

ורב הונא מתניתין אתא לאשמועין –

משנה Is ר"ה coming to teach us what we learnt in our

OVERVIEW

The גמרא initially stated that our משנה teaches us that אין מחזיקין בנכסי קטן as indicated elsewhere. The גמרא immediately asks if our משנה teaches this, why does ר"ה repeat it. תוספות will explain what is meant by the question; ‘why does ר"ה have to repeat what it says already in the משנה’.

anticipates a difficulty:

לאו דווקא נקט רב הונא דהא לא איירי רב הונא התם אלא במורידן קרוב לנכסי קטן -
Mentioning רב הונא was not specific. The question of the גמרא is not on ר"ה per se, for ר"ה is not discussing there¹ the rule of אין מחזיקין בנכסי קטן, but rather ר"ה was teaching the rule concerning whether בי"ד appoints a relative to administer the estate of a minor.²

והא לא שמעינן ממתניתין -

And this ruling is not derived from our משנה. Why does the גמרא ask, ורב הונא, מתניתין אתא לאשמועין?

replies:

אלא כלומר רבא דדייק התם שמע מינה דרב הונא דאין מחזיקין בנכסי קטן³ -
But rather the גמרא means to ask on רבא, who infers there from the abovementioned ruling of ר"ה, that we can derive from the ruling of ר"ה that one cannot make a חזקה in the properties of a קטן. This is what רבא derives from רב הונא. Our גמרא asks on this derivation of רבא –

מאי אתא לאשמועין:

What is רבא coming to teach us that we can derive from ר"ה that אין מחזיקין בנכסי קטן, when we know this already from our משנה!⁴

SUMMARY

¹ בבא מציעא לט, א.

² ר"ה maintains that we do not appoint a relative to administer the estate of a minor, out of concern that the relative may eventually claim that he is the proper heir to the estate, and not the minor.

³ If the rule would be that אין מחזיקין בנכסי קטן, then why does ר"ה merely state that אין מורידין קרוב לנכסי קטן, we cannot appoint anyone to administer the minor's estate; out of concern that they may later claim that they bought it from the father and they have a חזקה ג' שנים.

⁴ Presumably the reason the גמרא mentions ר"ה, is because רבא derives it from ר"ה (and [also] because initially the גמרא stated וכול אין מחזיקין וכו' See 'Thinking it over' # 1).

The question on רבא who derives the rule of ר"ה from a ruling of ר"ה is really on רב הונא מתניתין אתי לאשמועינן.

THINKING IT OVER

1. Why did not תוספות ask his question when the גמרא initially said: וכדר"ה? דאר"ה אין מחזיקין בנכסי קטן should have asked that ר"ה never said it.
2. How are we to understand the (first) answer of the גמרא that ר"ה דיוקא that ר"ה דמתניתין קאמר?

⁵ See footnote # 4.

⁶ See מהרש"א.