Chapter Five

R. Joseph Ashkenazi and Maimonides’ *Mishneh Torah*

R. Joseph Ashkenazi, one of the most original figures among the Jewish sages of the 16th century was a critical commentator on the text of the Mishnah and a confidant of R. Isaac Luria who zealously fought for the purity of the Talmudic tradition as he understood its content and intention. Whether in Posen or Safed, he consistently demonstrated an uncompromising extremism, fervently opposing philosophers and intellectuals whom he believed undermined the foundations of the Torah of Israel.

Most notably, he regarded Maimonides as “the first-born of the devil.” He relentlessly berated Maimonides with every conceivable insult, heaping contempt upon him. As the leading figure in the fierce polemic against philosophy that shook the community of Posen in the mid-16th century, not only did he reject Maimonides’ *Guide of the Perplexed* entirely, but he also dismissed the *Mishneh Torah* outright, deeming it worthy of suppression. Professor Gershom Scholem has enriched our understanding with his work, “New Information about Joseph Ashkenazi.” Most notably, he identified Ashkenazi, who was known in his later years as “The Tanna from Safed,” as the author of the manuscript Oxford, Michael 286. At the beginning of this manuscript, we find written: “The author of this essay is a Ḥasid who resides in the city of Safed (may it soon be rebuilt in our time), a fighter in God’s wars whose Torah is pure.”[[1]](#footnote-1) In chapter 26 of the manuscript, there is a paragraph that is particularly difficult to understand, which reads as follows:

And certainly, the matter of the Book of Maimoni baffles the eye of the beholder, for in it, he was exceedingly strict and meticulous about everything. However, according to what I have heard regarding the naming of the book as “Maimoni” without attributing it to the rabbi’s name or the title he gave to it, it is not a mystery at all. Those who understand will understand, and surely, what I have heard must be so. Because our eyes see that all of his books were written in Arabic and then translated, like the *Guide* and his commentary on the Mishnah. This book, however, was, from the beginning, in the Holy Tongue. Moreover, even when he wrote in the Holy Tongue, he mixed in fabricated and somewhat incomprehensible words, such as the negation of positives or the confusion of subjects and predicates. Similarly, there are many words borrowed from Arabic, as can be seen – even in the introduction of that book, we find such instances. However, the book itself is written in the Holy Tongue, beautifully, with good explanations. Therefore, those who understand will understand.[[2]](#footnote-2)

An analysis of Rabbi Ashkenazi’s verdict regarding the *Mishneh Torah* is of great interest and exemplifies a common historical phenomenon: the fusion of factuality and bias, resulting in a highly distorted figure. In the following pages, I aim to outline the background of Ashkenazi’s obscure, vague, and fragmented statements about the *Mishneh Torah*, and on this basis, attempt to decipher them.

In the introduction to the *Mishneh Torah*, Maimonides declares: “Therefore, I called this composition *Mishneh Torah* since a person reads the written Torah first and then reads this and knows from it the entire oral Torah, with no need for any other book.” These widely circulated words[[3]](#footnote-3) stirred up controversy, causing confusion and provoking strong opposition and prolonged confrontation. With his overly confident, if not arrogant, language, Maimonides appears to have assumed the proverbial nine *kav* of authority, exhibiting an ambition to supplant even the Babylonian Talmud, positioning his great treatise as a standalone substitute.

It appears to me, and I have endeavored to demonstrate this elsewhere,[[4]](#footnote-4) that Maimonides’ words have been misconstrued, and his statements ought to be interpreted differently. This is also evident in his forceful assertion in his letter to R. Pinḥas Hadayan: “Know, first of all, that Heaven forbid I have not said: Do not bother with the Gemara or the laws of R. Isaac [Alfasi] or others... for did I ever command or did it even occur to me to burn all the books that were written before me because of my treatise?!”[[5]](#footnote-5)

However, this matter lies firmly within the realm of the past, beyond the reach of reversal. The critical perception and adverse reactions to Maimonides’ words became deeply entrenched during his lifetime and endured across generations. They find poignant expression in the words of the Ra’avad, author of the glosses on the *Mishneh Torah*, who accused Maimonides of insolence and rudeness: “This was only because an extraordinary spirit was in him.”[[6]](#footnote-6) When we delve into the ramifications of this self-presentation and its repercussions, particularly the skepticism and suspicion it evoked, we can summarize by noting its impact on two distinct levels: (a) condemnation of Maimonides due to his arrogance, as articulated by the Ra’avad earlier, (b) a certain reluctance to rely on him, for if he wrote “as a prophet prophesies from the mouth of the Almighty without reason and without proof,” then a reader lacking “understanding a matter completely and truly will falter in law and rulings, consequently, individuals should not trust his writings for judgment and decision-making…”[[7]](#footnote-7)

Furthermore, with surprising consistency and in a distinctly demonstrative manner, rabbis generally avoided using the name *Mishneh Torah*. All other titles for the book were acceptable, but the name that the author himself coined was considered invalid. In rabbinic literature and halakhic debates, it is referred to as *Ḥibbur*, *Sefer Rambam*, *Lashon Harav Moshe,* *Katav Harav Moshe*, and similar titles, but *Mishneh Torah* is conspicuously absent.[[8]](#footnote-8) Even Maimonides’ followers, who relied on his great treatise, adhered to this practice and omitted the name *Mishneh Torah* from their own writings. For example, R. Moses of Coucy, the author of *Sefer Mitzvot Gadol*, “which is heavily based on Maimonides’ work and often mirrors it verbatim,”[[9]](#footnote-9) does not mention the name *Mishneh Torah*. Instead, he refers to it indirectly: “The great man R. Moshe ben Maimon... made a compilation of the entire Torah, a fine and excellent compilation.” Yet he further comments: “The sage did not provide proofs in his books, and anyone who draws from them and is then asked to produce a source, if they have not studied it or even if they have but do not remember it, will find it to be like an uninterpretable dream.”[[10]](#footnote-10) He thus firmly established the widespread and growing opinion that Maimonides’ composition is not authoritative and cannot serve as the final arbiter in questions of Jewish law.

R. Jacob Ḥazan of Londretz (i.e., London), the author of the book of halakhic rulings *Etz Chaim*, which draws on the works of Maimonides and the *Semag*, also avoids using the name *Mishneh Torah*.[[11]](#footnote-11) Instead, he writes: “The great tamarisk R. Moshe, son of R. Maimon, arose, comprehending all the books before him, and authored a composition... to interpret all the laws of the Torah without questions or answers, simplifying it for everyone, both young and old.” Notably, he asserts: “And he made a book called *Maimon* to encompass all of the oral Torah without a doubt.”[[12]](#footnote-12) In *Sefer Haḥinukh*, without exception, we find references such as “Rambam in his great composition” or the names of the individual books contained within the composition but the name *Mishneh Torah* is conspicuously absent, as if it did not exist.[[13]](#footnote-13) This pattern is also evident in R. Menaḥem Hameiri’s *Beit Habeḥira*, where he refers to Maimonides indirectly: “And this late scholar is an expert in Maimonides’ method.”[[14]](#footnote-14) His words in the introduction to the *Beit Habeḥira* are also of great importance, as he explains the necessity for the work: “The Rabbi, who gives just rulings…in his treatise…an all-encompassing and complete work…until it appears that he almost intended that with his books one would not need a book from the Talmud or from the collections of the ancients, as the late rabbi revealed in the introduction to his books...”[[15]](#footnote-15) R. Yosef Ezovi, the Provençal poet deeply influenced by the teachings of Maimonides, reverently praises: “And Moses, the man of God, the sapphires of his books are innumerable... set your path in his laws, and from them learn commandments and Torah.”[[16]](#footnote-16)

This holds for later periods as well. R. Moses di Trani, a follower of Maimonides who structured his book according to the division of the laws in the *Mishneh Torah*, refers to it solely as “the great composition of the rabbi of blessed memory.”[[17]](#footnote-17) In the *Sefer Hamussar* by R. Zechariah al-Dhahiri, there is no mention of the name *Mishneh Torah*. Instead, he refers to it as “the composition of the ga’on Rabbenu Moshe ben Maimon, whose words have raised those who stumbled.”[[18]](#footnote-18)

At the end of the thirteenth century, the title *Hayad Haḥazaka* emerged and gained prominence. From that time onward, aside from personal mentions and customary honorifics, this became the established designation.[[19]](#footnote-19) R. Yishai ben Ḥezekiah, the exilarch of Damascus, mentions in passing in a letter: “His eminent books, which are valuable to all legal scholars, *Hayad Haḥazaka*, which is called *Mishneh Torah*, and *Guide of the Perplexed.*..”[[20]](#footnote-20) The exilarch David ben Daniel slightly altered the language and wrote: “He rose and authored the *M.T.* that is called the composition of the *Yad* [the numerical equivalent of 14].”[[21]](#footnote-21) Even before that, we find expressions that must have developed almost naturally, that play on *Hayad Haḥazaka* [lit. the mighty hand]. For example, the well-known epistle of R. Joseph Bar Todros Halevi, states: “The great rabbi Rabbenu Moshe, of blessed memory, through all the acts of his mighty hand [*Hayad Haḥazaka*] and awesome power that he performed in the six orders of the Mishna and Gemara, with great care in minor commandments as in major ones, that is, the *Mishneh Torah*...”[[22]](#footnote-22) The letter from the sages of Lunel to Maimonides, published by Ephraim Kupfer, after describing the importance and originality of the book *Mishneh Torah* notes “And now you have begun to show your servant your greatness and your mighty hand [*Yadekha Haḥazaka*]...”[[23]](#footnote-23) However, it was likely the exilarch who first coined this term.[[24]](#footnote-24) What we can conclude is that the name *Mishneh Torah* was considered inappropriate for use by most of the scholars of Israel.

Another fascinating testimony highlighting this fact comes from an entirely unexpected source: the book of the ardent Dominican Bernard Gui, intended as a guide (*Practica inquisitionis*) for inquisitors.[[25]](#footnote-25) Bernard Gui, who became the chief inquisitor of Toulouse, directs the attention of inquisitors and torturers to three Jewish sages known for their great importance and influence and their books: Rashi, Radak, and Maimonides. Rashi’s commentary is simply referred to as *Glosa Super Textum Legis*, and Radak’s commentary is called *Glosa David Hispani*. When mentioning Maimonides, the author provides a lengthy description that warrants clarification: *In quodam libro quem Judei vocant Glosas Moysi de Egypto et actor illius libri intitulavit declarationem et reformationem legis*. This presents us with a striking and detailed description of the literary situation and the status of the *Mishneh Torah*: the Jews refer to it as a composition or commentary by R. Moses the Egyptian,[[26]](#footnote-26) while the author himself named it *Mishneh Torah*, presenting Jewish law in a revised form.[[27]](#footnote-27) Bernard, like many oppressors of the Jews in the Middle Ages, acquired a substantial and precise understanding of the Torah and Jewish culture.[[28]](#footnote-28) He was astute enough to recognize the phenomenon we are discussing: the reluctance of the Jewish sages to use the name *Mishneh Torah.*

At the end of his small book, *Milḥemet Mitzvah,* R. Solomon ben Simon Duran sheds light on this issue and helps us understand R. Ashkenazi’s allusions. R. Solomon was aware not only of the facts surrounding the book’s title, *Mishneh Torah*, but also of the claims and accusations associated with it – namely, that this title reflects arrogance, boasting, and a desire for exclusive, unrestrained influence. While R. Solomon does not use the name *Mishneh Torah* in his discussions of Jewish law,[[29]](#footnote-29) he nonetheless defends Maimonides and justifies the title *Mishneh Torah*. He writes as follows:[[30]](#footnote-30)

They suggested that the early authorities were so spellbound by arrogance that they failed to recognize or understand Rambam’s arrogance and the wickedness of his character in naming his *magnum opus* the *Mishneh Torah*, crediting himself. They claimed it was only the later authorities, enlightened by God, who recognized his conceit. Heaven forbid that such things should be said. Whoever hears such words should feel their ears ring and their hair stand on end because of their libel against the bright light, the light of our exile, that enlightens eyes in the darkness and guides the perplexed. No one has arisen since the time of R. Ashi like our great teacher, R. Moses, who embodies both Torah and greatness in one place. Let him who glories in the honor of his ancestry recognize that he sits in the foremost row of majesty; his father and grandparents were all scholars and wise men, descendants of David, King of Israel. And let him who boasts of wisdom know that he surpasses all others, for who among us is greater than Moses in every field of knowledge and science, erudition, and scholarship? In every realm of wisdom and science, he has excelled and claimed ten portions. And if the braggart boasts of Torah wisdom, behold, he is the father of us all; there is not a single area he did not master – the Babylonian Talmud, the Jerusalem Talmud, *Tosefta, Mekhiltot, Sifra, Sifrei*, *Sifra Rabba* and *Sifra Zuta* – all that his eye beheld. Similarly in the *novellae* of the Geonim, their writings and *responsa,* and the *midrashim* of the sages – he heard and understood them all. Would that I could serve as his footstool in the World to Come. Only in this should one glory, to understand and know him, for he is first among men, claiming ten portions

And, in truth, the man Moses was exceedingly humble. If political connections are what we seek, Moses was considered exceedingly great in the land of Egypt, in the king’s court, and among the officers. He stood firm against the destructive Karaites (may their names be blotted out), ensuring that throughout his lifetime they could never rise up in any way. He taught the nation proper morals and ethical behavior.

And if his only contribution had been his *Sefer Hamitzvot*, that alone would have sufficed. How much more so with his *Yad Haḥazaka*, a book encompassing everything in a single composition. There is no precedent for such a work and has been nothing like it since. He also authored several epistles that guided those who had strayed back to the righteous path. Greatest of all is his *Guide of the Perplexed*, which illuminated the way for seekers and built a fortified wall against those who would deny the Torah and those who would shoot it down from the shadows. These are but a few of his accomplishments. Who can fully recount all his strength, miracles, and wisdom? Blessed is he, blessed is his teacher, blessed are his people, blessed are his servants, blessed are those who merely behold him, and blessed are his students who studied Torah with him.

Heaven forbid that he would claim the book as his own creation. The sage, R. Pinḥas Hadayan, had already accused him of this, and he responded with a sincere apology, explaining that he only claimed authorship for the parts he introduced with phrases like “I said” or “it appears to me.” The rest, he asserted, was derived from the Talmud, the *baraitot*, and the sages who preceded him. The supposed hidden secret that later authorities believe they uncovered was already noted by the earlier authorites. However, it was a minor issue to them, and they gave it no significance.

The earlier authorities who disputed some of his laws, had they truly believed there was a significant issue, would surely have rebuked him for naming his composition as he did. In his modesty and righteousness, he would have appreciated the words of those who questioned and criticized him, expressing gratitude for their guidance. There are numerous instances where he commanded corrections to be made in his book, retracting his statements and admitting his mistakes without any embarrassment.

The book is named *Mishneh Torah* because it does not contain any Aramaic, unlike other compositions. Instead, it is entirely in the language of the Bible and the Mishnah. Maimonides divided it into books, and these books into larger laws, which are further divided into chapters and smaller laws. The entire text is written in clear, understandable language, as if inspired by a divine spirit and the spirit of God rested upon him.

He followed the structure of the Mishnah, which is organized into orders, with each order divided into tractates, tractates into chapters, and chapters into smaller laws. This is why he named his work *Mishneh Torah*, meaning a review of the Torah, drawing from the phrase *veshinantom levanekha*. However, his intention was not to imply that it is second to the Torah. For instance, in *Hilkhot Tefilla*, he uses the term *mishneh hatefilla*, not to denote a prayer second in importance, but to indicate fluency and formalization. Furthermore, Onkelos translates the term *Mishneh Torah* as *patshegen*, which means “clear language,” as seen in the phrase *patshegen ketav hadat* [in the Scroll of Esther 4:8].

Even if one were to argue that *mishneh* means second, its meaning would be akin to *mishneh lamelekh* – “second to the king.” It is understood that no one can replace the king; rather, the term signifies the first among the king’s servants, the one responsible for all matters of the monarchy – a viceroy. Mordechai was not equal to the king; he served under him. A king has a *mishneh*, a second-in-command, as well as a *shalish*, a third-in-command, who also supports the king but holds a lower position than the *mishneh*. All these positions are filled by the king’s servants. Similarly, this composition serves the Torah by elucidating its laws and commandments, functioning like a king and his second-in-command.

Truly, if it were not for this eminent composition, we would be in great confusion regarding legal rulings and laws. All subsequent authors and commentators, whether in the lands of Ishmael [Muslim lands] or Edom [Europe], follow in his footsteps. Even when they occasionally disagree with it, they all acknowledge its profound wisdom, honor its greatness, and thirst for its Torah. It is fitting to honor and exalt it and to feel blessed by its name.

R. Solomon Duran revisits and revives the accusation from the time of R. Pinḥas Hadayan, echoed in the words of the Meiri, that Maimonides sought to marginalize the Talmud. He attributes this claim to Maimonides naming his work *Mishneh Torah*, suggesting that this was an attempt by Maimonides to claim all its contents as his own, implying that everything in the composition was “from his imagination and his opinion,” and thus, “I just wrote them and did not provide evidence for them.”[[31]](#footnote-31) In short, according to his opponents, all of Maimonides’ supposed destructive and arrogant tendencies are encapsulated in the name *Mishneh Torah*. The early authorities, being proud themselves, could not critique Maimonides’ pride, leading to a fundamentally flawed assessment of his great composition. R. Solomon refutes these claims by presenting his original interpretation of the name *Mishneh Torah*.

It is worth noting that the fears and anxieties mentioned in Duran’s book – anxieties he strives to dismiss as insignificant – were also indirectly fueled by the statements of Maimonides’ followers. These followers explicitly claimed that studying the *Mishneh Torah* exempts the student from studying the Talmud. Well known are the comments by Jacob Anatoli,[[32]](#footnote-32) Shem-Tov ibn Falaquera,[[33]](#footnote-33) Joseph ibn Caspi,[[34]](#footnote-34) and their associates, where adoration for Maimonides is intertwined with accusations against those who disapprove of his monumental work. Caspi casually refers to Maimonides as “the perfect teacher whose name matches that of his teacher [Moses] in his book known as the *Mishneh Torah*,”[[35]](#footnote-35) a statement likely to have irritated his opponents, critics, and those with reservations. Additionally, some followers of Maimonides confirm that his great composition had indeed gained wide acceptance, noting with satisfaction that his ambition and intention were thus realized. Tanḥum ha-Yerushalmi, lamenting the sorry state of Torah knowledge, also praises the work, writing:

The revered ga’on and master of perfection, our teacher Rabbi Moses of blessed memory, the leader of the princes… the foundational pillar upon which the house of Israel rests… enlightened the eyes of Israel and brought them out of their darkness and suffering with his eminent compositions… Praise the God who graced them with his presence and the emergence of his works, especially his *magnum opus*, the *Mishneh Torah.* In this great composition, he declared that there is no longer a need for any other work to explain the laws of the Torah and the commandments, as he wrote in the introduction, explaining why it is so named *Mishneh Torah*…[[36]](#footnote-36)

In describing Maimonides’ greatness, R. Joseph bar R. Todros writes: “Our teacher, the author, uses the strength of his hand… to clarify the entire oral Torah…so that his composition will be second only to the written Torah … replacing the Mishnah and the Talmud.”[[37]](#footnote-37) The comment of the editor of the *Mishneh Torah*, Mantua, 5326, is also interesting: “It has already been established by law and custom to educate children by having them read this monumental book, as the author originally intended, which is why he named it the *Mishneh Torah*, as he mentioned in his introduction.”[[38]](#footnote-38) R. Abraham ben R. Solomon of Torrutiel, in the addendum to *Sefer Hakabbala*, notes: “Maimonides’ books have spread across the world from east to west and are relied upon in all countries.”[[39]](#footnote-39) Similarly, the Maharil recounts: “I heard firsthand from one of the *mefalpelim*, who often mocked pilpulistic study and the Talmud, that from Maimonides’ *Mishneh Torah* he could resolve all the open questions in the world.”[[40]](#footnote-40)

It is almost certain that R. Ashkenazi is relying on this set of arguments and complaints when he remarked: “On the issue of calling the name of the book *Maimoni*, which was not the name given by its author.”[[41]](#footnote-41) He is well aware of the tradition that refused to honor Maimonides’ great composition with the name *Mishneh Torah*. In Ashkenazi’s comment, one can hear the echoes of generations of opponents who sought to diminish Maimonides’ significance and deny his project. Ashkenazi’s words, both in subject and critical tone, closely align with those of the anonymous critics mentioned by Duran.

However, Ashkenazi goes further. He confirms the tradition and justifies the existing practice: “Surely, what I have heard must be so.” He bases this on a deeper study of the language of the great composition. He draws a connection between the author’s suspect agenda and the clear language of the work, drawing our attention to the fact that the *Mishneh Torah* is the only book by Maimonides composed in Hebrew. Indeed, there is merit to this observation, as Ashkenazi delves into a matter that has not received much attention from scholars of Maimonides. There is no doubt that Maimonides aspired to universality. He envisioned his great composition encompassing the entire world, reaching all corners of the earth, and being embraced by all Jewish communities.[[42]](#footnote-42) His historical insight led him to choose Hebrew as the language that would best facilitate this widespread dissemination. Thus, when deciding on the language for his treatise, he considered three options: Biblical Hebrew, Mishnaic Hebrew, and the language of the Talmud.[[43]](#footnote-43) He dismissed the possibility of writing it in Arabic entirely since he was looking at the entire nation,[[44]](#footnote-44) and he understood that using Arabic would divide the nation rather than unify it.

In my opinion, this is how the following should be understood regarding the language of *the Sefer Hamitzvot*: “I deeply regret having written this work in Arabic because all ought to read it. I am now awaiting the opportunity to translate it into Hebrew with the help of the Almighty.”[[45]](#footnote-45) The phrase “because all ought to read it” explains the reason for his regret, not his initial choice to write in Arabic.[[46]](#footnote-46) Writing in Arabic restricts its readership, alienates the broader Jewish community, and withholds its benefits from those it was intended to reach. Regarding the “Epistle to Yemen,” Maimonides stated: “I deemed it best to respond in the Arabic language and idiom. For then all may read it with ease, men, women, and children, for it is important that the substance of our reply altogether be understood by every member of your community.”[[47]](#footnote-47) Similarly, he wrote the *Mishneh Torah* with the intention that readers from all congregations of Israel, wherever they may be, could read and comprehend it with ease.

Ashkenazi approaches this intriguing issue from a highly skewed perspective, presuming to interpret the inner workings of Maimonides’ mind and casting doubt on his commitment to preserving the purity of the Hebrew language. Duran also addresses this matter indirectly by offering his interpretation of the name *Mishneh Torah*: “The book is named *Mishneh Torah* because it does not contain any Aramaic, unlike other compositions. Instead, it is entirely in the language of the Bible and the Mishnah.” While others praised the fresh style of the *Mishneh Torah* and found ample reason to commend it,[[48]](#footnote-48) Ashkenazi sought reasons to criticize it. The common thread between Maimonides’ use of the Holy Tongue – where “the entire text is written in clear, understandable language as if inspired by a divine spirit and the spirit of God rested upon him” (Duran) – and his naming of the work *Mishneh Torah* is that both are clever strategies designed to emphasize the high value of the composition, assigning it a special status second only to the Torah of Moses, thereby diminishing the importance of the Talmud. In the words of Tanḥum ha-Yerushalmi, we might say that the sun-like brilliance of the *Mishneh Torah* will overshadow the light of the Talmud. When Ashkenazi, in chapter 17,[[49]](#footnote-49) indignantly declares that the purpose of the *Yad* is to divert scholars from studying the Talmud, his statement does not contradict his earlier criticisms but rather complements and elucidates them.

We will not miss the mark if we also draw a conclusion from the end of Ashkenazi’s critique regarding the purity of the Hebrew language in the *Mishneh Torah*: “Furthermore, even where he wrote in the Holy Tongue, he mixed in fabricated and somewhat incomprehensible words, such as the negation of positives or the confusion of subjects and predicates. Similarly, there are many words borrowed from Arabic, as can be seen – even in the introduction of that book, we find such instances.” It is well known that R. Samuel ibn Tibbon already addressed the phenomenon of mixing languages in reference to Maimonides’ style, which is both consciously and unconsciously influenced by Arabic.[[50]](#footnote-50) He observed:

And here, the great rabbi, our teacher Moses, the servant of God, when he wanted to discuss wisdom in *Sefer Hamada* and in other parts of that composition, was influenced by the Arabic language in these matters. We find that he often uses the word *sham* [there], which appears in many places… “The foundation of all foundations and the pillar of the sciences is the knowledge *sheyesh sham* [that there is there] a First Existent…”

Ibn Tibbon’s claims are more convincing than Ashkenazi’s: (a) he was precise in the examples he provided, and (b) he hints that philosophical terminology can be found in other sections as well (see, for example, the end of *Hilkhot Tumah*). In contrast, Ashkenazi’s examples are not accurate, as we do not find these expressions in Maimonides’ *Sefer Hamada*. Furthermore, Ashkenazi indirectly suggests that *Hilkhot Yesodei Hatorah*, and perhaps the entire *Sefer Hamada*, should not be considered an integral part of a book of Jewish law. Instead, he views these sections merely as “the introduction of that book,” implying they do not belong within the main body of the work. Ashkenazi dismisses Maimonides’ attempt to unify the fields of Jewish law and Jewish thought.

This resolves Ashkenazi’s bafflement regarding Maimonides’ reputation for being “exceedingly strict and meticulous about everything.” At first glance, the matter seems complicated: why would a philosopher who “chopped down the roots” (i.e., a heretic) and disregarded Jewish law devote his time and energy to the minutiae of both simple and complex laws? This question continues to torture scholars today. Ashkenazi posits that Maimonides’ suspect agenda explains the book’s strict approach: if Maimonides succeeds in his aim to diminish the Talmud’s influence, his rigorous and precise efforts (“that he was very strict”) will be justified and rewarded by the ultimate success of his endeavor.

It is worth mentioning that Peretz Smolenskin also commented on Maimonides’ tendencies towards severity and offered his own interpretation:

Who would not be astonished to hear lofty and liberal ideas from the mouth of Maimonides the philosopher, only to see him swiftly shift and wield his firm hand with strictness in matters of religion and law, like the most ardent of zealots? The Ra’avad, who had no interest in philosophical wisdom and had divine revelations in his study, as he himself attested, occasionally leaned towards leniency, unafraid of consequences. Not so Maimonides; his righteousness had been challenged by others, compelling him to adopt an increasingly stringent stance, lest he be accused of transgressing religious law.[[51]](#footnote-51)

From R. Joseph Ashkenazi’s perspective, the initial puzzlement surrounding the book stems from its inclination towards severity and precise adherence to all aspects of the Torah. After all, “the loyal believers of Israel” know that a philosopher does not prioritize religious worship and the practical observance of commandments. However, Maimonides exerted himself, displaying strictness and meticulousness in all matters, driven by his ultimate goal: establishing his book as a replacement for the Talmud. The key to understanding this lies in the presumptuous title *Mishneh Torah*. The sages of Israel recognized this and expressed their opposition by refusing to use the name assigned to it by Maimonides.

1. Gershom Scholem, “Yedi‘ot Ḥadashot al R. Yosef Ashkenazi, Hatanna Mitzefat,” *Tarbiz*, 28 (5759), 59-90. In that article, on pages 201-235, Scholem published a number of chapters from the Oxford manuscript. He includes a bibliography, of which most notable is David Kaufmann’s article in *Monatsschrift für Geschichte und Wissenschaft des Judentums*, 42 (1898), Jacob Nahum Epstein, *Mavo Lenusaḥ Hamishnah*, Jerusalem: Magnes, 5708, 2, 1284, Philipp Bloch in *Monatsschrift für Geschichte und Wissenschaft des Judentums*, 47 (1903); Zvi Halevi Horowitz, “Toldot R. Yosef Ashkenazi Hatanna Mitzefat,” *Sinai*, 7 (5701), 311-330; Saul Pinchas Rabinowitz’ article in Russian, which has appeared in Hebrew translation, Jerusalem: The Reproduction Project, The Hebrew University in Jerusalem, 5759 – see n. 16. A copy of the manuscript is found at the Institute of Microfilmed Hebrew Manuscripts, the National Library, Jerusalem, No. 17405. [↑](#footnote-ref-1)
2. Scholem, *ibid*, 83, deemed it a subject requiring further study. [↑](#footnote-ref-2)
3. A more precise and clearer wording is provided in the introduction to the *Sefer Hamitzvot* where Maimonides emphasizes the all-inclusive scope and the absolute independence of the *Mishneh Torah*: “I plan also to author a composition that will include all the laws of the Torah (*Al-Shari‘a*) and its laws to the point that there will be nothing missing from it... until there is not a single unresolved question... and, in general, one does not need after the Torah (*Al-Torah*) another book other than it to know anything from it that one will need in the whole Torah (*Al- Shari‘a*), whether from Torah law or from rabbinic law." See the edition of Moses Bloch (ed.), *Le Livre des preceptes*, Paris 1888, 1-3. [↑](#footnote-ref-3)
4. See below, Chapter 7, pp. 207-208. [↑](#footnote-ref-4)
5. *Iggerot Harambam*, Shilat edition, p. 439. [↑](#footnote-ref-5)
6. *Hasagot Hara’avad* at the end of his introduction to the *Mishneh Torah*. It is important to note the Ra’avad’s use of the expression *ruaḥ yeterta*, which we have translated as “an extraordinary spirit” (source: Daniel 5:12). This is different than the expression *she’ar ruaḥ* which is understood as “inspiration.” We hear a hint to this usage in the words of R. Menaḥem Hame’iri. See *Sefer Haminhagim*: R. Menaḥem bar Shlomo Hame’iri, *Magen Avot*, R. Yekutiel Kohen edition, Jerusalem, 5749, p. 31-32: “for this has…an element of arrogance and haughtiness and an extraordinary spirit…and is deserving of the rebuke of a sage.” In particular, *ibid*, p. 54 (the second matter): “Your discernment is truly admirable; who could rival it? For when you encounter a statement that aligns with your perspective, even if it is found in the *midrashim*, you present it as irrefutable evidence. Yet, if confronted with a statement that challenges your approach, even if sourced from the *baraita* of R. Ḥiyya, you dismiss it as corrupted. Truly, this is nothing short of "an extraordinary spirit that is found in you.” [↑](#footnote-ref-6)
7. *Responsa* *of the Rosh*, *klal* 31, *se’if* 9. See also *klal* 100, *se’if* 2. Similarly, *Responsa* *of the Rivash*, *siman* 44; Maharshal, *Yam Shel Shlomo*, introduction to Tractate Bava Kamma. See above, Chapter 4, p. 130 and below, Chapter 15, p. 379. See also, Isaac Zeeb Kahana, “Hapulmus Misaviv Kevi‘at Hahakhra‘a Keharambam,” *Sinai*, 36 (5715), 391-411. [↑](#footnote-ref-7)
8. See the examples I gave above, Chapter 4 (n. 55), to which one can add other similar examples. The Rama Abulafia mentions: “On his denial of the resurrection of the dead in the World to Come in his composition known as the *Mishneh Torah,”* “Katab al Rasa'il,” *Iggerot Harama*, David Zvi Hillman edition, Sefer Zikhron Beit Aharon, Bnei Brak 5763, p. 1. However, in his *responsum* he only refers to him as “Rabbi Moshe Ba’al Haḥibbur,” “Sefer R. Moshe,” and so forth. See: *Or Tzadikim*, Saloniki 5659, *Simanim* 259, 260, 262, 266 and more; *Sefer Arugat Habosem* of R. Abraham Ben Azriel, E.E. Urbach edition, Jerusalem: Mekitzei Nirdamim, 5699, 4, 166. The translators of *Sefer Hamitzvot*, R. Moses ibn Tibbon and Solomon Ibn Ayyub, speak of “the complete composition known as *Mishneh Torah*” and “his great book that is called *Mishneh Torah*.” See: *Sefer Hamitzvot*, R. Chaim Heller edition, Jerusalem, New York: Mossad Harav Kook, 5706, p. 26. See: AA, “Iggeret Hateshuva Hameyuḥas LaRi ibn Latiff,” *Kovetz Al Yad*, 1 (5645), p. 54: “His great composition known as the *Mishneh Torah”*; see also the introduction to the book *Sha’ar HaShamyim, Heḥalutz*, 12 (5647), 123. [↑](#footnote-ref-8)
9. This is the language of the Maharshal, *Responsum of the Rema*, Asher Ziv edition, Jerusalem 5731, *siman* 67, p. 294. [↑](#footnote-ref-9)
10. Introduction to *Sefer Mitzvot Gadol.* [↑](#footnote-ref-10)
11. *Etz Ḥayyim*, Israel Brodie edition, Jerusalem: Mosad Harav Kook. 5762, 1 2. David Kaufmann published some excerpts, *Jewish Quarterly Review*, OS, 5 (1893), 368. [↑](#footnote-ref-11)
12. Ashkenazi also speaks of a *Sefer Maimoni*; It should be noted that the language used by R. Jacob Ḥazan of Londretz find a parallel in the statement made by the *Semag* regarding the *Rif*: “And R. Isaac of Fez made a book that he called Rav Alfas.” [↑](#footnote-ref-12)
13. See: *Sefer Haḥinukh*, Commandment 16, 24, 230 431. [↑](#footnote-ref-13)
14. See *Responsa* of the Radbaz, 4, *siman* 225. [↑](#footnote-ref-14)
15. *Beit Habeḥira,* Berakhot Samuel Dickman edition, Jerusalem: Machon Hatalmud Hayisraeli Hashalem, 5725, 25. [↑](#footnote-ref-15)
16. *Ke’arat Kesef*, Moritz Steinschneider edition, Berlin 1860, p. 30. [↑](#footnote-ref-16)
17. *R. Moses di Trani*, Kiryat Sefer, Warsaw 5662, Introduction, Chapter 8, 24. [↑](#footnote-ref-17)
18. *Sefer Hamussar: Maḥberot R. Zechariah al-Dhahiri*, Yehuda Ratzaby edition, Jerusalem: Machon Ben Zvi, 5725, 213. See also the bibliographic list of Yehuda Ratzaby, “Safrut Yehudei Teiman,” *Kiryat Sefer* 28 (5712-5713), 155-278. [↑](#footnote-ref-18)
19. R. Mordecai Yoffe, *Sefer Halevush*, Zikhron Aharon Edition, Jerusalem, 5760, introduction, 29: “And the laws of sanctifying the new moon found in the work *Hayad Hagadol* written by R. Moses of blessed memory…” Joseph Solomon Delmedigo, *Iggeret Aḥuz,* in: *ibid*, *Novlot Ḥokhma*, Yeruham Becker edition, Jerusalem 5767, 10 (=Abraham Kahana [ed.], *Safrut Hahistoria Hayisraelit*, 2, Warsaw, 5683, 173), writes: “With God’s help, I aspire to publish a great work that will hold even greater value for the masses than Maimonides’ *Yad*…” It is interesting to note that even R. Joseph Karo refrained from using the name *Mishneh Torah*. He refers generally to Maimonides, and writes in his introduction to the *Kesef Mishneh*: The great light, Moses bar Maimon of blessed memory explained the law. Moses charged us with the law as a heritage, and he authored the great composition *Hayad Hagedola* that encompasses all of the laws of the entire Torah…” Only one time, at the very end of his work when he explained the name of his own composition, the *Kesef Mishneh* did R. Karo feel obliged to refer to “this most valuable composition, the *Mishneh Torah*.” This was perhaps necessitated by the practice of explaining one’s title. R. Joseph Sambari writes: “He authored *Sefer Hayad*, that is, the book *Mishneh Torah*.” See: *Likutim Misefer Divrei Yosef le R. Yosef ben Yitzḥak Sambari*, Abraham Berliner edition, Frankfort 1896, 16-17. David Conforte, *Koreh Hadorot*, Modiin Ilit: Ahavat Shalom, 5768, 38: “*Sefer Hayad* that is called the *Mishneh Torah*,” et al. [↑](#footnote-ref-19)
20. *Kovetz Teshuvot Harambam*, Leipzig 5619, 3, 21. [↑](#footnote-ref-20)
21. *Sefer Ginzei Nistarot*, Joseph Isaac Kabak, pub. 3 (5632), 119. [↑](#footnote-ref-21)
22. Solomon Joachim Chayim Halberstam, *Kevutzat Mikhtavim*, Berlin 1875, 7. [↑](#footnote-ref-22)
23. Ephraim Kupfer, “Teshuvot Bilti Yedu‘ot shel Harambam,” *Tarbiz*, 31 (5770), 180. [↑](#footnote-ref-23)
24. See above, Chapter 4, n. 55 and the reference there to the article by Boaz Cohen. He points out that Prof. Alexander Marx was the first to recognize the significance of the sentence by R. Yishai the Exilarch. See also the casual comment of Abraham Berliner, “Shemot Sefarim Ivriyim,” *Ketavim Nivḥarim*, Abraham Meir Habermann, ed., Jerusalem: Mossad Harav Kook, 5709, 2, 157. [↑](#footnote-ref-24)
25. Israel Levi was the first to bring to our attention the great value of this book in his French research *Les Juifs et l'Inquisition dans la France Meridionale*, Paris 1891. My interest in this matter was rekindled while reading the outstanding article by my colleague Yosef Yerushalmi, “The Inquisition and the Jews of France in the Time of Bernard Gui,” *The Faith of Fallen Jews: Yosef Hayim Yerushalmi and the Writing of Jewish History,* eds. David N. Myers and Alexander Kaye, Waltham: Brandeis University Press, 2014, 60-124. See also: Salo Baron, *Social and Religious History of the Jews,* 13, New York-London: Columbia University Press, 1969, 305, n. 6. The excerpt that appears below is taken from Yerushalmi’s article, p. 82. [↑](#footnote-ref-25)
26. This is the way Maimonides is most often referred to in in Christian scholasticism. See, for example, Jacob Guttmann, “Der Einfluss der Maimonidischen Philosophie...”, *Moses ben Maimon,* Leipzig 1908, 153 ff. [↑](#footnote-ref-26)
27. This approach is fundamentally similar to the explanation given by R. Solomon ben Simon Duran quoted below. See also: R. Abraham Badrashi, *Ḥotam Tokhnit*, Amsterdam 5625, 224: “*Patshegen*... the written words and their tropes. Similarly, the *Targum* interprets the words *Mishneh HaTorah* as *patshegan*. And perhaps the words *patshegen haketav* mean the form of the text or the copy, as evidenced by the verse *et Mishneh HaTorah Hazot*.” See also: Ibn Ezra, Deuteronomy 17:18. The commonly accepted interpretation of the commentaries on Maimonides’ work is that the name *Mishneh Torah* signifies its brevity. For instance, *Migdal Oz, Hilkhot Mila* 1:6, who writes: “I say that the late Rabbi arranged the laws according to the order of the Talmud, but he shortened what was lengthy, which is why he called his work the *Mishneh Torah*”; *Hilkhot Nezirut* 2:21; *Kesef Mishneh, Hilkhot Gerushin* 2:6: “This is why the Rabbi called his book *Mishneh Torah*, because he concisely writes everything that is written in the Gemara.” [↑](#footnote-ref-27)
28. Yerushalmi’s main goal (above, n. 25) is to prove the extent of the inquisitor’s knowledge and his character. On his older Franciscan contemporary, Raymund Martini, see: Shaul Lieberman, *Shekiin*, Jerusalem, 5699, and his article “Raymund Martini and His Alleged Forgeries,” *Historia Judaica*, 5 (1943), 87-102. [↑](#footnote-ref-28)
29. As is clear from an examination of *Responsa Yakhin Uboaz*, Livorno 1782. [↑](#footnote-ref-29)
30. *Milḥemet Mitzvah*, Yeruḥam Fischel Halevi edition, Leipzig 5616, the last three pages. See Chapter 6, 160, 189. [↑](#footnote-ref-30)
31. *Iggerot Harambam*, Shilat edition, 443. [↑](#footnote-ref-31)
32. *Malmad Hatalmidim*, Lyck 1866, Introduction. https://hebrewbooks.org/43014. [↑](#footnote-ref-32)
33. “Sefer Hamevakesh,” in Simḥa Asaf, *Mekorot Letoldot Haḥinukh Beyisrael*, Shmuel Glick edition, New York and Jerusalem: Jewish Theological Seminary of America, 2, 5761, 62. See also ibn Abbas, ibid, 66. [↑](#footnote-ref-33)
34. “Tzava’at R. Yosef ibn Caspi,” *Hebrew Ethical Wills*, ed. Israel Abrahams, Philadelphia: Jewish Publication Society of America, 1926, 2, 142. See *ibid* 153: “You are not content to take the law from Maimonides’ Code, though he asserted that no other book was necessary.” [↑](#footnote-ref-34)
35. R. Joseph ibn Caspi, “Seder Hasod,” *Mishneh Kesef*, Isaac Last edition, Pressburg 5665, 4. See chapter 6, 171. [↑](#footnote-ref-35)
36. *Sefer Almarshad Alkafi (Hamadrikh Hamaspik),* translated by Baruch Toledano, Tel Aviv 5721, Introduction, 23. [↑](#footnote-ref-36)
37. *Kevutzat Mikhtavim* (above, n. 22), 18. [↑](#footnote-ref-37)
38. This is quoted in an article by Yehuda Avida, “Sefer Mishneh Torah Leharambam Kesefer Limud,” *Areshet*, 3 (5721), 34. [↑](#footnote-ref-38)
39. R. Abraham ben R. Solomon of Torrutiel, “Sefer Hakabbala,” *Seder Haḥakhamim Vekorot Hayamim*, Abraham Neubauer edition, 1, Oxford 5648, 103. [↑](#footnote-ref-39)
40. See the *responsum* published by Simḥa Assaf, Kiryat Sefer, 20 (5603-5704), 42. [↑](#footnote-ref-40)
41. The expression “which was not the name given by its author” is unclear to me, since afterwards he writes “or by the name that he called it.” [↑](#footnote-ref-41)
42. See: *Iggerot Harambam*, Shilat edition, 302: “It has already reached the ends of the populated places”; “but in future times…all the people of Israel will make use of it alone.” [↑](#footnote-ref-42)
43. *Sefer Hamitzvot*, introduction. See my *Introduction to the Code of Maimonides,* New Haven:Yale University Press, 1982, 324ff. [↑](#footnote-ref-43)
44. *Iggerot Harambam*, Shilat edition, 301. [↑](#footnote-ref-44)
45. Maimonides’ *Responsa*, Blau edition, 725. [↑](#footnote-ref-45)
46. This is a matter of dispute that needs clarification. See, for example Abraham S. Halkin, “The Medieval Jewish Attitude Toward Hebrew,” *Biblical and Other Studies*, ed. Alexander Altmann, Cambridge, Mass.: Harvard University Press, 1963, 238. n. 27. [↑](#footnote-ref-46)
47. “Iggeret Teiman,” *Iggerot Harambam*, Shilat edition, 83. [↑](#footnote-ref-47)
48. See the bibliography that appears in Israel Jacob Dienstag’s article: “Binyamin Bacher Betor Ḥoker Harambam,” *Sinai*, 55 (5724), 71, n. 38 and 72ff. [↑](#footnote-ref-48)
49. See Scholem (Op. cit. n. 1), 83, n. 51. [↑](#footnote-ref-49)
50. The translator’s introduction to the *Guide for the Perplexed*, Judah Even Shmuel edition, Jerusalem 5707, 122. [↑](#footnote-ref-50)
51. Peretz Smolenskin, “Am Olam,” *Ḥamisha Ma’amarei Bikoret*, Vilna 5674, 235. See what I wrote in my book:
Isadore Twersky, *Rabad of Posquieres: A Twelfth-Century Talmudist*, Philadelphia: Jewish Publishing Society, 1980, 173. [↑](#footnote-ref-51)