YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**Commentaries on the Mishna**

**By Rav Yosef Marcus**

**Shiur#17: The Commentary of the *Tiferet Yisrael*,Part 1**

Translated by Rav Eli Ozarowski

1. **Introduction[[1]](#footnote-1)**

Rabbi Yisrael Lifshitz, known by the name of his commentary, the *Tiferet Yisrael,* was born in the year 1782 in the region of Poznan, which is located on the border between Poland and Germany. According to the *Tiferet Yisrael’s* own testimony recorded in his introduction to *Seder Taharot*, he was part of a family with illustrious rabbinic lineage that dated back to Rabbi Moshe Isserles, the Rema. Indeed, it is known that many of his ancestors were prominent rabbis.[[2]](#footnote-2)

The *Tiferet Yisrael* studied primarily with his father one on one, as he writes in his introduction to *Seder Nashim*:

And I learned all of this from the guidance of my mentor from birth, the crown of my head, and the crown of the glory of Israel, our teacher and holy rabbi, my master, my father, my teacher and rabbi, the eminent *ga’on*, may his memory be blessed for the world to come. When I was still a child, he greatly encouraged me to study the holy *mishnayot,* and to be diligent in my study. And I was a son to my father, I guarded the mouth of the king [and did as he said]… (*Tiferet Yisrael,* introduction to *Seder Nashim*)

In addition to describing the relationship between the *Tiferet Yisrael* and his father, this paragraph also illustrates one of the primary reasons he sees the study of Mishna as important, which will be elaborated upon below.

The *Tiferet Yisrael* served as a community rabbi in a number of cities, beginning in Wronki, Poland. A number of years after his father’s death, the *Tiferet Yisrael* replaced him as rabbi of the city of Chodziez in the Poznan region of northwestern Poland. He subsequently served as rabbi in the communities of Dessau and Danzig, until he died in the year 1860 in Danzig. According to his son’s testimony,[[3]](#footnote-3) he died in the synagogue on the Fast of Gedaliah, the 3rd of Tishrei, following the conclusion of the prayers, while he was still adorned with his *tallit* and tefillin.

As we shall see shortly, aside from his being a Torah scholar and a noted commentator, the *Tiferet Yisrael*’s commentary reveals an individual with a vast breadth of knowledge, as well as a rich and fascinating reservoir of thought and philosophy. His commentary on the Mishna is undoubtedly the jewel in the crown of his Torah compositions, but he authored numerous additional works as well, including the *Zera Yisrael*, a brief commentary on the six *sedarim* of the Mishna. However, most of these works are still in manuscript form.[[4]](#footnote-4)

1. **The Process of Writing the Commentary**

The commentary of the *Tiferet Yisrael* on the Mishna was published in a number of editions. The first edition was published over the span of twenty years, between 1830 and 1850. In 1830, the *Tiferet Yisrael* published his commentary on *Seder Taharot*, which he called *Ta’am Va-da’at,* as well as his commentary on *Seder Zera’im*, which he called *Zera Emuna*. His commentaries on *Seder Nashim,* called *Chosen Rav,* and on *Seder Mo’ed*, named *Davar Be-ito*, were published thirteen years later, in the year 1843. In his introduction to *Seder Nashim,* he apologizes for the delay. Two years later, in 1845, he published his commentary on *Seder Nezikin,* which he named *Kos Yeshu’ot*, and in 1850 he published his commentary on *Seder Kodashim* named *Chochmat Elokim.*

The second edition of the commentary was printed in Berlin in 1862, two years after his death, by his son, Rabbi Yitzchak Baruch. This edition includes later additions written by the *Tiferet Yisrael* which he specifically requested be inserted in his work. The third edition, which is the most well-known today, was printed in 1902 in Vilna.

The *Tiferet Yisrael* divided his commentary on *Seder Taharot* into two sections: *Yakhin,* which focuses on the simple meaning of the Mishna, and *Bo’az,* the more analytical portion of the commentary. In the Vilna edition of his commentary, the entire commentary on all six *sedarim* was divided up similarly, a division that was not made by the author himself. The commentary of the *Tiferet Yisrael* also contains numerous comments by his son, Rabbi Baruch Yitzchak, which are differentiated from the regular commentary of his father by the abbreviation *a (aleph)*- *v (bet)*- *i (yud)* (which stands for *amar rabbi Yitzchak*). Some of these additions were actually already inserted by the *Tiferet Yisrael* himself in the first edition, but other additions only appear in the later editions.

While on the topic of various editions, it is interesting to quote the words of the *Tiferet Yisrael* himself in his commentary on *Pirkei Avot.* There, he addresses the issue of the unusual language found in a number of the tractates of the Gemara, and argues that it is an obligation to edit one’s composed works, and to publish corrected editions:

This matter is an obligation on every author to create a later edition of a composition, and to search in the dark and dim cracks and corners. And who is greater than Chazal – and even Rav Ashi made a later edition of the *Shas* (see *Bava Batra* 157b).And it seems to me that regarding the tractates *Nedarim, Nazir, Arakhin, Keritot, Temura, Me’ila, Tamid,* time passed too quickly, and no additional editions were ever written. Therefore, the language of these tractates is truly not identical to that of the rest of the *Shas.*

1. **The Background to the Commentary and its Necessity**

The fact that he wrote a commentary on the Mishna demonstrates that the *Tiferet Yisrael* expended significant effort in studying Mishna. As evident in the quote from the introduction to *Seder Nashim,* his intense study of Mishna was a continuation of his father’s approach. In addition, in his introduction to *Seder Taharot* (which is printed before *Seder Zera’im* in the *Zekher Chanokh* edition of the Mishna), he mentions two motives for learning Mishna.

Those who are wise will shine like the light of the heavens, due to that which was revealed to us and to our children forever, the wonderful goal that was waved and that was raised, to one who studies the holy *mishnayot* constantly, over and over. Aside from rectifying the soul of the living God in our midst, [as] the [word] Mishna contains the same letters as *neshama* (soul), it has another advantage, which is that in a short time one can achieve a survey of the entire Torah. (*Tiferet Yisrael,* introduction to *Seder Taharot*)

One motive for studying Mishna is kabbalistic,[[5]](#footnote-5) while the other is that one can become knowledgeable of the entire Torah within a short time.

As for the necessity of his commentary, the *Tiferet Yisrael* offers a number of reasons in his introduction to *Seder Taharot*:

1. Novel explanations and interpretations: Some *mishnayot* still required elucidation and explanation even after the writing of the earlier commentaries, both with regard to their own clarity, as well as regarding their relationship to other *mishnayot.*
2. Need for a more user-friendly commentary: The existing commentaries, primarily those of the Bartenura and the *Tosefot Yom Tov,* were difficult to use for many of those studying the Mishna, thus there was a need for one that would make it easier.
3. Price: The price of earlier works was quite expensive.
4. Halakha: In his introduction to *Seder Nashim,* the *Tiferet Yisrael* comments that part of his goal is to issue halakhic rulings for common halakhic questions that arise.

We will now examine a number of examples that illustrate some of the goals that the *Tiferet Yisrael* set for himself.

1. **Novel Explanations**

As mentioned above, the first goal of the *Tiferet Yisrael* was to explain aspects of the Mishna that had not been explained by previous commentaries. This goal appears in many places, two of which will be cited here.

The Mishna (*Sota* 7:8) describes the Torah reading ceremony that takes place during the mitzva of *hakhel*, whereby all Jews must come to the Temple on Sukkot of the year following the Sabbatical year. The Mishna states that they must listen to the king read the Torah. Yet the verses in the Torah describing *hakhel* (*Devarim* 31:10-13) do not explicitly mention that the king must read, and the Gemara does not address this either. The Rambam and the Bartenura also do not address this matter. Rashi on the Gemara (*Sota* 41a) does cite a source for it, from the *Sifrei*.

The *Tosefot Yom Tov* claims that he could not find anything there regarding this issue. Instead, he suggests that the insistence of the king reading the Torah is derived from the fact that Moshe appears to be speaking to Yehoshua when commanding to read the passage in the Torah,[[6]](#footnote-6) and Yehoshua had the status of a king. The *Tiferet Yisrael,* on the other hand, addresses this issue and suggests the following novel idea:

Although in the Torah it does not say that the king specifically must read, it makes sense for this to be the case during a time when there is a king, but how about when there is no king? It seems to me that this [statement] is only rabbinic, in order to give honor to the Torah, and also to encourage people to be more careful about the *mitzvot* of the Torah, since when they see that the king must also keep the *mitzvot,* [they will realize that] certainly every individual [must do so]. However, during a time when there is no king, the positive *mitzva* would not be canceled, but the greatest individual in the community would read it, such as the High Priest or the head of the Sanhedrin. (*Tiferet Yisrael,* commentary on the Mishna, *Sota* 7:8)

According to this explanation, the Sages instituted the practice that if there is a king, he should read it.[[7]](#footnote-7)

Here is another example of a novel idea suggested by the *Tiferet Yisrael* inanalyzing a comment of Rashi. The Mishna (*Berakhot* 4:2) relates that Rabbi Nechunia ben Ha-kaneh would recite a short prayer when he entered the *beit midrash* and when he left. “When I enter, I pray that no mishap should be caused by me, and when I leave, I give thanks for my portion.” The complete text of this prayer is brought in the Gemara, though there are some minor discrepancies between different versions. According to the printed version, it includes the following sentence: “that I should not stumble over a matter of halakha and [cause] my friends [to] rejoice over me… and my friends should not stumble over a matter of halakha causing me [to] rejoice over them.”

Rashi interprets the first part of the sentence “That my friends rejoice over my stumbling” as follows: there are two negative elements; first, that the [incorrect rulings] come through me, [and second,] that I cause them to be punished. According to Rashi, the first negative consequence is stumbling over a matter of halakha, and the second is causing others to be punished on his account.

A number of commentaries have asked why it is necessary according to Rashi to pray that others not rejoice when one stumbles with regard to a halakhic ruling in the *beit midrash,* as most people would not specifically rejoice at such an occurrence*.* They therefore interpret the phrase “and [cause] my friends [to] rejoice over me” not as relating to the rejoicing at the downfall of another, but rather as an independent prayer that one’s friends should rejoice in him. However, the *Tiferet Yisrael* explains at length why Rashi interpreted the Gemara in this manner:

And it seems to me that this is what compelled Rashi to explain that when the *baraita* states “and my friends rejoice over me” it means “my stumbling,” and did not wish to interpret that he prays that his friends should truly rejoice on his behalf,[[8]](#footnote-8) as if so, he should have first prayed that he rejoice for his friends, so that he can pray for his friends first. Rather, it must be that the word “not” at the beginning of the prayer also refers to “and [cause] my friends to rejoice over me.” And “they should not rejoice at my stumbling” means that he prayed first for his friends. (*Tiferet Yisrael,* commentary on the Mishna, *Berakhot* 4:2)

The *Tiferet Yisrael* explains that Rashi interprets in this manner because it first states, “that I should not stumble over a matter of halakha,” and only afterward it states “and [cause] my friends to rejoice over me.” If the intention was truly to pray for his friends to rejoice for him, without any relation to his stumbling, then the sentence should have been written as follows: “And my friends will rejoice over me, and I will rejoice over them, and may I not stumble over a matter of halakha.” The reason for this is that the Gemara states (*Bava Kamma* 92a) that one should pray for someone else first, before praying for oneself. The *Tiferet Yisrael* then elaborates further about praying for another:

However, it seems to me that it is appropriate to pray for another first, specifically with regard to physical matters. However, with regard to all spiritual matters, for this, love of oneself is holy, and a person is permitted to pray for himself first that he not stumble in sin and that he will fulfill positive *mitzvot* first, even before he prays for another about these two [matters]. Know [that it is true], as if there is a *mitzva* that can be performed by one of two people, would we think that due to one’s love of another, he is obligated to let his friend do it, and not to perform it himself? But it is written, “and he will atone for him,” and only after that does it state, “and for the whole congregation of Israel” (*Vayikra* 16:17). (*Tiferet Yisrael,* commentary on the Mishna, *Berakhot* 4:2)

1. **Halakhic Rulings**

As mentioned, the *Tiferet Yisrael* notes in his introduction to *Seder Nashim* that he feels it is important to discuss practical halakhic issues as well, especially for *halakhot* that arise on a regular basis. Indeed, on many occasions, he expands on matters of halakha far more than necessary for a commentary on the Mishna. Here are a number of examples:

1. **Accepting a Fast upon Oneself**

The Mishna states (*Ta’anit* 2:10): “A fast day is not decreed upon the community on Rosh Chodesh, Chanukah, or Purim. And if they began, they do not stop [in the middle]. [This is] the statement of Rabban Gamliel.” The *Tiferet Yisrael* here elaborates about the halakhic practicalities of accepting a fast upon oneself:

And we have established this [ruling as the practical halakha]. And we are accustomed to fast a different day instead of it [572].[[9]](#footnote-9) And an individual who took a vow to fast on *Behab* [a reference to Mondays and Thursdays]for the entire year, and Rosh Chodesh fell [on Monday or Thursday], he does not need a dissolution [of vows]. However, if one took a vow to fast every specific number of days, and Rosh Chodesh fell [on one of them], he should dissolve the vows. And if it is impossible [for him] to do so, he should fast, and then fast [another] fast [to repent] for his fast [570].

But if a *brit mila* took place during the ten days of repentance or on a Monday, Thursday, or Monday, that we fast following Yom Tov,[[10]](#footnote-10) even if he responded *Amen* after the Chazzan, he does not require dissolution [of vows], as since in this case they are accustomed not to fast, it is as if he explicitly made a condition. However, if he explicitly accepted upon himself to fast the next day, he does require dissolution, and the same is true with regard to a *yahrtzeit* (day on which a relative died), like without intent [568].

(*Tiferet Yisrael,* commentary on the Mishna, *Ta’anit* 2:10)

1. **An *Etrog* whose *Pitam* has been Removed**

The Mishna in *Sukka* discusses various types of disqualifications of the Four Species taken on Sukkot. With regard to the *etrog,* the Mishna rules that if its *pitam*[[11]](#footnote-11)has been removed, it is invalid. The *Tiferet Yisrael* explains the intent of the Mishna, and then proceeds to elaborate about the *halakhot* of a beautiful *etrog*:

Its *pitam* was removed: This is the small stem at the top of the *etrog* upon which rests the *shoshanta* (bud)*.* And [it is invalid] specifically if it is detached and removed from the *etrog* and a hole remains in its place. However, if one fills up the hole, it is valid. And some say that even when one fills up the hole [so that the surface is] equal to the *etrog* it is invalid (*Magen Avraham,* O.C. 648:9). However, where it grows initially without a *shoshanta,* it is valid. And there are five conditions [necessary for] the determination of a beautiful *etrog*:

1. According to its cleanliness is its prominence; the cleaner it is, the more beautiful. But on its *chotam,* which refers to the entire sloped area on the top of the *etrog,* it must be very clean, [without] even a small stain the size of a needle.
2. That it has many bumps on its body, and is not smooth like a lemon.
3. That the stem [*oketz*] on its bottom from which the *etrog* hangs on the tree is sunken in, and that the *etrog* protrudes all around the protruding stem on the bottom.
4. That it is formed like a tower, and not like a ball or a sphere.
5. That the *shoshanta* at the top of the *etrog* is complete, and is [located] directly opposite the stem on the bottom.
6. ***Darkhei Shalom***

The Mishna discusses a number of *halakhot* that apply due to *darkhei shalom,* maintaining peace among people. Since the first one on the list relates to a priest reading the Torah first, the *Tiferet Yisrael* takes the opportunity to discuss interruptions during the prayer service in order to read the Torah:

However, when a priest is up to *pesukei de-zimra* (the paragraphs of praise at the beginning of the daily *shacharit* service), he should not be called up to the Torah if there is another priest. And when he is up to the blessings of *keriat shema,* and certainly during *keriat shema* itself, even if there is no other priest there, they should not call him, and it is best that he exits the synagogue. But if they [already] called him up, even [if he is] in the middle of the chapter, he stops and ascends, due to the dignity of the congregation, but he should not read with the reader.

However, between [the blessing of] redemption and the *amida,* or during a public fast, if he is not fasting, even if they call him, he should not ascend. All of this is in O.C. 135, the *Magen Avraham* there, and the Taz (566). And according to the *Bach* and his student the *Ateret Zekeinim* in *Siman* 135, even if he was not fasting, it is permitted to ascend. (*Tiferet Yisrael,* commentary on the Mishna, *Gittin* 5:8)

1. **Practical Halakha**

Aside from discussing various *halakhot* within his commentary, the *Tiferet Yisrael* also often elaborates on contemporary halakhic issues of his time.

1. **Eating Based on Doctor’s Instructions**

Regarding an ill person on Yom Kippur, the Mishna in tractate *Yoma* (8:5) rules: “One who is ill is fed based upon experts, and if there are no experts, he is fed based on his own [assessment], until he says ‘enough.’” This is the ruling given by the Rambam (*Mishneh Torah, Hilkhot Shevitat Asor* 2:8) and the *Shulchan Arukh* (O.C. 618:1). The *Tiferet Yisrael* comments the following:

Even [with regard to] a non-Jewish doctor, if he says that the ill person may be in danger if he fasts, we feed him. However, in my humble opinion, nowadays, this matter must be considered carefully, as I have seen myself that many doctors have lost their credibility, as anyone who is slightly ill they always say that if he fasts, he will be in danger. (*Tiferet Yisrael,* commentary on the Mishna, *Yoma* 8:5)

The *Tiferet Yisrael* is concerned about the reality in his time that doctors often did not acknowledge the religious importance of fasting on Yom Kippur, and therefore argued that it may cause danger, even when that was not the case.

1. **Preventative Medicine**

The Mishna in tractate *Yoma* (8:7)rules that one must violate Shabbat in order to save a life, even when it is unclear if the person is still alive. The *Tiferet Yisrael* writes the following on this matter, based on earlier authorities: “Even if it is impossible for him to live [more than] a small amount of time, we take a small amount of time into consideration ([*Shulchan Arukh*] *Siman* 329). In other words, one must violate Shabbat even when it is clear that the person who is being saved will only live for a short amount of time.” The *Tiferet Yisrael* offers a practical application of the caveat he adds:

And from this, it seems to me [that one can derive that it is] permissible to perform a smallpox inoculation, even though one out of a thousand dies because of the inoculation. Nevertheless, if the [small]pox [enters] his body naturally, the danger is greater, and therefore he is permitted to place himself in a situation of a small chance of danger in order to save himself from a more likely danger. (*Tiferet Yisrael,* commentary on the Mishna, *Yoma* 8:7)

1. **Introductions to Various Tractates**

In addition to his running commentary, the *Tiferet Yisrael* authored introductions and summaries to a number of tractates and *sedarim* of Mishna. For instance, he authored “*Chomer Ba-kodesh*” to *Seder Kodashim*, and he wrote an important introduction called the *Derush Ohr Ha-chaim* to the last chapter of tractate Sanhedrin that discusses the world-to-come*,* which we will discuss in the next *shiur.*

1. Two important works about the *Tiferet Yisrael* were quite helpful in preparing *shiurim* 17 and 18: Mordechai ben Yitzchak Meir, *Ha-Rav Yisrael Lifshitz: Toldotav, Ketavav Ve-diyun Rishoni Be-shitato Ha-parshanit Be-chiburo Tiferet Yisrael*, doctoral dissertation, Bar Ilan University, 2004; Moshe Weinstock, *Emuna Ve-halakha Ba-olam Ha-moderni*: *Mifaleihem Ve-hagutam shel R. Yisrael U-beno R. Barukh Yitzchak Lifshitz,* doctoral dissertation, Hebrew University, 2008. [↑](#footnote-ref-1)
2. His grandfather, whom the *Tiferet Yisrael* is named after, was involved in the saga of the *Get* (bill of divorce) of Cleves, a major halakhic dispute regarding the validity of a divorce that caused a storm within the rabbinic world of Europe in the years 1766-1767. The dispute focused on a case where a man who may have been mentally ill delivered a *get* to his wife. Since the halakha is that one must be mentally competent and aware of one’s actions in order to give a divorce, there was a major dispute as to whether this person was fit to do so. The *Tiferet Yisrael*’s grandfather was the one who helped to administer the divorce, and many rabbis participated in numerous halakhic discussions that followed the incident.

   The *Sha’agat Aryeh* and *Noda Bi-yehuda* bothtook stands on it, with the latter supporting the validity of the divorce (*Tzelach, Derush* 28). For more information, see the comprehensive article by Shlomo Tal in *Sinai* 24 (1949), *“Ha-get Mi-Keliva.”* Also see a lengthy entry on the issue in Wikipedia: <https://he.wikipedia.org/wiki/%D7%94%D7%92%D7%98_%D7%9E%D7%A7%D7%9C%D7%99%D7%95%D7%95%D7%90>.

   The father of the *Tiferet Yisrael,* Rav Gedalia, was also a rabbi in a number of communities and authored a number of Torah works.  [↑](#footnote-ref-2)
3. In the son of the author’s introduction to the *Tiferet Yisrael.* [↑](#footnote-ref-3)
4. A survey of his various works appears in Weinstock (ibid*.* note 1), p.43. Many of these manuscripts were discovered by Weinstock during his research at the Center for Jewish History in Warsaw. [↑](#footnote-ref-4)
5. This factor was already discussed in the *shiur* about the *Melekhet Shlomo.*  [↑](#footnote-ref-5)
6. See *Devarim* 31:7, 10-11. [↑](#footnote-ref-6)
7. The *Minchat Chinukh* (Mitzva 612)also suggests the same idea. [↑](#footnote-ref-7)
8. In the text here, Rabbi Baruch Yitzchak (his son) adds: “Like the Maharsha says in his *Chidushei Aggadot*.” [↑](#footnote-ref-8)
9. These numbers in brackets are references to the *Shulchan Arukh* O.C. and commentaries, where these issues are discussed. [↑](#footnote-ref-9)
10. This is what is commonly known as *Behab*, where many people customarily fasted on the Monday (*Bet* refers to the second day of the week, Monday), Thursday (*Hey* refers to the fifth day of the week, Thursday), and Monday following Sukkot and Pesach in repentance for any sins possibly committed during the holidays due to excessive frivolity. [↑](#footnote-ref-10)
11. An *etrog* generally grows with a short protrusion at the top, similar to a stem, which is referred to as a *pitam.* The bud at the very top of this stem is called the *shoshanta.*  [↑](#footnote-ref-11)