

History of Halakhah

Week #2 – Geonim to Mishne Torah

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A. Introduction

- a. Introduction to Halakah B'Shanah
- b. Previous Class
 - i. Midrash
 - ii. Mishnah
 - iii. Talmud
- c. This Class
 - i. Post Talmud
 - ii. Clarification and Application

B. Genres of Halakhic Works

- a. Commentary
 - i. Outside Babylonia
- b. Responsa
- c. Code
 - i. Question of Organization

C. Early Codes

- a. Karaites
- b. Halakhot Gedolot (BaHaG)
 - i. Simeon Kayyara (9th Cent.)
 - ii. Talmud Order (Topics)
- c. Rif (Sefer Hahalakhot)
 - i. Population Shift
 - ii. Isaac Alfasi (11th Cent)
 - iii. Practical
 - iv. Talmud Recapitulation (Talmud Katan)
 - v. Commentaries

D. Revolution

- a. Mishne Torah
 - i. Organization
 - ii. Comprehensive
 - iii. Direct
- b. Reaction

E. Conclusion

- a. Importance and Challenge of Codes

Sources

1) Maimonides, Introduction to Sefer Hamitzvot

I deemed it advisable to compile a compendium that will include all the laws and precepts of the Torah, with nothing missing from it..., so that this compendium would include all the laws of the Torah of Moses, our teacher, whether or not they have practical relevance in this time of exile.

And I will include in it everything of the Torah that has been established and recorded, omitting no relevant question that may arise, or at least I will mention the principle by means of which that question can easily be resolved without reflecting too deeply. Such is my goal in this work: to be brief yet comprehensive, so that the reader might encompass all that is found in the Mishnah, the Talmud, the Sifra, the Sifrei, the Tosefta, and all enactments of the geonim, of blessed memory, who came afterwards, as well as all that they have explained and commented upon concerning what is prohibited or permissible, ritually impure or pure, and invalid or valid, [and who is] guilty or not guilty, liable or not liable to pay, and required or not required to take an oath. In short, there should be no need for any book written since the Torah other than this one from which to ascertain anything required anywhere in the entire Torah, including both Biblical and rabbinic laws.

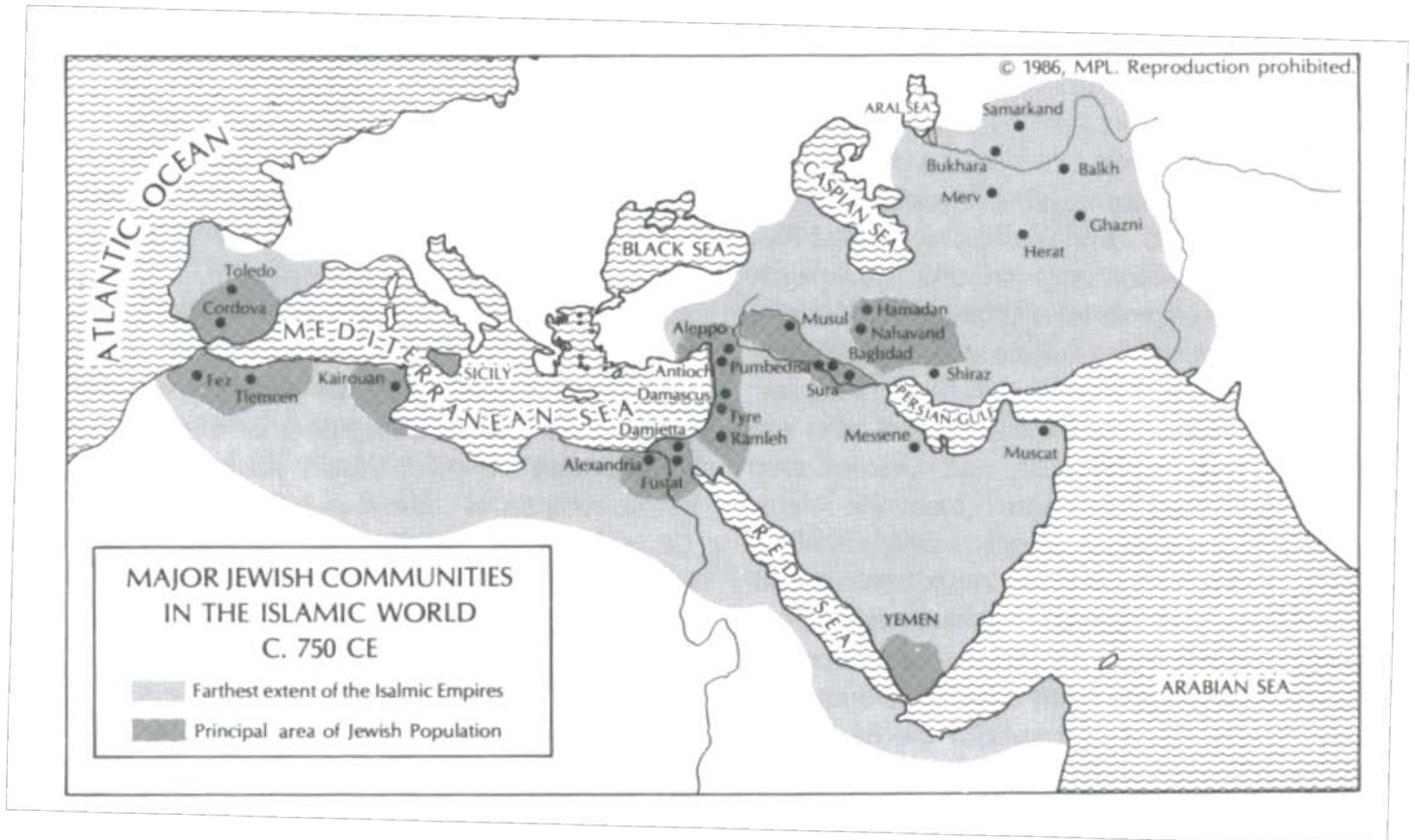
2) Maimonides, Introduction to Mishneh Torah

Thus, the entire Oral Law, systematically arranged, will become familiar to all, without citing arguments and counterarguments – one person saying one thing and another something else. Rather, [the law will be stated] clearly, pointedly, and accurately, in accordance with the conclusions drawn from all these compilations and commentaries that have appeared since the time of Moses to the present, so that all the laws, whether [Biblical] precepts of enactments adopted by the Sages and Prophets, will be accessible to old and young alike.

3) Asher b. Yehiel (Rosh), Responsa 31:9

Anyone who decides cases on the basis of the law set forth by Maimonides, of blessed memory, errs if he is not sufficiently expert in Gemara to be aware of Maimonides' sources. Such a judge renders decisions permitting what is forbidden and forbidding what is permitted. For he [Maimonides] did not follow the lead of other authors who adduced proofs for their opinions and provided source references to the Gemara that enable him [the reader] to grasp the underlying principle and arrive at the truth of the matter. Instead, he [Maimonides] wrote his book like one delivering a prophetic message from the Almighty, providing neither reason nor proof. Thus, anyone reading it [the Mishneh Torah] imagines that he understands it, but he really does not. For if he is not expert in Gemara, he cannot really and truly understand the subject, and he will err in the decisions he renders and the legal pronouncements he makes. Let no one, therefore, rely upon his readings of his [Maimonides'] book to give judgment or make legal pronouncements unless he [also] finds support in the Gemara [for the laws as stated by Maimonides].

Map



Chart

14 Volumes of Mishne Torah

Hebrew Name	English Translation
Madda	Knowledge
Ahavah	Love
Zemanim	Times
Nashim	Women
Kedushah	Holiness
Hafla'ah	Separation
Zera'im	Seeds
Avodah	Divine Service
Korbanot	Offerings
Taharah	Cleanness
Nezikin	Injuries
Kinyan	Acquisition
Mishpatim	Rights
Shofetim	Judges

Bibliography

1. *History of the Jewish People: From Yavneh to Pumbedisa* (Mesorah Publications, 1986)
2. Menachem Elon, *Jewish Law: History, Sources, Principles, Volume III*, The Jewish Publication Society, 1994