

So that he should raise up the ladder

כדי שיהא זוקף את הסולם –

OVERVIEW

The משנה teaches that if a person has a gutter running along the side of his roof, and his neighbor intends to build a wall parallel to the gutter, he is required to distance his wall אמות ד' from the gutter,¹ in order that the neighbor be able to place a ladder² in these ד"א and lean it against his gutter to clean it out.

תוספות responds to an anticipated difficulty:³

כשמכר ונתן לו זקיפת הסולם בחצירו איירי וקא משמע לן דבעי ארבע⁵ אמות:

The משנה is discussing a case where the wall builder sold or gifted his neighbor the right to set up a ladder in his courtyard, and the משנה is informing us that he is required to give him ד"א.

SUMMARY

If there was an unspecified agreement, the distancing required is ד' אמות.

THINKING IT OVER

If they both agreed that he can place his ladder in his friend's חצר (before anything was built on either side), however the מזחילה was distanced two אמות from the property line, is he required to distance the wall ד"א from the property line (because the agreement to place a ladder gives him ד"א בחצר חבירו), or just ד"א from the מזחילה?

¹ If the gutter is on the property line, he must pull back his wall ד"א from the property line. See 'Thinking it over'.

² The gutter owner will place his ladder in the ד"א next to his neighbor's wall on his neighbor's property.

³ See 'Overview' and footnotes # 1 & 2. Why should the wall builder be obligated to give his neighbor space on his property to place a ladder

⁴ Seemingly if they agreed that the gutter owner has rights in his neighbor's property so obviously the wall builder has to distance himself; what is the משנה teaching us? תוספות addresses this issue.

⁵ They agreed generally that gutter owner has the right to place his ladder in the wall builder's property, but they did not agree as to how much space the ladder requires. The משנה teaches that if an unspecified agreement was reached the amount required (to distance the wall) is ד"א.