסי, who maintains that one may plant a tree near a well, even though eventually the roots of the tree may weaken the well. However in our משנה the damage is done directly by the digging (as opposed to the case of ר' יוסי where the planting does no damage to the בור at all; the damage comes much later when the roots extend into the בור).

⁴ It seems from that גמרא (of כל מרא וכו') that the damage is caused by the digging process (see רש"י in footnote # 1), not as תוספות stated that the damage is caused by the moisture (like the גמרא of מתונתא).

⁵ See footnote # 3. Later on ב,ה the גמרא cites the view of ר' יוסי that ר' יוסי agrees that it is prohibited. When רבא stated ומרא ומרא, he did not mean that the digging is the [ultimate] reason for distancing, rather it is to explain why even ר"י will agree that in this case he is obligated to distance himself since his actions now causes (some) weakening of the ground near the affected בור. However the actual requirement for distancing three טפחים (and סד בסיד) is because of מתונתא.

⁶ Placing the water there by itself, however, will not make it גירי דיליה, since it takes a while for the water to seep through and damage the בור. See 'Thinking it over' # 1.

Summary

The damage done by digging makes it גירי דיליה, the damage done by the water requires distancing three טפחים.

Thinking it over

1. תוספות states that the damage caused by digging alone will not require distancing three טפחים;⁷ why therefore would ר"י agree with our משנה which requires distancing three טפחים, since the requirement is based on מתונתא which is not גירי דיליה?⁸

2. If there would be no water (no מתונתא), will it still be necessary to distance somewhat from the בור because of the digging?⁹

⁷ See footnote # 5.

⁸ See נחלת משה.

⁹ See מראה עוזר (שם המחבר עוזר דרורי).