

independent and empirical review of a work will illumine or flesh out an author's declarations and add a certain delicacy, depth, or precision to our understanding of his words. Already in Maimonides' lifetime a trusted correspondent reported that his intention was not grasped and his words misunderstood. There are, he says, "people who study but do not know what they study, misunderstand the subject matter of the work, and fail to comprehend your real intent." Maimonides himself observed in reply to the critics: "You have not paid attention to my works."<sup>36</sup>

#### *Seven Statements*

At this point we should, therefore, briefly describe the major Maimonidean pronouncements, citing the relevant passages in extenso, even though key sentences or fragments will be extracted and explicated in the following chapters as the special themes are unfolded. This description will provide a springboard for our discussion of the major features of the work as well as its motives and its use of sources. It will also enable the reader to confront directly these varied statements, their special emphases and nuances, harmonies and dissonances, and concomitant problems of interpretation.

I. Introduction to the *Sefer ham-Miṣwoṭ*. This propaedeutic work, which contains an original and systematic classification and detailed enumeration of all the commandments of Judaism, should be seen in dual perspective. On the one hand, it belongs to a conventional genre of Rabbinic literature which was based on the Talmudic reference to 613 divine commandments. While there has been general agreement on the number 613,<sup>37</sup> there has been no agreement on which commandments deserve to be included in the enumeration. Dismissing his predecessors (the author of the *Halakot Gēdoloṭ* and the many poets who composed

36. *Kobes*, I, 25b. Note also *Tēsubot*, 310 (pp. 573-74), where Maimonides urges close reading of his Code. George Steiner, *After Babel* (New York, 1975), p. 302, quotes Schleiermacher's notion of a hermeneutic which "knows better than the author did." See also the stimulating study by J. H. Hexter, *More's Utopia* (New York, 1965), p. 3.

37. A significant reservation was registered by Nahmanides, at the beginning of his strictures on the ShM, *ṣores* I. R. Bahya ibn Paḳuda, *Hōḥot hal-Lēḥabot*, introduction, I, 26, refers to "about 613"; see below, chap. IV, n. 25. Bahya's text needs study.

*'Azharot*) with a few lines of devastating critique,<sup>38</sup> Maimonides suggests fourteen guiding principles, rich in provocative assumptions as well as profound insights, which should help bring about a consensus. This ambitious attempt to add rigor and objectivity to the enumeration by classifying Jewish law, defining the differences between Biblical and Rabbinic commandments, differentiating between general exhortations and specific commands, avoiding redundancies, separating negative from positive commandments, omitting temporary injunctions as distinct from timeless laws, is the most novel and original part of the book. As a result, it was simultaneously a stimulant and an irritant.<sup>39</sup> On the other hand, it was considered a necessary prerequisite to his Code, designed to insure its comprehensiveness. He needed an exact and exhaustive list of commandments which provided the scaffolding for the *Mishneh Torah* and guarded against forgetfulness and omissions. It is in this context that we find the most elaborate statement concerning the scope and structure of the *Mishneh Torah*. The author registers with seismographic detail his deliberations, records the motives which stimulated and the problems which confronted him, and depicts the decision-making process which led to the final crystallization of his work. The statement is especially important for the light it casts upon the inner-organic development of Maimonides' writings—this is apparently the only place in which Maimonides establishes liaison between his three major Rabbinic works and indicates the premeditated progression in them:

After having completed our previous well-known work wherein we included a commentary to the whole Mishnah—our goal in that work having been satisfied with the explanation of the substance of each and every halakah in the Mishnah, since our intention there was not to include an exhaustive discussion of the law of every commandment which would

38. ShM, introduction (II, 361). See below, chap. IV. Maimonides used the occasion to decry the rampant intellectual conservatism which prevented people from undertaking a critical review of accepted principles.

39. This is clearly illustrated by Nahmanides' critique. For one vexing issue and its long history of interpretation, see J. Neubauer, *Dibre Soférim*. See the "bio-bibliographical section of scholarship pertaining" to the ShM by J. Dienstag, *En ham-Miṣwoṭ* (New York, 199).

embrace all that is necessary (to know) of the prohibited and the permissible, liable and free, as will be made clear to him who studies that work—I deemed it advisable to compile a compendium which would include all the laws of the Torah and its regulations, nothing missing in it. In this compendium I would try, as I am accustomed to do, to avoid mentioning differences of opinion and rejected teachings, and include in it only the established law, so that this compendium would embrace all the laws of the Torah of Moses our teacher, whether they have bearing in the time of the exile or not.

It also appeared to me to be advisable to omit the *'asmaktoṭ* and the proofs brought (for the various laws), by mentioning the bearers of the tradition; thus, I would not say with each and every law, "These are the words of this Rabbi," or "This Rabbi says so-and-so," but instead I would mention in a general way at the beginning of this compendium all the Sages of the Mishnah and the Talmud, peace be upon them, and I would say that all the laws of the Torah—that is, the Oral Torah—have been received and handed down from teacher to pupil (through the ages) up to Ezra (and thence) up to Moses our teacher. Together with the leader of every generation that received the tradition, I would mention also the outstanding persons in his generation, who were associated with him in the imparting of the Oral Teaching. All this (I would do) out of a desire for brevity.

Similarly, I also found it advisable not to compose (this work) in the language of the Holy Scriptures, since that sacred language is too limited for us today to write the whole complex of the law in it. Nor would I compose it in the language of the Talmud (namely, Aramaic), since only a few individuals among us understand it today, and even the erudite in the Talmud find many of its words foreign and remote. Instead, I would compose it in the language of the Mishnah, so that it should be easily understood by most of the people. And I would include in it everything of the Torah that has been established and confirmed, omitting no question which might arise, or at least I would mention the principle by means of which that question can easily be resolved without too deep reflection. Such was my goal to be in this work: brevity with completeness—so that the reader thereof might encompass all that is found in the Mishnah and Talmud, Sifra, Sifre, and Tosefta, and more than that, all decrees and ordinances of the later Geonim, of blessed memory, as well as all that they have explained and commented upon concerning the prohibited and permissible, unclean and clean, invalid and valid, liable and free, pay and not pay, swear and free from swearing. In short, outside of this work there was to be no need for another

book to learn anything whatsoever that is required in the whole Torah, whether it be a law of the Scriptures or of the Rabbis.

As I directed my attention toward this goal, I began thinking about how the division of this work, and the arrangement of its parts, were to be done. (I wondered:) should I divide it in accordance with the divisions of the Mishnah and follow in its footsteps, or should I divide it in some other way, arranging the subjects at the beginning or at the end of the work as logic will dictate, since this is the proper and easier way for learning? Then it became clear to me that in place of the tractates of the Mishnah, it would be best to arrange this work in groups of *halaḳot* (laws), so that it would read: "The Laws of the Tabernacle, the Laws of the Palm-Branch, the Laws of the Mézuzah, the Laws of the Fringes"; and that I should divide every group of *halaḳot* into chapters and paragraphs, even as the Mishnah had done, so that, for example, in the Laws of the Tefillin there would be chapters one, two, three, four, and each chapter would be (sub)divided into various laws, so that knowledge of it by heart should render it easy for one who wishes to learn something from it by memory.

With a division of this kind, it was clear that it would not be necessary to divide the laws on any specific topic—whether it concerns a positive or a negative commandment—into two general *halaḳot*, but that all necessary divisions could be made within the chapters of one general section.

At times one general section would contain a number of commandments, either because there is some general topic which embraces them, or because many commandments relate to one goal. For example, in speaking of idolatry, I would designate this general topic "The Laws of Idolatry," and then I would proceed to discuss under this general topic a number of commandments: (against) beguiling an individual Israelite (after the idols), leading a community astray, causing (our offspring) to pass (through the fire) in the worship of Moloch, prophesying in the name of an idol, worshiping it, and other similar commandments specifically applying to idolatry. Similarly, in the section entitled "The Laws of Things Forbidden to Be Brought on the Altar," I would mention (the commandments against offering) leaven or honey, blemished offerings, the hire of a harlot, or the price of a dog, and similar matters, since all these commandments are embraced in one general topic, namely, things forbidden to be brought (on the altar).

Now on account of this plan I deemed it advisable to enumerate first in the introduction to that work the number of all commandments, positive and negative, so that the scope of the work might embrace all of

them, not one commandment being left out without being fully discussed, whether singly, such as the Tabernacle, the palm-branch, the fringes, or the phylacteries, since each of these topics can be discussed by itself; or in a group of commandments, such as those mentioned above, in which case we would enumerate them, saying, "These are the laws of Idolatry, containing this number of positive commandments, which are as follows, and this number of negative commandments, which are as follows." All this (I would do) in order to guard against omitting any topic from discussion, for only by including them in the enumeration of the commandments (heading the various *halaḳot*) would I insure against such omission.<sup>40</sup>

2. Introduction to the *Mishneh Torah*. We find here a rather complete, if compressed, characterization of the work as well as a discussion of motivation. The introduction was most likely written after the bulk of the work had been completed (in the year 1177), and is therefore, at least formally, as much a retrospective as a programmatic statement.<sup>41</sup> The relative brevity or selectivity (for example, he mentions the qualities of his style but not the choice of language) is presumably attributable to the fullness of the previous statement, even though there is a marked difference of emphasis between them. As we shall see, the Maimonidean sources often have to be conflated, the explications of one grafted upon the silences of another, in order to produce a composite statement that is meaningful and comprehensive. The relative

40. ShM, introduction (II, 361ff.).

41. The following dates are mentioned by Maimonides: 1176, in *Šemittah wš-Yobel*, x, 4; 1177, at the end of the introduction; 1178, in *Kidduš ha-Ḥodes*, xi, 16. On the date of composition, see S. Gandz, *PAAJR*, XVII (1948), 1-7, reprinted in *Studies in Hebrew Astronomy and Mathematics*, ed. S. Sternberg (New York, 1970), pp. 113ff.; E. Wiesenberg, appendix to *Code*, Book III (YJS, 14), 561.

On histories of tradition, see R. Saadiah Gaon, *Sefer haḡ-Galuy*, ed. A. H. Harkavy, *Haš-Sarid wš-hap-Palit* (Petersburg, 1892), pp. 152ff., 268ff.; R. Judah hal-Levi, *Kuzari*, IV, 64; R. Samuel han-Nagid, *Diwan Šemu'el han-Nagid*, ed. D. Yarden, pp. 89ff.; and of course, *Iggeret R. Sherira Gaon*, ed. B. M. Lewin (Haifa, 1921). For R. Samuel ben Hofni Gaon, see E. Roth and S. Abramson, *Tarbiz*, XXVI (1956-57), 410, 421; S. Abramson, *'Inyanot bš-Sifrut haḡ-Gē'onim*, pp. 173ff.; see generally, G. Cohen, ed., *Sefer haḡ-Kabbalah*, pp. lii ff. Later Talmudists, heavily influenced by Maimonides, preface their works with histories of tradition which become also rather detailed histories of Rabbinic literature; e.g., R. Moses of Coucy, *Sefer Mišwoṭ Gaḡol*; R. Menahem ham-Me'iri, *Beḡ hab-Bēḡirah*; R. Menahem ben Zerah, *Šedah lad-Derek* and R. David ben Samuel, *Sefer bab-Batim*.

brevity may also be rooted in the structure and purpose of the entire introduction which should be studied as a conceptualization and periodization of Jewish history from the vantage point of the origin and transmission of the law, culminating of course in Maimonides' own climactic contribution and his special place in this history. Its repercussions concerning the nature and extent of communal autonomy, on the one hand, and the (in his opinion, diminished) significance of Gaonic authority, both institutional and judicial, on the other, are noteworthy. The introduction, in any event, not merely has a limited literary function but is a carefully constructed document reflecting many basic Maimonidean social, historical, and theological perceptions. To the extent that it does suggest a special view of the history of *halaḳah*, it is parallel to that passage in the introduction of the *Moreh*, supplemented by Part I, chapter 71, which may be read as a conceptualization and periodization of Jewish history from the point of view of the history of philosophy, its rise and decline in antiquity and its medieval re-emergence, again culminating in Maimonides' pivotal achievement. Also in this case the introduction and historical overview have not merely a limited literary function but also ideological-theological implications.

In any event, some symmetry, proportion, and commensurability had to be preserved in the *Mishneh Torah* introduction between the sections of the narrative depicting the redaction of the Mishnah and its unequaled authoritativeness, the composition of the Talmud and its automatic and informal "canonization," the nature of Gaonic activity and its influence, and finally Maimonides' own work and its hoped for impact:

On these grounds, I, Moses the son of Maimon the Sefardi, bestirred myself, and relying on the help of God, blessed be He, intently studied all these works, with the view of putting together the results obtained from them in regard to what is forbidden or permitted, clean or unclean, and the other rules of the Torah—all in plain language and terse style, so that thus the entire Oral Law might become systematically known to all, without citing difficulties and solutions or differences of view, one person saying so, and another something else, but consisting of statements, clear and reasonable, and in accordance with the conclusions drawn from all these compilations and commentaries

that have appeared from the time of our Holy Master [R. Judah] to the present, so that all the rules shall be accessible to young and old, whether these appertain to the (Scriptural) precepts or to the institutions established by the Sages and prophets, so that no other work should be needed for ascertaining any of the laws of Israel, but that this work might serve as a compendium of the entire Oral Law, including the ordinances, customs, and decrees instituted from the days of our teacher Moses till the compilation of the Talmud, as expounded for us by the Geonim in all the works composed by them since the completion of the Talmud. Hence I have entitled this work *Mishneh Torah* (Repetition of the Law), for the reason that a person who first reads the Written Law and then this compilation, will know from it the whole of the Oral Law, without having occasion to consult any other book between them.

I have seen fit to arrange this compendium in large divisions of the laws according to their various topics. These divisions are distributed in chapters grouped according to subject matter. Each chapter is subdivided into smaller sections so that they may be systematically memorized. Among the laws on the various topics, some consist of rules in reference to a single Biblical precept. This would be the case when such a precept is rich in traditional matter and forms a single topic. Other sections include rules referring to several precepts when these all belong to one topic. For the work follows the order of topics and is not planned according to the number of precepts, as will be explained to the reader.

The total number of precepts that are obligatory for all generations is 613. Of these, 248 are positive, their mnemonic is the number of bones in the human body; 365 precepts are negative, and their mnemonic is the number of days in the solar year.

Blessed be the All-Merciful who has aided us.<sup>42</sup>

3. Letter to R. Phinehas ben Meshullam, judge in Alexandria. This statement, in response to an unabashedly polemical, albeit

42. Concerning the statement that one who reads the MT "will know from it the whole of the Oral Law," see Twersky, "Non-Halakhic Aspects," p. 110.

The charge of planning to supersede the Talmud is leveled at Maimonides in the letter of R. Phinehas; for some phases of the convoluted history of this charge, which periodically exploded, see my "R. Joseph Ashkenazi," *Saló Baron Jubilee Volume* (Jerusalem, 1975), Hebrew part, pp. 183ff. The mnemonic formulation at the end, quoted by Nahmanides in his strictures on *šoreš* I, serves to underscore that only timeless laws, intended for eternal observance, are to be counted; see below, chap. III. For the history in MN, I, 71, see H. A. Wolfson, *The Philosophy of the Kalam* (Cambridge 1975), pp. 47ff.

polite, letter containing a variety of questions, reports, and mostly methodological-procedural queries about the *Mishneh Torah*, is very revelatory of Maimonides' psychological state in the early years of its spread. There are insinuations about Maimonides' personal practices to which he reacts with pathos and wrath. Above all, the letter conveyed to Maimonides the suspicions and apprehensions of contemporaries and an explicit arraignment of the motive and putative impact of his work—the alleged, and in the eyes of critics sinister, aim of having the *Mishneh Torah* supersede the Talmud is a focal concern. Maimonides' reply is a staunch but low-keyed defense of the rationale, integrity, and benign usefulness of his work, a defense that was to be both influential and problematic through the ages. The charge of wanting to abolish the study of Talmud in favor of his own compendium is roundly and rapidly repudiated. This is followed by a lengthier analysis of the necessary characteristics of codificatory writing— anonymity, unanimity, brevity, finality, etc. While the letter clearly emphasizes the comprehensiveness of scope, the authoritativeness of form, and the novelty of classification, it fudges the originality of interpretation—both the extent and intensity of the originality. Its polemical value in the anti-Karaite campaign is also appraised, even magnified.<sup>43</sup> In general, one gets the impression that Maimonides did not wish to antagonize R. Phinehas, who occupied a position of power and prestige in the same country; the immediacy and urgency of the questions are thus strengthened by geographic proximity, heightened mobility of opinions, and frequency of personal contact. Burdensome distractions and physical infirmities notwithstanding, he therefore answered patiently and respectfully but firmly, and it would seem persuasively.<sup>44</sup> Some apologetic overtones in this detailed rebuttal are obvious and not all emphases are readily

43. On Karaism, see below, n. 159.

44. See, e.g., *Tēšubot*, 233 (p. 424), concerning the close contacts with Alexandria; also 355 (p. 633), and index, III, p. 217; S. D. Goitein, *A Mediterranean Society*, I, 66; M. Lurki, *Haš-Tēšufab*, XXX–XXXI (1946), 689ff. See the reference to Alexandria in *Melukim*, v, 7. From *Tēšubot*, 346 (p. 623) we see that Maimonides was generally sensitive and concerned lest he be accused of presumptuousness or haughtiness (*gassut ba-ruah*). See Y. M. Toledano, *Yēbude Mišrayim* (Alexandria, 1936), p. 5.

integrated with earlier statements. The letter is thus as challenging as it is informative:

. . . In your letter you also wrote as follows: "The words of your composition are surely illuminating for all the world, but solely for the person who has already studied the Talmud and knows the names of the Rabbis who had preoccupied themselves with, and engaged in, the dialectics of the Oral Law (Talmud) and Gemara; and as a result (such a person) will not preoccupy himself exclusively with the words of your composition, for this would result in the names of the Tannaim and Amoraim being blotted out from the world. And certainly this is the case for those persons who study but do not know what they are studying; who misunderstand the subject matter and the language of the composition, and fail to comprehend your real (ultimate) intent and from what source the fountain (of your wisdom) flows. Concerning such persons, the Tanna said, 'Scholars, take great care with your words . . . lest (your students) die and the name of God be thereby desecrated. . . .' " These were your words verbatim; elsewhere in your letter you also wrote the following: "It would be proper for Your Excellency to instruct everyone not to abandon their preoccupation with the study of Gemara. . . ."

Now concerning this entire matter, it is necessary for me both to rebuke you and to inform you that I promptly understood the intentions of your words though you never specified them. Know therefore that I have never said, Heaven forbid, "Do not preoccupy yourself with the study of the Gemara, of the *Halakot* of Rabbi Isaac Alfasi, or of any other text." In point of fact, God himself is my witness that for the past year and a half (the students who have come to me) have not studied my own composition with me; quite the contrary, three students came and studied various books; the majority of the students wished to study the *Halakot* of Rabbi Alfasi, and I taught it to them in its entirety several times; two other students desired to study the Gemara, and I also taught them the tractates they wished to learn. Have I ever commanded or has it ever occurred to me to burn all the books composed before my time because of my regard for my own work?

In the introduction to my composition, I explicitly wrote that my sole purpose in composing it was to alleviate the burden of those students who because of their impatience of spirit were not able to descend to the depths of the Talmud, and therefore could not understand from it the way of determining what is permissible and what is forbidden: I discussed this matter at great length there. As for your statement about the

names of the Tannaim and Amoraim, I already mentioned the names of most of the Sages at the beginning of my composition. Is it in fact the case that anyone who attempts to decide the *halakot* and to make (out of the law) a clean fine flour is guilty of desecration of His name, just as has occurred to you? Already before me there were Geonim and other great scholars who composed works and compiled codes, in Arabic as well as in Hebrew, in which they adjudicated the *halakot* on given subjects. No one before my time, not at least since the time of Rabbi Judah and the other holy scholars of his period, adjudicated all the *halakot* in the Talmud and all the laws of the Torah. Yet that I should be held responsible for desecrating His name solely because my work is comprehensive astonishes me greatly. As for those readers who do not know how to study my composition, no author can accompany his book wherever it goes and allow only certain persons to read it.

Futhermore, in the introduction to my composition I wrote that I had composed the work according to the method of the Mishnah and in the style of the Mishnah. But you have not paid sufficient attention to my words, nor have you understood the difference between the method of the Mishnah and the method of the Talmud. Because of your ignorance of this matter, you wrote the following criticism in your letter: "Even when I study your composition, I find in it many matters which remain unclear to me because you have not given proofs for them, while my own mind is not clear enough to comprehend them." This was the gist of your criticism; permit me now to explain.

You should know that every author of a book—whether it deals with the laws of the Torah or with other kinds of wisdom, whether it was composed by one of the ancient wise men among the nations of the world or by physicians—always adopts one of two ways (structures and styles): either that of the monolithic code (*hibbur*) or that of a discursive commentary (*perush*). In a monolithic code, only the correct subject matter is recorded, without any questions, without answers, and without any proofs, in the way which Rabbi Judah adopted when he composed the Mishnah. The discursive commentary, in contrast, records both the correct subject matter and other opinions which contradict it, as well as questions on it in all its aspects, answers, and proofs as to why one opinion is true and another false, or why one opinion is proper and another improper; this method, in turn, is that of the Talmud, which is a discursive commentary upon the Mishnah. Moreover, if someone should object to my distinction between the code and the commentary, and claim that because the names of the Rabbis are cited in the Mishnah—as when one Rabbi holds one opinion about a law and another Rabbi holds

a contradictory one—this kind of citation of names constitutes proof, it is necessary for me to point out that this is not proof: a proof explains why one Rabbi holds a certain opinion, while another Rabbi might hold a contradictory one.

You should also understand that if I have caused the names of any Tannaim to be forgotten by recording the correct halakāh without qualification and anonymously, I have only followed the style of Rabbi Judah here. He, too, did this before me, for every halakāh which he recorded without qualification and anonymously was originated by other scholars; yet even these other Rabbis had not originated the halakot themselves but had received them from still others, and these others from still others, all the way back to Moses our teacher. And just as the Tannaim and Amoraim did not bother to record the names of all Sages from the time of Moses to their own day, because there would then be no end to the citations of names, so I also have not bothered to record their names. What advantage would there ever be in doing it? Indeed, it is mentioned explicitly in several places that Rabbi Judah adjudicated the law according to the opinion of a certain Rabbi which he favored and nevertheless recorded his opinion anonymously; this is clear proof that whenever Rabbi Judah recognized a law which seemed to him to be the correct halakāh, and therefore worthy of being implemented, he always recorded it without qualification and anonymously. There are many statements to the effect that the correct halakāh was the opinion of a single Rabbi, and Rabbi Judah still did not record his name. In fact, the sole cases in which Rabbi Judah did record the names of the scholars was when the correct halakic decision itself was not absolutely clear to him, and when he could not adjudicate one opinion over another. Moreover, he mentioned only the names of the Rabbis from whom he himself had heard the opinion, or the names of those who lived in a time most contemporaneous with his own, and never the names of their teachers, or the teachers of their teachers, and only because in Rabbi Judah's own time many people obeyed the opinion of one Rabbi and many others obeyed the opinion of his halakic opponent. The Rabbis themselves gave this same rationale for Rabbi Judah's choice in citing the names of the authors of halakot in certain cases: thus, in the controversies between the School of Hillel and the School of Shammai, Rabbi Judah mentioned the names of the halakic opponents in order to invalidate the incorrect opinion, thereby teaching future generations not to rely upon it. And why do they record the opinion of one individual against that of the majority? So that if a (later) court approves the opinion of the individual, it may rely upon him. . . .

All these cases prove that the correct halakāh alone should be recorded. And when Rabbi Judah recorded two separate opinions about the same law, this was only because there were people at the time who followed both opinions, some accepting the halakāh of the Rabbi from whom they heard one opinion, while others had heard and accepted the opinion of another Rabbi. I had already decided to follow the methodology of the Mishnah, and the Talmud has already adjudicated every single halakāh either ad hoc or by applying the various principles of adjudication, and there are no two ways of implementing one law. What then would have been the use in citing either the name of a Rabbi whose opinion about the halakāh is not followed, or what, for that matter, would have been the purpose, in the case of correct halakot, of citing either the name of the Rabbi who is mentioned in the Talmud, like the names of Abaye or Raḅa, if in fact he is not the author of the halakāh and it had been received by many from many? Because of this, I chose not to give any possible opportunity to the heretics to prevail, for they contend that we base our observance of the law upon the opinions of individuals, which is entirely false, since we follow the laws which we received from multitudes who themselves had received the same laws from earlier multitudes. For this reason, I also described in my introduction the transmission of the law from one High Court and its chief judge to the succeeding High Court and its chief judge, in order to prove that the tradition of the law did not consist of the traditions of individuals but of the traditions of multitudes. And for the same reason my endeavor and purpose in composing my work was that every halakāh should be cited unqualifiedly (anonymously), even if it is in fact the opinion of an individual, but it should not be reported in the name of So-and-so. This would destroy the position of the heretics (*minim*) who rejected the entire Oral Law because they saw it transmitted in the name of So-and-so and imagined that this law had never been formulated before, but that the individual had originated it on his own.

As for your (critical) statement that you found in my composition certain matters which appear unclear (hidden) because they are without proof, and that your own mind is not deep enough to comprehend (them), it would have been correct for you to make this criticism if there were indeed matters in my composition which I myself had deduced on the basis of my sharp reasoning (*pilpul*) and my own opinion, and then recorded them unqualifiedly, without giving proof or reason for them. However, I have never done this. Let your own wisdom reveal them, and know that every unqualified statement which I made in my composition is based upon an explicit unqualified statement either in the

Babylonian Talmud or in the Palestinian one, is drawn from Sifra or Sifre, or from an explicit unqualified statement in the Mishnah or in the Tosefta. If I derived a law from the responsa of the Geonim, I explicitly introduced it with the remark, "The Geonim have taught," "This is an ordinance of the later Rabbis," or a similar note. And anything which I myself originated (from my sharp reasoning), I introduced with the note "It appears to me that the matter is as follows"; this is the proof, inasmuch as I had announced in the introduction to the work that all the material in it is drawn from the Babylonian or Palestinian Talmuds, Sifra, Sifre, or Tosefta.

As for your statement that there were a number of matters in it which seemed unclear (hidden) because you could not recall their source, this is certainly a distinct possibility, for you as well as for any other scholar in the world. For only a great Sage like you can realize the toil that has been put into this work. Other students will imagine that it follows the order of the Talmud, removing only the questions and answers. I am willing to swear, however, that it contains several chapters which include final formulations of *halakot* culled from ten or more different places in the Babylonian and Palestinian Talmuds and from the Baraitas. I do not follow the order of the Talmud or of the Mishnah, but every subject in every section comprises all the laws stated with regard to it wherever they may be, so that the *halakot* of that subject should not be scattered and dispersed among the various places. This was my ultimate intention in composing my work, because it is beyond all human capacity to remember the whole Talmud, Babylonian and Palestinian, and the Baraitas, three works which are the major sources for the laws. . . . [Here Maimonides records an incident about his failure to cite the correct source of a law in response to a question about it.]

. . . Because of this, I regret that I did not compose along with my composition a separate volume whose content I will now explain to you and which I still hope to compose, if God will decree that I be able to do it, even though it is a very demanding task and effort—that is, a source book to my composition which will cite the source for every *halakah* whose origin is not evident. For example, in the case of the *halakot* concerning the Sabbath, there is obviously no need for me to give the source if it can be found in either of the tractates *Šabbat* or *‘Erubin*; however, any *halakah* concerning the Sabbath whose source is in the tractates *‘Abodah Zarah*, *Pesahim*, or *Zebahim*, I will cite and say that such-and-such *halakah* in a given chapter is to be found in such-and-such a chapter of a given tractate. This source book would be a separate companion

volume to my composition, since I obviously cannot incorporate it into the body of the work, because the nature of its subject conflicts with the structure and style of a monolithic code, as I explained to you previously. Still, if the source for any law escapes you, kindly inform me and I will answer you, because every unqualified statement in my composition has a source in one of the five major sources of the *halakah* which I have named. The real problem of finding the source arises solely when the *halakah* has been mentioned in the Talmud only in passing, or in the course of a debate (about some other matter), that is, when the law is explicated elsewhere than where it should be, and where consequently someone cannot locate it whenever he wishes.<sup>45</sup>

4. Letter to R. Jonathan hak-Kohen of Lunel. Here, too, we must be mindful of the personal-literary context as we assess the relevant statements and their nuances. The writings of R. Jonathan, respected head of Provençal Jewry and the prime mover in getting R. Samuel ibn Tibbon to produce a Hebrew translation of the *Moreh Neḅukim*, were generally representative of the polite but forthright criticism to which the *Mishneh Torah* was subjected in learned circles. Acting as spokesman for the scholars of southern France, whose communal leader he had been for a long time, R. Jonathan forwarded to Maimonides twenty-four questions, textual and interpretative, which had been raised against the *Mishneh Torah*. They may be seen as a quintessence of the serious critical study of the *Mishneh Torah* initiated in Provence by such Talmudists as R. Abraham ben David (RABD) and R. Moses hak-Kohen. Maimonides' detailed reply, sometimes acknowledging error or imprecision and sometimes firmly sustaining his view, sometimes chiding the critics for an excessively cavalier attitude and sometimes praising their incisiveness, was accompanied by a covering letter which, in addition to extolling R. Jonathan and inviting thorough critical review of the *Mishneh*

45. *Kobez*, I, 25a–27a. The text of the letter is grammatically and syntactically exceedingly difficult; some sentences defy precise translation. Variants in manuscripts, which I checked at the Institute of Microfilmed Hebrew Manuscripts of the Jewish National University Library in Jerusalem, are not very significant or helpful. I thank my student David Stern who helped me greatly by preparing first drafts of the translations of these letters; I appreciate his hard work and literary sensitivity.

*Torah*,<sup>46</sup> contains some soul-searching confessions and generalizations about the structure and purpose of this work. It also touches upon his entire scholarly orientation and intellectual scale of values. These remarks are pointed, poignant, and very informative. The emphasis upon the ancillary role of philosophy, its teleological and axiological subservience to Torah, is particularly significant, for there was no apparent need for apologetics in this context—the Provençal scholars were enthusiastic about Maimonides' philosophical activities and were requesting the last part of the *Moreh* and negotiating for its Hebrew translation. His philosophic work was not under fire. The statement thus seems spontaneous and natural, and indeed it does reflect the common assumption (both typological and axiological) about the nobility of religious science and about philosophy being the handmaiden or bondwoman of theology, which is the mistress or queen.<sup>47</sup> Generally, Maimonides' praise of R. Jonathan, creative scholar and gracious Maecenas, is obviously sincere, as is his respect for the Provençal scholars whom he sees as standing on the crest of Rabbinic creativity.<sup>48</sup> This situation contrasts sharply with the general decline in scholarship which had generated in Maimonides a mood of cultural pessimism and apprehension about the destiny of Judaism. Maimonides' gloom and sense of living in a twilight period is offset somewhat by the reports he had received concerning Provençal Rabbis and their scholarly attainments. We may also discern here an embryonic historiosophical view of shifting cultural centers and spheres of vitality and creativity, of successive phases of religious-cultural renaissance: descendancy of Oriental centers and ascendancy of Christian Europe, the sun setting in one area and rising in another. Echoes of the medieval notion of *translatio studii*, alluded to also by R. Saadiah Gaon, are discernible.<sup>49</sup> In any event, as far as his Code is

46. See also *Tēšuvot*, 310 (p. 578), where Maimonides invites careful critical review of every statement.

47. H. A. Wolfson, *Philo* (Cambridge, 1947), I, 151; note also *'Igg'rot*, 16.

48. *Kobes*, II, 44a; A. Kupfer, *Tarbiz*, XXXIX (1970), 182; Twersky, *Rabad*, p. 24.

49. *Kobes*, II, 44a; R. Saadiah Gaon, *Sefer haq-Galuy*, p. 158; also *'Emunot ve-De'ot*, introduction. For some relevant discussions of *translatio studii*, see E. Curtius, *European Literature and the Latin Middle Ages* (New York, 1953), p. 29; E. Gilson, "Humanisme

concerned, at least in Provence, he feels assured that it will be properly appreciated and responsibly debated (*mašša' u-mattan*); this last phrase has significant implications vis-à-vis the sticky and tricky question of the *Mishneh Torah*'s absolute finality, a persistent and recurring theme in the study and appraisal of Maimonides' magnum opus. Here, with some enthusiasm, Maimonides welcomes debate and indicates that his work should be studied in depth. However, we should note that the invitation to criticism, undoubtedly genuine, is strikingly majestic; the respected king, the illustrious scholar, "permits" everyone to raise questions, a rather awesome writ of permission:

I, Moses, wish to tell you, Rabbi Jonathan hak-Kohen, that when your letters and questions reached me, I rejoiced deeply and said to myself, *Blessed be the Lord who hath not left thee this day without a kinsman* (Ruth 4:14). I understood that my writings had reached someone who could comprehend their contents, who could interpret their innermost meanings (*maspuneab*), and debate the merits of their formulations (or: engage in dialectical review of them). Because of this, I said to myself, *He shall be unto thee a restorer of thy life, and a nourisher of thine old age* (Ruth 4:15). All the questions which you asked, you have asked properly; all the difficulties which you raised, you have raised fittingly. *Fear not, for I am with thee* (Gen. 26:24). I have already replied to each one of your many questions individually; if my replies have been delayed for several years, this is solely on account of my anxiety resulting from my illness and the many disturbances. For nearly a year I was seriously ill, and even now that I have recovered, I am still in the category of "a person who is ill but not in mortal danger." For the greater part of the day, I must lie in bed, with the burden of the Gentiles upon my shoulders, sapped of all my strength because of their questions for medical advice, without a free moment the entire day and night. Yet what can I do, now that my fame has spread through many lands? Furthermore, I

mediéval et Renaissance," *Les idées et les lettres* (Paris, 1955), pp. 171-90; B. Smalley, *English Friars and Antiquity in the Early Fourteenth Century* (Oxford, 1960), p. 70; A. G. Jongkees, "Translatio Studii," *Miscellanea Mediaevalia in Memoriam J. F. Niermeyer* (Zurich, 1967), pp. 41-51, cited by C. Morris, *The Discovery of the Individual* (New York, 1973), p. 50. I would mention such a work as Franz Neumann, *Cultural Migration: the European Scholar in America* (Philadelphia, 1953), as a modern supplement to this theory. This idea is implicit also in the *'Iggeret haš-Šemađ* and IT, where Maimonides urges the perplexed and disconsolate Jews to flee the land of persecution at all costs and start again elsewhere. The religious motive and scholarly result are inseparable.

no longer am as I was in the time of my youth: my vigor is failing, my heart is spent, my breath is short, my tongue is heavy, my hand falters. I find myself too sluggish to write even a single letter. Do not, therefore, be angry with me if I dictated the responsa and a few of the letters, and did not write them with my own hand, because I do not have time for this on account of both my lack of strength and the disturbances of those people who continually importune me.

Moreover, I, Moses, wish to tell you, Rabbi Jonathan hak-Kohen, and your fellow scholars, who have studied my writings: Before I had been formed in the belly, the Torah knew me, and before I came forth out of the womb, she had sanctified me for her study (Jer. 1:5), and dedicated me to disperse her fountains abroad (i.e., to spread knowledge of its teachings) (Prov. 5:16). She is my loving hind, the bride of my youth, whose love has ravished me (enraptured me continuously) since I was a young man (Prov. 5:19). Many strange and foreign women have nevertheless become rival wives to her: Moabites, Edomites, Sidonites, Hittites. The Lord, may He be blessed, knows that I took these other women in the first instance only in order to serve as perfumers, cooks, and bakers for her (my true bride), and to show the peoples and the princes her beauty, for she is exceedingly fair to behold. Still, her conjugal rights were diminished (i.e., the attention paid to her suffered), because my heart was divided into many parts through its concern for all the other branches of wisdom. And yet, how hard I have worked, day and night, for these past ten years, in order to compile this composition! Great people like yourself will understand what I have accomplished; for behold, I have gathered together subjects which were scattered and dispersed among the valleys and mountains, and I have culled (literally: called) them one from a city and two from a family (Jer. 3:14). Yet who can discern (his own) errors (Ps. 19:13), and certainly when forgetfulness is so common, especially among the elderly. For all these reasons, it is therefore proper and fitting for you to search my words and to inspect and investigate after me. It is not my wish that the reader of this work of mine should ever say, *For what can the man do that cometh after the king?* (Eccles. 2:12), for I have permitted him, *The king said, 'Let him come'* (Esther 6:5). Indeed, you have done me a great kindness—you scholars, and every other person, who may find a mistake in my words and will notify me about it will have bestowed his good favor upon me—so that not a single obstacle should remain. My sole intention in composing this text was to clear the paths and remove the obstacles from before the students of the law, so that they should not become discouraged or distressed (literally: their minds become faint) by the overabundance of de-

bate and argumentation, and consequently err in adjudicating the law correctly. May the Lord, blessed be His name, aid you as well as us to study His law and to attain knowledge of His oneness. Let us not err, and let the following verse be fulfilled in our lifetime: *I will put my law in their inward parts, and in their heart will I write it* (Jer. 31:33).<sup>50</sup>

5. Letter to R. Joseph ben Judah. This trusted and beloved disciple,<sup>51</sup> who proudly raised the Maimonidean banner in the East only to be inundated by a tidal wave of criticism and antagonism, sought guidance from his master in the art of refuting criticism. R. Joseph, who was the immediate cause for the composition of the *Moreh*, was grievously irritated by the vehement, sometimes cantankerous, anti-Maimonidean polemics generated in the school of Baghdad and was eager to retaliate in kind—his master's honor was at stake. In the course of counseling him to ignore critics and antagonists while persisting in his own constructive efforts, Maimonides commented again on the purpose and motives of the *Mishneh Torah* and its relation to the Talmud. Utilizing the categories of challenge and response, both individual and national, Maimonides dramatically reviewed his initial decision to compose the *Mishneh Torah*, pinpointed the compelling sense of need in the light of the fact that the Jewish people had no comprehensive code, and enumerated the types of critics who in his opinion would rise to lambaste him and denigrate his work. The acutely sensitive prediction, with its emphasis on jealousy, confusion engendered by the lack of sources, and unenlightened rejection of his explanation of theological principles, as three potential reasons for criticism, is obviously noteworthy, but as we shall see, these categories of criticism are by no means exhaustive.<sup>52</sup> While the tone of the letter is more intimate and

50. *Täsubot*, III, pp. 55ff. On his positive attitude to honest constructive debate concerning his rulings, see the responsum (to R. Joseph ham-Ma'arabi) ed. A. Freimann, *Sefer Yehoi lē-B.M. Lewin* (Jerusalem, 1940), p. 37; also *Kobes*, II, 16b; Twersky, *Rabad*, pp. 195ff. See PhM, introduction (p. 20). For Maimonides' correspondence with the Provençal scholars, see S. M. Stern, "Hälifät ham-Miktabim ben ha-RaMBaM wē-Ḥakme Provence," *Zion*, XVI (1951), 19–28. Note *'Issure Bi'ab*, xxii, 21.

51. See D. Baneth's introduction to *'Iggerot*, pp. 1ff.; MN, dedicatory epistle (to R. Joseph), pp. 3–4. See A. Scheiber, "'Iggeret bilti Yēdu'ah la-RaMBaM," *Sefunot*, VIII (1964), 137ff.; and the Saadianic fragment published in *Mälilab*, V (1955), 137.

52. See Twersky, "Beginnings," p. 162.

the dialogic aspect more pronounced and vibrant than in the letters cited above, and the style flows freely with a certain warmth and immediacy, the milieu of criticism which produced the correspondence should be kept in mind. To be sure, his personal relationship to his disciple Joseph is markedly different from his relationship to his colleague R. Phinehas, but this does not automatically make the emphases, insights, and confessions of this letter more authentic or more compelling. Some of the problems involved in coordinating these letters—again, the question of ongoing Talmud study is central—will be treated later. The appeal to individuals of integrity, the remnant whom the Lord calls, is a familiar and significant motif of Maimonidean writing.<sup>53</sup> The elaborate introspective discussion of motives for his Code of law in a letter to the disciple whom Maimonides considered his philosophic protégé par excellence is of obvious importance for the law-philosophy problem. Also noteworthy is the extent to which Maimonides advises his student of philosophy concerning the proper methods of Talmud study:

Know that I did not compose this work in order to become great (in renown) in Israel because of it, or in order that I might acquire fame in the world; and consequently [it is not to be expected] that I should be grieved at any opposition to the purpose for which I composed it. But in the first instance I composed it—and *my Witness is in heaven* (Job 16:19)—for my own sake, in order to free myself from the burden of investigating and searching for the *halakot* which are needed constantly, and then for use in my old age (as my memory weakens), and for the sake of the Lord, may He be blessed. For I was most zealous for the Lord God of Israel when I saw before me a nation that does not have a comprehensive book (of laws) in the true sense nor true and accurate (theological) opinions. Therefore I have done what I did, only for the sake of heaven.

I knew, and it was perfectly clear to me at the time that I composed it, that it would undoubtedly fall into the hands of a wicked and jealous person who would defame its praiseworthy features and pretend that he does not need it or is in a position to ignore it; and (that it would fall) into the hands of a foolish ignoramus who will not recognize the value of

53. MT, introduction; MN, I, 34, based on Joel 3:5. See B. Sanh 92a.

this project and will consider it worthless; and (that it would fall) into the hands of a deluded and confused tyro to whom many places in the book would be incomprehensible, inasmuch as he does not know their source or is unable to comprehend in full the inferences which I inferred with great precision; and (that it would fall) into the hands of a reactionary and obtuse man of piety who will assail the explanations of the fundamentals of faith included in it.

They are the majority. Undoubtedly it will also come into the hands of *the remnant whom the Lord calls* (Joel 3:5), individuals of righteousness, uprightness, and good judgment, who will recognize the value of what I have done.<sup>54</sup>

6. *Ma'amar Tēhiyyat ham-Me'im* (*Treatise on Resurrection*) (1191). The Maimonidean description of the incorporeity of the eternal life in the world to come and his alleged failure to formulate in the *Mishneh Torah*<sup>55</sup> the belief in bodily resurrection triggered an acrimonious dispute, peaking in the accusation that Maimonides really denied this religious belief because of its incompatibility with philosophic principles. The severest attack came from R. Samuel ben 'Alī, Gaon of Baghdad, who zeroed in on many individual passages of the *Mishneh Torah* and eventually faulted Maimonides for his entire eschatological scheme, which appeared to him as deviationist.<sup>56</sup> Contrary to his customary refusal to engage in cyclical (sometimes inevitably cynical) recriminations—he preferred a stance of neutrality vis-à-vis critics so as not to be deflected from planned constructive efforts—Maimonides was impelled this time to answer the charges and clarify his position.<sup>57</sup> While this provocative treatise is not a document of prime philosophic significance, it is very important for the insights into his personality, his intellectualistic posture vis-à-vis the masses, and his art of self-defense coupled with pungent criticism. It is interspersed with comments on his literary-pedagogic habits and scholarly standards in general as

54. 'Iggērot, 5off.

55. See *Tēsubah*, viii, 2, and RABD, ad loc.

56. S. Assaf, "Kobes šel 'Iggērot R. Šemu'el ben 'Alī," *Tarbiz*, I (1929), 102ff.; see *Tēsubot*, 310 (pp. 572ff.); *Kobes*, II, 16a; and 'Iggērot, 66.

57. MTH, 1-3; 'Iggērot, 49, 61, 90; also *Kobes*, I, 26b; II, 16b; see I. Elbogen, "Moses ben Maimons Persönlichkeit," *MGWJ*, LXXIX (1935), 76-79.

well as on aspects of the *Mishneh Torah* in particular. This codificatory achievement, with its precision of style and its classification and rationalization of *halakāh*, is pivotal. In short, the treatise, with the *Mishneh Torah* serving as a paradigm, is more of a defense of his method and philosophic conception of religion—and hence of his life's work—than a rebuttal of criticisms concerning resurrection:

The fact is that when we ventured forth in a pioneering effort to compose a work concerning the laws of the Torah and the elucidation of its rules, we intended thereby to fulfill the will of God, blessed be He, not to seek recompense or honor from men, but to smooth the path, interpret, and, as we thought necessary, help those who could not understand the words of the Torah scholars, of blessed memory, who preceded us, to understand them. It seems to us that we facilitated (literally; brought close or made reasonable) and simplified abstruse [apparently non-ritual] and profound subjects; we collected and compiled subjects which were scattered and dispersed; and we knew, at any rate, that we were achieving something valuable. For if the case was as we thought it to be, then by simplifying, facilitating, and compiling, in a manner that none of our predecessors had ever done, we have already achieved something by benefiting people and have earned divine recompense. But if it proves otherwise, and we have not succeeded in clarifying or simplifying the subject to any greater extent than our predecessors did in their works, then we have at least earned God's reward; as the Talmudic saying has it, "God desires the heart [i.e., the intention of the act]. . . ."

And when we ventured to undertake this project (the *Mishneh Torah*), we saw that it would be wrong to aim at our goal—to interpret and facilitate details of the laws—and at the same time to neglect its foundations (*yēsodot*), i.e., that I should not explain them or guide (the reader) to their truth. . . . We saw that it would be necessary for us to explain the foundations (principles) of religion in our Talmudic works in a descriptive-apodictic fashion rather than in a demonstrative one, because a demonstrative approach to these religious principles requires an intellectual facility and familiarity with many sciences which the Talmudists do not possess, as we have explained in the *Moreh Nebukim*, and we preferred that the fundamental truths at least be accepted as articles of tradition by all people. Consequently, we mentioned at the beginning of our *Commentary on the Mishnah* principles which should be be-

lieved concerning (various matters), [e.g., prophecy]. In *Perek Helek* [chapter 10 of Sanhedrin] we explained principles. . . . We did the same also in our great work entitled the *Mishneh Torah*, whose true worth will be recognized only by those men of religion and wisdom who acknowledge the truth and are predisposed to study intelligently, who can understand how the work was composed, and who can recognize both the extent to which these laws which we have collected had been scattered and how we arranged them in order. We have also stated therein all the religious and juridical principles, and we have intended thereby that those who are called disciples of the wise (*talmide hākamim*, scholars), or Geonim, or whatever you wish to call them, should build their branches [i.e., details of the laws] on juridical roots; that their Torah knowledge should be ordered in their minds and their learning should be properly grounded; that all this should be built on religious principles; and that they should not cast the knowledge of God behind them, but should direct their utmost efforts and zeal to that which will bring them perfection and enable them to draw nearer to their Creator, not to the things that the masses deem to be perfection.

At a later point, Maimonides notes: "All our works are concise and to the point. We have no intention of writing bulky books nor of spending time on that which is useless. Hence when we explain anything, we explain only what is necessary and only in the measure required to understand it, and whatever we write is in summary form. . . . You, my readers, already know that I always tend to omit disputes and debates. Were I able to condense the entire Talmud into a single chapter, I would not do so in two."<sup>58</sup>

7. Quotations in an anonymous *Apologia*. A friendly contemporary or disciple of R. Abraham Maimonides wrote a fervent apology for the *Mishneh Torah* which is, in essence, a mosaic of quotations from Maimonides' writings, particularly the letters.<sup>59</sup>

58. MTH, 2-4 and 24-26. On Teicher's doubts regarding the authenticity of this treatise, see his articles in *Mililab*, I (1944), 81ff., and *JJS*, I (1948), 35ff., and the refutation by I. Sonne in *PAJR*, XXI (1952), 101ff. See also below, chap. VI.

59. A. Halkin, "Sanegoriyah 'al Sefer Mishneh Torah," *Tarbiz*, XXV (1957), 413ff. Parts of the letters to R. Joseph, R. Phinehas, and Ibn Jābir are quoted, along with selections from MTH, *Perek Helek*, and MN, I, 31. On the self-sufficiency of the MT, see also below, chap. II.

Its importance is manifold. It demonstrates, first of all, the availability and impact of these letters, at least in certain circles. There are also some variant readings in the citations which are philologically interesting. It has, in addition, preserved several hitherto unknown passages which extend and substantiate Maimonidean convictions and contentions. Furthermore, it uncompromisingly represents a certain school of Maimonideanism in its unequivocal stress of the idea that Maimonides intended the *Mishneh Torah* to have its own integrity and complete self-sufficiency: it need not, and indeed should not, be subordinated to the Talmud; it is useful and intelligible without concomitant Talmud study. That which was a vice in the eyes of many, and caused Maimonides himself more than a twinge of discomfiture, is here underscored as a virtue, as the overriding characteristic of the work. In common with the Maimonidean letters, it emphasizes the practical-functional goal of the Code, but it sees this as growing out of the practical-functional goal of Talmud study as a whole. The controversy and debate which are quantitatively so prominent in the Talmud are axiologically peripheral; the aim is normative knowledge, applied law, and not theoretical analysis. The law is concerned with practice, and there is no need to be apologetic or defensive about the *Mishneh Torah's* practicality. There is finally an arresting assertion: an implicit goal of the *Mishneh Torah* is to prepare the reader for proper rationalistic interpretation of "strange" passages of aggadic literature. It does, in other words, have a self-transcending ideological purpose. This connection is of obvious interest in the light of Maimonides' abiding concern for the problems of aggadah, and even the few comments on it in the *Mishneh Torah* itself. The nexus of aggadah-philosophy is basic in Maimonidean thought, as indeed it is in the entire history of Jewish thought. This Maimonidean protagonist is here accentuating its importance from the viewpoint of the *Mishneh Torah*.

The following is part of a nonextant letter of Maimonides quoted by this anonymous author:

I have decreed that you slacken not your efforts until you comprehend the Code in its entirety, make it "your book" par excellence, and teach

it everywhere in order that its usefulness should be enhanced. For the desired goal in all (the material) which was collected in the Talmud is destroyed and lost, and the intention of scholars is a waste of time in studying the deliberations in the Talmud, if the intention and goal is exertion in matters of controversy and nothing else. Indeed, this is not the first goal. On the contrary, the deliberation and the debate (*mašša' u-mattan*) came only accidentally, because there emerged ambiguous statements which one (scholar) explained in a certain way while his colleague came and explained it in the opposite way, and each one saw a need to elucidate his way of reasoning which supports his view, in order that his explanation may prevail. The main intention is none other than to make known that which man is obligated to do and that from which he must refrain. This is clear to someone like yourself. Therefore I have emphasized the main intention so that it may be easy to remember it.

There is no need to continue and collate the many briefer references to the *Mishneh Torah* scattered throughout Maimonides' responsa,<sup>60</sup> but the references to it contained in the *Moreh* deserve to be singled out because they are so plentiful and suggestive. On the one hand, the *Moreh* clearly differentiates between the "legalistic study" of the Oral Law and its philosophical-metaphysical study.<sup>61</sup> The normal term of reference is "our great compilation," sometimes qualified by "our great legal compilation" or "our great compilation on the legalistic study of the law."<sup>62</sup> The *Mishneh Torah* is primarily a legal work. On the other hand, it is clear that Maimonides looked upon it as containing a succinct outline of philosophic principles ("the foundations of religion") and serving as a compendium of beliefs as well as a manual of laws. He unflinchingly sought a union of the two realms.<sup>63</sup> Speculatively, he refers in the *Moreh* to certain philosophic themes, love of God, knowledge of God, prophecy, reasons for commandments, which were touched upon in the *Mishneh Torah*.<sup>64</sup>

60. See above, n. 25, and index to *Tēšūbot*, III, pp. 189ff.

61. MN, introduction (p. 5); I, 71 (pp. 175-76).

62. E.g., MN, III, 29 (p. 517); introduction (pp. 6, 10); II, 10 (p. 273).

63. See MTH, 4; MN, introduction (p. 10); ShM, *šoreš* 9; and below, chap. VI.

64. MN, I, 21 (p. 48); II, 35 (p. 367); II, 45 (p. 403); III, 28 (p. 512); III, 43 (p. 571); and many more. Concerning the date of MN, see *Iggerot*, 2; and J. Kāfiḥ, in his introduction to the Hebrew translation of MN, who suggests a slightly revised chronology.