

It is obvious to me that – [אחריתי מצי] מעכב – a city member can prevent a member of another city

OVERVIEW

ruled that a city dweller can prevent a dweller from another city from coming into his city and opening a competing business. ר"ה בד"י queried whether the same ruling applies to two people who live in different מבואות (in the same city) from opening a competing business in the other's מבוי.

רב הונא בריה דרב יהושע כרבנן סבירא ליה¹ -

who argue on רשב"ג and maintain that one cannot prevent a neighbor from opening a competing business - agrees with the רבנן ר"ה בד"י

ומיבעי ליה בר מבואה אבר מבואה דעלמא אי מצי מעכב אי הוי בכלל שכינו אי לאו -

queried in a case of one מבוי בן מבוי against another מבוי בן (of the same city), whether he can be מעכב or not; the query is whether the other מבוי בן is included in שכנו (since they live in the same city) and he cannot be מעכב, or he is not considered שכנו since he lives in a different מבוי (albeit in the same city) -

כדפירש הקונטרס² וכוותיה קיימא לנ³ לגבי רב הונא דבתרא⁵ הוא:

against the ר"ה בד"י explained the query. we rule like ר"ה בד"י As רש"י concludes תוספות. אמורא ר"ה בד"י was a later ruling of רב הונא, since

SUMMARY

שכנו are considered מבואות in different ר"ה בד"י is whether people The query of

THINKING IT OVER

Why was it necessary for תוספות to explain the query of ר"ה בד"י; it seems clear enough (especially since רש"י explained it already)?!

¹ The ruling of the רבנן certainly applies to two people of the same מבוי that neither can prevent the other from opening a competing business; this is certainly included in what the רבנן meant when they said 'ולשכנו אינו מעכב'.

² בד"ה ואי.

³ A מבוי בן can certainly not prevent a fellow מבוי בן from opening a competing business.

⁴ ר"ה ruled previously on this עמוד (like רשב"ג) that a miller can prevent his neighbor (in the same מבוי) from opening a competing mill.

⁵ The general rule is we follow the later אמוראים. See הוה ד"ה הוה, תוס' קדושין מה,ב ד"ה הוה. אמוראים כבתראי (אביי ורבא) על בוריה (after the times of).