YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Commentaries on the Mishna**

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**Shiur#12: The Commentary of Rav Ovadya of Bartenura Part 2**

In the previous *shiur,* we surveyed the life of Rav Ovadya of Bartenura, saw the important status attributed to his commentary by later commentaries, and clarified the uniqueness of his commentary compared to that of the Rambam. In this *shiur,* we will analyze which sources he draws on in writing his commentary, how he uses these sources, and how this affects his interpretation of various passages in the Mishna.

1. **The Sources for the Commentary and the Methodology of Using Them**

Rav Ovadya uses a number of earlier commentaries when writing his own. He primarily bases his commentary on Rashi’s commentary on the Mishna, which was written as part of his commentary on the Gemara, as well as on the Rambam’s commentary on the Mishna. He occasionally explains the Mishna based on other commentators, such as Rabbi Samson of Sens (Rash), especially when it comes to *Seder Zera’im,* which has no commentary of Rashi or *Tosafot.* There are also quite a few instances where he suggests an original explanation based on logic, or based on the Gemara or the *Talmud Yerushalmi,* even if it is not mentioned in the commentaries that preceded him.

Although Rav Ovadya did often make use of the commentaries that preceded him, it is interesting that he often does not mention them by name, instead just quotes their words or their main idea. Rav Ovadya also does this when citing two dissenting explanations –instead of writing, for example, “Rashi explains… and *Tosafot* explain,” he instead simply writes: “Some explain.” Rav Ovadya often does this even when he is quoting the explanation of the Gemara.

It is also interesting to note that when Rav Ovadya does cite earlier commentaries, he sometimes quotes them almost word for word, and sometimes he rephrases the idea in his own words. In many instances, he begins with a quote from one of the earlier commentaries, but then adds his own explanation briefly.

1. **Examples of the Relationship Between the Commentary of the Bartenura and the Earlier Commentaries**

Here are a number of examples that illustrate the relationship between the commentary of the Bartenura and the commentaries that preceded him.

1. **The Search for *Chametz* (leavened bread)**

The first Mishna of tractate *Pesachim* states the following rule: On the night [literally: *ohr,* the light] of the fourteenth [of Nissan] we search for *chametz* with the light of a candle. Any place where *chametz* is not brought does not require a search. Here is a comparison of the commentaries of Rashi and the Bartenura on this Mishna.

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| **Rashi (*Pesachim* 2a)** | **Bartenura (*Pesachim* 1:1)** |
| The [correct] version of the text is: The night [*ohr*] of the fourteenth.  | The night [*ohr*] of the fourteenth: [This is] the night which precedes the day of the 14th. And the *tanna* refers to the night as “*ohr*” [which literally means light] the same way that one who is blind is referred to as “sufficient light,” which is a euphemism.  |
| We search: So that he should not violate [the prohibition of] not seeing and not finding [*chametz* on Pesach] due to it.  | We search for *chametz*: Some explain the reason for the search is so that he should not violate [the prohibition of] not seeing and not finding [*chametz* on Pesach] if there is *chametz* in his house on Pesach. And even though nullifying [the *chametz*] alone is sufficient, we are concerned that perhaps he will find a nice piece of bread and will retract his nullification, and think about eating it, and he will thus violate the [the prohibition of] not seeing and not finding [*chametz* on Pesach]. Therefore, we search for the *chametz* in order to eradicate it from the world. And some say the reason for the search is a decree that perhaps he will find *chametz* in his home on Pesach and will eat it, since he is not used to being distanced from it the rest of the year.  |
| With the light of the candle: The reason is explained in the Gemara (*Pesachim* 7b).  | With the light of the candle: The Gemara derives that the search for *chametz* must be performed with the light of a candle, since it is stated here (*Shemot* 12), “Leaven shall not be found,” and it is written elsewhere (*Bereshit* 44), “And the goblet was found.” Just as [the term] “found” stated there [*Bereshit*] is through searching, as it is stated, “And he searched… and it was found,” so too the “finding” stated here is through searching. And searching is with a candle, as it is written (*Mishlei* 20), “the candle of God is the soul of a person, that searches out all of the innermost parts.” And they instituted the search at night because that is when all people are in their homes, and the light of the candle is more effective at night than during the day, as “for what is a lamp helpful for in the daytime.” However, if he did not search on the night of the fourteenth and instead searches on the morning of the fourteenth, he must still search with the light of the candle.  |

Concerning the reason for the search, note that the Bartenura cites the commentary of Rashi, though as usual, not by name. However, he subsequently cites another anonymous explanation, that of *Tosafot*,who raises a number of questions on Rashi and offers a different explanation.

Concerning the explanation of the words “the light of the candle,” the two commentaries also differ somewhat: Whereas Rashi simply writes “the reason is explained in the Gemara,” the Bartenura quotes the Gemara at length. This difference appears in many other places as well, and stems from the fundamental difference between the commentary of Rashi and that of the Bartenura: Since Rashi wrote a commentary on the Gemara, and only explains the Mishna as part of this, Rashi often comments about a Mishna, “it is explained in the Gemara,” or a similar formulation. This is because one who is studying the Mishna printed in the Gemara will presumably learn the Gemara as well. However, the Bartenura viewed his commentary as a standalone commentary on the Mishna, and he therefore does not simply omit the explanation of a clause in the Mishna.

1. **The Separation of the High Priest Seven Days Prior to Yom Kippur**

The first Mishna in tractate *Yoma* establishes that seven days prior to Yom Kippur, the High Priest is separated from his house, and then explains what the High Priest does during those seven days.

All seven days he sprinkles the blood [of the daily offerings], and burns the incense, and cleans the lamps [of the *Menora*], and offers the head and the hind leg [of the daily offerings]. And on all of the other days, if he wishes to sacrifice, he may sacrifice. As the High Priest has the first right to sacrifice any portion [i.e., sacrifice], and he has the first right to take a portion [of the sacrifice given to the priests]. (Mishna *Yoma* 1:2)

The Bartenura explains this Mishna by quoting Rashi nearly word for word, with two exceptions, as is evident from the following comparison:

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| **Rashi (*Yoma* 14a)** | **Bartenura (*Yoma* 1:2)** |
| He sprinkles the blood: Of the Daily offerings, in order to be accustomed to and prepared for the service of Yom Kippur.  |  He sprinkles the blood: Of the Daily offerings, in order to be accustomed to the service [of Yom Kippur]. |
| And clean the lamps: He removes the ashes of the wicks that were extinguished. And likewise, each morning he cleans them out, as it is stated, “Each morning, when he cleans out the candles.” And each day, incense is burnt in the Sanctuary, half in the morning, and half in the afternoon. |  And clean the lamps: He removes the ashes of the wicks that were extinguished. |
| And all the other days: If he wishes to clean out and sacrifice any offering that he wishes, he may sacrifice, and the priestly watch cannot prevent him from doing so. | And all the other days: If he wishes to sacrifice any offering that he wishes, he may sacrifice, and the members of the priestly watch [on duty] cannot prevent him from doing so.  |
| The first right to sacrifice any portion: He has the first right to burn and to sacrifice any portion that he chooses. | The first right to sacrifice any portion: He has the first right to sacrifice any portion that he chooses. |
|  | And this applies to items consecrated for [use] upon the altar, but for items [that may be eaten outside] of the boundaries [of the Temple] whether a High Priest or an ordinary priest, they divide it equally. |

The majority of the Bartenura’s commentary here is based upon Rashi’s. However, two differences are worth pointing out. First, whereas Rashi takes the opportunity to clarify that every day, the Menora is cleaned out and the incense is burned, the Bartenura skips this paragraph. In addition, at the end of this section, the Bartenura details the statement of the Mishna about the High Priest having the first right to sacrifice to animals offered as sacrifices. This statement is actually taken almost word for word from the Rambam’s commentary on the Mishna: “When does this apply? [It applies to] items consecrated [for use] in the Temple [to be offered upon the altar], but with regard to offerings [that may be eaten outside] of the boundaries [of the Temple], both the High Priest and an ordinary priest divide it equally.” Accordingly, the Bartenura primarily follows Rashi’s explanation of this Mishna, but also draws part of his explanation from the Rambam.

1. **Harvesting Unripe Grain to be Used for Animal Fodder**

The Mishna (*Pe’ah* 2:1) discusses the parameters for when one field has the halakhic status of two distinct fields for the purposes of the laws of *pe’ah,* the mitzva of leaving the produce in the corner of one’s field for the poor to take. The end of the Mishna records the following dispute: “And one who harvests unripe grain (to be used for animal fodder), separates [*pe’ah*], this is the statement of Rabbi Meir; and the Rabbis say: He does not separate [*pe’ah*], unless he plowed.”

In the comparison below, the Bartenura’s commentary on this Mishna is compared with that of R. Samson of Sens, the Rash, which we discussed at length in *shiur* 3.

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| **Bartenura** | **Rash** |
| “And one who harvests unripe grain separates: As he holds that any [grain to be used] for fodder is not [considered] harvesting, as it is not considered the beginning of harvesting.  | “And one who harvests unripe grain separates: He holds that any [grain to be used] for fodder is not [considered] harvesting, as it is not considered the beginning of harvesting. |
| Fodder: Grain that has not yet reached a third of its growth, and it is harvested to feed to animals. And the halakha is not in accordance with Rabbi Meir.  | And in the chapter “Rabbi Yishmael” in [tractate] *Menachot* (71b) it clarifies whether this refers to where it has reached a third of its growth or it has not yet reached a third of its growth.  |

At the beginning of his commentary, the Bartenura quotes the explanation of the Rash almost word for word, again without mentioning him by name. However, he then alters a number of points. First, whereas the Rash refers to tractate *Menachot* to illustrate that there is a dispute whether the fodder here is defined as grain that has reached one third of its growth or not, the Bartenura establishes that it refers specifically to grain that has not yet reached one third of its growth. Second, the Bartenura adds that “unripe grain” [*shachat*] is defined as grain that was harvested with the intention of feeding it to animals.[[1]](#footnote-1) Finally, he also establishes which opinion the halakha follows in practice.

1. **Considerations in Choosing the Source of the Commentary**

Are there specific criteria which guide Rav Ovadya in choosing which explanation to follow in each instance? What prompted him to explain, for instance, in one particular Mishna in accordance with the explanation of Rashi, and not that of the Rambam? Does it depend solely on his opinion of the best explanation for the Mishna at hand, or are there also additional considerations that prompted him to choose one commentary over the other?

By looking at a wide range of examples and examining his motivations in each case for choosing the explanation that he did, it seems that the Bartenura generally explains the Mishna in accordance with Rashi. If Rashi explains the sections of the Mishna in a certain manner, and the Bartenura can quote this, he does so. In fact, even when Rashi doesn’t comment on the majority of that Mishna, instead relying on the explanation of the Gemara, the Bartenura still quotes Rashi on the passages that he does comment on, even though he must resort to other sources to explain the other passages. One example of this can be found in the Mishna (*Berakhot* 4:1) that discusses the proper time for the three daily prayers:

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

Rashi only explains a few sections of this Mishna. The Bartenura, on the other hand, generally tries to explain the entire Mishna, as we have seen. Therefore, in this case he is compelled to make use of other sources in order to explain the sections that Rashi did not. However, with regard to the sections that Rashi does explain, the Bartenura quotes his commentary.

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| **Rashi (*Berakhot* 26a)** | **Bartenura (*Berakhot* 4:1)** |
|  | The morning prayer [may be recited] until midday: Because the morning Daily Offering was offered [in the Temple] until midday according to the opinion of the Rabbis, and according to Rabbi Yehuda, it may only be offered until four hours into the day… |
| Until the evening: Until nightfall.  |  The afternoon prayer is until the evening: Until night falls.  |
| Until half of *mincha*: It is explained in the Gemara.  | Until half of *mincha*: [Half of] the time of *Mincha Ketana* (literally: the smaller *mincha*), [which] is from nine and a half hours until the night…[[2]](#footnote-2)  |
| Has no set time: The entire night is its time, and in the Gemara the phrase “it has no set time” is explained.  | Has no set time: Its time is the entire night. And that which it teaches “It has no set time,” and it does not state: “Its time is the entire night,” is to teach us that the evening prayer is optional, since it corresponds to the offering of the limbs and fats that were offered all night [on the altar], and these are optional. As once the blood has been sprinkled, the offering has been accepted, even though the limbs and fats were rendered impure or lost. However, nowadays, they [the Jewish people] have accepted it [the evening prayer] upon themselves.  |

The impression from the above is that the Bartenura elaborates in order to fully explain the Mishna, but if possible, he simply suffices with quoting Rashi.

1. **Halakhic Rulings**

The *Noda Bi-yehuda* (*Tanyana* E.H. 114) claims that the commentary of the Bartenura is not considered a halakhic work:

However, Rav [Ovadya] of Bartenura did not author his work primarily to rule [on halakhic matters], but to explain, and he is [thus] a commentary and not a halakhic authority. And although he is very great, nevertheless, do not be surprised if he was not very precise with his words, and wrote something that is not accepted according to the halakha. (*Noda Bi-yehuda, Tanyana* E.H. 114)

However, this claim of the *Noda Bi-yehuda* must be qualified somewhat. First, the Bartenura is quite careful throughout his commentary to state which opinion the halakha follows if the Mishna presents a Tannaitic dispute. In fact, he sometimes notes that the halakha does not follow the opinion followed in the Mishna at all.[[3]](#footnote-3) Professor Eliav Shochetman[[4]](#footnote-4) writes that based upon his own examinations, he believes that the Bartenura always rules in accordance with the Rambam. Second, as the *Tosefot Yom Tov* notes (to *Pe’ah* 2:2),[[5]](#footnote-5) while Rashi sometimes explains the Mishna according to the initial understanding of the Gemara, so that the questions of the Gemara are clear, the Bartenura generally interprets the Mishna based on the Gemara’s conclusion.

It seems, then, that on one hand Rav Ovadya of Bartenura did not view his commentary as a bona fide halakhic work, unlike the Rambam, for example, who did perceive his own commentary as one. On the other hand, it was nevertheless important to him to state which opinion the halakha follows, and not to suffice with simply explaining the concepts in the Mishna.

Translated by Rav Eli Ozarowski

1. See the glosses of Rabbi Akiva Eiger to the Mishna there as well as the commentary of the *Tiferet Yisrael* there. [↑](#footnote-ref-1)
2. The Gemara (*Berakhot* 26b) explains that the afternoon is divided into two sections, the second of which is called *mincha ketana*. The Bartenura is defining (based on the Gemara) the time that is referred to by this term, and explaining that the term “half of *Mincha*” in the Mishna refers to the midpoint of *mincha ketana*. [↑](#footnote-ref-2)
3. See, e.g., the first Mishna in tractate *Gittin.* [↑](#footnote-ref-3)
4. Eliav Shochetman, *“R. Ovadya of Bartenura—Commentary or Halakhic Authority?” Pe’amim* 37 (5748), p.3-23. [↑](#footnote-ref-4)
5. The following is the language of the *Tosefot Yom Tov*: “Now the explanation of the Bartenura works well with the initial understanding of the *Yerushalmi,* but this is not his style, and not the style of any commentary [that explains] according to the halakha. As although it is Rashi’s style in many places to explain the Mishna in accordance with the initial understanding of the Gemara, that is because his style is in accordance with the order of the Mishna in the Gemara, and it is appropriate to understand the Mishna like the initial understanding before arriving at the conclusion of the Gemara. However, the commentary of the Bartenura is on the order of the Mishna without the Gemara, so it is appropriate and correct that he explains it in accordance with the conclusion of the passage.” [↑](#footnote-ref-5)