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RAMBAM'S MISHNEH TORAH: THE SIGNIFICANCE OF ITS TITLE

Rambam's *Mishneh Torah* is the most comprehensive and influential codification of Jewish law in the post-Talmudic era. Its impact on halakhic discourse, whether as a decider of law (e.g., for R. Joseph Karo in his *Shulhan Arukh*) or as an instrument of interpretation, is both profound and dramatic. Rambam's audacious program, set out in his *Mishneh Torah*, to codify the definitive halakha in all areas of Jewish law, was nothing less than awesome, and, as expected, controversial. The name Rambam chose for his magnum opus was equally audacious, for *Mishneh Torah* is the Hebrew name for *Deuteronomy*.

The title of Rambam's *Mishneh Torah* gives us a glimpse into how Rambam conceptualized the scope of his great work and the function it would play in the Jewish nation. The title at once acknowledges the great influence of the *Mishnah*, to which Rambam often compared his own work, and also suggests, in numerous ways, what he understood his own project in writing the *Mishneh Torah* to be. This essay will elucidate four allusions contained in the title of the *Mishneh Torah* as a means to clarify its structure, style, and purpose.

COMPARISON TO SCRIPTURE

The enormous role the *Mishneh Torah* has played in Jewish legal thought and practice is well-established: The *Shulhan Arukh* looked to Rambam's *Mishneh Torah* as one of three opinions that would lay the basis for Jewish law. When the *Shulhan Arukh* decides in accordance with Rambam the language of the halakha is often that of the *Mishneh Torah* itself. Every generation yields new commentaries to the *Mishneh*

In honor of Rabbi Emanuel Feldman, whose wit, erudition, and eloquence are legend. The author thanks Rabbi Gabriel Price for editorial comments and suggestions, as well as Rabbi Yonatan Kaganoff for further technical assistance.

Torah. It is, perhaps uniquely in the Jewish world, universally consulted to clarify continuing legal issues.

And yet Rambam himself had even greater ambitions for his work. Rambam wrote in the introduction to the *Mishneh Torah* that his work was definitive and sufficient as a repository of the oral law. In calling his work *Mishneh Torah*, he writes, “for if one reads the Scriptures and then reads this volume, he will know the entire oral law and will not need to read any other book besides these.”¹ “*Mishneh*” in this sense is based on the word *sheniyya*, or second. The *Mishneh Torah* would be second to the Pentateuch, the Written Torah. Rambam meant his work to be a companion volume to the written law; the embedded concept of “*sheniyya*” is the primary reference of the title, *Mishneh Torah*.

The notion that the *Mishneh Torah* is a companion volume to the Written Torah is not merely academic; it played a role in the formal composition of the *Mishneh Torah* itself. At the beginning of the laws of Hanukkah, for example, Rambam relates at length the history of the events of Hanukkah.² In contrast, in the laws of Purim, no such history is found. There, Rambam notes only that “it is well known that [the reading of the *Megillah*] was a decree of the Prophets.” I once heard the Rav, R. Joseph B. Soloveitchik, explain why Rambam does not discuss the history of Purim as he does the events of Hanukkah. The story of Purim is related in the Book of *Esther*, R. Soloveitchik pointed out, which is a part of the Bible. The *Mishneh Torah* was intended to supplement the written law, and therefore Rambam found it unnecessary to repeat what had already been stated. But Rambam does record the *post-Biblical* story of Hanukkah.

MODELED ON MISHNAH

Although a work with the scope and the ambition of the *Mishneh Torah* was in fact unprecedented, Rambam nevertheless worked from a very definite model, the *Mishnah* of Rebbe, R. Judah the Prince³—which brings us to the second allusion in the title. It’s not accidental that Rebbe’s work figures so prominently in the title of Rambam’s *magnum opus*: Rambam himself extolled Rebbe at length and writes often of the parallels between Rebbe’s work and his own. Rambam, generally circumspect, is anything but that in his admiration for Rebbe:

And . . . the time came for our holy teacher, peace be upon him, who was singular in his generation and unique in his time, a man within

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whom was found all things that were desirable and good attributes until he merited being called by the people of his generation, “our holy teacher,” and his name was Judah. And [he] was perfect in his wisdom and exaltedness—as they said from the days of our teacher, Moses, until Rebbe, we did not find Torah and greatness in one place (*Gittin* 59a). He was the ultimate in piety, humility, and abjuring of any pleasures, as they said, when Rebbe died, humility and fear of sin were not to be found (*Sotah* 49b).⁴

Prominent among the explicit connections Rambam drew between his own work and Rebbe’s was style. Rambam expressed his admiration for Rebbe’s clarity in the introduction to the *Commentary on the Mishnah*: “His [Rebbe’s] eloquence and facility in the Hebrew language exceeded all others to the point that the Rabbis would learn the meaning of Biblical phrases which they had difficulty with from the words of his slaves and servants.” In his introduction to *Sefer ha-Mitsvot*, Rambam noted that, because of the clarity of mishnaic Hebrew, he would use only that language in his own work:

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 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.⁵

Furthermore, Rambam mentions that he contemplated organizing the *Mishneh Torah* around the categories of the *Mishnah*:

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?⁶

Rebbe’s influence on Rambam was not limited to style. One of the most distinctive elements of the *Mishneh Torah* is its lack of attribution. Rambam, even when codifying the law according to a specific opinion, did not attribute that position to a specific sage. It was this aspect that

Rabbi Phineas ben Meshulam, a prominent judge in Alexandria and a contemporary of Rambam, objected to in a letter to Rambam. In response, Rambam offered a lengthy excursus on the distinction between the method of the *Mishnah* and the method of the *Talmud*—a distinction between a *hibbur*, a monolithic code, and a *perush*, a commentary. The *Mishneh Torah*, he said, was modeled after the method of the *Mishnah*, of a *hibbur*. In response to R. Phineas' concern that the authors of the particular opinions would be forgotten, Rambam explains:

I have only followed the style of Rabbi Judah here. He, too, did this before me, for every halakha that he recorded without qualification and anonymously was originated by other scholars; yet even these other rabbis had not originated the *halakhot* themselves but had received them from still others, and these others from others, all the way back to Moses our teacher. . . . What advantage would there be in [citing the names of the Sages]? 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 halakha, and therefore worthy of being implemented, he always recorded it without qualification and anonymously.”⁷

In both style and organization Rebbe's *Mishnah* informed Rambam's *Mishneh Torah*. In his introduction to the *Mishneh Torah*, Rambam draws a further connection between these two codes that clarifies his purpose in writing the *Mishneh Torah*. Both his work and Rebbe's, Rambam observed, were written during periods of decentralization and instability. Rebbe wrote the *Mishnah*, Rambam writes,

because he saw that the number of students was continuing to go down, calamities were continually happening, the wicked government was extending its domain and increasing in power, and the Israelites were wandering and emigrating to remote places. He thus wrote a work to serve as a handbook for all, so that it could be rapidly studied and would not be forgotten. . . .”⁸

Rambam paints a similar picture of the chaotic affairs in his own time and the decline of Torah scholarship:

In our times, severe troubles prevail and all are in distress; the wisdom of our Torah scholars has disappeared, and the understanding of our

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discerning men is hidden. Thus, the commentaries, the settled laws, and the responses to questions that the Geonim wrote, which had once seemed clear, have in our times become hard to understand, so that only a few properly understand them. And one hardly needs to mention the Talmud itself, the Babylonian Talmud and the Jerusalem Talmud, the *Sifra*, the *Sifre*, and the *Tosefta*, which all require a broad mind, a wise soul, and considerable study, before one can correctly know from them what is forbidden or permitted and the other rules of the Torah.⁹

For this reason, I, Moses son of Maimon the Sephardi, became so stirred to action and, relying on the help of the Rock Blessed be He, intently studied all of these books, for I saw fit to write what can be determined from all of these works in regard to what is forbidden and permitted, and unclean and clean, and the other rules of the Torah.¹⁰

Perhaps the most profound parallel between Rebbe and Rambam, in the latter's own view, is that both found themselves in periods of transition, periods that threatened, or were perceived to threaten, the integrity of the oral tradition. As a result, both sought to comprehend and record the entire Oral Torah and thus secure it for the future. Rebbe wrote down what was until then an oral tradition. Masterfully, Rebbe safeguarded the oral tradition despite transforming it into the written word. Rambam also sought to integrate the entire oral law into one legal text.

Arguably, although it appears that Rambam's project was even more ambitious than that of Rebbe, as the *Mishneh Torah*, unlike the *Mishnah*, almost completely lacks attribution of opinions, Rambam himself viewed his approach to codification as a continuation of the tradition of Rebbe. For, even though Rambam, as we saw in his letter to R. Phineas, dispensed entirely with recording disputes within the tradition along with his elimination of attribution, he merely applied the logic of the compilation of the *Mishnah*.

I had already decided to follow the methodology of the *Mishnah*, and the Talmud has already adjudicated every single halakha 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 who is mentioned in the Talmud, like the names of Abaye or Raba, if in fact he is not the author of the halakha 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

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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.¹¹

Unlike Rebbe, Rambam recorded the oral tradition without referencing the original rabbinic authorities. Still, Rambam viewed his role as a continuation of that of the great codifier, Rebbe. In a period of displacement and instability in Jewish life, Rambam, in writing the *Mishneh Torah*, intended to codify and *fix* the law and establish a steadier underpinning for Jewish social life. In doing so, Rambam intended to produce a work that would transcend his own time and, possibly, the entire diaspora experience of the Jews. Although Alfasi, among others, sought to codify halakha, nowhere besides the *Mishneh Torah*—and including the later *Shulhan Arukh* itself—is there as detailed a treatment of the *halakhot* pertaining to the building of the Temple, the reestablishment of the Temple Service, or the laws governing a King of Israel.

KING’S TORAH

That unique feature of the *Mishneh Torah* brings us to a third allusion in the title. *Deuteronomy*, 17:18 states, “And you shall write this *Mishneh Torah*. . . .” The *Mishneh Torah* referred to in the verse is the additional *Sefer Torah* that the King of Israel must write besides the *Sefer Torah* that each Jew must write, and which he would consult when regulating the affairs of a Jewish nation restored to its land and its proper status.¹² We can only speculate whether Rambam intended his *Mishneh Torah* to be the *Mishneh Torah* that would guide the King of Israel in conducting affairs of state. It is certainly true that the *Mishneh Torah* was meant to operate as a kind of constitution—complete, eternal, and transcendent—for the Jewish people.

NAME OF DEUTERONOMY

Finally, as I mentioned in the beginning of this essay, the name *Mishneh Torah* is the name *Hazal* give *Deuteronomy* (*Megillah* 31b). The implicit comparison, a fourth allusion in the title, is striking.¹³ What is the nature of this comparison? *Hazal* call *Deuteronomy* “*Mishneh Torah*” because it is, in a sense, Moses’ own review, or repetition of the Torah itself. *Hazal* comment, “*Moshe mi-pi atsmo amran* (Moses himself said

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it),”¹⁴ because Deuteronomy was in Moses’ own language and not, so to speak, a direct transcription of God’s word.¹⁵ Therefore, *Mishneh Torah* also has characteristics of the Oral Torah.¹⁶ By simultaneously serving as the close of the Written Law and the beginning of the Oral Torah, *Deuteronomy* is both the transition between the two and the beginning of the Torah. In a similar moment of transition, Rambam, in the *Mishneh Torah*, as outlined at the beginning of this essay, sought to codify the entire oral law, thereby serving as a closure to the process begun with Moses’ *Mishneh Torah*. Although the above comment by *Hazal* was made with reference to Moses, it applies equally well to the *Mishneh Torah* of Moses, son of Maimon. While codifying and compiling the Oral Torah, Rambam nonetheless finds his own voice in his *Mishneh Torah*. Although he presents the views of others, he is able to leave his personality and stamp upon the entire work.

Rambam’s grave in Tiberias bears the enigmatic epithet, “From Moses to Moses there arose none like Moses.”¹⁷ Certainly the intention of that phrase is not that there were no scholars of equal status to Rambam during that long span of time. After all, that period includes the era of the Bible, the *Tannaim*, and the *Amoraim*. Rather the epithet, I believe, means to convey that, like Moses who wrote his own *Mishneh Torah*, so too Rambam wrote in his voice his own *Mishneh Torah*, which would revolutionize Torah study and serve as a basic text of halakha.

NOTES

1. Introduction to *Mishneh Torah*.
2. R. Joseph B. Soloveitchik noted the unusual recording of the history of Hanukkah in the *Mishneh Torah* in what is a purely halakhic work, a compilation of laws without historical references. He suggested that, given that the lighting of the Hanukkah candles is an expression of thanks and praise to God, it is essential that one know the reason for which one lights the candles—thanks to the Almighty.
3. See Isadore Twersky, *Introduction to the Code of Maimonides* (New Haven and London: Yale University Press, 1980), pp. 29, 239.
4. Introduction, *Commentary on the Mishnah*.
5. Introduction, *Sefer ha-Mitsvot*.
6. Introduction, *Mishneh Torah*.
7. Responsa of Rambam, 140, letter to R. Phineas ben Meshullam. Translation, Twersky, *Introduction*, pp. 34-35.
8. Introduction, *Mishneh Torah*.
9. *Ibid.*
10. *Ibid.*

11. See n. 7; Twersky, p. 35.
12. The potential ambiguity of the term *Mishneh Torah* is demonstrated beautifully by R. Soloveitchik. He notes, in a letter, that *Bereishit Rabbah* 6:9 states that “when God appeared [to Joshua], He found him [Joshua] with the *Mishneh Torah* in his hand.” R. Soloveitchik commented that the *Mishneh Torah* referred to is that of the King, for Joshua had the status of King, and it was this *Sefer Torah* upon which the verse in the Book of *Joshua* comments, “this *Sefer Torah* should never leave your mouth” (*Joshua* 1:6). See *Letters of the Gaon Rabbi Joseph Dov HaLevi* (Riverdale, NY: Morasha Foundation, 2001), p. 269 (Hebrew).
13. I once heard R. Soloveitchik comment why, in the parlance of the *bet midrash*, people generally refer to Rambam’s magnum opus as *Yad Hazakah* or “Rambam” but not, typically, *Mishneh Torah*. The name *Mishneh Torah*, he suggested, since it also refers to *Deuteronomy*, was almost too ambitious. Similarly, he pointed out, *Shenei Lubot ha-Brit* is called more humbly the *She’lah*, and *Torat Moshe* is simply called the *Alshikh*. When a *sefer* claims, even implicitly, to have the status of the Torah itself, the name does not seem to stick.
14. *Megillah* 31b. Cf. Ramban’s introduction to *Deuteronomy*, the Vilna Gaon’s comments in the Dubnow Maggid’s *Ohel Ya’akov*, beginning of *Sefer Devarim*, and *Peninim mi-Shulhan ha-Gra*, p. 193, and *Zohar*, vol. 3, 263a. Also see the discussion of R. Tsaddok ha-Kohen of Lublin on this topic, *Tsidkat ha-Tsaddik*, no. 183; *Resisei Laila*, no 54; and *Dover Tsedek*, no. 4.
15. Joseph B. Soloveitchik, *Divrei Hasbkafah*, 2nd ed. (Jerusalem, 1994), p. 95; Herschel Schachter, *Nefesh ha-Rav* (Jerusalem: 1994), p. 55.
16. Although a *Sefer Torah* is typically not read publicly at night, on the night of *Hoshanah Rabbah* many communities do read *Deuteronomy*. It could be that because *Deuteronomy* has many elements of *Torah she-be’al peh* that this exception is made. On the Rav’s perspective on the dual nature of the book of *Deuteronomy*, see Schachter, *Nefesh ha-Rav*, pp. 54-56.
17. Also note the obvious allusion to *Sotah* 49b (quoted above), further emphasizing, for both Rambam and the author of the epithet, the connection between Rebbe, author of the *Mishnah*, and Rambam.