

Journey Through Jewish Law, Part 2: Rambam's Revolution

1. Rambam, Introduction to Mishneh Torah

After the final editing of the Talmud, if any rabbinical court in any city legislated a new directive or restriction for the Jews under their jurisdiction, in their city or in a number of cities, that new halachah did not become incumbent upon all the nation of Israel, because of the great distance between communities and the difficulty of travel. Since that court is a minor court (the Sanhedrin of seventy-one had ceased to exist many years before the Talmud was published), it could not impose its authority on any other community. Likewise, if any scholar were to interpret the halachah in a novel way, and those who come after him would find that it contradicts the written Talmud, that interpretation is rejected in favor of one that agrees with the Talmud, whether it be an earlier scholar or later one...

However, the Jewish people are required to follow every halachah contained in the Talmud. Each community is obligated to follow all the customs, decrees and enactments found in the Talmud, since these rules were originally agreed upon by the entire nation of Israel.

וכל בית דין שעמד אחר הגמרא בכל מדינה ומדינה וגזר או התקין או הנהיג לבני מדינתו או לבני מדינות רבות לא פשטו מעשיו בכל ישראל מפני רחוק מושבותיהם ושבוש הדרכים. והיות בית דין של אותה המדינה יחידים ובית דין הגדול של שבעים ואחד בטל מכמה שנים קודם חיבור הגמרא. לפיכך אין כופין אנשי מדינה זו לנהוג כמנהג מדינה האחרת. ואין אומרים לבית דין זה לגזור גזירה שגזרה בית דין אחר במדינתו. וכן אם למד אחד מהגאונים שדרך המשפט כך הוא ונתבאר לבית דין אחר שעמד אחריו שאין זה דרך המשפט הכתוב בגמרא, אין שומעין לראשון אלא למי שהדעת נוטה לדבריו בין ראשון בין אחרון:....

אבל כל הדברים שבגמרא הבבלי חייבין כל ישראל ללכת בהם וכופין כל עיר ועיר וכל מדינה ומדינה לנהוג בכל המנהגות שנהגו חכמי הגמרא ולגזור גזירותם וללכת בתקנותם, הואיל וכל אותם הדברים שבגמרא הסכימו עליהם כל ישראל.

2. Rabbi Aryeh Kaplan, Handbook of Jewish Thought, Volume 1, pp. 236-238

The main work of the Talmud came to an end with the death of Ravina in 4259 (499 CE). This initiated the period of the Savoraim (Rabbanan Savorai), who made some final edits and comments to the Talmud and added a few passages of their own. The period of the Rabbanan Savorai lasted 90 years, until 4349 (589 CE). In some places, they wrote final decisions about halachot disputed in the Talmud. Since the Savoraim headed academies including all the Sages of the time, their decisions are as binding as those of the Talmud.

This was followed by the period of the Gaonim, which lasted until the death of Rav Hai Gaon in 4798 (1038 CE). A Gaon is the head of either of the great academies of Sura and Pumbedita in Babylonia, which had been founded in Talmudic times and were still considered the centers of authority in all matters of Torah law...

The decisions of the Gaonim were almost universally accepted. Therefore, they cannot be disputed by any later authority without considerable proof.

3. **Ibid., pg. 238**

As the great Babylonian academies diminished in stature, there ceased to be any formally acknowledged world center of Torah authority. However, a number of summaries of halachic decisions based on the Talmud and the rulings of the Gaonim were compiled by leading rabbis, and they achieved almost universal recognition. Most noteworthy among these were the works of Rabbi Yitzchak Alfasi (Rif; 1013-1103 CE), Rabbi Asher ben Yechiel (Rosh; 1250-1328 CE), as well as the Mishnah Torah, or Yad HaChazakah, by Rambam (1135-1204 CE). The rabbis of this period are known today as the Rishonim, the "earlier [Torah authorities]."

4. **Rabbi Moshe Mizrahi, HaKeter Institute, Jerusalem**

Of course, every word in the Talmud is necessary, but the lengthy back-and-forth discussions made it difficult and cumbersome for all but the most advanced scholars. To remedy this, the leading Spanish Torah scholar of his time, and maybe of all time, Rabbeinu Yitzchak Alfasi (Rif), wrote a condensed version of the Talmud, leaving out all its discussions and giving the reader the conclusion and final decisions. A student of both Rabeinu Nissim ben Yaakov and Rabeinu Chananel, Rav Alfasi's work became the prime source for halachah. Every halachic work produced since then has been influenced by it, and it is printed together with every edition of the Talmud.

Rambam (1138-1204)

- Born ~1138 in Cordoba, Andalusia.
- Received his halachic, philosophical, and scientific training in Andalusia.
- He began writing his commentary on the Mishnah at the age of 23:
 - *We have completed this treatise as we intended it, and I beseech Him, may He be exalted, and plead before Him that he save me from error. But anyone who finds reason to raise a question or believes he has an interpretation of any of the halakhot that is better than mine should so note and judge me favorably, for what I have taken upon myself to do here is no small matter easily discharged by one possessed of righteousness and a good sense of discernment. That is especially so because my heart is often burdened by the troubles of the time and what G-d has decreed for us with regard to exile and wandering the world from one end to the other; and perhaps we have already received the associated reward, for exile atones for sin. He, may He be exalted, knows I wrote my interpretation of some halakhot while I was journeying on the road, and I listed some of them while I was aboard ship on the Mediterranean Sea.* (Conclusion to Commentary on the Mishnah)
- Admired Aristotle and studied the works of his Muslim interpreters including Al Farabi, Ibn Bajja, and Ibn Rushid (Averroes).
- Rambam's family left Cordoba in 1148 and remained in Andalusia for a few years before fleeing for the Maghrib.
- Rambam's family traveled to Fez, Morocco where they experienced worse persecution. Jews were faced with the option of either death or conversion to Islam.
- Rambam's family migrated to Israel for about a year before ultimately settling in Egypt in 1166.
- In 1171, Rambam was appointed "*Rais al-yahud*"- the official head of the Jewish community. This appointment required both approval of the Muslim government and the Jewish community.

- During his first 10 years in Egypt, Rambam was able to dedicate his time toward studying and writing because his brother managed the family business, allowing him to complete his Mishneh Torah.
 - That all changed when tragedy befell his brother who died when his ship sank in the Indian ocean.
- Rambam refused to take payment for his rabbinic post and began practicing medicine.
 - *I tell you that I have become known as a physician among the mighty, such as the chief judge, the emirs, and the house of al-Faḍil and the other princes of the land, those who lack nothing. But as for the masses, I am beyond their reach, and they have no way to approach me. And this causes me to spend the entire day in Cairo, tending to the sick, and when I get back to Fustat, all I can do for the rest of the day and into the night is to examine the medical texts that I need to consult... As a result, I do not have a moment to study Torah except on the Sabbath, and as for other sciences, I do not have a moment to study any of them, and this harms me greatly.* (Letters of Maimonides, p. 13)

5. Rambam, Introduction to Mishneh Torah

<p>Needless to say, [there is confusion] with regard to the Talmud itself - both the Jerusalem and Babylonian Talmuds - the Sifra, the Sifre, and the Tosefta, for they require a breadth of knowledge, a spirit of wisdom, and much time, for appreciating the proper path regarding what is permitted and forbidden, and the other laws of the Torah. Therefore, I girded my loins - I, Moses, the son of Maimon, of Spain. I relied upon the Rock, blessed be He. I contemplated all these texts and sought to compose [a work which would include the conclusions] derived from all these texts regarding the forbidden and the permitted, the impure and the pure, and the remainder of the Torah's laws, all in clear and concise terms, so that the entire Oral Law could be organized in each person's mouth without questions or objections. Instead of [arguments], this one claiming such and another such, [this text will allow for] clear and correct statements based on the judgments that result from all the texts and explanations mentioned above, from the days of Rabbenu Hakadosh until the present. [This will make it possible] for all the laws to be revealed to both those of lesser stature and those of greater stature,</p>	<p>ובזמן הזה תקפו הצרות יתירות ודחקה השעה את הכל ואבדה חכמת חכמינו ובינת נבונינו נסתרה. לפיכך אותם הפירושים וההלכות והתשובות שחברו הגאונים וראו שהם דברים מבוארים נתקשו בימינו ואין מבין עניניהם כראוי אלא מעט במספר. ואין צריך לומר הגמרא עצמה הבבלית והירושלמית וספרא וספרי והתוספתא שהם צריכין דעת רחבה ונפש חכמה וזמן ארוך ואחר כך יודע מהם הדרך הנכונה בדברים האסורים והמותרים ושאר דיני התורה היאך הוא. ומפני זה נערתי חצני אני משה בן מיימון הספרדי ונשענתי על הצור ברוך הוא ובינותי בכל אלו הספרים וראיתי לחבר דברים המתבררים מכל אלו החיבורים</p> <p>בענין האסור והמותר הטמא והטהור עם שאר דיני התורה כולם בלשון ברורה ודרך קצרה עד שתהא תורה שבעל פה כולה סדורה בפי הכל בלא קושיא ולא פירוק</p> <p>לא זה אומר בכה וזה בכה. אלא דברים ברורים קרובים נכונים על פי המשפט אשר יתבאר מכל אלו החיבורים והפירושים הנמצאים מימות רבינו הקדוש ועד עכשיו</p> <p>עד שיהיו כל הדינים גלויין לקטן ולגדול</p>
--	---

<p>regarding every single mitzvah, and also all the practices that were ordained by the Sages and the Prophets. To summarize: [The intent of this text is] that a person will not need another text at all with regard to any Jewish law. Rather, this text will be a compilation of the entire Oral Law, including also the ordinances, customs, and decrees that were enacted from the time of Moses, our teacher, until the completion of the Talmud, as were explained by the Geonim in the texts they composed after the Talmud. Therefore, I have called this text, Mishneh Torah ["the second to the Torah," with the intent that] a person should first study the Written Law, and then study this text and comprehend the entire Oral Law from it, without having to study any other text between the two. I saw fit to divide this text into [separate] halachot pertaining to each [particular] subject, and, within the context of a single subject, to divide those halachot into chapters. Each and every chapter is divided into smaller halachot so that they can be ordered in one's memory.</p>	<p>בדין כל מצוה ומצוה ובדין כל הדברים שתיקנו חכמים ונביאים כללו של דבר כדי שלא יהא אדם צריך לחיבור אחר בעולם בדין מדיני ישראל אלא יהא חיבור זה מקבץ לתורה שבעל פה כולה עם התקנות והמנהגות והגזירות שנעשו מימות משה רבינו ועד חבור הגמרא וכמו שפירשו לנו הגאונים בכל חיבוריהם שחיברו אחר הגמרא לפיכך קראתי שם חיבור זה משנה תורה. לפי שאדם קורא בתורה שבכתב תחלה ואחר כך קורא בזה ויודע ממנו תורה שבעל פה כולה ואינו צריך לקרות ספר אחר ביניהם וראיתי לחלק חיבור זה הלכות הלכות בכל ענין וענין. ואחלק ההלכות לפרקים שבאותו ענין וכל פרק ופרק אחלק אותו להלכות קטנות כדי שיהיו סדורים על פה</p>
---	--

6. R. Avraham ben David (1125-1198, Spain), *Hasagot haRaavad* to Mishneh Torah, Introduction

<p>...He has abandoned the method of all the authors who preceded him, because they brought proofs for their words, and cited their sources ... But this way, I do not know why I should disregard my tradition and my proof for the sake of this author's book."</p>	<p>א"א סבר לתקן ולא תיקן כי הוא עזב דרך כל המחברים אשר היו לפניו כי הם הביאו ראיה לדבריהם וכתבו הדברים בשם אומרם והיה לו בזה תועלת גדולה כי פעמים רבות יעלה על לב הדיין לאסור או להתיר וראיתו ממקום אחד ואילו ידע כי יש גדול ממנו הפליג שמועתו לדעת אחרת היה חוזר בו. ועתה לא אדע למה אחזור מקבלתי ומראייתי בשביל חבורו של זה המחבר</p>
---	---

7. Rambam, *Mishneh Torah*, Teshuvah 3:7

<p>Five individuals are described as heretics... c) one who accepts that there is one Master [of the world], but maintains that He has a body or form...</p>	<p>תַּמְשֵׁה הֵן הַנִּקְרָאִים מִיְנִים.. וְהָאֹמֵר שֵׁשׁ שָׁם רְבוֹן אֶתֵּד אֲבָל שֶׁהוּא גוֹף וְבַעַל תְּמוּנָה</p>
---	---

8. R. Avraham ben David, *Hasagot haRaavad* to Mishneh Torah, Teshuvah 3:7

<p>Why did he call such a person a heretic, when some who were greater and better than he followed this opinion, according to what they found in the Bible and even more, according to what they found in <i>aggadot</i> which corrupt opinions?</p>	<p>א"א ולמה קרא לזה מין, וכמה גדולים וטובים ממנו הלכו בזו המחשבה לפי מה שראו במקראות ויותר ממה שראו בדברי האגדות המשבשות את הדעות?</p>
--	--

9. Rambam, Mishneh Torah, Teshuvah 8:2

<p>In the world to come, there is no body or physical form, only the souls of the righteous alone, without a body, like the ministering angels.</p>	<p>העולם הבא אין בו גוף וגויה אלא נפשות הצדיקים בלבד בלא גוף כמלאכי השרת.</p>
---	---

10. R. Avraham ben David, *Hasagot haRaavad* to Mishneh Torah, Teshuvah 8:2

<p>The words of this man seem close to one who says that there is no bodily resurrection of the dead, but only of the soul. But, by the life of my head, this was not the opinion of our sages, may their memory be blessed! Behold, they have said: "The righteous are prepared to rise up in their garments..."</p>	<p>א"א דברי האיש הזה בעיני קרובים למי שאומר אין תחיית המתים לגופות אלא לנשמות בלבד. וחיי ראשי לא היה דעת חז"ל על זה שהרי אמרו כתובות (ק"א:): עתידין צדיקים שיעמדו בלבושיהן</p>
---	--

11. D. Walldorf, *The Position of Nahmanides during the Maimonidean Controversy*

In 1232 R. Solomon ben Abraham of Montpellier proclaimed a prohibition on studying the Guide and the Mishneh Torah's philosophic section Sefer ha-Madda. Solomon also sent his primary disciple, R. Jonah Gerondi (1200-1263), to northern France to garner support against the Maimunists. This trip resulted in a formal herem (ban) being issued upon the study of these books. This ban was opposed vigorously by Maimunists in Lunel and Narbonne, who responded with a counterban against the anti-Maimunists. Maimonides' supporters also sent their own delegate, R. David Kimchi (1160-1235), to Spain to rouse support. Kimchi received a mixed response, though some communities also proclaimed their own ban against the anti-Maimunists later that year. At this stage, near the climax of the crisis, Nahmanides entered the scene. After first writing a letter to the Spanish leaders advocating restraint and to bring the subject before a bet din, he sent a long letter to the Rabbis of Northern France, arguing that they should revoke their ban.

12. R. Moshe ben Nachman (1194-1270), *Writings and Discourses*, pp. 372-3

He "built a tower in the midst of the Talmud...and a sanctuary for the masses, the unlearned masses who go up into the breaches. ... How many dispersed of faith has he gathered! ... To how many hungry for wisdom is his bread given, his water sure! How many atheists and perverts who have put our Talmud to shame has he answered correctly!"

13. Rabbi Nissan Mindel, "Rabbeinu Jonah Gerondi"

Thus it was that Rabbenu Jonah together with another disciple of Rabbi Solomon of Montpellier, whose name was Rabbi David ben Saul, joined their teacher in proclaiming a ban (1232) against all those who studied the "Moreh Nevuchim" and other philosophical writings of Maimonides. The whole Jewish world was then divided into two violently opposing camps, for and against the philosophical vows of Maimonides. Even the Jewish community in Montpellier was thus divided. Nachmanides, Rabbenu Jonah's cousin, tried to exercise a moderating influence in the conflict, but it had flared up to such heights, that Maimonides' works were publicly burned in Paris by Franciscan and Dominican priests who took advantage of the situation and burned also many Talmudic works at the same time (1242). This unfortunate spiritual struggle, which became a tragedy for the Jewish people in those days, made Rabbenu Jonah bitterly regret his strong stand against the writings of the saintly Maimonides. He vowed to make amends by traveling from city to city, where he would publicly declare his repentance, until he would reach the Holy Land. There he would pray for forgiveness at the grave of Maimonides in the presence of a congregation of ten Jews for seven consecutive days, as prescribed by Jewish law in cases where a deceased person is to be asked for forgiveness. Rabbenu Jonah started on his trip south. He passed through Barcelona, and finally came to Toledo. There one of his Talmudic lectures had made such an impression upon the Jewish community, that they begged Rabbenu Jonah to stay on to teach the young students at the Yeshivah. Rabbenu Jonah stayed, and devoted his attention to teaching the students, and to his writings. But in the year 1263 Rabbenu Jonah died of a strange illness...

It is said that Rabbenu Jonah wrote these works to atone for his earlier attacks against the works of Maimonides.

14. Rabbi Yosef Karo (1488-1575), Beit Yosef, Introduction

<p>The Household of Yisrael depends upon the halachic rulings of the three pillars of halachic decision – Rabbeinu Yitzchak Alfasi (Rif), Rambam and Rabbeinu Asher (Rosh). I have decided that wherever two of these Poskim agree, we are to rule accordingly</p>	<p>להיות שלש עמודי ההוראה אשר הבית בית ישראל נשען עליהם בהוראותיהם הם הרי"ף והרמב"ם והרא"ש, אמרתי אל לבי שבמקום ששנים מהם מסכימים לדעה אחת נפסוק הלכה כמותם...</p>
--	--