

🌿 **An Introduction to Mishnah**

☞ The Oral Law and the Mishnah

The Torah consists of two parts, תּוֹרָה שְׁבִכְתָּב, *the Written Torah*, and תּוֹרָה שְׁבִעַל פֶּה, *the Oral Torah*. It is clear from even a superficial reading of the *Chumash* that there had to be “another” Torah, one that complements and explains the Written Torah that was transmitted by Moses. The Oral Torah, too, was given to Moses by God, and was passed down, generation to generation, from Moses to his successors through the ages.

The Oral Torah was to remain just that — oral. It was to be transmitted from teacher to student down through the generations. As *Mabit* explains in *Kiryas Sefer* (Introduction to *Yad HaChazakah*), this oral transmission included more than words and formulas; the teacher-student relationship included also an outpouring of soul. Just as the printed page cannot transmit inflection, nuance, smile and frown, so too it cannot adequately transmit the personality and inner spirit of the teacher.

Oppression and exile eventually eroded the oral process and necessitated that more and more of it be committed to writing. The first instance of this new phenomenon was the Mishnah. The rest of the infinite library of Torah literature flowed from that.

In the following pages we present an outline of the history of the Oral Law and some of its leading teachers and personalities, as it developed into the Mishnah and Gemara. It is taken from “*Mevo She’arim*”^{*} by HARAV HAGAON R’ MEIR ZVI BERGMAN שליט”א, Rosh HaYeshivah of Yeshivas HaRashbi of Bnai Brak, and supplemented by selections from “*Z’man Nakat*,” by HARAV HAGAON R’ DAVID COHEN שליט”א, the distinguished *rav* and *posek* of Brooklyn, N.Y. It is our hope that this will provide the reader with basic background and perspective as he begins the study of the Mishnah.

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I. The Chain of Transmission

מֹשֶׁה קִבַּל תּוֹרָה מִסִּינַי, וּמִסֵּרָהּ לִיהוֹשֻׁעַ, וְיְהוֹשֻׁעַ לְזִקְנִים,
וְזִקְנִים לְנְבִיאִים, וְנְבִיאִים מִסֵּרֶיהָ לְאַנְשֵׁי כְנֶסֶת הַגְּדוּלָּה.

Moses received the Torah from Sinai and transmitted it to Joshua, and Joshua to the Elders, and the Elders to the Prophets, and the Prophets transmitted it to the Men of the Great Assembly (Avos 1:1).

A. From Moses Through the Prophets

MOSES RECEIVED THE TORAH FROM SINAI, WHICH MEANS HE RECEIVED both the Written Law [תּוֹרָה שְׂבֻכָּתָב] and the Oral Law [תּוֹרָה שְׂבֻעַל פֶּה], as *Sifra* comments on the verse אֵלֶּה הַחֻקִּים וְהַמִּשְׁפָּטִים **Moses** . . . וְהַתּוֹרוֹת, *These are the statutes, judgments and teachings that Hashem established between Himself and the Children of Israel on Mount Sinai by the hand of Moses (Leviticus 26:46): חֻקִּים, statutes,* refers to those laws which are not clearly stated in Scripture, but are derived through the laws of hermeneutics; *מִשְׁפָּטִים, judgments,* refers to the explicitly stated laws; and the plural term תּוֹרוֹת, *teachings,* indicates that the Jews received two Torahs — one written and one oral.^[1] The continuation of the verse, *on Mount Sinai by the hand of Moses,* teaches us that the entire Torah — including all its laws, nuances and interpretations — was given to Moses on Sinai.

The *Gemara* (*Berachos* 5a) expounds the verse, *And I shall give you the Tablets of Stone, and the Law, and the Commandment which I have written, to teach them (Exodus 24:12),* as follows: *Tablets* refers to the Ten Commandments; *the Law* means the Pentateuch (see *Rashi* ad loc.); *Commandment* is the *Mishnah*;^[2] *which I have written* denotes the Prophets and Hagiographa [כְּתוּבִים]; and *to teach them* means the

1. As will be evident from the verses adduced below, the term *Oral Law* includes all teachings of the Torah that are not stated explicitly in Scripture.

2. The Talmud consists of two sections: the *Mishnah*, which is the collection of laws compiled by R' Yehudah HaNasi; and the *Gemara*, which explains the *Mishnah* (see Section II).

Gemara.^[3] The verse teaches us that every facet of Torah was given to Moses on Mount Sinai.

The *Gemara* (*Megillah* 19b) further states that the verse, *And on them was written according to all the words which Hashem spoke with you on the Mount (Deuteronomy 9:10)*, teaches us that God showed Moses fine points of Biblical exegesis,^[4] in addition to the latter Sages' interpretations of the teachings of their predecessors.

This verse also teaches that Scripture, Mishnah, Talmud and Aggadah — even those points that an accomplished student would later expound before his teacher — all were previously told to Moses at Sinai (*Yerushalmi to Pe'ah* 2:4). Even the ethical teachings in Tractate *Avos* were revealed to Moses at Sinai (*Rav to Avos* 1:1).

Many commandments in the Written Torah are incomprehensible without the explicit elucidation provided by the Oral Law. For example, regarding *tefillin* it is stated: *and as טטפוח, ornaments, between your eyes (Deut. 6:8)*. Without the oral traditions stemming directly from Moses, we would not understand Scripture's intention at all.

In addition, we find that the Torah openly hints at the existence of a parallel body of law, as in the verse וְנִבְחַתָּ מִבְּקָרְךָ, *and you may sacrifice from your herd . . . כַּאֲשֶׁר צִוִּיתִךָ, as I have commanded you (Deut. 12:21)* [i.e. in the manner I have commanded you]. Although the commandment of *shechitah* (ritual sacrifice) is explicitly mentioned in the Written Law, the halachic particulars of its execution are not. The phrase, *as I have commanded you*, obviously suggests the existence of a tradition of comprehensive Oral Law (see *Chullin* 28a; *Rashi* ad loc.).

The commandments which were given to our forefathers before the Giving of the Torah, were reiterated to Moses at Sinai. Indeed, as *Rambam (Commentary to Chullin* 7:6) states, all that we abstain from or do today is only because of God's commandment through Moses, and not because the Holy One revealed His will to prophets who lived before Moses. That we do not eat flesh from a living animal is not because God prohibited it to Noah (see *Gen.* 9:4), but because Moses taught us at Sinai that God proscribed this practice. Likewise, we do not circumcise our sons because Abraham circumcised himself and the males in his household (*ibid.* 17:11), but because God commanded us through Moses to perform the precept of circumcision, just as Abraham did. The same

3. The *Gemara* contains the analysis of the mishnayos from which the Halachah is derived (*Rashi* ad loc.).

4. For example, the rule that the terms אַךְ (a preposition without parallel in English) and גַּם, *also*, indicate that something else is to be included; and that the terms אֲךָ and רַק (both meaning *but* or *only*) indicate that something is excluded (*Rashi* *ibid.*).

holds true for the prohibition of eating the גֵּיד הַנֶּזֶקֶה (a sinew located in the thigh), which was originally issued to Jacob (ibid. 32:33); yet we are enjoined through Moses's commandment. For, indeed, 613 *mitzvos* were told to Moses at Sinai, and those enumerated above are certainly included in that figure.

The *Gemara* states in *Makkos* 23b: A total of 613 commandments were told to Moses — 365 prohibitions, equaling the number of days in the solar year [which intimates that on each day of the year they warn us not to transgress them (*Rashi*)], and 248 positive commandments, paralleling the number of limbs and organs in the body [hinting that each of a Jew's limbs and organs tell him to perform the commandments (*Rashi*)]. The word תּוֹרָה, *Torah*, in the verse, *The Torah which Moses commanded us* (*Deut.* 33:4), has a numerical value of 611.^[5] Add to this number the first two of the Ten Commandments, which the Jews heard directly from the Almighty Himself, and the figure 613 is reached (*Makkos* 23b, 24a).

Tosefos Yom Tov writes in his introduction: Even though Moses transmitted the Oral Law to Joshua clearly and thoroughly, nevertheless, in every subsequent generation, novel interpretations are expounded. This statement does not contradict the *Gemara* in *Megillah* (cited above), which states that the Holy One showed Moses even Biblical interpretations that scholars of later generations would make, inasmuch as Moses never taught these interpretations to anyone else. This solution is apparent from the *Gemara's* wording, which tells us that God *showed* these to Moses, rather than *taught* or *transmitted* them to him. In either of the latter cases Moses would have certainly taught these future interpretations to Joshua, since Moses was extremely generous toward his disciple; for when he was commanded to rest one hand on Joshua in transferring his mantle of Torah greatness to him, Moses in fact rested both (see *Deut.* 34:9). Thus, the *Gemara* tells us that God only *showed* Moses, but He did not give him these interpretations as a legacy for Joshua.

Accordingly, every scholar who merits to conceive a true and original interpretation in the Torah is regarded as though he brought down a part of Torah from the heavens.^[6]

5. [According to *gematria*, the system of numerology in which each letter of the Hebrew alphabet is assigned a numerical value, ת=400; ו=6; ר=200; ה=5; thus the word תּוֹרָה equals 611.]

6. This explanation will resolve the difficulty posed by *Rambam* in *Sefer HaMitzvos* (*Shoresh* 1): in one place (*Megillah* 19b) the *Gemara* says that God showed the precept of reading the *Megillah* to Moses, while in another place (*Shevuos* 39a) it refers to the

Nevertheless, every detail and original thought was included in the Torah that Moses brought down from heaven, as we are taught regarding the verse לֹא בַשָּׁמַיִם הִוא, *It [the Torah] is not in the heavens* (Deut. 30:12). “Moses said to Israel, ‘Do not say that another Moses will bring us another Torah from heaven, for I am informing you: *It is not in the heavens* — that is, nothing of Torah has been left behind in the heavens!’” (*Midrash Rabbah* *ibid.*).

In the introduction to his *Commentary on Mishnah*, Rambam explains further that prophecy cannot be used to interpret the Torah or to extract the details of the *mitzvos* with the thirteen hermeneutical principles with which the Torah is expounded. Rather, what the prophets like Joshua and Pinchas must do in the matter of analysis and logic is precisely what the Talmudic sages Ravina and R’ Ashi do (i.e. interpret the Torah without the benefit of prophecy).

Moses in his lifetime already began to promulgate decrees and regulations (*Shabbos* 30a). He did so not in his capacity as a prophet, but on his own initiative, in order to safeguard the Torah, as it says וּשְׁמַרְתֶּם אֶת מִשְׁמַרְתִּי, *And you shall keep that which I have entrusted you to guard* (Lev. 18:30), which the Sages interpret as an admonition to take measures to protect the Torah’s precepts from being violated (*Yevamos* 21a). Among his decrees that are known to us: to remove and distance the Nesinites^[7] from the main body of the Jewish people (*ibid.* 79a), and

Megillah reading as one of the commandments to be promulgated in the future, after the giving of the Torah.

See also *Ohr HaChayim* to *Leviticus* 13:37, who seeks to reconcile the contradictory statements of the *Gemara*, which in one place (*Megillah* *ibid.*) says that Moses was given the knowledge of the entire Torah, including even the interpretations of future sages, while elsewhere (*Menachos* 29b) it states that Rabbi Akiva expounded that which was unknown to Moses. He proposes the following resolution:

It is true that all Torah knowledge was bestowed upon Moses and that no other sage can know more than he, and that there will be no original Torah thought from the time of the giving of the Torah until the Messianic age that Moses did not know. Nevertheless, there is one qualification. God taught Moses both the Written and Oral Law, and with His infinite wisdom implanted the Oral Law within the Written Law. Although Moses knew the entire Oral Law, he was not informed of where each of its details was alluded to in the Written Torah. Thus, it became the task of great future sages to pinpoint the sources of these laws in Scripture, giving rise to the books *Toras Kohanim*, *Sifrei*, etc. Therefore, when the *Gemara* relates that R’ Akiva discovered interpretations unknown to Moses, it does not mean to imply that Moses lacked such knowledge, since all Torah came from him. Rather, it means that he did not know the source in Scripture for every law of the Oral Torah.

7. [The Nesinites were Canaanites who, to avoid destruction at the hands of the invading Jewish army, presented themselves to the leaders of Israel as a non-Canaanite people seeking a covenant with Israel. Two groups came; one in the days of Moses (*Tanchuma*, *Netzavim* 3 cited by *Rashi*, *Deut.* 29:10), and one in the days of Joshua (*Joshua* Ch. 9). For deceiving Moses, they were made into hewers of wood and drawers of water for the

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not to sprinkle the *מי קטאת*, *water of purification*, on the Sabbath (*Smag, Asei* 224; see *Pnei Yehoshua* to *Rosh Hashanah* 29b).

Included among Moses's regulations are: (1) the seven days of nuptial festivities [during which the *sheva berachos* (seven blessings) are recited] and the seven days of mourning (*Yerushalmi* to *Kesubos* 1:1; *Rambam, Hilchos Avel* 1:1); (2) the first blessing in *Bircas HaMazon* [Grace After Meals] (*Berachos* 48b); (3) the public reading of the Torah on the Sabbath, Monday and Thursday (*Bava Kamma* 82a); (4) the study of the laws of each festival during that festival (*Megillah* 32a); (5) the division of the *Kohanim* (priests) into eight ministering groups (*Taanis* 27a).^[8]

... AND TRANSMITTED IT TO JOSHUA, AS IT IS WRITTEN, AND YOU SHALL put some of your glory upon him (*Numbers* 27:20). Our Sages teach us

Joshua (*Temurah* 16a) that when Moses was about to depart (from this world to Paradise), he said to Joshua, "Ask me (to explain) all the uncertainties you have (in matter of halachah)." He replied, "My teacher, have I ever left you — even for an hour? [I.e. "I have no uncertainties" (*Rabbeinu Gershom* ad loc.).] Did you not write of me, *but his attendant, Joshua, the son of Nun, a lad, never left the tent* (*Ex. 33:11*)?"

Joshua instituted: (1) the second blessing of *Bircas HaMazon* (*Berachos* 48b); (2) the prayer *Aleinu Leshabei'ach*, when the Jews entered *Eretz Yisrael*, to distinguish them from the *families of the earth* and the *nations of the world*;^[9] (3) ten enactments when the Land was divided amongst the Tribes.^[10]

congregation and the Altar (see *Rashi* *ibid.*). This decree was later reinforced by Joshua (*Josh. 9:27*), who forbade their descendants to intermarry with Jews (see *Mishnah Kiddushin*, p. 86).]

8. *Rambam* (*Sefer HaMitzvos, mitzvas asei* 36) explains that although the concept of separate groups of ministering *Kohanim* is Biblical in origin, it was Moses who divided them into eight groups.

9. *Teshuvos HaGeonim, Shaarei Teshuvah* §44 by *Rav Hai Gaon*. *Kol Bo* §16 writes that Joshua composed it when the Jews conquered Jericho.

10. Both the *Gemara* (*Eruvin* 17a) and *Rambam* (*Hil. Nizkei Mamon* 5:3) refer to them as *תקנות*, *enactments*. They are as follows:

(a) that people shall be permitted to graze their cattle in the woods of other people. [See *Rashi* and *Radak* to *II Samuel* 18:6 on the phrase, *in the forest of Ephraim*; although the territory on the east bank of the Jordan River was granted only to the tribes of Reuven, Gad and Menashe (*Num. 32:32ff.*), since Joshua stipulated that one may graze his cattle in the property of others, and since that forest bordered Ephraim's territory, with the Jordan River intervening, the cattle of Ephraim used to graze there and for that reason it was called *the forest of Ephraim*]; (b-c) that wood and grass may be gathered by all in private fields; (d) that shoots may be cut off by all in all places, even private ones; (e) that a new spring may be used by all the townspeople; (f) that fishing with an angle be permitted in

... AND JOSHUA TO THE ELDERS, AS IT SAYS (JUDGES 2:7), AND THE PEOPLE served Hashem all the days of Joshua, and all the days of the Elders,

The Elders who lived long after Joshua, who saw the great deeds of Hashem (*Avos d'Rabbi Nassan*). Rashi (ibid.) comments that the Elders were the rulers and policemen over the Jewish people. There is a dispute in the *Midrash (Bamidbar Rabbah 3:7)* regarding who these Elders were. R' Yehudah Halevi says that they were the Levites. R' Berachyah maintains that they were Eldad and Meidad; also included among the Elders were Calev, Pinchas and Osniel the son of Kenaz.

The *Gemara (Temurah 16a)* tells us that 1,700 קל וחומר, *a fortiori arguments*; גְּוִירוֹת שְׁוֹת, *language similarities*; and דְּקִדּוּקֵי סוּפְרִים, *Rabbinic interpretations*, were forgotten during the mourning period for Moses, and Osniel the son of Kenaz retrieved them with his learning.^[11] He and his colleagues began to collect and organize the laws scattered about the Torah into one cohesive teaching. *Yerushalmi (Shekalim 5:1)* tells us that they were called families of *sofrim*, because they made numbered groups (from the word סָפַר, *sofer [to count]*) of the regulations of the Torah — such as: *Five should not separate [terumah] (Terumos 1:1); five species are subject to challah (Challah 1:1); fifteen women exempt their co-wives (Yevamos 1:1); there are thirty-six offenses in the Torah whose penalty is kares [excision; premature death] (Kereisos 1:1).*

Not always were the particulars of each category located in the same place; often they had to be culled from throughout the Torah. For example, the five who should *not separate terumah* are: (1) a deaf-mute; (2) an insane person; (3) a minor; (4) anyone other than the owner of the produce or his agent; and (5) a gentile. The fourth category is excluded by the verse, *Thus you shall also separate (Num. 18:28)*, while the other four are exempted by a passage in the Scriptural portion of *Terumah [Exodus Ch. 25] (Yerushalmi to Terumos 1:1)*. Because in this case as well

the Sea of Tiberias (although it was entirely in the portion of the tribe of Naphtali); (g) that it be permitted to defecate behind a fence (even on private property); (h) that the public may use private paths at certain times; (i) that one who becomes lost in a (private) vineyard may cut his way through, and exit; and (j) that a corpse of a person whose relatives are unknown acquires the right to be buried on the spot where it is found.

These ten regulations are all explained in *Bava Kamma (80b-82a)*.

11. The commentators explain that although Joshua was the principal disciple of Moses, he did not restore the forgotten laws himself, but relied on Osniel, because Joshua did not wish to give the mistaken impression that he was transmitting laws as a prophet of God, just as his teacher, Moses, had. [See *Asarah Maamaros*, who states that, for similar reasons, emergency decrees that were permitted for other prophets were forbidden to Joshua.]

as the others they gathered this information from all over the Torah, Solomon called the Sages בְּעֵלֵי אֲסֻפּוֹת, “gatherers” [Ecclesiastes 12:11] (see Netziv in *Kidmas Ha’emek*).

The Judges were also considered Elders (*Rashi* to *Avos* 1:1; *Meiri* *ibid.*, and in his Introduction to *Avos*). However, some authorities (*Vilna Gaon*; old version of *Avos d’Rabbi Nassan*, Ch. 1) list the order of the Torah’s transmission as follows: *Joshua to the Elders, the Elder to the Judges, and the Judges to the Prophets*.

Boaz was a judge. He and his court declared that one should use the Name of God in greeting a fellow Jew (*Ruth* 2:4). We do this when we say *Shalom*, which is one of His Names (*Berachos* 54a, *Makkos* 23b, *Rashi* *ad loc.*). The Elders and early Prophets instituted the *Kedushah* of *Uva LeTzion* in the morning prayer service (*Tur, Orach Chaim* 132).

... AND THE ELDERS TO THE PROPHETS. ELI THE KOHEN, LAST OF THE Judges, transmitted the Torah to Samuel, first of the Prophets.

The Prophets Samuel instituted sixteen groups of ministering *Kohanim* (*Taanis* 27a).^[12] He promulgated the law that a non-*Kohen* may slaughter a sacrificial animal, adducing proofs from Scripture (*Berachos* 31b).^[13] From Samuel’s court came the tradition that only males from Moab and Ammon are unfit to enter (i.e. marry into) the Congregation of Israel, but that females from these nations may marry into it (*Yevamos* 77a). However, *Rambam* (*Hil. Issurei Biah* 12:18) writes that this is a *הִלְכָה לְמֹשֶׁה לְמִסִּינַי*, a tradition that Moses received at Sinai.

The Prophets transmitted the Torah one to another: Samuel gave it to King David.^[14] David innovated: (1) twenty-four ministering groups of *Kohanim* (*Taanis* *loc. cit.*); (2) saying, *עַל יִשְׂרָאֵל עַמִּי, וְעַל יְרוּשָׁלַיִם עִירָךְ*, on Israel, Your people; and on Jerusalem, Your city, in the third blessing of *Bircas HaMazon* (*Berachos* 48b); (3) the obligation to say one hundred blessings each day (*Tur, Orach Chaim* 45).

He decreed that the prohibition of *yichud* [seclusion of a man with a woman forbidden to him] apply even with an unmarried woman [whom he would be permitted to marry] (*Avodah Zarah* 36b).

The Prophets instituted that *Hallel* be recited when the Jews are rescued from danger (*Pesachim* 117a).

12. Rather than the eight previously instituted by Moses (see above, note 8).

13. It is possible that this was one of the laws that was forgotten during the mourning period for Moses; see *Temurah* 16a.

14. See *Midrash Shmuel* 22: Rav Huna, quoting R’ Yose, says that on the very night David fled from Saul, he learned from Samuel more than an accomplished student can learn in a hundred years.

David transferred the tradition to Achiyah the Shilonite, in whose days King Solomon's court was functioning (*Makkos* 23b).

Solomon instituted: *erubin*,^[15] the practice of washing the hands (*Eruvin* 21b); saying על הבית הגדול והקדוש, on the great and holy house, in the third blessing of *Bircas HaMazon* (*Berachos* 48b). He permitted the use of paths that crossed privately owned fields if no produce was growing on them (*Bava Kamma* 81b; *Rambam, Hil. Nizkei Mamon* 5:4); forbade marriage to certain relatives who are otherwise permissible according to the Torah (*Yevamos* 21a); and instituted that the *Bircas Kohanim* (the priestly blessing) be said during the prayers. He also erected two gates in the Temple, one for bridegrooms and the other for mourners (*Pirkei d'Rabbi Eliezer* 17; *Rosh, Moed Katan* §93). Solomon's teacher was Shimi the son of Gera (*Berachos* 8a).

Achiyah the Shilonite transmitted the tradition to Elijah the Prophet,^[16] who lived in the era of King Jehoshaphat's court. They forbade a *tevul yom* [a ritually contaminated person who has immersed

15. [That is *eruvei chatzeiros* (*Rashi*) — the Rabbinic prohibition to carry on the Sabbath from the private domain of one person to the private domain of another, and the halachic method by which it becomes permitted to do so (see General Introduction to Tractate *Eruvin*).]

16. This follows *Rambam's* view that Pinchas was not later known as Elijah (see *Bava Basra* 121b, *Rashi* ad loc.). However, there is an opinion to the contrary amongst the Sages. In *Malachi* 2:4ff. it is written, *And you shall know . . . My covenant of life and peace was with him . . . the Law of Truth was in his mouth and iniquity was never found on his lips. He walked with Me in peace and righteousness, and he removed many from sin. For the lips of the Kohen will guard the knowledge, and they will seek Torah from his mouth, for he is an angel of HASHEM, the Lord of Hosts.* R' Velvel of Brisk explained these verses according to the opinion that Pinchas was Elijah, as follows: The transmission of the Torah will always be from sage to sage. Even if there is a hiatus of several generations, it will nevertheless be retransmitted by Elijah, who himself received the Torah for his generation. Thus, *My covenant of life and peace was with him* refers to Pinchas, who received a covenant of peace from God. And: *for the lips of the Kohen will guard the knowledge*, inasmuch as Pinchas (who was a *Kohen*) will preserve the Torah and the tradition for the Jewish nation; and *they will seek Torah from his mouth*, since from him the Torah will be sought and restored to the Jewish people.

R' Velvel's father, R' Chaim of Brisk, explains why Pinchas deserved to be the one who safeguards the Torah and tradition throughout the generations and restores it to the Jews. During the incident of Zimri (*Num. Ch. 25*), the appropriate halachah was forgotten, and only Pinchas could recall it. He told Moses, "I learned from you that if a Jew has relations with an Aramean, zealots may kill him" (see *Rashi*, *ibid.* v. 7). Moses replied that the one who remembers the law should be the one to carry it out. Therefore, just as Pinchas restored the halachah at that time, it is appropriate that he can be the one to restore the law to the Jewish people at the End of Days. Thus, in clear reference to Pinchas, *Malachi* states, *The law of truth was on his lips* (i.e. Pinchas had immediate recall of the appropriate halachah), and *he removed many from sin* (in that he prevented others from following Zimri's example). Therefore, *the lips of the priest will guard the knowledge and they will seek Torah from him mouth* in the Messianic era as well.

himself in a *mikveh* (ritual pool), but who must await for sunset for his complete purification] to enter the camp of the Levites (*Yevamos* 7b).

Elijah further transmitted the tradition to Elisha, and Elisha to Yehoyada the *Kohen* [he was *Kohen Gadol* (High Priest)]. One of his teachings is found in the Mishnah (*Shekalim* 6:50). Yehoyada gave it over to Zechariah, his son;^[17] Zechariah to Hoshea; Hoshea to Amos; and Amos to Isaiah (Yeshaya).^[18] Hezekiah (Chizkiyah) and his court functioned during Isaiah's life, and they issued decrees regarding the ritual impurity of idols (*Sanhedrin* 12a; *Rashi, Tos. ad loc.*) and the tithing of vegetables (see *Nedarim* 55a and *Rashi to Makkos* 23b). When the Assyrian king Sennacherib besieged Jerusalem [*II Kings* 18:17-19:35], Hezekiah composed the prayer *ה' אֱלֹהֵי יִשְׂרָאֵל, שׁוּב מִחֲרוֹן אַפֶּךָ*, *Hashem, God of Israel, turn back from Your flaring anger*, which we say every Monday and Thursday as part of *Tachanun* (*R' Yaakov of Lisa in Siddur Derech Chaim*).

Isaiah then transmitted it to Michah; Michah to Joel; Joel to Nahum; Nahum to Habakkuk; Habakkuk to Zephaniah; Zephaniah to Jeremiah (Yirmiyah); Jeremiah to Baruch ben Neriah^[19] (*Rambam, Introduction to Yad Hachazakah*); until Haggai, Zechariah and Malachi, who were the last of the Prophets and the first of the Men of the Great Assembly, as is stated: . . . and the Prophets transmitted it to the Men of the Great Assembly (*Avos* 1:1).

B. The Men of the Great Assembly

THE אַנְשֵׁי כְנֶסֶת הַגְּדוּלָּה, MEN OF THE GREAT ASSEMBLY, CONSISTED OF 120 sages, among them Haggai, Zechariah, Malachi,^[20] Seraiyah, Re'elaiah, Mordechai Bilshan (the Mordechai in the Book of *Esther*), Ezra, Nehemiah ben Chachalyah, Daniel, Chananyah, Mishael and Azariah. They were referred to as Ezra and his court (*Rambam, Introduction to Yad HaChazakah*), since he was the chief judge. They were also called Ezra's groups (*Tanna D'Vei Eliyahu Rabbah* 6).

17. He was assassinated. *Pesichta D'Eichah Rabbasi* 23 states that he was the *Av Beis Din* (head of the Court) of his time.

18. His grandson Menashe killed him (*Yevamos* 49b).

19. See below, Section II, that Baruch ben Neriah's disciple was Ezra, who was among the Men of the Great Assembly.

20. There is a dispute in the *Gemara* (*Megillah* 15a) regarding the identity of Malachi. Some contend that he was actually Mordechai; others, that he was Ezra. A third opinion maintains that Malachi was his only name. The *Gemara* concludes that in all probability he was Ezra; *Rambam*, however, follows the third opinion.

Ezra was worthy that the Torah be given to the Jewish nation through him if Moses had not preceded him (*Sanhedrin* 21b). He was the disciple of Baruch ben Neriah (*Megillah* 16b).

They were called the Men of the Great Assembly because they “restored the crown to its rightful place.” This refers to the fact that Moses had proclaimed הַגְּדוֹל, הַגְּבוּר, וְהַנּוֹרָא, *the great, mighty and awesome God* (*Deut.* 10:17); subsequently, Jeremiah deemed it appropriate to delete the word הַנּוֹרָא, *and awesome*, and Daniel deleted הַגְּבוּר, *mighty*; the Men of the Great Assembly then reinstated the two terms (*Yoma* 69b).

They also composed blessings, prayers, *kedushos* and *havdalos* (*Berachos* 33a). Under the leadership of Mordechai and Esther they instituted the festival of Purim. In addition, they wrote the Books of *Ezekiel*, the *Twelve Prophets*, *Daniel* and *Esther* (*Bava Basra* 15). Yonasan ben Uziel’s Aramaic translation of the *Prophets* originally came from Haggai, Zechariah and Malachi (*Megillah* 3a).^[21] The latter were also the source of many halachic decisions in the *Gemara*, transmitted through the generations (see *Chullin* 137b, *Nazir* 53a, *Rosh Hashanah* 19b, *Yevamos* 16a, *Kiddushin* 43a).

We have a tradition from the Men of the Great Assembly that whenever it states in Scripture, . . . וַיְהִי בַיָּמֵי, *And it happened in the days of . . .*, the intent is to introduce an episode of tribulation (*Megillah* 10b).

The last of this group was Shimon the *Tzaddik* [righteous] (*Rambam* loc. cit.), as the mishnah states, *Shimon the Tzaddik was among the survivors of the Great Assembly* (*Avos* 1:2). Others, however, interpret the mishnah to mean only that Shimon did not live during the first years of the Second Temple in the days of Ezra (*Rashi* ad loc.).

They said three things [i.e. fundamental teachings]: (1) Be deliberate in judgment; (2) raise many disciples; (3) make a protective fence around the Torah (*Avos* 1:1).

Ezra promulgated ten decrees (*Bava Kamma* 82a).^[22] Some opine that

21. See *Maharsha* (ibid.), who writes that Yonasan ben Uziel was the greatest student of Hillel, who lived a hundred years before the destruction of the Second Temple. Therefore, Yonasan certainly never saw Haggai, Zechariah and Malachi, who lived during the first years of the Second Temple. Rather, the *Gemara* means that Yonasan received the translation from a tradition originating with the earlier Prophets. See also *Meiri*, Introduction to *Avos*, who explains this similarly.

22. They are: (a) to read the Torah during the *Minchah* service on the Sabbath; (b) three men should be called to read three verses of the Torah every Monday and every Thursday; (c) permanent courts of law should convene in every city each Monday and Thursday; (d) clothes should be washed on Thursday in honor of the Sabbath; (e) garlic should be eaten on Friday; (f) on the day a woman is to bake bread, she should rise and

every anonymous regulation in the *Gemara* was enacted by him.

The custom of striking the *aravos* (willow branches) on *Hoshanah Rabbah*, the seventh day of Succos, derives from the prophets Haggai, Zechariah and Malachi (*Succah* 44a).

Among the decrees promulgated by members of the Great Assembly were: Daniel decreed that no Jew may consume gentile oil or wine (*Avodah Zarah* 36a) [oil was subsequently permitted by later sages (*ibid.*)]; Nehemiah prohibited moving certain types of objects on the Sabbath (*Shabbos* 123b), but this decree applied only to his generation (*Tosafos* to *Bava Kamma* 24b). Haggai, Zechariah, Malachi, Zerubabel and Yehoshua the High Priest forbade Jews from eating Cuthean bread (*Midrash Tanchuma* to *Vayeishev*). Ezra penalized the Levites by declaring that tithes should no longer be given to them (*Yevamos* 86b).

[The decree regarding the impurity of liquids was enacted prior to the era of Haggai and the Great Assembly (*Pesachim* 17a, *Rashi* ad loc.).]

They practiced what they preached. Just as they taught, *Make a protective fence for the Torah*, they were the first to do so.

The very first mishnah in the Talmud (*Berachos* 1:1) speaks about a protective fence for the Torah — the obligation to recite the evening *Shema* prayer before midnight. Thus, the *Mechilta* (*Bo* 6:8) states: Why did the Sages set midnight as the deadline? In order to remove a person from sin, to make a fence around the Torah, and to fulfill the words of the Men of the Great Assembly, who said, *Be deliberate in judgment, raise many disciples, and make a fence for the Torah*.

ANTIGONUS OF SOCHO AND HIS COURT RECEIVED THE TRADITION from them (*Rambam* loc. cit.). Among the members of his court was R'

Antigonus Eliezer ben Charsom, an extremely wealthy man. It was said of him that he subjected all rich men to heavenly judgment, for despite his great wealth his constant occupation was Torah study. Two of Antigonus' students, Tzadok and Boethus (Baysos), became heretics, and from them came the corrupted Sadducees (*Tzedokim*) and Boethusians (*Baysosim*).

bake early so that there will be some bread to give to the poor; (g) a woman should wear a petticoat (according to *Rashi*, breeches) for purposes of modesty and chastity; (h) a woman should comb her hair vigorously before immersing herself in the *mikveh*; (i) peddlers should travel from town to town to enable women to buy jewelry and other adornments with which to please their husbands; (j) one who has had an emission of semen may not study Torah until he has immersed himself in a *mikveh* (see *Bava Kamma* 82a).

C. The Pairs

YOSE^[23] BEN YOEZER OF TZEREIDAH AND YOSE BEN YOCHANAN OF Jerusalem received [it] from them (*Avos* 1:4) — from Antigonus and his court (*Rambam* loc. cit.). Some hold that Yose ben Yoezer and Yose ben Yochanan also received the tradition from Shimon the *Tzaddik*, so that *from them* would mean *from Shimon and Antigonus* (*Rabbeinu Yonah* to *Avos* *ibid.*).

They were the first of the “pairs.” Yose ben Yoezer served as *Nasi* [president], while Yose ben Yochanan was the *Av Beis Din* [head of the Sanhedrin (the Supreme Court)] (*Chagigah* 16a,b).

They innovated laws of impurity regarding gentile lands and glass vessels (*Shabbos* 14b).

Yehoshua ben Perachyah and *Nitai of Arbel* received [it] from them (*Avos* 1:6). The former was *Nasi* and the latter was *Av Beis Din* (*Chagigah* loc. cit.). Yochanan the *Kohen Gadol*, the Hasmonean, and his sons lived in their days.

The Hasmonean court prohibited and imposed the punishment lashes upon someone who takes a gentile mistress (*Avodah Zarah* 36b; *Rambam, Hil. Issurei Biah* 12:2). They instituted the eight-day festival of Chanukah, with its mitzvos of lighting candles and giving praise and thanks to God (*Shabbos* 21b). They also began to establish holidays when the Sadducees were defeated, which are mentioned in *Megillas Taanis*.

Later, just prior to the generation of Shemayah and Avtalyon, the Hasmonean court issued prohibitions against a father teaching his son Greek wisdom, and against raising swine (*Sotah* 49b).



Yehudah ben Tabbai and *Shimon ben Shatach* received [it] from them (*Avos* 1:8). There are conflicting opinions in the *Gemara* (*Chagigah* 16b) as to which of the two was *Nasi* and which *Av Beis Din*. Shimon ben Shatach’s sister was Queen Salome Alexandra, the wife of King Yannai. When Yannai executed all the sages, the world was desolate. Finally, Shimon ben Shatach, through his great knowledge, restored the Torah to its former glory (*Kiddushin* 66a).

23. *Rambam* (loc. cit.) refers to him as *Yosef*. He was a *Kohen*, and was called “the pious one among the *Kohanim*.” He was killed by the Greeks (*Bereishis Rabbah*).

He also enacted that every Jewish child attend a school of Torah learning (*Yerushalmi, Kesubos* 8:1), and that all of a man's property becomes security for the payment of his wife's *kesubah* [marriage contract] (*Kesubos* 82b).

Authorship of the *Nishmas* prayer, which is part of the Sabbath morning liturgy and the Passover *Haggadah*, is attributed to him (*Siddur Kol Bo*).^[24]

Choni Hame'agel ("the circle-maker") lived in the era of this pair.



Shemayah and Avtalyon received [it] from them (Avos 1:10). Shemayah was Nasi and Avtalyon Av Beis Din (Chagigah loc. cit.). They were proselytes (Rambam loc. cit.). Some of Sennacherib's descendants taught Torah to the public. And who were they? Shemayah and Avtalyon (Gittin 57b).

Akavya ben Mahalalel lived in their generation. It was said regarding him that when the gates of the Temple courtyard were closed while the *pesach* sacrifices were being slaughtered, not one among the crowd of men within the courtyard equaled Akavya's wisdom, purity and fear of God (*Berachos* 19a, *Rashi ad loc.*).



Hillel and Shammai received [it] from them (Avos 1:12). Hillel was Nasi and Shammai was Av Bein Din (Chagigah 16b). Originally, Menachem was Av Beis Din, but he left and Shammai replaced him. Abaye and Rava maintain conflicting views regarding Menachem's fate. Abaye opines that he became a heretic, while Rava holds that he left that high office in order to serve the king (ibid.).

Hillel and Shammai were the last of the "pairs" — there were five in all.

The sons of Beseira occupied the highest positions in the Sanhedrin following the terms of Shemayah and Avtalyon. When they forgot one halachah — whether the *pesach* offering could be brought on the Sabbath — they searched for one of the disciples of Shemayah and Avtalyon who knew the ruling. When they discovered Hillel, they removed themselves from the office and appointed him as *Nasi* (*Pesachim* 66a).

24. The verses of the prayer hint at this, for they form an acronym of Shimon's name spelled backwards: עַד הַגָּדָה עֲזַרְנוּ; מִמִּי יִדְמָה לָךְ שֶׁשׁוֹכֵן עַד. [The conjunctive ו precedes the phrase אֵלֹו פִּינוּ in some versions, such as *Nusach Sefard*.]

When the Torah was first forgotten in Israel, Ezra came up from Babylonia and reestablished it; when it was again forgotten, Hillel the Baylonian came up and reestablished it once more (*Succah* 20a).

Controversies and Disagreements: The first legal controversy between sages was whether it was permissible to perform the rite of קמיצה, *leaning* (leaning with one's hands on the head of an offering), on the festivals, since it is ordinarily prohibited to rest one's weight on an animal on the holy days. All five "pairs" wrestled with this problem over a period of two hundred years without resolution (*Chagigah* loc. cit.), until finally the disciples of Hillel and Shammai decided that it was permitted (*Beitzah* 20b).

Yerushalmi (*Chagigah* 2:2) states: Originally, there was only one legal dispute — regarding the rite of leaning.^[25] Hillel and Shammai increased them to four.^[26] Afterwards, as the Schools of Shammai and Hillel expanded and close contact between master and disciple became increasingly more difficult, the incidence of disagreement in halachah grew and grew. As matters now stand, only the arrival of the Messiah will clarify all the uncertainties.

The Schools of Hillel and Shammai disagreed on over three hundred issues. Usually *Beis Hillel* took the more lenient view, except for those disputes enumerated in Tractate *Eduyos* as the stringencies of *Beis Hillel* and the leniencies of *Beis Shammai*.

For three years the schools of Hillel and Shammai argued, each claiming that the halachah conformed with their opinion. Finally, a heavenly voice proclaimed, "... אֱלוֹהִים דְּבָרֵי אֱלֹהִים חַיִּים. *Both these*

25. *Tosafos* (*Chagigah* 16a, s.v. יוסי) disputes this, since we find that David and Saul had already argued whether one who offers to betroth a woman with a small coin and with money he has already lent her intends to do so with the loan or with the coin (*Sanhedrin* 19b). *Tosafos Yeshanim* (*Yoma* 59b) also disputes this, for the *Gemara* (ibid.) reports the controversy whether the sprinkling of blood on the Altar was done while walking around the Altar or with circular movement of the hand. Further, in *Sanhedrin* (12a) a controversy is related between King Chizkiyah and the Rabbis.

26. Shammai and Hillel themselves argue about four subjects: (a) Shammai says *challah* [a portion of the dough that is separated and given to a *Kohen*] must be taken from one *kav* of flour and Hillel says from two; (b) Shammai says that nine *kavim* (a certain measure; a *kav* is between 1.5 and 2.6 quarts) of drawn water invalidate a *mikveh*, and Hillel says a *hin* (3 *kav*) of water; (c) Shammai says that menstruating women do not defile retroactively, and Hillel says they do; (d) Hillel says it is permitted to perform the rite of leaning on a sacrifice during a festival, and Shammai says it is not. This fourth dispute predated the era of the pairs. (See *Beitzah* 35a, where a dispute is cited between Hillel and the Rabbis regarding tithing. *Maharatz Chayes* suggests that the Hillel referred to there is the son of R' Gamliel of Yavne. Nevertheless, amongst the students of Hillel and Shammai the incidence of disagreement increased markedly.)

and those are the words of the Living God, but the halachah is like Beis Hillel.” Although each group formulated a true concept of the Law, the latter deserved that the halachah follow their view^[27] because they were humble and diffident, and because they taught Beis Shammai’s opinion as well as their own, even giving precedence to Beis Shammai’s ruling (*Eruvin* 13b). R’ Yehudah HaNasi (the Prince) followed in the footsteps of his ancestor Hillel, for when he organized the Mishnah he always placed the opinion of Beis Shammai before that of Beis Hillel (*Ritva* *ibid.*).

Hillel’s regulations that are known to us include: (a) The *prozbul*, which allows the needy to acquire loans before *Shemittah* (the Sabbatical Year) by legally circumventing the cancellation of debts that usually takes place on *Shemittah* (*Sheviis* 10:3). (b) An enactment regarding the sale of a house in a walled city. The Torah (*Leviticus* 25:29,30) states that the sale becomes permanent if the purchase price is not returned by the seller within twelve months. Originally, the buyer used to hide from the seller on the last day of the twelve-month period, so the sale would become final. Hillel established that in such situations the seller could deposit the money in a special account, break down the door and reclaim his house (*Gittin* 74b). (c) The order of washing a body before burial (*Gilyon Maharsha* to *Yoreh Deah* 352:1). Likewise, Hillel’s opinions are found in many rulings of the Rabbis (see *Bava Metzia* 75a, *Beitzah* 35a, et al.).

Hillel and Shammai decreed that a person’s hands must be cleansed even for *terumah* (*Shabbos* 14b, 15a), and also that ritually contaminated metal vessels that were broken and put together again should revert to their prior impurity (*ibid.* 16a).

When the schools of Hillel and Shammai visited Chananyah ben Chizkiyah ben Garon, they made eighteen decrees (*ibid.* 13b).^[28]

Chananyah ben Chizkiyah and his colleagues, the disciples of Hillel and Shammai, wrote *Megillas Taanis* to commemorate past tribulations (*Shabbos* 13b).^[29]

27. R’ Yosef Karo in *Kelalei HaGemara* (in *Halichos Olam*) interprets this to mean that only Beis Hillel deserved to ascertain the truth.

28. [A discussion of the decrees appears in ArtScroll Mishnah, *Shabbos*, pp. 391-394.] See *Rambam’s Commentary* (*ibid.* 1:4) that the elders of the Schools of Hillel and Shammai issued thirty-six decrees.

29. The version of the *Megillas Taanis* in our possession is actually a later integration of two earlier works. The ancient scroll written by the disciples of Hillel and Shammai contained only a calendarlike listing of all the fasts and holidays. The narrative of the actual events and of the miracles which were wrought for our forefathers was never committed to writing, but was transmitted orally in the manner of the *mishnayot* and

R' Nechunya ben Hakanah lived in their generation. He composed the book *Habahir* on the mysteries of the Torah. The prayer *Ana Becho'ach* is attributed to him.^[30] He also composed the prayers which are said upon entering and leaving the house of study (*Berachos* 28b).

D. The Tannaim

R' SHIMON THE SON OF HILLEL RECEIVED [IT] FROM HILLEL AND SHAMMAI (Rambam loc. cit.), and R' Yochanan ben Zakkai received [it] from Hillel and Shammai (*Avos* 2:8).

Hillel's Successors

Rabban Gamliel I, son of R' Shimon the son of Hillel, was the first to bear the title *Rabban*.^[31] He was called Rabban Gamliel the Elder, just as his grandfather was called Hillel the Elder. He received the Torah from his father, R' Shimon.

From the time of Moses until Rabban Gamliel the Torah was studied only in a standing position. After Rabban Gamliel's passing, man began to be weakened by sickness, and henceforth Torah was studied while sitting (*Megillah* 21a). Thus, it is stated, that since the death of Rabban Gamliel the Elder, the honor of Torah has disappeared, and purity and abstinence have departed (*Sotah* 49a).

He established four regulations for the benefit of the public,^[32] and another with respect to one who permissibly went beyond the *techum* [Sabbath boundary] (*Rosh Hashanah* 23b).

Rabban Shimon, the son of Rabban Gamliel the Elder, received the tradition from his father. He was the one of the *עֲשָׂרָה הַרוּגְי מְלָכוֹת*, the

baraisos (see Ch. 3). Later, when the mishnayos were allowed to be written, the oral narrative was added to the ancient *megillah*, which accounts for the mixture of Hebrew and Aramaic in the expanded written version (similar to the use of both languages in the written mishnayos and *Baraisos*). This also explains why the names of later *Tannaim* such as R' Yehoshua ben Karchah and R' Yose ben R' Yehudah are found in *Megillas Taanis* (*Maharatz Chayes, Divrei Neviim Divrei Kabbalah*, Ch. 6).

30. The Kabbalists maintain that this prayer was organized according to the forty-two-letter Name of God referred to in *Kiddushin* 71a. The forty-two-letter Name is revealed only to one who is modest, humble, of middle age, and does not anger, become drunk, or bear a grudge (see *Rashi* ad loc.).

31. *Rabban*, רַבָּן, is comprised of the word רַב, *Rav* (teacher, master), and the final נ, which, in Aramaic, means "our." It indicates that he is the *Rav* of all of us — of the whole nation. Another interpretation is that the final נ indicates a greater level, similar to the word רַגְזָן, *an irritable person*, which stems from רָגַז, *anger* (*Siddur Avodas Yisrael*).

32. Three are mentioned in the mishnayos at the beginning of the fourth chapter in *Gittin*, and another in a *baraisa* there.

ten martyrs killed by the Romans. The *Gemara* (*Shabbos* 15a, according to *Rashi* ad loc.) states: Hillel and (his son) Shimon conducted their presidencies during the one hundred years before the destruction of the Temple.

Rabban Shimon ben Gamliel permitted a woman who must bring five offerings after having given birth five times to bring only one offering (*Kereisos* 8a).^[33] Rabban Yochanan ben Zakkai succeeded him as *Nasi*.

Rabban Gamliel ben Rabban Shimon received the tradition from his father. He is known as Rabban Gamliel of Yavneh, and lived at the time of the destruction of the Second Temple. He became *Nasi* after the death of R' Yochanan ben Zakkai, thus restoring the presidency to the family of Hillel.

In Yavneh he added the blessing, *Velamalshinim* (*And for slanderers*), to the *Shemoneh Esrei* prayer^[34] (*Rambam*, *Hil. Tefillah* 2:1).

He and his court inserted the fourth blessing, הַטּוֹב וְהַמְטִיב, *Who is good and does good*, into the *Bircas HaMazon*, after permission was granted to bury the victims of Betar. (This is discussed at length in *Avudraham* to *Bircas HaMazon*.)

They forbade the consumption of meat slaughtered by Cutheans (*Chullin* 5b).

Rabban Shimon ben Gamliel received the tradition from his father. He was the father of R' Yehudah HaNasi. The principle that the halachah follows all that R' Shimon ben Gamliel taught in our mishnayos, except for three instances, refers to him, not to the first R' Shimon ben Gamliel.

THE NEXT LINK IN THE CHAIN OF TRADITION WAS R' YOCHANAN BEN Zakkai and his students. R' Yochanan ben Zakkai became *Nasi* after the

R' Yochanan ben Zakkai first R' Shimon ben Gamliel was murdered. He was the least prominent among the disciples of Hillel the Elder, yet he knew the entire Scripture, Mishnah, *Gemara*, Codes, *Aggadah* (the nonlegal portions of Rabbinic

33. Although bringing an offering for each birth is a Biblical obligation, Rabban Shimon ben Gamliel was lenient, in accord with the verse, *It is time to do for Hashem; they have breached Your Torah* (*Psalms* 119:126) [which permits a sage to allow a precept to be transgressed in exigent circumstances; in this case, the price for the required offerings had unfairly risen to an exorbitant amount]. R' Shimon ben Gamliel felt that if women did not bring even one offering, this might lead them to eat consecrated food while still ritually unclean. As soon as he announced his decree, however, prices went down and it was rescinded (*Rashi* ad loc.).

34. The *Gemara* (*Berachos* 28b) attributes its authorship to Shmuel HaKatan, because he was the member of Rabban Gamliel's court who actually wrote it.

literature), the rules of hermeneutics, exegesis and numerology, the movements of the sun and the moon, the conversations of the ministering angels, the demons, and the trees, parables, the mysteries of the *מַעֲשֵׂה מֶרְכָבָה*, *Visions of the Chariot* (Ezekiel 1), and the difficulties that would later perplex Abaye and Rava [in the *Gemara*] (*Succah* 28a, *Rashi ad loc.*).

He issued nine regulations^[35] (*Rosh Hashanah* 31b).

Five of R' Yochanan ben Zakkai's disciples were considered among the greatest of the Sages:

(1) R' Eliezer ben Hyrkanos, known as R' Eliezer HaGadol (the Great). His study hall was as large as an arena. One rock was placed there especially for R' Eliezer to sit on. Once, R' Yehoshua entered the study hall and proceeded to kiss the rock, proclaiming, "This rock is like Mount Sinai, and the one who sits upon it — R' Eliezer — resembles the Ark of the Covenant" (*Midrash Shir HaShirim* to 1:2, *Matenos Kehunah ad loc.*).

When R' Eliezer wanted to establish a law according to his own opinion against the majority of Rabbis, his colleagues voted to excommunicate him^[36] (*Bava Metzia* 59b).

R' Eliezer was the brother-in-law of R' Gamliel of Yavneh. He compiled the volume of *Baraisos* entitled *Pirkei d'Rabbi Eliezer*.

(2) R' Yehoshua ben Chananya. It is said of him (*Avos* 2:11): "Happy is the one who bore him!" *Yerushalmi* (*Yevamos* 1:6) explains that when his mother was pregnant with him, she would go to each of the twenty-four study halls in her town so that the men would pray for her child to become wise. After he was born she would bring his cradle to the syn-

35. They are: (a) Following the destruction of the Temple, he established that the shofar be blown when Rosh Hashanah falls on the Sabbath wherever there is a court; (b) after the destruction of the Temple, that the *lulav* be taken all seven days of *Succos*; (c) following the destruction of the Temple, that the new crop of grain should be forbidden the entire sixteenth day of the month of Nissan; (d) testimony regarding the new moon should be accepted the entire day; (e) that the witnesses of the new moon should go only to the assembly house; (f) that *Kohanim* should not pronounce the priestly blessings while wearing shoes; (g) that witnesses to the new moon should be allowed to desecrate the Sabbath only for the months of Nissan and Tishrei; (h) that a proselyte need not set aside a quarter of a shekel to bring an offering when the Temple will be rebuilt, because of the possibility that he will use it for other purposes; and (i) following the destruction of the Temple, that one need not take the fruit of the vine in its fourth year to Jerusalem, even if it involves only a day's journey, but may redeem the fruit with money and bring that to Jerusalem.

36. *Yerushalmi* (*Moed Katan* 3:1) explains that although R' Eliezer knew that the halachah requires us to follow the view of the majority, he assumed that the rule did not apply to his case. Since they acted disrespectfully to him, he felt it indicated that their opinion was not an objective one, and thus was not subject to this rule.

agogue, so that he become accustomed to hearing the words of Torah.

Onkelos the proselyte^[37] received his translation of the Torah from R' Yehoshua ben Chananya and R' Eliezer (*Megillah* 3a).

(3) R' Yose the *Kohen*, who is praised for his piety (*Avos* loc. cit.). The *Gemara* states that his writings were never found in the hand of a gentile, lest they be carried on the Sabbath (*Shabbos* 19a).

(4) R' Shimon ben Nesanel, who is lauded for being one who fears sins (*Avos* loc. cit.). He was wont to teach: Be careful in reading the *Shema* and reciting the *Shemoneh Esrei* prayer, and do not imagine your prayer as a perfunctory act, but as a plea for mercy and grace (*ibid.* 2:18).

(5) R' Elazar ben Arach, of whom it was said that he outweighs all the Sages (*ibid.* 2:12).

R' Akiva ben Yosef received [it] from R' Eliezer and R' Yehoshua, and from Nachum Ish Gam Zu. His father was a proselyte (*Rambam*, Introduction to *Yad*). The *Gemara* identifies R' Akiva as a descendant of the Canaanite general Sisera [see *Judges* Ch. 4] (*R' Nissim Gaon* to *Berachos* 27a, quoting *Sanhedrin* 25a).

The Holy One said to Moses, "There will arise a man at the end of several generations — and R' Akiva ben Yosef is his name — who will adduce from the crowns of each letter in the Torah heaps and heaps of laws." Upon which Moses replied to the Holy One, "You have such a man, and You give the Torah through me?" The Holy One answered, "Quiet! Such is My decree!" (*Menachos* 29b).

R' Akiva profoundly understood the mysteries of the מַעֲשֵׂה מִרְכָבָה, *Vision of the Divine Chariot* [*Ezekiel* 1]. He entered the פְּרִדֵּס, "garden" of esoteric knowledge, and emerged safely (*Chagigah* 14b).

No man was ever so fortunate or great in Torah learning or wealth as R' Akiva (*Rabbeinu Gershom* to *Bava Basra* 12b).

He was one of the עֲשָׂרָה הַרוּגֵי מַלְכוּת רֹמַי, ten martyrs executed by the Romans.^[38]

37. See *Avodah Zarah* 11a, which implies that Onkelos lived in the days of Rabban Gamliel the Elder. *Hagahos Yaavetz* (*ibid.*) suggests that the *Gemara* refers to another Onkelos, or, alternatively, to emend the text to read *Rabban Gamliel of Yavneh*. See *Maharatz Chayes*.

38. When R' Akiva was imprisoned he lacked water with which to wash his hands, and so he decided not to eat, saying, "Better that I die on my own account than transgress the enactment of my colleagues" (*Eruvin* 21b).

Chelkas Yoav explains that all his days R' Akiva was concerned about when he would be able to give his life to sanctify God's Name, thus fulfilling the verse in *Shema: You shall love Hashem . . . with all your soul*. This, then, is the meaning of "die on my account" — that he was willing to relinquish his great yearning and rather die for a lesser, private cause, in order not to transgress the Rabbinic ruling of washing the hands before eating.

Rabbeinu Nissim Gaon (*Berachos* 57b) writes that R' Akiva's piety exceeded his scholarship, and therefore he was praised for his piety.

He wrote *Mechilta*. The book *Osiyos d'Rabbi Akiva* is attributed to him. He composed the prayer *Avinu Malkeinu* (*Taanis* 25b).

The *Gemara* states in *Yevamos* (16a): *You are Akiva ben Yosef, whose name is renowned from one end of the world to the other.* The numerical value of *מִסוּף הָעוֹלָם עַד סוּפוֹ*, *from one end of the world to the other*, is 564, equaling the 564 occasions that R' Akiva is mentioned in the Talmud. Further, the numerical value of *אוֹצָר בְּלוֹנִים*, *a storehouse with compartments*, a term used to describe R' Akiva in *Gittin* 67a, is 375, signifying that the halachah follows R' Akiva's opinion 375 times, like the expression *שָׁעָה עוֹמְדָת לוֹ* (he was successful, *שעה*=375). According to a variant reading there (*Tos. ibid.*), R' Akiva was called *אוֹצָר בְּלוֹס*, *a mixed storehouse* (i.e., a mind full of all kinds of knowledge); the numerical value of this is identical to that of his name, *רַבִּי עֲקִיבָא* (*Hagahos Mitzpeh Eisan* to *Yevamos* loc. cit.).

His Talmudic adversary was R' Yishmael, a disciple of R' Nechunya ben Hakanah (*Shevuos* 26a). During the era of the Temple's destruction, while yet a child, R' Yishmael was captured by the Romans, and R' Yehoshua paid a large ransom for his release (*Gittin* 58a). R' Yishmael was exiled along with the Sanhedrin from Yavneh to Usha, as the *Gemara* (*Bava Basra* 28b) says — *Who are the ones who traveled to Usha? — R' Yishmael.* The *Gemara* enumerates five decrees promulgated by the Sages in Usha^[39] (*Kesubos* 49b, 50a).

R' Yishmael wrote *Mechilta* (see Ch. 3). The authorship of the book *Heichalos* is attributed to him, and he compiled the list of the Thirteen Hermeneutical Principles with the Torah is which expounded.

The following are the disciples who received the tradition from R' Akiva:

R' Meir, who was the greatest among them.^[40] His wife was Berurya, the daughter of R' Chanina ben Teradyon. She once learned three hundred laws from three hundred scholars in one day (*Pesachim* 62b). We even find that she engaged in a legal dispute with the Sages (*Tosefta Kelim [Bava Kamma]* 4:9, [*Bava Metzia*] 1:3).

R' Yehudah ben R' Ilai, who was given the privilege of always being the first speaker (*Berachos* 63b; *Shabbos* 33a). He ruled on all questions

39. They are: (1) A father must support his small children; (2) one who gives away all his property to his sons is entitled that he and his wife be supported by them; (3) one should not give more than a fifth of his wealth to charity; (4) a child under 12 years of age who refuses to study should be encouraged with soft words; once the child is older, the father should use a strap or withhold food if necessary; (5) if a woman sells her *melog* (usufructuary) property (see General Introduction to *Kesubos* for explanation of this term) while her husband is living, and then she dies, her husband may seize it from the purchasers.

40. See below that R' Meir is the author of every anonymous mishnah.

of halachah for the household of Rebbi [R' Yehudah Hanasi] (*Rashi, Tos. to Menachos* 104a), and was praised for his righteousness, being called *the* [anonymous] *pious man* (*Bava Kamma* 103b).

R' Yose ben Chalafta. When Rebbi thought to challenge one of the opinions of R' Yose, he said: We are too lowly to dispute R' Yose, for the disparity between his generation and our own is the difference between the holy of holies and the most profane (*Yerushalmi to Yevamos* 6:7). Every anonymous *baraisa* in *Seder Olam* follows his opinion.

R' Shimon bar Yochai composed the *Zohar*.^[41]

R' Nechemya.

R' Elazar ben Shamua, the *Kohen*. Rebbi went to him to be examined and to clarify any uncertainties in learning that he had^[42] (*Menachos* 18a, *Rashi ad loc.*).

R' Yochanan HaSandlar, who praised himself as one who often attended R' Akiva (*Yerushalmi to Chagigah* 3:10). When R' Akiva was imprisoned for engaging in Torah study, which was outlawed by the Romans, R' Yochanan disguised himself as a peddler and passed by the jail, calling, "Who wants to buy needles?" Hidden in this simple query was a halachic question regarding *chalitzah*.^[43] R' Akiva then stuck his head out of the window and innocently asked, "Do you have spindles?" — which was in effect a coded response to R' Yochanan's question (*ibid., Yevamos* 12:5).

R' Yochanan came from the city of Alexandria^[44] (*ibid. Chagigah loc. cit.*).

Shimon ben Azzai, whose mind was exceedingly sharp, was wont to

41. The following passage regarding the *Kabbalah* appears in *Shiyurei Berachah*: "R' Nechunya ben Hakanah was the leading exponent of *Kabbalah* (mystical teachings); he wrote *Habahir*. After him was R' Shimon bar Yochai, who composed the *Zohar*. When R' Shimon and his generation passed away, knowledge of the *Kabbalah* became lost. Finally, the Almighty inspired one eastern monarch to order his servants to dig in a particular spot for reasons of financial gain, and they struck a box which contained a copy of the *Zohar*. When the sages of Tolitola (Toledo, Spain) learned of the discovery, they rejoiced greatly, and from there the *Kabbalah* was disseminated to Israel."

42. Rav called R' Elazar ben Shamua *the happiest of all scholars* (*Kesubos* 40a, *Rashi ad loc.*). The world had been desolate of Torah knowledge and scholarship until R' Akiva came and taught it. Therefore, any of his students who understood the Torah as he did had obviously grasped the halachah, and was aptly called "the happiest of scholars" (*Shitah Mekubetzes*).

43. [When a childless man dies, his brother is obligated either to marry his widow or to perform *chalitzah* (lit., taking off the shoe). See *Deuteronomy* 25:5ff. and General Introduction to Mishnah, *Yevamos*.]

44. *Maharatz Chayes* in *Darkei Moshe* suggests that he was called R' Yochanan HaSandlar because he came from Alexandria. However, the early authorities maintain that he was actually a shoemaker, which is the meaning of סַנְדָּלָר *sandler*.

say, *All the sages of Israel are, in comparison to me, as thin as the husk of a garlic, except for "that bald man"* (a reference to R' Akiva, who was bald). When Abaye was in a cheerful mood he used to say, *I am like Ben Azzai in the markets of Tiberias*, which means: I am open and ready to answer any questions, just like Ben Azzai, who lived in Tiberias and was keen and learned (*Kiddushin* 20a, *Rashi* ad loc.).

R' Elazar ben Chisma, who was an expert in engineering and geometry, could reckon the number of drops of water in the sea (*Horayos* 10a). He used to say: *The laws of bird offerings and the laws regarding the beginning of menstrual periods — these are essential laws; astronomy and mathematics are like the seasonings of wisdom* (*Avos* 3:23).

R' Elazar, the son of R' Yose the Galilean (*Koheles Rabbah* 11:60). Of him, it was said, "Wherever you find a homiletical explanation by R' Elazar, make your ears like a hopper to receive his teachings." He compiled thirty-two rules of Biblical exegesis.

R' Akiva had 12,000 pairs of disciples, from the Gabbas to Antiparas, and all of them died at the same time because they did not treat each other with respect. The world remained desolate [because the Torah had been forgotten (*Rashi*)] until R' Akiva came to our teachers in the South and taught the Torah to them: These were R' Meir, R' Yehudah, R' Yose, R' Shimon and R' Elazar ben Shamua, and it was they who revived the Torah at that time. All of them (the 12,000 pairs) died between Pesach and Shavuos (*Yevamos* 62b).

R' YEHUDAH HANASI (JUDAH THE PRINCE), THE SON OF R' SHIMON BEN Gamliel, known as רַבִּי, *Rebbi*,^[45] was also called *Rabbeinu Hakadosh Rebbi* (our Holy Teacher) because he never permitted his hand to drop below his belt (*Shabbos* 118b). He received the Torah from his father (*Bava Metzia* 84a), from R' Elazar ben Shamua (*Yevamos* 84a), and from R' Shimon bar Yochai and his colleagues, the disciples of R' Akiva. Rava referred to Rebbi as one who drew water from deep wells (*Shevuos* 7a).

Rebbi used to preface his opinions with, "I say,"^[46] an indication of his humility, as the Mishnah teaches: *When Rebbi died, humility ceased* (*Sotah* 49a; *Horayos* 14a). Rebbi never issued his opinions as absolute

45. Even though we find Rebbi and R' Yehudah HaNasi engaged in debate (see *Yerushalmi* to *Peah*, end of Ch. 1), the latter is actually Rebbi's grandson, who is often called R' Yehudah Nesiah.

46. The expression, *Rebbi says, "I say . . ."* is often found often in the Babylonian and Jerusalem Talmuds and *Tosefta* (see *Kiddushin* 9b, *Gittin* 38b, 39b, 52a, *Arachin* 17a, 24b, *Taanis* 2b, et al.).

pronouncements of the law, but only that it appeared to him as such, much as today's Talmudic scholars write, *It appears to my impoverished mind* (*Beis HaOtzar*).

Rebbi and his court promulgated rules concerning the *sikrikon*, Roman soldiers who threatened to kill Jews unless they would give them their property (*Gittin* 55b), and certain laws regarding a menstruant (*Niddah* 66a). They decreed that even a competent student not decide matters of law without his teacher's permission, even if he is distant from him (*Sanhedrin* 5b). After concluding his prayers Rebbi would add: *יהי רצון מלפניך, שתצילני מעוי פנים ומעזות פנים*, *May it be Your will that You rescue me from brazen men and from brazenness . . .* (*Berachos* 16b). We now recite this as a part of the morning prayers.^[47]

Rebbi was the one who organized and edited the Mishnah.

47. The *Gemara* (*ibid.*) comments that Rebbi prayed this even though Antoninus had ordered his soldiers to guard Rebbi and to thrash anyone who attempted to injure him (*Rashi ad loc.*).

II. Foundation of the Mishnah

FROM THE DAYS OF MOSES UNTIL THOSE OF REBBI, THE ORAL LAW WAS never committed to writing for public dissemination. Rather, the leading Torah authority of each generation — whether he was the head of the Sanhedrin or a prophet — used to make personal notes of the teachings he had received from his masters, which he then taught orally to the people. These personal manuscripts^[1] contained not only the particulars of the transmitted tradition,^[2] but also new laws that were

1. See *Shabbos* 6b, which states that Rav found a “secret scroll” of the school of R’ Chiya. *Rashi* (ad loc.) explains that when one scholar heard another propound a law that was not taught in the academies, he wrote it down lest he forget it, yet kept it secret since it was not supported by the tradition. In *Bava Metzia* (92a), *Rashi* defines *secret scroll* as a personal manuscript consisting of novel interpretations that the scholar had heard and feared he would forget, and which he concealed because of the prohibition of writing down the Oral Law. (See below, where we discuss the permissibility of committing the Oral Law to writing.) The *Gemara* also mentions *the notebook of Ilfa* (*Menachos* 70a), *the notebook of Levi* and *the notebook of R’ Yehoshua ben Levi* (*Shabbos* 156a).

2. The tradition was principally transmitted from teacher to student. Any legal decision or law repeated by a student in the name of his master to his colleagues in the study hall was accepted as if the master had uttered it — whether to rely on it to determine the practical law, or to question it from a conflicting statement of the teacher. Any legal opinion pronounced by a sage is assumed to have come from his teacher unless explicitly indicated otherwise (see *Yoreh Deah* 242:24).

One who repeats a tradition in the name of the sage who originally said it should imagine that the latter is standing before him, for it says (*Psalms* 39:7) *But in their shadow — a man should walk* (*Yerushalmi*, end of *Shekalim*). On the other hand, one who did not learn a certain halachah from a sage, but cites it in the latter’s name, causes the Divine Presence to depart from Israel (end of Tractate *Kallah*). Since the entire goal of our sages’ Torah study was to cause the Divine Presence to dwell in our midst, they took great pains not to change, add to, or subtract from what they learned from their teachers.

The disciples highly treasured the traditions of their rabbis. Rav Chisda was once holding two priestly gifts of meat in his hand and called out, “Whoever comes and tells me a new dictum in Rav’s name, I shall give these to him” . . . When they related to him yet another saying, he exclaimed, “Did Rav indeed say this? I prefer this second one to the first. If I had another [gift], I would give it to you” (*Shabbos* 10b). On another occasion Rav Kahana said to Rav Ashi, “Did Rav really say that?” He then proceeded to learn it from Rav Ashi forty times, and then knew it as if he had it in his pocket (*Megillah* 7b). In *Chullin* 18b Rav Yosef states: “I studied under Rav Yehudah, who mentioned even the uncertainties of tradition.” *Rashi* explains that when Rav Yehudah quoted a tradition by someone who was uncertain of the source, he would say: “I received it from So-and-so, who was unsure if he had received it from So-and-so or So-and-so.”

The disciples not only cherished the traditions they personally received from their teachers, but they were even anxious to know if their colleagues had also heard them. R’ Ilai said that he had heard certain teachings from R’ Eliezer and he questioned all the

advanced at that time using the thirteen hermeneutical rules with which the Torah is expounded, and which were subsequently ratified by the Sanhedrin.

Such was the accepted procedure until Rebbi collected all the decisions, laws, interpretations and explanations that had been heard from Moses (see *Yerushalmi to Pe'ah* 2:4), or that the Sanhedrin had innovated, and from this material he composed the Mishnah. He publicly taught this text until it became widely known, written down and disseminated, thus ensuring that the Oral Law would not be forgotten among the Jewish people.

Why did Rebbi not just abide by the status quo? Because he perceived that the level of scholarship was waning, that hardships were approaching, that the power of the Roman government was expanding and that the Jews were being dispersed far and wide. Therefore, he wrote one uniform work for all, to be learned quickly and not forgotten, and he

latter's students, looking for another who had also heard it, but he did not find one (*Eruvin* 83a, *Rashi* ad loc.).

They were careful to quote the opinion precisely, even though a slight variation in wording would not distort the basic ruling. Rav Yehudah, the son of Rav Shmuel ben Shilas, said, quoting Rav, "The guests may not eat anything until the one who breaks bread tasted." Rav Safra explained, "The statement was: '[The guests] may not *taste* etc.'" What practical difference does it make? Only to teach that one must repeat the exact word of his teacher (*Berachos* 47a). In fact, for this reason the students retain their learning, as it says in *Eruvin* (53a): *The sons of Yehudah who chose their words carefully retained their learning*. *Rashi* explains that they were careful to repeat the dictum exactly as the teacher had uttered it.

The mishnah (*Parah* 2:5) teaches, *If [the red cow] has two black or white hairs in one gumah (cavity), it is unfit*. R' Yehudah says: "In one *kos*." Rav (ad loc.) explains that although there is no halachic dispute between the first *Tanna* and R' Yehudah — since *gumah* and *kos* have the identical meaning — nevertheless, they used different expressions because each was obligated to repeat the exact language of his teacher. Also, the *Gemara* in *Shabbos* (15a) states that Hillel said: "Drawn water in the amount of a *hin* invalidates the *mikveh*, for one must state a halachah using his teacher's exact phraseology (see *Rashi* there). *Rambam* in his *Mishnah Commentary* to *Eduyos* (1:3) writes that he received a tradition from his teacher, and *Rambam's* teacher from his teacher, that Hillel's masters, the proselytes Shemayah and Avtalyon, because of their inability to enunciate the letter ה (*hei*) correctly, pronounced it as an א (*alef*). Thus, when they said the dictum: *A hin of drawn water invalidates the mikveh*, it sounded like *drawn water does not invalidate* (the word הין, *hin*, sounded like אין, *does not*). Hillel — who could certainly pronounce the letter *hei* — nevertheless employed the phraseology of his teachers. *Vilna Gaon* explains *Rambam's* meaning as follows: Since their inability to pronounce the *hei* in *hin* could very well cause people to think mistakenly that drawn water does not invalidate a *mikveh*, Shemayah and Avtalyon were forced to use the word אלה, *the amount of*, before the word *hin* ["the amount of a *hin* of drawn water etc.']. Hillel, who could say *hin* correctly, did not need to add the extra word. Yet, he did so in order to repeat the ruling in his teacher's exact wording (see also *Rashi, Shabbos* *ibid.* for yet another explanation). Thus, the most basic principle of the transmission of the Oral Law from teacher to student is precision of language.

and the members of his court spent their entire lives teaching the Mishnah to the people (*Rambam*, Introduction to *Yad Hachazakah*).

REGARDING THE PERMISSIBILITY OF WRITING DOWN SEGMENTS OF THE Oral Law, the *Gemara* (*Gittin* 60b) states: R' Yehudah bar Nachmani,

Writing the Oral Law

who was Reish Lakish's interpreter, taught as follows: It is written, *Write for yourselves these words* (*Exodus* 34:27). It is also written: . . . *for according to* [עַל פִּי, lit. *by the mouth of*] *these words* (*ibid.*). The first verse implies that the Torah must be written; the second, that it must be taught orally. How do we resolve this? The answer is that words that are written [i.e. Scripture] may not be recited by heart, and the words which are transmitted may not be committed to writing.

The rationale behind this admonition is that peculiarities in the sentence structure and word formation of the Written Torah contain many hidden meanings and lessons, and if the verses were transmitted orally these interpretations would go unnoticed. Conversely, since the Oral Law is an elucidation of the Written Law, it can be grasped only if a teacher is present to explain its intent. If it were committed to writing, the possibility of misinterpretation would be likely. For that reason it was given orally to Moses at Sinai. However, once the enemy's evil decrees and the numerous difficulties threatened to sunder the people from their Torah, thus posing a situation of עַת לַעֲשׂוֹת לַיהוָה, *It is time to do for Hashem* (*Psalms* 119:126), the Sages were compelled to permit the recording of the Oral Law — הִפְרוּ תוֹרַתְךָ, *they breached Your Torah* (*ibid.*).^[3]

The early authorities are divided as to whether Rebbi was the one who authorized the writing of the Mishnah. *Rambam* maintains that he was; however, *Rashi* contends that while Rebbi arranged the mishnayos and taught them orally, he never wrote them down.^[4]

3. Similarly, the Sages permitted oral recitation of the Written Torah on certain occasions. For example, the *Kohen Gadol* (High Priest) read one section of the Torah by heart (*Yoma* 68b) so as not to trouble the assembled [by having them wait until the scroll was turned to that portion] (*ibid.* 70a). See *Tosafos* (*Temurah* 14b), who maintain that the prohibition against reciting the Written Torah applies basically to cases in which one person is reading on behalf of others.

4. See *Eruvin* 62b, where the *Gemara* refers to *Megillas Taanis* as having been written. *Rashi* explains that the *Gemara* specifies *Megillas Taanis* because other than that work, not even one letter of a statement of halachah appeared in written form in those days.

In the period of the Sages of the *Gemara*, during the lifetime of Abaye, the Mishnah had not yet appeared in writing. Proof of this can be found in *Eruvin* 53a and *Avodah Zarah* 2a, where the spelling of certain terms in the Mishnah are disputed. Had the Mishnah

ACTUALLY, LONG BEFORE REBBI, EFFORTS HAD BEEN MADE TO COMPILE and arrange the mishnayos (*Chagigah* 14a). R' Yehudah ben Teima and

Earlier Mishnayos his colleagues taught six hundred orders of mishnayos (some maintain that it was seven hundred), and Rebbi subsequently reduced them to six orders. However, a responsum from *Rav Sherira Gaon* seems to indicate that Hillel and Shammai fashioned the six orders and that Rebbi only edited and refined them, ultimately producing the work that we have today (*Shem HaGedolim*).^[5]

Many tractates of mishnayos were arranged by others before Rebbi, such as *Middos* by R' Eliezer ben Yaakov, and the entire tractate *Keilim* (*Chacham Tzvi*). Wherever it says in the Mishnah, "even though they said," or "and why did they say," or "because they said" (*Pesachim* 1:1, *Shabbos* 1:3, et al.), reference is being made to these earlier mishnayos. This is also the intent of the *Gemara* when it mentions a *mishnah rishonah* [earlier mishnah] and *mishnah acharonah* [later mishnah] (*Ke-subos* 57a, *Sanhedrin* 27b). Similarly, we find in the *Gemara*: *This mishnah was taught in the days of Nehemiah ben Chachalyah*.

The first three mishnayos in *Bava Kamma* are unique in their brevity and style. The *Gemara* there (6b) comments, "that *Tanna* is a *Yerushalmi*," which means that those mishnayos were composed by a sage from Jerusalem who chose to write concisely, and Rebbi subsequently included them — unedited — in his mishnayos (*Maharatz Chayes* *ibid.*).^[6]

already been committed to writing, they could have simply looked up the spelling.

Further, the *Gemara* (*Bava Metzia* 85b) reports how R' Chiya orally taught the Six Orders of the Mishnah to six schoolchildren, whereas he taught the Five Books of the Torah to five youngsters from a text. From here we see that in the time of R' Chiya, who was a disciple of Rebbi, the mishnayos were still taught orally.

However, in defense of *Rambam's* opinion, it might be said that the written Mishnah was not yet widely disseminated, and that whoever was still capable of learning it by heart continued to do so, since permission to write it down had been granted only out of great necessity.

5. See *Teshuvos HaGeonim* §20 by *Rav Hai Gaon*, who writes that from the days of Moses until Hillel the Elder six hundred Orders of the Mishnah were extant, just as the Holy One had given them to Moses at Sinai. From Hillel onward the general condition of the world deteriorated, and the honor of Torah diminished, and so Hillel and Shammai established only six orders.

6. Harav Shlomo Min Hahar z"l of Jerusalem suggested that from the style of the mishnayos in the fourteenth chapter of *Zevachim* it appears that their intent was to teach practical halachah and, apparently, they predated Rebbi. Also, the mishnayos which teach the laws of *Yovel* (the Jubilee, of the fiftieth year) must have been disseminated before Chizkiyah, in whose time celebration of *Yovel* was discontinued (this, according to *Rashi*, who maintains that *Yovel* was not observed during the Second Temple period).

Even more convincing is the *Gemara* in *Gittin* (48a), which dates the mishnayos con-

Tiferes Yisrael (*Makkos* 3:3, *Zevachim* 5:3) comments on the mishnah concerning offerings that are eaten within the “curtains” of the Temple (i.e. within the Temple enclosure), that the word *curtains* was used in the Mishnah because in Moses’ day — when the mishnah was taught — the walls of the Tabernacle were indeed made of curtains. The word was not changed because every mishnah regarding which there is no dispute between *Tannaim* has been taught in the exact language that Moses said it.^[7]

R’ Nassan, who lived in the generation preceding Rebbi’s, also compiled many mishnayos, as it says: *This is the mishnah of R’ Nassan*. This is the meaning of the statement: *Rebbi and R’ Nassan finalized the Mishnah* (*Bava Metzia* 86a; see *Maharsha* ad loc.) — that is, R’ Nassan was the last compiler of the mishnayos before Rebbi.

Rav Sherira Gaon writes in one of his letters that Rebbi edited some mishnayos, while preserving others in their original form. Anonymous mishnayos reflect the opinion of R’ Meir. As R’ Meir learned the subject and taught it to his students, so did Rebbi establish the lesson as a mishnah, for R’ Meir was the greatest of R’ Akiva’s disciples, as the *Gemara* (*Eruvin* 13b) states: *R’ Acha ben Chanina said: It is revealed and known before Him Who spoke and the world came into existence that in the generation of R’ Meir there was none equal to him. Why, then, was the halachah not decided according to his views? Because his colleagues could not fathom the depths of his reasoning, for he would declare the ritually impure to be*

cerning the first fruits (*bikkurim*) from the time of the first *Yovel*. *Rashi* (ad loc.) understands this to mean the first *Yovel* the Jewish nation ever observed — in the days of Joshua (see *Meiri* *ibid.*). Thus we have clear proof that mishnayos were taught as early as Joshua’s time, for since then the laws of *bikkurim* have changed. Nevertheless, their original formulation has been retained.

Similarly, *Ohr HaChayim* on the Torah writes that the *baraisa* in *Shabbos* 6b, “Which is a public domain? A highway, a plaza, open alleys and the desert, was originally taught when the Jews were in the Desert [which, as the *Gemara* there explains, was when the Desert was considered a public domain with regard to the Sabbath] (see, however, *Mitzpeh Eisan* there, who avers that the *baraisa* only means if 600,000 men were to walk in the desert today). Also, mishnayos whose meanings were subsequently interpreted differently by other *Tannaim* (Sages of the Mishnah) most probably were written earlier (see *Pe’ah* 4:5, *Kilayim* 2:1,2, et al.). The *Gemara* (*Yoma* 53b) states: It happened that once the *Kohen Gadol* prolonged his prayer [in the Temple on *Yom Kippur*]. . . They said to him, “Do not make a habit of doing so,” for we have learned *He would not pray long, lest he terrify Israel* — which is a mishnah (*ibid.* 52b). Thus, we see that already in the era of the Temple the mishnayos were being taught. See *Maharatz Chayes* to *Shabbos* (12b), quoting *Vilna Gaon*.

7. [For this reason we read this chapter of *Zevachim* — *Aizehu Mekoman* — each day as part of the morning prayers, because there are no disputes regarding it, and so it has retained its original formulation.]

pure and adduce adequate proof, and the ritually pure to be impure and also supply proof.

Therefore, R' Akiva regarded R' Meir very fondly, even supporting him in his youth. And Rebbi adopted R' Meir's style of teaching — which corresponded to R' Akiva's — in the Mishnah, because it was succinct, lucid, cohesive, and far more precise than those of his colleagues, conveying the desired thought with neither too many nor too few words. Each word that he did select was laden with marvelous implications, which not every sage could fathom. Even though all the *Tannaim* could reason equally well, R' Meir's opinions were preferred to those of his colleagues; therefore, Rebbi selected them, and added later contemporary decisions.

Rebbi also cited minority opinions which are not followed by the halachah, so that if one should claim that view for a support, he can be told that it is a minority opinion and not according to the accepted law (*Eduyos* 1:6).

OFTEN THE *GEMARA* COMMENTS THAT A MISHNAH IS *מִיחְסָרָא*, *deficient*. The *Gemara* does not mean to imply that the omission is a

Omissions in the Mishnah

defect in the text, but that Rebbi intentionally deleted that which could otherwise be inferred. That is, since writing down the Oral Law was permitted only because of extreme necessity (*It is time to do for Hashem*), Rebbi was constrained to do so as infrequently as possible. Where he could rely on the student to understand the mishnahs' full import without the missing phrases, he was not permitted to write them.^[8]

Some opine that Rebbi's omissions were based on mystical considerations, and they bring support for this view (*Sefer Habris*).

The disciples of *Vilna Gaon* write that their teacher knew all the omissions in the Talmud and did not consider them omissions at all. Rebbi would not have omitted anything from the mishnayos. Rather, a "*deficient*" *mishnah* is one in which Rebbi followed the opinion of one *Tanna*, and composed the particular *mishnah* accordingly. The *Gemara*, however, agreed with another disputing *Tanna*, and wished to reconcile the *mishnah* according to him. This was done by adding words to the *mishnah* (Introduction to *Pe'as HaShulchan*; *Aliyos Eliyahu*).

8. To be sure, this explanation follows only *Rambam's* view that Rebbi committed *Mishnah* to writing (see above). *Shelah* quotes *She'eiris Yosef*, who cites *R' Mattisyahu of France*, that Rebbi wrote the *Mishnah* very concisely, and one can understand the full intent of the *Tanna* from what appears in the *Mishnah* alone.

The later commentators note that the *Gemara's* expression תְּנִי הָכִי, include such and such, is not synonymous with the mishnah is deficient. It merely means to point out that this is indeed the implication of the mishnah (*Yad Malachi*, quoting *Drishah*; but see *Rashi* to *Zevachim* 114b, who does explain this expression to mean the mishnah is deficient).

THE MISHNAH WAS WRITTEN IN THE HEBREW LANGUAGE. RAMBAM attests to Rebbi's clarity of expression, commenting that he was the most gifted writer in the Holy Language of his time. The Sages even resolved their difficulty understanding obscure words in Scripture by listening to Rebbi's servants speak (see *Megillah* 18a, *Rosh Hashanah* 26b). *Rav Sherira Gaon* writes that Rebbi wrote clearly and succinctly, so that each word was pregnant with an untold number of interpretations and legal implications. His work was obviously accomplished with Divine assistance.

THE DIVISION OF THE SIX ORDERS OF THE MISHNAH INTO INDIVIDUAL tractates was apparently undertaken by Rebbi, for originally there were six or seven hundred orders, as noted above, whereas now we have a total of only sixty-one tractates. Even though the earlier orders were also divided into tractates, as seen in the episode of R' Meir and R' Nassan concerning Tractate *Uketzin* (*Horayos* 13b), Rebbi, nevertheless reorganized them into tractates within the framework of six orders.

The Hebrew word for tractate — מַסְכֵּת, *masseches* [the Aramaic form מַסְכְּתָא is often heard in common speech] — derives from מִסְכָּה יִינָה, diluted her wine (*Proverbs* 9:2), for each tractate contains a mixture of disparate laws. The preceding verse in *Proverbs* states: *She (Wisdom) has hewn out her seven pillars*, which the *Gemara* (*Shabbos* 116a) interprets as referring to the seven books of the Torah.^[9] Thus, the Oral Law dilutes the wine and arranges the table (loc. cit.) of the Written Law, for without the oral tradition no man would dare approach the Written Torah. *Dilutes the wine* has yet another interpretation: that the various laws and ordinances of the Torah are mixed and bound to one another so that the law of one subject may be deduced from one in another area, or that one rule of one subject may be deduced from one

9. [The passage *Vayehi Binso'a* . . . (*Num.* 10:35-36) is considered a book unto itself, thus dividing *Numbers* into three books, giving the Torah a total of seven books (*Gem.* ad loc.).]

in another area, or that one rule may be explained or clarified by another. That is why a group of chapters of the Mishnah is called *מִסְכָּת*, from the word *מִסְיָכָה*, *mixture*, just as the word *גְּבִירָה*, *rich lady*, is related to *גְּבֵרָת*, *lady* (Introduction to *Tos. Yom Tov*).

Others explain that *masseches* means *weaving*, like *עַם הַמְּסָכָת*, *with the web* (Judges 16:13), in the story of Samson. Thus, the Oral Law resembles fibers such as wool or flax, which one labors to weave into a cogent entity (*Sefer Chasidim*, Ch. 928).^[10]

Still others interpret that the Mishnah represents the warp of the loom and the *Gemara* the woof, for the *Gemara* is the “soul” of the tractate, since one may not decide the law from the Mishnah alone (*Tos. Anshei Shem*).

Alternatively, *masseches* derives from *מָסַךְ*, *masach*, screen in front of the door (see *Exodus* 26:36, et al.), since the Oral Law is the door through which one enters the Written Law (*Sefer Leket HaKemach*). Another interpretation is that *masseches* stems from *בִּיטוּי*, *a covering*, to teach us that the Mishnah is hidden and not fathomable without the *Gemara* (*Tos. Anshei Shem*). Also, the numerical value of *מִסְכָּת* is 520; if we add four, corresponding to the number of letters in the word, the total is 524, equaling the number of chapters in the Mishnah (*Chida*).^[11]

The tractates are titled according to their subject matter, but occasionally the name is taken from the first word of the opening mishnah, as in Tractate *Beitzah*. Indeed, some refer to *Beitzah* as Tractate *Yom Tov* because it discusses the laws of the Festivals.

The rule is that in regard to two different tractates there is no order to the mishnayos. Thus, if a mishnah containing a dispute between *Tannaim* appears in one tractate, and another mishnah without a dispute and contradicting one of the opinions in the first mishnah appears in a later tractate, we do not say that the halachah follows the second mishnah, as we would if both appeared in the same tractate. This is because Rebbi did not teach the tractates in any particular order, but only according to the interests of his students. However, the final composition of the

10. *Tosefos Anshei Shem* demur, arguing that *masseches* refers not to weaving, but to the warp of the loom, which is tightly wound around the pole. However, perhaps we can still say that *masseches* implies something arranged or in one place, and such was the intent of *Sefer Chasidim*.

11. [A well-known mnemonic device for this number is that it is also the numerical value of *תְּלִמּוֹד בְּבָלְי*, *the Babylonian Talmud*, although, of course, the Mishnah is the same in the Jerusalem Talmud as well.] However, in his Introduction to *Yad HaChazakah*, *Rambam* states that the Mishnah contains only 523 chapters. Furthermore, the fourth chapter of Tractate *Bikkurim* consists of *baraisos*, not mishnayos; likewise, the sixth chapter of *Avos*.

mishnah was done in a certain order, and therefore explanations must be given as to why each tractate occupies its positions in its order (first *Tosafos* to *Bava Metzia*).

Regarding the Six Orders themselves, some hold that Rabbi taught them in a specific order. Therefore, if a mishnah with a dispute appears in a tractate in one order, and similar mishnah without a dispute appears in a later order, we apply the principle that when a mishnah containing a dispute is followed by one expressing only one opinion on the same subject, the halachah follows the second mishnah (*Kesef Mishneh*, *Hil. Rotzei'ach*). Others, however, maintain that even regarding the Orders there is really no arrangement (*Tos. to Shabbos* 81b).

The Six Orders of the Mishnah are: (1) זְרָעִים, *Zera'im* (Seeds; dealing with agricultural laws), (2) מוֹעֵד, *Moed* (Appointed Time; dealing with the laws of the Sabbath and festivals), (3) נָשִׁים, *Nashim* (Women; dealing with the laws of marriage, divorce, widowhood and related matters), (4) נְזִיקִין, *Nezikin* (Damages; dealing with torts and general monetary law), (5) קְדָשִׁים, *Kodashim* (Sanctities; dealing with Temple and sacrificial law), and (6) טְהוֹרוֹת, *Tohoros* (Purities; dealing with the laws of ritual "purity" and "impurity"). The mnemonic acronym is זְמַן נְקֻט, *hold on to time* [which implies an appeal to the Jews to recognize and to uphold the Oral Law in all times (*Abarbanel*)].

The *Gemara* (*Shabbos* 31a) teaches: What is meant by the verse, וְהָיָה עֲזָרְתְּךָ וְיִשׁוּעוֹת הַכֹּהֲמַת וְנִדְעָתָא, *And the faithfulness of your times, and the strength of salvation will be wisdom and knowledge* (*Isaiah* 33:6)? *Faithfulness* refers to *Zera'im*;^[12] *your times* to *Moed*; the *strength* to *Nashim*;^[13] *salvation* to *Nezikin*;^[14] *wisdom* to *Kodashim*; and *knowledge* to *Tohoros*. Yet, even so, the verse concludes: יִרְאַת ה' הִיא, *the fear of the Lord is [man's] treasure*. The *sine qua non* of all Torah knowledge is the fear of God; without it, there is nothing (see *Maharatz Chayes* to *Shabbos* loc. cit., quoting *Vilna Gaon*; *Ohr HaChaim* to *Deut.* 13:5).^[15]

12. *Rashi* explains that only the man of faith will tithe his produce properly. *Tosafos* cite *Yerushalmi* that the Order is so called because one should sow with faith in the Almighty.

13. *Rashi* renders this word in the verse *heirs*, who, of course, are born from women. Some say that the Order of *Nashim* is called *strength*, for indeed it is the strength and the shelter of the Jewish people, since it basically discusses Jewish family life.

14. *Rashi* explains that *Nezikin* helps people by admonishing them not to injure one another, and thereby bring financial obligations upon themselves.

15. The *Midrash* (*Bamidbar Rabbah* 13:18 and to *Psalms* 19:14) expounds a different passage as alluding to the Six Orders of the Mishnah: *Psalms* 19:8-10 states: *The Torah of Hashem is perfect, restoring the soul; the testimony of Hashem is trustworthy, making the simple one wise: the orders of Hashem are upright, gladdening the heart; the command*

The *Midrash* (to *Song of Songs* 6:9) says: *Sixty are royalty* — these are the sixty orders of halachos, i.e. the sixty tractates,^[16] as follows:

Zera'im includes: (1) *Berachos*, (2) *Pe'ah*, (3) *Demai*, (4) *Kilayim*, (5) *Sheviis*, (6) *Terumos*, (7) *Maasros*, (8) *Maaser Sheni*, (9) *Challah*, (10) *Orlah*, (11) *Bikkurim*. Some count *Maasros* and *Maaser Sheni* as one, in which case the total number of tractates in *Zera'im* is ten.

Moed includes: (1) *Shabbos*, (2) *Eruvin*, (3) *Pesachim*, (4) *Shekalim*, (5) *Yoma*, (6) *Succah*, (7) *Beitzah*, (8) *Rosh Hashanah*, (9) *Taanis*, (10) *Megillah*, (11) *Moed Katan*, (12) *Chagigah*.

Nashim contains: (1) *Yevamos*, (2) *Kesubos*, (3) *Nedarim*, (4) *Nazir*, (5) *Sotah*, (6) *Gittin*, (7) *Kiddushin*.

Nezikin consists of: (1) *Bava Kamma*, (2) *Bava Metzia*, (3) *Bava Basra*, (4) *Sanhedrin*, (5) *Makkos*, (6) *Shevuos*, (7) *Eduyos*, (8) *Avodah Zarah*, (9) *Avos*, (10) *Horayos*. *Bava Kamma*, *Bava Metzia* and *Bava Basra* are also referred to collectively as *Nezikin*. Some consider them to be one long tractate, which would reduce the total number of tractates in the Order of *Nezikin* to eight. Others consider *Sanhedrin* and *Makkos* as one, further lowering the figure to seven tractates.^[17]

Kodashim includes: (1) *Zevachim*, (2) *Menachos*, (3) *Chullin*, (4) *Bechoros*, (5) *Arachin*, (6) *Temurah*, (7) *Kereisos*, (8) *Me'ilah*, (9) *Tamid*, (10) *Middos*, (11) *Kinnim*.

Tohoros contains: (1) *Keilim*,^[18] (2) *Ohalos*, (3) *Nega'im*, (4) *Parah*, (5)

of Hashem is clear, enlightening the eyes: the fear of Hashem is pure, enduring forever; the judgments of Hashem are true, altogether righteous. The Torah of Hashem is perfect — this is the Order of Nashim, as the verse (Song of Songs 4:7) states: "Where you will be completely fair, my beloved, and no blemish will be in you." The testimony of Hashem is trustworthy — this is the Order of Zeraim, for one places his faith in Hashem, the Eternal God, and sows his seed. The orders of Hashem are upright, gladdening the heart — this is the Order of Moed, which contains the laws of Succah, Lulav and all the festivals of the year, regarding which it says (Deut. 16:14): You shall rejoice on your festival. The command of Hashem is clear, enlightening the eyes — this is the Order of Kodashim, which enlightens the eyes of the Sages. The fear of Hashem is pure — this is the Order of Tohoros, which separates the impure and the pure. The judgments of Hashem are true — this is the Order of Nezikin, which contains all monetary laws.

16. *Meiri* (*Introduction to Avos*) writes that one who knew all sixty tractates was worthy of the title *גאון*, *Gaon*, whose numerical value is sixty. Regarding the exact number of the tractates, it will be seen in the listing below that there are different ways of listing the tractates, which can yield a total of 60, 61, or 63.

17. *Ri Migash* and *Ritva* opine that those who consider *Nezikin* as one tractate refer to the entire Order and not just to the three "*Bavas*." According to this opinion, the Order of *Nezikin* contains just one tractate. See *Yad Malachi* §338. See *Maharsha* to *Tosafos*, *Bava Basra* 2a s.v. *השותרפין*.

18. In the *Tosefta*, Tractate *Keilim* is divided into three parts — *Bava Kamma*, *Bava Metzia* and *Bava Basra* — just as *Nezikin* [i.e. the three "*Bavas*"], according to the opinion that it is one tractate.

Tohoros, (6) *Mikvaos*, (7) *Niddah*, (8) *Machshirin*, (9) *Zavim*, (10) *Tevul Yom*, (11) *Yadayim*, (12) *Uketzin*.

The term *mishnah* is similar to מִשְׁנֵה לְמֶלֶךְ, *mishneh lamelech* (deputy to a king) [*Esther* 10:3], since the Written Torah is the king and the Mishnah is subordinate to it. *Mishnah* also means *to teach*; hence, the masters of the Mishnah are called תַּנְיָאִים, *Tannaim*, which is the Aramaic equivalent of teachers,^[19] since they taught us the Mishnah.

The Rabbis of the *Gemara* are called אַמּוֹרָאִים, *Amoraim*, since after the Mishnah was finalized no one was allowed to add to or subtract from it in any way. The later sages were permitted only to explain and interpret the mishnayos as they had been taught by their teachers. *Amora* means interpreter in Aramaic.^[20]

The students of Rabbi who accepted the tradition from him were: his sons, Shimon and Gamliel, as well as R' Efes, R' Chanina bar Chama, R' Chiya, R' Yannai, Bar Kappara, Rav, Shmuel, R' Yochanan (according to *Rambam*), Levi, R' Bisa, and (according to *Ravad*) R' Chama.

19. וְיִשְׁנְנֵתָם, *and you shall teach them* (*Deut.* 6:7), is translated by Onkelos as וְיִתְנֵינָן, of the same root as תַּנְיָאִים.

20. As we find in the *Gemara*: Place an *amora* [interpreter] by his side (*Gittin* 43a, *Rashi* ad loc.; *Chullin* 100a; et al.).

III. The Importance of Mishnah Study^[1]

THE GEMARA (TAANIS 7A-B) STATES: IF YOU SEE A STUDENT WHOSE studies are as hard as iron [i.e. he has difficulty understanding them (*Rashi* ad loc.)], it is because his knowledge of the mishnaic text is not arranged in his mind [in an orderly fashion]. The Mishnah is the foundation of the Oral Law. It contains the basic laws deriving from the commandments found in Scripture. *Gemara* analyzes and elaborates on Mishnah, seeking to establish the underlying principles of the Mishnah's rulings. One cannot properly analyze the Mishnah unless he has command of it. Thus, a student whose knowledge of the Mishnah is deficient will inevitably encounter difficulties in the course of his studies which he cannot resolve.

Thus, the Sages of the Gemara would review the text of the Mishnah numerous times before continuing on to its Talmudic analysis. Reish Lakish would review the Mishnaic text forty times (corresponding to the forty days during which the Torah was transmitted to Moses at Mt. Sinai) before attending the Talmudic lecture of his teacher, R' Yochanan. Rav Adda bar Ahavah would review his Mishnaic text twenty-four times [corresponding to the twenty-four books of Scripture] before attending Rava's Talmudic discourse. For only after having mastered the Mishnah can one arrive at an understanding of its underlying principles.

The *Gemara* (*Horayos* 14a) identifies two types of scholars: "*Sinai*," i.e. one who possesses precise knowledge of the body of Oral Law as it had been presented to Moses at Mt. Sinai; and "*Oker Harim*" (lit. uprooter of mountains), i.e. a sharp-witted scholar who excels at analysis of the laws. The *Gemara* debates which is the superior type of scholar, and concludes that the "*Sinai*" scholar is superior. For "all need the master of wheat," i.e. all must come to the "*Sinai*" scholar for his knowledge of the Mishnah. The basis of all Talmudic analysis is the precise text of the Mishnah. Without it, Talmudic analysis is impossible.

The *Gemara* (*Sanhedrin* 99a) expounds the verse, *For he despised the word of Hashem* (*Numbers* 15:31), to refer to one who does not take proper heed of the Mishnah. *Maharal* (ad loc.) explains: The Mishnah,

1. This section is based largely on *Z'man Nakat*, by HaRav HaGaon R' David Cohen שליט"א.

which delineates the mitzvos of the Torah, is considered “the word of Hashem.” *Pilpul* (Talmudic debate that is not based on the Written Law) is not “the word of Hashem” because it emanates from the rational human mind. Hence, one who engages in excessive *pilpul* and ignores the study of Mishnah is viewed as a person who “despises the word of Hashem.”

The Midrash (*Vayikra Rabbah* 7:3) states: The Holy One, Blessed is He, says, “When you engage in the study of Mishnah, it is as if you offer a sacrificial offering [in the Temple].” The Midrash (*ibid.*) states further that the ingathering of the exiles at the coming of the Messiah will be in the merit of Mishnah study.

The letters of the word מִשְׁנָה are the same as נַפְשָׁךְ, *soul*. This signifies the beneficial spiritual effects Mishnah study has on one’s soul (see *ba’er Heitiv, Orach Chaim* 1:6). For this reason, it is customary to study Mishnah in memory of someone who has passed away, for the merit of Mishnah study serves to elevate the soul of the deceased in Heaven.^[2]

The study of Mishnah is looked upon very favorably in Heaven. As is well known, R’ Yosef Karo, author of *Shulchan Aruch*, merited that a heavenly angel came to study with him. R’ Yosef Karo compiled a collection of the teachings of this angel, called *Maggid Meisharim*. Throughout this book, the angel makes numerous references to the study of Mishnah, enjoining R’ Yosef Karo to scrupulously devote time to its study.

A *baraisa* (*Bava Metzia* 33a) authored by Rebbi states: “Those who engross themselves in the study of Scripture accomplish a measure, but it is not a large measure. Those who engross themselves in the study of Mishnah accomplish a large measure, and they receive reward for studying it. As for the study of the Talmud, there is no greater measure than this — yet one should always run to study Mishnah more than Talmud. The Gemara questions the seeming contradiction in the *baraisa*. First the *baraisa* states that there is no greater measure than Talmud study, implying that it is more important than the study of Mishnah. Yet the *baraisa* concludes that one should run to study Mishnah more than Talmud!” The Gemara explains: Initially, Rebbi taught that Talmud study is preferable to the study of Mishnah. However, when he saw that people pursued the study of Talmud, neglecting the Mishnah, he declared: “One should always run to study Mishnah more than Talmud.”

2. It is customary to recite a short prayer after studying mishnayos for the merit of the deceased. The text of this prayer appears at the end of this volume.