

However, not because of the traffic

אבל משום דוושא לא –

OVERVIEW

The גמרא challenged the view of רבא who taught that the reason the walls need to be separated by ד' אמות is because we want that there should be traffic between the walls (דוושא) which will solidify the ground between the walls and prevent them from collapsing. The גמרא challenged רבא from the סיפא of our משנה which states that when erecting a wall near the neighbor's existing wall which has windows, one must distance the new wall from the windows ד' אמות (and as the ברייתא explains) 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. Prior to this question the גמרא surmised that in an old city, a wall of a חצר does not require דוושא,¹ only the wall surrounding a גינה,² however in a new city even the wall of a חצר requires דוושא.³ Based on these qualifiers, תוספות has a question.

תוספות asks:

ואם תאמר ולימא דאיירי בעיר ישנה⁴ -

And if you will say, but let the גמרא answer that the משנה regarding the windows is discussing an old city, when there is no need for דוושא, therefore the only reason to distance ד' אמות from the windows is שלא יאפיל!

תוספות answers:

ואומר רבינו תם דבית הוא כגינה⁵ לפי שנותנין מטה וכלים אצל הכותל -

And the ר"ת answers that the wall of a house is like the wall of a garden, people do not walk immediately adjacent to the wall, **because they put a bed and utensils near the wall –**

תוספות offers another distinction between חצר and בית:

ועוד יש לומר דבחצר איכא דוושא דרבים מה שאין כן בבית -

¹ The ground has already been hardened by the many years people have been walking there.

² People do not walk as much in a garden (because of the plants growing there) as they do in a חצר (which is made for general use).

³ See the הרמב"ן פ' הרמב"ן that according to רב our משנה is by עיר ישנה (therefore the distancing is only by גינה) however according to ר' אושעיא the משנה is by עיר חדשה (therefore the distancing is [even] by חצר). The question from חלונית (presumably) is (only) according to אושעיא.

⁴ See 'Overview' (and footnote # 1).

⁵ See footnote # 2. People make use of the space near the outside wall of the house, therefore people do not walk adjacent to that wall, so even in an עיר ישנה there is still a need for דוושא by בית.

And furthermore, one can say that by a חצר (which serves many houses) there is much traffic, which is not the case by a house, which only serves a single family. Therefore because of these two reasons, even if it were a עיר ישנה there would still be a need for דוושא and the גמרא's question would remain.

תוספות offers an alternate approach:

ולרבינו יצחק נראה דניחא ליה לשנויי בעיר חדשה דומיא דרישא⁶ -

And it appears to the ר"י that the גמרא **prefers to explain** the case of חלונות even **by a new city** (where דוושא is usually required) for the גמרא prefers that the סיפא of חלונות should be **similar to the רישא**, which is in a case of עיר חדשה -

וכן ההיא⁷ דמרחיקין את הכותל מן המזחילה -

And similarly regarding that משנה **which** requires **distancing the wall from the gutter**, the גמרא also prefers that it is in an עיר חדשה just like the previous משנה -

אף על גב דמפסקת בינתים ההיא דמרחיקין את הסולם מן השוכך:

Even though that the משנה of **מרחיקין את הסולם מן השוכך** **interrupts between** our משנה and the משנה of מזחילה, nevertheless the גמרא still prefers that also the משנה of מזחילה is by an עיר חדשה.

SUMMARY

We cannot answer that the משנה of חלונות is by an עיר ישנה, for a כותל בית is more like a גינה (than a חצר) because there are items near the כותל which prevent דוושא, or there is not sufficient דוושא by a כותל בית (less people) as there is by a כותל חצר (more people). Alternately we prefer the סיפא (and the subsequent משנה) to be like the רישא by an עיר חדשה.

THINKING IT OVER

⁸Why did אשעיא ר' assume that the רישא is discussing an עיר חדשה?

⁶ See footnote # 3. The entire question was only according to אשעיא ר' who maintains that the רישא (and the סיפא) is discussing an עיר חדשה. According to רב there never was a question from חלונות.

⁷ The גמרא shortly asks an additional question on רבא (regarding the requirement for דוושא) from this משנה which states that one must distance a wall from a gutter ד' אמות in order to allow him place for a ladder to clean his gutter. The question is why mention the ladder; he needs to distance ד' אמות because of דוושא. Seemingly here too, the גמרא could have answered (as תוספות asked previously) that we are discussing an עיר ישנה where there is no need for דוושא. According to the ר"י the answer is the same, for the גמרא prefers that this משנה as well should follow the pattern of our משנה, which (according to אשעיא) is in an עיר חדשה.

⁸ See נחלת משה.