

## Why is it different in the *Raysho* and why is it different in the *Sayfoh* – מאי שנא רישא ומאי שנא סיפא

### OVERVIEW

The *רישא* of our *משנה* taught that one may prevent someone opening a store in the *חצר*, by claiming, 'I cannot sleep because of the coming and goings in the store'. The *סיפא* of the *משנה* taught that one cannot protest and say, 'I cannot sleep because of the noise of the hammer or mill or children'. The *גמרא* asked *רישא* *מאי שנא* (where he can protest) *ומ"ש* *סיפא* (where he cannot protest). It would seem that the contradiction to the *רישא* is from all three cases in the *סיפא* (the hammer, mill, and children). However the *גמרא* only resolves the contradiction regarding children (not from *פטיש* וריחים). *תוספות* clarifies the *גמרא*'s question.

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השתא סלקא דעתין דתינוקות דסיפא היינו שבאין לקנות בחנות ומשום הכי פריך מאי שנא -  
Now (when the *גמרא* asks, *סיפא* *ומ"ש* *רישא* *ומ"ש*) we assumed that the issue of the children – in the *סיפא* – is because they come to buy in the store and make noise, therefore the *גמרא* asks *מ"ש* (that in the *רישא* noise is an issue and in the *סיפא* the noise of children is a non-issue) -

אבל מפטיש וריחים לא פריך דאין שם נכנסין ויוצאין -  
However regarding the noise from a hammer or a mill there was no question, for there are no comings and goings -

דמי שיש לו חטין לטחון נותן לבעל הריחים<sup>1</sup> וכן<sup>2</sup> פטיש:  
For whoever has wheat to grind he gives it to the mill owner [and he grinds it] and similarly by the hammer (you give the metal to the smith and he fashions it).

### SUMMARY

The contradiction was only from *תינוקות* for we assumed that the *תינוקות* would be continually going and coming to the store.

### THINKING IT OVER

Why is he able to protest the coming and going in a store, and not able to protest the noise of a *פטיש* וריחים.<sup>3</sup>

<sup>1</sup> The הגהות הב"ח amends this to read הריחים וטוחן וכן (instead of וכן הריחים).

<sup>2</sup> There is not much foot traffic by the mill and the smith, as there is by the store.

<sup>3</sup> See רמב"ם הל' שכנים פ"ו ה"ב ובמ"מ שם.