

**Class 4 – The Mishnah**  
**Rabbi Moshe Davis**

**Class Outline**

- **Review**
- **Beginning of the end of the oral transmission**
- **A new organizational method**
- **Different written texts**
- **Divisions of the Mishnah**

**I. Review**

- There are five types of Oral Tradition; (1) Peirush HaMekubal Mehar Sinai, (2) Halachah LeMoshe MiSinai, (3) Derashot, (4) Gezeirot, (5) Takanot
- While all five were given at Sinai, the later 3 continued to develop throughout history.
- The bulk of the Oral Tradition is the Derashot category.

**II. In a time of need, nullify the Torah**

**Rabbi Judah the Prince, a fourth generation Tanna, is accredited with the formulation of the Mishnah in circa 200 C.E.**

**Babylonian Talmud, Temurah 14b**

Did not R. Abba the son of R. Hiyya b. Abba report in the name of R. Johanan: Those who write the traditional teachings [are punished] like those who burn the Torah, and he who learns from them [the writings] receives no reward. And R. Judah b. Nahman the Meturgeman of Resh Lakish gave the following [as exposition]: The verse says: Write thou these words and then says: For after the tenor of these words, thus teaching you that matters received as oral traditions you are not permitted to recite from writing and that written things [Biblical passages] you are not permitted to recite from memory. And the Tanna of the School of R. Ishmael taught: Scripture says, 'Write thou these words', implying that 'these' words you may write but you may not write traditional laws! — The answer was given: Perhaps the case is different in regard to a new interpretation. For R. Johanan and Resh Lakish used to peruse the book of Aggadah on Sabbaths and explained [their attitude]

in this manner: [Scripture says:] It is time for the Lord to work, they have made void thy law, explaining this as follows: It is better that one letter of the Torah should be uprooted than that the whole Torah should be forgotten.

### **Babylonian Talmud, Shabbat 156a**

It was recorded in Levi's notebook: I spoke to my teacher, viz., our holy Master...

It was recorded in R. Joshua b. Levi's notebook: He who [is born] on the first day of the week [Sunday] shall be a man without one [thing] in him...

### **Babylonian Talmud, Shabbat 6b**

For Rab said, I found a secret scroll of the school of R. Hiyya wherein it is written, Issi b. Judah said: There are thirty-nine principal labours, but one is liable only [for] one. Yet that is not so...

#### **The Mishnah Metaphor:**

1. Newlywed couple: Wife tells husband what five items to buy from the one grocery store in town. Husband carefully remembers the relatively small list, or writes it down himself to aid his memory.
2. Couple moves to the suburbs where there are multiple grocery stores: Wife tells husband what 10 items to buy from three different grocery stores. Husband spends more time remembering the list, or writes the longer list down himself to aid his memory.
3. Couple, still living in the suburbs with multiple stores, now has 3 children: Wife knows that if she tells her husband which 20 items to buy from the 5 stores, while her kids are screaming in the background, he won't remember the list. So she writes it down for him.
4. Husband goes to the grocery store with the list written by his wife, but comes home with 20 items, half of which are not the correct brand/price/fat content. Husband goes to store from then on with cell phone to confirm each item before purchase.

*Wife: The Mesorah*

*Husband: Bearers of the Mesorah*

*Grocery Store: Schools/locations of Mesorah*

*Items to buy: Size/details of Mesorah*

*Children: Societal disturbance/oppression*

*Cell Phone: Continued oral tradition to maintain the Mesorah*

### III. What did Rabbi Yehudah HaNasi really do?

What happened during the lifetime of Rabbi Yehudah HaNasi that necessitated this drastic change in the tradition? (maybe nothing...)

#### 1. Rambam (Introduction to Mishnah Torah)

Rabbi Yehudah HaNasi actually wrote down the Mishnah

#### 2. Rashi (Bava Metziah 33a), Tosaphot (Megillah 32a)

Rabbi Yehudah HaNasi completed the organization of the Mishnah

#### Shaarei Teshuva 1:20 (Collection of responsa from Geonim)

You should know that from the days of Moshe Rabbeinu to Hillel haZaken there were six hundred orders of the Mishnah that were given by G-d to Moses as Sinai. From Hillel onwards the world became impoverished and diminished and the glory of the Torah weakened, and from Hillel and Shammai they produced no more than six orders.

#### Tosephta, Edyot 1:1

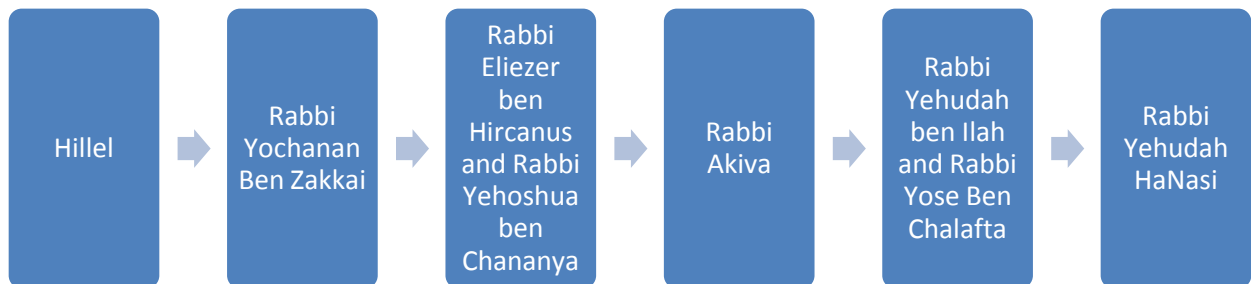
When the sages went to Kerem beYavneh they said, a time will come when a man will seek a matter from the words of the Torah and not find it, from the words of the scribes and not find it... No one thing of the Torah will be like the other. They therefore said, let us begin from Hillel and Shamai.

#### Babylonian Talmud, Sanhedrin 86a

Whenever an anonymous opinion is stated in the Mishnah it is that of Rabbi Meir, in the Tosephta that of Rabbi Nechemia, in the Sifra that of Rabbi Yehudah, and in the Seifrei that of Rabbi Shimon – and they all follow Rabbi Akiva.

#### Kohelet Rabbah, 1:10

Rabbi Yehudah Hanasi was born on the day that Rabbi Akiva died.



#### IV. Midrash and Mishnah

From the time of the Tannaim, perhaps earlier, there were two ways of learning Torah – Midrash and Mishnah.

Let's compare the two styles to see the difference:

##### What the Torah says...

##### דברים פרק ו

(ז) וְשִׁנְנֶתֶם לְבָנֵיכֶם וְדִבַּרְתֶּם בָּם בְּשִׁבְתְּכֶם בְּבֵיתְכֶם וּבְלִכְתְּכֶם בְּדֶרֶךְ וּבְשֹׁכְבְּכֶם וּבְקוּמְכֶם:

Teach them thoroughly to your children and speak of them while you sit in your home, while you walk on the way, when you lie down and when you arise.

##### How it is written in the Midrash...

##### ספרי דברים פרשת ואתחנן פיסקא לד

ובשכבך, יכול אפילו שכב בחצי היום תלמוד לומר ובקומך, יכול אפילו עמד בחצי הלילה תלמוד לומר בשבתך בביתך ובלכתך בדרך, דרך ארץ דברה תורה. וכבר היה רבי ישמעאל מוטה ודורש ורבי אלעזר בן עזריה זקוף, הגיע זמן קריית שמע נזקף רבי ישמעאל והטה רבי אלעזר בן עזריה, אמר לו רבי ישמעאל, מה זה אלעזר, אמר לו, ישמעאל אחי, אמרו לאחד, מפני מה זקנך מגודל, אמר להם יהי כנגד המשחיתים, אמר לו, אתה הטיתה כדברי בית שמיי ואני נזקפתי כדברי בית הלל. דבר אחר שלא יקבע הדבר חובה שבית שמיי אומרים בערב כל אדם יטו ויקראו ובבוקר יעמדו סליק פיסקא

##### Sifre Devarim

“And when you lie down” – This could mean even if lie down half way through the day, so the Torah teaches us, “and when you wake up.” This could mean even if you stay awake half the night, so the Torah teaches us, “while you sit in your home and when you go on your way,” the Torah spoke in terms of what most people do. Already, Rabbi Yishmael was lying down and learning, and Rabbi Elazar ben Azaria was standing upright. The time for reciting the Shema approached so Rabbi Yishmael stood up and Rabbi Elazar lay down. Rabbi Yishmael said to Rabbi Elazar, “what are you doing?” Rabbi Elazar responded, “why is your beard so long?” He responded back to him, “You laid down in accordance with the opinion of Beit Shamai, and I stood up in accordance with the opinion of Beit Hillel.

##### How it is written in the Mishnah...

##### משנה מסכת ברכות פרק א משנה א

[א] מאימתי קורין את שמע בערבית משעה שהכהנים נכנסים לאכול בתרומתן עד סוף האשמורה הראשונה דברי ר' אליעזר וחכמים אומרים עד חצות רבן גמליאל אומר עד שיעלה עמוד השחר [ב] מעשה שבאו בניו מבית המשתה אמרו לו לא קרינו את שמע אמר להם אם לא עלה עמוד השחר חייבין אתם לקרות [ג] ולא זו בלבד אלא כל מה שאמרו חכמים עד חצות מצותן עד שיעלה עמוד השחר הקטר חלבים ואברים מצותן עד שיעלה עמוד השחר וכל הנאכלין ליום אחד מצותן עד שיעלה עמוד השחר [ד] אם כן למה אמרו חכמים עד חצות כדי להרחיק אדם מן העבירה :

### Mishnah Berachot 1:1

From what time may one read the evening Shema? From the time that the kohanim enter to eat their terumah until then end of the first watch, these are the words of Rabbi Eleazer. And the Sages say until midnight. Rabbi Gamliel said until dawn. There was an incident wherein Rabbi Gamliel's sons came home from a party late at night, and they had not yet recited the Shema. They told him, "we have not yet recited the Shema." He responded to them, "if it is not yet dawn you are still obligated to recite the Shema." And not only that but everytime the Sages proscribed midnight as the deadline for the performance of a commandment, you really have until dawn - such as with the case of burning the fats on the alter, and any commandment which restricts eating to one day. Why then did the sages state that you should perform the commandment by midnight? To distance a person from potential sin.

### How it is written in the Tosephta...

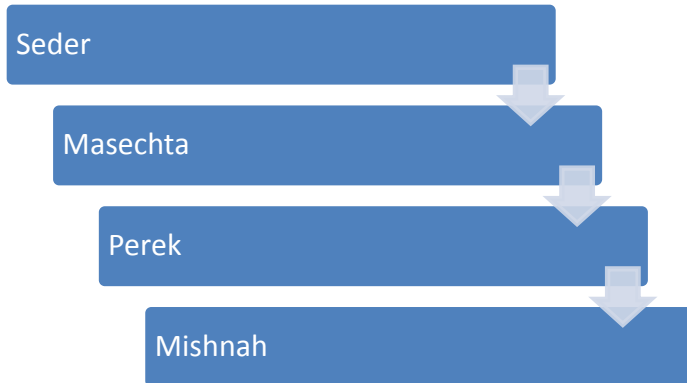
#### תוספתא מסכת ברכות (ליברמן) פרק א

מאמתי קורין את שמע בערבין משעה שבני אדן נכנסין לוכל פיתן בלילי שבתות דברי ר' מאיר וחכמים אומ' משעה שהכהנים זכאין לוכל תרומתן סימן לדבר צאת הכוכבים אע"פ שאין ראייה לדבר זכר לדבר וחצים מחזיקים ברמחים מעלות השחר עד צאת הכוכבים ר' שמעון או' פעמים שאדם קורא אותה שתי פעמים בלילה אחת עד שלא [עלה] עמוד השחר ואחת משעלה עמוד השחר ונמצא יוצא ידי חובתו של יום ושל לילה

### Tosephta Berachot, 1

From what time may one read the evening Shema? From the time that people go into their homes to eat their bread on the Sabbath evening, these are the words of Rabbi Meir. The sages say at the time that the kohanim are able to eat their terumah. A signal for what time this is would be when the stars come out at - even though this is not definite proof, it is a good indicator – "and half of them held the spears." From dawn until when the stars come out, Rabbi Shimon says sometimes a man will recite the Shema twice in one night. First he will recite it before dawn, and once immediately after dawn, and the result will be that he has fulfilled his obligation for both the day and the night.

| Mishnah and Tosephta   | Midrash Halacha  |
|--|--|
| <ul style="list-style-type: none"><li>• Zeraim</li><li>• Moed</li><li>• Nashim</li><li>• Nezikin</li><li>• Kodshim</li><li>• Taharot</li></ul> | <ul style="list-style-type: none"><li>• Mechilta of Rabbi Yishmael (Approach of Rabbi Yishmael)</li><li>• Mechilta of Rabbi Shimon ben Yochai (Approach of Rabbi Akiva)</li><li>• Sifra on Vayikra (Approach of Rabbi Akiva)</li><li>• Sifre on Bamidbar (Approach of Rabbi Yishmael)</li><li>• Sifre Zuta on Bamidbar (Approach of Rabbi Akiva)</li><li>• Midrach Tannaim (Approach of Rabbi Yishmael)</li><li>• Sifre on Devarim (Approach of Rabbi Akiva)</li></ul> |



### The Six Sedarim of the Mishnah and the Masechtot

| <u>Zeraim</u>  | <u>Moed</u>  | <u>Nashim</u>  | <u>Nezikin</u>   | <u>Kodashim</u>   | <u>Tohorot</u>   |
|--|--|--|--|---|--|
| <a href="#">Berakhot</a> · <a href="#">Pe'ah</a> ·<br><a href="#">Demai</a> · <a href="#">Kil'ayim</a> ·<br><a href="#">Shevi'it</a> · <a href="#">Terumot</a> ·<br><a href="#">Ma'aserot</a> ·<br><a href="#">Ma'aser Sheni</a> ·<br><a href="#">Hallah</a> · <a href="#">Orlah</a> ·<br><a href="#">Bikkurim</a> | <a href="#">Shabbat</a> · <a href="#">Eruvin</a> ·<br><a href="#">Pesachim</a> · <a href="#">Shekalim</a> ·<br><a href="#">Yoma</a> · <a href="#">Sukkah</a> ·<br><a href="#">Beitzah</a> ·<br><a href="#">Rosh Hashanah</a> ·<br><a href="#">Ta'anit</a> · <a href="#">Megillah</a> ·<br><a href="#">Mo'ed Katan</a> ·<br><a href="#">Hagigah</a> | <a href="#">Yevamot</a> ·<br><a href="#">Ketubot</a> ·<br><a href="#">Nedarim</a> · <a href="#">Nazir</a> ·<br><a href="#">Sotah</a> · <a href="#">Gittin</a> ·<br><a href="#">Kiddushin</a> | <a href="#">Bava Kamma</a> ·<br><a href="#">Bava Metzia</a> ·<br><a href="#">Bava Batra</a> ·<br><a href="#">Sanhedrin</a> · <a href="#">Makkot</a> ·<br><a href="#">Shevu'ot</a> · <a href="#">Eduyot</a> ·<br><a href="#">Avodah Zarah</a> ·<br><a href="#">Avot</a> · <a href="#">Horayot</a> | <a href="#">Zevachim</a> · <a href="#">Menahot</a> ·<br><a href="#">Hullin</a> · <a href="#">Bekhorot</a> ·<br><a href="#">Arakhin</a> · <a href="#">Temurah</a> ·<br><a href="#">Keritot</a> · <a href="#">Me'ilah</a> ·<br><a href="#">Tamid</a> · <a href="#">Middot</a> ·<br><a href="#">Kinnim</a> | <a href="#">Keilim</a> · <a href="#">Oholot</a> ·<br><a href="#">Nega'im</a> · <a href="#">Parah</a> ·<br><a href="#">Tohorot</a> ·<br><a href="#">Mikva'ot</a> · <a href="#">Niddah</a> ·<br><a href="#">Makhshirin</a> ·<br><a href="#">Zavim</a> ·<br><a href="#">Tevul Yom</a> ·<br><a href="#">Yadayim</a> · <a href="#">Uktzim</a> |