

## I agree with *Rabi Yoisee*

## אנא כרבי יוסי סבירא לי –

### OVERVIEW

מועד (that by a ר' יהודה is like הלכה that רב אדא בר אהבה said in the name of ר' נחמן (that it requires three days) and the הלכה is like מאיר ר' by a תם ( עד שיהיו התינוקות ממשמשינ ) ) , since I agree with יוסי ר' who rules this way. explains why ר"נ אמר ראב"א תוספות. , did not simply state כר"י הלכה.

responds to an anticipated difficulty:<sup>1</sup>

והא דלא קאמר הלכה כרבי יוסי<sup>2</sup> משום דניחא ליה למנקט תנאי<sup>3</sup> דמתניתין:

And the reason ר"נ did not say simply that the הלכה is like ר"י of the ברייתא is because it is preferable for ר"נ to mention the תנאים of the משנה.

### SUMMARY

It is preferable to sacrifice brevity, for the credibility of the משנה.

### THINKING IT OVER

Perhaps if ר"נ would have merely said יוסי ר' הלכה כר' we would have thought that by a תם a חזרה of ג' ימים is insufficient (it must be only בו ממשמשינ ), therefore he says מ"מ who maintains<sup>4</sup> that even בו ממשמשינ is sufficient and certainly<sup>5</sup> חזרה ג' ימים.<sup>6</sup>

<sup>1</sup> See 'Overview'.

<sup>2</sup> It would have been much simpler to say כר"י הלכה of the ברייתא instead of saying בתם כר"מ הלכה. It is always preferable to use a more concise language.

<sup>3</sup> The statement of a משנה carries more weight than that of a ברייתא. Additionally the statements of the תנאים in the משנה were more known than that of the ברייתא.

<sup>4</sup> See (TIE footnote # 5) תוס' כג, ב ד"ה שיהו.

<sup>5</sup> maintains the idea of a ק"ו (if קירב then ריחק). By חזרה it would seem the opposite is true that by three days not goring is a greater proof that he is חזר לתמותו (than one day, even if בו ממשמשינ ). However according to כהנ"ל [ תינוקות ממשמשינ בו חזר לתמותו only if (ר"י), perhaps he is חזר לתמותו (since he rules like ר"י), who does not agree to the ק"ו ] . לחידוד קצת

<sup>6</sup> See תוספות ר"פ.