

Mishneh Torah—Science and Art

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ועתה כתבו לכם את השירה הזאת. (דברים לא:ט)

Mishneh Torah—A Literary Work

Rambam's *Mishneh Torah* is a literary work of art beginning with an acrostic of the name of G-d, *Yesod Hayesodos V'amud Hachochma* (י-ק-ו-ק) in the manner of poetic expression. At its very beginning it explains not only the first mitzvah, but it provides the topic sentence for the entire work.

יסוד היסודות ועמוד החכמות, לידע שיש שם מצוי ראשון.

“The fundament of fundamentals and the pillar of wisdom, is to know that there is a first cause.”

The first of *Mishneh Torah's* fourteen books is called *Sefer HaMada* (המדע), “The Book of Knowledge,” and in it Rambam explains what the goal of Judaism is and how to pursue it. This goal is the fulfillment of this first mitzvah, The Knowledge of G-d.¹ This first mitzvah is the hardest of the 613 (תרי"ג) mitzvos to fulfill, and the other mitzvos should be viewed as a support system towards its fulfillment. The components required to acquire such knowledge are יחודו, יראתו, אהבתו (Understanding His Unity, Love, Fear), and these concepts are all explained in the first section, *Hil. Yesodei Hatorah*.²

This knowledge also includes understanding the attributes with which G-d governs the world, and thus the second section of *Sefer*

¹ See *Sefer HaMitzvos, Aseh* 1.

² Chapter 1-2; See *Sefer HaMitzvos Aseh* 2-4.

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HaMada is *Hilchos Deos*³—centered on the mitzvah of *והלכת בדרכיו*—“You shall walk in His ways.” The subsequent sections explain how one pursues this knowledge. Thus next comes *Hil. Talmud Torah*, where we learn that a Jew’s life must be dedicated to study. Then follows *Hilchos Avoda Zara*, where Rambam explains, in several places,⁴ that idol worship is stupidity and its banishment (i.e., the rejection of all types of inane witchcraft and superstition) is necessary for properly understanding Torah. Those who are tainted by irrational beliefs will not come to knowledge of G-d, nor will they understand the mitzvos of the Torah that Rambam lays before them in this work. The last book is *Hilchos Teshuva*, and it closes the Book of Knowledge by explaining how a person who has succumbed to the folly of *Avoda Zara* can be returned to G-d, i.e., to the Knowledge of G-d.⁵

In the last chapter of *Sefer HaMada*, Rambam explains the link between Love of G-d and Knowledge of G-d, and in this way he links to the next book, that of *Ahava*.⁶

דבר ידוע וברור שאין אהבת הקדוש ברוך הוא נקשרת בליבו של אדם,
עד שישגה בה תמיד כראוי ויעזוב כל שבעולם חוץ ממנה כמו שציווה

³ Called *דעות* (forms of knowledge) rather than *מדות* (character traits)—since they are considered knowledge.

⁴ He starts with the words “In the days of Enosh, mankind made a great error.” At the end of Chapter 11, he writes:

יז [טז] ודברים האלו—כולן, דברי שקר וכזב הן; והן שהטעו בהן עובדי עבודה זרה הקדמונים לגויי הארצות, כדי שיינהו אחריהן. ואין ראוי לישראל, שהן חכמים מחוכמים, להימשך בהבלים אלו, ולא להעלות על הלב שיש בהן תעלה: שנאמר "כי לא נחש ביעקוב, ולא קסם בישראל" (במדבר כג, כג), ונאמר "כי הגויים האלה, אשר אתה יורש אותם—אל מעוננים ואל קוסמים, ישמעו; ואתה—לא כן, נתן לך ה' אלוהיך" (דברים יח, יד).

יח כל המאמין בדברים אלו, וכיוצא בהן, ומחשב בליבו שהן אמת ודברי חכמה, אבל התורה אסרה אותן—אינו אלא מן הסכלים ומחסרי הדעת, ובכלל הנשים והקטנים שאין דעתן שלמה. אבל בעלי החכמה ותמימי הדעת, יידעו בראיות ברורות—שכל אלו הדברים שאסרה תורה, אינן דברי חכמה, אלא תוהו והבל שנמשכו בהן חסרי הדעת, ונטשו כל דרכי האמת בגללן. ומפני זה אמרה תורה, כשהזירה על כל אלו ההבלים, "תמים תהיה, עם ה' אלוהיך" (דברים יח, יג).

⁵ A careful reading will reveal how the concept of *teshuvah* is metaphorized here as man’s return from the sin of *Adam HaRishon*. See *Hil. Teshuva* 9:1 עץ החיים 9:1.

⁶ Sometimes the introductory *pesukim* before a book are used to explain the link between one book and the next.

ואמר "בכל לבבך ובכל נפשך" (דברים ו,ה; דברים י,יב; דברים ל,ו):
אלא בדעה שיידעהו. ועל פי הדעה—על פי האהבה—אם מעט מעט, ואם
הרבה הרבה.⁷

After explaining in *Sefer HaMada* (see also *Yesodei HaTorah* 2:1) that Love of G-d is integral to man's knowledge of G-d, he devotes this second book to the mitzvos that bring one to the love of G-d.⁸

Rambam ends *Mishneh Torah* by bringing the work to a full circle in explaining the accomplishments of the *Moshiach*—bringing knowledge to the world.

ולא יהיה עסק כל העולם, אלא לדעת את ה' בלבד. ולפיכך יהיו חכמים
גדולים, ויודעים דברים הסתומים העמוקים; וישיגו דעת בוראם כפי כוח
האדם, שנאמר "כי מלאה הארץ, דעה את ה', כמים, לים מכסים".⁹

In sum, after stating the goals of the mitzvos, *Mishneh Torah* proceeds to explain, in chronological order, how one accomplishes these goals. The one who has properly fulfilled all the mitzvos will himself be the *Moshiach*. *Mishneh Torah* explains how Israel, as a whole, is to pursue *geulah* and how the individual attains his personal redemption. To fully appreciate the literary work that Rambam has produced, it must be read in sequence, considered as a whole, and recognized as the literary masterpiece it is.¹⁰

⁷ "It is certain and clear that the love of G-d is not knotted to the heart of man unless he constantly meditates upon it... and only with the knowledge he knows. The knowledge and the love are equal; if the knowledge is small the love is small, if great [the love] is great."

⁸ He explains this in his introduction to *Mishneh Torah*:
ספר שני. אכלול בו המצוות שהן תדירות, שנצטוונו בהם כדי לאהוב את המקום ולזכרו תמיד—כגון קרית שמע, ותפילה, ותפילין, וברכות; ומילה בכללן, לפי שהיא אות בבשרנו להזכיר תמיד בשעה שאין שם לא תפילין ולא ציצית וכיוצא בהן. וקראתי שם ספר זה ספר אהבה.

⁹ "The world's entire occupation will be only to know G-d... and they will reach knowledge of their Creator according to what man is possible of doing, as it says, 'for the world will be full of knowledge of G-d as water covers the sea.'"

¹⁰ This essay is a brief preview of an upcoming book on the structure and language of *Mishneh Torah*.

From *Sefer* to *Sefer*

Just as *HaMada* leads into *Abava*, *Mishneh Torah* moves from theme to theme, with each book linked to the next. The last halacha of a book¹¹ sometimes serves as a bridge between two themes. *Sefer Zmanim*, which precedes *Sefer Nashim*, ends as follows.

יב¹² מצות נר חנוכה, מצוה חביבה היא עד מאוד; וצריך אדם להיזהר בה, כדי להודיע הנס, ולהוסיף בשבח האל והודיה לו, על הניסים שעשה: אפילו אין לו מה יאכל אלא מן הצדקה—שואל, או מוכר כסותו; ולוקח שמן ונרות, ומדליק. יג הרי שאין לו אלא פרוטה אחת, ולפניו קידוש היום והדלקת נר חנוכה—מקדים שמן להדליק נר חנוכה, על היין לקידוש היום: הואיל ושניהם מדברי סופרים, מוטב להקדים נר חנוכה שיש בו זכרון הנס. יד היה לפניו נר ביתו ונר חנוכה, או נר ביתו וקידוש היום—נר ביתו קודם, משום שלום ביתו: שהרי השם נמחק, לעשות שלום בין איש לאשתו. גדול השלום, שכל התורה ניתנה לעשות שלום בעולם, שנאמר "דרכיה, דרכי נועם; וכל נתיבותיה, שלום"

Sefer Abava deals with the relationship that man forges with G-d by integrating a constant performance of mitzvos into his daily life.¹³ There we find the halachos of *Tefilla*, *Tefillin*, *Mezuzah* and *Tzitzis*. *Sefer Zmanim*, which follows, deals with the holidays, and teaches that one must interrupt the routine of life at regular intervals to dedicate oneself primarily to this relationship with G-d. In closing this book, Rambam explains that one must be willing to sacrifice his material needs to forge this connection with G-d. In performing these mitzvos there is often a need to spend money. Generally this need is generated by one of two reasons: To remember G-d's salvation, and to

¹¹ As we saw with the last halacha in *Sefer Hamada*. Sometimes the introductory *pesukim* to a book form a link.

¹² "The Mitzvah of Chanukah candles is very great and one must give it great care in order to commemorate the miracle... and even if he takes support from charity, he must beg or sell his garment to buy oil... If he has only one penny he should give precedence to the Chanukah candle over the wine of Kiddush since it commemorates a miracle. But he should give precedence to the household candle over the Chanukah candle because its purpose is to bring peace to the home—'Its ways are pleasant and all its paths are peace.'"

¹³ See introduction to *Mishneh Torah*, brought in note 8, where the key word is תמיד.

enhance the experience with joy, as when we add the drinking of wine to the Kiddush commemoration of Shabbos. First Rambam explains that the element of mitzvos whose purpose is the strengthening of a memory (זכרון הנס) is more important, and thus Chanukah candles take precedence over wine for Kiddush. Yet, both of these needs are not as important as the candle lit in the house¹⁴ (נר ביתו) whose purpose is to bring peace and wellbeing to the home. And with this Rambam introduces us to a new book with a new theme—*Sefer Nashim* (“The Book of Women”), which deals with the laws of family life—guided by the principle of “Her ways are ways of pleasantness,” דרכיה דרכי נועם וכל נתיבותיה שלום. This is the guiding principle in establishing the relationship between husband and wife.

Structure of *Seder Halachos*

Rabbi Dr. Haym Soloveitchik, in his insightful and elegant essay *Mishneh Torah: Polemic and Art*,¹⁵ explains that the seemingly out-of-place first six chapters of *Hilchos Shabbos* are indeed perfectly ordered. While the first chapter deals with the fundamental definition of what constitutes work on Shabbos, מלאכת שבת, Rambam does not pick up with the categorization of these מלאכות until chapter seven. In chapter two, Rambam deals with the permissibility of work for the sake of saving a life, פקוה נפש. Chapters three and four first explain that work may be started on Shabbos if it will continue into Shabbos, but when this is allowed in the case of cooking, many rabbinic laws limiting how this may be done were added. Chapter five deals with the requirement of a lit candle for Friday night—נר שבת. Chapter six deals with the Rabbinic prohibition of a gentile working for a Jew. Rabbi Soloveitchik explains that these laws are not out of place, for their purpose is to define work that is prohibited, מלאכה. That which is

¹⁴ This light that is lit at night is not necessarily limited to the light lit for Friday night. When there is a need for lights in the home, then even during the week it may take precedence. With regard to Shabbos, this candle was center stage in *Hilchos Shabbos*, as in the 5th chapter of *Hilchos Shabbos* where it is defined as an obligatory mitzvah, because Chazal required it so that it enhances the Shabbos with the element of עונג. We will return to this concept shortly.

¹⁵ “Maimonides after 800 Years,” Harvard University Press, pp. 327–343.

done to save a life (chapter 2) was not proscribed by the Torah (אסור מלאכה). Nor does the law follow the *Tzdukim/Keraim* in forbidding work from being done on Shabbos (chapters 3–5); it is prohibited only for the Jew to do the actual act of work (מעשה מלאכה) on Shabbos, thus cooking and lighting candles can be done before Shabbos and the fire may continue throughout Shabbos. With this insight we understand that it is now appropriate to explain that while the Torah did not forbid asking a gentile to do work for the Jew—it is not a מעשה מלאכה—the Rabbis did prohibit it (chapter 6).

In his essay, Rabbi Soloveitchik also explains that the last two chapters of *Hilchos Shabbos* bring the section to a crescendo by emphasizing that Shabbos must have an element of עונג (enjoyment). Certainly what he says is true, and stands on its own. However, Rabbi Soloveitchik sees another element here driving Rambam's order of presentation, and claims that Rambam chose this order to highlight the differences between the true Shabbos and that of the *Keraim*, who were threatening the authenticity of Judaism in his time and place.¹⁶ While it is reasonable to assume that Rambam fashioned his work in a way that would correct the misconceptions of his time, the structure of *Mishneh Torah* and the ordering of individual chapters is so crucial to presenting his conceptualizations, it is really impossible to believe that Rambam would structure a *sefer* of halachos based on the best way to construct a polemic. Any polemical nature discernible in *Mishneh Torah* is a reflection of the polemics found in the Talmud, which are, in turn, a reflection of polemics found in the Torah. A major theme of the Torah is the demand that the Jewish people act in opposition to the idolaters of Canaan and the perversion of Egypt. But though the Torah includes polemics, its essential nature is that of both a ¹⁷שירה (a poem, a song) and a complex legal compendium. *Mishneh Torah* follows in its footsteps. *Mishneh Torah* is a work of art to be looked at as a whole, and a work of scientific precision where each component must be dissected and examined through a microscope.

In these first six chapters, Rambam lays out the definition of מלאכה (work) as he needed to, whether or not the *keraim* were active

¹⁶ The Shabbos of the *keraim* was void of light and joy.

¹⁷ Rambam bases the mitzvah of writing a Sefer Torah on the verse ואתם כתבו לכם את השירה הזאת “And you must write this song.”

in his time. Bais Shammai was of the opinion that שבתת כלים (dishes must rest from work) was demanded on Shabbos, and only via the mechanism of הפקר (renunciation of property rights) did he permit the cooking of food in a pot or the lighting of a candle. Although fire is and must be permitted on Shabbos, *Chazal* felt that significant strictures were required while it is burning, and chapters two and three deal with them in detail. Indeed, the prohibition of מלאכה (work) is that of a מעשה מלאכה, but still, anything that smacks of maintenance is not permissible either.

Then chapter five tells us that נר שבת is not only permitted, but is obligatory. We need not look any further to see that *Mishneh Torah* wishes to emphasize the עונג nature of Shabbos. It is not Rambam's placement of this law here and the laws of כבוד ועונג (honor and enjoyment) in the last chapters (29-30) that are the main evidence to this, but it is the nature of נר שבת. Moreover it is not Rambam alone who wishes to emphasize this but *Chazal*. *Chazal* mandated נר שבת—for while the Torah singled out לא תבערו אש בכל משבתיכם (“Do not burn fire in all your dwellings”)—the Torah's intent was not that Shabbos night be lived in darkness, but on the contrary, Shabbos was meant to be a day of עונג and indeed husband and wife must eat together by the light,¹⁸ and מצות עונה was reserved for it as well.¹⁹ Moreover, the light was not to be used for any form of עיון (intense effort)—not even for the solitary scholar poring over his Torah.²⁰ All this came from *Chazal*, not as a response to the *keraim*. It was necessary in the first chapters to explain the Torah's conceptualization of the positive command of שבתה (rest) and the prohibition of מלאכה²¹ and with this description the essential nature of Shabbos is also meant to be discerned, and part of the nature of rest includes עונג. This fifth chapter of נר שבת deals as well with the boundaries of Shabbos and hence the laws of *tekios* (shofar blowings) that usher in and end Shabbos, and the definition of בין השמשות (dusk) are found here, for the intent of *Chazal* was that this נר עונג be a part of

¹⁸ *Hilchos Ishus* Chapter 12:12.

¹⁹ *Hilchos Ishus* Chapter 14:1.

²⁰ *Hilchos Shabbos* Chapter 5.

²¹ The negative command of לא תעשה מלאכה and the positive command of לשבות בשביעי.

the process of separation from מלאכה²²—in fact a means of transition.

While Rabbi Soloveichik also claims in his essay, that Rambam separated the Rabbinic laws and placed them far away from מלאכות²³ דאורייתא, in response to the *keraim*,²⁴ his actions here are really more simply explained. Some Rabbinic prohibitions are in fact integrated with the מלאכות—in cases where they are Rabbinic extensions of the מלאכה.²⁵ What is placed later are the שבותים—which are Rabbinic applications of the positive Torah command of שבות, rest.²⁶ They are indeed a world unto themselves.²⁷ Because of the prohibition of שחיקת סממנים (grinding herbs), a whole range of medicinal treatments are prohibited²⁸ that have nothing to do with grinding of any sort. Because of כותב (writing),²⁹ we prohibit any type of business transaction. Because of אפייה (baking), we prohibit going to the bathhouse.³⁰ The connection between what is prohibited and actual מלאכה is often tenuous. The Rabbinic concept of שביתה is indeed a distinct world, and the prohibitions are not necessarily a function of the מלאכה to which they are attributed. They are listed alone for it would have been impossible to conceptually integrate them with the מלאכות to which they are ostensibly related. Also, they are not merely separated by seven *perakim*. Those seven *perakim* are the intricate definitions of the מלאכה of הוצאה (carrying). Just as the Talmud spent

²² Although not in fact the final act or a means of קבלת שבת.

²³ Seeing the מלאכות דאורייתא ending in chapter 12 and שבותים starting in chapter 20.

²⁴ The *keraim* did not accept Rabbinic enactments.

²⁵ See for example 9:3 where Rabbinic acts that are פטור אבל אסור are mentioned and even a גזרה that is prohibited because it will lead to doing the מאלכה.

²⁶ See Ramban in *Parsbas Emor* and *Maggid Mishneh* to Chapter 21:1.

²⁷ A term Rabbi Soloveichik uses; but while he claims that Rambam merely meant to emphasize that they are a different world by separating them—my point is that in fact these laws are not purely a function of the *melachos*.

²⁸ Chapter 21.

²⁹ Chapter 23.

³⁰ Chapter 22.

many chapters working on these definitions, so did Rambam. Just as the Talmud places it last in the listing of the 39 מלאכות, so does Rambam.

After a full description of the laws of מלאכה, chapter twenty-nine deals with the mitzvah of קדוש היום, a joyful ceremonial commemoration of Creation and Israel's redemption from Egypt, which are why we were commanded to refrain from work. Then the laws of כבוד ועונג end *hilchos shabbos* in a most natural structural way, since they are Rabbinic in nature³¹ and secondary to the concept of שביתה ומלאכה that are explicit in the Torah.³² The earlier chapters dealt with מלאכה and its offshoots.³³ But as is often the case, the Rabbinic and Prophetic mitzvos are designed to accentuate the spirit of the Torah law, and their placement at the end indeed brings *Hilchos Shabbos* to a crescendo, as with their explication we understand what Shabbos is to mean to us. Had the *keraim* never existed, these laws would still have been listed last. The demands of science and art would have dictated the placement of these halachos here.

Closing Essays

The end of a *sefer* is especially crucial in shedding philosophic light on the nature of the entire book. Rambam's philosophical comments that are generally placed at the end of a *sefer* should not be taken as literary flourishes meant to stand on their own. They are to be viewed as conclusions to the books in which they are placed. He divides the laws of the *Bais HaMikdosh* and sacrifices into two books. In a scientific manner, he explains in his introduction how this division was made. *Sefer Avodah*³⁴ (Service) includes the laws about the *Bais HaMikdosh* itself and of קרבנות הצבור (joint sacrifices of the people), while in *Sefer Korbanos*³⁵ (Sacrifices) he deals with קרבנות היחיד. To

³¹ Although they are described as מפורשים ומפורשים על ידי הנביאים, they are certainly part of the Torah's intent, with the details fleshed out by the Rabbis.

³² See chapter 30:1. Chapter 29 deals with קדוש היום.

³³ Such as מוקצה—an appendix on the website has a full description of Rambam's order.

³⁴ Book 8.

³⁵ Book 9.

these two books, he writes two memorable and oft-quoted conclusions—that at a superficial glance seem to contradict each other. After *Avodah* he writes a poetic essay on the importance of the חקים³⁶ of the Torah. The sacrifices are laws whose reasons are difficult to fathom, but we must realize that they take priority over the logical משפטים:³⁷

ח³⁸ ראוי לאדם להתבונן במשפטי התורה הקדושה, ולידע סוף עניינם כפי כוחו. ודבר שלא ימצא לו טעם, ולא ידע לו עילה—אל יהי קל בעיניו; ואל יהרוס לעלות אל ה', פן יפרוץ בו... הרי נאמר בתורה "ושמרתם את כל חוקותיי ואת כל משפטיי, ועשיתם אותם" (ויקרא יט, לז; ויקרא כ, כב)—ואמרו חכמים ליתן שמירה ועשייה, לחוקים כמשפטים: והעשייה ידועה, והיא שיעשה החוקים; והשמירה, שייזהר בהן ולא ידמה שהן פחותין מן המשפטים. והמשפטים, הן המצוות שטעמן גלוי, וטובת עשייתן בעולם הזה ידועה, כגון איסור גזל ושפיכות דמים וכיבוד אב ואם; והחוקים, הן המצוות שאין טעמן ידוע. אמרו חכמים, חוקים שחקקתי לך, ואין לך רשות להרהר בהן. ויצרו של אדם נוקפו בהן, ואומות העולם משיבין עליהן—כגון איסור בשר חזיר, ובשר בחלב, ועגלה ערופה, ופרה אדומה, ושעיר המשתלח... וכל הקרבנות כולן, מכלל החוקים הן. לפיכך אמרו חכמים שאף על עבודת הקרבנות, העולם עומד—שבעשיית החוקים והמשפטים, זוכין הישרים לחיי העולם הבא; והקדימה תורה ציווייה על החוקים, שנאמר "ושמרתם את חוקותיי ואת משפטיי, אשר יעשה אותם האדם וחי בהם" (ויקרא יח, ה).

This poetic essay was carefully situated at the end of the sefer entitled *Avodah*, for “service” consists of subordinating one’s individuality as he submits his self to the service of G-d—this is בטול היש (nullification of self). In *avodah* there is unquestioning servitude and subordination of the intellect. In *avodah* there is subordination of the self and immersion into the public good, and thus the *sefer* is devoted

³⁶ Generally translated as “laws that have no reason.” But they in fact refer to laws where the reasons are not totally obvious.

³⁷ Translated as “judgments” and referring to laws of justice, whose reasons are thus obvious.

³⁸ “It is proper for a man to analyze the laws of the holy Torah, and to understand their purpose according to his ability, and in a matter in which he can find no reason or purpose—they should not be light in his eyes,... and he should not imagine that they are less than the judgments... even on the service of the sacrifices the world stands.”

to the service of a unified Israel in קרבנות הצבור. This is one aspect of Judaism.

The *sefer* of *Korbanos* ends with words that address the second aspect of Judaism.

יד אף על פי שכל חוקי התורה, גזירות הם כמו שביארנו בסוף מעילה, ראוי להתבונן בהן; וכל שאתה יכול ליתן לו טעם, תן לו טעם: הרי אמרו חכמים הראשונים, שהמלך שלמה הבין רוב הטעמים של כל חוקי התורה..... יז וכל אלו הדברים—כדי לכופ יצרו, ולתקן דעותיו. ורוב דיני תורה אינן אלא עצות מרחוק מגדול העצה, לתקן הדעות וליישר כל המעשים; וכן הוא אומר "הלוא כתבתי לך, שלישים—במועצות ודעת. להודיעך—קושט, אמרי אמת; להשיב אמרים אמת, לשולחך" (משלי כב, כ-כא).³⁹

Rambam contrasts his message here with what he has said above. Besides communal worship there are sacrifices to be made by each individual. The book dealing with this is called קרבנות, for it accentuates that in Divine service there is a second aspect, that of man drawing close to G-d⁴⁰ through individual sacrifice. All subordination to G-d is meant to be accompanied with contemplation of the Master. In creating an intellectual relationship with the Divine, man's individuality is developed. *Korbanos* are indeed חקים, but this does not mean that they are non-rational—only that the reasons for them and how they perfect us are more difficult to grasp, and hence the demand from us and the opportunity to understand and hence draw close to G-d is even greater.

A Closing Law

Just as closing essays of books are crucial, often a closing halacha of a chapter will shed light on the whole chapter. And when this halacha ends a *sefer halachos*, it tends to be even more instructive. The last halacha in *Hilchos Chametz U'Matza* presented a problem to the commentators.

³⁹ “Even though all the laws of the Torah are decrees, as I explained at the end of the laws of *Meilah* (*Sefer Anodah*) it is proper to analyze them, and as best as one can find a reason he must do so.”

⁴⁰ The word קרב means to draw close.

מי שישן בתוך הסעודה והקיץ, אינו חוזר ואוכל. בני חבורה שישנו
 מקצתן בתוך הסעודה, חוזרין ואוכלין; נרדמו כולן וניעורו, לא יאכלו;
 נתנממו כולן, יאכלו.⁴¹

This law, asks the *Kesef Mishneh* (ibid.), should be relevant only to *Hilchos Korban Pesach*. All the commentators explain that sleep must stop the eating because the *Korban Pesach* cannot be eaten in two groups.⁴² *Kesef Mishneh* is forced to accept that Rambam felt that this law was then extended Rabbinically over the *Pesach seder* as well. But this is a forced understanding, since Rambam in *Hilchos Korban Pesach* cites this law only by referring to his primary categorization here. In fact we must understand from its placement that Rambam interpreted this Talmudic law as unrelated to *Korban Pesach*. This eighth chapter of *Chametz U'Matzza* deals with the halacha of the *sefer*. The halacha being explicated in chapters seven and eight is that of *Sippur Yetzias Mitzrayim*. In addition, if we wish to be sticklers (and we should be), at first glance these laws raise a question about his titling of *Hilchos Chametz U'Matzza*. The title has no relevance to our halacha of *sippur yetzias mitzrayim*. Yet we understand from Rambam's presentation,⁴³ that *Sippur yetzias mitrayim* must be said in conjunction with eating the matzoh, and the eighth chapter must be understood as a description of how this "telling" (*haggadah*) is integrated with eating during the *sefer*. From Rambam's detailing at the end of the chapter that no eating may be done after the *afikomen* and final cup of wine, we understand that all the eating of the night must be relevant to the *sefer*, surrounded by *sippur* and *hallel*. By the same token, no eating may be done that has been detached from *sippur yetzias mitrayim*—once one has fallen asleep, he may no longer eat.

A Misplaced Law

Every halacha in *Mishneh Torah* is placed carefully, exactly where it belongs. When the placement of a halacha seems outlandish it must

⁴¹ "One who slept in the midst of the meal and awoke, cannot return to eating. If part of a group slept during the meal they can return to eating, but if all slept they may not unless they only drowsed."

⁴² Upon awaking it is considered as if a new group has been formed.

⁴³ "להם עוני, להם שעונין עילו דברים הרבה, להם עוני, להם שעונין עילו דברים הרבה."

be assumed that it was so placed as to give us a new key to understanding. In the twenty-ninth chapter of *hilchos shabbos*, Rambam discusses the halachos of *Kiddush* and *Havdalab*. *Havdalab* is discussed with *Kiddush*, because it is a fulfillment of the mitzvah of *Kiddush*—to be *mekadesh* the Shabbos at its entry and at its exit (*Hil. Shabbos* 29:1). Interestingly, Rambam also brings the mitzvah of *Kiddush* and *Havdalab* on *Yom Tov* in this chapter and never mentions it elsewhere (ibid 29:18.) It is stated only by Shabbos. As Rambam explains it is a mitzvah in the concept of שבתון and it is because the other holidays are also labeled שבת in the Torah that Chazal applied it to these other days as well. Since it is a function of the concept שבתון all applications are explained only in *Hilchos Shabbos*. Yom Kippur likewise also has *havdalab* since it is called a שבת. Rambam explains as well, that there is *havdalab* between Shabbos and Yom Tov but not from Yom Tov to Shabbos (ibid.). However Rambam “forgets” to tell me what the law is in passing from Yom Kippur to Shabbos. With a little research, however, we will find that he did not forget. He places this halacha at the end of the fifth chapter of *Hilchos Shabbos*—the chapter of נר שבת. We noted before that this chapter ends with the laws of the *tekios*, and that the chapter is dedicated to a comprehensive explanation of the mitzvah of delineating the boundaries of Shabbos. Several details of the laws of *havdalab* are also included, some repetitions of what is stated in chapter twenty-nine and one new—the law of Yom Kippur after Shabbos. We now understand that in *havdalab* there is a second law, besides that of being מקדש היום (sanctifying the day)—that of delineating the day. When there is no need for delineation, i.e. where the אסור מלאכה (prohibition from work) is identical,⁴⁴ then there is no *havdalab*—the halacha of not making *havdalab* between Yom Kippur and Shabbos had to be explained in the fifth chapter so that we understand that when there is no need for delineation, there is no need for *havdalab*.

In a Word

Every word of *Mishneh Torah* was carefully chosen, with scientific precision. Whatever stands out and seems out of place has something

⁴⁴ Both Shabbos and Yom Kippur have the same laws in this respect, while Yom Tov and Shabbos differ.

to teach us. Any word that seems extra, arbitrary and imprecise must be examined for meaning. The more inappropriate a word seems the more likely that it is intended to teach an important idea.

In *Hilchos Kiddush HaChodesh*, in discussing how the decision is made to declare a leap year, Rambam seems to have trouble in determining what word to use, so he alternates between his various choices:

ט אין מעברין את השנה, אלא במזומנין לה. כיצד: יאמר ראש בית דין הגדול לפלוני ופלוני מן הסנהדרין, היו מזומנין למקום פלוני שנחשוב ונראה ונדע אם שנה זו צריכה עיבור, או אינה צריכה; ואותן שזומנו בלבד, הן שמעברין אותה. ובכמה מעברין אותה: מתחילין בשלושה דיינין מכלל סנהדרי גדולה, ממי שסמכו אותן. אמרו שניים לא נשב ולא נראה אם צריכה עיבור אם לאו, ואחד אומר נשב ונבדוק—בטל יחיד במיעוטו; אמרו שניים נשב ונראה, ואחד אומר לא נשב—מוסיפין שניים מן המזומנים, ונושאים ונותנין בדבר.

י שניים אומרים צריכה עיבור, ושלושה אומרים אינה צריכה—בטל שניים במיעוטו; שלושה אומרים צריכה, ושניים אומרים אינה צריכה—מוסיפין שניים מן המזומנין לה, ונושאים ונותנין וגומרים בשבעה. אם גמרו כולם לעבר או שלא לעבר, עושין כמה שגמרו; ואם נחלקו—הולכים אחר הרוב, בין לעבר בין שלא לעבר. וצריך שיהא ראש בית דין הגדול שהוא ראש ישיבה של שבעים ואחד, מכלל השבעה; ואם גמרו בשלושה לעבר, הרי זו מעוברת—והוא שיהא הנשיא עימהן, או שירצה. ובעיבור השנה, מתחילין מן הצד; ולקידוש החודש, מתחילין מן הגדול. יא אין מושיבין לעיבור השנה לא מלך, ולא כוהן גדול: מלך—מפני חילותיו ומלחמותיו, שמא דעתו נוטה בשבילן לעבר או שלא לעבר; וכוהן גדול—מפני הצינה, שמא לא תהיה דעתו נוטה לעבר, כדי שלא יבוא תשרי בימי הקור, והוא טובל ביום הכיפורים חמש טבילות. יב היה ראש בית דין הגדול, והוא הנקרא נשיא, בדרך רחוקה—אין מעברין אותה אלא על תנאי, אם ירצה הנשיא: בא ורצה, הרי זו מעוברת; לא רצה, אינה מעוברת. ואין מעברין את השנה אלא בארץ יהודה, שהשכינה בתוכה, שנאמר "לשכנו תדרשו" (דברים יב,ה); ואם עיברוה בגליל, מעוברת. ואין מעברין אלא ביום; ואם עיברוה בלילה, אינה מעוברת.

Rambam writes that it is the ראש בית דין who chooses the committee to determine on עיבור שנה (proclaiming a leap year). When a committee of seven is מעבר (intercalates) then the ראש בית דין who is also the ראש ישיבה of the seventy-one must be a member of the committee. But under certain conditions where it is possible to make the determination with a group of three, the determination is valid if

the נשיא is either with them or gives his assent. Then we are told that if the ראש בית דין who is called the נשיא is far away at the time, one cannot be מעבר unless the נשיא consents. If we read attentively we are struck by the seeming redundancies and superfluous statements. The entire section seems almost comical in its presentation. If we put several of the statements together we can deduce ראש בית דין=נשיא=ראש ישיבה. Rambam makes this clear in *Hilchos Sanbedrin*.

(סנהד' (א:ג)) - קובעין בתחילה בית דין הגדול במקדש, והוא הנקרא סנהדרי גדולה. ומניינם אחד ושבעים—שנאמר "אספה לי שבעים איש מזקני ישראל" (במדבר יא, טז) ומשה על גביהן שנאמר "והתייצבו שם עימך" (שם), הרי שבעים ואחד.. "הגדול בחכמה שבכולן מושיבין אותו ראש עליהן והוא ראש הישיבה והוא שקוראין אותו חכמים נשיא בכל מקום והוא העומד תחת מש"ר וכו'".⁴⁵

Why does Rambam have to tell us of the dual title here, and why does he alternate their usage at different times?

To explain this concept, let's start with the probable reading in *Hilchos Sanbedrin* that the concept of עומד תחת משה רבינו (a substitute for Moshe Rabbenu) applies only to the second title, that of נשיא. Rav Chaim Soloveichik⁴⁶ notes that this title is a position in itself—a מנוי (appointment) of authority in Israel in general, and somewhat discrete from the Bais Din. Thus Rambam explains in *Hilchos Sanbedrin*.

(סנהד' כו:א) וכן אם קילל הנשיא—אחד ראש הסנהדרין הגדולה, או המלך—עובר בלא תעשה, שנאמר "ונשיא בעמך, לא תאור" (שם). דנשיא דקאי על מלך ונשיא סנהד'

The Head of the Bais Din is in fact a נשיא over Israel. He carries two titles for he has two separate rolls. In fact, in the introduction to *Mishneh Torah* Rambam lists several kings, such as *Dovid HaMelech*

⁴⁵ "The greatest amongst them in wisdom is placed at the head of them and he is the *Rosh HaYeshiva* and he is the one called by the Chachamim *Nasi* in all places and he stands in the place of Moshe Rabbenu."

⁴⁶ Of Brisk (the city) see *Chiddushei HaGrach* (*Rosh Hashanah* 24a).

⁴⁷ "If one curses the *Nasi*—whether he be the head of the Great Sanhedrin or the King—he transgresses in 'A prince in thy nation, thou must not curse,' the term *Nasi* (prince) referring to a king and the prince of the Sanhedrin."

who acted as the head of the Sanhedrin as well. This was the ideal, and the first to have that dual role was Moshe Rabbenu.⁴⁸ Thus Rambam explains that the נשיא of the Sanhedrin stands in the place of Moshe Rabbenu. Even when the ראש בית דין is not the king, he maintains a title of נשיא, with communal authority.

The primary role of *Rosh Yeshiva*, however, has even earlier antecedents. The *Avos* taught Torah to their descendants and followers and then appointed a successor in this roll for future generations.

"והבדיל לוי ומינהו ראש והושיבו בישיבה ללמד דרך ה' ... ממונה אחר
ממונה." (הל' ע"ז א:ג)⁴⁹

In the position of ראש הישיבה, the ראש בית דין is viewed as the greatest scholar of the Bais Din and the first amongst equals—part of the group. In this role he is the great teacher of Torah (הוראה) to Israel.

Now we understand what Rambam was saying with his seemingly superfluous and confusing verbiage. When the full committee of seven meets, and this is so when there has been some dispute on the matter, then the sage council of the ראש ישיבה is needed in the deliberation and the decision. When a committee of three reaches a decision quickly, the deliberation of the wisest member is not needed. Nevertheless, to sanction the decision of the small committee, the authority of the נשיא must be given, to ratify the important decision affecting Israel's calendar. Finally, Rambam explains that engaging in the entire process when the ראש בית דין is not around requires his permission. It is as נשיא—an independent authority over Israel—that this is required.⁵⁰

⁴⁸ *Perush HaMishnah, Shevuos 2:2.*

⁴⁹ "And he (Yaakov) separated Levi and appointed him as the Head (*Rosh*) and sat him in the Yeshiva (*V'Hosbevehu B'Yeshiva*).

⁵⁰ ועי' (סנהד' ב:ד-ה) "ואין מושיבין מלך ישראל בסנהד ... מלכי ישראל אע"פ שאין מושיבין אותם בסנהד' דנין הם את העם." וכן עי' הל' מלכים (ג:ז) דמלכי ישראל דנין. ועי' בסוף פרק ג' דמלך הורג ומתקן העולם "ולתקן העולם .. ולשבור יד רשעי עולם." והלח"מ פירש דהא דהמלך דן היא רק בפני עצמו, דהיינו לתקון העולם. אבל עי' במקו"צ פרנקל דמביא מפיה"מ (אבות ד:ד) דדוד היה נשיא הב"ד על פי קרא (שמואל ב:כג:ח) "יושב בשבת תחכמוני." וכן הוא בהקדמה למ"ת "ודוד קבל משמואל ובית דינו. ואחיה השלני וכו'." ועי' סנהד' (ד:ז) "ודוד המלך סמך שלשים אלף ביום אחד," דהוא עמד בראש הסנהדרין. ועי' הל' ערובין (א:ב) דשלמה ובית

Then there are the innocuous words that we just gloss over, such as Rambam's telling us that on the *seder* night we must speak of the miracles done by *Moshe Rabbenu*.

ואם היה הבן גדול וחכם—מודיעו מה שאירע לנו במצריים, וניסים שנעשו לנו על ידי משה רבנו: לפי דעתו של בן.⁵¹

How strange—of course we speak of the miracles of *yetzias mitzrayim*, and indeed they were done by Moshe Rabbenu. If there is an issue of speaking of Moshe Rabbenu himself, then why do we not mention his name in the entire *sippur yetzias mitzrayim*? And are we not to speak of *Makos Bechoros*, which was done directly by G-d **אני ולא** **מלאך**?⁵² The answer here is provided by Rav Chaim Brisker, consistent with the thought found in *Moreh Nevuchim*⁵³—though he does not refer to the question nor to the *Moreh Nevuchim*. The Brisker Rav quotes his father's comment on **לכל האותות והמופתים** “For all the signs and wonders” (*Devarim* 34:10)—just as Moshe's prophecy was unique, so too were his miracles. His prophecy was not via an angel—not via any intermediary—so too his miracles were not via any intermediary. This is the message that must be taught to the son who is a **גדול וחכם** (a wise adult) “according to the level of his understanding.” Rambam's philosophical thought that is expressed explicitly and

דינו תקנו ערובין. ועל מקו"צ דיש שתמצו דלא היה המלך ממנין הסנהדרין. ונראה דהוא היה הנשיא כמו שכתב רבינו בפיה"מ ומשמעות ההקדמה, אבל לא היה בשם "ראש הישיבה." לא היה יושב עמהם בדין ובמקום שהצריכו עוד אחד לדין לקחו מהשני בתי דינים על פתח העזרה ופתח הר הבית. והיינו דמצינו פעמים דהיה הנשיא "בדרך רחוקה" דלא היה חייב לישב עמהם. ונראה דמשום כך היה מינוי של אב בית דין, להיות ראש ב"ד במקום דאין נשיא יושב עמהם. כשהנשיא הוא מלך אז באמת כיון "שאין מושיבין אותם בסנהדרין" לכן אין כאן מי "שמושיבין .. ראש הישיבה." אין המלך זן בדינים הבאין לפני הב"ד אבל מ"מ יש לו דין נשיא לחלוט בדינים כמו בעבור שנה. אבל על הל' קה"ח (ד:יא-יב) דאין "מושיבין" מלך לעבר השנה. אבל הנראה דהיינו דוקא לענין להיות במנין השבעה שאז הוא נוגע בדבר ויסיר את הדין. אבל להא דבעינן עד שירצה הנשיא היינו אף דהוא מלך

⁵¹ “If the son is an adult and wise, he informs him of what happened in Egypt and the miracles that were performed by Moshe Rabbenu, according to the understanding of the child.”

⁵² “I and not an angel.”

⁵³ Brisker lore relates that Rav Chaim was an expert in *Moreh Nevuchim*.

at length in *Moreh Nevuchim* is found throughout *Mishneh Torah*⁵⁴ as well in a more subtle way.

Redundancy

In art there is repetition. Rambam tells us⁵⁵ the Torah repeats mitzvos for emphasis. Shabbos is so important the Torah constantly warns against its violation, and there is no extra prohibition (לאו) or new law to be learned from each time the Torah repeats its warning. The Torah repeats the sacrifices of the *Nessim* over and over.⁵⁶ The Torah is a שירה, and the total impact of a perfect symphony requires repetition along with movement. But as with the Torah, in *Mishneh Torah* we must listen carefully to the variations and the placement to gather the lessons to be taught.

Rambam defines how marital relations should be conducted in *Hilchos Issurei Biab*,

(אס"ב כא:יא) וכן אסרו חכמים שישמש אדם מיטתו, וליבו מחשב באישה אחרת. ולא יבעול מתוך שכרות, ולא מתוך מריבה, ולא מתוך שנאה, ולא יבוא עליה בעל כורחה והיא יראה ממנו, ולא כשיהיה אחד מהן מנודה, ולא יבוא עליה אחר שגמר בליבו לגרשה.⁵⁷

in *Hilchos Ishus*,

(אישותטו:יז) ולא יאנוס אותה, ויבעול בעל כורחה, אלא לדעתה, ומתוך שיחה ושמחה.⁵⁸

and in *Hilchos Deos* under how a *Talmid Chachamim* should conduct himself:

(דעות ה:ד) ולא יהיו שניהם לא שיכורים, ולא עצלנין, ולא עצבנין; ולא אחד מהן. ולא תהיה ישנה; ולא יאנוס אותה, והיא אינה רוצה—אלא

⁵⁴ Not only in *Hil. Yesodei HaTorah*.

⁵⁵ See 9th *shoresh* of *Sefer HaMitzvos*.

⁵⁶ At the end of *Parashas B'Haaloscha*.

⁵⁷ “The Rabbis prohibited one to have intercourse when his mind is on another woman... and not during drunkenness, or discord or hatred, and not by force when she is in fear of him.”

⁵⁸ “He should not force her, nor act against her will, but from the midst of conversation and happiness.”

ברצון שניהם, ובשמחתן. יספר מעט וישחק עימה מעט, כדי שתתיישב נפשו; ויבעול בבושה ולא בעזות, ויפרוש מיד⁵⁹

The *Lechem Mishneh* (*Deos* *ibid.*) questions the redundancy of some of the material. But in fact the presentations are distinct in each case, with key words distinguishing between each presentation. In *Issurei Biab*—the first book of *Sefer Kedusha* (The Book of Holiness)—the context of the presentation is in connection with the prohibition of following in the lewdness of the gentiles. At *Matan Torah* we were chosen for קדושה (holiness)—and to lead an elevated life. Sexual relations of the Jew were thus more proscribed than those of the gentiles.⁶⁰ In *Hilchos Ishus* Rambam's intent is to define not sexual relations, but **marital** relations. He begins *Hilchos Ishus* by saying that marriage as we know it, with all its formal strictures, is an institution of the Torah—and (see chapter 15) this institution established entities called husband and wife, in whose physical union there is a requirement of שמחה (joy), and this is the key word there. In *Hilchos Deos*, all the strictures and requirements are mandated for another reason—because of the *Chacham's* elevated position of עבד ה' (servant of G-d). Thus here Rambam adds another word, בושה (embarrassment). Here as in so many cases, especially in *Sefer Hamada* and *Sefer Abava*, we can turn to *Moreh Nevuchim* to fully understand his reasoning: A person must realize that what he does is always in the presence of G-d.⁶¹

At the end of the fifth chapter of *Hilchos Yesodei HaTorah* and at the end of the fifth chapter of *Hilchos Deos*, Rambam describes the man of whom G-d spoke in saying בך אתפאר אשר בך אתפאר “You are my servant Israel in whom I take pride.” While at a quick glance this description seems redundant, when we carefully read the two poetic descriptions and think of the placement of the laws, we realize how strong the variations are.

⁵⁹ “Neither of them should be drunk or languid or sad... And he should not force her, but it should be with the will of both and with their joy... and the act of intercourse should include embarrassment, and not boldness.”

⁶⁰ *Sefer Kedushah* consists solely of the laws of prohibited sexual relations and prohibited foods, and it is these extra laws of self-restraint that define קדושת ישראל.

⁶¹ See *Moreh Nevuchim* 3:52.

(יסדה"ת ה:יא) וכן אם דיקדק החכם על עצמו, והיה דיבורו בנחת עם הברייות, ודעתו מעורבת עימהם, ומקבילן בסבר פנים יפות, ונעלב מהן ואינו עולבן, מכבד להן ואפילו למקילין לו, ונושא ונותן באמונה, ולא ירבה באריחות עמי הארץ וישיבתן, ולא יראה תמיד אלא עוסק בתורה עטוף בציצית מוכתר בתפילין, ועושה בכל מעשיו לפנים משורת הדין— והוא שלא יתרחק הרבה, ולא ישתומם הרבה—עד שיימצאו הכול מקלסין אותו ואוהבין אותו, ומתאווין למעשיו: הרי זה קידש את השם, ועליו הכתוב אומר "ויאמר לי, עבדי אתה—ישראל, אשר בך אתפאר" (ישעיהו מט,ג).⁶²

In *Yesodei HaTorah* he describes the fulfillment of the mitzvah of *Kiddush Hashem*, and thus he uses the word יראה (is seen), describing how others perceive the *Chacham*. The key part of the *pasuk* is אשר בך אתפאר, for how the *Chacham* reflects upon G-d is the key.

(דעות ה:ג) משאן ומתנן של תלמידי חכמים, באמת ובאמונה: אומר על לאו לאו, ועל הין הין. מדקדק על עצמו, בחשבון; ונותן ומוותר לאחרים כשייקח מהן, ולא ידקדק עליהן. ונותן דמי הלקח לאלתר. ואינו נעשה לא ערב ולא קבלן, ולא יבוא בהרשאה. כז מחייב עצמו בדברי מקח וממכר, במקום שלא חייבה אותו תורה, כדי שיעמוד בדיבורו, ולא ישנהו. ואם נתחייבו לו אחרים בדין, מאריך להן ומוחל להן; ומלווה, וחונן. ולא יירד לתוך אומנות חברו, ולא יצר לאדם בעולם בחייו. כח כללו של דבר— יהיה מן הנרדפין, ולא מן הרודפין; מן הנעלבין, ולא מן העולבין. ואדם שהוא עושה כל המעשים האלו וכיוצא בהן, עליו הכתוב אומר "ויאמר לי, עבדי אתה—ישראל, אשר בך אתפאר" (ישעיהו מט,ג).⁶³

⁶² “And if the Chacham is demanding upon himself, and speaks softly with people and is popular with them... And allows himself to be insulted without insulting others, and honors even those who treat him with disrespect, and is trustworthy in business... and is always seen learning and dressed in *tzitzis* and *tefillin*... this person sanctified the Name [of G-d] and of him it is written, “You are my servant Israel, in whom I take pride.”

⁶³ “The business dealings of *Talmidei Chachamim* are trustworthy and truthful... he is demanding upon himself in his accounting but forgives the debts of others... he is of those who are chased but do not pursue others, of those who are insulted but do not insult others... of him it is written, ‘You are my servant Israel in whom I take pride.’”

In *Hilchos Deos*, he describes the epitome of the fulfillment of והלכת בדרכיו (following in the ways of G-d). The conduct of the Chacham in his business dealings with others, his אמת ואמונה (truth and trust), is a fulfillment of the *midab* of אמת; that is G-d's signature. The operable part of the *pasuk* is עבדי אתה, “You are my servant.”

It is important to realize that Rambam defined this twice—once in *Hilchos Yeosdei Hatorah* and again in *Hilchos Deos*. It is the key to both שלמות הנפש (perfection of intellect) and שלמות הגוף (perfection of character).⁶⁴ Perhaps if *Mishneh Torah* were made central to our educational system, dishonesty would not be so commonplace in the “Torah” world.

Science and Art

In composing *Mishneh Torah* as a work of art, Rambam followed the style of the Mishnah. The talmud questions (*Pesachim 2a*) why the first Mishnah in *Pesachim* uses the unusual and uncommon term אור to denote night. It concludes that the Mishnah chooses לשון מעליא—“elevated language” i.e. “poetic language.” Rambam explains (*Perush HaMishnah, Pesachim 1:1*) that this was done especially in the opening of a Tractate. Actually the poetry is quite overt אור לי"ד בודקין את ההמץ לאור הנר⁶⁵ Rambam explains further that the choice of the word אור, which usually means light, is to start this study with an uplifting tone. Rebbe Yehuda HaNassi saw hope and גאולה (redemption) in the Tractate *Pesachim*, and the language he used in his writing was meant to transmit these underlying messages. The Talmud goes on to discuss the merits of short and precise language לשון קצרה and poetic language לשון מעליא או לשון נקיה. There is a need and a place for both in transmitting *Torah*, and the Torah, the Mishnah and *Mishneh Torah* use both.

How did Rambam manage to make *Mishneh Torah* exactly 1,000 chapters? In writing his scientific magnum opus where every chapter

⁶⁴ The qualities that Rambam explains are man's constant goal of existence. See for example the introduction to *Perush HaMishnah*.

⁶⁵ “The night of the 14th one searches for *chametz* by the light of the candle.” Thus the unusual choice of using אור for night is to match it with the word אור that is normally used for light. Strangely, I did not find any of the standard commentaries remarking on this.

is a distinct concept, how could the number just end up as 1,000? Rambam carefully lists the number of chapters in each book at the end of each book, and numbers were important to him. Did he just realize that the number seemed to be close to 1,000 and then compromise on science for the sake of art, and split or combine in several places?⁶⁶ Is it possible that in the name of art, 1,000 chapters was a part of the original design, and the precision of what defines a unique concept was calibrated in such a way as to result in 1,000 chapters?⁶⁷ To do such calibrations with 1,000 chapters would call for a mind not only capable of the most acute conceptual analysis imaginable, but also for computational skills that are still in advance of our most complex computer programs. In any event, as Rabbi Soloveitchik writes in his essay, we don't really know how Rambam was able to construct *Mishneh Torah*.⁶⁸ Some minds come along once in a millennium, or perhaps even more rarely. But we do know that like the *Torah SheBaksav* of *Moshe Rabbenu*, *Mishneh Torah* records the entire *Torah SheBaal Peh* in an incomparable masterpiece of scientific analysis written as a poem (שירה). ❧

⁶⁶ Evidence from drafts of manuscripts implies that he split chapters in later versions to reach the number, but was the intent from the very beginning to reach this number? See the post of Dr. Ezra Chwat on the Giluy Milta B'Alma Blog of Feb 25, 2008 <<http://imhm.blogspot.com/>> and his citation of Menahem Kahane's "The Arrangement of the Orders of the Mishnah," *Tarbiz* LXXXVI note 44. Thanks to R. Dovid Guttman and R. David Farkas for directing me to this source.

⁶⁷ We could ask as well how Rambam came up with the number of 14 books. It seems that the number 14 had special significance, as in *Moreh Nevuchim* he also divides mitzvos into 14 categories—completely different from those in *Mishneh Torah*. He also has 14 rules for defining mitzvos.

⁶⁸ "To have only one pass at formulation and to successfully introduce ambiguity in compressed, closely examined formulations of famed accuracy is the feat accomplished by Maimonides. His achievement is obvious; how he achieved it eludes me to this day" (ibid. p. 338).