

This is the same as that. – היינו הך

Overview

The גמרא related two similar incidents where one petitioned his neighbor to rebuild (part of) the neighbor's house. In both incidents the neighbor's position was upheld. He need not leave his house in order to have it rebuilt, regardless of the accommodations the petitioner will provide for him. The גמרא subsequently asked why there is a need to relate both incidents; they seem to teach us the exact same law. תוספות will question this assumption, and subsequently uphold it.

תוספות asks:

– ואם תאמר – And if you will say –

– והא אשמועינן בהאי עובדא – that in this (latter) story we are taught something different, than in the first incident, namely –

– דחדתא אעתיקא לא קאי – that a new wall will not stand atop¹ of an old wall; this is something –

– דלא שמעינן מההיא דלעיל – which we cannot derive from the previous incident.

תוספות anticipates that one may argue that the question היינו הך may (also) mean that the second incident is sufficient; why relate the first story?² תוספות responds:

– וההיא דלעיל איצטריך – and it was necessary to relate that previous incident as well –

– כדאמרין – as the גמרא mentions there –

– והני מילי דלא מטי כשורי למטה מי' וכו' – and these words apply only when the beams did not reach down below ten טפחים, etc. This ruling cannot be derived from the second incident. תוספות question is that it is necessary to relate both incidents for each one teaches us something that the other does not. Why does the גמרא maintain היינו הך that both incidents are the same?!

תוספות answers:

– ויש לומר – and one can say –

– דמילתא דפשיטא היא – that it is an obvious fact –

– דחדא חדתא וכולה עתיקא – that one new wall amongst all old³ walls

– לא קאי – will not last.

– ומשום הא – and only on account to teach us this fact that חדא חדתא וכולה עתיקא לא קאי –

¹ From תוספות answer it is evident that the phrase אעתיקא means a combination of old and new, not only old atop of new. See footnote # 3.

² See 'Thinking it over'.

³ See footnote # 1.

לא היה צריך לאתויי האי עובדא – it was not necessary to relate this incident.
We know this on our own. This is not a ruling of הלכה. This is a practical reality.

Summary

It is not necessary for the גמרא to inform us of (physical) facts, which people are (generally) aware of.

Thinking it over

explains (in his question) why the first incident is (also) necessary. Seemingly this answer is necessary even according to the מסקנא⁴ of the גמרא⁴; why does תוספות insert it here in his question?⁵

⁴ The גמרא answers that the second incident teaches us this ruling is valid even when it is a storehouse. The question remains what does the first story teach us?

⁵ See מהרש"א, מהר"ם. See footnote # 2.