A New Autograph of Milḥekhot ha-Yerushalmi by Maimonides, T-S NS 284.120

By Zvi Stampfer

Milḥekhot ha-Yerushalmi is one of Maimonides’ earliest works. When he was about thirty years old he compiled the first draft of his commentary on the Palestinian Talmud, and while working on the final version of his work, he decided to leave out the work concerning the Palestinian Talmud, and to compile it as Milḥekhot ha-Yerushalmi. The laws of the Palestinian Talmud is one of his responses, Maimonides explains his decision as writing to follow the footsteps of R. Isaac Alfasi, whose commentary on the Palestinian Talmud was widely used in the East. In light of the way the Palestinian Talmud was viewed by the sages in Andalusia, it was a logical step for Maimonides to take, compiling what’s omissions and writing a work that would present laws (halakhot) and commentaries in the Palestinian Talmud that was missing in the Babylonian.

After starting a first draft of Milḥekhot ha-Yerushalmi and discovering the tractate Dērōkha‘ot and Yoma (possibly also Qalqilah) Maimonides changed direction, however, abandoning this project to focus on writing his work Milḥekhot Torah. Because of this change he did not see any need to differentiate Milḥekhot ha-Yerushalmi, and consequently the work was never published. In time the draft was put into the Genizah in Husaynabad, Maimonides’ place of residence. Over time, various portions of the draft have been discovered in the Genizah, and Prof. Saul Lieberman published a first edition of the work based on the fragments that were known to him. These fragments of Maimonides’ manuscript can aid research in three areas:

- On the versions of the Palestinian Talmud: Copies of the Palestinian Talmud were rare even as early as the Middle Ages and only one complete manuscript is available to us today, the Laden manuscript, which also underlies the edited printed version in Venice. In the course of his work, Maimonides copied whole sections of the Palestinian Talmud in its original language, and thus he has handed down to us exact copies of parts of the Talmud text used. He is probably the only author working to the original text of some passages, apart from the Babylonian manuscript, and is more than a hundred years older.
- The edition, based on those autograph drafts, is a treasure trove studying the history of the Palestinian Talmud and of the leaders’ manuscript in particular.
- Understanding Maimonides’ in his Milḥekhot Torah: Maimonides did not quote his sources in the Mishneh Torah. His commentators often surmised that he based his laws on sources from the Palestinian Talmud, but it was impossible to verify this. Studying the Milḥekhot ha-Yerushalmi can help clarify this matter.

Commentaries on the Palestinian Talmud: There are very few surviving commentaries on the Palestinian Talmud written in the Middle Ages. Milḥekhot ha-Yerushalmi contains commentary by Maimonides on selected Talmudic topics.

To date the following fragments of Milḥekhot ha-Yerushalmi have been identified and published:
- One fragment from his work on tractate Dērōkha‘ot: T-S F17.7. This page is almost complete apart from a few in-cursive.
- Two fragments from his work on tractate Yoma: T-S F17.7a and T-S Ar.34.169, which combined form about a third of the original page.
- Two new fragments have been identified by Prof. Yisrael Gruenbaum, with whom I studied the Palestinian Talmud, and who has allowed me to publish them: Oxford Bodleian MS. 100. 30-31 from Yerushalem and T-S MS 286.124 from Jerusalm, which is published here for the first time.

This new piece from Cambridge, T-S MS 286.124, joins up perfectly with T-S F17.7 and completes the first nine lines as the reded and the first 38 lines in the text. The combined lines match the recension that originated inscribed on parchment by author (only slightly corrected by his son Dajani), providing a virtually complete copy of the detached portion. This manuscript, added to those at our disposal, is a treasure trove for the study of the Palestinian Talmud.

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