

רבי יוחנן מאי טעמא לא אמר כריש לקיש –

What is the reason *Rabi Yochanon* does not say like *Reish Lokish*

OVERVIEW

The גמרא asks for the reason why ר"י (who maintains חציו משום אש) does not agree to ר"ל (that חציו משום ממונו). Our תוספות clarifies the question.

תוספות anticipates a difficulty with this question:

אף על גב דדריש טעמא דרבי יוחנן מקראי¹ -

Even though רבא derives the ruling of ר"י (that חציו משום אש) from פסוקים; how can the גמרא ask why ר"י disagrees with ר"ל, since ר"י derives his ruling from פסוקים –

תוספות responds:

הוה ליה לאוקמי קרא לדרשה אחריתי דסברא כריש לקיש² -

The פסוקים should have been interpreted for another lesson (not for חציו משום אש), since the logic is with ר"ל (that חציו משום ממונו).

תוספות offers an alternate explanation:

אי נמי קא סלקא דעתין השתא דמאן דאית ליה משום חציו לית ליה משום ממונו -

Or you may also say; that now the גמרא assumed that the one who maintains חציו משום אש (that is ר"י) does not agree that אש can also be liable ממונו משום חציו -

וקבעי היכא דכלו לו חציו³ אמאי לא מחייב משום ממונו:

Therefore the גמרא inquires in a case where ‘his arrows are expended’, why is he not liable on account that it is his money. The fact that we derive from a פסוק that חציו משום אש, does not exclude that (when it is not חציו) it can still [also] be ממונו.

¹ See later on כב, (towards the bottom of the עמוד).

² תוספות may mean that it is difficult to accept that חציו משום אש, as רבא points out the difference between them, whereas the damage of חציו come directly from the action of the person; fire, however spreads through outside forces (as well), such as the wind. See ‘Thinking it over’.

³ חציו כלו לו means that when the fire was made originally it had the potential to reach a certain area, but would not extend further (there was an encircling [stone] wall which would contain the fire). However once the fire started, the wall crumbled (not because of the fire), enabling the fire to spread beyond the wall. However, this extension of the fire cannot be included in the חציו of the original fire, since his ‘arrows’ of fire stopped at the wall and can go no further. In this case there can be no חיוב of חציו משום אש (even according to ר"י). It is as if someone shot an arrow at a wall, and after the arrow left the bow, the wall crumbled and the arrow damaged someone on the other side of the wall. It cannot be considered חציו. The גמרא assumed that ר' יוחנן maintains that אש is חייב only חציו משום אש and not ממונו משום חציו. The question is why does not ר"י agree that אש is חייב also ממונו משום חציו; meaning that in this case even though it is not חציו anymore, nevertheless he should be חייב ממונו משום חציו (once he saw that the wall crumbled he should have taken steps to prevent it from going beyond the wall).

SUMMARY

The גמרא asked that since the logic of ר"ל is more compelling (that אשו משום ממונו), the פסוק from where ר"י derives that אשו משום חציו should be used for a different purpose and ר"י should agree to ר"ל. Alternately, why does ר"י maintain אשו משום אשו exclusively; he should agree that אשו משום ממונו in a case of חציו.

THINKING IT OVER

דסברא כר"ל writes תוספות⁴. If this is indeed so (that ר"ל is correct), why does the גמרא ask (first) אמר כר"י, since ר"ל is more logical?⁵

⁴ See footnote # 2.

⁵ See # 42. אוצר מפרשי התלמוד.