

## One of the *Mohvooy* dwellers, etc.

אחד<sup>1</sup> מבני מבוי<sup>2</sup> כולי –

### OVERVIEW

Our גמרא cites a ברייתא, which states that if one of the בני מבוי decided to open a medical practice in the מבוי,<sup>3</sup> or to become a גרדי or אומן, or מלמד תינוקות, any other member of the מבוי can prevent him from doing so.<sup>4</sup> גירסא תוספות rejects this.

פירש רבינו שמשון בן אברהם דלא גרס מבוי<sup>5</sup> אלא חצר -

The רשב"א explained that the גירסא is not מבוי, but rather חצר -

דאי גרס מבוי תיקשי לאביי<sup>7</sup> דשרי בחצר אחרת -

For if the גירסא is מבוי, there will be a difficulty according to אביי who permits opening a business in another חצר -

והיא<sup>8</sup> דעושה אדם חנות בצד חנות של חבירו שרי<sup>9</sup> לכל הפחות בחצר אחר<sup>10</sup> -

And the גירסא of מבוי will also contradict that ברייתא, which states, 'a person may open a store next to his friend's store', that permission is [also] granted at least to open a store in an adjacent חצר (in the same מבוי) -

ורבא<sup>11</sup> נמי לא פליג עליה אלא<sup>12</sup> דמוקי מתניתין דשריא אף באותה חצר -

And even רבא does not argue with אביי (that members of another חצר cannot be מעכב), rather he establishes the משנה that it is permitted to establish a children's school even in the same חצר and no one can protest -

<sup>1</sup> See footnote # 5.

<sup>2</sup> A neighborhood was set up in the following manner; there was a small street or alleyway (מבוי) which opened (on one side [usually]) to the main street (the רה"ר). Let us picture this מבוי in the shape of the letter ה"י, with the bottom opening into a רה"ר. Along the outside walls of this (מבוי) ה"י were courtyards (חצרים) (which opened into the מבוי). Each חצר consisted of a few houses which opened into this חצר. The houses in one חצר shared a communal courtyard (החצר), the various חצרים around the outside walls of the מבוי shared the same מבוי.

<sup>3</sup> This means that the practice will be in his house which is opened to a חצר which opens to this מבוי (not that the practice will take place in the מבוי).

<sup>4</sup> This would mean that any member of this מבוי, even if he lives in a different חצר of this מבוי, can prevent him.

<sup>5</sup> In our גמרות the text reads חצר, however there was a גירסא of מבוי and the רשב"א rejects that גירסא.

<sup>6</sup> This means that only a fellow member of the same חצר can prevent him, but not a member of a different חצר, even though they share the same מבוי.

<sup>7</sup> See previously on the bottom of כב,א where אביי explains the סיפא of the משנה in a case of חצר אחרת; meaning that the people of another חצר in the same מבוי cannot prevent one from opening a business in another חצר. If the גירסא here would be מבוי בני, this would contradict the ruling of אביי. See 'Thinking it over'.

<sup>8</sup> See the גמרא on the עמוד ב'.

<sup>9</sup> The הגהות הב"ה amends this to read שרי נמי לכל (instead of לכל שרי).

<sup>10</sup> That permission cannot mean that he can only open up in another מבוי, for that is obvious! It must mean (at least) that he can open another store in the same מבוי, but in a different חצר.

<sup>11</sup> See on the end of the previous עמוד, where רבא disagrees with אביי and maintains that the משנה is not discussing מעכב, so perhaps according to רבא even the members of a different חצר (in the same מבוי) can be מעכב.

<sup>12</sup> רבא argues that אביי's answer of חצר אחרת does not fit in the משנה, for the משנה does not state חצר אחרת.

והכא אסר אפילו בחצר אחרת<sup>13</sup> אלא אחד מבני חצר גרס:

**And here** (if the גירסא is מבוי) **it is forbidden even if** the people of another חצר protest; therefore we must **rather** conclude that the גירסא is אחד מבני חצר, only they can protest.

### SUMMARY

Only a dweller of the same חצר can prevent a fellow dweller from opening certain businesses in this חצר, but dwellers of other חצרים in this מבוי have no say.

### THINKING IT OVER

Perhaps we can resolve the contradiction on אב"י.<sup>14</sup> In the case of אב"י the noise of the תינוקות is their coming to the store<sup>15</sup>, therefore the people of the מבוי cannot be מעכב for presumably they too use this store; however in the ברייתא of רופא וכו', this will attract people from other neighborhoods, therefore maybe even the בני מבוי can prevent him from increasing the foot traffic?<sup>16</sup>

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<sup>13</sup> This is an even greater contradiction to רבא, who permits a school even באותה חצר and this ברייתא rules that even a חצר אחרת can protest!

<sup>14</sup> See footnote # 7.

<sup>15</sup> See תוס' כ,ב ד"ה מאי.

<sup>16</sup> See גהלת משה.