

In the name of many and — משמיה דרבים וקלסוה אלמא הילכתא כוותיה — they praised him; indicating that the ruling is according to him

OVERVIEW

The גמרא states that רבי first stated the ruling of רבי (that איסורי הנאה כשר) in the name of רבי and they did not praise it. Later when he said the same הלכה משמיה דרבים, they did praise it; proving that this is indeed the הלכה. There is a dispute between רש"י and תוספות how we derive from this episode that the הלכתא כוותיה.

פירש בקונטרס¹ מדטרח עלה דלקלסוה² —

רש"י explained since he troubled himself regarding this ruling that they should praise it, by saying it משמיה דרבים; this indicates that the הלכה is according to רבי —

פרש"י has a difficulty with תוספות:

ובפרק מי שאחזו (לקמן דף עז, א) לא יתכן לפרש כן³ —

However in פרק מי שאחזו it cannot be explained in this manner -

דקאמר נפק רבי חייא דרשה⁴ משמיה דרבי וקלסוה משמיה דרבים ולא קלסוה —

For the גמרא states there, ר' חייא went out and explained it in the name of רבי and they praised it; however when he said it over in the name of many, they did not praise it -

אלמא לית הלכתא כוותיה —

It is evident that the הלכה is not like זירא. רבי'ר' זירא. Here too ר' troubled himself to say it רבי'ר' זירא! (just like לוי in our גמרא) and nevertheless the הלכה is not like זירא!

גמרות offers his explanation of both תוספות:

ואומר רבינו תם דהכא דייק מדקלסוה כי אמר משמיה דרבים —

And the ר"ת explains that here the גמרא infers from the fact that the people praised it when לוי said it משמיה דרבים (for that indicates that this is the הלכה) -

ולפיכך נמי לא קלסוה כי אמר משמיה דיחיד מעיקרא —

And therefore for the very same reason they did not praise it originally when

¹ ד"ה אלמא.

² רבי troubled himself to say the הלכה in the name of רבים (even though it was only said by רבי), in order to acquire the approval of the people, that they should accept this ruling. This indicates that לוי was certain that the הלכה is like רבי.

³ See 'Thinking it over'.

⁴ The ruling of רבי is that if a man said that this should be your גט if I do not return after יום טוב, we allow him thirty days after י"ט; if he did not return by the end of thirty days she is divorced (but not if he returned within thirty days).

משמיה דיחיד **said it** לוי for they felt that since this is the הלכה it should not be stated as the opinion of a single individual (but rather as the view of a רבים)⁵ -

ולקמן איפכא:

And later in שאחזו מי שזרק **it is the opposite**; they praised it when זירא ר' said it דיחיד (because they felt that this is not the הלכה and therefore it should only be said דיחיד) and they did not praise it when it was said משמיה דרבים since it is שלא כהלכתא it should not be said משמיה דרבים.

SUMMARY

According to רש"י we know that לוי maintained that the הלכה is כרבי since he was טרח to say it (so they will praise it). According to תוספות we know that משמיה דרבים (and vice versa) since the בני הישיבה praised it when it was said (and vice versa).

THINKING IT OVER

Seemingly we can apply פירש"י to שאחזו in גמרא is not appropriate for פירש"י. Initially ר"ה (who felt that the הלכה is not like רבי) said it משמיה דרבי (but he was not satisfied), so he was טרח to say it so it will be קלסוה ולא which will impress everyone that the הלכה is not like רבי!⁷

⁵ A הלכה in the name of a יחיד indicates that others may disagree; thus negating this הלכה.

⁶ See footnote # 3.

⁷ See an additional explanation in אמ"ה # 165.