YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Commentaries on the Mishna**

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**Shiur#04: The Commentary of the Rambam on the Mishna (Part 1)**

1. **Introduction**

The Commentary on the Mishna was the first work published by the Rambam.[[1]](#footnote-1) According to his own testimony, he began writing it at the age of 23, and concluded it seven years later at the age of 30:

What I tasked myself with is no small [matter], and its execution is not simple for someone with a sense of honesty and discernment. [This is] especially [true] because my mind is often occupied with the needs of the time, and with the exile and wandering in the world from one end of the heavens to the other that God has decreed upon us. Perhaps we have already received reward for this exile, as exile atones for sin. He, the exalted One, knows that I have written the explanation of some laws while I was traveling by land, and others I wrote while at sea on the Mediterranean, and this alone is sufficient [to be a large burden upon me], in addition to investigating other [secular] fields of knowledge.

I have only described the situation to express my regret for what [errors] may be revealed by a discerning critic. It is inappropriate to blame him for his critique; rather he receives reward for it from God, and he is beloved to me, as it is a labor for God. And what I have just described about my condition while I was writing this work is the reason that it took me so long. I, Moshe, son of R. Maimon the judge […] began to write this commentary when I was 23 years old, and I completed it in Egypt at the age of 30, in the year 1479 as dated by formal documents [*shetarot*].[[2]](#footnote-2) (Rambam’s Commentary on the Mishna, *Uktzin* 3:12)

According to this description, the Rambam’s commentary was written under difficult conditions while his family was journeying from Spain to Egypt. The Rambam therefore requests the reader’s consideration should he find an error in the work. He also explains the reason that so much time was necessary to complete the work. Obviously, this description only emphasizes the greatness of the Rambam, who composed such a significant and impressive work from scratch at a young age under such difficult conditions.

The Rambam’s ability to compose such a novel work under difficult conditions is also evident from his comments regarding his *Moreh Nevukhim*, the Guide to the Perplexed. While according to his testimony he composed the *Mishneh Torah* while receiving support from his brother over the span of ten years in comfortable conditions,[[3]](#footnote-3) the *Moreh Nevukhim* was written following the death of his brother. At this point, the Rambam was compelled to support himself by serving as a senior physician for the Egyptian sultan. The Rambam describes his difficult work and the resulting lack of time for studying and for writing, other than late at night, in a letter to his student Yosef ben Yehuda:[[4]](#footnote-4)

I am hereby informing you that I received great publicity in the realm of medicine from great individuals, such as the head of the judges, the emirs, the house of Al Fadhil, and also from the heads of the land… and this causes me the loss of entire days while in Cairo visiting the sick… and thus there is no time to study any matter of Torah, and I only [am able to] learn on Shabbat…

It is indeed amazing that he wrote the *Moreh Nevukhim* under these conditions.

Returning to the Rambam’s Commentary on the Mishna, the Rambam initially wrote this commentary in Arabic. The task of translating it into Hebrew began in his lifetime, but complete translations were only published many years after his death at the behest of the Rashba.[[5]](#footnote-5) Although he completed the commentary at the age of 30, the Rambam does note in a number of places that he modified it over the years, a topic that we will discuss in detail in later *shiurim*.

1. **The Rambam’s Motivation in Composing the Commentary**

The first issue that needs to be addressed about this work is the Rambam’s motive for writing it. The Talmud is the accepted and most relied-upon explanation for the Mishna; what need is there for another commentary that essentially renders the Mishna into an independent work? This question is magnified when comparing the work of the Rambam with the publications of his predecessors, which as we saw in the previous *shiur*, were not continuous or comprehensive. The Rambam addresses this question in his introduction to the commentary on the Mishna:

I saw that if this work encompassed the entire Mishna, as was the intention, as we will explain, there would be four major benefits:

1. We would publicize the correct explanation of the Mishna. If you ask one of the greatest *ge’onim* about the explanation of a halakha from a Mishna, he will unable to tell you anything about it, unless he remembers a relevant passage in the Gemara by heart and it is impossible for any person to remember the entire Talmud by heart. [This is true] especially because one halakha in the Mishna can be explained over four or five pages [of Gemara], as it moves from one topic to another, together with proofs, questions, and answers. This structure makes it impossible for someone who is not an expert at analysis to extract the correct interpretation of the Mishna [from the Gemara]. This is all [true] if the halakha is one of those whose explanation and halakhic ruling are spread out among many tractates.

2. We would publicize the halakhic rulings, where together with the explanation of each halakha I inform you of the practical halakha.

3. [This commentary] should serve as an introduction for one beginning to study Talmud in depth. He will learn the manner of deriving conclusions, and he will be as one who has already studied the Talmud, and this will assist him [in studying] the entire Talmud.

4. It will serve as a reminder to one who already has learned it, so that everything he has learned will be available before him, and he will remember it by heart. (Introduction of the Rambam to the Commentary on the Mishna)

As is evident from this comment, the Rambam lists four reasons for writing his Commentary on the Mishna:

1. There was a need for a work that would cite the conclusions of the Talmudic *sugya* and skip the elaborate discussion stage. It is impossible to remember the entire Talmud by heart; therefore, it is difficult to understand and explain the Mishna properly.

2. It will issue definitive halakhic rulings.

3. The Commentary on the Mishna will serve as an introduction to other topics, and establish principles to be used in additional analysis throughout the study of the Talmud*.*

4. The commentary will serve as a summary of the Gemara.

These reasons seem quite convincing. However, we must wonder why the Rambam was the first one to author such a work. Shouldn’t one of the earlier commentators have felt the need to do so? Apparently, the Rambam’s commentary was nevertheless considered a novelty. Let’s explain why by focusing on the first two reasons given: That it is possible to properly explain the Mishna based on the conclusions of the Gemara, and that it will be easy to establish the practical halakha. In other words, it seems that the Rambam views his book as a type of replacement for the study of Gemara. With the advent of his work, it will no longer be necessary to study the entire back and forth discussion in the Gemara in order to issue halakhic rulings. Rather, studying the commentary will be sufficient.

In many instances, the Rambam in fact comments that he is skipping the Talmudic discourse because this is not “the goal of the work.” This is why he writes (Commentary on the Mishna, *Zevachim* 7:1): “Each one [opinion] has a response to the claim of the other, and it is not in the purview of our task to cite their reasons.” These words are reminiscent of the following comment in his introduction to the *Mishneh Torah*, which was composed in the fourth decade of his life:

In this time, additional suffering has befallen us, and the hour has pressed everyone, and the wisdom of our Sages has been lost, and the insight of our astute ones has been concealed. Therefore, those explanations, *halakhot*, and responsa authored by the *Ge’onim* who felt they were comprehensible are difficult for us, and no one understands most of their content properly. And [this is] certainly [true with regard to] the Babylonian Talmud, the Jerusalem Talmud, the *Sifra*, *Sifrei*, and the Tosefta, which require a wide range of knowledge, a wise soul, and much time. And then a person will know the proper path with regard to permitted and forbidden matters, and the other laws of the Torah.

And for this reason, I, Moshe son of Maimon the *Sefardi*, relied on God, blessed is He, and examined all the books, and sought to author ideas that are clear from these works regarding the [laws of] permissible and forbidden, pure and impure, together with all other laws of the Torah. All of them are written in a clear style and in a concise form so that the oral law will be entirely known by all, without any questions or answers. Rather, [I write] clear statements close to the truth, which exist in those works written from the days of Rabbi Yehuda Ha-nasi until now. [This will enable] all of the laws pertaining to each [biblical] mitzva and all matters instituted by the Sages and prophets to be revealed to young and old.

The principle of the matter is that [I wrote this work] so a person does not need any other work about any particular matter of Jewish law. Rather, this book will serve as a compilation of the entire Oral Law, including enactments, customs, and decrees that were established from the days of Moshe our teacher through the Gemara, just as the *Ge’onim* have explained in all of their works written following the Gemara. Therefore, I have called the name of this work *Mishneh Torah.* This is because when a person reads the Written Torah first, and then reads this [work], he knows all of the Oral Torah from it, and does not need to read any other additional work. (Rambam, Introduction to the *Mishneh Torah*)

Here too, the Rambam notes the fact that it is quite difficult to learn the entire Talmud and arrive at the proper halakhic conclusions. Therefore, he authored a work that “does not need any other work with regard to any matter of Jewish law; because when a person reads the Written Torah first, and then reads this [work], he knows all of the Oral Torah from it, and does not need to read any other additional work.” Rambam’s claim here is certainly a tremendous novelty, and the Ra’avad attacks him vociferously for making it.

It should be noted that despite the partial similarity between the goals of Rambam’s Commentary on the Mishna and those of the *Mishneh Torah*, a major difference exists between them. The Rambam himself addresses this difference in his introduction to the *Sefer Ha-mitzvot*, which he authored as the first stage in the writing of the *Mishneh Torah*:

The famous work which included the explanation of the entire Mishna preceded this, and our intention in that work was to shorten the explanation of each halakha in the Mishna, not to completely explain all laws related to each [biblical] mitzva, and [not] to bring everything necessary of the [laws] of forbidden and permitted, [rules of who is] liable and exempt, as is evident to one who examines that work. Therefore, I saw the need to compose a work to include all of the laws of the Torah where nothing is lacking. I will do as is my practice, omitting disputes or other rejected statements, and only citing authoritative halakhic [statements], and the work will include all of the laws of the Torah of Moshe our teacher, [both] those necessary for the time of exile, and those unnecessary [for this time]. (Introduction of Rambam to the *Sefer Ha-mitzvot*)

The Rambam notes in the previous passage that since his goal in the Commentary on the Mishna was to explain the Mishna, he focused mainly on those issues discussed in the Mishna, and did not summarize the entire Oral Torah, which was in fact the intended goal of the *Mishneh Torah.* The Rambam writes this explicitly as well in his commentary on the Mishna:

However, [regarding] the laws of *tzitzit*, *tefillin,* and *mezuzot*, the process of forming them, their blessings, other related laws, and the issues that arise with regard to them, it is not the goal of our work to discuss this. [The reason for this is] that we explain [the Mishna in this work], and the Mishna did not establish specific rulings for these *mitzvot* that include all of their laws that we would explain. The reason for this, in my opinion, is because they were known at the time of the compilation of the Mishna, and they were publicized and well known by [both] the masses and the outstanding ones, and were not forgotten by anyone. Therefore, there was no need for these matters [to be written] in it [i.e., the Mishna] in his [Rabbi Yehuda Ha-nasi’s] opinion, just as he did not establish the order of the Tefilla, i.e., its text, or the process of appointing a *chazzan* [in the Mishna], since these were well-known, as he did not author a *siddur,* but rather a legal book. (Rambam, Commentary on the Mishna, *Menachot* 4:1)

The Rambam explains here that he does not elaborate on the laws of *tzitzit,* *tefillin*, and *mezuza* because his work is a commentary on the Mishna. Therefore, he is limited to discussing the text of the Mishna, which did not elaborate on the details of these *mitzvot*. The Rambam also explains that Rabbi Yehuda Ha-nasi himself did not list every law in the Mishna because it was unnecessary to delineate laws that were already well known in the Mishna.

Another issue that is worthwhile to raise in this context is whether the Rambam had already intended to write the *Mishneh Torah* at the time that he wrote the Commentary on the Mishna. Professor Isadore Twersky[[6]](#footnote-6) claims that he did, and the Commentary on the Mishna was intended to serve as the first stage in the greater project of the *Mishneh Torah*. However, Rabbi Nachum Rabinovitch[[7]](#footnote-7) disputes this claim. In his opinion, the *Mishneh Torah* renders the Commentary on the Mishna somewhat unnecessary. Therefore, he claims that it is likely the Rambam initially planned to summarize the Oral Torah using the Commentary on the Mishna, and only later decided that a greater work on the scale of the *Mishneh Torah* was necessary.

Now that we understand the Rambam’s motives for writing the Commentary on the Mishna, we are ready to examine a number of examples demonstrating how the Rambam applied these principles in practice in his commentary, which we will address in the upcoming *shiur*.

1. The Rambam himself attests to the existence of other works written by him that were not published. For instance, in the introduction to the Commentary on the Mishna (Kapach edition, p. 25), he mentions a work he composed on three of the *sedarim* of the Talmud. In addition, in his commentary to tractate *Tamid* (5:1), as well as in a responsum (Shilat edition, p. 652), he mentions his work, “Laws of the *Yerushalmi.*” A brief overview of these works and additional ones attributed to the Rambam can be found by Rav Yitzchak Shilat, *Igrot Ha-Rambam,* p. 19. It is also interesting that in a number of sources from generations following the Rambam, his commentary on the Mishna is referred to as “*Sefer Ha-maor,*” but as Rav Kapach notes, there is no allusion to this name in the writings of the Rambam himself. [↑](#footnote-ref-1)
2. This is equivalent to the year 1168, or 4928 from Creation. See Rambam, *Hilkhot Kiddush Ha-chodesh* 11:16, and the *Ha-maor* edition of the Rambam’s Commentary on the Mishna, p. 790, note #107. [↑](#footnote-ref-2)
3. *Igrot Ha-Rambam*, Shilat edition, p. 230 [↑](#footnote-ref-3)
4. *Igrot Ha-Rambam*, Shilat edition , p. 313 [↑](#footnote-ref-4)
5. For an overview of the translations of the Commentary on the Mishna, see Hanoch Albeck, *Mavo La-Mishna*, p. 238; Rav Yosef Kapach, *Perush Ha-Mishna*, Kapach edition, p. 8. [↑](#footnote-ref-5)
6. See Isadore Twersky, *Introduction to the Code of Maimonides*, New Haven 1980, pp. 7-12. [↑](#footnote-ref-6)
7. Introduction to his commentary on the *Mishneh Torah*, *Yad Peshuta*, Jerusalem 5737 [↑](#footnote-ref-7)