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 LOVING MEMORY OF**

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**Shiur#22: Interpreting the Mishna According to its Simple Meaning**

Translated by Rav Eli Ozarowski

1. **Introduction**

This *shiur* concludes the “Commentaries on the Mishna” series. One of the questions we presented in the very first *shiur* of the series was: why is there a need for commentaries that transform the Mishna into an independent source to be studied separately from the Gemara, if the primary objective of the two Talmuds, the Babylonian Talmud and the Jerusalem Talmud, is to interpret the Mishna? Throughout these *shiurim,* we have seen why numerous commentaries were nevertheless composed on the Mishna, and what characterizes each commentary as unique. The implicit assumption of the question, though, is that the primary interpretations of the Mishna are indeed those that appear in the Talmuds, and this notion is accepted by the majority of the commentaries that we have surveyed.

Beginning with the Enlightenment and the start of modern scholarship, many scholars attempted to understand the meaning of the Mishna based on the Mishna alone, without resorting to the Amoraic interpretations. In order to justify this approach, they first searched for some sort of precedent within the classic commentaries for interpretations which reflected the simple meaning of the Mishna, but conflicted with those offered in the Talmud. In this *shiur,* we will survey these stand-alone interpretations of the Mishna which appear in the Mishnaic commentaries over the course of history. Again, it must be stressed that the basic assumption was that the explanation of the Mishna usually depends on the conclusions of the *amoraim.*[[1]](#footnote-1)

In this *shiur,* we will make extensive use of Dr. Chanan Gafni’s book, *Peshuta shel Mishna*: *Iyyunim Be-cheker Sifrut Chazal Ba-et Ha-chadasha,[[2]](#footnote-2)* which surveys the history of the methodology of interpreting the Mishna according to its simple meaning over the last two hundred years.

1. **Rav Hai Gaon**

One of the oldest and most well-known passages of this genre was written by Rav Sa’adia Gaon on the Mishna (*Ketubot* 93a) discussing the value of a woman’s *ketuba* (marriage contract), in a case where multiple women were married to one man who died, and each one has a *ketuba* of a different sum:

One who was married to three women and died, [if] the *ketuba* of this one was one hundred dinars*,* and this one was two hundred, and this one was three hundred, and there are only one hundred dinars [available], they divide the money equally. If there were two hundred, the one [with a *ketuba*] of one hundred takes fifty, the ones of two hundred and three hundred [take] three gold dinars each.[[3]](#footnote-3) If there were three hundred [in the estate], the one of a hundred [dinars] takes fifty, and the one of two hundred [takes] one hundred, and the one of three hundred [takes] six gold [dinars]. (Mishna, *Ketubot* 10:4)

The logic behind this division in the Mishna is difficult to understand, a problem noted by the Gemara as well. A number of interpretations of the Mishna are suggested by the *amora’im* limiting the halakha to specific situations. However, the *ge’onim* and *Rishonim* discuss this passage in the Gemara and raise a number of difficulties with these resolutions. R. Yitzchak Alfasi, the Rif, writes: “This Mishna and its [accompanying] Gemara have been discussed by the earlier ones, and they did not explain this matter at all.” However, in the *Teshuvot Ha-ge’onim*, and also in the *Otzar Ha-ge’onim* to *Ketubot* 93a, an explanation is offered in the name of Rav Sa’adia Gaon:

And that which you asked: One who was married to three women, the *ketuba* of this is one hundred, and this one is two hundred, and this one is three hundred, etc… and even though Shmuel establishes it as where this one writes to that one, to appease hereby [saying I have neither] claim or argument [with you], and when Rav Yaakov citing Ravina establishes it with two seizures [of the property], even so, they left us a space as well. And we can establish it as a stipulation of the court on the money that is found for the deceased, that any woman who is less than her *ketuba* may not take precedence over the one before her, and when it is more than her *ketuba,* she may take when it is up to the amount of her *ketuba,* and the remainder is in accordance with the calculation. (*Teshuvot Ha-ge’onim,* *Sha’arei Tzedek* 4:4:52)

We will not attempt to explain the details of his explanation, but his fundamental assertion here is critical for our purposes: “Even so, they left us a space as well.” In this context, Rav Sa’adia Gaon points out that the sages of the Gemara itself allowed later commentaries the possibility of suggesting their own, alternative interpretations. Nevertheless, it is impossible to ignore the fact that this type of case is indeed a relatively rare one.

1. **Rambam**

In a number of places in his Commentary on the Mishna, the Rambam also appears to explain the Mishna in a manner that is not in accordance with the explanation of the Gemara. Zecharias Frankel, one of the prominent academic scholars of Talmud who lived in the nineteenth century, writes the following in his work *Darkei Ha-Mishna* (p.323): “The Rambam veers from the path of the Gemara in some of these *mishnayot* and explains them in a simpler manner… and he did so as well in many other places.” We will now examine a number of those examples.

1. **The Consumption of *Teruma* that is *Chametz* (leavened bread)on Pesach**

In the Mishna it is stated:

“One who consumes *teruma* (the portion of produce designated for the priest)that is *chametz* on Pesach, [if consumed] unwittingly [*shogeg*], he pays the principal and a fifth; [if consumed] intentionally [*mezid*], he is exempt from compensation and from the value of the wood.” (Mishna *Pesachim* 2:4)

The Gemara (*Pesachim* 32a-b) indicates that the reason for exemption in the case where it is consumed intentionally is that this *teruma* which is *chametz* does not have monetary value at the time of consumption (on Pesach), since it is forbidden to derive benefit from *chametz* on Pesach. Conversely, the reason for liability where it is consumed unwittingly is that the Torah requires one who consumes *teruma* unwittingly to pay based on the actual amount of produce consumed, and not based on the value of the produce consumed. In the language of the Gemara, it is “according to measure [*midah*], and not according to value [*damim*].”

The Gemara also indicates that this issue of whether compensation is determined based on amount or value is subject to a tannaitic dispute, and the Mishna follows Rabbi Yochanan ben Nuri’s opinion (which is that the measure is the determinant). Therefore, one must pay the amount of produce consumed, even though it had no value on Pesach anyway, since it was forbidden to consume it. According to Rabbi Akiva though, one pays for doing so unwittingly according to value [*damim*]. Therefore, according to Rabbi Akiva, one who consumes that is *chametz* during Pesach, whether intentionally or unwittingly, is exempt, as the *teruma* had no value at that time. This is Abaye’s approach in the Gemara (*Pesachim* 32b) as well.

The Rambam in the *Mishneh Torah* (*Hilkhot Terumot* 10:6) rules in accordance with the opinion of Rabbi Akiva, that one who consumes *teruma* that is *chametz* over Pesach is exempt from compensation both when done intentionally as well as when done unwittingly, because the compensation is based on value [*damim*]. The Ra’avad, though, contests the Rambam’s ruling and claims that the halakha should be according to the anonymous Mishna, which rules that one is liable if he consumed it unwittingly.

However, in his commentary on the Mishna, the Rambam interprets the Mishna differently than he does in the *Mishneh Torah*:

It will be explained to you in tractate *Makkot* that one who consumes *chametz* on Pesach receives lashes, and we have a principle that a person does not receive lashes and pay compensation [for the same act]; therefore, he is exempt from compensation. (Rambam, Commentary on the Mishna, *Pesachim* 2:4)

The Rambam here explains the reason for the exemption for intentional consumption differently than the Gemara, which stated that *chametz* on Pesach has no monetary value. Instead, he employs the principle of Rabbi Yochanan in tractate *Ketubot* (32b) that a person does not receive lashes and pay compensation [simultaneously]. Therefore, since one who consumes *chametz* on Pesach receives lashes, he does not need to pay compensation as well. This principle is known in the Talmud as “*kam leh be-derabba mineh,*” *“*he receives the greater punishment.”

It should be noted that the Gemara at one point does actually suggest employing this rule here, based on the opinion of Rabbi Nechunya ben Ha-kaneh that even one who is liable to *karet*, excision, and death at the hands of heaven, is exempt from any compensation for damage he may have caused (just as if he had been liable to death by the court).[[4]](#footnote-4) However, the Rambam’s usage of the principle in the context of lashes and compensation together is not mentioned anywhere in the passage in the Gemara. A number of *acharonim[[5]](#footnote-5)* even wonder why the Gemara itself did not explain the Mishna according to the Rambam’s suggestion. In any case, though, it is still surprising that the Rambam did not cite the Gemara’s explanation. One of those who question the Rambam about this is the *Tosefot Yom Tov*:

I have a great question on the Rambam about this. As he writes in his commentary on the Mishna that the reason [for exemption in the Mishna’s case] is that anyone who eats *chametz* on Pesach receives lashes, and a person does not receives lashes and pay compensation [for the same act], implying that if this [exemption from a double punishment] were not the case, he would [be liable to] pay. But this is not [true], since he pays according to value, so he certainly should be exempt. And this is the reason that he [the Rambam] rules in chapter 10 of *Hilkhot Terumot* that even if done unwittingly, he is exempt, which is not according to our Mishna.[[6]](#footnote-6) (*Tosefot Yom Tov,* commentary on the Mishna, *Pesachim* 2:4)

1. **Acceptance of a Nazirite Vow**

Another well-known illustration of this principle, which was mentioned in *shiur* 14 when discussing the commentary of the *Tosefot Yom Tov*, is the Rambam’s explanation of the following Mishna in tractate *Nazir.* The Mishna there states:

A group of men were 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 of the person. The reason for this is that according to Beit Shammai, one who accepts upon himself to become a nazirite even in error, nevertheless 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.[[7]](#footnote-7) However, it is unclear why Beit Hillel rule that only the ones who guessed incorrectly become nazirites, as 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 Beit Hillel’s reasoning. 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 Mishna’s 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, where 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 following the simple understanding of the Torah or Mishna, even when it goes against the interpretations of the Sages. However, it should be noted that the *Tosefot Yom Tov* did not offer this explanation for the Rambam’s deviance from the Gemara’s interpretation in the case above from tractate *Pesachim.* Furthermore, despite this fundamental declaration of the *Tosefot Yom Tov,* he himself rarely explains the Mishna in its simplest form when it conflicts with 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.[[8]](#footnote-8)

It should also be noted that in contradistinction to the *Tosefot Yom Tov*’s claim*,* a number of *acharonim* insist that the Rambam never interpreted the Mishna differently than the Gemara, and they suggest various explanations in each instance for how he interpreted the Gemara. Sometimes a novel understanding of the passage in the Gemara is offered, occasionally the suggestion is made that the Rambam had a different version of the text of the Gemara, and other times it is theorized that the Rambam relied on the ruling of the Jerusalem Talmud, or some other Talmudic source.[[9]](#footnote-9)

Even if it is granted that in a few lone cases, the Rambam does interpret the Mishna in a manner different than the Gemara, certainly the vast majority of his commentary is based upon the Gemara’s conclusions. This certainly lines up with the Rambam’s own stated objective in writing his Commentary on the Mishna, which was to summarize the conclusions of the relevant passages in the Gemara about each Mishna (see *shiur* 4). We also do not find suggestions for interpreting the Mishna in its simple sense against the Gemara in the writings of other *Rishonim*, as the study of Mishna was not usually an independent realm of study distinct from Gemara study.

1. **Later Commentaries on the Mishna**

In general, the more Mishna became an independent field of study, the more the commentaries leaned toward the possibility of interpreting it in its simple sense, even when the Gemara disagreed. Here are a few examples of this:

1. **Rabbi Yosef Ashkenazi**

We previously discussed the nature of the commentary of the *Melekhet Shlomo* and noted that he often quotes Rabbi Yosef Ashkenazi, who frequently interpreted the Mishna in its simple sense.

1. **One Who Makes his Prayers Fixed**

The Mishna in Tractate *Berakhot* cites a Tannaitic dispute about the text of the daily prayers:

Rabban Gamliel says: Every single day a person must pray the *Shemoneh Esrei* (eighteen blessings)*.* Rabbi Yehoshua says: [One must pray daily] an abridgement of [literally: similar to] the *Shemoneh Esrei.* Rabbi Akiva says: If the prayer is assured in his mouth [i.e., he knows the text well], he recites [the full] *Shemoneh Esrei;* andif not, [then he recites] an abridgement of the *Shemoneh Esrei.* Rabbi Eliezer says: One who makes his prayer fixed, his prayer is not [considered a] supplication. (Mishna *Berakhot* 4:3)

The Gemara brings a number of explanations for Rabbi Eliezer’s opinion:

What is [the meaning of] “fixed?” Rabbi Ya’akov bar Idi says in the name of Rabbi Oshaya: Anyone whose prayer appears to him like a burden. And the Rabbis say: Anyone who does not say it in the manner of a supplication. Rabba and Rav Yosef both say: Anyone who is unable to add something novel [into his prayer]… Abaye bar Avin and Rabbi Chanina bar Avin both say: Anyone who does not pray with the redness of the sun [i.e., shortly after sunrise and shortly before sunset, when the sun is reddest].[[10]](#footnote-10) (*Berakhot* 29b)

The *Melekhet Shlomo* first quotes the Gemara, and then cites an additional explanation of the word “fixed” from Rabbi Yosef Ashkenazi:

And the sage, Rabbi Yosef Ashkenazi, wrote that Rabbi Eliezer is referring to [the opinions in the Mishna] above [that you should pray daily], and disagrees with all of them, and says that one should not establish a fixed prayer, whether one prays [the full] *Shemoneh Esrei*, or the abridged *Shemoneh Esrei*: One who makes his prayer fixed, his prayers are not considered a supplication. (*Melekhet Shlomo, Berakhot* 4:3)

Accordingly, in Rabbi Ashkenazi’s opinion, Rabbi Eliezer disagrees with the very imperative for a person to pray on a daily basis, and believes that it is preferable for him to pray only when he feels inspired to do so. This explanation, as mentioned, is not in accordance with any of those brought in the Gemara.

1. **Until He Pours Water into Them**

The Mishna in *Berakhot* discusses the possibility of reciting Shema following immersion in a *Mikve* (ritual bath).

[If] one descended to immerse [in a *Mikve*]; if he can ascend [from the *Mikve*] and cover himself and recite [Shema] before the sun rises, he should ascend and cover himself and recite [Shema]. And if [he can] not [do so before sunrise], he should cover himself with water and recite [Shema];[[11]](#footnote-11) but he should not cover himself, neither with foul water, nor with water [in which flax] was soaked, until he pours in [additional] water. And how far should he distance himself from it or from excrement? Four cubits. (Mishna *Berakhot* 3:5)

The Gemara finds it difficult to understand the water pouring mentioned in the Mishna:

And how much water will he go on pouring? Rather, this is what it is saying: He should not cover himself neither with foul water nor with water [in which flax] was soaked at all, and [if there is a nearby vessel with] urine, [he should wait] until he pours in [clean] water. (*Berakhot* 25b)

Rashi explains that according to the Gemara, the amount of water necessary to remove the smell of the flax is quite large, and therefore unreasonable. Consequently, the Gemara explains that the injunction to pour additional water mentioned by the Mishna refers to doing so into urine (even though that word is not found in the text of the Mishna), next to which it is also forbidden to recite Shema. This understanding of the Gemara, as explained by Rashi, is also the explanation given by the Rambam and the other commentaries on the Mishna.

However, the *Melekhet Shlomo* cites Rabbi Yosef Ashkenazi who suggested another explanation for the Mishna: “And Rabbi Yosef wrote that the explanation of the meaning of the Mishna is that it refers to the foul waters mentioned previously…”

1. **The Vilna Gaon and His Students**

There is a well-known comment of the Vilna Gaon regarding the interpretation of the Bible and differentiating between the simple meaning of the text and the deeper level.

“And he shall bring him to the door or the doorpost” (*Shemot* 21:6). The simple meaning of the verse is that the doorpost is also valid [for piercing his ear], but the halakha uproots the [simple meaning] of scripture,[[12]](#footnote-12) and likewise in the majority of the passage, and so too in a number of passages in the Torah, and this is part of the greatness of our oral Torah, which is a *halakha* [transmitted] to Moses from Sinai, and it can transform like the substance of a seal… and similarly with regard to *piggul[[13]](#footnote-13)* and the majority of the Torah. Therefore, one must know the simple [meaning] of the Torah in order to know the seal.[[14]](#footnote-14) (*Adderet Eliyahu, Parashat Mishpatim*)

This approach of the Vilna Gaon is also expressed in his approach to the interpretation of Mishna, both in his own writings, as well as in traditions cited in his name by his students.[[15]](#footnote-15)

1. **The Proper Times for Daily Prayer**

The Mishna states:

The morning prayer [may be recited] until midday; Rabbi Yehuda says: Until four hours. The afternoon prayer [*mincha,*]may be recited until the evening; Rabbi Yehuda says: Until half of [the time of] *mincha*. The evening prayer has no set [time]. And the *Mussaf* prayer [may be recited] all day. Rabbi Yehuda says: Until seven hours. (Mishna *Berakhot* 4:1)

The Gemara (*Berakhot* 27b) discusses the meaning of the expression “has no set [time]”:

The evening prayer has no set [time]. What does “no set [time]” mean? If we say [it means] that if he wishes, he may pray the entire night, then let it state “the evening prayer is all night.” Rather, what does “no set [time]” mean? It is in accordance with the one who says the evening prayer is optional. (*Berakhot* 27b)

However, the Gemara cites the opinion of Rabbi Yehoshua ben Levi, who appears to explain it differently:

And it was taught in accordance with Rabbi Yehoshua ben Levi: Why did they say that the morning prayer is until midday? Because the daily morning offering was offered until midday… and why did they say that the evening prayer has no set [time]? Because the limbs and fats that were not decomposed before evening may be offered over the entire night. (*Berakhot* 26b).

This passage indicates that the meaning of “no set [time]” is that it may be recited all night, thus contradicting the first passage cited. Rashi on the Mishna was aware of this issue and therefore writes: “The entire night is its time, and the phrase ‘it has no set time’ is explained in the Gemara.” Rashi indicates that the primary intention of the Mishna here is to teach that its time of recital is all night, and the Mishna uses the expression of having no set time in order to teach in addition that reciting it is optional. This is also the Bartenura’s interpretation.[[16]](#footnote-16)

The Rambam in his Commentary on the Mishna explains it in the opposite manner: The primary intent of the Mishna is to teach that the evening prayer is optional, and as a result, one may recite it all night. However, in the Vilna Gaon’s commentary, *Adderet Eliyahu,* a new explanation of this phrase is offered:

This means that it has no time of its own, but its time is when it is not possible to pray the other prayers, that is, between the afternoon prayer and the morning prayer. And according to Rabbi Yehuda, the time for the evening prayer begins from halfway through *mincha* [*pelag ha-mincha*]… and according to the Rabbis, the time begins from the evening. (*Adderet Eliyahu* Commentary of the Vilna Gaon)

According to the Vilna Gaon’s explanation, the meaning of “no set time” is that it may be recited anytime that is not suitable for the other daily prayers.

1. **Two Who are Grasping a Garment:**

The first Mishna of tractate *Bava Metzia* states the following rule:

[If] two are grasping a garment, one says: I found it, and this one says: I found it; this one says: It is all mine, and this one says: It is all mine, [the halakha is that] this one takes an oath that he owns no less than half of it, and this one takes an oath that he owns no less than half of it, and they divide it equally. (Mishna, *Bava Metzia* 1:1)

The Gemara (*Bava Metzia* 2a) explains that the Mishna refers to two distinct cases with the same halakha: The first is where two individuals dispute a found object, and this one says “I found it,” etc. The second case is one where they dispute an object that was purchased: This one says “it is all mine,” etc. This is how the Rambam and the other commentaries on the Mishna understand it as well. However, the *Tiferet Yisrael* cites one of the Vilna Gaon’s students, Rabbi Menashe of Ilya, who explained the Mishna differently:

And the *gaon* Rav Menashe Eliezer says that the entire Mishna is one case, and the entire thing refers to a found object, and this is what it means: This one says I found it, etc. so the halakha is as follows: If this one said it is all mine, and this one says it is all mine… and if this one says it is all mine, and this one says it is half mine… (*Tiferet Yisrael* Commentary on *Bava Metzia* 1:1)

The *Tiferet Yisrael* continues and comments that “this is not in accordance with their approach in the Gemara, as in the Gemara, it says that the claim that ‘it is all mine’ refers to a business transaction.”[[17]](#footnote-17)

1. **Additional Commentaries**

To conclude this survey, we will refer to two of the later commentaries of the Gemara, who occasionally also suggested interpreting the Mishna in accordance with its simple meaning.

1. **The Rashash**

Rabbi Shmuel Strashun, commonly referred to as the Rashash, is well-known for his comments on the Gemara that were first printed in the Vilna edition of the Babylonian Talmud. He was born in Lithuania in 1794, but lived most of his life in Vilna, where he devoted his time to learning Torah and writing, while refusing to accept any rabbinic position. In his extensive glosses, he sometimes suggests interpreting the Mishna according to its simple meaning, one example of which will be cited here.

The Mishna in the beginning of the seventh chapter of tractate *Pesachim* discusses the proper manner of roasting the paschal offering. The Mishna then states:

One may not roast the paschal offering on a spit or on a grill. Rabbi Tzadok said: There was an incident with Rabban Gamliel where he said to Tavi his servant: Go and roast the paschal offering for us on the grill. (Mishna *Pesachim* 7:2)

This Mishna presents a halakha followed by a story that proves the opposite. The Gemara (*Pesachim* 75a) is bothered by this question, and resolves the problem by adding additional words to the text of the Mishna using “*chasurei mechsera,*” “there is a lacuna in the text.” However, the Rashash suggests that there is no contradiction between the halakha and the story.

And in my humble opinion, this incident took place following the destruction [of the Temple]. And since we find one in the Mishna (*Beitza* 22b) who explains that one may prepare a roasted kid on the night of Pesach, and Rashi explains that this is done as a remembrance for the Temple, therefore, due to its dearness, he called it a paschal offering… and now it makes sense why the incident does not contradict… as the proof is only that the actual paschal offering is not [roasted] on a grill, and the Rambam in chapter 5 of *Hilkhot Nazir*,Mishna 5, already gave us permission to interpret a Mishna differently than the Gemara where there is no practical difference between them [the interpretations]. See there, in the *Tosefot Yom Tov* and see what we wrote in *Berakhot* 49b in the Mishna, and even the Vilna Gaon did this too. (Rashash, *Pesachim* 75a)

The Rashash explains that the incident occurred following the destruction of the Temple, and does not refer to the actual paschal offering, but to a commemoration of it. Consequently, there is no contradiction. He draws justification for this interpretation both from the words of *Tosefot Yom Tov* in tractate *Nazir* as well as the Vilna Gaon’s words which he cited in tractate *Berakhot* (49b).

1. ***Sefat Emet***

The *Sefat Emet,* otherwise known as the Gerrer Rebbe, is primarily known for his works in *Chassidut.* However, his works on the Talmud have also been published, and were essentially compiled from notes that he wrote while studying the material. The discussions found in the *Sefat Emet* are fascinating for a number of reasons, one of which is his tendency to interpret passages in the Gemara independently from the interpretations given by the *Rishonim.* It seems that this tendency also prompted him to occasionally suggest interpretations of the Mishna that differ from those of the Gemara, one of which we will discuss here.[[18]](#footnote-18)

The Mishna in tractate *Megilla* (4:1)states as follows: “One who reads the *megilla* [on Purim may do so] standing or sitting. If one read it, or if two read it, they have fulfilled [their obligation].” The language of the latter clause of the Mishna, “if one read it, or if two read it, they have fulfilled [their obligation],” is somewhat ambiguous. It appears from the Gemara (21b) that it refers to two individuals that read the *Megilla* simultaneously, and the reason that people who hear both read it together have fulfilled their obligation is that “since it is dear [to them], they will put their minds [to pay attention] and hear it.” However, the *Sefat Emet* suggests a different interpretation of the Mishna:

It seems that this can be explained [as saying] that this one read half, and that one read half, similar to the latter clause [where it states that] on Monday, three [*aliyot*] are read. However, the fact that the Gemara explains that two read and translate, it seems [that the correct interpretation] is in accordance with Rashi’s explanation, that two read it together. Nevertheless, it seems to me that this [the first explanation] is true too, that even if a number of people read it, this one a little, and that one a little, they have fulfilled [their obligation]. (*Sefat Emet* on *Megilla*).

The *Sefet Emet* explains that the Mishna is referring to a case where two individuals read the *megilla* one after the other, such that each one read a portion of the *megilla.* He proves this claim from the next part of the Mishna that discusses the number of those who read from the Torah. Although he is aware that the Gemara interpreted the Mishna differently, as did Rashi, he nevertheless writes that his interpretation is also true.[[19]](#footnote-19)

1. **Summary**

In this *shiur,* we have briefly surveyed the history of the phenomenon of interpreting the Mishna according to its simple meaning, spanning from the days of the *ge’onim* through the times of the *acharonim.* It is often accepted that one of the striking differences between the classic yeshiva world and the world of modern Talmudic scholarship is directly linked to the question of whether one may only study the Mishna through the eyes of the Gemara and *Rishonim*,or also according to its simple meaning. We have demonstrated that although this statement is true to some extent, it is a bit too general, and even in the “Torah world” there is an approach that allows for the occasional interpretation of Tannaitic sources that is not in accordance with the Amoraic interpretation.

1. In contrast, concerning the interpretation of Tanakh, many of the medieval commentaries authored commentaries that were based on a simple interpretation of the text, and were not in accordance with those offered by the Sages. Perhaps the difference is due to the fact that the study of Mishna is connected to the ruling of halakha, and interpretations that are not in accordance with those of the Gemara could lead to the improper breach of halakhic rules and regulations (see *Tosefot Yom Tov* cited below in note 6). [↑](#footnote-ref-1)
2. Published by *Sifriyat Heilal ben Chaim* and the *Kibbutz Ha-meuchad,* Tel Aviv, 5771. [↑](#footnote-ref-2)
3. See Rashi, who explains that each gold dinar is equivalent to 25 silver dinars. Therefore, each of these women receives the value of 75 silver dinars. [↑](#footnote-ref-3)
4. This application is relevant here because one is liable to *karet* for consuming *chametz* on Pesach, if no warning is given, and two witnesses did not observe the infraction. [↑](#footnote-ref-4)
5. See, for example, *Chidushei Ha-Tzelach* and the *Chidushei Ha-Rim* there. [↑](#footnote-ref-5)
6. See also the answer of the *Chidushei Ha-Rim* there to this question. [↑](#footnote-ref-6)
7. See *Nazir* 31a-b for the presentation of these two opinions of Beit Shammai and Beit Hillel. [↑](#footnote-ref-7)
8. See, e.g., his commentary to *Shevi’it* 4:10: “… this is the Rambam’s explanation in his commentary. And I am astonished, why did he insert his own explanation besides 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 comment appears in the *Tosefot Yom Tov*’s commentaryto *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 manner different from the Gemara’s explanation.” [↑](#footnote-ref-8)
9. One example of this is Rabbi Binyamin Zev Benedict’s book, *Ha-Rambam- Lelo Setiya Min Ha-Talmud,* Jerusalem, 5745. [↑](#footnote-ref-9)
10. Rashi explains this statement as follows: “And this is the [reason for] the language of “fixed,” in that his prayer is [recited only as] a fixed practice to fulfill his obligation, and he is not particular to strive [to pray] at the [ideal] time of the mitzva and a propitious time.” Rashi’s explanation is predicated upon the fact that the Gemara immediately thereafter cites the statement of Rabbi Yochanan that the ideal time to pray is with the redness of the sun. [↑](#footnote-ref-10)
11. The Gemara (*Berakhot* 25b) explains that this Mishna refers to an individual who conducts himself like the *vatikin,* the especially devoted individuals who were careful to recite Shema immediately prior to sunrise so that they could recite the *Shemoneh Esrei* at sunrise, which is considered a highly praiseworthy practice. [↑](#footnote-ref-11)
12. See Rashi there citing Chazal, who state that one may not do so upon the doorpost, and interpret the mention of the doorpost in a different manner. [↑](#footnote-ref-12)
13. See Rashi (Vayikra7:18) who notes that although the Torah states that one who consumes an offering after its proper time has disqualified it as *piggul,* in reality this refers to one who had the intention to do so at the time of the sacrificial service. [↑](#footnote-ref-13)
14. Concerning the precise intention of the analogy of the Gra, see Rabbi Menachem Mendel Kasher, *Torah Sheleima*, volume 17, p. 302; David Henshke, “Ein Mikra Yotzei Midei Peshuto*,*” *Ha-maayan*, 17:3, 5737, p. 16-17. [↑](#footnote-ref-14)
15. See Gafni, *ad loc.,* p. 55, who elaborately describes the tradition and the dispute around the Vilna Gaon with regard to this issue. Concerning the fact that most of the traditions cited in his name were not written by him personally, which has called their authenticity into question, see Spiegal, *Amudim Be-toldot Ha-sefer Ha-ivri*, chapter 13, “Hagahot Ha-gaon R. Eliyahu Mi-Vilna*,*” and Rabbi Kalman Kahana, *Le-cheker Beurei Ha-Gra,* p. 16. [↑](#footnote-ref-15)
16. Rabbeinu Yona (18a in the pages of the Rif) explained this issue at great length. [↑](#footnote-ref-16)
17. With regard to the response of the *acharonim* to this explanation, see Gafni, *ad loc.,* p. 59, note 26. [↑](#footnote-ref-17)
18. This example was pointed out by Rabbi Eliezer Altschuller, the rabbi of the town of Mitzpeh Netofa*.* [↑](#footnote-ref-18)
19. It is also possible that his intent is not that his explanation is also the intent of the Mishna, but rather that even if the Mishna referred to the case described by the Gemara, the halakha is still the same in his case as well. However, the language later on in the *Sefat Emet* (not cited here) appears to support the understanding suggested in the text. It should also be noted that this question of having multiple readers for the *Megilla* is actually subject to some debate, as the *Magen Avraham* (O.C. 692:2) rules that if one reads only part of the *megilla*, and cannot continue for some reason, the second reader must start again from the beginning. Although some authorities do take this position into account, the practical halakha, as noted by the *Sefat Emet* himself there, is that the second reader may continue from where the first left off, and one has still fulfilled his obligation in this manner. See *Mishna Berura* (692:2). [↑](#footnote-ref-19)