

## OVERVIEW of the Daf

### 1) Competition (cont.)

R' Nachman bar Yitzchok notes that one may not restrict cosmetic merchants from selling their merchandise since Ezra enacted that cosmetics merchants should travel from town to town.

Additional details regarding this halacha are presented.

Two examples of exceptions to R' Huna the son of R' Yehoshua's restriction against competition are noted.

A related incident is retold.

**2) MISHNAH:** The Mishnah sets down rules related to building a wall next to a neighbor's wall or house.

### 3) Clarifying the Mishnah

R' Yehudah suggests an explanation of the Mishnah's ruling concerning construction of a wall within four amos of a neighbor's wall.

Rava challenges this ruling and offers an alternative explanation.

Rav qualifies the restriction against constructing a wall within four amos of a neighbor's existing wall.

R' Oshaya seems to disagree with Rav's qualification.

R' Yosi bar Chanina explains that Rav and R' Oshaya do not disagree.

Rava's explanation is unsuccessfully challenged from a Mishnah.

### 4) Distance from a neighbor's window

Rav is quoted as ruling that a newly-constructed wall must be at least a tefach from his neighbor's window.

R' Zevid adds that the top of the wall must be sloped to prevent a person from standing on the wall and gazing inside.

Rav's measurement of a tefach is challenged from the Mishnah that indicates that a distance of four amos is required.

The Gemara answers by differentiating between the construction of a single wall and two walls.

### 5) Clarifying the Mishnah (cont.)

Rava's earlier explanation is unsuccessfully challenged.

**6) MISHNAH:** The Mishnah rules on the distance that must be allotted between a ladder and a neighbor's dovecote and a wall and a neighbor's gutter.

### 7) Preventing damage to a neighbor's property

It is noted that the Mishnah that requires one to take steps so as not to damage a neighbor's property seems to be inconsistent with R' Yosi who rules that every person may do in his yard as he chooses.

It is explained how the Mishnah could be consistent with R' Yosi and the Gemara's conclusion is that it is prohibited to indirectly cause damage to a neighbor's property. ■

## Distinctive INSIGHT

### *Competition among Torah scholars increases wisdom*

קנאת סופרים תרבה חכמה

At the end of the previous daf, Rav Huna ruled that one member of a mavoi who runs a mill as a business can prevent another member from opening a competing business venture in the same mavoi. Rav Yosef reports that, nevertheless, Rav Huna would agree that if there is a Torah teacher in a mavoi, another member of the mavoi may compete and begin teaching Torah, because "קנאת סופרים תרבה חכמה"—competition among the sages increases wisdom."

According to one version of the Gemara, it was Ezra who established the rule that one Torah teacher may set up his class next to an existing class. The reason this was permitted is that the competition to excel creates a situation where everyone is driven to produce his best. Tosafos comments that although some texts attribute this rule to Ezra, as one of his enactments, the correct text of the Gemara should not include this reference. The reason Tosafos gives for his observation is that the Gemara in Bava Kamma (82a) gives a full listing of the enactments of Ezra, and we do not find that this is one of them.

כוס ישועות suggests that the rule of allowing one Torah teacher to teach next to a pre-existing class may, in fact, have originated with Ezra. The reason the Gemara in Bava Kamma does not list it among the other enactments is that the system of having formal teachers who taught Torah was not implemented until the time of Yehoshua ben Gamla. Until then, the system was that each father took responsibility and taught his own child.

Chasam Sofer notes that the halacha is that neighbors who share a common חצר may not protest or prevent other members from their performance of mitzvos. Why, then, should teaching Torah be an action which requires a special dispensation of קנאת סופרים to be permitted? This suggests that without this added factor, a new teacher would not be permitted to teach in the vicinity of another.

Chasam Sofer answers although Tosafos removes the text which says that this was one of the enactments of Ezra, the text of the Gemara still features the words "וּנְיָחוּשׁ שְׂמָא אֲתֵי לְאַתְרֵשְׁלִי". This means that we might have thought that teaching Torah is indeed different than other mitzvos in this regard. As the Gemara notes, if a second teacher "overflows the market," there is a risk that neither teacher will be able to earn a decent living, and both will become lax in their jobs due to their inability to earn a living. The Gemara concludes that, although this might be true with other jobs, Torah teaching does not suffer even when the teachers' livelihood is sub-par, due to קנאת סופרים. ■

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 ר' מאיר בן ר' יחזקאל הלוי ע"ה

# HALACHAH Highlight

## Restricting out-of-town merchants from selling their wares

נהו דיקולאי דאיתו דיקלאי לבבל אתו בני מתא קא מעכבי עלויהו  
*There were basket makers who brought their baskets to Bavel and the local residents protested against them.*

**S**hulchan Aruch<sup>1</sup> rules that if merchants come from out of town the local merchants have the right to protest unless they limit themselves to selling on market day in the market. Rema<sup>2</sup> cites authorities who add that local merchants may protest merchants from out of town only if it does not cause a loss to the citizens of the town. If, however, the public will lose as a result of restricting the out-of-town merchants from selling their merchandise the local merchants may not protest. Therefore, if the out-of-town merchants can sell their merchandise for a cheaper price or if they have better quality merchandise the local merchants may not protest and cause the public to suffer.

Pischei Teshuvah<sup>3</sup> points to Beis Yosef who notes that there is a dispute regarding this matter of out-of-town merchants who sell their merchandise for a cheaper price. R"l Halevi maintains that even if the out-of-town merchants lower the price just slightly the local merchants may not protest. Nimukei Yosef disagrees and holds that only if the out-of-town merchants can offer a significant discount are they permitted to sell their merchandise but if the discount is only marginal the protest of the local merchants will be heeded.

Another circumstance in which local merchants may not protest the influx of out-of-town merchants is if the foreign mer-

# REVIEW and Remember

1. What enactment did Ezra make regarding cosmetic salesmen?

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2. How close to a neighbor's wall may one construct a new wall?

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3. What is the difference between the ground of a new city and the ground of an old city?

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4. Explain גירי דידיה.

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chants can offer merchandise which is not currently available<sup>4</sup>. In such a case it is not necessary for the merchandise to be offered at any sort of discount, the mere ability to offer a different variety of merchandise restricts the local merchants from protesting. Along these lines Sema<sup>5</sup> quotes a case that Beis Yosef leaves unresolved. What is the halacha if the out-of-town merchants have inferior quality merchandise that they want to sell? Perhaps this lack of quality could be considered as if they are offering a different product that is not yet available in town and thus the local merchants cannot protest. ■

1. שריע חר"מ ס"י קני"ו סעי' ז.
2. רמ"א שם.
3. פת"ש שם ס"ק י"א.
4. רמ"א שם.
5. סמ"ע שם ס"ק כ"ג. ■

# STORIES Off the Daf

## The question that is an answer

"פוק תהי ליה בקנקניה..."

**T**he Tchebiner Rav, zt"l, was known for his penetrating analysis of every question put to him. One time, when Rav Chaim Kreisworth, zt"l, went to see him, a certain unusual question came up and the Tchebiner Rav cited many possible similarities throughout shas. After discussing them, however, he showed how each sugya that he had brought down shed no light on the question at hand. In the end, they concluded that there was no clear answer to the question.

When Rav Chaim and his companion finally left, his companion said, "What a Galitzianer! Those proofs had no relation to the question at all!"

Rav Chaim took issue with this man's claim and defended the Rav. "In Bava Basra 22 we find that when Rava was ordered to ask Rav Dimi of Nahardea questions in halachah to ascertain if he was a great person, he asked him a question which he could not answer and Rava concluded that he was not truly great.

"Rabbeinu Tam asks why this question showed that he lacked greatness. After all, this question remains unresolved? He explains that Rav Dimi should have brought all of the possible proofs and then rejected them. Since he did not, presumably he was not truly great."

Rav Kreishworth concluded, "You see that it is only proper to bring proofs even if in the end they do not resolve the question!"<sup>1</sup>

On another occasion, someone claimed that his rebbe was very great since

when a certain person slighted him he was punished. The Tchebiner Rav took issue with this person. "I do not know if that is true or not, but it is certainly not complimentary to your rebbe! The proof to this is found in Bava Basra 22. There we find that when Rav Ada bar Ava died, various luminaries claimed that he died because of them. Tosafos explains that they were not boasting or showing their spiritual prowess. Quite the contrary, they were bemoaning this since the Gemara in Shabbos 149 states that one who causes another Jew to be punished will be barred from entering into the presence of Hakadosh Boruch Hu."

The Tchebiner Rav concluded, "If you wish to praise your rebbe, tell over stories of how he helped his fellow Jews!"<sup>2</sup> ■

1. קובץ עץ חיים, טבת, תשס"ז, ע"ר ס"ה
2. שר התורה, ע" 450 ■