YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Commentaries on the Mishna**

**By Rav Yosef Marcus**

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In memory of Alice Stone, Ada Bat Avram, A"H, beloved mother, grandmother and great grandmother whose Yarzheit is 2 Tammuz.

Dedicated by, Ellen & Stanley Stone,

Jake & Chaya, Micah, Adeline, Zack & Yael, Allie,

Isaac, Ezra & Talia, Yoni & Cayley, Marc & Eliana, Adina, Gabi & Talia.

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**Shiur#18: The Commentary of the *Tiferet Yisrael*,Part 2**

Translated by Rav Eli Ozarowski

In the [previous *shiur*](http://etzion.org.il/en/shiur-17-commentary-tiferet-yisrael-part-1)*,* we discussed the goals the *Tiferet Yisrael* set out for himself in his commentary on the Mishna. In this *shiur,* we will examine the nature and methodology of his commentary.

1. **Sensitivity to the Order and Structure of the Mishna**

There are many instances where the *Tiferet Yisrael* discusses the order and structure of the Mishna, and is sensitive to literary issues. Here are a number of examples of this phenomenon:

1. **Tractate *Rosh HaShana,* Chapter 3, Mishna 1**

Tractate *Rosh HaShana* can be divided into two sections: The first two chapters, which discuss the testimony necessary for sanctifying the new month, and the last two chapters, which discuss the mitzva of blowing the Shofar. However, the first Mishna of chapter three continues to discuss the laws of sanctifying the new moon, and the laws of blowing the Shofar only begin in the second Mishna. The *Tiferet Yisrael* addresses this issue in the following manner:

I greatly struggled to understand why a sharp knife separates this Mishna from the first two chapters, which discuss the sanctification of the new month like this one. How is this Mishna relevant to the following two chapters, which deal entirely with the laws of blowing the Shofar? (*Tiferet Yisrael,* Commentary on the Mishna, *Rosh HaShana* 3:1)

It should be noted that the *Melekhet Shlomo* already asked this question before the *Tiferet Yisrael.*

1. **Tractate *Berakhot* Chapter 4, Mishna 2**

The Mishna discusses the laws of the *amida,* the prayer of eighteen blessings recited three times every day. The first Mishna of the chapter discusses the proper time for reciting the *amida* in the morning, while the second discusses the personal prayer of Rabbi Nechunya ben Ha-kaneh upon entering the study hall, and then the Mishna returns to discussing the *amida.* The *Tiferet Yisrael* addresses the question of why Mishna 2 is placed in between:

[The Mishna] mentions this ruling here because after completing prayer in the synagogue, one should go to the study hall [as in *Shulchan Arukh,* *Orach Chaim* 155]. For this reason, after [the Mishna] informs us of the time for prayer, it immediately informs us of the laws of entering the study hall.[[1]](#footnote-1) (*Tiferet Yisrael*, commentary on the Mishna, *Berakhot* 4:2)

1. **Tractate *Arakhin* Chapter 4**

The final example illustrates a slightly different type of literary sensitivity on the part of the *Tiferet Yisrael*. The first Mishna of this chapter states:

“The ability to pay for a valuation is in accordance with the one who makes the vow [*noder*], and the years [i.e., the age category] are in accordance with the subject of the vow [*nidar*], and the valuation [categories] are in accordance with the subject of the valuation [*ne’erakh*], and the amount [of the valuation] is in accordance with the time of the valuation.” (Mishna *Arakhin* 4:1)

Here is a bit of background about the concepts of vows and valuations in order to understand the Mishna. A person who declares: “The valuation of person X is upon me” is obligated to donate a specific amount of money to the Temple treasury, based upon the guidelines given in the Torah (*Vayikra* 27:1-8), which depend on the age and gender of the person whose valuation is being given. This valuation is known in the Torah and in the Mishna as an *erekh* (singular), or *arakhin* (plural), which is also the name of the tractate. In the language of the Mishna, the person who obligates himself to donate the money is called the *noder,* the one taking the vow, or the *ma’arikh,* the one making the valuation. In contrast, the individual whose valuation determines the amount of the donation is called the *nidar,* the one who the vow is about, or the *ne’erakh*, the one being valued.

The Mishna here lists a number of principles regarding this halakha.

1. Despite the fact that the values of the valuations are fixed, based upon the age and gender of the subject, as mentioned, if the one donating the money is poor, he pays according to his financial ability.
2. The amount to be donated is based upon the age of the person about whom it was stated: His valuation is upon me.
3. The amount varies based upon the gender of the subject of the valuation.
4. The value of the donation is determined based upon when the vow was made, even if the subject is now older and is no longer included in the age category that he was previously.

Why does the Mishna not combine together the second and third sections of the Mishna that state: “The years are in accordance with the subject of the vow [*nidar*],” and “the valuation [categories] are in accordance with the subject of the valuation [*ne’erakh*],” and instead state: “The years and the valuation [categories] are in accordance with the subject of the valuation?” Moreover, why does the Mishna use the word *“nidar”* in one clause and in the other use the word “*ne’erakh*”? The *Tiferet Yisrael* suggests the following:

And were I not afraid, it would seem to me [that the answer is] based upon what *Tosafot* write in *Megilla* (32a) regarding one who studies without song, and similarly, [that which] we said (in *Betza* 24a), “teach the teaching, it should be a song,” that they had specific tunes for each Mishna. And in my humble opinion, this was in order to strengthen the [knowledge of] Mishna using the power of memory, since they would recite the *mishnayot* by heart even in the days of Rabbi [Yehuda Ha-nasi] (see Rashi, *Bava Metzia* 33a). And through the tune, they would remember the language of the Mishna well, since the song was organized according to the words and the sections of the Mishna.

Therefore, the *tanna* sometimes chose one word, and sometimes another, all based on the sound of the song used specifically for the Mishna. And for this reason, occasionally a section that appears superfluous is stated in the Mishna, [in the form of] “this, and there is no need to say this,” but it was [done] in order to balance the sections of the Mishna according to the sections of the stanzas of the song. (*Tiferet Yisrael,* commentary on the Mishna, *Arakhin* 4:1)

The *Tiferet Yisrael* claims that one of the considerations of Rabbi Yehuda Ha-nasi in choosing a method of formulating the Mishna was the manner in which it would be easiest to remember. Consequently, sometimes the formulation of the Mishna in a specific manner was based on considerations unrelated to its content, but rather to the effectiveness of memorizing it.

Based on this idea, the *Tiferet Yisrael* attempts to explain the phenomenon of “it is missing [words],” a suggestion that the Gemara occasionally employs to resolve a difficulty with the Mishna, that the text is missing a phrase or sentence:

And for this reason, even though it was missing [words], they left it that way, since it is understood automatically that if [it were] not [missing words], the incident would contradict it.[[2]](#footnote-2) And if they confused the words, the specific song associated with it would get confused, and one’s memory would get confused, and the Mishna would be forgotten, God forbid. And with this idea, a number of questions and particular points are answered. And remember this [idea], since although in many cases, valuable pearls are left out with the change of the formulation of the *tanna*, nevertheless, in a case where we do not know another reason, we can suffice with this reason, which is also true.

According to this suggestion, the Gemara assumes that the Mishna may potentially be missing necessary words because it was easier to remember in that form.

1. **The Use of Secular Knowledge**

One of the striking features of the commentary of the *Tiferet Yisrael* is his extensive use of various types of sources, beginning from the Gemara and halakhic literature, spanning commentaries on Tanakh, works of philosophy, Kabbala, and others. In addition, over the course of his commentary, figures and works that are not part of the standard Torah genre are also mentioned many times. We will now examine a number of examples where he refers to secular sources.

1. **The Use of Historical Information**

In a number of places, the *Tiferet Yisrael* utilizes historical information to interpret a Mishna. The following Mishna records the events that occurred on the seventeenth of the month of Tammuz and on Tisha B’av, the ninth of Av:

Five events befell our forefathers on the seventeenth of Tammuz, and five [befell them] on the ninth of Av. On the seventeenth of Tammuz, the tablets were broken, and the daily offering was abolished, and the city was breached, and Apostamos burnt the Torah, and placed an [idolatrous] image in the Sanctuary. On the ninth of Av, it was decreed upon our forefathers that they would not enter the land [of Israel], and the first and second Temples were destroyed, and Beitar was captured, and the city was plowed. (Mishna, *Ta’anit* 4:6)

With regard to the capture of Beitar, the *Tiferet Yisrael* writes the following:

Fifty-two years [and some say seventy-three years] following the destruction [of the Temple], a large group of Jews gathered in Beitar, and a great king from Israel ruled over them, and his name was Ben Kokhba. And many of the sages of Israel erred about him and said that he was the messiah, and Rabbi Akiva was even his vessel-bearer [in accordance with the Rambam, *Hilkhot Melakhim* 11:3].

And he [Ben Kokhba] succeeded in [defeating] the Romans in large wars for three and a half years, until ultimately, because of the sins of the generation, and also his sin that he killed his uncle Rabbi Elazar Ha-moda’i [in accordance with the Jerusalem Talmud in this chapter], the Romans conquered it by the Caesar Hadrian, grinder of bones [in accordance with the same passage in the Jerusalem Talmud; in *Sanhedrin* 93b it seems to be evident that the Sanhedrin killed him], and 580,000 from Israel were killed with him in battle [as is related in the history of Bekker], aside from the one million and one hundred thousand that were killed during the time of the destruction of the Temple [in accordance with Josephus Flavius, chapter 95].

And the wicked [individual] mentioned above transformed the land of Israel into a desolate desert, aside from Jerusalem, which he built close to its original location and called it Aelia Capitolina; Aelia after his family, and Capitolina after the house of idol worship of Jupiter that he built there for himself. And he decreed a sentence of death upon every Israelite man that entered the city, until ultimately the name of impurity that the wicked one had given it was abolished, and it returned to [being called by] its first name. (*Tiferet Yisrael,* commentary on the Mishna, *Ta’anit* 4:6)

The *Tiferet Yisrael* here refers to the work of Immanuel Bekker, a scholar of ancient Greek literature who describes the destruction of Beitar, as well as the works of Josephus Flavius, in describing the events of the time in general terms.

An additional example where the *Tiferet Yisrael* refers to non-traditional sources appearsin his commentary to tractate *Nedarim.* The Mishna there states:

One who vows [not to benefit] from those who rest on Shabbat, is forbidden [to derive benefit] from a Jew, and is forbidden [to derive benefit] from a Samaritan; [one who vows not to benefit] from those who eat garlic, is forbidden [to derive benefit] from a Jew, and is forbidden [to derive benefit] from a Samaritan; [one who vows not to benefit] from those who ascend to Jerusalem [for the festivals] is forbidden [to derive benefit] from a Jew, and is permitted [to derive benefit] from a Samaritan. (Mishna, *Nedarim* 3:10)

The Gemara explains that Ezra instituted an enactment to consume garlic on Friday night, as that is the time that most people engage in marital relations, and garlic increases the amount of sperm. With regard to Samaritans in this case, the printed version of the Mishna states: “It is forbidden [to derive benefit] from a Samaritan,” but some have the version “and it is permitted [to derive benefit] from a Samaritan.” The *Tiferet Yisrael* addresses these two versions of the Mishna in the following comment:

There are those who have the version: “It is forbidden [to derive benefit] from a Samaritan,” it depends on whether the Samaritans did or did not practice this [eating garlic for this purpose]. However, I saw in the book *Karmei Shomron* that the Samaritans consider it a sin to engage in relations with their wives on Shabbat, and include this within the prohibition of “You shall not kindle fire in all your dwellings on the Sabbath day.”[[3]](#footnote-3) (*Tiferet Yisrael,* commentary on the Mishna *Nedarim* 3:10)

The *Tiferet Yisrael* here quotes the work “*Karmei Shomron*,” according to which the Samaritans are forbidden from engaging in marital relations on Friday night. This work was composed by Raphael Kirchheim (1804-1889), a Jewish German scholar who conducted research on the Samaritans. Kirchheim lived in Frankfurt and served as the slaughterer for the community of Rabbi Samson Raphael Hirsch, and later became a reform Jew and engaged in critical scholarship.

1. **The Use of Natural Sciences**

The *Tiferet Yisrael’s* use of the natural sciences is most notably expressed in the *Derush Ohr Ha-chaim*, his introduction to the chapter in tractate *Sanhedrin* known as *Chelek.* According to his own account, this was based upon a discourse that he gave on Shabbat of *Chol Ha-moed* Pesach, which concerned the topic of what happens to the soul following death and the resuscitation of the dead. Within this topic, he discusses the words of the Sages that “the Holy One, blessed be He, would build worlds and destroy them” (*Midrash, Kohelet Rabba* 3:11). He then links this comment to the scientific discovery of dinosaur fossils in his time, which the scientists used as proof that the world has existed for millions of years.

And we already know from the bones of a giant animal that was found in the depths of the earth near the city of Baltimore in America, whose length was seventeen feet… and also in Europe… this creature was found in the depths of the earth… (*Tiferet Yisrael, Derush Ohr Ha-chaim*)

The *Tiferet Yisrael* views this as a support to the tradition of the Sages:

From all that was said it seems clear that according to what the *Mekubalim* (mystics) have transmitted to us for a number of hundreds of years, there was already a world once, and then it was destroyed, and then it was established four more times… all has been clarified now in our times as true and justified. (*Tiferet Yisrael, Derush Ohr Ha-chaim*)

Another example can be found in his commentary to the Mishna in tractate *Sanhedrin* (9:1)that rules the following: “If one incited a snake against another [and it bit him], he is exempt. If he caused the snake to bite him [directly], Rabbi Yehuda holds him liable, and the Rabbis exempt him.” According to the Mishna, one who incites a snake to attack another is exempt, but if he caused the snake to bite the other person, then the *Tanna’im* disagree about the halakha. In explaining the view of the Rabbis, the *Tiferet Yisrael* writes:

Because they [i.e., the Rabbis] hold that a snake spews out its poison on its own and it seems to me that what Chazal said (*Sanhedrin* 78a), it spews it out [the poison] on its own, it does not mean to say that it spews it out from inside its body, since if so, they [the Rabbis and Rabbi Yehuda] are arguing about the reality [of how a snake spews poison].[[4]](#footnote-4) In addition, it has already been clarified in our times through the wisdom of biology, where they have dissected all the limbs of the snake, and found that on the upper jaw of its mouth, on each side, it has two long and hollow teeth and at the top of each tooth, there is a little hole, and there is a sack of poison in the bottom of the hollow area inside the tooth. And they have suggested that when it bites any living being, the poison emerges from the sac and departs via the four small holes that are in the tops of the four teeth mentioned above, and the poison enters into the wound made by its bite.

If so, from this it is clear that that which we say that according to Rabbi Yehuda, the poison is in between its teeth, it means that the poison always fills up the hollow tooth up to the opening of the hole at the top of the tooth; and therefore, when the murderer causes the snake to bite [the other], he has directly caused the poison [to enter] the flesh of the one murdered.

And according to the Rabbis, the poison remains constantly in the sac in the bottom of the tooth, and when the murderer causes the snake to bite, it forcefully spews out the poison from the sac underneath to the hole at the top of the tooth. And according to this, the statement in the Gemara: “According to the Rabbis, it spews out [the poison] by itself,” means that the snake spews the poison of its own accord, and the murderer doesn’t do anything in this [process], and it is merely indirect. (*Tiferet Yisrael,* commentary on the Mishna, *Sanhedrin* 9:1)

In order to explain the opinion of the Rabbis in a precise manner, the *Tiferet Yisrael* utilizes biology, and elaborates about the scientific background of how a snake operates.[[5]](#footnote-5)

1. **The Use of the Humanities**

The Mishna in tractate *Yoma* describes what the High Priest did on the night of Yom Kippur:

If he was wise, he would expound, and if not, the Torah scholars would expound before him. And if he was accustomed to read the Torah, he would read, and if not, they would read before him. And what would they read before him? From *Iyov, Ezra,* and *Divrei Ha-yamim.* Zekharya ben Kevutal says: Many times I read *Daniel* before him. (Mishna, *Yoma* 1:6)

The *Tiferet Yisrael* explains why they read specifically from these books of Tanakh:

And in my humble opinion, they read before him specifically these three, because it is known in the discipline of rhetoric [which presents all of the principles necessary for one who speaks in public to know how a person can win over the ears and hearts of his audience through his words], that the thoughts of the listeners are sharpened through three types of speech,: the form of analysis and study, or in the form of arousing and softening the emotions, or through the pleasantness of nice stories.

And without a doubt, the exposition of the High Priest on Yom Kippur was one of these [ways], or in all three together. And for this [reason], in the reading [of the Tanakh] after his discourse, they endeavored to interest his heart as well with these three.

In *Iyov,* his thoughts were encouraged to be astonished when engaged in the questions [raised there]. And in the reading of Ezra, they tried to soften his heart and emotions, to think about how much effort and toil and poverty [was present when] they built the Temple at that time, and through this, he will try his utmost to be exceedingly careful about the matters of his [Temple] service [on Yom Kippur], so as not to waste all of the efforts of his forefathers. And in the reading of *Divrei Ha-yamim* his mind will enjoy stories and wars and other matters. And through occupying his thoughts with these three, with intellect, mercy, and enjoyment, sleep will be removed from his eyes. (*Tiferet Yisrael,* commentary on tractate *Yoma* 1:6)

In this piece, the *Tiferet Yisrael* utilizes the rules of public speaking and rhetoric to explain why they specifically chose to read before the High Priest from the three biblical works mentioned.

1. A. Rabbi Yaakov Nagen, in his work “*Nishmat Ha-Mishna,*” suggests an alternative explanation: that the Mishna is trying to highlight the contrast between a fixed communal prayer service and an individual personal prayer.

B. The *Tiferet Yisrael* discusses this type of question in a number of additional places as well, such as *Berakhot* 2:1, 7:5, and *Shabbat* 6:1. [↑](#footnote-ref-1)
2. This appears to mean that in these cases, the Mishna clearly contradicts itself. Therefore, it is obvious that words are missing, and it is preferable not to insert the missing words so as not to alter the song. [↑](#footnote-ref-2)
3. *Shmot* 35:3. [↑](#footnote-ref-3)
4. Many commentaries feel that it is unreasonable to explain disputes in the Mishna as being based on differing opinions about a scientific fact, as they should have simply investigated the matter. [↑](#footnote-ref-4)
5. See also the *Tiferet Yisrael* to *Chullin* (9:2) and *Pirkei Avot* (6:6). [↑](#footnote-ref-5)