



## LECTURE #2:

## THE LIFE OF MAIMONIDES AND HIS HALAKHIC WORKS

Rabbi Eli Hadad

*COMMENTARY TO THE MISHNAH*

I, Moses the son of R. Maimon the *dayyan*, son of R. Joseph the *chakham*, son of R. Isaac the *dayyan*, son of R. Joseph the *dayyan*, son of R. Ovadiah the *dayyan*, son of R. Solomon the *rav*, son of R. Ovadiah the *dayyan*, may the memory of the holy be blessed – began to compose this commentary when I was twenty-three years old. And I completed it in Egypt when I was thirty years old in the year 1479 of the Seleucid era.

Thus Maimonides concludes his first major literary project, his commentary to the entire Mishnah. From this tailpiece, we can reconstruct the year of Maimonides's birth. 1479 of the Seleucid era is equivalent to 4928 to Creation (1168 C.E). Maimonides was then thirty years old, which means that he was born in 4898 (1138 C.E.). This evidence notwithstanding, the year of Maimonides's birth is debated to this very day.<sup>1</sup> In contrast, a precise tradition regarding the date of his death has been preserved, as is usually the case with Torah authorities who achieve renown already in their lifetimes. According to this tradition, Maimonides died in Egypt on the 20<sup>th</sup> of Tevet, 4965 (Dec. 12, 1204), and was later buried in the city of Tiberias.

Maimonides was born in Muslim Spain in the city of Cordoba, at the time one of the cultural centers of the world. All of Greek culture had been translated into Arabic and developed by Muslim philosophers and theologians. Maimonides's father, R. Maimon the *dayyan*, a student of R. Joseph ibn Migash, who was a student of R. Isaac Alfasi, taught his son Torah in all its depth and breadth. He also provided him with a broad and comprehensive

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<sup>1</sup> Some argue that Maimonides was born in 4995 (1135 C.E.). For an explanation of the uncertainty regarding this point, see *Iggerot Ha-Rambam*, ed. Y. Shilat (Jerusalem, 5755), vol. II, p. 519.

general education that included the study of philosophy, astronomy, mathematics and the other sciences.

Maimonides testifies<sup>2</sup> that in his youth he composed commentaries to three orders of the Talmud, *Mo'ed*, *Nashim*, and *Nezikin*, in which he collected his father's glosses to the Talmud, as well as those of his father's teacher, R. Joseph ibn Migash.<sup>3</sup> During this period he also wrote a short treatise, *Milot Higayyon*, on logical and philosophical terms.

In 1148, when Maimonides was eleven years old, the Almohads, a zealous Muslim sect, captured Cordoba from the hands of the Almoravids (a relatively moderate Muslim sect), and forced the Jews to convert to Islam. Twelve years later, (1160) Maimonides' family was forced to flee from Spain to Fez, Morocco, where Maimonides acquired his medical education from the famous physicians living in that city. During that period, Maimonides began writing his monumental commentary to the Mishnah, at the age of twenty-three, completing it seven years later, as he himself writes at the end of the commentary.

At the end of the commentary, Maimonides apologizes for the errors that may have crept into the work and for the seven-year delay in its completion, the writing of the book having taken much longer than he had expected. He attributes both the errors and the delay to the circumstances of the period.

While my heart was frequently troubled by the vicissitudes of time, and by what God had decreed against us regarding the exile and wandering in the world from the ends of heaven, and perhaps we have already received a reward for this, as exile atones for sin. The Exalted One knows that there are *halakhot*, some of which I wrote while on my journeys, and others that I composed while aboard ship in the Mediterranean Sea, and this suffices [to explain the delay], in addition to which I was studying other sciences.

During these years, Maimonides's family was forced to uproot themselves again and again. In Iyyar 4925 (1165 C.E.), they were once again forced to flee the continued persecution of the Almohads from Fez, Morocco to Eretz Israel. They settled in Acre, which at the time was under Crusader rule. In the beginning of 4926 (1166 C.E.), they visited

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<sup>2</sup> In his introduction to the Mishnah.

<sup>3</sup> Apart from a few isolated pages, these commentaries have all been lost.

Jerusalem and Hebron. At the end of that year, Crusader oppression forced them to move to Egypt, where they settled in Fostat, otherwise known as Old Cairo. It was there that Maimonides married the daughter of R. Mishal Ha-Levi, and two years later (1168 C.E.), he completed his commentary to the Mishnah.

In his closing note to the commentary, Maimonides connects his wanderings as well as the troubles that had been forced upon him to the precarious state of the Jewish people in exile, one that at all times is subject to change. This fundamental experience, which accompanied Maimonides throughout his life, appears to have served as the foundation for his ideas regarding the Jewish people and the Torah. Maimonides's inability to complete his work on account of these troubles constitutes a miniaturized model for the situation of the Jewish people that does not allow it to realize its destiny and maximize its study of Torah. As we shall see below, Maimonides offers a similar explanation for R. Yehuda Ha-Nasi's redaction of the Mishnah as well as for his own literary projects.

#### *MISHNEH TORAH*

In the years that followed, Maimonides devoted himself to his monumental halakhic code, the *Mishneh Torah*. In *Hilkhot Shemitah ve-Yovel* 10:4, within the context of his discussion regarding the Sabbatical cycle, Maimonides notes the year of his writing:

You thus learn that the year in which the Second Temple was destroyed, which begins with the month of Tishrei, about two months after the actual destruction of this Temple – the reckoning of both Sabbatical and Jubilee years beginning with Tishrei – was the year following a Sabbatical year, and the fifteenth year of the ninth Jubilee period. **According to this reckoning, the present year, which is the year 1107 since the destruction of the Second Temple, corresponding to the year 1487 of the Seleucid Era, and 4936 of the Era of Creation, is a Sabbatical year, and the twenty-first year of the Jubilee period.**

It would seem that in 4936 (1176 C.E.), when he was thirty-eight six years old, Maimonides was approximately in the middle of the *Mishneh Torah*, having already completed seven of its fourteen books. Is it possible to infer from here that he continued to work on the *Mishneh Torah* for another eight years? It would seem not, for Maimonides worked on various different parts of his work at the same time. In the beginning of the *Mishneh Torah*, he mentions the date 4937 to Creation (1177 C.E.). Since it is common practice to write the introduction to one's work only **after its completion**, it may be surmised that the book was

finished at this time, or at least the first edition of the book, for Maimonides continued to review and revise it. This fits in with what he says in his letter to R. Judah Ha-Kohen of Lunel, "And how I exerted myself day and night for about ten consecutive years in the compilation of this treatise."<sup>4</sup>

During these years, Maimonides supported himself through a business partnership with his brother David who dealt in precious stones. This arrangement allowed Maimonides, who sharply rejected supporting oneself through the study and teaching of Torah,<sup>5</sup> to devote

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<sup>4</sup> *Iggerot Ha-Rambam*, ed. Shilat, vol. II, p. 502. See also R. Shilat's discussion in vol. 1, pp. 195-203. While testimony also exists that Maimonides completed the book in Kislev 4941 (1181 C.E.), it too may relate to a later revision. It should also be noted that in *Hilkhot Kiddush Ha-Chodesh* (11:16), we find the date 4938 to Creation, but it has already been proven that chapters 11-19 of *Hilkhot Kiddush Ha-Chodesh* constitute a later addition.

<sup>5</sup> See *Commentary to the Mishnah, Avot 5:4*, as well as *Mishneh Torah, Hilkhot Talmud Torah 1:7*: "If it is the custom of the country for a teacher of children to receive remuneration, the father is to pay the fee. It is his duty to have his son taught, even if he has to pay for the instruction, till the child has gone through the whole of the Written Law. Where it is the custom to charge a fee for teaching the Written Law, it is permissible to take payment for such instruction. It is forbidden however to teach the Oral Law for payment, for it is said: 'Behold, I have taught you statutes and ordinances, even as the Lord, my God, commanded me' (Deuteronomy 4:5). This means: Even as I (Moses) learnt (from God) without payment, so have you learnt from me gratuitously. And throughout the generations, whenever you teach, do so gratuitously, even as you learnt from me. If a person cannot find any one willing to teach him without remuneration, he should engage a paid teacher, as it is said: 'Buy the truth' (Proverbs 23:23). It should not, however, be assumed that it is permissible to take pay for teaching. For the verse continues: 'And sell it not,' the inference being, that even where a man had been obliged to

himself entirely to his halakhic writings. This life of relative ease continued until 1177 when his brother drowned in the Indian Ocean while on a business trip. These years resulted in the writing of Maimonides's unprecedented halakhic code, no comparable work having been written to this very day. The book embraces all areas of Halakhah, including those laws that no longer applied in Maimonides's day, e.g., the laws of sacrifices and the laws of ritual purity and impurity. The book reflects all the halakhic developments from the days of the Mishnah, through the Gemara and the rulings of the Geonim, down to the time of Maimonides.

If, for example, we compare Maimonides's code to the *Shulchan Arukh*, we will immediately see the difference between them. R. Joseph Karo had no desire to cover all of the Torah in his work, but rather to present a halakhic code that brings together all the laws current in his day. Even R. Isaac Alfasi limited his *Halakhot* to the talmudic passages that were relevant in his day. Even the two Talmuds, both the Babylonian Talmud as well as the *Yerushalmi*, do not relate to all the orders of the Mishnah. Only R. Yehuda Ha-Nasi, in his redaction of the Mishnah, preceded Maimonides in the creation of a systematic and comprehensive work that covers the entire Torah. Indeed, Maimonides compares his work to that of R. Yehuda Ha-Nasi in many ways – with respect to the language, with respect to the division of the book into chapters and *halakhot*, and with respect to the motivation for writing the books.

Why did our holy Rabbi [=R. Yehuda Ha-Nasi] do this and not leave things as they were? Because he saw that [the number of Torah] students was diminishing, and that new troubles continued to come, and the Roman Empire was spreading across the world and growing stronger, while Israel was being dispersed and going to the ends [of the world]. He wrote a single treatise to be in the hands of all so that they may quickly learn it and not forget it.

So too Maimonides:

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... On these grounds, I, Moses, 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

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pay for instruction (in the Oral Law), he is nevertheless forbidden to charge, in his turn, for teaching it."

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.

In effect, the *Mishneh Torah* should be viewed as the culmination of Maimonides's life plan that began with his *Commentary to the Mishnah*. The many parallels between Rabbi Yehuda Ha-Nasi's Mishnah and Maimonides's *Mishneh Torah* clarify that Maimonides shifted the focus of his study from the Babylonian Talmud to the Mishnah. Thus, it was not by chance that he began his life work with a commentary to the entire Mishnah, for he saw as the ultimate objective of this project the creation of his comprehensive halakhic code that embraced the entire body of the Oral Law.

#### *SEFER HA-MITZVOT (BOOK OF THE COMMANDMENTS)*

In his introduction to his *Sefer Ha-Mitzvot*, Maimonides provides us with a general outline of the project:

After having completed our previous well-known work wherein we included **a commentary to the entire Mishnah** – our goal in that work having been satisfied with the explanation of the substance of each and every *halakhah* in the Mishnah, since our intention there was not to include an exhaustive discussion of the laws of every commandment which would embrace all that is necessary [to know] of the prohibited and the permissible, liable and free, as will be made clear to him who studies the work – I deemed it advisable to compile a compendium which would include all the laws of the Torah and its regulations, nothing missing in it. In this compendium I would try, as I am accustomed to do, to avoid mentioning differences of opinion and rejected teachings, and include in it only the established law, so that this compendium would embrace all of the laws of the Torah of Moses our teacher, **whether they have bearing in the time of the exile or not.**

Maimonides's primary objective in his *Commentary to the Mishnah* was to explain the Mishnah and decide the law; the complete summary of all the laws with all their particulars is found only in the *Mishneh Torah*. This introduction, in which Maimonides clarifies the factors that he had considered when deciding the language and nature of his various books, sheds light on his entire halakhic project. Maimonides wrote his *Sefer Ha-Mitzvot* at a time when his *Commentary to the Mishnah* was nearly completed, and, as we shall see, after he had begun to think about writing his *Mishneh Torah*. Later in the

introduction, Maimonides explains his motives for writing the book. At first, he wished to set a list of all the *mitzvot* at the beginning of his *Mishneh Torah*, "so that he not leave out any *mitzvah* without fully discussing its laws," that is, so that he not overlook any *mitzvah* due to forgetfulness or oversight. Maimonides, however, cannot simply enumerate the *mitzvot*. He must first define the rules for counting and classifying the 613 *mitzvot*. For this reason he first deals with the fourteen principles used for this classification. This was all the more important, in light of the fact that he fiercely opposed the other lists of *mitzvot* with which he was familiar.

Thus, we can relate to Maimonides's halakhic writings as a single project which lasted for twenty years, or perhaps even longer, and which Maimonides did not cease to review and revise for the rest of his life. This project began with the selection of the Mishnah as the fundamental text, due to its scope that embraces not only the laws that apply during the exile. It was Maimonides's intention to write a similar halakhic code that includes a systematic presentation of the halakhic development down to his day. In effect, the *Sefer Ha-Mitzvot* is an intermediate work that serves as a card index for the *Mishneh Torah*.

The death of Maimonides's brother in 1177 brought an end to a relatively peaceful period in Maimonides's life. In his letter to R. Yefet the *dayyan*, he describes his brother's drowning as "the worst of all evils that had befallen him" in his entire life. In the wake of this tragedy, he was bedridden for a year due to illness and sorrow. During that year, apparently at the end, he was appointed *Nagid*, that is, the official leader of Egyptian Jewry, and the personal physician of the vizier al-Fadil abd-al-Rachum, ruler of Egypt after the departure of Saladin from that country. He did all this in order not to earn his livelihood from Torah.

During these years, Maimonides was exceedingly busy, primarily as a result of his responsibilities as a physician.<sup>6</sup> Maimonides's own testimony regarding his busy work schedule has been preserved. Thus, he writes in his letter to R. Shmuel ibn Tibbon, who translated his *Guide for the Perplexed* into Hebrew:<sup>7</sup>

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<sup>6</sup> Maimonides's study and practice of medicine led to a series of medical writings, which bring together the most advanced medical knowledge of his day, including his own medical insights.

<sup>7</sup> *Iggerot Ha-Rambam*, ed. Shilat, vol. II, pp. 550-551.

I dwell at Fostat and the sultan resides at Cairo; these two places are two Sabbath days' journey distant from each other. My duties to the sultan are very heavy. I am obliged to visit him every day, early in the morning; and when he or any of his children, or any of the inmates of his harem, are indisposed, I dare not quit Cairo, but must stay during the greater part of the day in the palace. It also frequently happens that one or two royal officers fall sick, and I must attend to their healing. Hence, as a rule, I repair to Cairo very early in the day, and even if nothing unusual happens, I do not return to Fostat until the afternoon. Then I am almost dying with hunger. I find the antechambers filled with people, both Jews and Gentiles, nobles and common people, judges and bailiffs, friends and foes – a mixed multitude who await the time of my return.

I dismount from my animal, wash my hands, go forth to my patients, and entreat them to bear with me while I partake of some slight refreshment, the only meal I have taken in the twenty-four hours. Then I go forth to attend to my patients, and write prescriptions and directions for their various ailments. Patients go in and out until nightfall, and sometimes even, I solemnly assure you, until two hours or more in the night. I converse with and prescribe for them while lying down from sheer fatigue; and when night falls, I am so exhausted that I can scarcely speak.

In consequence of this, no Jew can have any private interview with me, except on the Sabbath. On that day the whole congregation, or at least the majority of the members, come to me after the morning service, when I instruct them as to their proceedings during the whole week; we study together a little until noon, when they depart. Some of them return, and read with me after the afternoon service until evening prayers. In this manner I spend the day.

#### *GUIDE OF THE PERPLEXED*

At this time, *The Guide of the Perplexed*, the last of Maimonides's major works, was already written in Arabic and awaiting the completion of its translation into Hebrew by R. Shmuel ibn Tibbon. Maimonides's letter is dated 4960 to Creation (1199 C.E.), five years before his death. Maimonides had completed the *Guide* eight years earlier, having begun to write it in 4947 (1187 C.E.).<sup>8</sup> Maimonides wrote the *Guide* for his disciple R. Joseph son of R. Judah after his departure, but it was based on two attempts, which were never fully

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<sup>8</sup> See R. Shilat's discussion regarding the introductory letter to the *Guide*: *Iggerot Ha-Rambam*, vol. I, p. 247.

realized, to compose two treatises, one on prophecy and another on the rabbinic *midrashim*.<sup>9</sup> The book was intended to guide his student, and any person fluent in both Torah and philosophy, in the reconciliation of the contradictions between these two realms.

If we ask what was Maimonides's most important enterprise, his halakhic project or his philosophical work, *Guide of the Perplexed*, the answer seems to be unequivocal. Without a doubt, his halakhic writings constitute his life project, whereas the *Guide*, even though Maimonides planned to write a similar book, came into being by chance. He worked on his halakhic project for more than twenty years, even without taking into account his halakhic responsa, his commentaries to the Talmud, and his *Hilkhot Yerushalmi*, a summary of the conclusions of the *Yerushalmi Talmud* written in the format of Alfasi's *Halakhot*. In contrast, the writing of the *Guide* took only four years, and even if we add Maimonides's various philosophical epistles, the relative amount of time devoted to each area testifies to the importance that Maimonides attached to each project.

In our first lecture, we saw how Maimonides asserts that the ultimate objective of man is to acquire knowledge of the entirety of existence, and especially to know God intellectually. We tried to conjure up an image of such a person, and the "perfect man" appeared to us as one who is actively and constantly immersed in study and thought. Maimonides himself describes such a person as "love-sick," one who constantly contemplates the object of his love, in this context, God. Does this image match Maimonides's own life project? Can we see in his halakhic writings a realization of his idea of the perfect man?

It is no secret, that there are philosophers and thinkers, Jewish and non-Jewish alike, who see the true Maimonides in the *Guide of the Perplexed*, whereas in the yeshiva world, he is seen primarily as author of the *Mishneh Torah*. It would appear that Maimonides's personal life reinforces the view of the yeshiva world. But how can we explain Maimonides's dedication of his life and most of his energy to his halakhic enterprise, which for the most part deals with the minute details and particulars of Jewish law, when man's ultimate objective is the abstract comprehension of God?

Following the talmudic Sages, Maimonides writes in *Hilkhot Yesodei ha-Torah* (4:13) that the study of Halakhah is "a small thing":

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<sup>9</sup> See the beginning of the *Guide*, and the introduction to Maimonides's *Commentary to the Mishnah*.

Therefore, **I say** that it is not proper to dally in the *Pardes* till one has first filled oneself with bread and meat; by which I mean **knowledge of what is permitted and what is forbidden, and similar distinctions in other classes of precepts**. Although these last subjects were called by the Sages "**a small thing**" (when they say, "a great thing, *ma'aseh merkavah*; **a small thing, the discussions of Abaye and Rava**"), still they should have the precedence. For the knowledge of these things gives primarily composure to the mind. They are the precious boon bestowed by God, to promote social well-being on earth, and enable men to obtain bliss in the life hereafter. Moreover, the knowledge of them is within the reach of all, young and old, men and women, those gifted with great intellectual capacity as well as those whose intelligence is limited.

While this "small thing" constitutes the "bread and meat," with which one must fill oneself before dallying in the *Pardes* of wisdom, which includes knowledge of the universe and knowledge of God as its prime cause, it is, nevertheless, astonishing that Maimonides devoted most of his life to this "small thing," and not to constant reflection on the "great thing."

In the coming lectures, we shall try to resolve this difficulty.