

אלא אמר רבא הכי קאמר מי שהיה כותלו כולי –

Rather, said Rovoh; this is what he said; he whose wall was, etc.

OVERVIEW¹

רבא explained that the משנה is teaching us that if a person had a wall which was distanced four אמות from his friend's wall, and his wall collapsed, the new wall needs also to be distanced אמות ד' from his friend's wall, תוספות questions the necessity of teaching this rule in this manner.

תוספות asks:

הקשה רבינו יצחק בן מרדכי דלמה ליה למינקט בכי האי גוונא -

The ריב"ם asked; why did the תנא of the משנה find it necessary to mention this ruling, in such an awkward manner; meaning -

שהיה לו כותל ברחוק ארבע אמות ונפל -

That he already had a wall a distance of אמות ד' from his neighbor's wall, and it collapsed, so the new wall must also be distanced אמות ד'; why mention all this -

ליתני שלא יסמוך כותלו לכותל חבירו אלא אם כן הרחיק ארבע אמות² -

The משנה should have taught instead, that one should not put his wall near his friend's wall unless he distanced his wall אמות ד' from his friend's wall?!

תוספות anticipates (and rejects) a possible answer:

ולכא למימר דדוקא בכי האי גוונא –

And we cannot say that it is only when it specifically occurred in this manner -

שהיה רחוק כבר ארבע אמות והרחיק הראשון קאמר דלא יסמוך³ –

Where it was already distanced אמות ד', for he distanced the first wall, it is only in this case that the משנה rules that he cannot be סומך; however if he never distanced himself, he need not distance himself now –

תוספות rejects this proposed answer:

אם כן מאי פריך בסמוך טעמא שלא יאפיל אי משום סולם אבל משום דוושא לא:

For if indeed this is so why does the גמרא shortly challenge this ruling by saying;

¹ See 'Overview' to previous תוס' ד"ה וקמא

² Why mention that there was a previous wall (distanced אמות ד') which collapsed; what does that add?!

³ The reason why we should make this distinction is because if initially the first wall was distanced אמות ד', one can argue that perhaps the neighbor paid him to distance himself אמות ד' or they came to a mutual agreement (with a קנין) to distance אמות ד', therefore now this same agreement is binding, but if there was never a wall, one may argue that תוס' ד"ה וקמא is not a sufficient reason to distance one wall from the other (see the end of the previous תוס' that (הרחקת נזיקין is less of a reason to distance than other

‘the reason he must distance from a window is because **he should not darken it,**⁴
or the reason he must distance is **because of the ladder,**⁵ **but not on account of**
דוושא’, when in those cases (one can say) he was never מרחיק previously so therefore there is no
הרחקה for דוושא, since according to this proposed answer, הרחקה for דוושא is only required when
he was already מרחיק previously. Therefore, according to the proposed answer, the questions on
רבא are not understood. However, since the גמרא did ask these questions, this proves that the
הרחקה of דוושא is even by the initial wall, so why did the משנה have to state its ruling in a case
where the initial wall collapsed?! תוספות does not answer his question.⁶

SUMMARY

It is not understood why the משנה had to give a case where there was an initial
wall; the same rule applies even if this was the first wall.

THINKING IT OVER

How can we explain why תוספות did not accept the answer⁷ of the רא"ש and רשב"א?

⁴ The גמרא later on this עמוד challenges רבא, who maintains that the reason for the הרחקה in our משנה is because of
דוושא, from another משנה which states that when erecting a wall near the neighbors existing wall which has windows,
one must distance the new wall from the windows ד' אמות in order not to darken the windows. The גמרא infers that
the only reason for the הרחקה is שלא יאפיל, but otherwise there would be no need to be מרחיק on account of דוושא.

⁵ The גמרא asked an additional question from the משנה which states that one must distance a wall from a rain gutter ד'
אמות in order that there be room to place a ladder to clean out the gutter. The same question arises that the only
reason we need to distance the wall is because of the ladder, but if not for that concern we would not need to
distance for we are not concerned for דוושא.

⁶ The רא"ש and רשב"א answer that there is a novelty that one must distance even if there was a prior wall which
was distanced ד' אמות. We might have thought the since there already were two walls with a ד' אמות separation, so
there was sufficient דוושא to strengthen the ground and the walls, therefore now when there is a new wall, there is no
longer a need for דוושא, therefore the משנה teaches that even in this case there is still a need for דוושא (and הרחקה).
See ‘Thinking it over’.

⁷ See footnote # 6.