

ר"ח is a תנא and argues

רבי חייא תנא הוא ופליג –

OVERVIEW

The ר"ח (קמייטא) cites a ברייתא which disagrees with the ruling of גמרא. The גמרא answered that we cannot refute ר"ח by citing a ברייתא, for ר"ח¹ has the status of a תנא and can therefore argue (even) on a ברייתא. Previously when the ruling of ר"ח was mentioned in the גמרא our text reads תני ר"ח; indicating that ר"ח was citing a ברייתא (and not giving his own ruling). תוספות explains that even this text coincides with the גמרא here.

אי גרס לעיל (ג,א) אמר רבי חייא² אתי שפיר –

If, previously, the text read, 'ר"ח said', it is understood why the גמרא must answer that ר"ח תנא הוא ופליג; otherwise he would be refuted -

ואפילו אי גרסינן תני רבי חייא –

But even if the text reads, 'תני ר"ח', which means that ר"ח is citing a ברייתא, wherefore there is no need to say 'ר"ח תנא וכו', for we cannot refute the ברייתא of ר"ח by citing a ברייתא which contradicts it. Nevertheless the גמרא insists on saying ר"ח תנא הוא. The reason for this -

יש לומר דהכי קאמר דאפילו לא הוה ברייתא תנא הוא ופליג:

One can say; is that what the גמרא meant is, **that even if it were not a ברייתא** which ר"ח is citing, nevertheless there would be no refutation to the ruling of ר"ח since ר"ח is **a תנא ופליג**.

SUMMARY

Whether we are גורם previously ר"ח אמר or תני ר"ח, the גמרא states here ר"ח תנא הוא to inform us that even if it is not a ברייתא, nevertheless there is no refutation of ר"ח, since ר"ח is a תנא ופליג.

THINKING IT OVER

Can there be a dispute concerning ר"ח בתרייתא (הילך) whether we are גורם there ר"ח אמר or תני ר"ח?

¹ ר"ח was a תלמיד of רבי. Generally it is assumed that רבי was the last of the תנאים and all those that followed him are אמוראים (who cannot dispute a משנה or ברייתא). There are however some exceptions like ר"ח here and רב (see עירובין נב, ו and ש"נ).

² אמר ר"ח, indicates that ר"ח is giving his own ruling (not reciting a ברייתא); if ר"ח would not be considered a תנא he could not dispute a ברייתא.