

**תנאי היא דתניא כולי – There are *Tahnoh'im*; as it was taught, etc.**

## **OVERVIEW**

בן מבוי ruled that if one מבוי has a mill in the מבוי, he can prevent another מבוי from opening a competing mill (since קא פסקת ליה לחיותי). The גמרא challenged ר"ה from a ברייתא which stated that one may open up a competing business. The גמרא answered that this is really a dispute between תנאים and cites another ברייתא (of גמרא, where רשב"ג agrees with ר"ה). Our תוספות discusses why the גמרא did not cite the משנה we already mentioned.

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תוספות asks:

**תימה לרבינו שמשון בן אברהם דאמאי לא מייתי (הברייתא<sup>1</sup>) דלעיל<sup>2</sup> -**  
**The משנה previous, why did the גמרא not cite the רשב"א?**  
**דממה נפשך<sup>3</sup> רבי יהודה דאמר לא יחלק חנוני קליות ואגוזים לתינוקות פליג אהך ברייתא -**  
**For in any event, ר"י who maintains one may not distribute ואגוזים to children, certainly argues on this ברייתא of ר' וכו', so why**  
**the need to cite a new ברייתא, when the previously cited משנה is sufficient –**

תוספות replies:

**ושמא ניחא לאתויי תנאי דפליגי בהדיא<sup>4</sup> בהכי:**  
**But perhaps it is preferable for the גמרא to cite תנאים who argue explicitly in this situation whether we allow competition or not.**

## **SUMMARY**

It is (sometimes) preferable to bring an explicit (weaker) proof than an implicit stronger proof.

## **THINKING IT OVER**

What is the main advantage if we would cite the משנה of ר"י?

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<sup>1</sup> A marginal note amends this to read המשנה (instead of הברייתא).

<sup>2</sup> This is referring to the previously cited מחלוקת between ר' יהודה ורבנן regarding יחלק חנוני קליות לתינוקות. In that משנה it is apparent that ר"י supports the view of ר"ה, and the גמרא concluded that even the רבנן may agree with ר"ה.

<sup>3</sup> This means whether the חכמים (who argue with ר"י regarding חילוק קליות) agree with ר"ה (for they differentiate between חילוק קליות and the case of ר"ה), or whether the חכמים disagree with ר"ה (see footnote # 2), however ר"י certainly disagrees with the ברייתא of ר' וכו', and agrees with ר"ה so we can say that there is no question on ר"ה from the ברייתא, because ר"ה can argue that he follows the view of ר"י! See 'Thinking it over'.

<sup>4</sup> However, the משנה of ר"י with חילוק קליות, is not explicitly discussing whether one may open a competitive business near another business (which is what the ברייתא and ר"ה are discussing).