

APPENDIX A.

(EXPLANATORY OF THE FIRST MISHNA--PAGE [1](#).)

THIS Mishna we have explained in a different manner from that employed by the Amoraim, in our monthly periodical *Barqai* (in the note on p. 17); and as this explanation has been approved by many eminent scholars, we translate it here for the English public. The explanation quoted was in reply to the attempt of the learned Mr. Buhock of Cherson to interpret this Mishna, in an article printed in the same publication.

After a short preface reviewing the statement of Buhock, the note in question reads:

But before we endeavor to explain this Mishna according to its literal meaning, we will preface that on two points we cannot agree with the learned writer of this article, while on a third we can do so only partially:

(1) That the word "Or," which the Tanaim have used in many Mishnas and Boraithas, signifies "twilight," when there is still some light lingering. Aside from the fact that reason does not admit of this interpretation, we have against it R. Eliezer b. Jacob, who fixes the time from "Or" as that when work is prohibited, and that is only dawn, or sunrise, as the sages of the Gemara also admit; and we must say that he used in his decision a word the meaning of which was known to the whole world, as his colleague designates the "time after sunrise" by a term so well known that it is not subject to doubts. Then, as we see that all the sages understood "Or" to mean daybreak, we need not go out of our way to give to it another meaning. And inasmuch as we are aware that the Tana desired to fix the time so that all should know it, why should he, in such a case, have used

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an obscure expression, the meaning of which would be subsequently a matter of dispute?

(2) That when our Mishna used the expression "the Chometz," instead of "Chometz," it refers to the Chometz mentioned in Scripture. But concerning the Sukka, the Tana has not made it known beforehand that it is obligatory to sit in a Sukka on certain days; and similarly of the Lulab and the citron. And notwithstanding this, he begins, "A Sukka which is high," etc., and not "*the* Sukka," doubtless resting upon the presumption that the scriptural law is known. Therefore we must find another leaven which was known at that time, distinct from the leaven of the Bible, and which was searched for; for of biblical leaven this Tana says further: "The place where *leaven* is not brought," not "*the* leaven."

(3) Concerning Mr. Buhock's statement, that when the Tana speaks of the usage in his time to search for leaven, he also fixed the time and quoted the Halakha ordaining that it be accomplished by the light of a candle, we can only agree with the first half of the statement, viz.,

that the Tana speaks of the usage. But we deny that it was his purpose to fix the time and quote Halakhas in question; for in that case he would also have specified the time *until* when the search should be made, in the beginning of the Mishna, as he did in specifying the time of reading Shema, of which he says in the very beginning, "from this time to this time." And if we should say that he wished to fix the time of search immediately after a man's coming from the field or from work, so that the duty should not be forgotten, in that case he had also to specify the time of ending it, similar to his treatment of Shema, which was also fixed when one comes from the field, in order that it should not be forgotten, as it is said in Berachoth: "That he should not say, 'I will eat first, will drink first,' etc., and is then found sleeping the whole night." Nevertheless, they fixed times, one till the end of the first watch, one till midnight, and one till dawn, in the very same place where the time of the beginning is specified. But here, at the end of the Mishna even, he does not fix any time for stopping, as will be explained further on. Therefore we must seek another manner of explaining this Mishna, and in the same connection express our opinion about all the Mishnayoth which begin with diverse Halakhas before stating the source and obligatoriness of these Halakhas. We will proceed to do this after one other prefatory remark, viz., that our sages have long ago permitted us to

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interpret the Mishna in a manner different from the sages of the Gemara; that is to say, not to be at variance with the Halakhas which are decided in the Gemara, but only in the interpretation of the meaning of the Mishna, which the Babylonians did not always understand, owing to their remoteness in place and time. (See A. H. Weiss, Vol. III., p. 17, etc., and "He'halutz," V., p. 33; and also Tospath Yom Tob, Tract Nazir, V., 5.) And sometimes even when they understood it, seeing that it would not agree with the Halakha which was customary, or even with the saying of a certain great Amora with whom they could not differ, they strained the Mishna, discovered it in different readings, and made strange comment, to make it correspond with the customary Halakha or the opinion of the Amora. Therefore they made deductions and additions at their pleasure. And now, without touching on the Halakhas concerning the search of leaven, we will investigate the origin of this usage in the times of the Mishna.

The custom was in the East in former days, as well as at the present time, to eat fresh bread every day; and in every household bread was baked daily (for bread of bakers was rare, and the populace scarcely used it). And on the day before Passover, when the first meal, *i.e.*, of leavened bread, had to be taken in the morning not later than the fourth hour (*i.e.*, 10 A.M.), they baked their bread in good time, before daybreak, and after this they searched for any leaven that might have been left, gathered it to one place, and cleared the house of it; and as dawn had not yet illuminated the house, they used a candle to make search in all those places where they were liable to carry leaven. The Tana of our Mishna, who everywhere used as a support the custom well known in his time, without beginning to relate the *law* anew (of which the best proof is the mention of the Lulab, as he begins the Halakha, "A purloined Lulab is invalid," before he has stated that the palm-boughs mentioned in the Bible are equivalent to the Lulab; and if he did not make reference to the custom known to all in his time, he should have declared what the palm-branches meant), stated, here also, this custom as follows: "'Or' (at daybreak) on the fourteenth, search is made (by the women) for the leaven (which they are at the time using), by candle-light (that it may be transferred to other places before the sun illuminates the house)." And he approves the custom by saying: "A place where leaven is not carried does not require searching"; that is to say, this custom is proof that

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leaven need not be searched for in other places, and at other times.

"Beth Shammai say, 'also two rows (of barrels) ranging across the whole cellar' (the women searched for leaven in, because they were accustomed to go there with hands fresh from kneading leavened dough to fetch the yeast obtained from the wine for baking); but Beth Hillel say, 'only the upper row of the two outer rows' (they made search in, because only from those rows did they fetch the yeast, but not from all barrels of the cellar). (And) it is not apprehended that a weasel had transferred it from one spot to another, and from one house to another; for if so, then it will be feared, from court to court, etc. R. Jehudah says: Search was made at daybreak on the 14th, and on the morning, and at the time of clearing (*i.e.*, when the bread is baked, when it is eaten, and when it is burned), and the sages say: If search has not been made at daybreak on the 14th, it is made on the 14th (*i.e.*, in the morning); if not on the 14th, it is done on the intermediate days; if not on these days, it may be done after the festival (that is to say, the men are under no particular obligation, and have no particular time prescribed for them, to make search for the leaven, and it is not feared lest they forget, for even if that occur, they lose nothing)."

This was the form of the Mishna which the arranger of the Mishnas had before him, or had heard orally, and he was not anxious to explain its meaning, as in his time also the custom had not yet undergone any change. But some copyist, who did not understand the relevancy of the cellar to the leaven, added at the margin: "Why were the two rows of barrels in a cellar mentioned? That is a place whither leaven is carried." Later this marginal note was inserted into the text of the Mishna. The sages of the Gemara, truly, were not satisfied with this remark, and put the question: "Who spoke here of a cellar?" For they thought that this Mishna stated the Halakha, and therefore were anxious to ascertain the meaning of the word "Or." R. Huna explained it to mean "Nog'hi" ("light," in Aramaic), *i.e.*, the beginning of the day; and R. Jehudah "before daybreak," as in the language of his part of the country it designated the time before daybreak, when it is yet night. The other also reasoned, and said: "At the first glance, it seems 'Nog'hi' means 'light,'" etc.; and as it was perplexing to their minds why candle-light was needed for the search, they sought for reasons in Scripture, and used passages thereof in support off

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their opinions, arguments from analogies of expression, etc.. etc., which did not enter the Tana's mind at all.

And it is manifest that in all the Boraitoth in which the word "Or" was used, it means "dawn," which was the latest time for all duties to be performed in the night. Even in the Boraitha in Yoma, stating: "'Or' on the Day of Atonement the prayer should be so and so," etc., the word is also used to designate the whole night till the break of day, during which the prayer is yet called "prayer of the evening but that after daybreak is called "morning prayer."

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