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**Commentaries on the Mishna**

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**Shiur#03: Commentaries on the Mishna during the Period of the *Ge’onim* and the Middle Ages**

1. **Introduction**

We have already noted in [*shiur* #01](http://etzion.org.il/en/tannaitic-commentaries-mishna) that the Rambam’s Commentary on the Mishna was the most significant and comprehensive one written during the Middle Ages. The commentaries that preceded it were much less comprehensive, and their objectives were somewhat different from those of the Rambam as well. In this *shiur*, we will briefly survey some of the important commentaries written during the Middle Ages both prior to the period of the Rambam as well as during the period after his time.

By way of introduction, it is worthwhile to examine the precedent of Mishna study during the Talmudic period. Many *tanna’im* and the Gemaragreatly encouraged the study of Mishna. For example, the Mishna states:

Anyone who is [involved] in [the study of] Scripture, Mishna, and *derekh eretz* will not sin easily. As it is stated: “And the thread of three will not be detached quickly.” And anyone who is not [involved] in Scripture, Mishna, and *derekh eretz* is not of the settlement. (Mishna *Kiddushin*, end of chapter 1)

The well-known mishna in *Pirkei Avot* (1:21) lists the appropriate ages to begin studying the various sections of Torah: “He said: Five years old for scripture, ten years old for Mishna, thirteen for *mitzvot*, fifteen for *Talmud.*”These sources indicate that the study of Mishna was in fact considered an independent area of Torah study.

In an important article, Professor Ya’akov Sussmann[[1]](#footnote-1) notes the way this changed in Babylonia following the Talmudic period. As evidence of this transformation, Sussmann cites the fact that only three complete medieval manuscripts of the Mishna without the commentary of the Rambam remain, all of which were found in southern Italy, indicating their connection to the land of Israel.[[2]](#footnote-2) This is Sussmann’s proof that in Spain, Germany, and France, Mishna was studied independently from Gemara.

Sussmann also cites many other sources from the *Rishonim* that address the proper method of Torah study, all of which mention the Gemara alone. As he notes, many *mishnayot* which had no commentary of the Gemara were simply not studied. One of his citations comes from the Ra’avan (*Siman* 106), who writes: “And I investigated the *mishnayot* in *Kilayim* and I found,” indicating that he was not completely familiar with these texts.

Only in Israel did Mishna continue to be studied as an independent work, to the point that in various manuscripts of the *Talmud Yerushalmi* discovered in the Geniza, the *mishnayot* were not even recorded, presumably because they were known by everyone, and were studied separately. In contrast, the *mishnayot* do appear in all manuscripts of the *Talmud Bavli*, eitherat the beginning of each chapter or divided up over the course of the chapter. It is not surprising, then, that we do not find many commentaries on the Mishna, which evidently was not studied as an independent work. Nevertheless, a number of commentaries on the Mishna were written during the period of the *Ge’onim* and the Middle Ages, and we will discuss the most significant ones below.

1. **Rav Sa’adia Gaon**

The commentary of Rav Sa’adia Gaon on the Mishna appears to be the earliest such commentary written, and may even be the earliest commentary on any work of *Chazal*. During most of the Geonic period, no independent works were written on the Mishna or the Gemara. Instead, the *Ge’onim* generally commented on specific passages of the Gemara in response to halakhic queries addressed to them. There are thousands of responsa of the *Ge’onim* (including from Rav Natronai in the mid-ninth century, and Rav Hai in the beginning of the 11th century) that discuss individual passages from the Gemara. It is generally accepted to ascribe the reason for this phenomenon to the style of learning during that time, which was primarily oral, with the text and explanation being conveyed together. In addition, those studying lived in close proximity to the *yeshivot* of the *Ge’onim*, making written commentaries were generally unnecessary. This idea is already developed by the Meiri in his introduction to *Pirkei Avot*:

They knew the entire Talmud by heart, or close to it. The words of the Torah and the Talmud were entirely familiar to them, like the passage of *Shema* [for us]. Therefore, they did not see a need to write elaborate written works, as the explanation was entirely at their fingertips, and it seemed to them like the writing of a translation of the current material into the spoken dialect. This is the reason they only wrote down a small amount, both with regard to explanations as well as with regard to rulings of halakha. This too was only necessary for their children or relatives who were not included with the other students. They wrote short works to express their opinions, some of which dealt with matters of prohibition, others with civil law, according to the need. (Meiri, introduction to *Avot*).

This style changed noticeably beginning with the writings of Rav Sa’adia Gaon. Rav Sa’adia, also known by his acronym Rasag, penned many different works on topics spanning from scripture (with the perspective of Jewish philosophy) to practical halakha.[[3]](#footnote-3) Among the works he composed was a commentary on the entire Mishna.[[4]](#footnote-4) Although we have not merited to see this work, a number of sources testify to its existence. These testimonies indicate that the work was primarily a philological one which explained difficult words found in the Mishna. However, it seems that it did not explain most matters in the Mishna, relying instead on the Talmudic material. According to some scholars, a number of sections of this commentary have been discovered in the Cairo Geniza.[[5]](#footnote-5) From those fragments, it appears that the work also dealt extensively with the identification of plants, vessels, coins, locations, and the like.

We will mention one example from Rav Sa’adia Ga’on’s commentary on the Mishna discussed by Dr. Uzi Fuchs.[[6]](#footnote-6) The Mishna discusses one who unintentionally brought sacrificial meat outside of Jerusalem, which was forbidden:

Likewise, one who left Jerusalem and remembered that he had sacrificial meat with him; if he passed Tzofim, he burns it in his place, and if not, he returns and burns it in front of the *bira*[[7]](#footnote-7)using the wood of the pyre. (Mishna *Pesachim* 3:8)

Where precisely is Tzofim located? *Tosafot* (*Pesachim* 49a) and other *Rishonim* note that the Tosefta indicates that this includes “any location near Jerusalem from which one can see it,” not a specific place. However, Rashi on the Mishna (49a) explains that it refers to a specific village from which one can see the Temple.

Rav Hai Gaon also interprets this like Rashi, and understands that it refers to a specific location: “It was a place located by the gates of Jerusalem, and perhaps there was a spot there for observers [*tzofim*], and the inhabitants of Eretz Yisrael call it *Ha-tzafit*.” This testimony of Rav Hai Gaon concurs with the records of Josephus, cited by R. Saul Lieberman (*Tosefta Ki-fshuta, Mo’ed,* p. 530), who refers to a location known as Tzafinadjacent to Jerusalem.

As is noted by Fuchs, Rav Sa’adia Gaon also refers to Tzofim as a specific location in his commentary on the Mishna. Rav Sa’adia claims that it refers to *Migdal David*, the tower of David. Fuchs cites Christian and Muslim sources that link the western portion of Jerusalem, in the vicinity of Jaffa Gate, to King David,[[8]](#footnote-8) and Rav Sa’adia’s reference may also refer to this location, which in fact is the highest location in the Old City of Jerusalem.[[9]](#footnote-9)

1. **The Commentary of the *Ge’onim* on *Seder Taharot***

Another composition from the period of the *Ge’onim* is the commentary of the *Ge’onim* on *Seder Taharot*. R. Yaakov Nachum Epstein published a scholarly version of this work, and in the introduction, he rejects the common assumption that it was authored by Rav Hai Gaon. Instead, he suggests that the author was Rabbi Shimon Kaira. Other scholars have noted[[10]](#footnote-10) that the abundance of Greek words in this work indicate that it went through a number of edits, primarily by sages in southern Italy.

Like Rav Sa’adia’s commentary, this commentary also deals primarily with the explanation of difficult words in the Mishna. It is not coincidental that it was written specifically on *Seder Taharot*, which has no accompanying Talmudic work. The original work also included a commentary on *Seder Zera’im*, which likewise has no accompanying commentary in the *Talmud Bavli* (aside from tractate *Berakhot*). Apparently, the author felt that the other *sedarim* of the Mishna do not require a commentary, as they are sufficiently explained in the *Talmud Bavli.*

1. **Rabbi Natan *Av Ha-yeshiva***

Another work, composed in Israel, that preceded that of the Rambam, is the commentary of Rabbi Natan *Av Ha-yeshiva*, who lived in the 11th century. His original work, written in Arabic, has not been found, but we do possess a work that includes a selection of his commentary together with citations from other works. Although his commentary spans the entire Mishna, it is not comprehensive, and the explanations are limited mainly to the identification of vegetation, locations, and other similar items. Even regarding these matters, the author limits himself to explaining those issues that are not already explained in the Talmud.

The works previously mentioned are the primary Mishnaic commentaries that preceded the Rambam, and as mentioned, they are less comprehensive and continuous than that of the Rambam. We will now discuss two of the *Rishonim* who authored commentaries on the Mishna, Rabbi Shimshon (*Rash*) of Sens and the Rosh, and we will note the differences between the two as well as between both of them and the Rambam.

1. **Rabbi Shimshon of Shantz**

Rabbi Shimshon ben Avraham of Sens (Shantz), often known as *Rash*, lived in the first half of the 13th century.[[11]](#footnote-11) His grandfather was the brother-in-law of Rabbeinu Tam, the grandson of Rashi. Rabbi Shimshon was also fortunate to study in his youth with Rabbeinu Tam, though his primary teacher was Rabbeinu Yitzchak of Dampierre, known as *Ri HaZaken*, the great-grandson of Rashi. At the end of his life, he moved to Israel, together with other *ba’alei Tosafot*, and lived in Akko, following an unsuccessful stint in Jerusalem.

The *Rash* was one of the most preeminent of the *Ba’alei Tosafot*. The Rosh[[12]](#footnote-12) mentions him together with Rabbeinu Tam and *Ri HaZaken* as one of those who “most of our Torah stems from them.” In a number of works,[[13]](#footnote-13) he is referred to as “the mighty one,” affirming his greatness in Torah. The *Ohr Zarua[[14]](#footnote-14)* wrote that he was “unique among the generation in Torah and wisdom.” He authored more written works than the other *Ba’alei Tosafot*, and his glosses encompass the entire Talmud, though not all of them are in our possession currently.[[15]](#footnote-15)

In addition to his work on the Talmud known as *Tosafot Shantz*, he also authored a commentary on the *mishnayot* in *Seder Zera’im* and *Taharot*, and perhaps on other tractates as well,[[16]](#footnote-16) and he was the only one among the sages of France who authored a commentary on the Mishna. His commentary has been printed in nearly all editions of the Talmud. In addition, his commentary on *Seder Zera’im* has become one of the cornerstones of the study of the *mitzvot ha-teluyot ba-aretz,* those agricultural *mitzvot* that apply only in Israel. Some have suggested[[17]](#footnote-17) that his writing of this commentary was undertaken as part of his preparation for moving to Israel. His commentary demonstrates erudition in all works of Chazal, including the *Talmud Bavli, Yerushalmi, Midrash Halakha*, and *Midrash Aggada.* Although some scholars have noted[[18]](#footnote-18) that the Rash utilized the commentary of Ri ben Malki Tzedek, an Italian sage who also wrote a commentary on these sections of the Mishna, the commentary of the Rash was far more comprehensive. We will now note a number of unique features of his commentary.

**Citations of Talmudic Sources**

One of the features that stand out with regard to the Rash’s commentary is the elaborate citation of passages from the *Talmud Bavli, Yerushalmi*, and other sources, such as the Tosefta, that reference the Mishna. In contrast to the Rambam, the Rash does not provide only a short summary of the Talmudic *sugya*, but rather cites the entire *sugya*, and discusses it, as well as its commentaries, at length. This feature is directly connected to the fact that his commentary was written only on *Zera’im* and *Taharot*, which have no corresponding tractates in the Talmud *Bavli*, aside from *Berakhot.* One of the goals of Rabbi Shimshon was to provide access to certain *sugyot* that one studying these *mishnayot* may not otherwise be able to access easily.

Due to his extensive citations from the Talmud, the Rash also elaborates on these *sugyot* much more than is necessary for a standard commentary on the Mishna alone. Here is one example of this phenomenon from tractate *Shevi’it*, where the Mishna discusses the halakha of adding time to the Shemitta year:

Until when may one plow in a field of trees during the year prior to the seventh year? Beit Shammai say: As long as it is still capable of [producing] fruit. And Beit Hillel say: Until *Shavuot.* And the words of these are close to the words of those. (*Shevi’it* 1:1)

The Mishna assumes that the prohibition of plowing a field of trees begins during the sixth year of the Shemitta cycle. The *Talmud Yerushalmi* there and the *Bavli* in tractate *Mo’ed Katan* both discuss the source of this halakha. The Rash cites these *sugyot* extensively:

The *Yerushalmi* (halakha 1) derives from a verse that [plowing] is prohibited during the year prior to the seventh, i.e., the sixth year. Likewise, the Talmud (*Mo’ed Kattan* 2b-4a) [also does so], and says that Rabban Gamliel and his rabbinic court voted about [forbidding plowing from these] these two times, Pesach and Shavuot, and nullified them these prohibitions. The *Yerushalmi* (ibid.) explains that when they permitted this, they relied on the verse: “Six days shall you work, and you shall do all of your labor (*Shemot* 20:8).” Just as on the day before the Sabbath of creation [Friday] you may work until sunset, so too the year before the seventh, you may work until sunset. The Gemara in *Mo’ed Kattan* [initially] explains the reason that these times were nullified as resulting from a verbal analogy of the word *Shabbaton, Shabbaton,* derived from the Sabbath of Creation. Just as there, [labor] is forbidden on Shabbat, but prior to it and afterward it is permitted, so too here, etc. It concludes though that [Rabban Gamliel] held like Rabbi Yishmael, who says that not [plowing during the sixth year] is a halakhic tradition, and the halakhic tradition is [applicable only] when the Temple is standing, similar to the drawing of the water [on Sukkot]. (Commentary of the Rash on *Shevi’it* 1:1)

The Rash then proceeds to quote the rest of the passage in the *Talmud Yerushalmi* nearly word for word*.* Due to these types of elaborate citations as well as his interpretive analysis of them (see below), the commentary of the Rash is considered a significant contribution to the corpus of commentaries on the *Talmud Yerushalmi* and on the Tosefta of *Seder Taharot* and *Seder Zera’im*, on which nearly no other commentaries were written.

**Extensive Analysis**

In addition to his extensive citation of sources, another feature of the commentary of the Rash is the style clearly reminiscent of *Tosafot* on the Gemara. Following his citations of the Mishna or Gemara, he analyzes them extensively, raises contradictions from other sources and then resolves them, in the classic style of the *Ba’alei Ha-tosafot*, which he belonged to*.* In addition, he also often cites the commentaries of earlier *Ba’alei Ha-tosafot* whoaddressed the topic in their glosses to the *Talmud Bavli*. In essence, his commentary resembles a form of ‘*Tosafot*’on the Mishna in these *sedarim[[19]](#footnote-19)* more closely than it resembles a standard commentary on the Mishna.

An example of this aspect of his style can be found in the same discussion in tractate *Shevi’it* that was cited above. As mentioned, the first mishna of the tractate establishes that it is forbidden to plow from the beginning of the period of Pesach and Shavuot of the sixth year. However, the Mishna later (*Shevi’it* 2:6) permits planting until thirty days prior to Rosh Hashana.

The Rash addresses this discrepancy and cites Rabbeinu Tam, who already addressed this question himself in the context of the *sugya* in the *Bavli* (*Rosh Hashana* 9b-10a). Rabbeinu Tam explained that the verses cited there as well as the verses in the *Talmud Yerushalmi* in tractate *Shevi’it,* whichindicate the existence of a prohibition to plow, refer specifically to plowing, and not to planting.

However, the Rash rejects this explanation, since if it is indeed forbidden to plow during the sixth year, it would certainly be forbidden to plant. Instead, he explains that plowing does not actually improve the tree in any way. Rather, plowing appears to be preparing the ground for planting that will take place during the seventh year. Consequently, it is forbidden.

It would seem that the point of the Rash is that plowing was forbidden by the Sages because it appears to be preparing the ground for planting during the Shemitta year itself, which is a biblical prohibition. In other words, the Sages instituted a special stringency forbidding any preparatory acts for forbidden planting during the Shemitta year. However, any planting or other activities that take place entirely in the sixth year are permitted.

**Text of the Mishna**

Ephraim Urbach[[20]](#footnote-20) notes that the Rash often had multiple manuscripts of the Mishna, and often discusses them in his commentary. He generally accepts the more common version of the text, but occasionally he edits the text based upon his own logic or based upon a passage in the Tosefta, Midrash Halakha, or a *baraita.*

1. **The commentary of the Rosh**

The Rosh, Rabbi Asher ben Yechiel, lived in the second half of the 13th century and the first half of the 14th century, and was considered one of the final *Ba’alei Ha-tosafot.* He was born and raised in Germany, but he moved to Spain following the deterioration of the condition of the Jews in Germany. Despite his Ashkenazic origin, he was even appointed as a rabbi and *dayan*, rabbinical judge, in Spain.

The most famous and most important work written by the Rosh is the *Hilkhot Ha-rosh*, in which he summarizes practical halakha as it had materialized in Germany and France from the time of Rabbeinu Gershom until his own time. The significance of this work is evident from the well-known statement of Rabbi Yosef Karo (in his introduction to the *Beit Yosef, Orach Chaim*) who explains that he renders the practical halakha based on the three “pillars of halakha that the house of Israel relies upon,” the Rif, Rambam, and Rosh.

The Rosh also authored *tosafot*, literally glosses,known as *Tosafot Ha-rosh.* According to Ephraim Urbach,[[21]](#footnote-21) the Rosh did not introduce much novel material in this work, and did not even edit or modify the material of his predecessors. Rather, his goal was primarily to quote the words of his teachers the *Ba’alei Ha-tosafot*, “and to create a compilation of important *tosafot*, glosses, from the great rabbis of France for the students in Spain.[[22]](#footnote-22) The summary of the opinions of the *Ba’alei Ha-tosafot* in this work in fact paved the way for the Rosh’s own halakhic work.

The Rosh also authored a commentary on the *mishnayot* of *Seder Zera’im* and *Seder Taharot.* As noted by many,[[23]](#footnote-23) the majority of this commentary is based on that of the Rash, and in this sense, the goal of this work was similar to that of *Tosafot Ha-rosh*, citing the views of earlier *Ba’alei Ha-tosafot.* However, in this case he does modify and abbreviate the style of the Rash, and he does add occasional comments of his own.

1. **Summary**

From our survey of a number of commentaries on the Mishna spanning from the period of the *Ge’onim* through the Middle Ages, it seems that there is a common denominator among them: They do not necessarily aim to explain all six orders of the Mishna in a manner allowing for its comprehension as a work independent of the Gemara. In the next *shiur*, we will begin discussing the commentary of the Rambam, to which we will dedicate a number of *shiurim*, and we will illustrate his major innovation: Enabling one to study the entire Mishnaic order as an independent work.

1. Ya’akov Sussmann, “*Kitvei Yad U-messorot Nusach shel Ha-Mishna*,” *Mechkarim Ba-Talmud*, Volume 3, 5737 pp. 215-250. [↑](#footnote-ref-1)
2. This connection is evident in the similar language as well as the similar content. Also, southern Italy was generally subject to religious influence from Israel in many ways. [↑](#footnote-ref-2)
3. With regard to Rav Sa’adia Ga’on and his writings, see Y. Brody, *Rav Sa’adia Ga’on*, from the series of *Gedolei Ha-ruach Ve-hayetzira*, Jerusalem 5767. [↑](#footnote-ref-3)
4. See Brody, ibid, pp.134-135. As Uzi Fuchs notes (see next footnote, p.73), this is likely the most ancient work of Rabbinic literature of which we are in possession today. [↑](#footnote-ref-4)
5. See at length, U. Fuchs, “*Millot Ha-Mishna Le-rav Sa’adia Ga’on*,” *Sidra* (29), 5774, p.61. [↑](#footnote-ref-5)
6. Ibid*,* p.77. [↑](#footnote-ref-6)
7. It is unclear whether this term refers to the Temple Mount as a whole or to a specific location on the Temple Mount. See *Zevachim* 104b. [↑](#footnote-ref-7)
8. Scholars have noted that this identification is probably erroneous, and is based on a misunderstanding of the words of Josephus. [↑](#footnote-ref-8)
9. In medieval sources, the association of King David with this area refers to a watchtower built by Herod, which was destroyed and later rebuilt, in various forms over the course of the generations. In any event, the structure known today as *Migdal David*, David’s Tower, was built only in the 17th century and was linked to David in the 19th century by Western tourists. More information on this subject appears on the website of the King David Museum. [↑](#footnote-ref-9)
10. Ta-Shma, *Knesset Mechkarim*: *Iyyunim Be-sifrut Ha-rabbanit Bimei Ha-beinayim*, volume 3, p.239. [↑](#footnote-ref-10)
11. His life history is taken primarily from Ephraim Urbach, *Ba’alei Ha-tosafot*, p.272, and Yisrael Ta-Shma, *Ha-sifrut Ha-parshanit La-Talmud*, volume 2, p.103. [↑](#footnote-ref-11)
12. *Teshuvot Ha-Rosh*, *Klal* 84, 3. [↑](#footnote-ref-12)
13. See *Shibbolei Ha-leket*, Chasida edition, volume 2, p.19. [↑](#footnote-ref-13)
14. *Ohr Zarua*, *Bava Kamma*, *Siman* 436. [↑](#footnote-ref-14)
15. Ta-Shma, ibid. [↑](#footnote-ref-15)
16. See Pinchas Roth, “*Perush al Masekhet Kinim Le-echad Mi-ba’alei Ha-tosafot*,” *Netu’im* 7, 5760. [↑](#footnote-ref-16)
17. Urbach, ibid p.298, cites this suggestion, but writes that there is no evidence of it from within the commentary itself. [↑](#footnote-ref-17)
18. R. Saul Lieberman, *Tosefet Rishonim* 4, p.16-21; Ta-Shma, op. cit., p.106. [↑](#footnote-ref-18)
19. Urbach, ibid. p. 299. [↑](#footnote-ref-19)
20. Ibid*,* pp. 299-300. [↑](#footnote-ref-20)
21. Ibid*,* pp. 586-599. [↑](#footnote-ref-21)
22. Ibid*,* p. 598. [↑](#footnote-ref-22)
23. See the comment of the *Melekhet Shlomo* at the end of his commentary to tractate *Demai*, where he writes: “It is entirely the commentary of the Rash.” [↑](#footnote-ref-23)