YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Commentaries on the Mishna**

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# *Shiur* 1: Tannaitic Commentaries on the Mishna

**Introduction**

In the following series of *shiurim*,we will analyze the wide range of commentaries on the Mishna from the Middle Ages through modern times. It is noteworthy that in our generation, the popularity of Mishna study has increased significantly with the publication of the comprehensive commentary of R. Pinchas Kehati and its clear explanations in easy modern Hebrew. However, the use of the Kehati commentary has also diminished the direct study of the earlier Mishnaic commentaries, as many now study his commentary exclusively, rather than the classical commentaries upon which it is based.

 Although the existence of numerous commentaries on a primary text is not unusual within Torah literature, it is somewhat hard to understand the need for so many commentaries on the Mishna. If the primary purpose of the Babylonian and Jerusalem Talmuds is to explain the Mishna, what need is there for commentaries that transform the Mishna into a text capable of being studied independently, without the Gemara? We will return to this question frequently throughout the series of *shiurim*.

 We will deal primarily with commentaries that address the Mishna in a systematic manner, explaining all of the *mishnayot* in order.[[1]](#footnote-1) Using examples from *mishnayot* throughout *Shas* (the six orders of the Mishna), we will attempt to discern the goal and uniqueness of each one: What motivated the author to write his commentary, what did it add to the commentaries that preceded it, and what can be derived from the commentary about the persona behind it?

 Before discussing the classic commentaries to the Mishna, it should be noted that there are actually much earlier commentaries to the Mishna as well, namely, those of the *tanna’im* and *amorai’m* themselves. These “commentaries” are just as significant as the classical ones, and the first two *shiurim* are dedicated to understanding them.

**The Intra-Mishnaic commentaries**

Our version of the Mishna is referred to as “The Mishna of Rebbe,” due to an assumption that Rebbe, Rabbi Yehuda HaNasi (c. 135-220 CE), was the editor and compiler of the Mishna. Nevertheless, *mishnayot* clearly existed before his time, as is evident from the following comment of *Tosafot* (*Bava Kamma* 94b): “…since *mishnayot* existed before the time of Rebbe, but Rebbe organized them.” The *Rishonim* as well as modern scholars dispute what form these early *mishnayot* took, and whether they were intentionally organized as such, or were simply random statements recorded by the *tanna’im* for their own purposes. Although this issue is not our concern at this point, the dispute does indicate that, as mentioned, the Mishna of Rebbe in its present form also incorporates earlier *mishnayot* within it.

 These *mishnayot* can be identified in a number of ways, one of them being where a Mishna explains a more ancient Mishna. Rav Sherira Gaon[[2]](#footnote-2) notes this phenomenon and confirms that Rebbe did in fact explain *mishnayot* that preceded his own. One of his examples is the Mishna (*Shabbat* chapter 6) that discusses at length the various types of jewelry that are permitted and forbidden for women to wear on Shabbat with regard to the concern of carrying an object from one domain to another (*hotza’a*). The Mishna brings an extensive list of permitted items, including the following items in Mishna 6:

One may go out [on Shabbat] with a coin upon a wound. Young girls may go out with threads, and even with splinters that are [passed through holes] in their ears. Arab women may go out wrapped [in head cloths], and Median women [with a cloak] fastened; and any person [may also do this]; however, the Sages spoke with regard to the prevalent custom. (*Shabbat* 6:6)

 Rav Sherira Gaon comments that the final sentence, “and any person [may also do this],” which means that not only Arab women may go out wrapped, but any women, is the explanation of Rebbe, who explains that the earlier Mishna was simply giving a common example.[[3]](#footnote-3)

 The expression “*lama ameru*, why did they say,” which appears in a number of instances in the Mishna, is an additional example of an intra-Mishnaic commentary. One instance of this example can be found in chapter 9 of tractate *Shevi’it,* where the Mishna begins by discussing one of the obligations that take effect during the Shemitta year, the removal of seventh-year fruits (*bi’ur*). The Sages derived from the Torah (*Vayikra* 25:12) that although it is permitted to benefit from ownerless (*hefker*) Shemitta produce, it is forbidden to store it for lengthy periods. The moment that a certain type of produce is no longer available to be harvested in the field, one must remove that type of produce from one’s house as well. The Mishna rules that the land of Israel is divided into three categories in this regard: “There are three regions with regard to *bi’ur*: Yehuda, the other side of the Jordan, and the Galil.” The Mishna then delineates additional distinctions within each of these regions. In Mishna 3, the following statement is made:

And why did they say that there are three regions? It was so that they would [be permitted to] eat from each one until the [produce of the] last of them was consumed.

 The Mishna thus explains the necessity for the division of the land into three regions that was taught previously. Consequently, the expression “why did they say” indicates a reference to an earlier source, which the Mishna feels the need to explain. The explanation of this ruling is that the division into regions was designed to permit eating a certain type of produce until the last of it is consumed in that region, despite the fact that in other regions that fruit had already been entirely consumed.

**Explanations of the Mishna in the Tosefta**

In addition to the Mishna, the statements of *tanna’im* are found in a number of other sources as well. These sources include the *Midrash Halakha,* Tosefta*,* and external *baraitot* that are cited in the Talmud. The Toseftais a collection of tannaitic comments that generally parallel the structure of topics that appear in the Mishna. Rav Sherira Gaon comments that he was asked about its necessity:

And with regard to the Tosefta*,* about which we have heard that R. Chiyya wrote it, was it written after the Mishna, or at the same time? What prompted R.Chiyya to write it? If the Toseftacontains material that explains the Mishna, then why did Rebbe not write it himself in the Mishna? (Letter of Rav Sherira Gaon, *Nusach Tzarfati*, p.6)

 Rav Sherira Gaon responds to the question as follows: “And the sayings in the Toseftawere clearly after the Mishna, and they were taught about it” (*ibid,* p.34). Evidently, Rav Sherira believes that the Toseftaalways comments on and interprets the Mishna. The Rambam also writes similarly (Introduction to the *Mishneh Torah*): “And R.Chiyya authored the Tosefta in order to explain the ideas in the Mishna.”

 Based on this assumption, it has been suggested that the term “*Tosefta*” stems from the word *tosefet* (addition), meaning that it is considered an addition to the Mishna.[[4]](#footnote-4) As we will see below, examples can certainly be found where the *Tosefta* does indeed explain the Mishna. However, many have noted[[5]](#footnote-5) that it is difficult to accept this explanation as a sweeping generalization, and in many instances, it is possible to explain the relationship between the two differently. It should also be stressed that the *Tosefta* often cites a halakha that appears in the Mishna as well, but with more detail. In these instances, it is unnecessary to view the Tosefta as explaining the Mishna. Rather, it may be more fully explaining a known halakha that was taught in both sources. Nevertheless, as mentioned, there clearly are many instances where the Tosefta does explain the Mishna as it appears in our texts. Here are a number of examples:

1. The Mishna discusses the separation of the High Priest from his house before Yom Kippur:

Seven days before Yom Kippur the High Priest is separated from his house and brought to the Parhedrin chamber, and another priest is set aside in his stead in case he becomes disqualified. Rabbi Yehuda says: Another wife is also set aside for him, in case his wife dies, as it is stated: “And he call atone for himself and for his household (*Vayikra* 16:6). “His household” refers to his wife. They said to him: If so, then there is no end to the matter. (Mishna *Yoma* 1:1)

According to the Mishna, the High Priest would be separated from his house seven days before Yom Kippur and placed in the Parhedrin chamber. There is no explicit source for this halakha in the Torah, and the Mishna also does not bring a clear explanation for this practice. This halakha is cited together with that of Rabbi Yehuda, who rules that the High Priest is also given another wife, and this halakha is clearly explained as intending to prevent a potential situation where he is invalidated from performing the Temple service on Yom Kippur. It is therefore possible to extrapolate that the halakha of separation has a similar purpose.[[6]](#footnote-6) In fact, the Tosefta at the beginning of tractate *Yoma* actually provides this explanation for the halakha in question:

Why is the High Priest separated from his house and brought to the Parhedrin? Rabbi Yehuda ben Petera explained: Lest his wife become a possible *nidda*, and he will have relations with her, and thereby become impure for seven days.

 Note that without being familiar with the halakha in the Mishna, it would be impossible to understand the context of the question of “why is the High Priest separated, etc.” in the Tosefta, since it does not mention that this halakha is related to Yom Kippur. Consequently, it appears that the Tosefta here directly continues the theme of the Mishna and explains it.

1. The Mishna at the end of the first chapter of tractate *Kiddushin* discusses various *mitzvot* that women are obligated to perform, and others from which they are exempt. Within this context, it first discusses *mitzvot* that relate to a father and son:

All *mitzvot* of a son upon a father, men are obligated, and women are exempt; and all *mitzvot* of father upon a son, both men and women are obligated. (*Kiddushin* 29a)

 The Mishna does not elaborate further upon the definition of these two categories, but an explanation does appear in the Tosefta there:

What are *mitzvot* of a son upon the father? They are giving food and drink, clothing, covering, bringing him in and out, and washing his face, hands, and feet. This is true both for men and women, but a man has the capability to do so, while a woman does not always, since she is in the domain of another. What are *mitzvot* of a father upon a son? They are to give him a *brit mila*, to redeem him, to teach him Torah, to teach him a trade, and to marry him to a wife.

 In this case as well, the Tosefta does not mention the actual principle, but simply discusses the examples, and thereby explains the Mishna.[[7]](#footnote-7)

1. In the continuation of the Mishna previously quoted from *Kiddushin* chapter 1, another principle appears with regard to the obligation of *mitzvot* upon men and women: “[Regarding] all time-bound *mitzvot,* men are obligated, and women are exempt; and [regarding] all non-time-bound *mitzvot,* both men and women are obligated.” The Mishna does not explain the context, nor does it provide examples. However, the Tosefta there does provide an explanation:

What is a mitzva that is time-bound? For example, *sukka*, *lulav*, and *tefillin*. What is a mitzva that is not time-bound? For example returning a lost object, sending away a mother bird, constructing a fence, and *tzitzit.* Rabbi Shimon exempts women from *tzitzit* because it is a time-bound mitzva.

 In this instance as well, the *Tosefta* does not specify the actual ruling that appears in the Mishna, but simply explains it further.

1. Tractate *Shekalim* discusses the mitzva of *machatzit ha-shekel*, whereby each individual is obligated to give a half-shekel to the Temple each year for the purpose of purchasing public offerings. The tractate elaborates on the administrative aspects of this mitzva in the Temple. Mishna 3:2 describes how the money assembled was placed in a chamber within three containers, each of which was the size of three *se’a.* The Mishna cites a dispute with regard to how each of the containers was marked:

In three containers of three *se’a* each, the [*shekel*] was donated in the chamber; and on them was written *aleph, bet, gimmel.* Rabbi Yishmael says: Greek was written on them: *alpha, beta, gamla* (sic)*.*

 Aside from citing a factual disagreement regarding whether they wrote in Hebrew or in Greek,[[8]](#footnote-8) the Mishna does not offer any explanation why it was at all necessary to mark the containers. In the *Tosefta* (*Shekalim* chapter 2), though, there is an explanation given, without mention of the initial halakha:

Why do they write *aleph, bet,* and *gimmel* on the containers? Because they first removed from the first; when the first was complete, they removed from the second; when the second was complete, they removed from the third.

The *Tosefta* here explains the ruling of the Mishna that the containers must be marked by saying that only after concluding the removal of the money from the first, would they begin to remove from the second, and so on.

**Explanations of the Mishna in *baraitot***

Let us conclude this *shiur* by noting that there are many *baraitot* cited in the Gemara that also appear to have been authored as an explanation to the Mishna. Chanoch Albeck[[9]](#footnote-9) points to the *baraitot* of Rabbi Yishmael as examples of this, from which we will cite one case. The Mishna (*Yoma* chapters 3-4) describes the two confessions that the High Priest effected on Yom Kippur upon the bull that he was obligated to bring. According to the Mishna, in the first confession he states: “I and my household have sinned before You,” while in the second he states: “I and my household and the sons of Aharon your holy people have sinned before You.” The Gemara (*Yoma* 43b) inquires as to the difference between the two confessions, and cites a *baraita* that answers the question as follows:

He came to his second bull. What is the difference between the first confession, where it does not say, “And the sons of Aharon, your holy people,” and the second confession, where it says, “And the sons of Aharon, your holy people?” The academy of Rabbi Yishmael taught: This is what the attribute of justice dictates: It is better that the meritorious should come and atone for one who is liable, and one who is liable should not come and atone for one who is liable.

 Albeck sees this *baraita* as being an interpretation of the Mishna. However, we should note that it is theoretically possible that the *baraita* was stated in a different context, but the Gemara utilized the principle mentioned therein in order to explain the Mishna under discussion.

(Translated by Eli Ozarowski)

1. Many have identified the Rambam (12th century) as the first commentary on the Mishna, and, historically, this is indeed the first continuous commentary on the entire Mishna. Although the *Ge’onim* (who preceded the Rambam) frequently explicate *mishnayot*, they do not do this in a systematic, continuous manner. [↑](#footnote-ref-1)
2. Letter of Rav Sherira Gaon, Levin edition, *Nusach Tzarfati*, p.30 [↑](#footnote-ref-2)
3. This expression of “and any person” appears later in that chapter with regard to men’s jewelry as well. [↑](#footnote-ref-3)
4. See Zecharya Frankel, *Darkei HaMishna*, p.322 [↑](#footnote-ref-4)
5. In recent generations, a number of scholars have addressed this topic. An exhaustive discussion of the various opinions can be found in the introduction to Tosefta *Atikta*, by Shamma Friedman. As he demonstrates there, the Toseftaoften does not relate directly to the Mishna, but discusses the same topics in parallel to the Mishna, and occasionally the *halakhot* in the Toseftaeven predate those of the Mishna. In this context, he suggests that the term Tosefta not only stems from the word addition (*hosafa*), but also from the word compilation (*osef*). [↑](#footnote-ref-5)
6. The opening *sugyot* of the tractate in both the Babylonian and the Jerusalem Talmuds cite a dispute between Reish Lakishand Rabbi Yochanan, both of whom explain the need for this separation differently. [↑](#footnote-ref-6)
7. It should be noted that the formulation of the principles is reversed in the Mishna and Tosefta: The Mishna uses the term “*mitzvot* of the son upon the father” (*ha-ben al ha-av*) to refer to those that the father must do for his son, while the Tosefta refers to this category as “*mitzvot* of the father upon the son” (*ha-av al ha-ben*), and vice versa. In the version of the Mishna that appears in the Jerusalem Talmud and in a number of manuscripts of the Mishna, the formulation is the same as that of the Tosefta, as is the formulation brought in the Rambam’s commentary on the Mishna, which is also a significant proof as to the actual Mishnaic formulation. However, the formulation that appears in the Mishna in the Babylonian Talmud is the same as that which appears in the Gemara itself, as is evident from the *sugya* there(*Kiddushin* 29a). As is noted by R. Saul Lieberman in his commentary to the Tosefta there, *Tosefta Ki-fshuta*, this is one of the examples of variant versions of the Mishna whose source is not an error of any sort, but rather stems from different formulations that were studied in Babylonia and in Israel during the period of the *amora’im.*  [↑](#footnote-ref-7)
8. The author of the *Tiferet Yisrael* makes an interesting comment with regard to the opinion of Rabbi Yishmael: During the Second Temple period, the Jews were more accustomed to using Greek than Hebrew, and this teaches that when there is a reason for it, there is no concern with the holiness of the script (i.e., using a non-holy script) in the holy Temple.  [↑](#footnote-ref-8)
9. *Mavo LaTalmudim*,p. 42. [↑](#footnote-ref-9)