YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Commentaries on the Mishna**

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**Shiur#07: Philosophy and Rebuke in the Rambam’s Commentary on the Mishna**

The previous *shiurim* dealt with the goals established by the Rambam for his Commentary on the Mishna, and the practical methods used to apply those goals to the commentary. The Rambam’s commentary contains a number of additional features that appear frequently and therefore were likely also included within the goals of the Rambam for this work. In this *shiur,* two of these features will be discussed: A) Rambam’s elaboration on matters of belief and faith; B) criticism of various common practices during his time.

1. **The Commentary on the Mishna as a Platform for Matters of Philosophy and Rebuke**

The Rambam wrote two famous works which belong to very different genres, both of which significantly influenced future generations. The first work is the *Mishneh Torah,* the most significant halakhic work that had been written in Jewish history since the time of the Mishna and Gemara. The second is the *Moreh Nevukhim,* the Guide of the Perplexed, which is clearly one of the fundamental works of the study of Jewish philosophy. Through these works, the Rambam was revealed as a giant of giants both in the realm of halakha as well as in the realm of philosophy. The Commentary on the Mishna, the first work that the Rambam published, is principally a halakhic work, though as we will see, it is evident that his interest in matters of belief and faith did not begin only in his later years.

Rambam expands on these issues in numerous passages in the Commentary on the Mishna, and he clearly used this book as a platform to publicize his opinions. This is especially evident in the Rambam’s introduction to the final chapter in tractate *Sanhedrin,* known as *Perek Chelek* (taken from the opening words of the first Mishna), where the Rambam greatly expands on these themes. However, the Rambam added many philosophical comments in other places in the commentary as well. He explains the reason for this practice in the following passage:

Rather, wherever there is an allusion to matters of faith my practice is always to explain it, as it is important to me to explain the fundamentals more than anything else that I teach. (Rambam, Commentary on the Mishna, *Berakhot* 9:7)

The Rambam here attests to the fact that since “matters of faith” are more important to him than any other topic,[[1]](#footnote-1) he endeavors to comment on these issues wherever there is an allusion to them in the Mishna. We will now examine a number of examples where the Rambam addresses matters of philosophy and Jewish thought in his commentary.

1. **Reward for the Fulfillment of *Mitzvot***

Tractate *Makkot* concludes with the following words of *Aggada*, non-halakhic material:

Rabbi Chananya ben Akashya says: The Holy One, Blessed be He, wished to give merit to Israel; therefore he increased [the volume of] Torah and *mitzvot* for them, as it is stated: “Hashem wishes, for His own righteousness, to exalt the Torah and make it great” (*Yeshaya* 42:21). (Mishna *Makkot* 3:17)

The Rambam elaborates upon the meaning of this statement in his Commentary on the Mishna:

[One] of the fundamentals of faith in the Torah is that if a person fulfills one of the 613 *mitzvot* properly, and did not have any ulterior motives such as hoping for a reward in this world, but did it for its own sake out of love [of God], as I have explained to you, he will merit [a portion] in the world to come. Rabbi Chanaya says that due to the large amount of *mitzvot,* it is impossible that in his entire life, a person won’t perform at least one mitzva completely, and thereby sustain his soul through that act. (Rambam, Commentary on the Mishna, *Makkot* 3:17)

Although the Mishna could be interpreted as saying that the very fulfillment of many *mitzvot* brings merit to the Jewish people, the Rambam holds that the actual fulfillment of the *mitzvot* does not cause this effect. Rather, it is the fact that if there are many *mitzvot,* presumably at least one will have been fulfilled with the proper intent, and that alone enables a person to receive a portion in the world to come. The Rambam is opposed to the approach that views the *mitzvot* as having merely mystical benefit. He publicly declares his position here, as well as in a number of other places (such as the last chapter of *Hilkhot Teshuva* in the *Mishneh Torah*), that the ideal is to fulfill *mitzvot* for their own sake and out of love without any desire to profit in any manner from them.

1. **“And the Principal Will Remain for Him in the World to Come”**

There is a well-known Mishna in the beginning of tractate *Pe’ah* that states:

These are the matters that a person consumes their profit (literally: produce) in this world, and the principal remains for him in the world to come: Honoring one’s father and mother, doing acts of kindness, and promoting peace between one person and another, and the study of Torah is equivalent to all of them. (Mishna *Pe’ah* 1:1)

The Rambam expands on the meaning of this Mishna in his commentary:

“And their produce,” refers to the profit. And the matter that they said, “He eats from their produce, and the principal remains for him,” is what I will explain to you. All of the *mitzvot* are first divided into two [groups], a portion of the *mitzvot* are specifically for a person himself, between him and God, such as *tzitzit*, *tefillin,* Shabbat, and idolatry; and a portion are *mitzvot* associated with rectifying societal relations, such as the warnings against stealing, fraud, hatred, revenge, and the command to love one another, and to not cheat one another, and that one should not stand up against the damage of the other, and to honor one’s parents and Torah sages, which are the primary categories of all [*mitzvot*].

If a person has fulfilled the *mitzvot* that are unique for him, which are between him and his Creator, he receives reward that God will dispense to him in the world to come, as we will explain in the chapter of “*chelek.*” And if the person fulfills the *mitzvot* associated with rectifying societal relations, he receives reward in the world to come for fulfilling the mitzva, and he will [also] achieve benefit [from it] in this world for his fine conduct with other people, because if he follows this path, and another follows it, he too will benefit from that benefit. And all of the *mitzvot* that are between one person and another are included in [the category of] performing acts of kindness; consider them, and you will find them there. You can see that, when the gentile said to Hillel the Elder, “teach me Torah on one foot,” Hillel said to him: Know that whatever is embarrassing for you, do not do to your friend. And when you examine this, you will find that the study of Torah is equivalent to all, as through the study of Torah a person will know all of these, as we explained in the introduction, that Torah study leads to action (Rambam, Commentary on the Mishna, *Pe’ah* 1:1).

The Rambam here elaborates about the uniqueness of these specific *mitzvot* listed in the Mishna, about which it says that a person “consumes their profit in this world, and the principal remains for him in the world to come.” He explains that specifically interpersonal *mitzvot* benefit a person in addition to the reward received in the world to come, because they have a social purpose of creating positive interactions with others. In this context, he explains that Torah study is also included in this list since study leads to action and fulfillment of *mitzvot.* In contrast, the reward for *mitzvot* between a person and God is received only in the world to come.

1. **Foolishness and Desire as Causes of Heresy and Idol Worship**

The Mishna (*Chullin* 1:1) states that all may perform ritual slaughter [*shechita*], and their slaughter is valid, except for a deaf-mute, a deranged person, and a minor. The Rambam imposes three additional limitations upon this rule: The slaughterer may not be an idolater, he may not publicly desecrate Shabbat, and he may not be a heretic. With regard to the third point, the Rambam elaborates:

He must not be a heretic. And when the Sages use [the non-specific term] heretic, it refers to a Jewish heretic, but they refer to non-Jewish heretics as non-Jewish heretics. Heretics are people whose foolishness has corrupted their intellect, and desires have darkened their soul, and they question the Torah, and the prophets, of blessed memory, in foolish manners. They deny the prophets in that they do not have any knowledge of them, and they abandon the *mitzvot* scornfully, and this sect is the sect of Jesus the Christian, Doeg, Achitofel, Gechazi, and Elisha [*acher*], and all who follow their path, the name of the wicked should rot. And a person from this group can be identified when he is seen as not performing one of the *mitzvot* out of scorn, without receiving any benefit from his actions.

[With regard to] these people who are described in this manner, it is forbidden to eat from their slaughter, and this is what they [the Sages] said: The Sages taught, the slaughter of a heretic to idolatry, his bread is the bread of a Kuthite, his wine is wine of idolatry, his books are the books of neocromancers, his produce is *tevel* (untithed), and his children are *mamzerim* (considered to be products of a forbidden union). In addition, in order for it to be permitted to eat from the slaughter of this apostate, he must not be a *Tzeduki*, or a *Baitusi*, which are two groups that began [the movement] to deny the Oral Torah, as I explained in [*Pirkei*] *Avot*, and truth has become meaningless to them, and the paths of light [have become] thick darkness, in the land of the upright he will perform evil (based on *Yeshaya* 26:10). (Rambam, Commentary on the Mishna, *Chullin* 1:2)

The Rambam here does not suffice with a halakhic explanation of the Mishna, but also elaborates about the “sect of Jesus the Christian,” i.e., Christianity, which was in his opinion born out of foolishness, desire, and degradation. His opinion that these factors cause one to veer from the path of serving God is also expressed by the Rambam in additional places about idolaters. For instance, he writes the following in his Commentary on the Mishna *Avoda Zara:*

You must know that the complete philosophers do not believe in [the effectiveness of] talismans, but laugh at them and at those who believe that they wield influence. And the explanation of this is elaborate, but I say this because I know that most people and perhaps all of them are enticed by it, and about many of these matters, and they think these matters are true, and it is not so. And even the good, pious ones of our Torah think that they are words of truth, but they are forbidden due to the Torah alone, and they do not know that they are meaningless and false, that the Torah warns about [distancing oneself from] them, just as it warns about falsehood. (Rambam, Commentary on the Mishna, *Avoda Zara* 4:7)

The Rambam thus remains steadfast in his opinion that the prohibition to worship idolatry stems from the falsehood and stupidity inherent in the matter. As he notes, “the good, pious ones, the people of our Torah” believe that the stars and other images possess certain powers, but the Torah forbade their use.[[2]](#footnote-2) Later on in his commentary, the Rambam provides a historical explanation for the development of idol worship. A similar description, with a different emphasis, appears in the beginning of *Hilkhot Avoda Zara* in the *Mishneh Torah.*

1. **The Purpose of Man in this World**

The Mishna (*Sanhedrin* 3:3) lists those individuals who are invalidated from serving as witnesses and *dayanim* (judges in a Jewish court): “These are the ones who are invalid: One who plays with dice, one who lends with interest, pigeon-fliers and merchants [who sell] Shemitta [produce].” The Rambam explains the term “one who plays with dice” (*mesacheik be-kubiya*) and proceeds to discuss the appropriate activities for a person to occupy himself in this world:

It says “one who plays with dice,” and that [refers to] one who plays with “*nard”* and “*strang*” (kinds of games) and the like, based on an agreement between the players that the one who does or does not do such must pay money, according to the rules of the game. And this is forbidden because he is engaged in an activity that provides no benefit in settling the world, and it is a fundamental principle in our Torah that it is only appropriate for a person to occupy himself in this world with one of two things: Either wisdom (i.e., Torah), to complete oneself, or a business that will benefit him in maintaining the world, such as a trade or commerce. And it is proper to limit this [latter option] and increase the former, as they have said: Limit one’s business, and engage in Torah. Now I will return to the halakhic matter [at hand]… (Rambam, Commentary on the Mishna, *Sanhedrin* 3:3)

1. **Rebuke in the Commentary of the Rambam**

In many places in the Commentary on the Mishna, the Rambam does not suffice with expressing his own opinion on a matter, but also rebukes others and argues against the practices and opinions of the people.

1. **Secular Music**

In his commentary on *Pirkei Avot,* the Rambam discusses various types of appropriate and inappropriate speech. He then concludes with some comments about music:

And you should know, that songs in every language are judged based on their content, and we follow the division of [types of] speech that we have mentioned. And I have explained this, even though it is clear, because I have seen elders and great people of our nation, that when they are at a celebration with wine, such as a wedding, and one wishes to sing a song in Arabic, even if the theme of the song is praising strength [likely of a person rather than God’s] or generosity, and this is most [of the song], or the theme is praising the wine, they derogate this in all forms of derogation, and they do not permit hearing it.

But if the singer sings one of the Hebrew songs, they do not protest, and it is not considered a serious [matter], even if the words are about problematic topics, or [ones that are] reviling. And this is complete foolishness, because speech is not forbidden or permitted, or desired or not desired, or a mitzva to be said based on the language [i.e., Hebrew vs. other languages], but rather based upon the content. Therefore, if the theme of the song is exalted, one may recite it, in whatever language it may be; and if its theme is inappropriate, one must reject it, in whatever language it is.

Moreover, I have an additional [comment] about this, that if there are two songs that have the same theme, such as arousing the power of desire and praising it and causing the soul to rejoice with it, and it is lowly, and it is part of the [category of] speech that is revolting because it arouses and encourages a depraved character trait, as will be explained in our words in the fourth chapter [of the *Shemona Perakim*], and one of the songs is [in] Hebrew, and the other is [in] Arabic or in another language, listening to the Hebrew [song] and saying the words will be more revolting according to the Torah due to the exalted [nature] of the language, because it is inappropriate to use it [Hebrew] except for exalted [matters].

And certainly [this is so] if one attaches to it [the song] a verse from the Torah or from the Song of Songs, as then it moves from the category [of speech that is] revolting to the category of “forbidden,” which one is forbidden [to continue], since the Torah forbade the words of prophecy to be made into the words of a song in depraved form or with other inappropriate matters. (Rambam, Commentary on the Mishna, *Avot* 1:16)

The Rambam refers here to a phenomenon of people preferring songs in Hebrew, despite their problematic content, over songs in other languages with positive, wholesome content. The Rambam disputes this preference and expresses his opinion that it is not the language that is important, but the content.[[3]](#footnote-3)

1. **Medicine and Doctors**

The Mishna[[4]](#footnote-4) discusses a number of actions performed by King Chizkiah:

King Chizkiah did six things; [the Sages] agreed with him about three, and about three they did not agree with him. He dragged the bones of his father on a bier of ropes, and they agreed with him; he crushed the copper servant and they agreed with him; he hid the Book of Remedies and they agreed with him. About three they did not agree with him: He cut down the doors of the Temple and sent them to the King of Assyria and they did not agree with him; he stopped up the waters of the Upper Gichon, and they did not agree with him; he intercalated [the month of] Nissan during Nissan [itself], and they did not agree with him. (Mishna *Pesachim* 5:9)

The Rambam elaborates about the Book of Remedies that Chizkiah hid:

The Book of Remedies was a book containing a series of remedies that according to the law, one may not employ as a cure, such as the talisman owners who think that a talisman made in a specific manner is effective [in curing] certain illnesses, and the like using forbidden objects. And its author only composed it to [use as] a method of study of the nature of the world; not to use something included in it, and this is permitted, as will be explained to you, that matters that God warned against are permissible to study and to know, because God said, “You shall not study to do…” and the tradition states that you are allowed to study to understand and instruct. And when people became corrupted and healed themselves according to the book, they hid it.

And perhaps it was a book that contained lists of harmful herbs, such as saying that a certain herb is combined in this manner, and fed as a liquid in this manner, and it causes such and such an illness, and its remedy is such and such. And when the doctor saw those illnesses, he would know that he had ingested such and such an herb, and he would give him other foods that combat it to save him. But when people became corrupt and would kill with it, they hid it.

And I have only elaborated to speak about this matter because I have heard and they have told me that Solomon composed the Book of Remedies, so that if a person became ill with a certain illness and turned to him, and did as he said, then he recovered. But Chizkiah saw that people were not trusting God with regard to their maladies, and instead they relied on the Book of Remedies, so he went and hid it.

And besides the nonsense of this matter [i.e., the second explanation], which has elements of fabrication to it, they have [also] associated foolishness with Chizkiah and those who agreed with him that one should only associate with the lowliest of the masses. According to their erroneous and weak logic, if a person is starving, and then eats bread, he will undoubtedly be cured from that great pain; they would say that he removed his trust in God. One should tell them they are deranged.

Just as when I eat, I thank God that He created something to remove my hunger and to keep me alive and well, we should also thank Him for creating a cure that cures my illness when I need it. And I would not have had to contradict this terrible explanation if not [for the fact] it was publicized. (Rambam, Commentary on the Mishna, *Pesachim* 4:9)

The Rambam offers two interpretations as to the nature of the “Book of Remedies.” Either it refers to mystical remedies, or it refers to conventional medicine that was used in a harmful manner. He then explains why he elaborates on this subject, and strongly attacks another explanation that he heard that the Book of Remedies was in fact effective but was concealed by Chizkiah because a person must trust in God, and not use medical cures. The Rambam then argues that such an approach is complete nonsense, which only the “lowliest of the masses” adopt. Just as a starving person must eat, so too one who is ill must attempt to cure himself.[[5]](#footnote-5)

1. **The Dissolution of Vows**

The central passage in the Torah that discusses vows is found in *Bamidbar* chapter 30, and focuses mainly on vows taken by women. It discusses the option of a husband canceling the vows of his wife in detail, but there is no clear allusion to the existence of a method of dissolution of the vows of others in this passage. Nevertheless, the Sages assumed that such an option does exist, and they even addressed the fact that this halakha does not appear explicitly in the Written Torah, but is entirely an oral tradition: “The release of vows flies in the air, and does not have a basis” (Mishna *Chagiga* 1:8).[[6]](#footnote-6) Many *mishnayot* in tractate *Nedarim* discuss how one may release a vow, and evidently assume that such an option exists. However, during the period of the *Geonim* it was not customary to engage in the dissolution of vows or oaths. This is the implication of the following ruling in *Teshuvot* *Rav Natronai Gaon*:

And that which you asked, does a vow that includes an oath have a method of dissolution or not? So said Rav Yehudai Gaon zt”l: We do not have the capability and we do not know how to initiate an opening for an oath to become permissible. And that which we say (*Eiruvin* 64b; *Nedarim* 22a): Rabba bar Chana said, what did Rabban Shimon ben Gamliel initiate at that time? “There is one who thrusts like the stab of a sword, and the language of the Sages is a cure (*Mishlei* 12:18).” Now we have no Sages to cure, and we certainly do not teach the Mishna of *Nedarim*, and we do not know how to approach the laws of oaths. (Brody ed. [Ofek], *Yoreh Deah*, *siman* 253)

The Gaon here quotes one of the interpretations that appears in the Gemara from which it is derived that it is possible to release one from a vow, as the actions of the Sages are compared to a medicine. However, he claims that in his time there were no Sages to nullify the vow, and he bases this upon the fact that people did not study the *Mishnayot* in tractate *Nedarim*. However, it is unclear which event came first: Did they not study *Nedarim* for some reason despite the fact that it is a practical halakhic tractate, and the lack of knowledge about it caused the Sages not to be knowledgeable in the laws of canceling vows; or did they not study it intentionally so that they would not be capable of releasing vows? The Rambam in his commentary addresses this custom and disagrees with it:

And the manner of the dissolution of vows is as our Rabbis have passed on to us, group to group from the time of the Sages, and as we have seen numerous times, and permitted [vows] before our fathers, as they did before their fathers and teachers, as this dissolution of vows occurs every day in our Western lands, as the evil waters, i.e., heresy, do not stem from our cities. (Rambam, Commentary on the Mishna, *Nedarim* 10:8)

The Rambam here emphasizes the fact that the process of dissolution of vows is the product of a clear tradition, which indicates that people in fact did engage in dissolution of vows on a daily basis. It would seem that in these words, there is a small element of polemic intended to exclude a different possibility, that it was not performed due to a lack of faith in practices exclusively based upon the Oral Torah. In fact, he concludes as follows: “As the evil waters, i.e., heresy, do not stem from our cities.” The Rambam incriminates those who do not release vows as being guilty of heresy, and it seems that in his opinion, this custom of not releasing vows stems from a lack of faith and trust in the Oral Torah.

(Translated by Rabbi Eli Ozarowski)

1. This testimony of the Rambam is even more significant when we consider the fundamental question of the priorities of various realms of Torah study according to the Rambam. This passage appears to indicate that in his opinion, the most important realm of study is not halakha, but philosophy. The same notion is in fact also expressed in a passage in the *Moreh Nevukhim* (3, 51). [↑](#footnote-ref-1)
2. This is the opinion of other *rishonim*, including the Ramban, which is expressed in the commentary of the Ramban on the Torah in a number of instances, where he regards idolatry as a betrayal of God, rather than simply an error (see, e.g., Ramban on *Shemot* 20:2-3). [↑](#footnote-ref-2)
3. This approach is related to the opinion of the Rambam that is expressed in additional sources, according to which the sanctity of the Hebrew language is not mystical, and its primary significance stems from its content and the message that it delivers. See *Moreh Nevukhim* (2:30); Aviezer Ravitzky, “*Shiga’on Kotvei Ha-kame’ot*,” *Iyyunim Maimoniyim,* Jerusalem-Tel Aviv 5766, pp.184-188.  [↑](#footnote-ref-3)
4. In truth, this passage may not actually be part of the Mishna, as evident from the fact that the Gemara’s version of the Mishna (*Pesachim* 56a) omits it. However, the Gemara does cite it, and the Rambam in his Commentary on the Mishna (in the paragraph immediately preceding the one cited below) notes that its source is actually from the Tosefta. However, due to its importance, the Rambam nevertheless addresses it.  [↑](#footnote-ref-4)
5. The one who maintained this opinion that the Rambam attacks so forcefully was none other than the Ramban, in his commentary on the Torah (*Vayikra* 26:11): “And the rule is that since Israel is complete, and they are many, their matters are not administered naturally at all, not with regard to their physical [matters], nor with regard to their land, not as a group, and not with regard to any individual. As God will bless their bread and water, and will remove maladies from their midst, so they will not need doctors or to protect themselves using any of the methods of medicine. As it is stated, “As I am God who cures you” (*Shemot* 15:26). And this is what the righteous would do during the period of prophecy – when they sinned, they would initially not seek out the doctors, but only the prophets, as in the case of Chizkiah and his illness (II *Melakhim* 20:2-3). This is likewise what is stated, “Even in his illness, he did not seek out God, but the doctors” (II *Divrei Ha-yamim* 16:12). And if the word of the doctors was practiced among them, why should it mention the doctors? [Rather] The guilt is only because he did not seek out God. But this is when a person says, “So and so did not eat matza on Pesach, but rather ate bread.”  [↑](#footnote-ref-5)
6. The Ramban in his commentary on the Torah (*Bamidbar* 30:2) explains that the reason that the Torah conceals the possibility of the dissolution of vows is related to preventing vows being taken lightly. He cites the Mishna in *Chagiga* and explains that even this formulation, “The release of vows flies in the air, and does not have a basis,” which sounds like even as a matter of halakha, this notion is designed to conceal the option of doing so. This is so that it is not revealed to the general populace, but only to those who are capable of employing the procedure properly. [↑](#footnote-ref-6)