

## The Rambam's Introduction to the Mishneh Torah

### Preface

"In the name of God, Lord of the world"<sup>2</sup> (Genesis 21:33)  
 "Then I will not be ashamed when I gaze at all Your mitzvot"<sup>3</sup> (Psalms  
 119:6).

The mitzvot given to Moses at Mount Sinai were all given together  
 with their explanations,<sup>4</sup> as implied by Exodus 24:12]: "And I will  
 give you the tablets of stone, the Torah, and the mitzvah."

"The Torah" refers to the written law; "the mitzvah," to its  
 explanation. [God] commanded us to fulfill "the Torah" according  
 to [the instructions of] "the mitzvah."<sup>5</sup> "The mitzvah" is called the  
 Oral Law.

Moses, our teacher, personally transcribed the entire Torah before  
 he died. He gave a Torah scroll to each tribe and placed another scroll  
 in the ark as a testimonial, as [Deuteronomy 31:26] states: "Take  
 this Torah scroll and place it [beside the ark...] and it will be there  
 as a testimonial."

"The mitzvah" - i.e., the explanation of the Torah - he did not  
 transcribe.<sup>6</sup> Instead, he commanded it [verbally] to the elders, to

1. The heading "Introduction" is not found in any of the manuscript editions of the  
*Mishneh Torah* and appears to be a printer's addition. Note *Hilchot Shechitah* 1:4,  
 where the Rambam refers to "...the Oral Law, which is called 'the mitzvah,' as we  
 explained in the beginning of this text."

By referring to these passages as "the beginning" of the text and not "the introduction  
 to the text," the Rambam implies that the subject matter contained in these passages  
 is an essential part of the *Mishneh Torah* and not merely an author's preamble.

2. Though this verse is omitted by many printed editions of the *Mishneh Torah*, it is  
 included in the manuscript editions. It is also found at the beginning of the Rambam's  
 other works, the Commentary on the Mishnah, *Sefer HaMitzvot*, and the Guide to  
 the Perplexed. The Rambam's intention is to clarify that he does not see this work  
 as an expression of his individual efforts alone, but that it was composed "In the  
 name of God, the Lord of the world."

## הקדמת הרמב"ם ז"ל

### אז לא אבוש בהפיטי אל כל מצותיך:

כל המצוות שנתנו לו למשה במיני, בפרושן נתנו, שנאמר: "ואתנה לך את  
 לחת האבן והתורה והמצוה".

ותורה' - זו תורה שבכתב, והמצוה' - זו פרושה. ונתנו לעשות התורה  
 על-פי המצוה. ומצוה זו היא הנקראת תורה שבפול-פה.

כל התורה פתקה משה רבנו קדם לשמות בכתב-ידו, ונתן ספר לכל שבט  
 ושבת, וספר אחד נתנהו בארון לצד, שנאמר: "לקח את ספר התורה הזה  
 ושמתם אותו" וגו'. והמצוה, שהיא פרושה התורה, לא כתבה, אלא צוה בה

3. The Rambam introduces every one of the books of the *Mishneh Torah* by quoting  
 an appropriate verse from the Bible. It is possible to explain that he chose this verse  
 for the introduction to the entire text in reply to objections he knew would arise  
 to the *Mishneh Torah*. The Rambam's conception of his work as "a compilation  
 of the entire Oral Law" would not be acceptable to many. Therefore, he begins by  
 emphasizing that his actions were not presumptuous. There is no need for him to  
 be "ashamed" at taking such a step. Since he can "gaze at all Your mitzvot" -  
 i.e., has the knowledge of the entire Oral Law - he is obligated to try to communicate  
 that knowledge to others, as stated in *Hilchot Talmud Torah* 5:4 (*Yayin Malchut*).

4. By emphasizing that, at the revelation at Sinai, the mitzvot were given "together  
 with their explanations," the Rambam stresses that the Written and Oral Laws cannot  
 be viewed as two separate entities, but rather as two dimensions of a single whole.  
 See also the Rambam's Introduction to his Commentary on the Mishnah, where he  
 elaborates on the same concept.

5. See *Emunah V'De'ot* (Discourse 3, Chapter 3), where Rav Sa'adiah Gaon explains  
 at length how the oral tradition is necessary to understand how to fulfill the mitzvot.

6. Note *Gitin* 60b, which prohibits writing down the teachings of the Oral Law.  
 Nevertheless, from the Rambam's statements here and in the Introduction to his  
 Commentary on the Mishnah, it appears that the prohibition only applies to the  
 composition of a text from which to teach, and not writing down notes for one's  
 personal study.

Joshua, and to the totality of Israel,<sup>7</sup> as [Deuteronomy 13:1] states: "Be careful to observe everything that I prescribe to you." For this reason, it is called the oral law.

Even though the oral law was not transcribed, Moses, our teacher, taught it in its entirety in his court to the seventy elders. Elazar, Pinchas, and Joshua received the tradition from Moses. [In particular, Moses] transmitted the oral law to Joshua, who was his [primary] disciple, and instructed him regarding it.<sup>8</sup>

Similarly, throughout his life Joshua taught the oral law. Many elders received the tradition from him.<sup>9</sup> Eli received the tradition from the elders and from Pinchas. Samuel received the tradition from Eli and his court. David received the tradition from Samuel and his court.

Achiah of Shiloh was one of those who experienced the exodus from Egypt.<sup>10</sup> He was a Levite and heard [teachings] from Moses. He was, however, of low stature in Moses' age. Afterwards, he received the tradition from David and his court. Elijah received the tradition from Achiah of Shiloh and his court. Elisha received the tradition from Elijah and his court.

Yehoyada, the priest, received the tradition from Elisha and his court. Zechariah received the tradition from Yehoyada and his court. Hoshea received the tradition from Zechariah and his court. Amos received the tradition from Hoshea and his court. Isaiah received the tradition from Amos and his court. Michah received the tradition from Isaiah and his court. Yoel received the tradition from Michah and his court. Nachum received the tradition from Yoel and his court. Chabbakuk received the

7. See the Rambam's Introduction to his Commentary on the Mishnah, where he quotes Eruvin 54b which describes the order in which Moses would teach Aharon, his sons, the elders, and then the entire Jewish people.

8. I.e., regarding its transmission to others (*Sifre, Pinchas*).

9. By listing the entire chain of tradition, the Rambam demonstrates how the Oral Law was transmitted in a continuous chain and was not the invention of the later Sages. However, beyond this obvious intent, the Rambam had another goal in mind. In his Introduction to *Sefer HaMitzvot* (where he outlines some of his deliberations about the composition of the *Mishneh Torah*), the Rambam writes:

I chose to omit the supports and proofs [for the laws], and instead mention the major figures who transmitted the tradition. Thus, I will not say "These are the words of Rabbi ———," or "Rabbi ——— says such and such" regarding each particular matter. Instead, I will mention all the sages of the Mishnah and the Talmud, of blessed memory, in general at the beginning of the text. I will state that all the judgments of the Torah - i.e., the Oral Law - were received and transmitted from so and so to so and so, until Ezra and until Moses.

לְזַקְנִים וְלַיהוֹשֻׁעַ וְלְשָׂאֵר כָּל יִשְׂרָאֵל, שְׁנֹאמַר: "אֵת כָּל הַדְּבָר אֲשֶׁר אֲנִי מְצַוֶּה אֲתֶכֶם אֹתוֹ תִשְׁמְרוּ לְעִשׂוֹת" וְגו'. וּמִכֵּן זֶה נִקְרָאת הַתּוֹרָה שְׁבַע־פָּה. אֶף-עַל-פִּי שְׂאֵל נִתְּבַחַה הַתּוֹרָה שְׁבַע־פָּה, לְמַדָּה מִשָּׁה רַבְּנוּ בְּלָה שְׂבַע־פָּה דִּינֵינוּ לְשִׁבְעִים זְקֵנִים. וְאַלְעִזֹר וּפְיִנְחָס וַיהוֹשֻׁעַ, שְׁלִשְׁתֵּן קִבְּלוּ מִמֶּשֶׁה. וְלַיהוֹשֻׁעַ, שְׁהוּא תַלְמִידוֹ שֶׁל מֹשֶׁה רַבְּנוּ, מִסָּר הַתּוֹרָה שְׁבַע־פָּה וְצִוְּהוּ עָלֶיהָ. וְכֵן יְהוֹשֻׁעַ כָּל יְמֵי חַיָּו לְמַד עַל-פֶּה, וְזַקְנִים רַבִּים קִבְּלוּ מִיהוֹשֻׁעַ. וְקִבְּלוּ עָלָיו מִן הַזְּקֵנִים וּמִפְיִנְחָס.

וְשִׁמוּאֵל קִבְּלוּ מֵעֲלֵי וּבֵית-דִּינֵינוּ. וְדָוִד קִבְּלוּ מִשְׁמוּאֵל וּבֵית-דִּינֵינוּ. וְאַחֲרָיָה הַשִּׁילֹנִי מִיִּצְחָא מְצַרִּים הָיָה, וְלֹא הָיָה, וְשָׂמַע מִמֶּשֶׁה, וְהָיָה קָטָן בִּימֵי מֹשֶׁה, וְהוּא קִבְּלוּ מִדָּוִד וּבֵית-דִּינֵינוּ. וְאַחֲרָיו קִבְּלוּ מֵאַחֲרָיו הַשִּׁילֹנִי וּבֵית-דִּינֵינוּ. וְאַלְיָשֻׁעַ קִבְּלוּ מֵאַחֲרָיו וּבֵית-דִּינֵינוּ.

וַיהוֹדַעַת הַכְּהֵן קִבְּלוּ מֵאַלְיָשֻׁעַ וּבֵית-דִּינֵינוּ. וְחִזְקִיָּה קִבְּלוּ מִיהוֹדַעַת וּבֵית-דִּינֵינוּ. וְהוֹשֻׁעַ קִבְּלוּ מִחִזְקִיָּה וּבֵית-דִּינֵינוּ. וְעֲמוֹס קִבְּלוּ מִהוֹשֻׁעַ וּבֵית-דִּינֵינוּ. וְיִשְׁעִיָּה קִבְּלוּ מֵעֲמוֹס וּבֵית-דִּינֵינוּ. וּמִיכָה קִבְּלוּ מִיִּשְׁעִיָּה וּבֵית-דִּינֵינוּ. וְיוֹאֵל קִבְּלוּ מִמִּיכָה וּבֵית-דִּינֵינוּ. וְנַחֲוִים קִבְּלוּ מִיֹּאֵל וּבֵית-דִּינֵינוּ. וְחַבְּבָקוּ קִבְּלוּ מִנַּחֲוִים וּבֵית-דִּינֵינוּ.

I will mention together with [the leading sage of the generation], who received the tradition, the other well-known personalities in his generation whose position in the chain of tradition is equivalent to his. All this [will be done] out of a desire for brevity.

The Rambam's willingness to sacrifice the mention of the sources for his decisions in favor of a brief and clear text became a major issue with regard to the acceptance of the *Mishneh Torah* by other rabbis. The Ra'avad writes:

This author abandoned the practice of all the previous authors, who would bring supports for their statements and quote them in the name of their sources. This was of great benefit because, at times, a judge would presume to forbid or permit [something] based on a specific source. If he knew that a greater authority holds a different opinion, he would retract his. However, in this instance, I do not know why I should retract from the tradition I received and my sources because of [the statements] in this work by this author.

Afterwards, the Rambam himself regretted his original decision. In a responsum, he wrote that he desired to add the sources on which the decisions of the *Mishneh Torah* were based. Unfortunately, the Rambam himself never succeeded in composing such a text, and the task of discovering these sources has been left to the sages of subsequent generations.

10. See *Bava Batra* 121b.

tradition from Nachum and his court. Tzefaniah received the tradition from Chabbakuk and his court.

Jeremiah received the tradition from Tzefaniah and his court. Baruch ben Neriyah<sup>11</sup> received the tradition from Jeremiah and his court. Ezra and his court received the tradition from Baruch and his court. [The members of] Ezra's court are referred to as *Anshei K'neset Hagedolah* (the men of the great assembly). They included Chaggai, Zechariah, Malachi, Daniel, Chananiah, Mishael, Azariah, Nechemiah ben Chakaliah, Mordechai the linguist, Zerubavel and many other sages - 120 elders in all.<sup>12</sup>

The last [surviving] member of this group was Shimon the Just. He was included among the 120 elders and received the oral law from all of them. He served as the High Priest after Ezra. Antignos of Socho and his court received the tradition from Shimon the Just and his court. Yosse ben Yo'ezer of Tzreidah and Yosef ben Yochanan of Jerusalem<sup>13</sup> and their court received the tradition from Antignos and his court. Yehoshua ben Perachiah and Nittai of Arbel and their court received the tradition from Yosse ben Yo'ezer and Yosef ben Perachiah and their court. Yehudah ben Tabbai and Shimon ben Shatach and their court received the tradition from Yehoshua ben Perachiah and Nittai of Arbel and their court. Shemayah and Avtalion, who were righteous converts,<sup>14</sup> and their court received the tradition from Yehudah and Shimon and their court.

Hillel and Shammai and their court received the tradition from Shemayah and Avtalion and their court. Rabban Yochanan ben Zakkai and Rabbi Shimon, the son of Hillel the elder, received the tradition from Hillel [and Shammai] and his [their] court[s].<sup>15</sup>

Rabban Yochanan ben Zakkai had five students [who were] great sages and received the tradition from him. They were: Rabbi Eleazar the great, Rabbi Yehoshua, Rabbi Yosse the priest, Rabbi Shimon ben Netanel and Rabbi Elazar ben Arach. Rabbi Akiva ben Yosef received from Rabbi Eleazar the great. Yosef, his father, was a righteous convert.

Rabbi Yishmael and Rabbi Meir, a son of righteous converts, received the tradition from Rabbi Akiva. Rabbi Meir and his colleagues

11. Jeremiah and Baruch witnessed the destruction of the First Temple. After Jeremiah's death, Baruch went to Babylon and taught Torah to the exiles there.

12. The *Anshei K'neset Hagedolah* presided over the return to Zion at the beginning of the Second Temple period and set the foundations for the reconstruction of the nation.

וְצִפְנִיָּה קָבַל מִחֻבְבָּקוּק וּבֵית־דִּינִי. וְרַמְיָה קָבַל מִצְפַּנְיָה וּבֵית־דִּינִי. וְבִרְוֶה בֶן־

נְרִיָּה קָבַל מִרַמְיָה וּבֵית־דִּינִי.

וְעֹזְרָא וּבֵית־דִּינִי קָבַלוּ מִבְּרוּךְ בֶּן־נְרִיָּה וּבֵית־דִּינִי. בֵּית־דִּינִי שֶׁל עֹזְרָא הֵם הַנִּקְרָאִים אֲנָשֵׁי כְּנֶסֶת הַגְּדוּלָּה, וְהֵם חֲזִי, זְכוּרָה וּמְלֹאכִי, דְּנִינְאֵל וְחֲנַנְיָה וּמִישָׂאֵל וְעֹזְרָה וְנַחְמְיָה בֶּן חַפְלִיָּה וּמְרֻדְבִי בְּלָשָׁן וְהַרְבֵּבֵל, וְהַרְבֵּה חֻכְמַיִם עִמָּהֶם — תְּשֻׁלוֹם מֵאָה וְעֶשְׂרִים זָקֻנִים.

הָאֲחֵרוֹן מֵהֶם הוּא שְׁמַעוֹן הַצֹּדִיק, וְהוּא הָיָה מִכָּל הַמֵּאָה וְעֶשְׂרִים, וְקָבַל חוֹרָה שְׁבַע־פַּה מִכָּלֶם, וְהוּא הָיָה כְּהֵן גְּדוֹל אַחַר עֹזְרָא.

אֲנִטְיָנוֹס אִישׁ סוֹכוֹ וּבֵית־דִּינִי קָבַלוּ מִשְׁמַעוֹן הַצֹּדִיק וּבֵית־דִּינִי. וְיוֹסִי בֶן יוֹעֵזֶר אִישׁ צֹדְדָה וְיוֹסֵף בֶּן יוֹחָנָן אִישׁ יְרוּשָׁלַיִם וּבֵית־דִּינָם קָבַלוּ מֵאֲנִטְיָנוֹס וּבֵית־דִּינִי. וְיְהוֹשֻׁעַ בֶּן פְּרוּחִיָּה וְנַחְמָי הָאֲרָבֵלִי וּבֵית־דִּינָם קָבַלוּ מִיוֹסִי בֶּן יוֹעֵזֶר וְיוֹסֵף בֶּן יוֹחָנָן וּבֵית־דִּינָם. וְיְהוֹדָה בֶּן טַבָּאי וְשְׁמַעוֹן בֶּן שֶׁטַח וּבֵית־דִּינָם.

שְׁמַעְיָה וְאַבְטָלְיוֹן גְּרֵי הַצֹּדֵק וּבֵית־דִּינָם קָבַלוּ מִיְהוֹדָה וְשְׁמַעוֹן וּבֵית־דִּינָם. הֵלֵל וְשִׁמְעִי וּבֵית־דִּינָם קָבַלוּ מִשְׁמַעְיָה וְאַבְטָלְיוֹן וּבֵית־דִּינָם. וְרַבֵּן יוֹחָנָן בֶּן זַכַּאי וְרַבֵּן שְׁמַעוֹן, בְּנוֹ שֶׁל הֵלֵל הַזֶּהָן, קָבַלוּ מֵהֵלֵל [וְשִׁמְעִי] וּבֵית־דִּינָם. חֻמְשָׁה תְּלֻמִּידִים הָיוּ לוֹ, לְרַבֵּן יוֹחָנָן בֶּן זַכַּאי, וְהֵם גְּדוּלֵי הַחֻכְמַיִם שֶׁקָּבְלוּ מִמֶּנּוּ, וְאֵלוֹ הֵם: רַבִּי אֱלִיעֶזֶר הַגְּדוֹל, וְרַבִּי יְהוֹשֻׁעַ, וְרַבִּי יוֹסִי הַכְּהֵן, וְרַבִּי שְׁמַעוֹן בֶּן נַחְמָאֵל, וְרַבִּי אֱלִעֶזֶר בֶּן עֶרְוָה. וְרַבִּי עֲקִיבָא בֶּן יוֹסֵף קָבַל מִרַבִּי אֱלִיעֶזֶר הַגְּדוֹל, וְיוֹסֵף אָבִיו גְּרֵי־צֹדֵק הָיָה. וְרַבִּי יִשְׁמַעְיָאֵל וְרַבִּי מֵאִיר בֶּן גֵּרִי צֹדֵק קָבַלוּ מִרַבִּי עֲקִיבָא. וְגַם קָבַל רַבִּי מֵאִיר וְחֲבֵרָיו מִרַבִּי יִשְׁמַעְיָאֵל. חֻבְרָיו

13. These two sages begin the line of *zugot* (pairs) mentioned in the first chapter of *Avot*. The first of the sages mentioned was the *nasi* (head of the academy), and the second the *av beit din* (head of the court).

14. See *Eduyot* 1:3 and *Gittin* 57b. It is difficult to understand why the Rambam mentions Shemayah and Avtalion's ancestry. On the contrary, the fact that they were converts raises serious questions as to why they were allowed to serve as *nasi* and *av beit din*. (See *Hilchot Melachim* 1:4 and the commentary in the Moznaim edition of that Halachah.)

15. Rabban Yochanan ben Zakkai witnessed the destruction of the Second Temple. Before the fall of Jerusalem, he escaped with his students to Yavneh and laid a new foundation for our people's spiritual growth.

also received the tradition from Rabbi Yishmael. The colleagues of Rabbi Meir include Rabbi Yehudah, Rabbi Yosse, Rabbi Shimon, Rabbi Nechemiah, Rabbi Elazar ben Shamu'a, Rabbi Yochanan the shoemaker, Shimon ben Azzai, and Rabbi Chananiah ben Teradion.<sup>16</sup> Similarly, Rabbi Akiva's colleagues also received the tradition from Rabbi Eleazar the great. Rabbi Akiva's colleagues include Rabbi Tarfon - the teacher of Rabbi Yosse of the Galil - Rabbi Shimon ben Elazar, and Rabbi Yochanan ben Nuri.

Rabban Gamliel the elder received the tradition from Rabban Shimon, his father - the son of Hillel the elder. Rabban Shimon, his son, received the tradition from him. Rabban Gamliel, his son, received the tradition from him and Rabban Shimon, his son, received the tradition from him.

Rabbi Yehudah, the son of Rabban Shimon and referred to as Rabbenu Hakadosh ("our saintly teacher"),<sup>17</sup> received the tradition from his father, from Rabbi Elazar ben Shamu'a, and from Rabban Shimon and his colleagues.

Rabbenu Hakadosh composed the Mishnah. From the days of Moses, our teacher, until Rabbenu Hakadosh, no one had composed a text for the purpose of teaching the oral law in public. Instead, in each generation, the head of the court or the prophet of that generation would take notes of the teachings which he received from his masters for himself, and teach them verbally in public. Similarly, according to his own potential, each individual would write notes for himself of what he heard regarding the explanation of the Torah, its laws, and the new concepts that were deduced in each generation concerning laws that were not communicated by the oral tradition, but rather deduced using one of the thirteen principles of Biblical exegesis and accepted by the high court.

This situation continued until [the age of] Rabbenu Hakadosh. He collected all the teachings, all the laws, and all the explanations and commentaries that were heard from Moses, our teacher, and which were taught by the courts in each generation concerning the entire Torah. From all these, he composed the text of the Mishnah. He taught it to the Sages in public and revealed it to the Jewish people, who all wrote it down. They spread it in all places so that the oral law would not be forgotten by the Jewish people.

16. The commentaries have noted some apparent contradictions between the Rambam's statements here and those in the Introduction to his Commentary on the Mishnah. For

של רבי מאיר הם: רבי יהודה ורבי יוסי ורבי שמעון ורבי נחמיה ורבי אלעזר בן שמעון ורבי יוחנן הסנדלר ושמעון בן יצואי ורבי חנניה בן חנניון. וכן קבלו חכמינו של רבי עקיבא מרבי אלעזר הגדול. וחכמינו של רבי עקיבא הם: רבי טרפון, רבו של רבי יוסי הגלילי, ורבי שמעון בן אלעזר ורבי יוחנן בן נורי.

רבן גמליאל הגזן קבל מרבן שמעון אביו, בנו של הלל הגזן; ורבן שמעון בנו קבל ממונו, ורבן גמליאל בנו קבל ממונו, ורבן שמעון בנו קבל ממונו. ורבי יהודה, בנו של רבן שמעון, זהו הנקרא רבנו הקדוש, והוא קבל מאביו ורבי אלעזר בן שמעון ורבי שמעון חכריו. רבנו הקדוש חקר המשנה.

ומימות משה רבנו ועד רבנו הקדוש לא חכרו חבור יימלמדין אותו ברבים בתורה שבכתב-פה, אלא בכל דור דור לאש חכרו בית-דין או נביא שיקה באותו הדור כותב לעצמו וזכרון השמועות ששמע מרבותיו, והוא מלמד על-פה לרבים. וכן כל אחד ואחד כותב לעצמו כפי כחו מבאור התורה ומהכוחותיה כמו ששמע, ומדברים שנתחדשו בכל דור דור בידינו שלא לקדום מפי השמועה, אלא במדה משלש-עשרה מדות, והספיקו עליהם בית-דין הגדול. וכן היה הדבר תמיד עד רבנו הקדוש. והוא קבץ כל השמועות וכל הדינים וכל הבאורים והפרושים ששמעו ממשנה רבנו ושלמדו בית-דין שבבל דור דור בכל התורה כלה, וחבר מהכל ספר המשנה, ושנו לתכמים ברבים, ונגלה לכל ישראל, וכתבוהו כלם, ורבינו בכל מקום, כדי שלא תשתפח תורה שבכתב-פה מישראל.

example, in the Introduction to his Commentary on the Mishnah, the Rambam states that Rabbi Meir and Rabbi Nechemiah were different names for the same person, while here he mentions them as separate individuals. Similarly, in the Introduction to his Commentary on the Mishnah, the Rambam places Rabbi Chananiah ben Teradion in the first generation of sages following the Temple's destruction, while here he places him in the third generation.

The *Mishneh Torah* is a later work, and it is possible that the Rambam changed his thinking on these particulars before its composition.

17. In the Introduction to his Commentary on the Mishnah, the Rambam explains that Rabbi Yehudah HaNasi merited the title Rabbenu Hakadosh (our saintly teacher), because "he possessed all the desired and good qualities."

Why did Rabbenu Hakadosh make [such an innovation] instead of perpetuating the status quo? Because he saw the students becoming fewer, new difficulties constantly arising, the Roman Empire<sup>18</sup> spreading itself throughout the world and becoming more powerful, and the Jewish people wandering and becoming dispersed to the far ends of the world. [Therefore,] he composed a single text that would be available to everyone, so that it could be studied quickly and would not be forgotten.<sup>19</sup> Throughout his entire life, he and his court taught the Mishnah to the masses.

These are the great Sages who were part of the court of Rabbenu Hakadosh and who received the tradition from him: His sons, Shimon and Gamliel, Rabbi Effess, Rabbi Chanina ben Chama, Rabbi Chiyya, Rav, Rabbi Yannai, bar Kafra, Shemuel, Rabbi Yochanan, Rabbi Hoshai'a. Thousands and myriads of other sages received the tradition from [Rabbenu Hakadosh] together with these great sages.

Even though all of the eleven sages mentioned above received the tradition from Rabbenu Hakadosh and attended his study sessions, [there are differences between them. At that time,] Rabbi Yochanan was of lesser stature. Afterwards, he became a disciple of Rabbi Yannai and received instruction from him. Similarly, Rav received the tradition from Rabbi Yannai, and Shemuel received the tradition from Rabbi Chanina ben Chama.<sup>20</sup>

Rav composed the *Sifra* and the *Sifre* to explain the sources for the Mishnah. Rabbi Chiyya composed the *Tosefta*<sup>21</sup> to explain the subjects [discussed in] the Mishnah. Rabbi Hoshai'a and bar Kafra composed *baraitot* to explain the matters [discussed in] the Mishnah. Rabbi Yochanan composed the Jerusalem Talmud in *Eretz Yisrael* approximately three hundred years after the destruction of the Temple.<sup>22</sup>

Among the great sages who received the tradition from Rav and Shemuel were:<sup>23</sup> Rav Huna, Rav Yehudah, Rav Nachman, and Rav Kahana. Among the great sages who received the tradition from Rabbi

18. The Roman Empire systematically attempted to suppress the study of Torah in all the lands under its control.

19. Though Rabbi Yehudah HaNasi's composition of the Mishnah is a monumental achievement in its own right, perhaps the Rambam elaborates in his description of it because of the parallels to his own composition of the *Mishneh Torah*.

20. Rav and Shemuel represent the first generation of Amoraim, the age in which the center of Torah study shifted from *Eretz Yisrael* to Babylonia.

ולמה עשה רבנו הקדוש כן, ולא הניח הדבר כמות שהיה? לפי שראוי שיתלמדו מתמצטין והולכין, והצרות מתקדשות ובאות, ומלכות רומי פושטת בעולם ומתגברת, וישראל מתגלגלין והולכין לקצוות — חבור חבור אחד להיות ביד פלם, פדי שילמדוהו במהרה ולא ישבת. והשב על ימיו, הוא ובית דינו, ולמדו המשנה ברבים.

ואלו הם גדולי התקמים שהיו בבית דינו של רבנו הקדוש וקבלו ממנו שמועין ומליאל בניו, ורבי אפס, ורבי חנינא בר חמא, ורבי חיא ורב ורבי ינאי, ורבי קפרא ושמואל, ורבי יוחנן ורבי הלשיציא. ואלו הם גדולי התקמים שקבלו ממנו, ועמהם אלפים ורבות משאר התקמים. ארעל-שי שאלו האחר-עשר קבלי מרבנו הקדוש ועמדו במדרשו, רבי יוחנן קטן קיה, ואחר-כן קיה תלמיד לרבי ינאי וקבל ממנו תורה. וכן רב קבל מרבי ינאי, ושמואל קבל מרבי חנינא בר חמא. רב חבור ספרא וספרי, לבאר ולהודיע עקרי המשנה. ורבי חיא חבר הווספספא, לבאר עניני המשנה. ורבי רבי הלשיציא ורבי קפרא חברו בריות לבאר דברי המשנה. ורבי יוחנן חבר הגמרא הירושלמית בארץ-ישראל, אחר הרבן הבית בקרוב שלש-מאות שנה.

ומגדולי התקמים שקבלו מרב ושמואל: רב הונא ורב יהודה ורב נחמן ורב כהנא. ומגדולי התקמים שקבלו מרבי יוחנן: רבה בר רב-חיה ורבי אמי

21. In the Introduction to his Commentary on the Mishnah, the Rambam explains Rabbi Chiyya's contribution as follows:

He followed his master's [Rabbi Yehudah HaNasi's] footsteps [in composing a text for the public] to explain the matters he saw to be confusing in his master's work.

This was called the *Tosefta*. Its intent was to explain the Mishnah and expound upon concepts that would require much effort to be derived from the Mishnah... to show how these ideas could be developed and deduced from the Mishnah.

22. Thus, according to the Rambam, the approximate date of the composition of the Jerusalem Talmud was the year 4025 (365 C.E.).

The commentaries have not found an explicit source supporting the Rambam's contention that Rabbi Yochanan composed the Jerusalem Talmud. Indeed, it appears that the final text of that work was composed by Rabbi Mannah and Rabbi Yosse ben Rabbi Bun approximately one hundred years after Rabbi Yochanan's death. Some commentaries explain that Rabbi Yochanan laid the foundation for the text that was completed by the later sages.

23. In Babylonia.



- 23) Chabbakuk [received the tradition] from Nachum.  
 24) Nachum [received the tradition] from Yoel.  
 25) Yoel [received the tradition] from Michah.  
 26) Michah [received the tradition] from Isaiah.  
 27) Isaiah [received the tradition] from Amos.  
 28) Amos [received the tradition] from Hoshea.  
 29) Hoshea [received the tradition] from Zechariah.  
 30) Zechariah [received the tradition] from Yehoyada.  
 31) Yehoyada [received the tradition] from Elisha.  
 32) Elisha [received the tradition] from Elijah.  
 33) Elijah [received the tradition] from Achiah.  
 34) Achiah [received the tradition] from David.  
 35) David [received the tradition] from Shemuel.  
 36) Shemuel [received the tradition] from Eli.  
 37) Eli [received the tradition] from Pinchas.  
 38) Pinchas [received the tradition] from Joshua.  
 39) Joshua [received the tradition] from Moses, our teacher.  
 40) Moses, our teacher, [received the tradition] from the Almighty.

Thus, [the source of] all these people's knowledge is God, the Lord of Israel.

All the sages who were mentioned were the leaders of the generations. Among them were heads of academies, heads of the exile, and members of the great Sanhedrin. Together with them in each generation, there were thousands and myriads that heard their [teachings].

Ravina and Rav Ashi were the final generation of the Sages of the Talmud. Rav Ashi composed the Babylonian Talmud in Shin'ar approximately one hundred years after Rabbi Yochanan composed the Jerusalem Talmud.<sup>25</sup> The intent of both the Talmuds is to elucidate the words of the Mishnah, to explain its deeper points, and [to relate] the new matters that were developed by each court from the era of Rabbenu Hakadosh until the composition of the Talmud.

From the entire [body of knowledge stemming from] the two Talmuds, the *Tosefta*, the *Sifra*, and the *Sifre*, can be derived the forbidden and the permitted, the impure and the pure, the liable and those who are free of liability, the invalid and the valid as was received [in tradition], one person from another, [in a chain extending back] to Moses at Mount Sinai.

- (כג) וְחִבְקִיָּן מִפְּחוּם.  
 (כד) וְנַחֲוּם מִיּוֹאֵל.  
 (כה) יוֹאֵל מִמִּיכָה.  
 (כו) מִיכָה מִיִּשְׁעִיָּה.  
 (כז) יִשְׁעִיָּה מִעֲמוּס.  
 (כח) עֲמוּס מִדְּוָשָׁע.  
 (כט) דְּוָשָׁע מִזְכָּרְיָה.  
 (ל) זְכָרְיָה מִיְהוֹדָע.  
 (לא) יְהוֹדָע מֵאֵלִישָׁע.  
 (לב) אֵלִישָׁע מֵאֵלִיָּהוּ.  
 (לג) אֵלִיָּהוּ מֵאַחִיָּה.  
 (לד) אַחִיָּה מִדָּוִד.  
 (לה) דָּוִד מִשְׁמוּאֵל.  
 (לו) שְׁמוּאֵל מֵעֲלִי.  
 (לז) עֲלִי מִפִּינְחָס.  
 (לח) פִּינְחָס מִיְהוֹשֻׁעַ.  
 (לט) יְהוֹשֻׁעַ מִיְהוֹשָׁה רַבְּנוּ.  
 (מ) יְהוֹשָׁה רַבְּנוּ מִפִּי הַגִּבּוֹרִיהָ.

נִמְצָא שְׁכֻלָּם מֵהֵשֵׁם אֱלֹהֵי יִשְׂרָאֵל.  
 כָּל אֵלֹהֵי הַתְּכֻמִּים הַנּוֹכְרִים הֵם גְּדוּלֵי הַדּוֹרוֹת — מֵהֵם רֵאשֵׁי יְשִׁיבוֹת, וּמֵהֵם רֵאשֵׁי גְלוּיֹת, וּמֵהֵם סִנְהֶדְרֵי גְדוּלָה. וְעַמְהֵם בְּכָל יוֹר דָּוִד אֵלֶפֶים וְרַבְּבוֹת שְׁשֻׁמְעוּ מֵהֵם וְעַמְהֵם.

רַבִּינָא וְרַב אָשִׁי הֵם סוּף חֲכָמֵי הַגְּמָרָא. וְרַב אָשִׁי הוּא שְׁחִבְר הַגְּמָרָא הַבְּבֵלִית בְּאַרְזָן שְׁנַעֲרִי, אַחֲרֵי שְׁחִבְר רַבִּי יוֹחָנָן הַגְּמָרָא יְרוּשְׁלַמִּית בְּכַמוּ מֵאַחַ שְׁנָה. וְעַנְזָן שְׁנֵי הַגְּמָרוֹת הוּא פְּרוּשׁ דְּבַרֵּי הַמְּשֻׁנָּיוֹת וּבִבְאֵר עֲמֻקְיָהוּ, וְדַרְבָּרִים שְׁנִתְחַדְּשׁוּ בְּכָל בֵּית־דִּין וּבֵית־דִּין מֵימֹת רַבְּנוּ הַקְּדוּשׁ וְעַד חִבּוּרֵי הַגְּמָרָא. וּמִשְׁנֵי הַגְּמָרוֹת וּמֵן הַתּוֹסֵפּוֹת וּמִסְפָּרָא וּסְפָרֵי (וּמֵן הַתּוֹסֵפּוֹת), מִכְּלָם יִתְבָּאֵר הָאִסוּר וְהַמְּטָר, הַטָּמֵא וְהַשְּׁהוּר, הַחַיִּיב וְהַפְּטוּר, הַפְּסוּלֵי וְהַכְּשֵׁר, כְּמוֹ שֶׁהֶעֱמִיקוּ אִישׁ מִפִּי אִישׁ, מִפִּי מִשָּׁה רַבְּנוּ מִסִּינֵי.

25. Thus, according to the Rambam, the approximate date of the composition of the Babylonian Talmud was 4125 (465 C.E.).

The commentaries point to *Bava Metzia* 86a, which relates that "Rav Ashi and Ravina were the final authorities with regard to instruction," as the source for the Rambam's statements. From the Rambam's later statements, it appears that in this instance as well, Rav Ashi laid the foundation for the Talmud. However, the composition of the text was completed by Ravina Zuta, Mar bar Rav Ashi, and Rav Yosse more than seventy years after Rav Ashi's death.

Also, [the sources mentioned above] relate those matters which were decreed by the sages and prophets in each generation in order to "build a fence around the Torah." We were explicitly taught about [this practice] by Moses, as [implied by Leviticus 18:30]: "And you shall observe My precepts," [which can be interpreted to mean]: "Make safeguards for My precepts."<sup>26</sup>

Similarly, it includes the customs and ordinances that were ordained or practiced in each generation according to [the judgment of] the governing court of that generation.<sup>27</sup> It is forbidden to deviate from [these decisions], as [implied by Deuteronomy 17:11]: "Do not deviate from the instructions that they will give you, left or right."

It also includes marvelous judgments and laws which were not received from Moses, but rather were derived by the courts of the [later] generations based on the principles of Biblical exegesis. The elders of those generations made these decisions and concluded that this was the law. Rav Ashi included in the Talmud this entire [body of knowledge, stemming] from the era of Moses, our teacher, until his [own] era.

The Sages of the Mishnah also composed other texts to explain the words of the Torah. Rabbi Hoshia, the disciple of Rabbenu Hakadosh, composed an explanation of the book of Genesis.<sup>28</sup> Rabbi Yishmael [composed] an explanation beginning at "These are the names" [the beginning of the book of Exodus,] until the conclusion of the Torah. This is called the *Mechilta*. Rabbi Akiva also composed a *Mechilta*.<sup>29</sup> Other Sages of the following generations composed other [collections of the] interpretations [of verses] (*Medrashim*). All of these works were composed before the Babylonian Talmud.

Thus, Ravina, Rav Ashi, and their colleagues represent the final era of the great Sages of Israel who transmitted the Oral Law. They passed decrees, ordained practices, and put into effect customs. These decrees, ordinances, and customs spread out among the entire Jewish people in all the places where they lived.<sup>30</sup>

After the court of Rav Ashi composed the Talmud and completed it in the time of his son, the Jewish people became further dispersed throughout all the lands, reaching the distant extremes and the far removed islands. Strife sprung up throughout the world, and the paths

26. In the Introduction to his Commentary on the Mishnah, the Rambam deals with this subject at length, citing as examples, the prohibition of eating fowl together

גם תבאר מהם דברים שגזרו חכמים ונביאים שפכל דור דור לעשות סוג לתורה, כמו ששמענו ממשו בפרוש, שנאמר: "ושמרתם את משמרתה" — עשו משמרת למשמרתה. וכן תבאר מהם המנהגות והתקנות שהתקינו או שנהגו בכל דור דור, כמו שראוי ביהדותן של אותו הדור. לפי שאסור לסוּר מהם, שנאמר: "לא תסור מן הדבר אשר גזרו לך ימין ושמאל". וכן משפטים ודינים מפלאים, שלא קבלום ממשו, ודנו בהם בית דין של אותו הדור במדות שהתורה נדרשת בהן, ופסקו אותם הזקנים וגמרו שהדין קר הוא — הפל חבר רב אשי בגמרא, מימות משה ועד ימיו.

והבנו חכמי המשנה חבונים אחרים לפירוש דברי התורה: רבי הושעיא, תלמידו של רבנו הקדוש, חבר באור ספר בראשית. ורבי ישמעאל פירש מאלה שמות עד סוף התורה, והוא הנקרא מכללתא. וכן רבי עקיבא חבר מכללתא. וחכמים אחרים אחריהם חברו מדרשות. והכל חבר קדם הגמרא הבבליית.

נמצא, רבינא ורב אשי ורבניהם — סוף גדולי חכמי ישראל המעתיקים תורה שבפלה, ושגזרו גזרות והקינו תקנות והנהיגו מנהגות, ופסקו גזרותם ותקנתם ומנהגותם בכל ישראל, בכל מקומות מושבותם. ואחר בית-דין של רב אשי, שחבר הגמרא והגמרו בימי בנו, נתפזרו ישראל בכל הארצות פזור יתר, והגיעו לקצוות ראיים הרחוקים, ורבתה קטטה בעולם.

with meat and the eighteen decrees passed by the School of Hillel and the School of Shammai.

27. In the Introduction to his Commentary on the Mishnah, the Rambam also mentions these two categories, describing them as:

Laws that were established after meditation on the proper structure for interpersonal relations, without adding or detracting from the words of the Torah, or matters that [were instituted] for the spiritual betterment of mankind.

Among the examples of such laws he cites are: Hillel's institution of the *Prozbul* and the ordinances of Ushia, which require a father to support his children. The Rambam also discusses these three categories of Rabbinic decrees in *Hilchot Mamrim*, Chapters 1 and 2.

28. The Rambam is referring to *Bereshit Rabbah*.

29. Today, this collection of teachings is known as *Mechilta D'Rabbi Shimon bar Yochai*.

30. Because these ordinances were universally accepted by the Jewish people, their observance became mandatory, as the Rambam explains further on.

of travel became endangered by troops. Torah study decreased and the Jews ceased entering their yeshivot in the thousands and myriads, as was customary previously.

Instead, individuals, the remnants whom God called, would gather in each city and country, occupy themselves in Torah study, and [devote themselves] to understanding the texts of the Sages and learning the path of judgment from them.

Every court that was established after the conclusion of the Talmud, regardless of the country in which it was established, issued decrees, enacted ordinances, and established customs for the people of that country - or those of several countries. These practices, however, were not accepted throughout the Jewish people, because of the distance between [their different] settlements and the disruption of communication [between them].

Since each of these courts were considered to be individuals - and the High Court of 71 judges had been defunct for many years before the composition of the Talmud - people in one country could not be compelled to follow the practices of another country, nor is one court required to sanction decrees which another court had declared in its locale. Similarly, if one of the Geonim interpreted the path of judgment in a certain way, while the court which arose afterward interpreted the proper approach to the matter in a different way, the [opinion of the] first [need] not be adhered to [absolutely]. Rather, whichever [position] appears to be correct - whether the first or the last - is accepted.

These [principles apply regarding] the judgments, decrees, ordinances, and customs which were established after the conclusion of the Talmud. However, all the matters mentioned by the Babylonian<sup>31</sup> Talmud are incumbent on the entire Jewish people to follow. We must compel each and every city and each country to accept all the customs that were put into practice by the Sages of the Talmud, to pass decrees paralleling their decrees, and to observe their ordinances, since all the matters in the Babylonian Talmud were accepted by the entire Jewish people.

The [Talmudic] Sages who established ordinances and decrees, put customs into practice, arrived at legal decisions, and taught [the people] concerning certain judgments represented the totality of the Sages of Israel or, at least, the majority of them. They received the tradition regarding the fundamental aspects of the Torah in its entirety, generation after generation, [in a chain beginning with] Moses, our teacher.

ונשפּתשו הדיכרים בגיטות, ונתמעט תלמוד תורה, ולא נכנסו ישראל ללמוד בישיבותיהם אלפים ורבבות כמו שקני מקדם; אלא מתקבצים יחידים השורידים אשר ה' קורא, בכל עיר ועיר ובכל מדינה ומדינה ועוסקים בתורה, ומבינים בחבויי החכמים כלם, ויודעים מהם דרך המשפט היאך הוא. וכל בית-דין שעמד אחר הגמרא בכל מדינה ומדינה, וגור או התקין או הנהיג לבני מדינתו או לבני מדינות רבות, לא פשטו מעשיו בכל ישראל, מפני רחוק מושבותיהם ושבוש הדיכרים. והיות בית-דין של אותה המדינה יחידים, ובית-דין הגדול של שבטים ואחד בטל מפמה שנים קודם חבור הגמרא, לפיכך אין פופין אנשי מדינה זו לנהג פמנה מדינה האחרת ואין אומרים לבית-דין זה לגור גורה שגורה בית-דין אחר במדינתו. וכן אם למד אחד מהגאונים, שדרך המשפט כן הוא, ונתבאר לבית-דין אחר שעמד אחריו שאין זה דרך המשפט הפתוח בגמרא - אין שוקעים לראשו, אלא למי שהדעת נוטה לדבריו, בין ראשון בין אחרון.

ודברים הללו - פדינים, גזרות ותקנות ומנהגות שנתחדשו אחר חבור הגמרא; אבל כל הדיכרים שפוגמרא הפבלי, חבזין כל ישראל ללכת בהם. וכופין כל עיר ועיר וכל מדינה ומדינה לנהג בכל המנהגות שנהגו חכמי פאמרא, ולגור גזרותם וללכת בתקנותם, הואיל וכל אותם הדיכרים שפוגמרא הספיקו עליהם כל ישראל, ואותם החכמים שהתקינו או שגזרו או שהנהיגו או שדנו דין ולמדו שהמשפט כן הוא, הם כל חכמי ישראל או רבם, והם שעמעו הקבלה בעיקרי התורה בלה, הור אחר הור, עד משך רבנו, עליו השלום.

31. Perhaps by specifying "the Babylonian Talmud," the Rambam is alluding to the halachic principle that whenever there is a difference between the decisions of the Babylonian and the Jerusalem Talmuds, those of the Babylonian Talmud are followed.

All the Sages who arose after the conclusion of the Talmud and comprehended its [wisdom] and whose prowess gained them a reputation are called the Geonim. All these Geonim that arose in Erez Yisrael, Babylonia, Spain, and France taught the approach of the Talmud, revealing its hidden secrets and explaining its points, since [the Talmud's] manner of expression is very deep. Furthermore, it is composed in Aramaic, with a mixture of other tongues. This language was understood by the people of Babylonia in the era when the Talmud was composed. However, in other places, and even in Babylonia in the era of the Geonim, a person cannot understand this language unless he has studied it.<sup>32</sup>

The inhabitants of each city would ask many questions of each Gaon who lived in their age, to explain the difficult matters that existed in the Talmud. They would reply to them according to their wisdom. The people who had asked the questions would collect the replies and make texts from them, so that they could consider them in depth.<sup>33</sup> Also, the Geonim of each generation composed texts to explain the Talmud. Some of the them explained only certain halachot. Others explained selected chapters that had created difficulty in their age. Still others explained entire tractates and orders.

Also, [the Geonim] composed [texts recording] the decisions of Torah law regarding what is permitted and what is forbidden, when one is liable and when one is free of liability, with regard to subjects that were necessary at the time, so that they would be accessible to the grasp of a person who could not comprehend the depths of the Talmud.<sup>34</sup> This is the work of God, which was performed by all the Geonim of Israel from the completion of the Talmud until the present date, 1108 years after the destruction of the Temple, 4937 years after the creation of the world.<sup>35</sup>

At this time, we have been beset by additional difficulties, everyone feels [financial] pressure, the wisdom of our Sages has become lost, and the comprehension of our men of understanding has become hidden. Therefore, those explanations, laws, and replies which the Geonim composed and considered to be fully explained material have become difficult to grasp in our age, and only a select few comprehend these manners in the proper way.

32. In his Introduction to *Sefer HaMitzvot*, the Rambam explains that he chose to compose the *Mishneh Torah* in Mishnaic Hebrew rather than in Aramaic in order to make it more accessible to the common man.

וכל התקמים שעמדו אחר חבור הגמרא, וכונו בו, ויצא להם שם בתקומתם הם הנקראים גאונים. וכל אלו הגאונים שעמדו פארץ ישראל ובארץ שוון ובספרד ובצרפת, למדו דרך הגמרא והוציאו לאור תעלומותיו והאירו עניניו, לפי שדרך צמקה דרכו עד למאד; ועוד, שהוא בלשון ארמי מערב עם לשונות אחרות, לפי שאותה הלשון היתה ברויחה לכל אנשי שונוך בארץ שחברה הגמרא. אבל בשאר מקומות, וכן בשונוך בימי הגאונים, אין אדם מביא אותה הלשון עד שמלמדים אותו.

ושאלות רבות שואלים אנשי כל עיר ועיר לכל גאון אשר ביה כיחוסם לפי שאלה דברים קשים שבגמרא, והם משיבים להם לפי חכמתם. ואותם השואלים מקבצים התשובות ועושין מהם ספרים להבין מהם.

גם חבור הגאונים שבכל דור דור חפויים לבאר הגמרא — מהם מי שפרש הלכות יחידות, ומהם שפרש פראים יחידים שנתקשו בגמי, ומהם מי שפרש מסכתות וסדרים. ועוד חבור הלכות פסוקות בענין אסור והתיר וחיוב ופטור, בדרבים שהשעה צריכה להם, כדי שיהיו קרובים למדע מי שאינו יכול לירד לעמקה של גמרא. וזו היא מלאכת ה' שעשו בה כל גאוני ישראל, מיים שחברה הגמרא ועד זמן זה, שקרא שנה שמנית אחר מאה נאלץ לחרוב הבית, והיא שנת ארבעת אלפים ותשע מאות ושלשים ושבוע לבריאת עולם.

ובזמן הזה תקפו הצרות יתרות, ודחקה השעה את הכל, ואכה חכמת חכמינו ובינת נבוינו ונסתרה. לפיכך אותם הפרושים וההלכות והתשובות שחברו הגאונים וראו שהם דברים מבארים, נתקשו בגמינו ואין מביני

33. The Rambam is referring to the body of responsa (*She'elot UT'shuvot*) which began to accumulate from the many questions circulated among the different Jewish communities in the diaspora.

34. In the Introduction to his Commentary on the Mishnah, the Rambam mentions some of these texts: *Halachot Gedolot*, *Halachot Pesukot*, the *She'illot* of Rav Achai Gaon, and the *Halachot* of Rav Yitzchak Alfasi.

35. This corresponds to the year 1177 C.E. Apparently, the Rambam composed the *Mishneh Torah* over a number of years, constantly revising his work. Thus, in *Hilchot Kiddush HaChodesh* 11:16, he mentions the date of the composition of the text as 4938, one year later, and in *Hilchot Shemitot V'Yovalot*, he mentions the date 4936, one year earlier.

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.<sup>36</sup> 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 Rabbeinu 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, 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,<sup>37</sup> 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,"<sup>38</sup> with the intent that] a person should first study the Written Law, and then study this text<sup>39</sup> 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<sup>40</sup> pertaining to each [particular] subject, and, within the context of a single subject, to

36. Though the Rambam mentions his nationality when stating his name in some of his other works as well (see *Iggeret HaShmad*), it is possible that he had a specific intention in doing so here. Despite his desire and intention for the *Mishneh Torah* to be universally accepted, he knew that other customs were followed in the Ashkenazic community. By mentioning his country of origin, he could be alluding to the fact that some of the customs he mentioned were specific to Jews of that background (*Yayin Malchut*).

עניניהם פראי, אלא מעט במספר; ואין צריך לומר הגמרא בעצמה הפבליית והירושלמית, וספרא וספרי והתוספתא, שהם צריכין דעת רחוקה ונפש חכמה וזמן ארוך, ואחר-כך יודע מהם הדרך הנכונה בדרך האסורים והמותרים ושאר דיני התורה היאן הוא.

ומפני זה נעזרתי חצני אני משה בן מימון הספרדי, ונשענתי על הצור ברון הוא, ובינותי בכל אלו הספרים, וראיתי לחבר דברים המתקברים מכל אלו החבויים בענן האסור והמותר, השמא והשהו, עם שאר דיני התורה, בלב בלשון ברורה ודרך קצרה, עד שתהא תורה שבעל-פה בלה סדורה בפי הכל בלא קשיא ולא פרוק; לא זה אומר בכה וזה בכה, אלא דברים ברורים, קרובים, נכונים, על-פי המשפט אשר יתבאר מכל אלו החבויים והפרושים, הנמצאים מימות רבנו הקדוש ועד עכשו. עד שיהיו כל הדינים גלויין לקטן ולגדול בדין כל מצוה ומצוה ובדין כל הדברים שתקנו חכמים ונביאים.

כללו של דבר: כדי שלא יהא אדם צריך לחבור אחר בעולם בדין מדיני ישראל, אלא יהא חבור זה מקבץ לתורה שבעל-פה בלה, עם המקנות והמנהגות והגזירות שניעשו מימות משה רבנו ועד חבור הגמרא, וכמו שפרשו לנו הגאונים בכל חבוריהם שחברו אחר הגמרא. לפיכך קראתי שם חבור זה *משנה תורה*, לפי שאדם קורא בתורה שבתב תחלה, ואחר-כך קורא בזה, ויודע ממה תורה שבעל-פה בלה, ואינו צריך לקרות ספר אחר ביניהם.

וראיתי לחלק חבור זה הלכות הלכות בכל ענין וענין, ואחלק ההלכות

37. For it is only these laws that are binding on the entire Jewish people, as explained above.

38. As mentioned above, there were many rabbis who considered the Rambam's intention in the composition of this text and, in particular, the name he chose for it, as presumptuous. Indeed, for that reason the name *Mishneh Torah* is rarely used. Instead, the text is commonly referred to as the *Yad HaChazakah* ("The Strong Hand") so called because the Hebrew *י* is numerically equivalent to fourteen, the number of books in the *Mishneh Torah*, or simply "the Rambam."

39. The Rambam's statements imply that he desired the *Mishneh Torah* to be studied in the order in which it was composed, so that a reader can receive a full picture of the Oral Law.

40. These *halachot* are comparable to sections within a book.

divide those halachot into chapters. Each and every chapter is divided into smaller halachot so that they can be ordered in one's memory. [Regarding] the halachot which pertain to specific subjects: Some of the halachot contain the laws governing only one mitzvah, this being a mitzvah that has many matters of the tradition [associated with it] and is a subject in its own right. Other halachot contain the laws governing many mitzvot, since they deal with the same subject matter, for I have divided this text according to topics, not according to the number of mitzvot, as will become clear to the reader.<sup>41</sup>

The number of mitzvot which are incumbent on us at all times<sup>42</sup> is 613. 248 are positive commandments; an allusion to their [number], the number of limbs in the human body.<sup>43</sup> 365 are negative commandments (prohibitions); an allusion to their [number,] the number of days in a solar year.<sup>44</sup>

41. In his Introduction to *Sefer HaMitzvot*, the Rambam explains that he chose to structure the text in this manner in order to make the subject matter more accessible to the reader.

42. For there are some commandments - e.g., the requirement to dedicate the spoil taken from Midian (see Numbers, Chapter 31) - that were recorded in the Torah, but applied only in those specific circumstances.

לפרקים שבאורו ענין, וכל פרק ופרק אחלק אותו להלכות קטנות, קרי שיקרי סדורים על-פה. אלו ההלכות שבכל ענין וענין — יש מהם הלכות שהם משפטי מצוה אחת בלבד, והיא המצוה שיש בה דברי קבלה הרבה, והוא ענין בפני עצמו; ויש מהם הלכות שהם כוללים משפטי מצוה הרבה, אם יהיו אותן המצוות כלם בענין אחד; מפני שחלוק חבור זה לשי הענינים, לא לפי מנין המצוות, כמו שיתבאר לקורא בו.

ומנין מצוות התורה הנוהגות לדורות — שיש מאות ושלש עשרה מצוות. מהם מצוות עשה, מאתים ארבעים ושמונה; סימן להם: מנין איברי של אדם; ומהם מצוות לא-תעשה, שלש מאות וששים וקמט; סימן להם: מנין ימי שנת החמה.

43. In *Sefer HaMitzvot*, the Rambam quotes the *Midrash Tanchumah (Ki Tetze)*, which writes that it is as if each limb of the body is saying, "Do a mitzvah with me."

44. Thus, it is as if each day of the year is saying, "Do not commit a transgression on me" (*ibid.*).