

process of trying to understand the Mishna, and through that God's will, is deemed as being of utmost importance.⁶

MISHNEH TORAH משנה תורה

(also called Yad Ha'hazaka יד החזקה)

The Mishneh Torah, written by Moses Maimonides (the Rambam) from around 1170 - 1180, was at its time probably the most influential Jewish legal work since the Talmud. As the dates show, the author worked on this text for ten years. Maimonides explains the purpose of the work as follows:

The wisest of our wise men has disappeared; the understanding of our prudent men is hidden. In our days, many difficulties prevail, and all feel the pressure of hard times. Hence, the commentaries of the geonim and their compilations of laws and responsa, which they took care to make clear, have in our times become hard to understand, so that only a few individuals fully comprehend them. On these grounds, I, Moses the son of Maimon the Sephardi bestirred myself, and relying on the help of God, blessed by He, intently studied all these works, with the view of putting together the results obtained from them... all in plain language and terse style, so that thus the entire Oral Law might become systematically known to all without citing difficulties and solutions of differences of view...but consisting of statements, clear and convincing...so that all rules shall be accessible to young and old. (Introduction to Mishneh Torah)

Maimonides attempted, through the Mishneh Torah, to guide Jews regarding correct Jewish behavior in a clear, systematic, organized fashion. He goes through all of the Mishna, Gemara and post talmudic legal literature and extracts the laws from the many discussions and digressions. We find in his work a legal code written in clear concise Hebrew and organized in such a way that people can find (without too much difficulty) the subject and issue they wish to examine. This type of endeavor was unprecedented in Jewish legal literature and made a huge impact on Jewish scholarship.

Although the Mishneh Torah is first and foremost a legal work, it also incorporates many philosophical and ideological aspects in its writings.

One would most naturally assume that such a work would be greeted with the greatest of admiration and appreciation. This was indeed the case. However, it also received much criticism. Many scholars worried that once given such a book, people would no longer want or be able to consult the original sources. According to some scholars, the Mishneh Torah made life too easy, it was as if Maimonides was handing over centuries of scholarship on a silver platter. Furthermore, Maimonides did not quote his sources. He codified the laws, summarizing them, but he did not cite the author of each opinion. In some cases, when an issue was debated in previous literature and no final decision had been arrived at, he himself made the decision. For these reasons, his work was seen by some as the height of arrogance.

⁶ Suggested further reading on the Talmud: Rabbi Steinsaltz's "The Essential Talmud".

Notwithstanding this criticism, the work was used and reused by his generation and all later generations. Maimonides had hoped to consolidate Jewish law into one comprehensive work. He succeeded in this aim but his work in turn became the foundation for many more layers of Jewish legal commentary and literature. More than three hundred commentaries on the Mishneh Torah have been - and continue to be - written and studied.

BEIT YOSEF בית יוסף SHULCHAN ARUCH שלחן ערוך

Hopefully, it is clear by now that the development of Jewish law has been a dynamic process throughout the generations. A source is studied, examined, and expanded upon until it is considered 'out of control', then an attempt is made to consolidate, summarize and codify. This code is then in turn discussed, analyzed, etc... until once again there is a perceived need to bring things together and make order out of chaos.

This is precisely what led Rabbi Joseph Caro to embark upon the writing of two great works: the Beit Yosef and the Shulchan Aruch, which can really be seen as two parts of one work.

In a manner similar to Maimonides, Caro took all previous Jewish legal literature and tried to consolidate it in a clear, organized fashion. Caro decided against writing an independent book, since there was no need to 'reinvent the wheel'. He therefore decided to write in the form of a commentary to an existing code. He chose to base himself on a legal work by the scholar Jacob ben Asher. He could have chosen to base his work on the Mishneh Torah but chose not to for several reasons, one being that Maimonides did not cite his sources or divergent opinions, and Caro thought this necessary.

In the Beit Yosef, published in 1555, Caro traces every law from its Talmudic sources through all legal literature and discussions to his day and provides decisive rulings on outstanding questions. He does not rule on his own but rather presents the majority of several leading halachic opinions (including that of Maimonides).

Although the Beit Yosef consolidated previous legal literature, its great depth and scope made it a very large work. Caro also wanted to produce a book that would be smaller and more compact. This led him to write the Shulchan Aruch ('Set Table') published in 1565. The Shulchan Aruch was originally very brief. A pocket edition of the work appeared in Venice, in 1574, and its title page states specifically that it was designed in this format "so that it could be carried in one's bosom so that it may be referred to at any time and any place, while resting or travelling" (quoted in Encyclopedia Judaica vol.5, p.198).

Once the Shulchan Aruch was published, it became the authoritative legal work which scholars studied and discussed. Many commentaries were added to it, resulting in a much larger work. Orthodox Jews turn to it till this very day.