

The Soul of the Mishna



Yakov Nagen

THE SOUL
OF נשמת
THE המשנה
MISHNA

Translated by Elie Leshem

Yeshivat Otniel
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The Soul of the Mishna

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Lovingly dedicated to my parents

Azriel and Ahuva Genack

*From you I have learned
love of God, Torah, and the Jewish people.*





*Dedicated in honor of our children,
With gratitude to those who have been
and continue to be instrumental in their Jewish education,
And in memory of Dr. Saul G. Agus z"l*

Nicole and Raanan Agus



*In memory of our grandparents,
whose lives exemplified to us
the Nishmat HaMishna*

*Anny and Kalman Singer z"l
Yvonne and Julius Kuhl z"l
Rose and Benjamin Berger z"l
Frida and Shimon Laufer z"l and Aryeh Leib David z"l*

Rachel and Shimon Laufer and family



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“The blessed Holy One said, ‘It is not good that the man should be alone; I will make him a helpmeet for him’ – that is the Mishna”

(Zohar, Bereshit 1:27b)

Dvir's Final Mishna

In Ḥanukka of 2008, after years of exercising restraint, Israel launched Operation Cast Lead in the Gaza Strip, to defend residents of the south from unrelenting terror attacks. On January 4, 2009, the eighth of Tevet, the second day of the ground operation, the sad tidings arrived that the war had claimed its first victim among Israeli fighters. That was the day I first heard the name Dvir Emanuelof.

I, along with the rest of the people of Israel, was moved by Dvir's story. Having lost his father, he could have forgone combat service; yet he insisted on serving as a commander in an infantry unit. I did not imagine that in the ensuing months I would learn much more about the short, rich, meaningful life of Dvir, of blessed memory, or that everywhere I would go I would run into people who knew and loved him. And I certainly did not anticipate finding out that I, too, had a connection, albeit indirect, with him. I had touched his life through my book *The Soul of the Mishna*, and he touched my life deeply after his death.

It emerged that Dvir had identified to a large extent with the study method and approaches presented in *The Soul of the Mishna*. He studied the book alone often, and also studied it together with his mother, Dalia, in a regular *havruta* study date. During a memorial event for Dvir thirty days after his death, the family asked me to explain what was behind my decision to write *The Soul of the Mishna*. The truth of my pre-prepared answer was reinforced by the life story of Dvir and the rest of his dear family.

Although I teach in a yeshiva, I believe the main arena for the revelation of the Torah is outside the walls of the *beit midrash*, in the broader circles of the Jewish people. The source for the commandment to study the Torah is the verse in *Shema* that enjoins us to “talk of them,”

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to speak about the mitzvot. However, the verse does not tell us to do so in the *beit midrash* or the synagogue, but rather “when you sit in your house, and when you walk by the way” (Deuteronomy 6:7). The Torah’s place is in the home, within the family, in the conversation between parents and children; its place is on the road, where one encounters the outside world.

But what aspect of Torah is most suited for the house and the road? I believe that the Mishna has an important role to play there. That is because the Mishna is easy to study; it is written in accessible, succinct Hebrew, summarizing the conclusions while omitting the lengthy discussions that underlie them. However, these qualities are a mixed blessing – by the same token, they can make studying Mishna a banal, technical exercise in reading and recitation. We must therefore learn to see the Mishna as a rich, astonishing document, a book holding the promise of profound discoveries regarding Torah, God, and life. It was in order to expose that dimension of the Mishna that I wrote this book.

When Dvir, of blessed memory, and Dalia set a regular study date, they opted to study the Mishna as a text, to truly encounter it. Their study was a fulfillment of the commandment and of the Torah’s vision as expressed in the verse “and you shall teach them diligently to your children, and shall talk of them when you sit in your house” – to put the Torah front and center in the home, at the heart of the relationship between parents and children. To me, the story of the Emanuelofs gives special meaning to any reading of *The Soul of the Mishna*.

Following is a brief description of Dvir, as written by his mother, whose words attest to a life filled with love and sacrifice – for his family, for his people, and for God.

Yakov Nagen

Dvir

Dvir was born and educated in Jerusalem.

Upon graduating from high school, he chose to attend the Ahavat Yisrael *hesder* yeshiva in Netivot, whose name [meaning “love of the Jewish people”] is a testament to its mission as well as to Dvir’s character. He would study in that small, modest yeshiva for two years.

During Dvir’s second year of yeshiva, his father, Netanel, of blessed memory, died of a serious illness.

While studying at yeshiva, Dvir volunteered in various frameworks: mentoring youth, patrolling with the Civil Guard, and delivering food to underprivileged families.

Despite the fact that, as an orphan, Dvir was exempted from combat service, he decided to join the Golani Brigade, where he excelled and was sent to a commanders’ course. After graduation he stayed on as an instructor in the course and was marked for officers’ training. However, Dvir refused to begin the training without first serving in the field, so he was assigned as a sergeant in an infantry squad, which he commanded in the war.

At home, too, Dvir never stopped studying. After discovering *The Soul of the Mishna* and studying it on his own, he was so excited he initiated a regular study date with me. Every Shabbat afternoon that he was home from the army we would study together after the meal. Despite the heaviness and sleepiness of Shabbat afternoon, we never slacked off: we would sit together and study, with our conversation always wandering to current affairs, in the home and in general.

The final mishna we studied together dealt with the significance of commandments within the family. It emphasized the importance of the father-son relationship and mutuality within family relations: “All obligations of the son upon the father... [and] all obligations of the father upon the son” (Kiddushin 1:7).

It was not coincidence. Netanel and Dvir, father and son, both of blessed memory, were very close, and it was as though this mishna was written about them. Netanel fulfilled his obligations toward Dvir, to the full extent that the Mishna implies, and Dvir did the same for his father – in life, in illness, and in death (Dvir was privileged to recite

Dvir's Final Mishna

Shema at the moment of Netanel's passing). After losing his father, Dvir continued to fulfill his obligations toward me and toward the entire family. It seems Netanel and Dvir wanted to carry on their mutual relationship into eternity.

The chapter we studied concludes with a vision of intimacy between fathers and sons, the perpetuation of tradition through the line of succession. Dvir knew that he was safeguarding tradition; he was aware of his responsibility toward God, his parents, and his homeland.

He was a link in the chain.

Now, with Dvir gone, it is our responsibility to carry on our tradition in the light of his path: the path of faith, Torah, and service.

Dalia Emanuelof

Introduction

Marcel Proust taught us that life's biggest challenge is not to discover new lands, but to see the old ones with new eyes. This book attempts to realize that idea by studying the Mishna, which was redacted by Rabbi Yehuda HaNasi some 1800 years ago.

The Mishna's six orders and sixty-three tractates compile sayings attributed to Sages spanning the period from the destruction of the Second Temple in 70 CE through the second century. The Mishna is the "iron pillar" of the Oral Torah (Leviticus Rabba 21), and the Talmud is largely an elaboration and commentary on it.

The body of the Mishna is the halakha, the law; in this book I intend to uncover its inner spirit. I wish to reveal the ideas that underpin the Mishna's laws, and, where possible, to elucidate their existential implications. Through contemplating the minutiae of the law, we can unearth important principles relating to God's presence in the world, the connection between halakha and life, the relationships between parents and children and between husbands and wives, social justice, the Temple, the Land of Israel, and more.

But if we are to discover the soul of the Mishna, we must first adopt the right attitude in our study. One can uncover only what one is looking for. People tend to study Mishna in preparation for studying Talmud, or as a means of rounding out their general knowledge of Oral Torah. Though they may achieve these ends, the soul of the Mishna will remain hidden from these students. But when we approach the Mishna with an understanding of its inherent importance and with an awareness of halakha's spiritual implications, we can encounter its soul.

The Literary Method

In his research on the literary editing of the Mishna, my teacher Rabbi Dr. Avraham Walfish established a new method for studying it. Walfish proved that the editors of the Mishna consciously employed literary devices such as *inclusio* (envelope structures) and *wordplay*.¹ He also showed that the editors used literary devices to convey meaning.² It follows that studying the literary structure of the Mishna can reveal the stances of its editors on the laws that appear within it.

A few of those literary devices follow:

Wordplay: When the editors of the Mishna choose to employ terms that have multiple connotations and associations, they can hint at additional meanings. Thus, for example, in Tractate Rosh HaShana, the Mishna relates the story of a father and son who came to the Temple to testify to having spotted the crescent moon, heralding the advent of a new month. According to the Mishna, the priests accepted his evidence and that of his son. The overt meaning is that the priests allowed the father and the son to testify together. But the expression used, “*oto ve’et beno*,” “him and his son,” also alludes to another, negative connotation that implies criticism of the priests’ conduct, by recalling a Torah prohibition: “And whether it be cow or ewe, you shall not kill it and its young (*oto ve’et beno*) both in one day” (Leviticus 22:28).

Parallels: We often find in the Bible that phrases are repeated in multiple stories in order to draw parallels between them, so that one story serves as the subtext for the other.³ The Mishna, too, features parallels, often linking different tractates,⁴ and sometimes, as we will see in the next chapters, linking the Mishna and the Bible. The Bible’s influence

1. Avraham Walfish, *Literary Phenomena in Mishna and their Redactorial and Conceptual Meaning* (master’s thesis, Hebrew University of Jerusalem, 1994) [Hebrew], 33–60; “Wordplays in the Mishna,” *Netuim* 2 (1995) [Hebrew]: 75–95.

2. *Ibid.*

3. Yair Zakovitch, *Through the Looking Glass: Reflection Stories in the Bible* (Tel Aviv: Hakibbutz Hameuchad, 1995) [Hebrew].

4. Walfish, “Literary Considerations in the Redaction of the Mishnah and Their Meanings,” *Netuim* 1 (1994) [Hebrew]: 51; Motti Perry, “Parallels Converge: Notes on the Literary Structure of Mishna Yoma,” *Netuim* 13 (2005) [Hebrew]: 40–45.

on the structure and content of the Mishna is not only an expression of the fact that the Written Torah is the foundation for the Oral Torah; it is also due to the fact that the Bible was the main book available to the Sages and students of the Mishna, and thus was a source of many motifs, ideas, and associations. Inspiration from the Torah is evident not only from the fact that the Mishna quotes directly from Torah verses and elaborates on its laws; biblical figures such as Elijah the Prophet, Moses, King David, and the lovers in the Song of Songs also inform the shaping of many mishnayot. These parallels suggest additional meanings with which the Sages sought to infuse the Mishna.

Structure: The structure of an individual mishna or a chapter serves as a vehicle for drawing parallels between various elements, and can be expressive of a common idea. For example, the first and third chapters of Tractate Sanhedrin discuss judges, while the second chapter addresses the laws of kings. The Mishna thereby links two types of leaders, the judge and the king. Another example can be seen in the first chapter of Kiddushin, which addresses two issues: property law and mitzvot. The fact that each topic includes ten items hints at a connection between the two areas.

An additional method of uncovering the Sages' intentions is to pay attention to the overall approach of an individual Sage. For example, Rabbi Akiva's statements regarding the sanctity of the connection between husband and wife, and the importance of their love, can shed light on why he opines that a couple can divorce when one partner no longer finds the other attractive.

Implications of the Laws

In the Mishna – more so than in the Talmud and halakhic Midrash – most laws pertaining to a topic are concentrated in one place. The Mishna thus makes it easier for scholars to examine groups of laws and analyze their implications. For example, the final chapter of Berakhot includes a lengthy list of situations in which one is required to bless God. Each of these blessings expresses appreciation for the role of God in a specific circumstance; therefore, analyzing all the blessings as a whole can shed light on the general question of His place in the world. Similarly, analysis

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of the details of the laws in Tractate Pe'ah reveals the conception that *pe'ah*, the corner of the field left unharvested for the poor, is not considered a gift. Rather, it is seen as a property right of the poor – similar to the right of the field's owner. It is reasonable to infer the Mishna's underlying ideas in this way, because the Mishna, an ancient work, was compiled closer to the time when the foundations of halakha were coalescing. Back then, the connections between laws and the ideas that shaped them were more overt than in subsequent periods.

In several places throughout this book I diverge from the principles elucidated above, and adopt a more personal tone; for example, in the discussion of Tractate Yoma I relate two painful stories about life and death. I take this license because my goal with this book is to increase the Jewish people's love for the Mishna and to reveal its riches, which can be found in the full range of possible interpretations.

The Title of the Book

The book's chapters, addressing hundreds of mishnayot, are organized according to the order of the Mishna itself. The name of the book, "The Soul of the Mishna," is inspired by the words of the "Maggid Mesharim" (preacher of righteousness), the celestial entity that revealed itself to Rabbi Yosef Karo, the author of the *Shulhan Arukh*. This maggid identifies itself as "the soul of the Mishna," and explains that Rabbi Yosef merited the revelation in part because of his study of the Mishna:

"It is I, the Mishna, speaking through your mouth. I am the soul of the Mishna. For I, and the Mishna, and you unite as one. Therefore, you must revisit my mishnayot often, and you must not let your mind wander from them even for a single moment."⁵

I began to recite mishnayot, and went on to read five chapters. Then, as I was reading the mishnayot, the voice of my beloved knocked within my mouth, lilting. And it said,

5. Maggid Mesharim on *Parashat Tazria*, cited in Dov Zlotnick, *The Iron Pillar Mishnah: Redaction, Form and Intent* (Jerusalem: Bialik Institute, 1988), 60.

“The Lord is with you wherever you go. . . . But you must always cleave to me, and to the fear of me, and to my Torah and mishnayot. . . . By virtue of these six orders of Mishna that you know by heart, and by virtue of your practice of mortifications and asceticism . . . the heavenly host has permitted me to speak with you as before.”⁶

I hope to enable the reader to encounter many parts of this masterful work by studying a wide range of mishnayot. And I pray that by loving the Mishna and cleaving to it, we will come to cleave with our hearts and souls to the root of the Mishna – God Himself.

6. Maggid Mesharim on *Parashat Bamidbar*.

A Jew in the Street and a Jew in the Home

ברכות א, א Berakhot 1:1

מֵאִמְתֵי קוֹרֵין אֶת שְׁמַע
בְּעֶרְבִית? מִשְׁעָה שֶׁהַכֹּהֲנִים
נִכְנְסִים לֶאֱכֹל בְּתְרוּמָתָן עַד
סוֹף הָאֶשְׁמוּרָה הָרִאשׁוֹנָה,
דְּבַרֵי רַבֵּי אֱלִיעֶזֶר. וְחַכְמִים
אוֹמְרִים, עַד חֲצוֹת. רַבֵּן
גַּמְלִיאֵל אוֹמֵר, עַד שְׁיַעֲלָה
עֲמוּד הַשָּׁחַר מֵעֵשָׂה שְׁבָאוּ
בְּנֵי מִבֵּית הַמִּשְׁתָּה, אָמְרוּ
לוֹ, לֹא קָרִינוּ אֶת שְׁמַע.
אָמַר לָהֶם, אִם לֹא עָלָה
עֲמוּד הַשָּׁחַר, חֲיִבִין אַתֶּם
לְקָרוֹת. וְלֹא זֹו בְּלִבְד, אֶלָּא
כָּל מָה שְׁאִמְרוּ חַכְמִים עַד
חֲצוֹת, מִצְוֹתָן עַד שְׁיַעֲלָה
עֲמוּד הַשָּׁחַר. הַקֵּטֶר חֲלָבִים
וְאֲבָרִים, מִצְוֹתָן עַד שְׁיַעֲלָה
עֲמוּד הַשָּׁחַר. וְכָל הַנֶּאֱכָלִין
לְיוֹם אֶחָד, מִצְוֹתָן עַד
שְׁיַעֲלָה עֲמוּד הַשָּׁחַר. אִם כֵּן,
לָמָּה אָמְרוּ חַכְמִים עַד חֲצוֹת,
כְּדִי לְהַרְחִיק אֶת הָאָדָם מִן
הָעֲבִירָה:

From when may one recite *Shema* in the evening?
From the time when the priests go in to eat their
teruma [produce consecrated for priestly consump-
tion], until the end of the first watch – so says
Rabbi Eliezer. And the Sages say: Until midnight.
Rabban Gamliel says: Until the break of dawn. It
once happened that [Rabban Gamliel's] sons came
from a house of feasting. They said to him: We have
not recited *Shema*. He said to them: If dawn has not
broken, you are obligated to recite it. And [this is
true] not only in this case; rather, in all cases where
the Sages said that [some precept can be per-
formed only] until midnight, their precepts are [still
in force] until the break of dawn. [For example:]
Burning the fats and limbs [of the sacrifices, on the
Temple altar] – their precepts [can be performed]
until the break of dawn. And [another example:] all
[sacrifices] that may be eaten for one day – their
precepts [of eating them can be performed] until
the break of dawn. If that is so, why did the Sages
say, “until midnight”? To distance a person from
transgression.

What Does the Priests' Feasting Have to Do with *Keriat Shema*?

From when may one recite *Shema* in the evening? From the time when the priests go in to eat their *teruma*.

While the opening of the Mishna is widely known, the connection between the question it poses and the answer is not. The solution to this mystery will reveal the Mishna's attitude not only toward the meaning of *Keriat Shema*, but also toward fundamental questions regarding life and the essence of humanity.

One would understand if the time for *Keriat Shema* in the evening would have been based on the definition of the beginning of the evening – say sundown or nightfall. Alternatively, since the source for the timing of the mitzva seems to be the term “when you lie down” (Berakhot 2a; see also Mishna Berakhot 1:3), it could have been defined as bedtime. Why, then, does the Mishna choose to define it as the time when the priests go in to eat their *teruma*? The beginning of the priests' meal is not merely a sign that it is time to recite *Shema*; rather, there is a substantive connection, for the Tosefta says: “From the time when the priests are able to eat their *teruma* [heave offering]. A sign for this is the coming out of the stars.”¹ Thus, it is stated explicitly that the priests' meal is not a sign that night has fallen, but rather the reverse – the stars coming out constitutes a sign that it is time for the priests to eat. This is the reason that the timing of the priests' meal determines when we recite *Shema*.

The Talmud provides further perspectives on the Mishna that can help us solve the puzzle:

From what time may one recite *Shema* in the evening?
From the time that the poor man comes [home] to eat
his bread with salt till he rises from his meal... From what
time may one begin to recite *Shema* in the evening? From
the time that the people come [home] to eat their meal

1. Berakhot 1:1; appears also in the Bavli, Berakhot 2b.

on a Sabbath eve... From the time that most people come [home] to sit down to their meal. (Berakhot 2b)

The various opinions cited by the Talmud have a common thread: They all discuss the time when people come home in the evening to eat. We will thus rephrase the question: Why does the time when people come home in the evening to eat determine the time when they are required to recite *Shema*?

Why Do We Recite *Shema* Twice Every Day?

We can deduce the answer to our question by examining a second question. The essence of the mitzva of *Keriat Shema* is to accept the yoke of heaven (Berakhot 2:2, 2:5). But why must we declare our acceptance of the kingdom of heaven twice a day? Why is once not enough?

One possibility is that the declarations are meant to create a framework, bookending the day and defining everything that occurs in between as dedicated to heaven. In this model, *Keriat Shema* corresponds to the *tamid*, the daily burnt offering, which is brought at sunup and sundown and signals the opening and closing of each day's sacrificial rites in the Temple (Pesahim 58b).²

It turns out that this outlook informs the opinion of Rabbi Yehoshua ben Levi, who states that in the evening one should say the *Amida* before *Shema*, which should be recited just before sleep: "Rabbi Yehoshua ben Levi argues [differently]: Here there is an analogy between lying down and rising. Just as [at the time of] rising, the recital of *Shema* is adjacent to [rising from] bed, so also [at the time of] lying down, recital of *Shema* must be adjacent to [getting into] bed" (Berakhot 4b). It thus is not surprising that Rabbi Yehoshua also opines that "Though a person has recited *Shema* in the synagogue, it is a mitzva to recite it again upon his bed" (ibid).³

2. See midrashim below that compare *Keriat Shema* to the *tamid* sacrifice.

3. The problem with this approach is that if it were correct, the Torah should have stated, "when you rise and when you lie down," instead of the reverse.

When You Sit in Your House, and When You Walk by the Way

There is, however, another possible reason for the requirement to recite *Shema* twice. Naturally, our day-to-day life is divided in two: the part that takes place outside the house, usually during the day, and the part that takes place within our homes, generally during the night.

Yehuda Leib Gordon coined one of the mottos of the Jewish Enlightenment, or *Haskala*, movement: “Be a man in the street and a Jew in the home.”⁴ According to Gordon and other proponents of the Enlightenment, one’s Judaism is a personal matter that, as such, should be confined to the privacy of one’s home. This conduct is in contrast to the diametrically opposed behavior of others: Outwardly, they behave as Jews, but in their homes, away from others and the pressures of society, they set their Judaism aside and do as they please. The requirement to recite *Shema* twice daily signals to us that one must accept the yoke of heaven in both spaces – the home and the street. I see this insight as already embedded in the verse that teaches the requirement to recite *Shema*: “And shall speak of them when you sit in your house, and when you walk by the way” (Deuteronomy 6:7). The verse teaches us that we must “speak of them,” the mitzvot, and accept the yoke of heaven wherever we go, whether “in your house” or when leaving it to “walk by the way.” The rest of the verse, “and when you lie down, and when you rise up,” merely sharpens and reinforces the first distinction between the home and the street.⁵ Here lies the solution to the puzzle that opens

4. From his poem “Awaken, My People,” published 1863.

5. One can raise several possible explanations as to the relation between the two sets of states. Perhaps one is a continuation of the other; lying down would thus be an extension of sitting in the house, and walking would extend the act of rising. Indeed, the time for the evening *Shema* begins based on “when you sit” and ends based on “when you lie down.”

It is also possible that each set reinforces the definition of the other. For example, “when you lie down” teaches us that sitting in the home is also associated with nighttime, while “when you sit in your house” shows that the obligation extends not only to the time when one is lying down, but rather to all of one’s nocturnal time in the home. See the *Sifrei*: “When you rise” – I might think, even if one rose in the middle of the night. It is therefore written, “When you sit in your house and when

A Jew in the Street and a Jew in the Home

the mishna: The definition of the requirement rests on the time when one enters one's home to eat, which symbolizes the passage from the public to the private. The two spaces vary greatly in terms of the types of challenges that we face in them, and we must invest our effort in each one separately, so as to find the path that is unique to it.

In the following chapter, we will turn to the second part of the puzzle: Why, of all people, it is the high priest, who, in eating the *teruma* offering, is emblematic of the state of “when you sit in the house”?

you walk by the way.” Scripture speaks of the common instance. This means that if the Torah had written only, “when you rise,” we would have thought that even one who rises in the middle of the night should recite *Shema*. “When you sit in your house and when you walk by the way” teaches us that only in that context does rising necessitate *Keriat Shema*.