

# Zera Shimshon

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## Chapter XVIII: Mishpatim (Ex. 21:1–24:18)

### Essay 4. Who is responsible for burning the Temple?

**קמא** (דף ס' ע"ב) יתיב רב אמר רב אסי קמיה דר' יצחק נפחא. מר אמר ליה: לימא מר שמעתתא, ומר אמר ליה: לימא מר אגדתא. פתח למימר אגדתא—ולא שביק מר, פתח למימר שמעתתא—ולא שביק מר. אמר להם: אמשול לכם משל, למה הדבר דומה וכו'. אמר להם אי תקי, אימא לכו מילתא דשויא לתרניכו: "פיי תצא אש ומצאה קצים" – "תצא מעצמה, שלם שלם המבער את-הבערה". אמר הקב"ה עלי לשלם את הבערה שהבערתי אני הצתי אש בציון, שנגמר: "ונצת-אש בציון ותאכל יסודותיה", נאני עתיד לבנותה באש, שנגמר: "נאני אהיה-לה נאם-ה' חומת אש סביב", שמעתתא—פתח הפתח בגזקי ממונו, וסיים בגזקי גופו; לומר לה: אשו משום הציו ע"כ.

It is written in Bava **Kamma** (page 60b):

**Rav Ami and Rav Asi sat before Rabbi Yitzchak Nappacha. [One] sage said to [Rabbi Yitzchak Nappacha]: Let the Master say [words of] halacha, and [the other] sage said to [Rabbi Yitzchak Nappacha]: Let the Master say [words of] Aggadah. [Rabbi Yitzchak Nappacha] began to say [words of] Aggadah but [one] sage did not let him, [so he] began to say [words of] halacha but [the other] sage did not let him.**

[Rabbi Yitzchak Nappacha] **said to them: I will relate a parable. To what can this be compared?** [It can be compared] to a man who has two wives, one young and one old. The young [wife] pulls out his white [hairs, so that her husband will appear younger]. The old [wife] pulls out his black [hairs so that he will appear older]. It turns out [that he is] bald from here and from there.

[Rabbi Yitzchak Nappacha continued and] **said to them: If so, I will say to you a matter that is appropriate to both of you** [containing both halacha and Aggadah]. [There is a verse:] **“If a fire breaks out, and catches in thorns** [so that stacked, standing, or growing grain is consumed, the one who lit the fire must make restitution.]” (Ex. 22:5). [The term] **“breaks out”** [indicates that it breaks out] **by itself.** [Yet, the end of the verse states]: **“The one who lit the fire shall pay compensation”** [indicating that he must pay only if the fire spread due to his negligence].

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[For the sage who wanted to hear Aggadah, the verse can be explained allegorically:] **The Holy One, Blessed be He, said** [that although the fire broke out in the Temple due to the sins of the Jewish people]: **“It is incumbent upon Me to pay [restitution] for the fire that I lit. I lit a fire in Zion, as it is stated: ‘[The L-rd has accomplished His fury, He has poured out His fierce anger]; and He has lit a fire in Zion, which has devoured its foundations’ (Lam. 4:11). And I will build it with fire [in the] future, as it is stated: ‘For I, [says the L-rd], will be for her a wall of fire round about [and I will be the glory in her midst]’ (Zech. 2:9).”**

[For the sage who wanted to hear halacha,] **a halacha** [can be learned from the verse in Exodus, as] **the verse begins with damage** [caused through one’s] **property:** [“If a fire breaks out,”] **and concludes with damage** [caused by] **his own action:** [“The one who lit the fire.”] This indicates that when damage is caused by fire, it is considered as though the person who lit the fire caused the damage directly. That serves] **to say to you** [that the liability for] **his fire** [damage is] **due to** [its similarity to] **his arrows.** [Just as one who shoots an arrow and causes damage is liable because the damage was caused directly through his action, so too, one who lights a fire that causes damage is liable because it is considered as though the damage were caused directly by his actions.]

- Bava Kamma 60b

קשה דמלשונו שאמר "אימא לכו מילתא דשניא לתרנייכו", משמע שהיה רוצה לומר דבר אחד בלבד שבאותו דבר עצמו יהיה בו דין ואגדה, והוא אמר שני דברים חד אגדה וחד דשמעתיא. ויש לומר דאין הכי נמי שלא אמר אלא דבר אחד ומשמע ממנו שני דברים, והתחיל באגדה דהיינו אמר הקב"ה עלי לשלם וכו', ובנה רצה לרמוז נמי על מילי דשמעתיא, והדר סיים פתח בגנזקי ממונו וכו' אשו משום תציו, ואף שסיים בשמעתיא רצה לרמוז אף על אגדה.

**A difficulty is that from [Rabbi Yitzchak Nappacha’s] language, when he said, “I will say to you a matter that is appropriate to both of you,” the meaning was that he wanted to say one thing alone, that in the same presentation would be halacha and Aggadah. But he said two things: one Aggadah and one halacha.**

**It can be said that it’s indeed so that he only said one thing, i.e., a single verse, and that two things were heard from it. He began with Aggadah, which is when the Holy One, Blessed be He, said, that although the fire broke out in the Temple due to the sins of the Jewish people, “it is incumbent upon Me to pay [restitution] for the fire that I lit,” and by this he wanted to also hint at words of halacha. He concluded that the verse begins with damage** caused through one’s **property**, and ends with damage caused directly by the person. The liability for **his fire** damage is **due to** its similarity to **his arrows.** **Even the conclusion of halacha intends to hint at the Aggadah.**

משום דגיש לדקדק היכן למד מפסוק "כִּי־תִצַּא אֵשׁ" שְׁאָמַר הַקֹּב"ה דָּבַר זֶה, וְעוֹד קָשָׁה שָׁאֵף עַל פִּי שֶׁהוּא הַצִּית בּוֹ אֶת הָאֵשׁ לְמַה יִּהְיֶה מוּטָל עָלָיו לְשֵׁלֶם אִם עֲוֹנוֹתֵינוּ גָרְמוּ לָנוּ. וְגַשׁ לֹא מֵרָחֵק דִּמְפָסוּק "כִּי־תִצַּא אֵשׁ" אֲנִי לֹא מְדִים הַדִּין הַשְּׁנוּי בְּמִשְׁנֵינוּ אֶחָד הֵבִיא אֶת הָעֵצִים וְאֶחָד הֵבִיא אֶת הָאֹר הַמְּבִיא אֶת הָאֹר הַיָּב, וְאֵף כִּאֵן יִשְׂרָאֵל הֵבִיאוּ אֶת הָעֵצִים שֶׁהֵם הָעוֹנוֹת, וְהַקֹּב"ה הֵבִיא אֶת הָאֵשׁ שֶׁנֶּאֱמַר "וַיִּצַּת־אֵשׁ בְּצִיּוֹן" וְכוּ', וְהוֹאִיל שְׁאָמַר הַקֹּב"ה הַפָּסוּק "כִּי־תִצַּא אֵשׁ" וְלִימַד לָנוּ זֶה הַדִּין, הֲרִי הוּא כְּאִילוֹ אָמַר עָלַי לְשֵׁלֶם, שְׂכָר הוּא הַדִּין דִּין אֲמַת, וְנִיחָא הַשְׁתָּא דְמִלְתָּא זֶה דְמִיחְזִי אֲגַדְתָּא הִתְתָּה שְׁוִיָּא לְמַרְוִיָּהוּ, שְׁיִשׁ בָּהּ דִּין וְאֲגַדְתָּה.

**We should check how it was learned from the verse, “If a fire breaks out, and catches in thorns” that the Holy One, Blessed be He, said this thing, that He was responsible.**

**Another difficulty is that even if He lit the fire in [the Temple], why would He be charged with paying for it, if it was our sins that caused this to happen to us.**

**It can be said that from the verse, “If a fire breaks out,” we learn the law taught in our Mishnah,<sup>1</sup> that if one brings wood and one brings fire, the one who brings the fire is liable for damages. Even here, Israel brought the wood, which was the sins that we committed, and the Holy One, Blessed be He, brought the fire, as it is said, “He lit a fire in Zion, which consumed its foundations.”<sup>2</sup> Since the Holy One, Blessed be He, said the verse, “If a fire breaks out,” and taught us the law, it is as though He said, “It is incumbent upon Me to pay,” for this law is the true law, and it’s fine now that this matter appears as Aggadah that is the same for both of them, for within it is both law and Aggadah.**

אָבֵל עֲדִיין לֹא סִיִּים מִלְתִּיָּה שְׁהָרִי יְכוּלִים יִשְׂרָאֵל לְהַתְרַעַם וְלֹא מֵרָחֵק אֲעַקְרָא דְדִינָא פִּירְכָּא, שָׁאֵף עַל פִּי שְׁאָדָם הֵבִיא אֶת הָעֵצִים לֹא הוּמַר לְחַבְרֵי מִן הַדִּין לְהֵבִיא הָאֵשׁ, וְאֵף עַל פִּי שְׁמַתְחִיב לְשֵׁלֶם, מִכָּל מְקוֹם עֲשֵׂה שְׁלֵא פְדִין, וְהָכָא נִמִּי אֵף עַל פִּי שְׁבַחְתָּאֵינוּ הֵבִיאוּ הָעֵצִים כִּנ"ל לֹא הוּמַר לְהַקֹּב"ה מִן הַדִּין לְהַצִּית בָּם הָאֵשׁ. לְכֹן הוֹסִיף וְאָמַר אֲשׁוּ מִשׁוּם חֲצִיּוֹ, כְּלוֹמַר הָעֵבִירוֹת הֵם חֲצִיִּים שְׁוֹרְקוּ הֵם עֲצָמָם, וְהֵם אֵשׁ מִמֶּשׁ כְּדִכְתִּיב "כִּי־בַעֲרָה כְּאֵשׁ רִשְׁעָה", "כִּי אֵשׁ הִיא עַד־אֲבֹדוֹן תֹּאכַל".

**But [Rabbi Yitzchak Nappacha] had not yet finished his words, for Israel could complain and say, it happens that this law is refuted, for even though a man brings the wood, it is not permitted according to the law for his fellow to bring the fire and burn the wood. Even though he obligates himself to pay damages, he has still acted against the law. Here too, even though through our sins we brought the wood, as discussed above, it is not permitted by the law for the Holy One, Blessed be He, to set [the wood] on fire. So why did G-d start the fire?**

**Therefore, to explain this, he continued and said, “his fire is brought by his arrow,” as if to say the sins are arrows that they themselves threw. [The arrows] are literally fire, as it is written, “Already wickedness has blazed forth like a fire,”<sup>3</sup> “a fire burning down to Abaddon.”<sup>4</sup> So was it the Jews who started the fire, rather than G-d?**

<sup>1</sup> Mishnah Bava Kamma 6:4; Bava Kamma 59b.

<sup>2</sup> Lam. 4:11.

<sup>3</sup> Isaiah 9:17.

<sup>4</sup> Job 31:12.

אֵלָא שְׁזוּ הָאֵשׁ אֵינָהּ יְכוּלָהּ לְהַבְעִיר בְּבֵית הַמִּקְדָּשׁ, שְׁהִיְתָה שְׂכִינָה בְּתוֹכּוֹ וְדִלְתוֹת הַהֵיכָל הָיוּ מְחִיצוֹת קְדוּשׁוֹת לְהִגְיֵן עַל הַמִּקְדָּשׁ מִכָּל מִין מִזִּיק. אָמְנָם לְבִסּוּף גַּתְפִּתְחוּ הַדִּלְתוֹת מֵאֲלֵיהֶם כְּדֹאמְרֵינוּ בְּפֶרֶק ד' דְּיוֹמָא וּפִירֵשׁ מִהֲרַשׁ"א שְׁטַעַם פְּתִיחַת אֵלוּ הַדִּלְתוֹת, מִפְּנֵי הָאוֹיִיבִים שְׁלֹא יֵאמְרוּ "יְדִינוּ רַמָּה" וְכוּ'. וְכִשְׁנִתְפַּתְחוּ נִסְתַּלְקָה הַשְּׂכִינָה, וְאִם לֹאחַר שְׁנִתְפַּתְחוּ הַדִּלְתוֹת הָיוּ יְכוּלִים לְחַזֵּר בְּתִשְׁבָּה וְלְגַדּוֹר אֶת הַפְּרָצָה, וְלֹא גָדְרוּ, וְכִדְאֻמְרֵינוּ בְּרֵאשׁ הַשְּׂנָה עֲשׂוּר מִסְעוֹת נִסְעָה שְׂכִינָה, לְרֵאוֹת אִם שְׂבִים בְּתִשְׁבָּה וְכוּ', וְאִז אֵשׁ הַעֲבִירוֹת הַבְּעִירָה הַבְּעִרָה, דְּהֵינּוּ הָאֵשׁ שֶׁל עַבְדֵי מֶלֶךְ בָּבֶל.

**Rather, this fire that the Jews started through their sin could not burn the Temple, for the Shechinah is within it, and the doors of the sanctuary were holy partitions to shield the Temple from any kind of harm. Indeed, in the end the doors opened by themselves, as it is said in the 4<sup>th</sup> chapter of tractate Yoma (29b), and the Maharsha<sup>5</sup> explains that the reason for the opening of these doors, is so that the enemies would not say, “Our own hand has prevailed; none of this was wrought by the L-rd.”<sup>6</sup> When they opened, the Shechinah departed, but even after the doors opened, the [Jews] were able to return in repentance and to enclose the breach, but they did not fence it. As it is said in tractate Rosh Hashanah (31a), “The Shechinah traveled ten journeys, to see if they were returning in repentance,” and thus the fire of the sins lit the fire, which is the fire of the servants of the king of Babylonia.**

וּלְפִי זֶה לֹא הָיָה הַקַּב"ה חַיִּיב לְשַׁלֵּם כְּלָל, שְׁהָרִי הֵם לֹא דֵי שֶׁפָּשְׁעוּ מִתְחַלְקָה אֵלָא אִם בְּסוּף לֹא גָדְרוּ הַפְּרָצָה, אָמְנָם לְפִי שְׁתַּחֲלַת הָאֵשׁ הָיָה מְמוֹנָה שֶׁל הַקַּב"ה כְּדֹכְתִיב "וּמֵלֵא תִפְנִיךָ גַּתְלֵי־אֵשׁ מִבֵּינֹת לְכַרְבִּים וְזָרַק עַל־הָעִיר", וְכִדְאֻמְרָא בְּפֶרֶק ח' דְּיוֹמָא וְעֵי"שׁ.

**According to this, the Holy One, Blessed be He, was not liable to pay at all, for it was not enough that they initially caused harm, but rather even at the end they didn't enclose the breach. So why did G-d say He was liable?**

**Indeed, the fire was started by the property of the Holy One, Blessed be He, as it is written, “and fill your hands with glowing coals from among the cherubs, and scatter them over the city,”<sup>7</sup> and as is brought in the 8<sup>th</sup> chapter of tractate Yoma (77a), and see there, this refers to the fire that destroyed the Temple. Thus, G-d's glowing coals started the fire.**

וְאִמְרֵינוּ בְּפֶרֶק ב' דְּקַמָּא (דָּף כ"ג ע"א) דְּלִמָּאן דְּסָבִירָא לִיה אֵשׁוּ מִשּׁוּם חֲצִיּוֹ אֵית לִיה נְמִי מִשּׁוּם מְמוֹנָה, מִשּׁוּם הָכִי אָמַר עָלֵי לְשַׁלֵּם, וּמִכָּל שְׁכּוֹן דְּהָכָא חֲצִיּוֹ נְמִי אֵיכָא, דְּאִמְרֵינוּ בְּפֶרֶק חֲלֵק נִפְקָא בַּת קָלָא וְאִמְרָה לִיה עֲמָא קְטִילָא קְטָ[ ]לָת, הֵיכָלָא קָלָא קָלִית, קִמְחָא טַחֲנָא טַחֲנָת. וּמַעֲתָה מַה שְּׁסִיִּים בְּגִזְקֵי גּוֹפּוֹ בְּמֵאֵי דְאָמַר שְׁמַעְתָּא רַמְזוּ נְמִי לְדַבְרֵי אֲגָדָה, וְאִין הָכִי נְמִי שְׁלֹא אָמַר אֵלָא דְבַר אֶחָד וְעַנְנּוּ אֶחָד כְּמוֹ שֶׁפִּירֵשְׁנוּ.

**It is said in the 2<sup>nd</sup> chapter of tractate Bava Kamma (page 23a), that the opinion of “his fire is due to his arrows” means that [fire] is also considered one's property. Thus, G-d said,**

<sup>5</sup> Rabbi Shmuel Eliezer Eidels (1555–1631), Polish rabbi famous for his Talmud commentaries, Chiddushei Halachot and Chiddushei Agadot.

<sup>6</sup> Deut. 32:27.

<sup>7</sup> Ezek. 10:2.

**“It is incumbent upon Me to pay.”** Even more so, that here there’s also His arrow, as it is said in the 11<sup>th</sup> chapter in tractate Sanhedrin, “All Israel have a portion in the World-to-Come,” that when Nebuchadnezzar became haughty after having destroyed Jerusalem, “A Divine Voice emerged and said to him: [Your haughtiness is unwarranted, as] **you killed a nation** [that was already] **dead, you burned a Sanctuary** [that was already] **burned, [and] you ground flour** [that was already] **ground.**”<sup>8</sup> Now, the halacha of the conclusion, that damage caused by one’s fire is considered as though it was caused directly by his actions, **also hints at matters of Aggadah**, that G-d was responsible for burning the Temple. **It is indeed so that he only said one thing on one topic, as we have explained.**

ועוד יש לומר דדיוקיה דר' יצחק דאמר שאמר הקב"ה עלי לשלם וכי, הוא מסיפיה דקרא דכתיב "שלם ישלם המבער את־הבערה", שהנה די לומר "שלם ישלם המבער", ומהו "את־הבערה", אלא נדאי שבא לומר אפילו במקום שהבערה תהיה נבערת מאליה, כמו שהנה בירושלים שהעברות סופם להיות בערה מאליהם, אפילו הכי מי שמבער אותה חייב לשלם, והיינו הקב"ה שהצית בה האש.

Also, it can be said that the grammar that led Rabbi Yitzchak Nappacha to say that the Holy One, Blessed be He, says “It is incumbent upon Me to pay,” is from the end of the verse. It is written, “the one who lit the fire must make restitution,”<sup>9</sup> while it would have been enough to say, “the one who lit must make restitution.” What is “the fire” adding? Rather, certainly it’s coming to say that in a place where a fire breaks out on its own, such as happened in Jerusalem when the sins ended up to be a fire from themselves, even so, the one who started it is liable to pay restitution, and that was the Holy One, Blessed be He, Who lit the fire.

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<sup>8</sup> Sanhedrin 96b.

<sup>9</sup> Ex. 22:5.