

## מאן דמתני הא לא מתני הא –

### The one who taught this did not teach the other

#### OVERVIEW

לכהונה was permitted [in the name of רב] that the תינוקת (only) as a שעה. At this point (in the question) the גמרא assumed that there were תרי רובי (as רב interpreted that צפורי היה מעשה). The הוראת שעה was the requirement that there be תרי רובי; for ordinarily one רוב is sufficient to be לכהונה מתיר. The גמרא therefore asked that this ruling contradicts another ruling of רב that even if there are רוב ישראלים, the תינוקת is not considered a ישראל concerning יוחסין. The statement of הוראת שעה, if we assume צפורי היה מעשה, contradicts the statement of מאן דמתני הא לא מתני הא. The one who maintains (in the name of רב) that it was a הוראת שעה does not agree with the other statement (of רב). It is not clear which statement (of רב) the גמרא is referring to. It can be referring to צפורי של קרונות or it can be referring to רש"י and רבינו חננאל. Our תוספות will point out that this is a מחלוקת between רש"י and the רבינו חננאל.

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פירש בקונטרס דרב חנן לא מתני דבקרונות של צפורי היה מעשה –

explained that ר"ה did not teach that the story of the תינוקת in the משנה took place by the caravans of צפורי. According to ר"ה there were no תרי רובי in the case of the תינוקת –

ולא הוה אלא חד רובא –

And there was only one רוב by the story of the תינוקת. This was the הוראת שעה, that even though there was only one רוב, nevertheless they were מתיר the תינוקת to לכהונה. Ordinarily, however, תרי רובי are required.

ולפירוש לא פליגי דלדורות לכולא עלמא בעינן תרי רובי –

And according to רש"י's explanation there is no argument, for everyone agrees that for posterity two רובי are required to be מתיר לכהונה –

ולא פליגי אלא במעשה היכי הוה –

And they (רב חנן and רב חייא) do not argue להלכה; rather they merely argue how the story with the תינוקת took place. רב חייא maintains that it happened and there were תרי רובי; while רב חנן maintains that it did not take place and there were not תרי רובי, but nevertheless they were מתיר her, based on

הוראת שעה a

<sup>1</sup> offers a different explanation:

**ורבינו חננאל פירש דרב חנן לא מתני אבל ליוחסין לא וסגי לדידיה לדורות בחד רובא -**  
**And the ר"ה explained that רב did not teach the ruling of רב**  
 concerning the תינוק המושלך, that even though that in various respects we  
 consider him a ישראל, **however not in regards to יוחסין**. Concerning  
 יוחסין he is not considered a ישראל. רב חנן does not agree with this statement, rather  
 he maintains that by ישראל the child is considered a ישראל even for יוחסין;  
**and according to רב חנן (even) one רוב is sufficient for posterity.<sup>2</sup>**

In summation: according to רש"י the story of the תינוקת was with one רוב (according to רב חנן), however for posterity two רוב are required. רב חנן does not agree that בקרונות של צפורי רוב. but he does agree that רב stated רוב, when there is only one רוב.

According to the רבינו חננאל, the story of the תינוקת was on account of the הוראת שעה; however for posterity one רוב is sufficient. רב חנן agrees that בקרונות של צפורי היה רוב; however he disagrees that רב stated רוב; rather one רוב is sufficient.

פירוש רבינו חננאל has difficulties with the תוספות:

**אבל קשה לפירושו לרב חנן תקשי רבי יוחנן בן נורי דאמר כמאן דסגי בחד רובא -**  
**However there is a difficulty with the ר"ה explanation; according to רב**  
**חנן, whose ruling was ריב"ן following when he ruled that one רוב is**  
**sufficient?** רב חנן maintains (according to the ר"ה) that ריב"ן rules that חד רובא is  
 sufficient (there happened to be a requirement of תרי רובי by the תינוקת only because of  
 the הוראת שעה). This is not in agreement, with either רבן גמליאל<sup>3</sup>, or with רבי יהושע –  
**כדפריך לעיל<sup>4</sup> -**

**as the גמרא challenged previously.** The ruling that one רוב is sufficient to be מתיר  
 is not in agreement with ר"ג (who maintains that no רוב is needed), nor with רבי  
 יהושע (who maintains that [even] a {single} רוב is לכהונה).

<sup>1</sup> It is possible that תוספות is not satisfied with רש"י's explanation. According to רש"י the story of the תינוקת (according to ר' ירמיה stating that he seemingly forgot that בקרונות של צפורי היה מעשה (and that was also part of the גמרא). [If the גמרא is retracting it should have said 'מאן דמתני וכו']. It is also generally not desirable to have a מחלוקת in the facts of a story. In addition according to רש"י there is no מחלוקת between רב חנן and רב חייא; this seems unlikely (see מהר"ם שי"ף). Finally what is the point of רב חנן saying that it was a הוראת שעה, but really תרי רובי are required? According to the ר"ה however, all these difficulties do not exist.

<sup>2</sup> According to the רבינו חננאל, when רב חנן says היתה שעה היתה, it means that there were תרי רובי by the story of the תינוקת. Ordinarily one רוב is sufficient however there was a הוראת שעה and they required תרי רובי.

<sup>3</sup> See 'Thinking it over'.

<sup>4</sup> דף יד,ב

פירוש ר"ה has an additional difficulty with the תוספות:

**ועוד דלא מיסתבר דשום אמורא יחלוק אהיהא דאבל ליוחסין לא -**

**And furthermore it is inconceivable that any אמורא should argue whether** רב ruled that 'however concerning יוחסין the child is not considered a ישראל'. The reason it is inconceivable that רב חנן (or any other אמורא) would argue whether this is a ruling of רב, is –

**דרב גופיה קאמר לה בלא אמורא<sup>5</sup> -**

**For רב himself stated this הלכה; without another אמורא saying it in his name.**

תוספות brings a proof to this argument, that none of the later אמוראים would disagree that this is the ruling of רב:

**ולהכי אפירכא דרבי ירמיה לא משני מאן דמתני הא לא מתני הא -**

**And therefore we see that the גמרא did not respond to the challenge of ר' ירמיה** (who contrasted the ruling of רב חייא in the name of רב, with the ruling of רב that (וליוחסין לא); by saying **the one who taught this (רב חייא) did not teach this** (וליוחסין לא). This would have resolved the contradiction. The reason the גמרא did not offer this resolution is, for it is inconceivable that any of these later אמוראים would argue on a statement attributed directly to רב.

## SUMMARY

תינוקת the בקרונות של צפורי היה מעשה רב חנן disagrees that ר"ה maintains that תרי רובי were permitted only because of a הוראת שעה. However for posterity רובי are required, agreeing that רב stated לא וליוחסין if there is only one רוב. ר"ה maintains that רב חנן agrees that צפורי היה מעשה רב חנן; however the תרי רובי were required only as a הוראת שעה. For posterity only one רוב is required. (רוב [only] one). The ר"ה disagrees that רב stated לא וליוחסין (with [only] one רוב). The difficulties with ר"ה are that seemingly ריב"ן is not following either ר"ג or ר"י; and that it is unlikely that רב חנן disagrees that רב stated לא וליוחסין.

## THINKING IT OVER

ר"י or ר"ג asks on the ר"ה, that ריב"ן does not follow either ר"י or ר"ג.

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<sup>5</sup> When an אמורא says something in the name of רב (as in אמר רב יהודה אמר רב), then it is possible that another אמורא may have had a different tradition as to what רב actually said, and will therefore disagree with what was said in רב's name. However, here רב himself is saying this הלכה. It is universally accepted that רב maintains this view. How then, can רב חנן say in the name of רב, while רב himself maintains לא וליוחסין?!

<sup>6</sup>Seemingly It is possible to answer that ריב"ן follows the opinion of ר"ג;<sup>7</sup> however here the תינוקת is not claiming ברי לכשר נבעלתי. Therefore even ר"ג requires (one) רוב.<sup>8</sup>

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<sup>6</sup> See footnote # 3.

<sup>7</sup> See מהרש"א (הארוך).

<sup>8</sup> See תוספות יד, ב (טו, א) ד"ה כמאן.