YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Talmudic *Aggadot***

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Shiur #20: The Tale of Nechunya the Ditch-Digger (Part I)

# Introduction

# In the next few *shiurim,* we will return to narratives tied to halakhic discussions of monetary matters. This time, we will deal with torts for opening a *bor* (pit), as discussed in Tractate *Bava Kama.*

# The *Mishna* there (5:5) states:

If one digs a pit in a private domain and opens it into the public domain, or if one digs a pit in the public domain and opens it into a private domain, or if one digs a pit in a private domain and opens it into another’s private domain, one is liable for the ensuing damages.

The *gemara* on this in the Babylonian Talmud (49b-50b) is comprised of four parts, each of which opens with, “Our Rabbis taught.”

1. The dispute between the *Tanna’im* R. Yishmael and R. Akiva in the *baraita* regarding liability or exemption therefrom.[[1]](#footnote-1) The *Amora’im* Rabba and R. Yosef argue regarding the correct interpretation of this *baraita*, which the *sugya* explains as a dispute about what makes one liable for damages caused by falling into the pit (the indemnifier, so to speak): ownership of the pit or creation of the pit (either by digging it or by removing its cover). After citing the Amoraic dispute, the redactors of the *gemara* cite two *baraitot* that seem to challenge R. Yosef’s position, but both challenges are answered.
2. The law exempting someone who digs or opens a pit but then dedicates it to the public.
3. The *aggada* of Nechunya the Ditch-Digger.[[2]](#footnote-2)
4. The law of removing stones from private property to the public domain, as well as the story of the pious man and the man removing stones.

The debate in the first *baraita* (between R. Yishmael and R. Akiva) and the subsequent Amoraic dispute (between Rabba and R. Yosef as to the indemnifier for damages caused by a pit) tie in directly to the *mishna*: Both deal with pits in various domains, and both fundamentally analyze a topic that deserves to be the Talmudic opening for dealing with the torts of *bor* in this tractate.

The *baraita* subsequently cited by the *gemara*, discussing one who digs a pit and dedicates it to the public, is also naturally interwoven into this debate. This is another case of indemnifying the owner for the damage caused by a pit.[[3]](#footnote-3) The *baraita* cites the case of Nechunya the Ditch-Digger to present an example of one who excavates, opens, and hands over a *bor* to the public. Since Nechunya the Ditch-Digger’s name comes up, the third *baraita* is cited, which contains a narrative about that character.

There is an almost identical parallel to the Nechunya narrative elsewhere in the Babylonian Talmud, in *Yevamot* 121b, in a *sugya* dealing with a woman who cannot remarry because her husband’s death has not been verified. The sixteenth and final chapter of *Yevamot* deals with a long list of such cases, and the Nechunya narrative is cited to illuminate R. Meir’s statement in the fourth *mishna*:

R. Meir says: It once happened that a man fell into a large cistern and rose to the surface three days later.

Below, we will examine the relationship between the parallels and the ramifications of this relationship on the interpretation of the *aggada* in *Bava Kama*.

This is the *aggada* of Nechunya, preceded by the *baraita* dealing with an excavating a *bor* and handing it over to the public domain:

Our Rabbis taught: If one digs [a well] and leaves it open, but transfers it to the public, one is exempt, whereas if one digs it and leaves it open without dedicating it to the public, one is liable. Such also was the custom of Nechunya the digger of wells, ditches, and caves; he used to dig wells and leave them open and dedicate them to the public. When this matter became known to the Sages, they observed: This man has fulfilled this law. Only this law and no more? Read, therefore, “this law also.”

1. Our Rabbis taught: It happened that the daughter of Nechunya the Ditch-Digger fell into a deep pit.
2. People came and informed R. Chanina ben Dosa.
3. 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].”

1. They then asked her, “Who brought you up?”
2. Her answer was, “A ram came to my help with an old man leading it.”
3. They then asked R. Chanina ben Dosa, “Are you a prophet?”
4. He said to them, “I am neither a prophet nor the son of a prophet.
5. “I only said to myself: Shall his seed stumble over the thing to which that righteous man has devoted his labor?”[[4]](#footnote-4)
6. R. Acha, however, said: Nevertheless, his son died of thirst, as it says, “And it shall be very tempestuous round about Him,” which teaches that the Holy One, blessed be He, is particular with those round about Him[[5]](#footnote-5) even for matters as light as a single hair.
7. R. Nechunya[[6]](#footnote-6) derived the same lesson from the verse, “God is very daunting, in the secret counsel of His holy ones, and awesome over all surrounding Him.”
8. R. Chanina said: Whoever says that the Holy One, blessed be He, is yielding in the execution of justice, that one’s life is yielded,[[7]](#footnote-7) for it is stated, “He is the Rock, His work is perfect; for all His ways are justice.”
9. But R. Chana,[[8]](#footnote-8) or as others read R. Shemuel bar Nachmani, said: Why is it written, “Long of sufferings,” and not, “Long of suffering”? [It must mean,] “Long of sufferings” to both the righteous and the wicked.

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### Literary Analysis

### The *aggada* of Nechunya the Ditch-Digger in the Babylonian Talmud can be split into two parts. The first eight lines tell the story of Nechunya’s daughter and her rescue from precisely the type of cisterns that her father would dig for the public welfare. This part ends with R. Chanina ben Dosa dramatic declaration: “Shall his seed stumble over the thing to which that righteous man has devoted his labor?” This declaration is meant to explain R. Chanina ben Dosa’s confidence that nothing bad will befall the daughter of Nechunya in a well that he dug for the public welfare. However, in a sharp transition, the second part (the last four lines) opens with R. Acha’s statement about Nechunya’s son dying of dehydration. This statement would seem to contradict the message of the previous story; indeed, this transition is marked with qualifiers: nevertheless, however.

### The statement of R. Acha raises other similar examinations of theodicy and the doctrine of reward and punishment.

This *aggada*, with its different sections, has a parallel in Tractate *Shekalim* of the Jerusalem Talmud (5:1,48d). We will compare these parallels directly.

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| **Jerusalem Talmud, *Shekalim*** | **Babylonian Talmud** |
| Nechunya the Ditch-Digger, who would dig ditches and caves, knew under which rock a water source could be found and under which rock it was bone-dry, how far down the rock went and how far down the dryness went. | Our Rabbis taught: It happened that the daughter of Nechunya the Ditch-Digger fell into a deep pit.  People came and informed R. Chanina ben Dosa.  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 R. Chanina ben Dosa, “Are you a prophet?”  He said to them, “I am neither a prophet nor the son of a prophet.  “I only said to myself: Shall his seed stumble over the thing to which that righteous man has devoted his labor?” |
| R. Acha, however, said: Nevertheless, his son died of thirst. | R. Acha, however, said: Nevertheless, his son died of thirst, as it says, “And it shall be very tempestuous round about Him,” which teaches that the Holy One, blessed be He, is particular with those round about Him even for matters as light as a single hair.  Rabbi Nechunya derived the same lesson from the verse “God is very daunting, in the secret counsel of His holy ones, and awesome over all surrounding Him.” |
| R. Chanina said: Whoever says that the Holy One, blessed be He, is yielding in the execution of justice, that one’s innards will be yielded; rather, He is long-suffering and claims what He is owed.  R. Acha said: As it says, “And it shall be very tempestuous round about Him,” which teaches that He is particular with them even for matters as light as a single hair.  Said R. Yosa: This is not the source, but rather, “And awesome over all surrounding Him” — the fear of Him is more on those who are close than those who are far. | R. Chanina said: Whoever says that the Holy One, blessed be He, is yielding in the execution of justice that one’s life is yielded, for it is stated, “He is the Rock, His work is perfect; for all His ways are justice.” |
| R. Chaggai in the name of R. Shemuel bar Nachman says: It happened that a pious man would dig cisterns, ditches, and caves for the passers-by. Once his daughter was crossing the river to be married, and she was swept away.  All the people came to console him, but he refused to accept their condolences. R. Pinchas ben Ya’ir came to console him, but he refused to accept his condolences.  [R. Pinchas ben Ya’ir said], “This is what you call a pious man?”  They said to him, “Rabbi, this is what he did, and that is what happened to him.”  He said, “Could it be that he honored his Creator with water and he brings him up short with water?”  Suddenly, a tumult was heard in the town and the daughter of that man arrived. Some say she clung to a branch and climbed up; others say an angel came down, with the appearance of R. Pinchas ben Ya’ir, and saved her. | But R. Chana, or as others read R. Shemuel bar Nachmani, said: Why is it written, “Long of sufferings,” and not, “Long of suffering”? [It must mean,] “Long of sufferings” to both the righteous and the wicked. |

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### The Parallel in the Jerusalem Talmud

In a comparative reading of the parallel narratives, what is most notable is that in the Jerusalem Talmud, unlike the Babylonian Talmud, the *aggada* consists of two separate tales, each of which stands on its own.[[9]](#footnote-9) At first, Nechunya the Ditch-Digger is described,[[10]](#footnote-10) being cited in the *sugya* because of his appearance in the list of Temple officeholders in the *mishna*; the *gemara* therefore expands on his story. The statement of R. Acha about the son’s tragic death from dehydration is a continuation of the exploration of Nechunya’s background.

From here, the Jerusalem Talmud moves on to a series of theological-exegetical statements about the Attribute of Justice, which are similar or identical to those in the Babylonian Talmud. Afterwards, R. Chagga cites in the name of R. Shemuel bar Nachman a separate story about a pious man and his daughter that is quite similar to that of Nechunya and his daughter in the Babylonian Talmud, albeit with certain distinctions in the details of the plot (which we will address further on). In the mouth of R. Pinchas ben Ya’ir, who fills in this narrative the role of R. Chanina ben Dosa in the Babylonian version,[[11]](#footnote-11) we find the theological axiom that rejects the idea that God would punish a person through the same matter in which that person fulfilled a *mitzva* or a good deed.

Thus, after the brief description in the Jerusalem Talmud about Nechunya, three statements are cited. First, R. Chanina comments that God does not yield, but merely waits to collect what He is owed. It may be that citing R. Chanina’s words immeditably after those of R. Acha[[12]](#footnote-12) alludes to the fact that Nechunya deserved a heavy punishment (for an unknown sin), but it was delayed and fulfilled by the death of his son.[[13]](#footnote-13)

The next two statements, those of R. Acha and R. Yosa, represent different viewpoints. According to their words, the Attribute of Justice is more exacting when it comes to those who are closest to the Divine, “those round about Him.” If their words in the *sugya* are directed (by their authors or by its redactors) towards Nechunya as well, then their declarations indicate that this individual’s intimacy with and closeness to God engenders a harsh sentence, perhaps for some minor transgression that is unknown to us, for some misstep by “those round about Him” that demands a severely punitive response.[[14]](#footnote-14)

In truth, we cannot be sure that the three theological statements were formulated in repose to the case of Nechunya the Ditch-Digger, as these statements appear elsewhere as well. One of these places is in Tractate *Beitza* in the Jerusalem Talmud (3:8, 62b), in which the context for these statements is quite different:

It has been taught: There was a story of the son of R. Elazar son of R. Tzadok and of Abba Shaul ben Botnit, who were shopkeepers in Jerusalem. They would fill their measures before the festival and give them to customers on the festival.

R. Chanina ben Akavya says that they would also do this on the intermediate days of the festival, in order to saturate the utensils with oil.

R. Elazar son of R. Tzadok also gathered three hundred barrels, and his friend gathered three hundred barrels. The Sages said to them: You did not need to do this, but since you were stringent on yourselves, the money should be used for public needs.

Once, Abba Shaul became sick and the Rabbis entered to visit him. Abba Shaul: Have you seen my right hand that would always measure honestly [but is nevertheless in pain]?

R. Chanina said: Whoever says that the Holy One, blessed be He, is yielding in the execution of justice, that one’s innards will be yielded; rather, He is long-suffering and claims what He is owed.

R. Acha said: As it says, “And it shall be very tempestuous round about Him,” which teaches that He is particular with them even for matters as light as a single hair.

Said R. Yosa son of R. Bon: This is not the source, but rather, “And awesome over all surrounding Him” — the fear of Him is more on those who are close than those who are far.

It is difficult to conclusively determine the source of these statements: Were they associated with one story, with the other story, or with some text which we no longer have, after which they were edited into the Jerusalem Talmud and juxtaposed with these narratives?[[15]](#footnote-15) Moreover, we should be dubious about matching up the statements of R. Acha and R. Yosa to the character of Nechunya as presented in Tractate *Shekalim*.

Unlike the righteous figures in *Beitza*, whose impeccable morals are well-established in the narrative there, the Jerusalem Talmud does not necessarily present Nechunya as a paragon of virtue or ethics. His hydrological activity is part of his occupation as an officeholder in the Temple, not of some philanthropic endeavor for the public benefit. This is strikingly clear when we contrast his description with the description of the protagonist of R. Chagga’s story, which appears further on in the *sugya*. This protagonist is identified as a “pious man” looking out for the interests of the “passersby,” and R. Pinchas ben Ya’ir says of him that “he honored his Creator with water.”

Moreover, the fact that Nechunya is a Temple officeholder does not prove anything about him conclusively, as the beginning of that *sugya* (48c) lists a number of such bureaucrats in order to severely criticize their actions with the imprecation, “The name of the evil shall rot.” Although Nechunya does not appear on that list explicitly, the very fact that the list exists indicates that based on his status as a Temple officeholder alone, there is no reason to consider him a virtuous man.

Taking all of this into account, it is reasonable to assume that these three statements were copied, as a set, from another source that we do not have. The redactors of the Jerusalem Talmud then integrated them into each of the two *sugyot* in Tractates *Shekalim* and *Beitza*.

**Conclusion**

Whatever the case may be of how these *sugyot* came into their present form, we have two divergent descriptions: Nechunya’s son dies of thirst while the daughter of the pious man is saved from drowning, and there need not be any tension between these cases.

We may read the *sugya* here as dealing first with Nechunya, who commits a sin (of a major or minor variety) that we know nothing about, and the punishment for this sin is stayed until the death of his son. On the other hand, the pious man, who digs cisterns for the public’s benefit in order to perform a *mitzva*, is rewarded *midda ke-neged midda*, as his daughter is saved from drowning. Her death by drowning would have been a slap in the face, a theological inconceivability in light of her father’s praiseworthy enterprise.[[16]](#footnote-16)

In contrast, in the Babylonian Talmud, we have the two stories as one joint narrative, causing some tension between Nechunya’s virtue and the catastrophe that befalls him. We will analyze this phenomenon in the next *shiur*.

1. 49b-50a, from "Our Rabbis taught: One who digs a pit” until “He might reply that it deals with digging for foundations, in regard to which the ruling is unanimous.” [↑](#footnote-ref-1)
2. Henceforth we will use the phrase “the *aggada* of Nechunya” to refer to the entire aggadic section dealing with Nechunya the Ditch-Digger, while “the Nechunya narrative” or “the narrative” will be used to refer solely to the tale of his daughter’s falling into a cistern and being rescued, excluding the statements following it in the *sugya.* [↑](#footnote-ref-2)
3. In the Tosefta as well, a *baraita* such as this appears juxtaposed to the *baraita* that parallels our *mishna* (Tosefta *Bava Kama* 6:5, Lieberman edition, pp. 21-22). [↑](#footnote-ref-3)
4. This expression requires some explanation. Stumbling here could be a reference to receiving a punishment, and if so, it is unclear if Nechunya’s “seed” is sinful in some way or if Nechunya is the transgressor. On the other hand, stumbling might be a reference to sinning itself, naturally incurring a punishment, in which case it would be the seed who are sinful in some manner. However, there may be a double meaning in our case, as stumbling may have a physical component in this instance, as we are talking about falling into a pit. Below, when Nechunya’s son is mentioned and it is noted that he died of thirst, the implication is that Nechunya himself had sinned; R. Chanina’s statement discusses the son’s death as a delay of punishment, while other statements discuss being “round about Him” — a reference to Nechunya’s relationship to God, as Nechunya is “that righteous man.” It appears that the *gemara* considers the death of the son to be a punishment for the bereaved father. In the Jerusalem Talmud as well (see below), this is implied, whether concerning the son or the daughter, as R. Pinchas ben Ya’ir says, “Could it be that he honored his Creator with water and he brings him up short with water?” The focus is clearly on Nechunya, as his work is discussed and contrasted with the “wrong” of his daughter’s death. It appears that the storytellers in both Talmuds accept simply the fact that a child could die for a parent’s sin, in order to punish the parent; conversely, the righteousness of the parent should prevent the death of the child, as a reward to the parent. However, we cannot make sweeping conclusions about such a worldview in the Talmuds, as the matter requires a more thorough survey and analysis, which is beyond the scope of this series. [↑](#footnote-ref-4)
5. Reliable manuscripts have, “over those surrounding him,” which would be more in keeping with the verse cited subsequently, “God is very daunting, in the secret counsel of His holy ones, and awesome over all surrounding Him.” [↑](#footnote-ref-5)
6. Reliable manuscripts have R. Chanina instead here. [↑](#footnote-ref-6)
7. Reliable manuscripts have, “That one’s innards will be yielded; rather, He is long-suffering and claims what He is owed.” [↑](#footnote-ref-7)
8. Reliable manuscripts have R. Chagga. See below, where we compare this to its parallel in the Jerusalem Talmud. [↑](#footnote-ref-8)
9. This is supported, if not outright established, by the fact that the Jerusalem Talmud elsewhere (*Demai* 1:3, 21d) cites a parallel story to that of the pious man, without mention Nechunya at all. This parallel is interesting for another reason: The *sugya* in the Jerusalem Talmud in *Shekalim* that we are discussing here talks about various officeholders in the Temple. At the beginning of the discussion, the *gemara* tells the story of R. Pinchas ben Ya’ir and his donkey; to continue this theme, in connection with mentioning Nechunya the Ditch-Digger, it cites the above-mentioned story of the pious man. These two stories about R. Pinchas ben Ya’ir are part of a larger collection of stories about the sage, who appears in the above-mentioned *sugya* in Tractate *Demai* of the Jerusalem Talmud. It may be that this collection or a similar collection is the source for both stories in the *sugya* in *Shekalim*. [↑](#footnote-ref-9)
10. There is some variation between the Talmuds as to the spelling of Nechunya’s name: the Jerusalem Talmud has a double *yud* followed by a *hei* at the end, while the Babylonian Talmud has one *yud* followed by an *alef*. [↑](#footnote-ref-10)
11. There is at times a phenomenon of these two pious men being interchangeable characters, even in the above-mentioned *sugya* of the Jerusalem Talmud. It may be that beyond the normal interchangeability of these two characters in this case, when it comes to the rescue story about the daughter of Nechunya, who lived at the end of the Second Temple Era, it makes sense to switch out R. Pinchas ben Ya’ir for Rabbi Chanina ben Dosa, who could be a contemporary of Nechunya. [↑](#footnote-ref-11)
12. If this R. Chanina were the one from the first generation of *Amora’im* from the Land of Israel (see Albeck, *Mavo La-Talmidim*, p. 155), he could not have been reacting to the words of R. Acha, from the fourth generation (Albeck, ibid. p. 316). However, as Albeck notes (p. 155), in many place in the Jerusalem Talmud, it is difficult to determine with certainty which R. Chanina is meant. [↑](#footnote-ref-12)
13. See supra fn. 4. [↑](#footnote-ref-13)
14. As we will note below, Nechunya is not described as a righteous person. Nevertheless, as an officeholder in the Temple, he may be considered to be in proximity to God, in a more physical sense than a spiritual one; because his profession brings him near to the Divine Presence in the Temple, he may be considered close to God, and thus subject to a more exacting standard. [↑](#footnote-ref-14)
15. It may be that an ancient source for some of these *derashot* can be found among the *Tanna’im*, namely in *Mekhilta De-Rabbi Yishmael, Shira*, ch. 8: “Another explanation: ‘Awesome in praises’ — the nature of flesh and blood is that one is feared more by those who are far than those who are close, but the Holy One, blessed be He, is not like this: Those who are close to him fear him more than those who are far, as it says, ‘With those who are near to me, I will be sanctified,’ and it says, “And it shall be very tempestuous round about Him,” and it says, ‘God is very daunting, in the secret counsel of His holy ones, and awesome over all surrounding Him,’ and it says, ‘Lord, God of Hosts, who is like You? Lord, You are potent, and your faithfulness is round about you.’” [↑](#footnote-ref-15)
16. It is worth noting that the *Sheyarei Korban* ad loc. points to a contradiction between the events. However, as stated above, there is no necessary contradiction between the matters, Nechunya being on his own terms and the pious man on his own terms. If, after all this, the reader still feels a tension between the descriptions concerning the death of Nechunya’s son in a manner that evokes his profession, the *sugya* may be read as a theological dispute between the *Amora’im*, who relate to the death of Nechunya’s son, on the one hand, and the tradition of R. Chagga in the name of R. Shemuel bar Nachman about the daughter of the pious man, on the other. [↑](#footnote-ref-16)