

MISHNEH TORAH
THE BOOK OF KNOWLEDGE

by
MAIMONIDES

Edited according to the Bodleian (Oxford) Codex
with Introduction, Biblical and Talmudical References,

Notes and English Translation

by
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Then shall I not be ashamed when I look to all thy commandments (Ps. 119:6).

INTRODUCTION.

[All the precepts which Moses received on Sinai, were given together with their interpretation; as it is said: "And I will give unto thee the tables of stone, and the law, and the commandment." (Exodus 24:12). "The law" refers to the Written Law; "and the commandment," to its interpretation. God bade us fulfil the Law in accordance with "the commandment." This commandment refers to that which is called the Oral Law. The whole of the Law was written by Moses, our teacher, before his death, in his own hand. He presented a scroll to each tribe and deposited one in the Ark for a testimony, as it is said "Take this book of the law and put it by the side of the Ark of the Covenant of the Lord your God, that it may be there for a witness against thee" (Deut. 31:26). "The commandment," which is the Interpretation of the Law, he did not write down but gave a charge concerning it to the Elders, to Joshua and to the rest of Israel, as it is said "All this which I command you, that shall ye observe to do; thou shalt not add thereto, nor diminish from it." (Deut. 4:2). Hence, it is styled the Oral Law.]

Although the Oral Law was not committed to writing, Moses taught the whole of it, in his court, to the seventy elders as well as to Eleazar, Phineas and Joshua — all three of whom received it from Moses. To Joshua, his disciple, our teacher, Moses, delivered the Oral Law and charged him concerning it. So too, Joshua, throughout his life, taught orally. Many elders received the Oral Law from Joshua. Eli received it from the elders and from Phineas. Samuel, from Eli and his court. David, from Samuel and his court. Ahijah, the Shilonite, was among those who had come forth from Egypt. He was a Levite and had heard the Law from Moses in his childhood. He received the Oral Law from David and his court. Elijah received it from Ahijah, the Shilonite, and his court. Elisha, from Elijah and his court. Jehoiada the Priest, from Elisha and his court. Zechariah, from Jehoiada and his court. Hosea, from Zechariah and his court. Amos, from Hosea and his court. Isaiah, from Amos and his court. Micah, from Isaiah and his court. Joel, from Micah and his court. Nahum, from Joel and his court. Habakkuk, from Nahum and his court. Zephaniah, from Habakkuk and his court. Jeremiah, from Zephaniah and his court. Baruch, the son of Neriah, from Jeremiah and his court. Ezra and his court received it from Baruch and his court.

fundamental origin of Torah

transmission

The members of Ezra's court are called "The Men of the Great Synagogue." They were Haggai, Zechariah, Malachi, Daniel, Hananiah, Mishael and Azariah, Nehemiah, the son of Hachaliah, Mordecai, Zerubabel and many other sages, numbering altogether one hundred and twenty elders. The last of them was Simon the Just, who is included among the hundred and twenty. He received the Oral Law from all of them and was a high priest after Ezra. Antigonos of Socho and his court received the Oral Law from Simon the Just and his court. José, the son of Joezer of Zeredah, and Joseph, the son of Johanan of Jerusalem, and their court, from Antigonos and his court. Joshua, the son of Perahiah, and Nitai the Arbelite and their court, from José the son of Joezer and Joseph the son of Johanan and their court. Judah, the son of Tabbai, and Simeon, the son of Shetah and their court received from Joshua, the son of Perahiah and Nitai the Arbelite and their court. Shemaiah and Abtalion, proselytes of righteousness,* and their court received from Judah and Simon and their court. Hillel and Shammai and their court received from Shemaiah and Abtalion and their court. Rabban Johanan, the son of Zaccai, and Rabban Simeon, the son of Hillel received from Hillel and his court. Rabban Johanan ben Zaccai had five disciples who were the most distinguished among the scholars who received the Oral Law from him. They were Rabbi Eliezer the Great,** Rabbi Joshua, Rabbi José the Priest, Rabbi Simeon, the son of Nathaniel and Rabbi Eleazar, the son of Arach. Rabbi Akiba, the son of Joseph, received the Oral Law from Rabbi Eliezer the Great. Joseph, his father, was a proselyte of righteousness. Rabbi Ishmael and Rabbi Meir, the son of a proselyte of righteousness*, received the Oral Law from Rabbi Akiba. Rabbi Meir and his colleagues also received it from Rabbi Ishmael. The colleagues of Rabbi Meir were Rabbi Judah, Rabbi José, Rabbi Simeon, Rabbi Nehemiah, Rabbi Eleazar, the son of Shammua, Rabbi Johanan, the sandal-maker, Simeon the son of Azzar and Rabbi Hananiah the son of Teradion. Rabbi Akiba's colleagues received the Oral Law also from Rabbi Eliezer the Great. The colleagues of Rabbi Akiba were Rabbi Tarfon, the teacher of Rabbi José the Galilean, Rabbi Simeon, the son of Eleazar, and Rabbi Johanan, the son of Nuri. Rabban Gamaliel the Elder received the Oral Law from Rabban Simeon, his father, a son of Hillel the Elder. Rabban Simeon, his son, received it from him. Rabban Gamaliel, his son, received it from him. Rabban Simeon, his son, received it from him. [Rabbi Judah, the son of Rabban Simeon, is the Rabbi, called Our Teacher, the Saint. He received the Law from his father and from Rabbi Eleazar, the son of Shammua and from Rabbi Simeon, his father's

*i.e., full proselytes in contradistinction to proselytes of the gate who only accepted the obligation of the seven Noachide precepts.

** Rabbi Eliezer, son of Hyrcanus.

written transmission till '25

colleagues. Our Teacher, the Saint, compiled the Mishnah. From the time of Moses to that of Our Teacher, the Saint; no work had been composed from which the Oral Law was publicly taught. But in each generation, the head of the then existing court or the prophet of that time wrote down for his private use a memorandum of the traditions which he had heard from his teachers, and which he taught orally in public. So too, every student wrote down, according to his ability, the exposition of the Torah and of its laws, as he heard them, as well as the new matter evolved in each generation, which had not been received by tradition but had been deduced by application of the thirteen hermeneutical rules and had been adopted by the Supreme Court. This was the method in vogue till the time of Our Teacher, the Saint.

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He gathered together all the traditions, enactments, interpretations and expositions of every portion of the Torah, that had either come down from Moses, our Master, or had been deduced by the courts in successive generations. All this material he redacted in the Mishnah, which was diligently taught in public, and thus became universally known among the Jewish people. Copies of it were made and widely disseminated, so that the Oral Law might not be forgotten in Israel.

justification

Why did Our Teacher, the Saint, act so and not leave things as they were? Because he observed that the number of disciples was diminishing, fresh calamities were continually happening, the wicked Government was extending its domain and increasing in power, and Israelites were wandering and emigrating to distant countries. He therefore composed a work to serve as a handbook for all, and the contents of which could be rapidly studied and would not be forgotten. Throughout his life, he and his colleagues were engaged in giving public instruction in the Mishnah. Among the sages who were members of our sainted master's court and received instruction in the Oral Law from him, the following were the most distinguished: his sons, Simeon and Gamaliel; Rabbi Efes; Rabbi Yohanan and Rabbi Hoshai. These were the most illustrious of the sages who received instruction from him; besides thousands and tens of thousands other scholars. Although these eleven are named as having received instruction from our sainted teacher and attended his college, Rabbi Yohanan was a child at the time, and, at a subsequent period, a pupil of Rabbi Yannai from whom he received instruction. Rav also received instruction from Rabbi Yannai; as Samuel did from Rabbi Hanina, son of Hama. Rav compiled the Sifra and the Sifre, the purpose of which is to expound and teach the principles of the Mishnah. R. Hiya compiled the Tosefta, to explain the subject matter of the Mishnah. So too, Rabbi Hoshai and Bar Kappara compiled Boraitas, to elucidate the text of the Mishnah. Rabbi Yohanan composed the Jerusalem Talmud

transmission after '25

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in Palestine; approximately three centuries after the destruction of the Second Temple. Among the distinguished sages who received the Law from Rav and Samuel were Rav Huna, Rav Judah, Rav Nahman and Rav Kahana. Among the distinguished sages who received such instruction from Rabbi Johanan were Rabbah, grandson of Hanah, Rav Ami, Rav Asi, Rav Dimi and Rav Abin. Among the sages who were thus instructed by Rav Huna and Rav Judah, were Rabbah and Rav Joseph. Among the disciples of Rabbah and Rav Joseph were Abai and Rava. The last two were also instructed by Rav Nahman. Among Rava's disciples were Rav Ashi and Ravina. Mar, son of Rav Ashi was instructed by his father, Rav Ashi and by Ravina.

authoritative
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Accordingly, counting back from Rav Ashi to Moses, our teacher, (upon whom be peace), there were forty generations of scholars (who received the Oral Law each from his predecessors in unbroken succession) as follows:

- (1) Rav Ashi received from Rava; (2) Rava from Rabbah; (3) Rabbah from Rav Huna; (4) Rav Huna from Rabbi Johanan, Rav and Samuel; (5) Rabbi Johanan, Rav and Samuel from Our Teacher, the Saint; (6) Our Teacher, the Saint, from his father, Rabbi Simeon; (7) Rabbi Simeon from his father, Rabban Gamaliel; (8) Rabban Gamaliel from his father, Rabban Simeon; (9) Rabban Simeon from his father, Rabban Gamaliel (the Elder); (10) Rabban Gamaliel (the Elder) from his father, Rabban Simeon; (11) Rabbah Simeon from his father, Hillel and from Shammai; (12) Hillel and Shammai from Shemaiah and Abtalion; (13) Shemaiah and Abtalion from Judah and Simeon; (14) Judah and Simeon from Joshua, (the son of Perahiah) and Nitai (the Arbelite); (15) Joshua and Nitai (the Arbelite) from Joseph (the son of Joezer) and Joseph, (the son of Johanan); (16) Joseph, (son of Joezer) and Joseph (son of Johanan) from Antigonos; (17) Antigonos from Simon the Just; (18) Simon the Just from Ezra; (19) Ezra from Baruch; (20) Baruch from Jeremiah; (21) Jeremiah from Zephaniah; (22) Zephaniah from Habakkuk; (23) Habakkuk from Nahum; (24) Nahum from Joel; (25) Joel from Micah; (26) Micah from Isaiah; (27) Isaiah from Amos; (28) Amos from Hosea; (29) Hosea from Zechariah; (30) Zechariah from Jehoiadah; (31) Jehoiadah from Elisha; (32) Elisha from Elijah; (33) Elijah from Ahijah; (34) Ahijah from David; (35) David from Samuel; (36) Samuel from Eli; (37) Eli from Phineas; (38) Phineas from Joshua; (39) Joshua from Moses, our teacher; (40) Moses, our teacher, the teacher of all prophets, from the Eternal, God of Israel.

not just a few
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All the sages here mentioned were the great men of the successive generations; some of them were presidents of colleges, some exilarchs, and some were members of the great Synhedria; besides them were thousands and myriads of disciples and fellow-students. Ravina and Rav Ashi closed the list of the sages of the Talmud. Rav Ashi it was who compiled the Babylonian Talmud in the land of Shinar (Babylon), about a century after Rabbi Johanan had compiled the Jerusalem Talmud. These two Talmuds contain an exposition of the text of the Mishnah and an elucidation of its abstruse points and of the new subject-matter that had been added by the various courts from the days of Our Teacher, the Saint, till the compilation of the Talmud. The two Talmuds, the *Tosefta*, the *Sifra* and the *Sifré*, and the *Toseftoth* are the sources, from all of which is elucidated what is forbidden and what is permitted; what is unclean and what is clean, what is a penal violation and what involves no penalty, what is fit to be used and what is unfit for use, all in accordance with the traditions received by the sages from their predecessors in unbroken succession up to the teachings of Moses as he received them on Sinai.

From these sources too, are ascertained the decrees, instituted by the sages and prophets, in

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years before the compilation of the Talmud, ceased to exist, no compulsion is exercised on those living in one country to observe the customs of another country; nor is any court directed to issue a decree that had been issued by another court in the same country. So too, if one of the Geonim taught that a certain way of judgment was correct, and it became clear to a court at a later date that this was not in accordance with the view of the Gemara, the earlier authority is not necessarily followed but that view is adopted which seems more reasonable, whether it be that of an earlier or later authority.

The foregoing observations refer to rules, decrees, ordinances and customs that originated after the Talmud had been compiled. But whatever is already mentioned in the Babylonian Talmud is binding on all Israel. And every city and country is bound to observe all the customs observed by the sages of the Gemara, promulgate their decrees, and uphold their institutions, on the ground that all these customs, decrees and institutions mentioned in the Talmud received the assent of all Israel, and those sages who instituted the ordinances, issued the decrees, introduced the customs, gave the decisions and taught that a certain ruling was correct, constituted the total body or the majority of Israel's wise men. They were the leaders who received from each other the traditions concerning the fundamentals of Judaism, in unbroken succession back to Moses, our teacher, upon whom be peace.

The sages, however, who arose after the compilation of the Talmud, studied it deeply, and became famous for their wisdom, are those called Geonim. All these Geonim who flourished in the land of Israel⁽¹⁾, Shinar⁽²⁾, Spain and France, taught the method of the Talmud, elucidated its obscurities, and expounded the various topics with which it deals. For its method is exceedingly profound. Furthermore, the work is composed in Aramaic mixed with other languages—this having been the vernacular of the Babylonian Jews at the time when it was compiled. In other countries, however, as also in Babylon in the days of the Geonim, no one, unless specially taught, understood that dialect. Many application were made to the Gaon of the day by residents of different cities, asking for explanations of difficulties in the Talmud. These, the Geonim answered, according to their ability. Those who had put the questions collected the responses which they made into books for study. The Geonim also, at different periods, composed commentaries on the Talmud. Some of them explained specific laws; others, particular chapters that presented difficulties to their contemporaries; others again expounded complete treatises and entire orders of the Talmud. They also made compilations of settled rules as to things permitted

is here fighting the inclusion of the Gemara

is fighting the inclusion of the Gemara
to seal
diff + tang.
problem

(1) Palestine. (2) Babylon.

responsa
commentaries
codes
law
chapters
treatises/orders

or forbidden; as to infractions which were penal or were not liable to a penalty. All these dealt with matters in regard to which compendia were needed, that could be studied by one not capable of penetrating to the depths of the Talmud. This is the godly work in which all the Geonim of Israel engaged, from the completion of the Talmud to the present date which is the eighth year of the eleventh century after the destruction of the Second Temple.*

Sudden justification for his own

In our days, severe vicissitudes prevail, and all feel the pressure of hard times. The wisdom of our wise men has disappeared; the understanding of our prudent men is hidden. Hence, the commentaries of the Geonim and their compilations of laws and responses, which they took care to make clear, have in our times become hard to understand so that only a few individuals properly comprehend them. Needless to add that such is the case in regard to the Talmud itself—the Babylonian as well as the Palestinian—the *Sifra*, the *Sifri* and the *Tosefta*, all of which works require, for their comprehension, a broad mind, a wise soul and considerable study, and then one can learn from them the correct practice as to what is forbidden or permitted, and the other rules of the Torah.

The ultimate code - is this a denial of Jewish spirit of open debate?

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 convincing, and in accordance with the conclusions drawn from all these compilations and commentaries that have appeared from the time of Moses to the present, so that all the rules shall be accessible to young and old, whether these appertain to the (Pentateuchal) 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.

* Corresponding to 4937 A.M. (1177 C.E.).

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 paragraphs so that they may be systematically memorized. Among the laws in 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 affirmative; 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 hath aided us.

LIST OF PRECEPTS ACCORDING TO MAIMONIDES.

AFFIRMATIVE PRECEPTS

1. To know that there is a God, as it is said, "I am the Lord, thy God" (Ex. 20:2; Deut. 5:6).
2. To acknowledge His unity, as it is said, "The Lord our God, the Lord is One" (Deut. 6:4).
3. To love Him, as it is said, "And thou shalt love the Lord thy God" (Deut. 6:5).
4. To fear Him, as it is said, "The Lord, thy God, shalt thou fear" (Deut. 6:13; 10:20).
5. To pray to Him, as it is said, "And ye shall serve the Lord your God" (Ex. 23:25). Service here means Prayer.
6. To cleave to Him, as it is said, "To Him shalt thou cleave" (Deut. 10:20).
7. To swear by His name, as it is said, "And by His name, shalt thou swear" (Deut. 10:20).
8. To imitate His good and upright ways, as it is said, "And thou shalt walk in His ways" (Deut. 28:9).
9. To hallow His name, as it is said, "And I will be sanctified in the midst of the children of Israel" (Lev. 22:32).
10. To read the *Shema* twice daily, as it is said, "And thou shalt speak of them... when thou liest down and when thou risest up" (Deut. 6:7).
11. To learn Torah and to teach it, as it is said, "Thou shalt teach them diligently to thy children" (Deut. 6:7).
12. To bind the phylactery on the head, as it is said, "And they shall be as frontlets between thine eyes" (Deut. 6:8).
13. To bind the phylactery on the arm, as it is said, "And thou shalt bind them as a sign upon thy hand" (Deut. 6:8).
14. To make fringes (*Zizith*), as it is said, "And they shall make for themselves fringes" (Num. 15:38).