

And for the granary; half the damage

ועל¹ הגדיש חצי נזק –

OVERVIEW

The משנה teaches that if a dog took a burning cake and placed it on the גדיש and burnt the grain he is liable to pay a ח"נ for the grain.² תוספות reconciles this משנה with seemingly contradictory rulings.

תוספות anticipates a difficulty:

ואף על גב דלגבי שולח בעירה³ לא מחייב עד דמסר לו שלהבת לריש לקיש -

And even though that regarding the rule of one who sends a fire with a חרש where according to ר"ל the sender is not liable unless he handed over a torch to the חש"ו, but not if he handed him a glowing coal -

ולרבי יוחנן עד דמסר לו גוואז⁴ -

And according to ר"י he is not liable even if he gave him a שלהבת unless he gave him dried wood, etc. Why here is he⁵ חייב if the dog merely took a coal attached to a cake.

תוספות replies:

פעמים שיש גחלת הרבה בחררה דהויא כמו מסר לו גוואז לרבי יוחנן ושללהבת לריש לקיש:

Oftentimes there are so much coal by the cake that it is the equivalent of giving over גוואז according to ר"י or שלהבת according to ר"ל.

SUMMARY

There can be sufficient גחלת by the חררה that it is considered the equivalent of גוואז or (even) שלהבת.

THINKING IT OVER

What is the advantage of assuming that תוספות question is why the בעל הגחלת is חייב as opposed to why the בעל הכלב is חייב?⁶

¹ A marginal note indicates that this תוספות references the משנה on כא, ב. See נחלת דוד.

² The גמרא later (כג, א) asks that the owner of the coal should be חייב (and answers that he guarded the coal sufficiently). According to the תוספות our נחלת דוד is referencing this תוספות that the בעל הגחלת should be חייב.

³ See the משנה on כב, ט, and the גמרא there. See (also) כב, ט, and כב, ט.

⁴ ר"י is of the opinion that he is not liable unless he gave the חש"ו גוואז סלתא שרגא; dried wood, kindling and a candle which practically assures us that there will be a spreading fire.

⁵ See footnote # 2 that the question is regarding the בעל הגחלת (not the בעל הכלב). See 'Thinking it over'.

⁶ See # 30. אוצר מפרשי התלמוד and נחלת דוד.