

I will explain it in its (proper) place, with Gods help.²⁵⁶

As a result, the classification of laws ordained in the Torah comprises five categories, according to the aforementioned principles.

THE FIRST CATEGORY (consists of) explanations which were received from Moses²⁵⁷, which are alluded to in Scriptures, and may be derived by deductive reasoning.²⁵⁸ Here no difference of opinion exists; rather if someone states: "Thusly I have received it", one should not question it further.²⁵⁹

THE SECOND CATEGORY (consists of) laws which have been called Verbal Mosaic Tradition, and no support exists for them, as we have mentioned (above). This, too, is something without controversy.

THE THIRD CATEGORY (consists of) laws which are derived through methods of deductive reasoning²⁵⁸, and concerning which dispute occurs, as we have mentioned. The final ruling in these cases is according to (the opinion of) the majority. Such a (dispute) occurs because the understanding of the law changes. For this reason it is stated: "If this is a *Halacha*,²⁶⁰ we shall accept it, but if it is only an inference, an

256) There are additional Verbal Mosaic Traditions in the Talmud which Maimonides does not enumerate here. One example is in Tractate Nedarim 37b where R. Isaac states: "Textual reading (of the Torah) and stylistic improvements as transmitted through the *Sofrim*; words read but not written and words written but not read are all Verbal Mosaic Traditions". There are also some additional ones that Maimonides describes in his *Mishneh Torah* (Code of Maimonides) but which he does not enumerate here. One example is found in the laws of the Sanctification of the New Moon, Chap. 5, Law 2, where Maimonides states: "The following is a Verbal Mosaic Tradition: At times when there is a Sanhedrin, declaration of the New Moon is based on visual observation whereas at times that no Sanhedrin exists, it is based on calculation..."

257) Lit: from the mouth of Moses.

258) Through one of the 13 principles of Rabbinic exegesis.

259) Lit: speak of it.

260) i.e. received by tradition.

objection may be raised".²⁶¹ However, (in reality), there is dispute and theorizing only in something that was not heard to be *Halacha*.²⁶⁰ Thus we find throughout the Talmud that they (the Sages) delve into the reasons underlying a deductive derivation which is the cause for the argumentation among the disputants, and they (the Sages) state: "What are they arguing about?", or "What is the reason of Rabbi so and so?", or "What is (the point of difference) between them?" They approach (the problem) in this manner in most places, and then mention the reason which underlies the controversy, such as if they say: "Rabbi so and so employs such and such an argument whereas (Rabbi) so and so relies on such and such an argument", and the like.

However (there are) those who think that the laws which are in controversy were also received from Moses, and who (further) believe that the controversy arose by way of errors in the (traditionally received) *Halachoth*, or (because of) forgetfulness, or because one of the (Sages) received the correct tradition whereas the other²⁶² was mistaken in (the understanding of) what he received, or forgot, or did not understand all that which he was supposed to understand from his teacher. They²⁶³ bring evidence for this (contention) with the statement "When the disciples of Shammai and Hillel who had insufficiently served (their teachers)²⁶⁴ multiplied, controversy increased in Israel and the Torah became as two Torahs".²⁶⁵ This type of contention is, by my life, an extremely depraved thing. These are words of someone without understanding, one

261) Tractate Yebamoth 76b. In other words, if this law is one of those received from Moses which is alluded to in Scripture, or a Verbal Mosaic Tradition, we will accept it. However, if it is a law derived only through logical reasoning, we can argue thereon.

262) Lit: the second.

263) The aforementioned thinkers.

264) i.e. insufficiently studied the Torah.

265) i.e. many conflicting rulings arose. Tractate Sanhedrin 88b.

who has no (knowledge of) fundamentals and who blemishes (the honor of those) people through whom the commandments were received. All this (type of reasoning) is false and void. That which brought one to believe in this depraved²⁶⁶ conviction was a paucity of contemplation into the words of the Sages that are found in the Talmud. They found the sense of every explanation (of a law of the Torah) that was received from Moses to be true, as they did not differentiate between (traditionally) received fundamentals and the secondary teachings derived by deliberation.

Indeed, do not bring any doubt into your heart concerning the controversy between Beth Shammai and Beth Hillel²⁶⁷ whether: "(After the meal) they sweep the floor"²⁶⁸ and then wash their hands"²⁶⁹, or "They wash their hands and then sweep the floor";²⁷⁰ (do not) think that one of these two views was not received by Moses at Sinai. The reason which is the basis for their argument is that which is mentioned in the Talmud,²⁷¹ namely, one of them (Beth Hillel) forbids the use of an unlearned attendant²⁷² (to remove bread crumbs), whereas the other (Beth Shammai) permits it. The same is true of all controversies similar to this, which are ramifications.

However, that which they (the Sages) stated: "When the disciples of Shammai and Hillel who had insufficiently served (their teachers)²⁶⁴ multiplied, controversy increased in Israel", is a matter which can be simply explained. That is, wherever two people are equal in understanding, in deliberative capacity, and in knowledge of fundamentals (of the Torah) from which

to derive their deduced opinions, no controversy at all arises²⁷³ in regard to their reasoning. Should this happen,²⁷⁴ it will be minute indeed; and thus we do not find a difference of opinion between Shammai and Hillel, save in (a few) specific *Halachoth*. This is because the opinions of both are similar in all that they derive by way of deductive reasoning. The fundamentals, too, given to one are the same as the fundamentals given to the other. However, when the diligence of their disciples in (the search for) wisdom diminished, and when their power of correct deduction weakened, as compared with the reasoning of their teachers Hillel and Shammai, then controversy arose between them during deliberation of many subjects, as each one's opinion was molded by his understanding and the fundamentals with which he was familiar.

In spite of this, one should not condemn them, because we cannot compel two wise men who are discussing a theory to propound it with the understanding of Joshua or Pinchas.²⁷⁵ We should not doubt (the validity of) what they²⁷⁶ argue just because they are not as (capable as) Shammai and Hillel, or like one who is greater (in knowledge) than they.²⁷⁷ The Holy One Blessed be He did not command us to serve Him in this manner²⁷⁸, but instructed us to listen to the Sages of our generation as it is stated: *To the judge who shall be in those days*.²⁷⁹ It is in this manner that controversies arose, and not because they²⁷⁶ erred in *Halacha*, and that one is saying the truth, the other a falsity. How much clearer this subject will

273) Lit: falls between them.

274) i.e. controversy and dispute between two such people.

275) Each can only discuss at a level of intelligence with which God endowed him.

276) The disciples of Hillel and Shammai.

277) Such as Joshua & Pinchas.

278) i.e. to think derogatorily of Sages because their predecessors were more learned than they.

279) Deut. 17, 9.

266) i.e. faulty or damaging.

267) Tractate Berachoth 51b.

268) Lit: the house.

269) Referring to the latter water before Grace.

270) Beth Shammai hold the former, Beth Hillel the latter.

271) Tractate Berachoth 52b.

272) Hebrew: *Am Haaretz* or ignoramus.

become to all who delve into it and what a precious and great principle of our commandments this is!

THE FOURTH CATEGORY (consists of) decrees ordained by the prophets and Sages of every generation in order to make a protective fence around the Torah.²⁸⁰ In regard to these (Biblical laws), the Holy One Blessed be He commanded to make the (protective laws), and this is what is meant by the all inclusive statement: *And ye shall keep my charge*²⁸¹, which is traditionally interpreted to mean, "Provide protection for my observances."²⁸² The Sages call these (restrictive measures) "decrees".²⁸³ Sometimes controversy may arise therefrom, because one Sage may prohibit something for a specific reason, whereas the other Sage disagrees. This occurs frequently in the Talmud, where it is stated that Rabbi so and so decreed such (and such) because of such and such, whereas Rabbi so and so did not so decree. This, too, is one of the causes of controversies (among Sages in the Talmud).

Thus (for example, the prohibition of eating) flesh of fowl with milk is a Rabbinical decree to keep one far from transgression. However, the Torah only prohibits (milk with) flesh of cattle²⁸⁴ and beasts²⁸⁵, whereas the Sages (decreed the additional) prohibition of flesh of fowl (with milk) to keep one far from (transgressing) an interdiction.²⁸⁶ There are some who did not ordain this decree, like Rabbi Jose the Galilean

280) A Rabbinic prohibition to protect a person from transgressing a Biblical injunction.

281) Levit. 18, 30.

282) Tractate Yebamoth 21a; i.e. add restrictions to safeguard the original precepts. There is a play on words here. The Hebrew word *Shomor* means to observe but also means to protect.

283) Hebrew: *Gezeroth*.

284) Such as cows.

285) Such as a deer. Many manuscripts and some texts substitute flesh of clean animals for cattle and beasts.

286) i.e. one should not erroneously eat cattle flesh with milk by comparing it with flesh of fowl which is permitted in the Torah.

who permitted (the consumption of) flesh of fowl with milk, and all the inhabitants of his town ate this (combination), as is well publicized in the Talmud.²⁸⁷

Where complete agreement prevails regarding one of the decrees, no one argues thereon in any respect. If a prohibition has spread throughout Israel, then no one should dispute such a decree. Even the prophets themselves were not permitted to void it. Thus it is stated in the Talmud²⁸⁸ that (even) Elijah, of blessed memory, could not abrogate one of the eighteen items which Beth Shammai and Beth Hillel decreed. The reason which is quoted²⁸⁹ for this is that these prohibitions have spread among all of Israel.

THE FIFTH CATEGORY consists of laws based on (empirical) investigation regarding the social behavior of individuals in those matters which do not constitute an addition to or detract from a (Biblical) commandment²⁹⁰ - or regarding things which are efficacious for people²⁹¹ with respect to the observance of the laws²⁹² of the Torah. These are called "Ordinances"²⁹³, and customs. It is prohibited to transgress any one of these. (King) Solomon of blessed memory has already stated regarding him who transgresses any one of these ordinances²⁹⁴: *And whosoever breaketh through a fence will be bitten by a snake.*²⁹⁵

These decrees are extremely numerous and are described in the Talmud and Mishnah. Some are related to the topic of the forbidden and permitted (foods, marriages, etc.), and others

287) Tractate Shabbath 130a.

288) Tractate Aboda Zara 36a.

289) Lit: brought.

290) Both are prohibited in Deut. 4, 2.

291) Lit: for the children of man.

292) Lit: words.

293) Hebrew: *Takanoth*.

294) i.e. social reforms.

295) Eccles. 10, 8.

pertain to civil law.²⁹⁶ Some of these decrees were ordained by the prophets, such as the decrees of Moses, Joshua and Ezra, as they (the Sages) have stated: "Moses ordained to the Israelites that they should discuss²⁹⁷ the laws of Passover in the season of Passover".²⁹⁸ They further stated: "Moses decreed (the benediction) 'Who feeds'²⁹⁹ at the time when the Manna was descending for the Israelites".³⁰⁰ The decrees of Joshua and Ezra, however, are many (and will, therefore, not be enumerated here). Yet other decrees (of this social reform type) are attributed to individual Sages as they stated: "Hillel instituted *Pruzbul*";³⁰¹ "Rabban Gamliel the Elder decreed";³⁰² "Rabbi Yochanan ben Zakkai ordained";³⁰³ and often in the Talmud (it is stated) "Rabbi so and so decreed", or Rabbi so and so ordained". (Finally), there are some decrees attributed to a multitude of Sages³⁰⁴, as they stated: "(The Sanhedrin) in Usha decreed"³⁰⁵, or as it is written "The Sages ordained", or "A decree of the Sages". Similar instances are very common.

Thus, all the laws enumerated in the Mishnah are subdivided into these five categories; some are interpretations received

296) Lit: money matters.

297) Lit: ask and seek.

298) Tractate Megillah 4a.

299) The first benediction of the Grace after meals. Hertz *Prayer Book* (see footnote 55) p. 967.

300) Tractate Berachoth 48b.

301) Mishnah Shebi'ith, Chapter 10, Mishnah 3. *Pruzbul* is a device which prevents remission of debts in the Sabbatical year by entrusting the court with the collection of the debt. A complete discussion of *Pruzbul* can be found in Tractate Gittin 36a-37b.

302) Tractate Gittin 34b. A man should write his true name on a divorce document, and not an adopted name.

303) a) Tractate Betzah 5a. Testimony concerning the appearance of the New Moon is admitted the whole day, even in the evening.

b) Tractate Rosh Hashana 30b. During the whole day of the waving of the *Omer* (the sheaf of barley offered on the 16th of Nissan prior to which new cereals of that year were forbidden. Levit. 23, 10), the new corn is forbidden.

304) As opposed to an individual sage.

305) Tractate Kethuboth 49b. A man must sustain his sons and daughters while they are young.

from Moses which are alluded to in Scripture, or can be derived through deductive reasoning;³⁰⁶ others are Verbal Mosaic Tradition (which cannot be proved either directly from Scriptures or by deduction); others yet are (laws) derived by comparisons³⁰⁷ and reasoning concerning which differences of opinion may arise. Some of these (laws) are decrees³⁰⁸, and others are ordinances.³⁰⁹

I will now mention the reason he³¹⁰ saw necessary to record (both sides of) a controversy that arises between two viewpoints. If these legal decisions³¹¹ were written as final rulings³¹², without the controversy, and if the opinion of the Sage whose view is not the finally accepted one were omitted, then it is possible that at a later time someone will come along who learned³¹³ the very opposite of the statement of the final ruling. (This he learned) from the Sage who disputes that view, or from someone who is inclined to agree with his³¹⁴ opinion. Thus a doubt is raised in our minds, and we might say: How could this person, a trustworthy man, have learned that such and such a thing is prohibited if the Mishnah (specifically) states that it is permitted, or vice versa? Because of this, if (all) these opinions will be written down for us, this danger will be averted^{314a}, since when the receiver (of knowledge from his teachers) will say: "I have heard that such and such is prohibited", we can say to him: "You speak correctly, and it is the view of so and so, but many disagree with him", or "so and so disagrees with him, and the final ruling is according to the

306) Using the 13 principles of Rabbinic exegesis.

307) Hebrew: *Hekesh*.

308) Hebrew: *Gezereth*.

309) Hebrew: *Takanoth*.

310) Rebbe, compiler of the Mishnah.

311) Hebrew: *Halachoth*.

312) As in the Code of Jewish Law, the *Shulchan Aruch*.

313) Lit: received, by oral tradition.

314) the dissenting sage.

314a)lit: this breach will be fenced.

dissenting viewpoint", either because its deductive reasoning is more plausible, or because we have found proof that supports it.³¹⁵ On the other hand, the reason why he³¹⁶ found it necessary to record the opinion of a single person against the many is that it is possible that the final ruling should be according to (the opinion of) the single person and, therefore, he³¹⁶ teaches us that if an argument is convincing³¹⁷, even if it be that of a single person, it is accepted³¹⁸, although many may argue with him.³¹⁹

There is a reason for recording the opinion of one man though he later withdrew from that opinion. One sees this, for example, when the (Sages) stated: "Beth Shammai say such and such whereas Beth Hillel say such and such, and Beth Hillel reconsidered and taught according to the opinion of Beth Shammai",³²⁰ to demonstrate their love for the truth and that righteousness and honesty prevail. Thus, when these honored, pious, noble people of eminent scholarship³²¹ saw that the opinions of him who argues with them are better than their own and that his³²² deliberations are correct, they would admit to him and change to his viewpoint. All the more so should other people, when seeing the truth, lean toward their opponent, likewise turn to this truth (and accept it) without being stubborn.³²³ This is the meaning of the Scriptural phrase *Justice, justice shalt thou follow*.³²⁴ It is concerning this (matter) that the Sages stated, "Acknowledge the truth"³²⁵,

315) Mishnah Edduyoth, Chapter 1, Mishnah 6.

316) Rebbe, compiler of the Mishnah.

317) Lit: a viewpoint is simpler. i.e. logical and understandable.

318) Lit: listened to.

319) Mishnah Edduyoth, Chapter 1, Mishnah 5.

320) *ibid.* Mishnah 4 and Mishnah 12.

321) Such as Beth Shammai and Beth Hillel.

322) The dissenter.

323) Lit: hard-necked.

324) Deut. 16, 20.

325) Mishnah Aboth, Chapter 5, Mishnah 7.

meaning that even if you could save face³²⁶ with (sophisticated) counterarguments, if you know that your friend's viewpoint is the correct one, although your argument may be clearer due to his weakness (in expressing himself), or because of your ability to pervert the truth, withdraw to his viewpoint and abandon the fight.³²⁷

When the author (of the Mishnah, Rebbe) considered the redaction of this book according to this pattern³²⁸, he saw fit to divide it (the Mishnah) into six sections.

THE FIRST SECTION (deals) with commandments pertaining to the plants of the land, such as (laws of) prohibited mixtures,³²⁹ (laws of the) Sabbatical year, *Orlah*,³³⁰ Heave Offerings, Tithes and other laws of (agricultural) gifts.³³¹

THE SECOND SECTION (deals) with the divisions of the yearly cycle and the festivals, their requirements, their varying laws,³³² things permitted and prohibited therein, and those laws and commandments which are properly associated with each of these chapters.

THE THIRD SECTION (deals) with sexual relations, and the differences between the laws of men and women, such as the Levirate marriage, *Halitzah*,³³³ the marriage settlement document,³³⁴ betrothals and divorces, and all that is deemed necessary to be stated in each of these chapters.

THE FOURTH SECTION (deals) with (civil and criminal) laws, and disputes between man and his neighbor, trade,

326) Lit: save your soul.

327) i.e. admit defeat with dignity.

328) As described above.

329) Hebrew: *Kilayim*. Prohibitions of mixtures in plants, animals and garments.

330) Lit: Uncircumcised. Prohibition of the use of trees during the first three years after planting.

331) To the Priest, Levite, poor, stranger, etc. . .

332) Different for each holiday.

333) The ceremony of taking off the shoe of the brother of a husband who died childless who does not want or cannot fulfill the Levirate marriage. Deut. 25, 5-9.

334) Hebrew: *Kethuba*.

(of comprehension) to themselves, when they compared themselves to those (Sages) that preceded them. And this is what they (meant when they) stated:⁶⁵³ "The hearts⁶⁵⁴ of the ancients are like the door of the *Ulam*⁶⁵⁵, but those of the latter generations are not even ⁶⁵⁶like the eye of a fine needle". How much more so (does this apply to) us, in whom wisdom has ceased and is lacking, as the Holy One Blessed be He told us:⁶⁵⁷ *And the wisdom of their wise men shall perish, and the prudence of their prudent men shall be hidden.* This scriptural phrase has characterized each one of us with four things: weakness of intellect, strong lust (for worldly pleasures), laziness in the quest for wisdom, and diligence (in attaining) worldly profits, the "four bad judgements".⁶⁵⁸ How can we not but attribute the lack (of knowledge and understanding) to ourselves when we compare ourselves to them?⁶⁵⁹

It is because the Sages of Blessed Memory knew that, in this matter, all their words are lucid and pure without any imperfections, and they commanded and warned that no man mock them. They also stated:⁶⁶⁰ "He who mocks at the words of the Sages is punished with boiling hot excrement", and there is no greater boiling hot excrement than foolishness which leads to mockery. Therefore, there is never found a man who derides their words, save one who seeks lust, and attributes value to sensual pleasures, and who fails to enlighten his heart with any illuminating brightness (of Torah).

It is because they recognized the truth of their words that they filled all their days with this task (of learning Torah), and

653) Tractate Erubin 53a.

654) Intellectual powers.

655) A chamber in the Holy Temple whose door measured 20 cubits in width.

656) Some texts omit the words "not even". The meaning is unchanged.

657) Isaiah 29, 14.

658) See Ezekiel 14, 21.

659) The Sages of old.

660) Tractate Gittin 57a.

commanded (us) to be zealous in this regard every night⁶⁶¹, and part of the day. They have made it⁶⁶² the ultimate in wisdom, and this is really so. They further stated:⁶⁶³ "The Holy One, Blessed be He, considered nothing in this world save the four cubits of *Halachah*". One should delve discerningly⁶⁶⁴ into this matter, because if one examines it superficially, one would find it far from the truth, as if the four cubits of *Halachah* alone represent the ultimate to be sought after, and the other teachings and viewpoints (in the Torah) are secondary.^{664a} And during the time of Shem and Eber and after them when there was no *Halachah*,⁶⁶⁵ can we then say that the Holy One Blessed be He had no part in the world at all? If one delves discerningly into this matter, however, one would observe therein wondrous wisdom and one would find that it comprises a collection of eternal truths. I will explain this for you so that it may serve as an example for you in all other matters which you come across. Therefore, pay close attention thereto as is proper.

Know that the ancients⁶⁶⁶ made a profound investigation

661) Lit: the entire night. See also Maimonides' *Mishneh Torah*, Laws dealing with the study of Torah, Chapter 3, 13 where he states: "While it is a duty by day and by night, most of one's knowledge is acquired at night. Therefore, he who desires to merit the crown of the Torah should be heedful of all his nights and not waste even a single one of them in sleep, eating, drinking, idle talk and so forth. Rather (he should devote all of them) to the study of Torah and words of wisdom. The Sages have stated that the reservoir of Torah is the night as it is written (Lamentation: 2:19): *Arise, cry out in the night*, and whosoever occupies himself with (the study of) Torah at night—a mark of grace distinguishes him by day as it is written (Psalms 42:9): *By day the Lord will command His loving kindness and in the night His song shall be with me, even a prayer unto the God of my life.*

662) The learning of Torah.

663) Tractate Berachoth 8a.

664) Lit: turn one's heart.

664a) Lit: thrown behind one's back.

665) Although Shem and his descendant Eber were believed to have maintained schools (see Rashi's commentary on Gen. 25, 22 and Genesis Rabbah 63, 6), these schools preceded the giving of the Torah by God on Mount Sinai, and thus *Halachah* could not have been taught in the sense that we know it today.

666) Probably ancient philosophers and not Sages.

with wisdom and good thinking (powers), until the following general principle that they were given was firmly established in their minds: that everything that exists must of necessity have a purpose for which it was created, because things do not exist for naught. When this general principle became confirmed in their minds, they began to categorize all existing things in order to know the purpose for each variety of created being. They saw that every artificially-created object, meaning that which is made through workmanship, has a well-known and objective function. One need not deliberate over such a matter. For the craftsman will not perform his work if its goal is not clearly depicted in his mind. I will state an example of this. The blacksmith will not make a saw until after contemplating in his heart:—how can one split wood? When the idea of the saw appears in his mind, he begins to make it in order to cut therewith. Thus we know that the purpose of the saw is to fell trees, and the purpose of a spade is to dig therewith, and the purpose of a needle is to sew one garment to another, and similarly for all things which are found to be artificially made.⁶⁶⁷ However, regarding those (things) whose existence is due to Divine workmanship and the wisdom of nature, such as various types of trees and grasses, various minerals of the earth, various stones and various animals—the purpose of the existence of some of them is obscure and is not understood at all, except

667) See also Maimonides' *Guide for the Perplexed*, Part 3, Chap. 25 where he states: "... The philosophers (probably referring to Aristotle) assume that in Nature there is nothing in vain, so that everything that is not the product of human industry serves a certain purpose..." Also see Maimonides' *Treatise on Logic*, Chapter 9 where he states:

"The causes of things are of four kinds: matter, form, agent and purpose. Let us take, for example, among artificial things, a chair; its matter is the wood, its agent is the carpenter, its form is a square if it is square... and its purpose is the sitting thereon... In the case of natural things one should seek the very same causes; for example, man belongs to the natural order, his matter is life, his form is the rational faculty, his purpose is the attainment of ideas, and his agent is the one who gave him his form or his rational faculty... and this is God, blessed be He..."

if it were made known through prophecy or through the power of prognostication. However, it is impossible to know their purpose through investigative reasoning. Thus, it is not within the power of man to ponder until he understands and knows the reason why nature made some ants with wings and some without wings; and also why it made (some) worms with many legs and others with few legs; or what is the purpose of this worm or that ant? However, regarding things which are larger than these, and whose functioning is more obvious—the greatness of wise people is revealed by the knowledge of the purpose of creation of these things. As (a man) becomes wiser and desirous of learning, and lucid in thought—so too will his knowledge become more complete.

Therefore, when the Holy One, Blessed be He, gave to Solomon the wisdom He promised him,⁶⁶⁸ he understood the secrets of nature of those species (of animals mentioned above), as much as is possible for a person who is (only) human to understand. He (Solomon) speaks of the purpose of the creation of trees and grasses and varieties of life, as it is written in Scriptures:⁶⁶⁹ *And he spoke of trees, from the Cedar that is in Lebanon even unto the hyssop that springeth out of the wall; he spoke also of beasts and of fowl and of creeping things and of fishes.* This testified that indeed the Divine Spirit was in him. It is stated later:⁶⁷⁰ *And there came of all peoples to hear the wisdom of Solomon.*

However, in general, one must note that all things that exist under the lunar sphere exist for man alone. Of all the types of animals, there are some (which were created) to be eaten, such as sheep and cattle and the like. There are others whose value lies not in their consumption, such as the donkey, which is used

668) First Kings 3, 12: *Behold I have given thee a wise and understanding heart...*, and First Kings 5, 26: *And the Lord gave Solomon wisdom.*

669) First Kings 5, 13.

670) First Kings 5, 14.

to transport that which (man) cannot carry by hand, and horses with which to traverse a great distance in a few days. There are also varieties (of creatures) whose function is not known to us; yet they are of benefit to man though he fails to recognize this. Similarly, there are among trees and plants some that can be consumed (as food), and others which can be used to heal one's sicknesses. The same applies to grasses and other species (of creation).

And know that if we find creatures and plants which do not have nutritional value and which have no apparent function according to our (way of) thinking, this reflects a limitation of our understanding. It is impossible for any grass or any fruit or any type of living being, from elephants to worms, not to have usefulness for man. We see as support for this the fact that in every generation (the values of) grasses and various fruits which were not apparent to our predecessors are revealed to us, and provide us with great benefits. It is not within the ability of man to completely encompass in his mind the values of all the plants on the earth. Nevertheless, their purposes become revealed through the passing generations by experience.

However, if one would ask: why were fatal poisons such as the herb called "Bayish" and "Blood grass"⁶⁷¹ created if man perishes by them and they are of no value? It is important for you to know that they do have usefulness. Though one may die by ingesting them, one does not die when one applies a compress (made therefrom) on the outside of the body. If one recognizes that man derives great benefit from vipers and snakes,⁶⁷² then all the more so (does man benefit) from those (things) which are less harmful.

671) A herb with red sap.

672) See Tractate Sabbath 77b. "Rab Judah said in Rab's name: Of all that the Holy One, blessed be He, created in His world, He did not create a single thing without purpose. Thus He created the snail as a remedy for a scab, the fly as an antidote to the hornet's sting, the mosquito for a serpent's bite, a serpent as a remedy for an eruption and a spider as a remedy for a scorpion's bite . . ."

Now when it is realized that the purpose of all these plants and animals⁶⁷³ is for the survival of man, then one is led to investigate why man exists, and what was the intent behind his creation. When one delves into this matter at length, one finds that man has many productive activities. In fact, all the varieties of living beings and trees possess only a single activity or, perhaps, two activities. Thus we observe that date-palms have the sole capability of producing dates. The situation is analogous with other trees. Similarly, among animals, there are some, such as the spider, whose only skill is to weave, and some, such as the swallow (which is a small bird that makes its nest within houses during the warm season),⁶⁷⁴ who build, and others, such as the lion, that prey. However, man can perform many differing tasks. His activities have been scrutinized, skill by skill, to know which of these activities was the object in (man's) creation. The other skills (man possesses) serve only the purpose of assuring his survival, to insure the (fulfillment) of that one activity. This (cardinal) activity is the following: to grasp in his mind⁶⁷⁵ the secrets of the fundamental truths, and to understand the verities (in life) according to his ability.⁶⁷⁶

Common sense dictates that it is absurd (to consider) that man's major purpose is to eat and drink and engage in copulation, or to build a wall⁶⁷⁷, because these are all activities which automatically recur. They do not add to his internal strength.⁶⁷⁸ Moreover, he shares these (activities)⁶⁷⁹ with

673) Lit: matters.

674) Phrase in parenthesis is lacking in the Arabic original. edit. Hamburger.

675) Lit: draw or form in his soul.

676) See also Maimonides' *Guide for the Perplexed* Part I, Chapter 68 where he discusses the subject of intellectus, the ens intelligens and the ens intelligibile.

677) The original Arabic adds: or to be king.

678) His precious Divine gift i.e. intelligence. The Hebrew word *Penini* as found in Proverbs 3, 15 means ruby or coral or precious stone. Some Hebrew texts have the word *Penimi* meaning internal. The meaning of the phrase is the same with either interpretation.

679) i.e. eating, drinking, etc.

most (living) creatures. Wisdom, however, does add to his internal capacities and elevates him from a lower status to a level of honor, because he was (at first only) a potential human (in essence) and then became an actual human (in essence). Man, before he uses his intelligence and acquires knowledge, can be considered as (just another) animal. He is not different from other types of animals except in his reason; he is a rational animal, that is, (one) with reason which he applies to grasp the (eternal) verities.⁶⁸⁰ The prime verity to grasp is the Unity of the Holy One, Blessed be He, and all that pertains to that Divine matter.⁶⁸¹ Other verities⁶⁸² serve only to exercise one toward the attainment of Divine knowledge. A complete discussion of this point would be extremely lengthy.

However, through grasping the verities, (man realizes that) he is obligated to spare himself from most physical pleasures, because the beginning of understanding will lead him to grasp that the destruction of the soul results from the improvement of the body, and perfection of the soul through containment of the body. Thus when man chases after lusts, and when sensual (desires) prevail over the conceptual⁶⁸³ ones, and make his intelligence subservient to his lusts, so that he recedes to be like an animal which conceives only eating, drinking and copulation for itself, then the Divine capacity, that is intelligence, will not be recognized in him. Then he will be as a

680) See Maimonides' *Mishnah Torah*, Laws of the Fundamental Principles of the Torah. Chap. 4, 8 where he states: "The superior intelligence found in the human soul is the form of man complete with knowledge. To this form, the Torah refers in the text: *Let us make man in our image, after our likeness* (Gen. 1:26). This means that man should have a form which understands and grasps knowledges that have no form . . ."

681) That God is eternal, incorporeal, etc. See Maimonides' *Mishnah Torah*, Laws of the Fundamental Principles of the Torah, Chap. I. See also Maimonides' *Mishnah Commentary* on Tractate Sanhedrin, Chap. 10, where he enunciates and expounds upon the thirteen articles or principles of the Jewish faith.

682) Sciences.

683) Lit: intellectual.

stunted creature stooping in the primeval sea. The meaning of primeval sea is emptiness.⁶⁸⁴

It seems clear from these introductory remarks that the purpose of this world, and all that is contained therein, is (to help make) a wise and good man.⁶⁸⁵ It will also be made clear to man that the human attributes are intelligence⁶⁸⁶ and deeds; by intelligence is meant the perception of truths about things and the attainment of all (knowledge) that it is possible for a man to attain. Deeds refer to the improvement and perfection of natural matters.⁶⁸⁷ One should not be addicted to worldly pleasures, nor should one partake therefrom, save that which is required to improve one's body and to improve one's character.⁶⁸⁸ Therefore, the man who is in this category is the goal and the object (for whom the world was created).

And this fact is not only known from the prophets; the bygone Sages of different peoples, (Sages) who never saw the prophets nor heard their wisdom, were already aware that man is not perfect unless there is comprised in him intelligence and good deeds. The words of the renowned Sage in philosophy⁶⁸⁹ who said "God desires of men that they be discerning and righteous"⁶⁹⁰ should suffice for us. For if man is wise and discerning, but desires (to satisfy his) passions, then he is not truly wise. For the beginning of wisdom dictates that man not partake of physical delights, save that which is required for the maintenance of his body. When we will comment upon Tractate Aboth we will complete (the discussion on) this matter and

684) See Genesis 1, 2. *And the earth was wasteness and emptiness.*

685) Wise in intellect and good in morals and ethics.

686) Lit: knowledge. Some texts have wisdom.

687) Proper eating and drinking habits, honesty in business dealings, etc.

688) A healthy soul can only exist in association with a healthy body.

689) Aristotle.

690) Discerning in wisdom and righteous in deeds.

elucidate it properly.⁶⁹¹

Similarly, we find that the prophet rebukes and considers sinful one who praises himself, (claiming) that he is wise, for then he actually rebels against the laws (of the Torah) and seeks the lust of his soul. This is what is meant by⁶⁹² : *How do you say 'we are wise and the law of the Lord is with us'?*⁶⁹³ Conversely, if a person is a worshipper (of God) and a Nazarite and one who abstains from worldly delights,—save that which is required for the maintenance of his body, and follows an ideal⁶⁹⁴ path in all natural habits and maintains pleasant traits, but has no wisdom,—this (person) is also lacking in perfection. However, he is more complete than the former⁶⁹⁵, but his deeds are not performed in a proper manner, nor for the sake of truth.⁶⁹⁶ Therefore did the Sages of blessed memory, state:⁶⁹⁷ “A boorish person cannot be a sin-fearing man, nor can an ignorant person be truly pious”, as we have just explained. And whoever says that an ignorant person is pious contradicts the aforementioned definitive statement that the Sages declared. He also contradicts common sense.⁶⁹⁸ And therefore, we first find the commandment in the Torah: *that you may learn them* and afterwards *to perform them*.⁶⁹⁹ Understanding is mentioned

691) See also Maimonides' “Eight chapters” or Introduction to his Commentary on Tractate Aboth, where in Chapter 5, he states “man must keep his eye constantly fixed upon one goal, namely the attainment of the knowledge of God, may He be blessed, as far as it is possible . . . man's only purpose in eating, drinking, cohabiting, sleeping, waking, moving about and resting should be the preservation of bodily health, while, in turn, the reason for the latter is that the soul and its agencies may be in sound and perfect condition so that he may readily acquire wisdom, and gain moral and intellectual virtues . . .”

692) Jeremiah 8, 8.

693) Jeremiah continues: *Lo, they have rejected the word of the Lord, and what wisdom is in them?*

694) Lit: on the equator.

695) Who is wise and discerning but who lusts for worldly pleasures.

696) His deeds are not performed because of a clear understanding and basic comprehension of his purpose in life.

697) Tractate Aboth 2, 5.

698) In that piety without wisdom, understanding and knowledge is incomplete.

699) Deut. 5, 1.

before the performance (of the commandment) because, through understanding, man will be led to the action, but through the performance man will not attain the understanding. This is what the Sages, of blessed memory, (meant when they) said:⁷⁰⁰ “study leads to action”.

There remains in this matter the following question which one might ask. It has been said that there is nothing purposeless in Divine wisdom; rather (everything created has) a specific goal. Furthermore, of all the creations that are below the lunar sphere, man is the most important, and the purpose behind man's being is for him to apply himself to wisdom.⁷⁰¹ If so, why did the Holy One, Blessed be He, place (in the world) all those people who do not apply themselves to wisdom? We observe that most people are completely lacking (in cleverness) and devoid of intelligence, and desire only to satisfy their lusts. The wise man who despises worldly (pleasures) is alone among many; there is found only one in each generation.

The answer to this (question) is that those people (who do not apply themselves to wisdom) were created for two reasons. One purpose is for them to serve that (unique) individual. For if all people sought wisdom and philosophy, the functioning of the world would be undermined, and all living beings would perish from the world in a short time, since man lacks much and has many needs. He would have to learn ploughing and harvesting, to thresh and to grind, to bake and to make utensils for the aforementioned tasks, in order to fulfill therewith his alimentary needs. Similarly, he would have to learn spinning and weaving in order to weave his clothing. (He would also have) to learn to build in order to construct a place of shelter, and to manufacture tools for all these labors. Not even the lifetime of a Methusaleh⁷⁰² would suffice to learn all these

700) Tractate Kiddushin 40b.

701) Lit: to depict for his intelligent soul.

702) Who lived 969 years, Genesis 5, 26-27.

tasks which a person necessarily requires for his sustenance. When would he find spare time to study and acquire wisdom? Therefore, all those people were created to perform these acts which are needed in a community, in order that the Sage find his needs prepared before him, that the land be settled and wisdom found therein.

How well was it stated: "were it not for madness, the world would be desolate". For there is no folly in the world comparable to the folly of man. For man has a feeble soul and a weak constitution; yet he travels from the beginning of the second region of the seven inhabitable districts⁷⁰³ until the end of the sixth. He traverses oceans in the winter, and travels through lands of drought⁷⁰⁴ in both drought and summer. He endangers himself (by exposure to) beasts of the field and reptiles in order to increase his wealth. When he has assembled a minute quantity of gold coins for which he sold his three souls,⁷⁰⁵ and, if he wishes to enjoy them, he commences to distribute them to laborers to build for him a foundation in the depths of the earth with lime and stones, in order to construct a wall to last for many years. Yet he knows that there do not remain in his lifetime enough years to even survive a structure made of reeds. Is there a greater folly or lunacy than this?

Similarly, all the delights of the world are complete mockery and madness. However (at the same time), they are a factor for the settlement of the functioning world. Therefore the Sages, of blessed memory, called a person who has no wisdom an *Am Ha'aretz*,⁷⁰⁶ that is, the purpose they serve is the settlement

703) The ancient Greeks divided the earth into seven regions or the seven different climates, the first and seventh are uninhabitable. Therefore, Maimonides states from the 2nd to the 6th.

704) Deserts.

705) In the first chapter of his "Eight Chapters", Maimonides speaks of five parts to the human soul: the nutritive, the perceptive, the imaginative, the appetitive and the rational.

706) Lit: people of the land or of the earth.

of the earth. Therefore they⁷⁰⁷ associated their⁷⁰⁸ name with the earth.

A man might say: "behold, we observe a foolish and stupid man who lives in tranquility in the world without toiling therein. Others serve him and engage in his business dealings for him. Is it not possible that one of those who ministers to his needs is a wise and discerning man?" But the matter is not as this individual thinks. The tranquility of that foolish man also serves to prepare goodness for that man to whom the Creator wishes to give it. Though while he is satisfied with his great wealth and possessions,⁷⁰⁹ he instructs his servants to build a paragon of beauty, and to plant a large vineyard just as kings and the like do. It is possible that this palace will be ready for a righteous man who might come in later days and seek refuge one day in the shade of one of the walls (of the palace), and this will be the cause that saves him from death as it is written: ⁷¹⁰*He may prepare it, but the just shall wear it.* There may be taken one day from that vineyard a cup of wine to make therewith a remedy called theriac which will spare from death a complete and perfect man who was bitten by a (poisonous) viper. ^{710a}Such is the conduct of the Holy One, Blessed be He, and His wisdom, by which nature serves (to fulfill) *counsels of old, in faithfulness and truth.*⁷¹¹ This idea was expounded by the Sages of blessed memory when they stated: ⁷¹²"Ben Zoma was once standing on the Temple Mount and saw a crowd of Israelite festival pilgrims. And he said:

707) The Sages.

708) The unwise people.

709) Kapach translates position. (See note 747).

710) Job 27, 17.

710a) See Maimonides' *Treatise on Poisons*, S. Muntner edit. Phila. J. B. Lippincott Co., 1966.

711) Isaiah 25, 1.

712) Tractate Berachoth 58a.

'Blessed is He who has created all these to serve me' ".⁷¹³ For he (Ben Zoma) of blessed memory, was unique in his generation.

The second reason for the existence of people who have no wisdom pertains to the fact that wise people are extremely few, a matter which was decreed by Divine intelligence. One may not ask "Why was this necessary?" regarding the matters of ultimate wisdom (of creation). Similarly, one cannot ask "Why are there nine spheres?"⁷¹⁴, why are there seven planets, and four essential elements?"⁷¹⁵ All these, and the customary workings of things, were decreed to be so from the beginning of creation. The Sages, of blessed memory, have expressed (this isolation of the wise) in the statement of Rabbi Simeon Bar Yohai regarding those of his generation, although most of them were worthy:⁷¹⁶ "I have seen people of merit ⁷¹⁷ and they are but few. (If there be a thousand, I and my son are among them; if a hundred, I and my son are among them); and if only two, they are I and my son."

Therefore the masses were created to provide company for the wise, so that the latter not remain desolate. You may consider this to be of small value, but it still is necessary and more significant than the first.⁷¹⁸ For the Holy One, Blessed be He, left (remnants of) the wicked in the land of Israel, in order

713) The Talmud continues. "For Ben Zoma used to say: What labors Adam had to carry out before he obtained bread to eat! He plowed, he sowed, he reaped, he bound, he threshed and winnowed and selected the ears; he ground and sifted, he kneaded and baked and then at last he ate; whereas I get up and find all these things done for me. And how many labors Adam had to carry out before he obtained a garment to wear! He had to shear, wash (the wool), comb it, spin it, weave it . . ."

714) The Moon, Mercury, Venus, Sun, Mars, Jupiter, Saturn and the East to West spheres. See Maimonides' *Mishnah Torah*, Laws of the Fundamental Principle of the Torah. Chapter 3.

715) Fire, air, water, earth. *Ibid.* Chapter 4.

716) Tractate Succah 45b.

717) Those destined to go to Heaven.

718) More important than the first reason for the creation of the masses, namely to provide sustenance for the wise.

to provide company for and remove the desolation from the righteous. This is what (is meant when it) is written: ⁷¹⁹ *I will not drive them out from before thee in one year lest the land become desolate*. This subject was also explained by the Sages who said: ⁷²⁰ "What is meant by *For this is the whole man* ⁷²¹ . . . the whole world was created as a companion for him?" It means to remove the sadness and desolation of his solitariness.

Therefore, from all that we have said, it becomes clear that the purpose in the creation of everything in this existing imperfect world ⁷²² is (that they serve) a perfect man full of wisdom and good deeds, as we have stated. If you delve into and learn these two things, namely, wisdom and good deeds, from the explicit or only alluded-to teachings of the Sages, of blessed memory, then you will know the correctness of their statement that "the Holy One Blessed be He in His world has only the four cubits of *Halachah*."⁷²³

We have digressed from the (original) subject matter with which we were concerned. However, I have discussed these things because they strengthen one's faith and stimulate the quest for wisdom. They are not simple, in my opinion. I will now return to my (original) subject matter.

When Rav Ashi completed the redaction of the Talmud as we know it today, the immensity of his composition and its superlative value served as true testimony that (*He is one*) in whom is the spirit of the Holy God.⁷²⁴ Within Rav Ashi's

719) Exodus 23, 29.

720) Tractate Berachoth 6b.

721) Eccles. 12, 13.

722) See Maimonides' *Mishnah Torah*, Laws of the Fundamental Principles of the Torah. Chapter 4, 3-4.

723) Tractate Berachoth 8a. *Halachah* refers not only to practical deeds but also to spiritual matters.

724) Daniel 4, 5.