

His fire; because it is his arrows

אשו משום חציו –

OVERVIEW

teaches us that one is liable for making a fire since the fire is considered as his arrows. תוספות clarifies a possible misconception.

disabuses us of an incorrect notion:

לא שיבעיר בעצמו האש¹ אלא כל מקום שפשע ולא שמר גחלתו חציו נינהו:

The meaning of אשו משום חציו **is not that he must kindle the fire** (otherwise it will not be considered חציו), **but rather whenever he was negligent and did not guard his ‘coal’** that the fire should not spread, the ensuing fire is considered **his arrows**.

SUMMARY

The liability of אשו משום חציו does not require kindling the fire, but rather only in being negligent in not containing the fire.

THINKING IT OVER

When תוספות states 'לא שיבעיר בעצמו האש'; does תוספות mean that it is not necessary for him to kindle the fire initially at all, or does תוספות mean that it is not necessary for him to actively burn down the neighbor's property (but he must kindle the fire [at least in his own property])?²

¹ One might have thought that since ר"י states אשו משום חציו, so just as by חציו the liability is limited to the one who shoots the arrows, similarly here by a fire, in order that it should be considered חציו, he needs to kindle the fire. תוספות rejects this idea. See 'Thinking it over'.

² See אוצר מפרשי התלמוד # 31-34.