

מאן דמתני הא לא מתני הא –

The one who taught this did not teach the other

OVERVIEW

(only) לכהונה was permitted [in the name of רב] stated that the רב חנן בר רבא as a הוראת שעה. At this point (in the question) the גמרא assumed that there were תרי רובי (בקרונות של צפורי היה מעשה as רב interpreted that רב). The הוראת שעה was the requirement that there be תרי רובי; for ordinarily one רוב is sufficient to be מתיר. The גמרא therefore asked that this ruling contradicts another ruling of רב that even if there are רוב ישראלים, the תינוק המושלך is not considered a ישראל concerning יוחסין. The statement of הוראת שעה, if we assume בקרונות של צפורי היה מעשה, contradicts the statement of לא. The גמרא answered מאן דמתני הא לא. 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 לא. Our רבינו חננאל and רש"י will point out that this is a מחלוקת between רש"י and the רבינו חננאל.

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. Ordinarily, however, תרי רובי are required.

ולפירושו לא פליגי דלדורות לכולא עלמא בעינן תרי רובי –

And according to רש"י's explanation there is no argument, for everyone (רב חייא) agrees that for posterity two רובי are required to be מתיר. רב חנן בר רבא and רבא בר אשי – 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 בקרונות של צפורי and there were תרי רובי; while רב חנן maintains that it did not take place בקרונות של צפורי and there were not תרי רובי, but nevertheless they were מתיר her, based on a הוראת שעה.

offers a different explanation:¹

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
ישראל, תינוק המושלך, that even though that in various respects we consider him a
however not in regards to יוחסין. Concerning יוחסין he is not considered a
ישראל. רוב ישראל the רב does not agree with this statement, rather he maintains that by
ישראל the child is considered a ישראלי even for יוחסין; **and according to רב חנן (even) one רוב**
is sufficient for posterity.²

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 צפורי של מעשה
but he does agree that רב stated לא וליוחסין, when there is only one רוב.

According to the רבינו חננאל, the story of the תינוקת was בתרי רובי (on account of the שעה);
however for posterity one רוב is sufficient. רב חנן agrees that צפורי של מעשה; however
he disagrees that רב stated לא וליוחסין; 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's explanation; according to רב חנן,
whose ruling was following ריב"ן 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 שעה). This is not in agreement,
with either רבן גמליאל³ or with רבי יהושע –

כדפריך לעיל⁴ -

as the גמרא challenged previously. The ruling that one רוב is sufficient to be לכהונה 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).

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

¹ It is possible that תוספות is not satisfied with רש"י's explanation. According to רש"י the story of תינוקת (according to רב חנן) was not צפורי של מעשה; however the גמרא just concluded responding to ר' ירמיה stating that he seemingly forgot that צפורי של מעשה היה מעשה (and that was also part of the 'קשיא הא'). [If the גמרא is retracting it should have said 'אלא מאן דמתני וכי'.] 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 חייה; this seems unlikely (see מהר"ם ש"ף). Finally what is the point of רב חנן saying that it was a שעה, but really תרי רובי are required? According to the ר"ה פירוש however, all these difficulties do not exist.

² 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 שעה היתה and they required תרי רובי.

³ See 'Thinking it over'.

⁴ דף ידב.

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 אמורא⁵ -**

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

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

maintains that רב חנן disagrees that מעשה של צפורי היה מעשה; the תינוקת was permitted only because of a שעה. However for posterity רובי are required, agreeing that רב stated לא וליוחסין if there is only one רוב.

maintains that רב חנן agrees that מעשה של צפורי היה מעשה; however the רובי were required only as a שעה. For posterity only one רוב is required. רב חנן disagrees that רב stated לא וליוחסין (with [only] one רוב). The difficulties with פ"ה are that seemingly ר"ג is not following either ר"י or ר"ג; and that it is unlikely that רב חנן disagrees that רב stated לא וליוחסין.

THINKING IT OVER

asks on the פ"ה ר"ח, that ר"ג does not follow either ר"ג or ר"י.⁶ Seemingly It is possible to answer that ר"ג follows the opinion of ר"ג;⁷ however here the תינוקת is not claiming נבעלתי כשר. Therefore even ר"ג requires (one) רוב.⁸

⁵ When an אמורא says something in the name of רב (as in 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, הוראת שעה היתה, while רב himself maintains לא ליוחסין?!

⁶ See footnote # 3.

⁷ See מהרש"א (הארוד).

⁸ See תוספות יד,ב (טו,א) ד"ה כמאן.