

OVERVIEW of the Daf

1) Clarifying R' Yehudah's opinion

A contradiction is noted between our Mishnah and a Baraisa regarding R' Yehudah's opinion concerning the techum limit of borrowed salt.

The contradiction is resolved.

A contradiction is noted whether water and salt become nullified in dough or even in other cooked foods.

The contradiction is resolved.

2) MISHNAH: The Mishnah distinguishes between a burning coal and a flame regarding techum issues. Two additional differences between the two are enumerated.

3) The difference between a flame and a burning coal

A Baraisa enumerates five differences between a burning coal and a flame.

The Gemara explains why there is a difference between the halacha regarding idolatry and הקדש.

4) Transporting a flame

A contradiction is noted between our Mishnah and a Baraisa concerning liability for transporting a flame.

Two resolutions, one from R' Sheishes and the second from Abaye, are presented.

The Gemara explains the case where it is possible to transport a flame by itself.

5) MISHNAH: The Mishnah discusses the techum limitation of water drawn from different water sources.

6) Clarifying the Mishnah

Rava presents a contradiction between our Mishnah and a Baraisa regarding the question if water becomes limited to the techum of the one who draws the water.

Rabbah explains that the Mishnah refers to collected water rather than running water. A Baraisa supports this explanation.

7) Water drawn by one person on behalf of another

R' Nachman and R' Sheishes disagree about the status of water drawn by one person for another. According to R' Nachman the water is limited to the techum of the person for whom the water is drawn whereas according to R' Sheishes it is limited to the techum of the one who drew the water.

The Gemara explains that the point of dispute is whether

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Distinctive INSIGHT

The תחום of water of a public well

ושל עולי בבל כרגלי הממלא

The Mishnah rules that the water of a well in the public thoroughfare has the תחום limitations of whomever draws that water from the well (כרגלי הממלא). Rashi explains that the water in such a well is ownerless (הפקר), and it is acquired by whomever draws it out of the well by means of הגבהה—lifting. If another person would borrow this water from this person at this point, the borrower would have to honor the תחום limitations which have been established by the initial owner.

Rashi then adds two comments. First of all, we see that the Mishnah argues with Rabbi Yochanan ben Nuri who holds that ownerless objects acquire the domain of wherever they are situated as Yom Tov begins. Secondly, with the Mishnah forcing the water to be in the domain of the first one who draws it, it does not acknowledge the water as having the תחום of everyone, which would have allowed anyone to take it wherever they want. If the water is truly הפקר, why do we impose this limit? Rashi answers that this is based upon the concept of ברירה, which we apply לחומרה in this case of rabbinic law. We see the water, retroactively, as being owned by the one who draws it later on Yom Tov.

Rashba questions Rashi's explanation of the Mishnah, because if the Mishnah clearly is based upon the concept of ברירה, the Gemara earlier (37b-38a) would have introduced this a question against the one who held that we do not say ברירה. Rather, Rashba explains that the reason why the water is ruled to be limited to the domain of the one who draws it is that the sages realized that the pilgrims who come to celebrate the festivals need to have access to the water. They felt it was easiest for the needs of people to be served if we consider the water to be in the תחום of anyone who draws it out of the well. ■

REVIEW and Remember

1. When do water and salt become nullified to the food into which they are mixed?

2. What is the techum limitation of running water?

3. Is it possible for one to prohibit his share of the Beis HaMikdash on another?

4. According to the Gemara's conclusion, what is the dispute between R' Sheishes and R' Nachman?

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In memory of their grandfather and great-grandfather
ר' יוסף חיים בן ר' שלמה, ע"ה

HALACHAH Highlight

Moving electrical appliances

אמר ר' ששת כגון שהוציאו בקיסם. ותיפוק ליה משום קיסם? בדלית ליה שעורא

R' Sheishes said [liability for transferring a flame applies] when it was transported on a splinter. Why isn't he liable for transporting the splinter? [We are discussing] a splinter that is too small to cause liability.

The Chelkas Yaakov¹ was asked about the permissibility of using an electric blanket on Shabbos. Those who wished to prohibit its use cited a ruling of Shulchan Aruch regarding lamps as precedent. Shulchan Aruch² rules that a lamp that was lit as Shabbos began remains muktza even after the flame goes out. The reason is that once it was used as a base for the flame, which is a prohibited item (דבר אסור) it remains muktza for the remainder of Shabbos. Seemingly the same should apply to electric blankets. Since electricity is considered as a fire for halachic purposes, the blanket should be considered a base for a prohibited item (בסיס לדבר האסור) and therefore be prohibited.

Chelkas Yaakov rejected this conclusion by distinguishing between the nature of a flame and the nature of electricity. Our Gemara concludes that under certain conditions one is liable for transporting a flame from one domain to another. This liability indicates that fire is considered to be an object of substance (דבר שיש בו ממש), for otherwise there could be

(Overview...Continued from page 1)

the water hole is ownerless or collectively owned by all Jews.

Rava unsuccessfully challenges R' Nachman.

To resolve the challenge the Gemara seemingly concludes that R' Nachman accepts the principle of retroactive clarification. This assumption is successfully challenged.

The Gemara therefore presents an alternative explanation for the dispute, i.e., when one lifts a lost object for his friend, does the friend become the owner of that item?

8) MISHNAH: Additional applications of the rules concerning items becoming limited by the techum of their owner are presented. ■

no liability. As such, the lamp that holds the flame is a base for a prohibited item. Electricity, on the other hand, is not an item of substance. Accordingly, the blanket that carries the electricity cannot be considered a base for a prohibited item, since there is no prohibited item of substance.

This assertion that a flame is considered a matter of substance is not contradicted, Chelkas Yaakov notes, by the Gemara in Bava Kamma³ that states that fire is not considered one's property since it has no substance. That statement relates to the question of whether a flame is considered one's property when it causes damage to another's property. It is not to be understood as a general statement regarding the nature of fire. ■

1. שו"ת חלקת יעקב או"ח סע' קי"ח
2. שו"ע או"ח סי' רע"ט סע' א' וע' מ"ב שם סק"א
3. גמ' בבא קמא כב ■

STORIES Off the Daf

Burning coals

ת"ר חמשה דברים נאמרו בגחלת הגחלת
 On today's daf we find that there are five halachic distinctions drawn between a coal and a flame. The underlying difference between the two is that while a flame is transient and ephemeral, a coal is substantial and lasting. This can be understood metaphorically as well—our commitment to Yiddishkeit demands the more permanent and settled warmth of hot coals, rather than the quick flash of enthusiasm that burns brightly but has no basis nor substance. And the main thing is to keep the fire inside the coal alive.

Rav Yerucham Levovitz, zt"l, was the Mashgiach in a number of renowned yeshivos at a time when many Jews were unfortunately abandoning the Torah path. There was one bochur in particular who struck the Mashgiach as especially vulnerable, and so the Mashgiach invested many hours trying to inspire and encourage the young man in his observance. This was a never-ending uphill battle since the bochur was beset by a number of family and social influences that were literally driving him away from the Torah.

The struggle continued throughout Elul, and did not let up over Rosh Hashanah. In the yeshiva itself, the atmosphere was permeated with heavenly awe and repentance, the bochurim were learning with special intensity, and the

prayers were profoundly intense. However, this weak boy, the Mashgiach's special object of attention, hardly seemed to be affected by the charged atmosphere.

On Yom Kippur, the Mashgiach approached the young man and asked, "Tell me, what is today?"

The bochur shot back, "Today is Wednesday."

On hearing those words, the Mashgiach burst into tears.

Later, he was asked by others why he had cried at just that moment. Rav Yerucham said sadly, "Until now, I had been hoping to slowly encourage him to yearn for true holiness. But he has gone so far that he has even lost whatever warmth he once had for Yom Kippur! How can I possibly help him now? The fire is already out! ■

