YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Commentaries on the Mishna**

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**Shiur#14: The Commentary of *Tosefot Yom Tov* Part 2**

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In the previous *shiur,* we discussed the methodology of the *Tosefot Yom Tov* and the novelties inherent to his work beyond the commentaries that preceded him, as well as part of his spiritual and philosophical worldview. In this *shiur,* we will address a number of important features of his commentary.

1. **Explanations Not in Accordance with the Interpretation of the Gemara**

One of the most well-known passages of the *Tosefot Yom Tov*’s commentaryappears in tractate *Nazir* (5:5). The Mishna there states:

A group of people was walking on the road, and someone came toward them. One of them said: “I am hereby a nazirite that this is person X,” and another said: “I am hereby a nazirite that this is not person X;” [a third one said:] “I am hereby a nazirite that one of you [the first two] is a nazirite;” [a fourth one said he is a nazirite] “that one of you is not a nazirite;” [a fifth one said he is a nazirite] “that both of you [the first two] are nazirites;” [a sixth one said he is a nazirite] “that all [five] of you are nazirites.” [With regard to these cases] Beit Shammai say: All of them are nazirites, and Beit Hillel say: No one is a nazirite, except the one whose words were not fulfilled. Rabbi Tarfon says: None of them is a nazirite. (Mishna *Nazir* 5:5)

Based on the comments of the Gemara (*Nazir* 32b-33a), it appears that the Mishna is referring to a case of six people walking together who then see another person approaching them. The six people argue about this person’s identity. The first two individuals accept upon themselves to become nazirites if they are correct in their identification of the person (though they disagree who it is), and the rest accept upon themselves to become nazirites based upon the declarations of the first two individuals. According to Beit Shammai, all six of them are rendered nazirites, whether they were correct or incorrect in their identification. The reason for this is that according to Beit Shammai, one who accepts upon himself to become a nazirite even in error, nevertheless still becomes a nazirite, just like the consecration of an item to the Temple in error is still valid.

Beit Hillel, in contrast, state that only the individuals who correctly identified the person become nazirites, since in their opinion, a declaration to become a nazirite made in error is invalid.[[1]](#footnote-1) However, it is unclear why Beit Hillel rules that only the ones who guessed incorrectly become nazirites, as their logic should dictate the opposite, that the ones who guessed correctly should become nazirites. Rav Yehuda and Abaye disagree in the Gemara (32b-33a) about the reasoning of Beit Hillel. Rav Yehuda modifies the text of the Mishna by reversing the parts of Beit Hillel’s opinion: Only the ones whose words were actually true become nazirites, while the ones who erred in the identification do not become nazirites.

Abaye, on the other hand, explains that the Mishna refers to a case where the one who declared his nazirite status added a sentence, “instead, if it is not person X, I will be a nazirite,” where he apparently changes his mind. The meaning of the words “whose words were not fulfilled” is that his original statement (the first clause) was not fulfilled, but his later statement (that if it is not person X, he will be a nazirite) was. Rashi and Tosafot disagree as to precisely how to explain Abaye’s opinion, while the Rambam offers a third explanation:

Beit Hillel say that the one obligated in naziriteship is the one with regard to whom none of his words would exempt him. For example, if one says, “I am a nazirite that this is person X,” if his words were true, and it was person X, then he is obligated in naziriteship. And if he said, “I am a nazirite that this is not person X,” and then it was found that it was person X, such [that] his words were not true, he is obligated in naziriteship. We find that the intention of Beit Hillel in referring to “the one whose words were not true” is what we have said. And the halakha is not in accordance with Rabbi Tarfon. (Rambam, Commentary on the Mishna, *Nazir* 5:5)

In other words, according to the Rambam, the words “his words were not true” mean that no element of his words that would exempt him from becoming a nazirite were true. Evidently, the Rambam flips the explanation of the terms “his words were true” and “his words were not true” from the simple understanding. His explanation consequently also contradicts the understanding of the Gemara, a fact noted by the *Tosefot Yom Tov* in his comments below:

However, in the Gemara they did not explain [it] this way. Since with regard to the practical halakha, there is no difference, permission is given to explain [however he wants]. I do not see any difference between the explanation of the Mishna and the explanation of scripture, as permission is granted to explain scripture where our eyes have seen the works [of commentary] that are from the times of the Gemara. However, one must not rule [halakha] or explain any halakha in a manner that contradicts the authors of the Gemara. (*Tosefot Yom Tov*, commentary on *Nazir* 5:5)

These words of the *Tosefot Yom Tov* are cited in almost every single discussion about the study of simple understanding of the Torah or Mishna, even when it goes against the interpretations of *Chazal*. We will address this topic thoroughly in a separate *shiur* dedicated to the topic of understanding the Mishna in its simple form. However, it should be noted here that despite this fundamental claim of the *Tosefot Yom Tov,* he rarely explains the Mishna in its simplest form against the interpretation of the Gemara. Only in a few additional instances does he note the fact that the Rambam apparently explains the Mishna not in accordance with the Gemara, and he usually questions the Rambam for doing so.[[2]](#footnote-2)

1. **Non-Mystical Explanations Only**

Although in practice the *Tosefot Yom Tov* does not usually interpret the Mishna differently than the Gemara, the tendency of the *Tosefot Yom Tov* to interpret sources according to their simple meaning is nevertheless found in other contexts. The Mishna (*Avot* 2:6) states: “He [Hillel] also saw a skull floating in the water. He said to it, because you drowned someone, they drowned you, and ultimately the one who drowned you will drown.” The *Tosefot Yom Tov* here cites the explanation of the *Midrash Shmuel,* who explains the Mishna based upon the “principle of *gilgul,*”[[3]](#footnote-3) an explanation that is rejected by the *Tosefot Yom Tov*.

And it does not make sense in my eyes at all to say that the intent of Hillel in this statement was only for the secret of “*gilgul*.”As that is indeed one of the unfathomable matters, and it should be concealed, except for exceptional individuals that God calls.[[4]](#footnote-4)Our Holy teacher [Rabbi Yehuda Ha-nasi] would not have authored this statement or taught it in his Mishna, because just as “scripture does not emerge from its simple sense,” so too the Mishna does not emerge from its meaning that is understood by all. And [if this were the meaning,] he would have left this statement with other statements that they accepted by tradition but chose to leave as oral, and did not write them in the Mishna.[[5]](#footnote-5) (*Tosefot Yom Tov* on *Avot* 2:6)

According to the *Tosefot Yom Tov,* any source in rabbinic literature must first be explained according to its simple understanding.

1. **Discussion of Scripture and its Simple Meaning**

In a number of places, the *Tosefot Yom Tov* elaborates on the meaning of words and verses in the Tanakh, a tendency that appears to relate to his pursuit of the simple meaning of sources.

1. **The Meaning of the Word *Chag***

In many places in the Mishna, the word *chag* refers to Sukkot specifically. The *Tosefot Yom Tov* addresses this issue in his commentary on tractate Rosh HaShana:

About the matter of the name *chag* being designated [specifically] for Sukkot, more than [for] Pesach and Shavuot… even though all three are called *chag* in scripture; nevertheless, the initial implication of the word *chag* is a circle and dancing. If not for the verbal analogy of the word *midbar*, *midbar*… and the Radak does explain it this way in accordance with its simple meaning, which is dancing and clapping with joy. And on Sukkot, there was additional joy based on the drawing of the water. Therefore, it is appropriate for Sukkot specifically to be called *chag.* And for this reason, we say in the prayer [*Shemoneh Esrei*], “the time of our rejoicing.”  **(***Tosefot Yom Tov* to *Rosh Hashana* 1:1)

The *Tosefot Yom Tov* here refers to the fact that *Chazal* (*Chagiga* 10b) derived via verbal analogy (known as a *gezeira shava*) that the word *chag* refers to an offering, based on two appearances of the words *bamidbar*.[[6]](#footnote-6) Just as with regard to one, the word *chag* refers to an offering, so too with regard to the second, the context of the holidays, the word *chag* refers to an offering. Nevertheless, he explains that according to the simple meaning of the Mishna, it refers to a circle and dancing, a point that specifically characterizes Sukkot due to the ceremony of the water drawing, which was accompanied by much rejoicing and dancing. It is clear to him that despite the verbal analogy, the Rabbis did not alter the original meaning of the word *chag* as circles and dancing, and therefore referred to Sukkot specifically by the name of *chag.*

1. **Explanation of the Word “Libations” [*nesakhim*]**

The Torah commands that the majority of the offerings sacrificed in the Temple must be brought together with a meal-offering and wine libation. These meal-offerings are thus referred to as the “meal-offerings of libations.” The Mishna in *Menachot* (9:4) rules: “The lamb brought with the *omer* offering gets a double meal-offering, but its libation was not doubled.” The Mishna is discussing the halakha of the meal-offering and wine libation for the lamb that accompanies the *omer* offering, which consisted of barley and was brought annually on the sixteenth of Nissan. The Mishna establishes that although this meal-offering was double – it contained two *isaron* measures of flour for one lamb, as opposed to the usual one of flour(as specified in Vayikra 23:13) – the quantity of its wine libations was not doubled, a fact that is explicitly stated in that verse.

The Gemara comments that the amount of oil that was mixed in with the flour for the meal-offering was also not doubled, and it derives this from the following exegesis:

Rabbi Elazar said, it says “*ve-niska* [and its libation, feminine]” and we read it “*ve-niskoh* [and its libation, masculine]*.*” How so? “Its libation [*niska*, feminine]” of the meal-offering [*mincha,* which is feminine][[7]](#footnote-7) is equivalent to “its libation [*nisko,* masculine]” of the wine [*yayin*, which is masculine]: Just as [for] wine, [the amount is] a quarter [of a *log,* a measurement], so too [for] oil, [the amount is] a quarter [of a *log*]*.* (*Menachot* 89b)

The *Tosefot Yom Tov* discusses this interpretation at length:

And we learn from here that the language of “*nesekh*” in the Torah is also used for oil. And the reason is that it is also drawn [*nitnasekh*] and poured into flour. And it makes sense that the Bartenura and the Rambam in the aforementioned Mishna, and also in the last chapter [of this tractate], Mishna 5, refer to the oils of the flour using the formulation of “*ve-niskeihem*.” Likewise, [it makes sense that] in the text of the [*Mussaf*] prayer [it says] “and their meal-offerings and their libations [*u-minchatam ve-niskeihem*]*,*”and then we say “and wine according to its libation [*ke-nisko*].” Conclude from here [i.e., from the plural form of *niskeihem*] that *ve-niskeihem* is referring to the oil [in addition to the wine]. (*Tosefot Yom Tov, Menachot* 9:4)

The *Tosefot Yom Tov* explains that this interpretation is based on the fact that practically, oil is drawn and poured, and the Hebrew term *nesekh* refers to a substance that is poured. He supports this by referencing the Rambam and the Bartenura, who both include oil within the plural term *ve-niskeihem*. He also references the text of the *Mussaf* prayer recited on Rosh Chodesh and the holidays, where the word *ve-niskeihem*, their libations in plural, is distinct from the reference to the wine “*yayin ke-niskoh”* which proves that the term *ve-niskeihem* refers to oil.

Based on this analysis, the *Tosefot Yom Tov* questions the opinion of the Maharshal, who writes that he omits the words *uminchatam ve-niskeihem* from his prayers*,* as he believes that the plural form of *nesakhim* is incorrect. The *Tosefot Yom Tov* rejects this based on the formulation of the Mishna, which demonstrates that the word *nesakhim* refers to both the wine and oil libations, and adds an additional proof from Scripture that oil is also included in this term, thereby affirming the precision of the text of the Siddur. Within this discussion, he also addresses the question of the simple meaning of the text of the Tanakh in contrast to the more homiletical interpretations:

And I am astonished at the holy mouth of our teacher, Rav Shlomo Luria [the Maharshal], who wrote in his responsa, *Siman* 64, “I skip [the word] *ve-niskeihem*, as it appears to me that it is a scribal error. As if one comes to explain [the word] ‘as it is stated [*ke-medubar*]’ as referring to the libations as well, it should have subsequently said, ‘and wine of one half a *hin* for the bull,’ etc. Rather, it certainly comes to explain only the meal-offerings, [and the word] ‘as it is stated’ is literal, and the libations [are referred to] in brief when it says, ‘and wine according to its libation.’ And the truth is that in *parashat Pinchas* it also explains the meal-offerings each time, and [with regard to] the libations, it says only ‘according to their rules,’ or ‘and their libations,’ like the verse does here. And this is the primary [explanation].”[[8]](#footnote-8)

And the explanation of the matter is that since he didn’t consider that “their libations” [*niskeihem*] refers only to the oil, he was therefore pressed to alter the text. And we have already seen that that the Torah says “and its libation [*ve-niskoh*]” regarding the oil. And furthermore, in *Parashat Pinchas* in the sixth [day] of the *chag* [i.e., Sukkot], it says: “And its libations [*nesakheha*].”

And Rashi explains there that any [time the words] *ve-niska, ve-niskeihem, ve-nisacheha* [are mentioned], regarding the offerings of Sukkot*,* they refer to the daily offering. Now granted, if you say that oil is also referred to as a *nesech,* that is why is written “and its libations,” [*u-nesacheha*] in plural, as it refers to oil and wine.

However, if you say that oil is not suitable to be called *nesech,* what is [the meaning of] *u-nesacheha* [its libations], as it refers to one burnt-offering. Since, if it refers to the two daily offerings, it should have said, “*ve-niskeihem* [and their libations]*,*” like it did on the second [day]. And do not answer me that this is why the extra *yud* is present [in the word *ve-niskeihem* written on the second day] based on the homiletical interpretation of the drawing of the water, as nevertheless, the verse does not depart from its simple meaning, and [the verse] needs an explanation on the simple level. And even though it is explained according to the simple meaning, even so, the exegetical interpretation can be employed, because one can still derive it because it alters its wording [i.e., it changes the word from *ve-niska* to *ve-niskeihem*] from the other verses in the *parasha.* This is thus a second witness [i.e., proof] to establish the matter that “*ve-niskeihem*” is appropriate to say [in the *Mussaf* prayer], and the intention is [to refer to] the oil. And then this version of the text in the prayers is completely supported.

1. **“And the Firstborn that is Born”**

The Mishna in *Yevamot* (2:8) rules that ideally, the oldest brother should perform levirate marriage (in a case where the husband dies, and the couple had no children). The Gemara derives this halakha as follows:

The Rabbis taught: “And the firstborn, etc.” (*Devarim* 25:6); from here [it is derived] that it is a mitzva for the eldest [brother] to perform levirate marriage… now that you said that the verse is written with regard to the eldest [brother], say that [only] a firstborn should perform levirate marriage, and an ordinary [brother] should not [ever] perform levirate marriage… the verse states: “When brothers live together (*Devarim* 25:5),” the living of the brothers is compared to one another. (*Yevamot* 24a)

The verse that serves as the source of this halakha is *Devarim* 25:6: “It shall be that the firstborn that she will bear will be established in the name of his dead brother, and his name will not be expunged from Israel.” The simple meaning of the verse indicates that this commandment refers to the child born as a result of the levirate marriage.[[9]](#footnote-9) However, according to the interpretation of the Gemara, the verse refers to the identity of the one performing the levirate marriage, and commands that the eldest brother do so. The Gemara there cites a number of additional exegetical interpretations of this verse, including one focusing on the words “in the name of his brother,” as follows:

“Will be established in the name of his dead brother,” for an inheritance [i.e., that it goes to the one performing levirate marriage]. You say for an inheritance, or is it only for the name? [For example, if the deceased was named] Yosef, call him [i.e., the newborn child] Yosef, [if the deceased was named] Yochanan, call him Yochanan? It is stated here, “will be established in the name of his dead brother,” and it is stated elsewhere, “they shall be called after the name of their brothers in their inheritance” (*Bereishit* 48:6). Just as the [word] “name” mentioned there refers to inheritance, so too the [word] “name” mentioned here refers to the inheritance.

“And his name will not be expunged from Israel,” this excludes a *saris* (sexually underdeveloped male), whose name is erased [since he cannot father a child]. Rava says: Even though in the entire Torah [the rule is that] a verse does not depart from the simple meaning, here the verbal analogy [of the word “name”] comes, and removes it from its simple meaning entirely. (*Yevamot* 24a)

According to Rava, in this case, the exegetical interpretation removes the verse from its simple meaning entirely, and Rashi explains that accordingly, there is no obligation to call the child by the name of his deceased brother, which is the simple interpretation. The Bartenura cites the various exegetical interpretations of the Gemara in his commentary:

“There is a mitzva for the eldest to perform levirate marriage.” As we interpret: “And take her as a wife, and perform levirate marriage with her, and the firstborn” (*Devarim* 25:5-6); [this indicates that] the one performing levirate marriage should be a firstborn. “That she will bear,” [this indicates that] that the *yevama* (the woman whose husband died childless) should be capable of giving birth, which excludes an *ailonit* (sexually underdeveloped woman who cannot bear children). “The first born,” performing the levirate marriage “will be established in the name of his brother,” to inherit him, and his brothers will not divide it with him. (Commentary of Rav Ovadya of Bartenura, *Yevamot* 2:8)

Accordingly, the Bartenura does not suffice with citing the scriptural basis for the halakha mentioned in the Mishna explicitly that the elder brother is preferred; rather he brings a number of the Gemara’s exegeses, despite the fact that the *halakhot* derived there do not appear in the Mishna. The *Tosefot Yom Tov* comments:

And that which the Bartenura wrote that the firstborn performing the levirate marriage will be established in the name of his dead brother to inherit him is explained in the Gemara [as being derived] from a verbal analogy. As it is stated here, “will be established in the name of his brother,” and it is stated elsewhere, “they shall be called after the name of their brothers in their inheritance” (*Bereishit* 48:6).

And we say in the Gemara that even though in the entire Torah a verse does not depart from the simple meaning, here the verbal analogy comes, and removes it entirely, resulting in the fact that [the brother of the deceased] need not call his son by the name of his [deceased] brother at all. And now it works well that the Bartenura was compelled to write this exegetical interpretation of the entire verse, [even though] it would seem that he did not need to write the exegetical interpretation about the inheritance at all.

But since this interpretation removes the verse from its simple meaning entirely, this required [the Bartenura to specify] the interpretation of [the phrase] “it shall be the firstborn,” as it is impossible to explain it in its simple sense now, as *Tosafot* wrote. Rather, it refers to the *yavam* (the brother performing levirate marriage), as if the verse refers to the firstborn born to the *yevama*, [and means] that he will be established to [receive] the inheritance, that that firstborn will inherit the deceased, if so, it should have stated: He will be established in the name of the brother of his father. (*Tosefot Yom Tov, Yevamot* 2:8)

The *Tosefot Yom Tov* claims that the Bartenura was compelled to cite the Gemara’s interpretation about the inheritance, despite the fact that it doesn’t appear in the Mishna, because the exegetical interpretation deriving that the verse refers not to the child born, but to the *yavam*, can only be understood in this light. The *Tosefot Yom Tov* goes on to explain the words of the Rambam (*Hilkhot Yibbum* 2:6), who cites an alternative source from the one which appears in the Gemara for the Mishna’s ruling that the eldest son should preferably perform the levirate marriage:

And likewise, I believe that since this verbal analogy removes the verse from its simple meaning, this compelled the Rambam, who wrote in his commentary [on the Mishna], as well as in his work [the *Mishneh Torah*] in chapter 2 of *Hilkhot Yibbum*:“That she will bear,” means that the mother of the deceased will bear, and [the future form] “she will bear” is [written] in place of “she bore” [past tense], and the future [form] comes in place of the past [form].[[10]](#footnote-10)

But this [interpretation of the Rambam] is difficult, as the Talmud employs [the words “she will bear” for] a different exegetical interpretation, as the Bartenura wrote, “it excludes the *ailonit*,” and the Rambam also quotes it in chapter 6 of *Hilkhot Yibbum.* Rather, because the simple meaning of the verse is removed entirely, the Rambam states that it is impossible to say that there should not be an understandable explanation in scripture… that there should nevertheless be a simple explanation [that is] understandable to all for this verse, like [there is] for all verses. Just that the apparent explanation, which is that “the firstborn,” refers to the first child [of the *yavam* and *yevama* together], and “shall be established in the name,” refers to the literal name, to this simple meaning, the verbal analogy has removed entirely. Rather, explain “the firstborn” [as referring to] the firstborn of the brothers [of the deceased], and “in the name” is the name of the inheritance. And all this is close to its simple interpretation and meaning of the verse… it emerges from this that the verse has a clear meaning close to its simple meaning, even though the verbal analogy removes it entirely. (*Tosefot Yom Tov, Yevamot* 2:8)

The Rambam derives the halakha that the eldest brother should perform the levirate marriage from the words “that she will bear,” which he interprets to mean “that the mother of the deceased will bear,” i.e., the eldest child of the mother of the deceased. The *Tosefot Yom Tov* explains that the Rambam needed to use this *derasha* (exegetical interpretation)because in his opinion, although the Gemara claimed that in this instance the *derasha* uprooted the simple meaning, it is necessary to explain the verse in such a manner that it is understandable in some form. In other words, although the *derasha* does indeed explain the verse differently from its simple sense, the verse must still be easily understandable on a simple level when interpreted in this manner. Again, the sensitivity of the *Tosefot Yom Tov* to understanding a verse in a simple manner is evident.

1. **Alternate Versions of the Text and Realia**

A striking feature of the commentary of the *Tosefot Yom Tov* is his many glosses and clarifications to the text of the Mishna. Rabbi Shlomo Ha-Adeni, the author of the commentary *Melekhet Shlomo* on the Mishna, who also dealt extensively with alterations of the text, addresses this issue in his introduction to the Mishna where he relates that he discovered the commentary of the *Tosefot Yom Tov* just as he had almost completed writing his own commentary on the Mishna:

“And together is his heart to say it.” There is no coincidence that in one generation, one sits alone in a corner in the city of Chevron,[[11]](#footnote-11) may it be rebuilt speedily in our days, and one of his colleagues sits in the distant land of the cities of Ashkenaz.[[12]](#footnote-12) They agreed together to delve and toil within the labor of Torah, and to edit the Mishna and to explain it in nearly the same style. (*Melekhet Shlomo,* Introduction to the Mishna)

The *Melekhet Shlomo* labels the commentary of the *Tosefot Yom Tov* as one designed“to edit the Mishna and to explain it.” However, on this point we find a dispute among scholars about how to understand the glosses of the *Tosefot Yom Tov.* Many scholars believe that one of the goals of the *Tosefot Yom Tov,* in addition to serving as a commentary,was indeed to clarify the correct text of the Mishna based upon the various versions of the Mishna available to him.[[13]](#footnote-13) However, Yair Horowitz[[14]](#footnote-14) recently claimed that the *Tosefot Yom Tov* did not engage in a systematic clarification of the correct text, and in fact never intended to prepare a critical edition of the Mishna. Rather, his goal was to explain the Mishna, and he engaged in critical analysis of the text as a means to this end. Horowitz marshals many proofs to his position, including the fact that in his introduction, the *Tosefot Yom Tov* does not mention this at all among his various stated goals. In any event, the *Tosefot Yom Tov* does indeed frequently engage in a critical analysis of the text of the Mishna, and he can be considered a trailblazer to some degree in this regard.

*Tosefot Yom Tov* may have developed his interest in analyzing the various versions and manuscripts of the Mishna through study with his teacher, the Maharal, who also engages in such analysis occasionally.[[15]](#footnote-15) The following is one example of the Maharal’s style in *Pirkei Avot,* where the Mishna states:

Ten objects were created on the eve of Shabbat during twilight, and they are: The opening of the ground, the opening of the well, the mouth of the donkey [of Bila’am], the rainbow, the manna, the staff [of Moshe], the *shamir* worm [used to cut the stones for constructing the Temple], the letters, the writing, and the Tablets. And some say even the demons, and the burial-place of Moshe, and the ram for Avraham our father. And some say even tongs are made from other tongs [but the first was created by God at this time as well]. (*Pirkei Avot* 5:6)

In his commentary to *Pirkei Avot*,the Maharal comments that multiple versions of the text exist for this Mishna:

And in our Mishna, not all the versions of the text are identical, as in some versions, it is written: And some say, even the demons and the burial-place of Moshe and the ram of Avraham, and some say even tongs are made with other tongs. And in other versions, it is written, and some say the ram of Yitzchak and the burial-place of Moshe, and some say even the demons and the tongs. (Maharal, *Derech Chaim* on *Pirkei Avot,* 5:6)

The Maharal later in this passage is troubled by these two different versions of the text, as he assumes that every list of “some say” must include somewhat similar items in them, which is not the case regarding demons and tongs, or demons and the burial-place of Moshe and the ram of Avraham. For this reason, he concludes:

And therefore I say that the correct version of the text is “The ram of Yitzchak and the burial-place of Avraham,” since the ram and the burial plot are both used for great righteous individuals, as will be explained, “and some say even the demons, and some say even tongs are made with other tongs. (Maharal, *Derech Chaim* on *Pirkei Avot,* 5:6)

It is evident from here that the Maharal understood the clarification of the correct text to be an integral part of explaining the Mishna, and the *Tosefot Yom Tov* mentions the opinion of his teacher in his commentary on that Mishna.

Another example of the Maharal engaging in clarifying the correct text can be found elsewhere in *Pirkei Avot* (3:4): Rabbi Chanina ben Chakhinai says: “One who is awake at night, and one who travels on the road alone, and one who turns his heart to idle thoughts jeopardizes his life.” According to this version of the text, the Mishna lists three distinct examples of a person who jeopardizes his life: One who is awake at night, one who travels alone, and one who turns his heart to idleness. The Maharal discusses the uniqueness of each case individually, and then writes:

And some have the version of the text that reads “one who is awake at night and turns his heart to idleness,” and it is one case, as since he is awake during the night, his mind turns to idleness,[[16]](#footnote-16) and the nighttime is subject to the influence of the destroyers [i.e., demons and other similar creatures], therefore he jeopardizes his life. But the formulation of the language [used] is not this way, as [if this were correct] it should only have said “and one who turns his heart to idleness at night.” (Maharal, *Derech Chaim* on *Pirkei Avot,* 3:4)

According to the second version of the text cited here, the Mishna only presents two cases: Being awake at night and traveling alone. The Maharal rejects this version based on textual considerations as well as syntax. The *Tosefot Yom Tov* cites the comments of the Maharal in this instance as well.

We will conclude our discussion regarding the approach of the *Tosefot Yom Tov* to manuscripts and alternate versions of the text with a comment he made about a Mishna in *Bava Metzia*:

One who receives a field from another to sow barley in it, he may not sow it with wheat; [if he is given the field to plant] wheat, he may sow barley. Rabban Shimon ben Gamliel forbids this. [If he receives the field to sow] grain, he may not sow it with legumes; legumes, he may sow it with grain. Rabban Shimon ben Gamliel forbids. (Mishna, *Bava Metzia* 9:8)

The Mishna here refers to a person who is hired as a sharecropper to work the field of another, from which he receives a portion of the profit. If the sharecropper wishes to sow a different type of crop, then the Mishna, according to the printed version, says that the first *tanna* forbids sowing legumes if the field was received for the purpose of sowing grain, but the reverse case is permitted. Rashi there (*Bava Metzia* 106b) explains that the legumes weaken the ground more than grain does. The *Tosefot Yom Tov* cites the explanation of Rashi and then notes that others had a different version of the text:

Grain, he may not sow it with legumes: Rashi explains that legumes weaken the ground more than grain. And other versions of the text have the reverse reading, and this is the version [that appears] in the Rif and [the Jerusalem Talmud]. And the Rambam in his work [the Commentary on the Mishna] writes similarly. And our teacher, Rav Wolk Cohen, was astonished at the *Shulchan Arukh* (*Siman* 324), as do they argue about the logic of those that work the ground which one weakens the ground more?...

However, it seems that perhaps one can say that this *tanna* was referring to the land of Israel, as appears in the Gemara about this Mishna. And the Rif and Rambam did not live in the land of Israel, and therefore the nature of the land was not widely known in their [locale]; and they copied the Mishna according to the version of the text that was known to them. And certainly [the same is true regarding] Rashi and his group [of commentaries], who were very distant from the land of Israel. (*Tosefot Yom Tov,* Commentary on the Mishna, *Bava Metzia* 9:8)

The *Tosefot Yom Tov* here concludes that the version of the text of the Rambam and Rif stems from a lack of awareness of the natural topography of the land of Israel. This led them to maintain the version of the text forbidding the sowing of grain if the field was received in order to sow legumes.

1. See *Nazir* 31a-b for the presentation of these two opinions of Beit Shammai and Beit Hillel. [↑](#footnote-ref-1)
2. See, e.g., his commentary to *Shevi’it* 4:10: “… this is the explanation of the Rambam in his commentary. And I am astonished, why did he choose to insert another explanation from that which they said in the Gemara, in the chapter of “*Makom She-nahagu*” (*Pesachim* 52b), ’For eating and not for a loss?’ And even though the Torah was given to interpret in many different ways, this is true regarding mere homiletical interpretation, but regarding the rulings of halakha, we have only what the Sages of the Gemara said...”

   A similar style comment appears in the commentary of the *Tosefot Yom Tov* to *Nedarim* 1:1, in reference to the commentary of the Rambam and the Bartenura there: “And a strong question may be raised against the Rambam and the Bartenura, who explain our Mishna in a different manner than the explanation of the Gemara.” [↑](#footnote-ref-2)
3. *Gilgul* is a Kabbalistic notion whereby a soul exists in the body of one individual, and after that person dies, it can later live again in the body of another individual. [↑](#footnote-ref-3)
4. This expression is based upon a verse in the book of *Yoel* (3:5). [↑](#footnote-ref-4)
5. A similar comment appears in the *Ma’adanei Yom Tov* on the Rosh, which was written by the *Tosefot Yom Tov,* as mentioned in the last *shiur*, in *Berakhot* (on Rosh 5:16, #6 at the end): “And we have no dealings with concealed matters in this work, as the Mishna and Gemara were constructed in a manner to understand the simple sense of matters.”

   According to his approach presented here, any statement that appears in rabbinic literature must be understood according to its simple meaning. However, he does stray from this principle in a number of cases. See, e.g., his commentary to *Sukka* 4:5 and 5:9. [↑](#footnote-ref-5)
6. “And they should rejoice for Me in the wilderness” (*Shemot* 5:1); “the offerings and meal-offering you presented me in the wilderness” (*Amos* 5:25). [↑](#footnote-ref-6)
7. This refers to the oil used for the meal-offering. [↑](#footnote-ref-7)
8. The Maharshal refers here to the text of the *Mussaf* prayer that details the offerings brought. For example, on Rosh Chodesh, the text of the prayer first lists the various animal offerings brought on that day, and then continues: “And their meal-offerings and their libations [*minchatam ve-niskeihem*] are as is stated [*ke-medubar*], three *isaron* for the bull, and two *isaron* for the ram, and one *isaron* for the lamb, and wine according to its libation [*ke-nisko*], etc.” The Maharshal argues here that the term *ve-niskeihem* refers only to the ingredients used within the meal-offerings, and this is what is stated explicitly in the Torah [*ke-medubar*]. He thus argues that the only reference to the libations in the prayer is “wine according to its libation,” and therefore the reference to libations in plural, *ve-niskeihem,* is incorrect, as only the wine libation is referenced here. [↑](#footnote-ref-8)
9. See Rashbam, Ibn Ezra, and Ramban ad loc.; *Bereishit* 38:9. [↑](#footnote-ref-9)
10. He means that since the giving birth here is not being interpreted as referring to the mother of the brother who died, this happened many years before, and the future tense “she will bear” is inappropriate. Therefore, the Rambam says that in this case, the future tense actually refers to a past action, as if it stated “she bore.” [↑](#footnote-ref-10)
11. This is where the *Melekhet Shlomo* lived. [↑](#footnote-ref-11)
12. This refers to the *Tosafot Yom Tov.*  [↑](#footnote-ref-12)
13. See R. Yaakov Nachum Epstein, *Mavo Le-nusach Ha-Mishna,* p.1282; Ezra Zion Melamed, *Pirkei Mavo La-sifrut Ha-talmudit,* p.146; R. Hanoch Albeck, *Mavo La-Mishna*, p.124. [↑](#footnote-ref-13)
14. Yair Horowitz, Master’s Thesis, “*Kavim Le-haghotav shel Ha-Tosefot Yom Tov,*” Bar Ilan University, 5764. [↑](#footnote-ref-14)
15. The following examples are taken from Horowitz, p.18. [↑](#footnote-ref-15)
16. The reason for this may be that in those days, there was no electricity at night, and without enough light to engage in other activities, one’s mind could easily turn to idle matters. [↑](#footnote-ref-16)