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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 it [a fire] crossed a wall four *amos* high or a public road or a river, there would be no liability. (61a2)

GEMARA: But was it not taught in a Baraisa: If it crossed a wall four *amos* high there would [still] be liability? — Rav Pappa said: The Tanna of our ruling [here] was reckoning downwards; [at the height of] six *amos* there would be exemption; at five *amos*, there would be exemption; down to [the height of] four *amos* there would [still] be exemption. The Tanna of the Baraisa [was on the other hand] reckoning upwards; at [the height of] two *amos*, there would be liability; of three *amos*, there would be liability; up to [the height of] four *amos*, there would [still] be liability.

Rava said: [The height of] four *amos* stated [in the Mishnah] as not involving liability would also suffice even where the fire passed over to a field of thorns. Rav Pappa, however, said: [The height of] four *amos* should be calculated from the top of the thorns. (61a2)

Rav said: The Mishnah’s ruling applies only where the fire was rising in a column, but where it was creeping along there would be liability, even if it crossed a public road of about [the width of] a hundred *amos*. Shmuel [on the other hand] said that the Mishnah deals with a creeping fire; for in the case of a fire rising in a column there would be exemption if it crossed a public road of any width whatsoever.

It was, however, taught in a Baraisa accordance with Rav: This ruling applies only where it was rising in a column; if

it was creeping along, and wood happened to be in its path, there would be liability were it even to pass over a public ground of about the width of a hundred mil. If, however, it crossed a river or a *shelulis* eight *amos* wide, there would be exemption. (61a2 – 61a3)

The Mishnah had stated: A public road. Who was the Tanna [who laid this down]? — Rava said: He was Rabbi Eliezer, as we have indeed learned: Rabbi Eliezer says: [If it was] sixteen *amos* [wide] like the road in a public thoroughfare, [there would be exemption]. (61a3)

The Mishnah had stated: Or a river. Rav said: It means an actual river. Shmuel, however, said: It means an irrigation ditch. The one who says it is an actual river [would maintain the same ruling] even where there was no water there. But the one who says it means an irrigation ditch [would hold that] so long as there was water there the ruling would apply, but not where no water was there.

We have learned in a Mishnah: Divisions [of fields] with respect to pe’ah are effected by the following: a ravine, a *shelulis*, a private road and a public road. What is *shelulis*? — Rav Yehudah stated that Shmuel had said: A [low lying] place where rainwater collects. Rav Bivi, however, said in the name of Rabbi Yochanan: A channel of water which [as it were] distributes bounty to its banks. - The one who says that it means a [low-lying] place where rainwater collects would certainly apply the ruling to a channel of water, but the one who says that it means a channel of water would on the other hand maintain that [low-lying] places where rainwater collects would not cause a



division, as these should more properly be called the receptacles of the land. (61a3 – 61b1)

MISHNAH: If a man kindles a fire on his own [premises], up to what distance can the fire pass on [before he becomes free of liability]? Rabbi Elazar ben Azaryah says: it has to be regarded as being in the middle of a beis kor.<sup>1</sup> Rabbi Eliezer says: [a distance of] sixteen *amos* [suffices], equal to [the width of] a road in a public thoroughfare. Rabbi Akiva says fifty *amos*. Rabbi Shimon says: [Scripture says] he who kindled the fire should make restitution, [which shows that] all depends upon the fire. (61b1)

GEMARA: Did Rabbi Shimon not hold that there is some fixed limit in the case of fire? Have we not learned in a Mishnah: A person should not put an oven in his house unless there is four *amos* between the top of the oven and his ceiling. If he puts it in an attic, he should make sure there is plaster three *tefachim* thick underneath it. If it is a stove, he requires plaster a *tefach* thick. If, nevertheless, it damages, he must pay for what he damages. Rabbi Shimon says: The point of all of these distances is that if he did do so and caused damage anyway, he does not have to pay for the damages. - [Does this not prove that Rabbi Shimon maintained a minimum limit of precaution?] — Rav Nachman said in the name of Rabbah bar Avuha: [The meaning of Rabbi Shimon's phrase 'all depends upon the fire' is that] all should depend upon the height of the fire, [and that no general limits could be fixed].

Rav Yosef stated that Rav Yehudah said in the name of Shmuel: The halachah is in accordance with Rabbi Shimon. So also said Rav Nachman, that Shmuel said that

<sup>1</sup> This is an area where a kor of seed is planted. It measures approximately 274 amos by 274 amos. Accordingly, if he placed the fire so that 137 amos separates it on all sides, he will be exempt from liability if the fire does damage to property outside of that area.

the halachah was in accordance with Rabbi Shimon. (61b1 – 61b2)

MISHNAH: If a man sets fire to a stack of grain in which there happen to be utensils and these are burned, Rabbi Yehudah says that payment should be made for all that was inside it, whereas the sages say that no payment should be made except for a stack of wheat or for a stack of barley.

[Where fire was set to a stack to which] a goat had been fastened and near which was a slave [loose] and all were burned with the barn, there would be liability.<sup>2</sup> If, however, the slave had been chained to it, and the goat was loose nearby it, and all were burned with it, there would be exemption.<sup>3</sup> The Sages, however, agree with Rabbi Yehudah in the case of one who set fire to a large tower that the payment should be for all that was kept inside it, as it is surely the custom of men to keep [things] in [their] homes. (61b2 – 61b3)

GEMARA. Rav Kahana said: The difference [of opinion] was only where the man kindled the fire on his own [premises], from which it passed on and consumed [the stack standing] in his fellow's premises, Rabbi Yehudah imposing liability for damage done to *tamun* (i.e., something that is hidden) in the case of fire, whereas the Rabbis grant exemption. But if he kindled the fire on the premises of his fellow, both agreed that he would have to pay for all that was there.

Rava said to him: If so, why does it say in the concluding clause: The Sages, however, agree with Rabbi Yehudah in the case of one who set fire to a large tower that the payment should be for all that was kept inside it? Now

<sup>2</sup> For the goat and for the stack, but no liability whatever for the slave, for, since he was loose, he should have escaped.

<sup>3</sup> For the goat and the stack, for since the slave was chained, a capital charge is involved, and all civil liabilities merge in capital charges, based on the principle of *kim lei bidrabah minei*.

why not draw the distinction in the same case by making the text run as follows: These statements apply only in the case where he kindled the fire on his own [premises], and then it travelled and consumed [the stacks standing] in his fellow's premises; but where he kindled the fire in the premises of his fellow, all would agree that he should pay for all that was kept there? — Rava therefore said: They differed in both cases. They differed where he kindled the fire in his own [premises] and then it travelled and consumed [stacks standing] in his fellow's premises, Rabbi Yehudah imposing liability to pay for *tamun* in the case of fire, whereas the [other] Rabbis hold that he is not liable [to pay for *tamun* in the case of fire]. They also differed in the case where he kindled a fire in the premises of his fellow, Rabbi Yehudah holding that he should pay for everything that was there, including even purses [of money], whereas the Rabbis held that it was only for utensils which were usually put away in the stacks, such as e.g. threshing tools and cattle gear that payment would have to be made, but for utensils not usually kept in stacks no payment would have to be made. (61b3 – 61b4)

#### DAILY MASHAL

Our daf discusses the halachah of *tamun*; one is exempt when his fire damages something which is hidden.

Shem MiShmuel discusses a facet of the struggle against evil, which is that HKBH creates the cure from the disease itself. A Jew never gets to fully savor and cherish his own sins. Hidden within the sin, *tzafun* within, is a powerful sense of regret and remorse, which opposes the stranglehold of the transgression. It leads to the “broken spirit” which the Torah<sup>7</sup> tells us is the authentic offering to Hashem. This broken spirit functions in a comparable manner to the holy flame that can consume the fire of sin.

Generally, we become overwrought with remorse only after actually committing a sin; thoughts of sin do not produce the same guilt within us. This may be

understandable – but it is inaccurate. Our inner infatuation with evil is a devastating fault. The Torah therefore cautions us to expose those thoughts of sin to the holy fire of the altar throughout the entire night, until the light of dawn.

Torah is eternal. The dynamic that is hinted at in the *parshah* of the *olah* applies today, even in the absence of a Temple. We lack the holy fire of the altar, but we are obligated to seek the closest substitute. There is only one way to do battle with the thoughts of sin that weaken us and bind us to evil. They must be countered with the passion and fire of Torah and *avodah*.