ורבינא מאי שנא מגץ –

And according to ***Ravinoh*** **why is it different from a spark**

Overview

רבינא ruled that the chaff from the flax which was carried by a wind to the neighbor's property is not considered גירי דיליה. The גמרא asked why (according to רבינא) is this case different from a גץ היוצא מתחת הפטיש and it damaged, where he is liable, even though the damage was caused only with the aid of the wind. תוספות discusses why this question is on רבינא more than on אמימר.[1]

תוספות asks:

ואם תאמר ואמאי קאמר ורבינא לאמימר[2] נמי תיקשי לענין חיוב תשלומין[3] מאי שנא מגץ -

And if you will say; but why does the גמרא **ask** only **according to רבינא, the question should also** be posed **to אמימר regarding the obligation to pay; why is** the case of the flax (where he is only required to distance but not to pay) **different from גץ** (where he is required to pay)?!

תוספות answers:

ויש לומר משום הכי נקט רבינא דאמימר הוי מצי לדחויי -

And one can say; that it is for this reason that the גמרא **mentions** only **רבינא, since אמימר could have deflected** the question by saying -

דהכי נמי חייב[4] לדידיה בתשלומין דלגמרי מדמה[5] לה לזורה ורוח מסייעתו:

That indeed he is liable for payment according to אמימר, **for he compares completely** the case of the flax **to** the case of '**winnowing and the wind assists him'.**

Summary

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[1] In our texts it is מרימר (not אמימר). Perhaps they are the same person?

[2] See 'Thinking it over' # 1.

[3] See previous תוס' ד"ה מ"ש where תוספות cites רב אשי who maintains that regarding the case גרמא (like the case here by flax) that there is no תשלומין since גרמא is פטור but there is a חיוב הרחקה since גרמא is אסור. In this question תוס' assumes that אמימר follows this view of רב אשי when he said, 'היינו זורה ורוח מסייעתו', meaning that there is a חיוב הרחקה, but no חיוב תשלומין; the same question can be asked on אמימר, why is this different מגץ?!

[4] The הגהות הב"ח amends this to read דחייב (instead of חייב).

[5] In this answer תוספות maintains that it is not necessary to assume that אמימר agrees with רב אשי (see footnote # 3), rather אמימר maintains that we derive from שבת that (regarding wind assisted damage) not only is he liable to distance, but he must also pay for the damage. [Regarding the question in פרק הכונס (from ליבה וליבתה הרוח), אמימר can use one of the other answers there (not like רב אשי בהכונס). עיי"ש.] See 'Thinking it over' # 2.

אמימר can maintain that in a case of רוח מסייעתו he is even liable for damages.

Thinking it over

1. Why did not תוספות ask that the question on רבינא should apply to מר בר רב אשי as well (as to אמימר)?

2. Is it necessary to assume that אמימר maintains that he is liable for payment?