

Does Choshen Mishpat Allow a Person to Stop a Yeshiva From Being Built in a Residential Area?

Rav Shmuel Honigwachs

Question: Yankel lives in a quiet residential area. He lives in a town where it is permitted according to the local laws to build yeshivas even in such an area. Berel wants to build a yeshiva in this neighborhood. Does Yankel have any right according to Choshen Mishpat to stop the yeshiva from opening in his area?

Answer: The Gemara in Bava Basra says that even though, generally speaking, one can stop a store from opening in a residential area and bringing in a lot of customers, when it comes to a yeshiva there is a special *takanas chachomim* that does not permit preventing them from opening. The *chachomim* made this decree because they wanted places of Torah study to be located in all areas. Accordingly, according to halacha one may not stop anybody from opening a yeshiva in a residential area. The Poskim apply this rule to all mitzvos, such as opening a shul or a bais din. One would also be permitted to open such an institution in a residential area.