

ודקארי לה מאי קארי לה –

And the one who cited this משנה, why did he cite it

**OVERVIEW**

The גמרא attempted to refute the מאן דאמר who maintains היזק לא שמיה היזק, from the משנה of כותל חצר שנפל, where we obligate them to build a wall. The גמרא negates this refutation by stating that all agree that if there was a wall previously, then they are obligated to rebuild it. This answer seems so obvious, that the גמרא challenged the original questioner. How did he think that he could refute the מ"ד of הרלש"ה from the משנה of נפל? Is he not aware that נפל שאני?! What was the question in the first place!? ודקארי לה מאי קארי will, however, redefine the question of ודקארי לה מאי קארי לה.

כלומר<sup>1</sup> פשיטא דנפל שאני –

The גמרא means to say the following; **it is obvious that if the wall collapsed it is different**, than if there never was a wall. All agree that if the existing wall collapsed he is required to rebuild it. Therefore not only can we not refute the opinion of the מ"ד who maintains that הרלש"ה, from this משנה of נפל -

ואדרבה היה לו להוכיח מדקתני ונפל<sup>2</sup> מכלל דבעלמא לא שמיה היזק:

**but on the contrary the גמרא should have proven** the exact opposite; that ה"ר לא<sup>3</sup> for since the משנה teaches us the obligation to build a wall in a case where the wall collapsed, **it can be inferred that generally**, when there is no previously collapsed wall, but rather when we discuss a חצר that never had a wall, then the היזק ראייה in a חצר **is not considered damage**; and he is not obligated to build a wall.

**SUMMARY**

The question ודקארי לה מאי קארי לה means that instead of attempting to prove from the משנה of הכותל שנפל וכו' that ה"ר ש"ה, you should prove that ה"ר לא ש"ה since he

<sup>1</sup> When the term 'כלומר' (or 'פירוש') is used, it usually signifies that the intended meaning is (slightly) different than what we may originally have assumed. Here too, תוספות is negating the explanation of the גמרא the way it was mentioned in the 'Overview' (which may be the way רש"י understood the question).

<sup>2</sup> Perhaps the text should be amended to read שנפל.

<sup>3</sup> See פורת יוסף (in the back of the גמרא) who explains that תוספות was not satisfied with the simple explanation (as mentioned in the 'Overview'). If that were the question, then what is the גמרא's answer ליה? How does that explain, why the question was asked; when the answer is so obvious? However, according to תוספות interpretation, that the question is that we can prove that הרלש"ה, then the גמרא's answer is well understood. We cannot prove הרלש"ה from the fact that the משנה mentioned נפל. He mentioned נפל for the חידוש in the סיפא, that even if נפל he is not obligated to build more than אמות ד'.

is obligated only to rebuild a wall, not to build a new wall.

### **THINKING IT OVER**

1. What may be difficult with תוספות interpretation?
2. If the חצר שאין בה דין חלוקה was in a כותל חצר שנפל, can one coerce the other to keep the division and build a wall? למ"ד הרש"ה? What bearing would the answer to this question have on פירוש תוספות?