



Mishneh Torah, Maimonides, Rab 350, folio 274. All illustrations in this section courtesy of the Library of the Jewish Theological Seminary.

The two most influential works of Rambam are the Mishneh Torah and Moreh Nevuchim. Therefore, in commemorating his 800th yahrtzeit (he died on Tevet 20, 4965; December 13, 1204), we thought it appropriate to focus on these two monumental masterpieces.

But, as we admire Rambam's literary works, let us not forget his towering figure as leader of his people. At the time, many Jews were presented with the choice of forced conversion or death. Rambam provided comfort and chizuk, as demonstrated in his Letter to Yemen and his Letter Concerning Shemad. He helped raise the enormous sums necessary for pidyon shevuyim. When he

arrived in Egypt, the Karaites were gaining strength over the Rabbinates. By the power of Rambam's intellect and personality, that trend was soon reversed. It was as if he was a Divine emissary sent to confront the enormous challenges of his time.

When he passed away, in his seventieth year, in Egypt, both Jews and Arabs mourned for three days. In Jerusalem, the mourners declared a general fast and read from the tochachah. Additionally, they read the haftarah from Samuel, which concluded with the following verse: "The glory of Israel has been exiled, for the ark of the Lord was taken from us" (1:4:22).

MAIMONIDES, MISHNEH TORAH, MANUSCRIPTS AND INDICES

BY CHAIM RAPOPORT

The Magnitude of the Mishneh Torah¹

A play on the words in Deuteronomy 34:10 gave birth to the following pun: "From Moses to Moses there did not arise one like Moses." Till this very day virtually no other Torah sage, both before or after Maimonides (1135²-1204), has earned the universal acclaim inherent in this well-known adage³ that has been engraved on the tombstone traditionally ascribed to Maimonides.⁴ Indeed, if taken on a literal level, namely that Moses Maimonides rose to the subliminal heights attained by Moses the Biblical lawgiver, this adage borders on heresy according to Maimonides' own standards.⁵ On the other hand, the saying should not be dismissed as mere hyperbole, for, in a sense, what Moses did for the Written Law, Maimonides did for the Oral Tradition.

No one before or after Maimonides has even attempted to codify the entire gamut of Jewish law and produce a canon of similar stature. Arguably, Maimonides' *Mishneh Torah* towers above all other post-Talmudic classics in terms

of its lucidity and comprehensiveness.

In the introduction to the *Mishneh Torah*, Maimonides writes that he anticipated that this work would serve as a substitute for all other classical works on Jewish law that were composed after the Bible. This never came to be, at least not on a universal level. On the other hand, Maimonides may never have envisioned the degree to which his code would become a focal point of rabbinic study, albeit not in the manner he had anticipated.

WHAT MOSES DID FOR THE WRITTEN LAW, MAIMONIDES DID FOR THE ORAL TRADITION.

Even those authorities who severely criticized certain aspects of the *Mishneh Torah* acknowledged the importance of this work. Moreover, even those rabbis who expressed disdain for some of Maimonides' theological doctrines and philosophical works,⁶ accepted his *Mishneh Torah* as a preeminent halachic code.

And today, some 800 years after the completion of the *Mishneh Torah*, it remains a preeminent canon of *halachah*. Hardly a day goes by on which we do not witness the ever-increasing growth of commentary and super-commentary

woven around the phrases and nuances of the *Mishneh Torah*. It is still a most fertile ground for the sprouting of *chidushei Torah* (original rabbinic insights) and debate.

For some, the *Mishneh Torah* has served more as a commentary than as a code. Others have also used it as a text through which even the layman can, via daily study, become familiar with all areas of Torah law.⁷ Virtually no community⁸ today has adopted the *Mishneh Torah* as the last word in Jewish law, yet its relevance even in the so-called discipline of "practical *halachah*" is unquestionable. Notwithstanding the preeminence of Rabbi Yosef Karo's *Shulchan Aruch* in matters of practical ruling, present-day authorities are often compelled to return to the legal formulae in the *Mishneh Torah* in order to make their case.

The fact that the *Mishneh Torah*, in contradistinction to the *Shulchan Aruch*, addresses areas of law that are not operative nowadays, has somewhat paradoxically made its present-day significance even more substantial. Most of the laws of ritual impurity, for example, are not of direct concern today, yet they have enormous impact on many matters that are of immediate relevance. These include the laws of sukkah, *mikvaot* and *tumat kohanim*. Invariably, *posekim* will turn to the *Mishneh Torah* for an authoritative statement in such areas.

Moreover, the *Mishneh Torah* fills a gap in many areas of law that are of

Rabbi Rapoport is the author of many scholarly works. His English books include The Messiah Problem: Berger, the Angel and the Scandal of Reckless Indiscrimination (Ilford, 2002) and Judaism and Homosexuality: An Authentic Orthodox View (London, 2004). The author wishes to thank Professor Menachem Kellner for his valuable comments on an earlier draft of this essay.

direct import today. The laws of repentance, for example, are not dealt with in the *Shulchan Aruch*, and consequently the *Mishneh Torah* remains the most authoritative work in this area. Likewise, laws in the *Shulchan Aruch* that relate to the status of a heretic would remain obscure were it not for the formulations in the *Mishneh Torah*. The debates that have raged over the height of the requisite partition (*mechitzah*) between men and women in the synagogue,⁹ the appointment of a woman as the president of a religious institution¹⁰ and the legitimacy of the belief in a “resurrected Messiah,” have all revolved around formulations in the *Mishneh Torah*; the *Shulchan Aruch* does not offer directives in these areas.

Textual Challenges and Contemporary Contributions

Virtually all texts that we have inherited from antiquity suffer from an accumulation of scribal errors, copyists’ mistakes and printers’ carelessness, which have been incorporated over the centuries. Maimonides’ works are no exception. In the case of the *Mishneh Torah*, this presents an even greater challenge. It is axiomatic to all students of the *Mishneh Torah* that this work was written with extreme meticulousness and precision. An accurate text is therefore all the more critical for the student who seeks to appreciate its proper meaning and decipher the delicate nuances of its phraseology. Indeed, it has long been recognized that obtaining a text of the *Mishneh Torah* that is as close as possible to the one that was penned by Maimonides himself is a desideratum of paramount importance.¹¹

Moreover, in light of the fact that Maimonides made periodical corrections to his own *Mishneh Torah*, the endeavor to ascertain whether our *Mishneh Torah* reflects his latest emendations is, likewise, a scholarly imperative.

The quest to determine the authentic reading of passages in the *Mishneh Torah* has given birth, during the last three decades, to several new editions of

the *Mishneh Torah*; primary amongst them are the Kafich edition and the Frankel edition. (Rabbi Nachum Rabinovitch, dean of Yeshivat Darkei Moshe in Israel, has also published a number of volumes of *Yad Peshutah*, a commentary on the *Mishneh Torah*. Space does not allow me to deal with the uniqueness of his contribution here.)

The Kafich edition is the work of one man, a Yemenite scholar named Rabbi Yosef Kafich (1917-2000),¹² who made *aliyah* in 1943 and who dedicated himself to translating and explicating the works of medieval Torah giants such as Maimonides and Rav Sa’adiah Gaon (ca. 1000). He was a prolific writer, and his unique talent in translating from Arabic into Hebrew has made his rendition of Maimonides’ *Commentary on the Mishnah* indispensable for any serious study of this work. His last major work was the publication of his lifelong labor, a new edition of the *Mishneh Torah* in twenty-three volumes (each volume runs from 400 to 800 pages), accompanied by a massive commentary, culled from the works of hundreds of commentators. A unique feature of this commentary is its “holistic” approach. On many occasions Rabbi Kafich endeavors to explain the *Mishneh Torah* in accordance with Maimonides’ views as expressed in his other writings, particularly his philosophical works.

The Frankel edition is the brainchild of philanthropist Rabbi Shabse Frankel, who emigrated from Brooklyn

to Israel some thirty years ago. Rabbi Frankel brought with him a plan for an ambitious project, namely, to produce a new edition of the *Mishneh Torah* that would be unencumbered by the many printing mistakes found in the standard editions. The Frankel edition includes important commentaries that are not available in the standard editions, in addition to *mekorot vetziyunim* (sources and references) and *Sefer Hamafteach*



Mishneh Torah, Maimonides, Spain, 15th cent., MS R1618, folio 255r.

(*The Book of Indices*). The latter provides detailed references for every passage in the *Mishneh Torah* to commentaries, *halachah* and responsa works that discuss a given passage. Rabbi Frankel employed a team of anonymous Torah scholars who worked to produce the beautiful *Frankel Rambam*, which has become a household name for all students of the *Mishneh Torah*. So far, all but one volume of this

edition have been published.

Both the Frankel and Kafich editions seek to assist the student in his pursuit of the correct reading of any given passage.

The *Frankel Rambam* does this in three ways. Some amendments have been made to the body of the text itself. Others have been provided as alternative readings in a special critical apparatus on the margin of the text called *shinuyei nuschaot* (variant readings). Others still have been relegated to a more extensive, self-contained, critical work called *Yalkut Shinuyei Nuschaot* (a collection of variant readings), published at the end of each volume.

Rabbi Kafich’s edition presents the text based on Yemenite manuscripts, which he considers to be the most accurate. He cites an old tradition that relates that during Maimonides’ lifetime, Yemenite Jews sent expert scribes to Egypt to copy the *Mishneh Torah* from Maimonides’ own manuscripts. From time to time they returned to Egypt to update the changes that Maimonides had himself made. As a result, these manuscripts supposedly reflect the *mishnah acharonah* (the last word) of Maimonides.

In the introduction to his edition of *Sefer Hamadda*, Rabbi Kafich asserts:

We have turned back the wheel 800 years to its point of origin, and we are publishing, with God’s help, the words of Maimonides in full as we received them from his blessed hand, and they appear on the page as he wrote them and in his language³ ... this is the first time in 800 years that Maimonides’ book is published according to the Yemenite manuscripts, by Yemenite émigrés.

An additional feature of the Kafich edition:

Just as the text is presented according to the manuscripts, so too, the division of the halachot is presented according to the majority of the manuscripts and fragments of manuscripts in my possession.

Let us now explore two random examples (one from the first book of the *Mishneh Torah*, *Sefer Hamadda*, and the other from the last book, *Sefer Shoftim*) in which the critical apparatuses in the

Kafich and Frankel editions of the *Mishneh Torah* provide an important service for students.

Kafich and Frankel in Operation: Two Examples

A. In a well-known passage in the *Mishneh Torah* (*Hilchot Melachim* 8:11), Maimonides writes:

Everyone who accepts the seven commandments [of Noah] and is careful to do them is [one] of the chassidei umot haolam [righteous persons of the nations of the world] and has a share in the world to come. This is so if he accepts them and does them because God commanded them in the Torah and made them known to us,

VIRTUALLY ALL TEXTS THAT WE HAVE INHERITED FROM ANTIQUITY SUFFER FROM AN ACCUMULATION OF SCRIBAL ERRORS, COPYISTS’ MISTAKES AND PRINTERS’ CARELESSNESS. MAIMONIDES’ WORKS ARE NO EXCEPTION.

through Moses, our teacher, that Noah had previously been commanded [to observe] them. However, if he observes them out of his own rational considerations, he is not a resident alien, nor [one] of the righteous of the nations of the world, nor of their wise men (velo mechachmeiheim).

This is how the passage reads in virtually all printed editions of the *Mishneh Torah*, including the editio princeps published in Rome in 1480.

Yet, in the Yemenite manuscripts, the final sentence of this paragraph reads: *However, if he observes them out of his own rational considerations, he is not a resident alien, nor of the righteous of the nations of the world, but (ela) of their wise men.*¹⁴

Accordingly, our reading is the result of a scribal or printing error. Somehow the *alef* of *ela* was mistaken for a *vav*, making the word read as *velo*. It is indeed quite conceivable that the configuration of the *alef* in *ela* become defaced

or worn away and appeared as a *vav*.¹⁵ Be that as it may, bibliographic evidence seems conclusive toward reading *ela*, even though all printed editions of our text contain *velo*.¹⁶

The difference between *velo mechachmeiheim* and *ela mechachmeiheim* has enormous philosophical and halachic implications. The question as to whether or not Maimonides rejected the notion of natural law is, to a degree, dependent on which reading is correct: *velo* or *ela*. The halachic status of Gentiles who do not believe in the Revelation at Sinai, but who nevertheless observe the Noahide Code out of moral conviction, is, in part, contingent upon the *velo/ela* debate.

In former times, the reading *ela mechachmeiheim* would have been available only to researchers. However, in the Kafich and Frankel editions, this reading has been standardized and the old reading, *velo mechachmeiheim*, relegated to the marginal notes. Thus the “correct” reading, with its far-reaching ramifications, has been made available to all.

B. Difficulties over which many a quill have been broken have often been resolved by recourse to manuscripts.

For example, in *Hilchot Avodah Zarah* 4:13, Maimonides writes:

Concerning any sanctified animal within the subverted city (ir hanidachat); any animal that had been sanctified for sacrifice on the altar is killed ... whereas items sanctified for the upkeep of the Temple (bedek haBayit) are redeemed, and they are burned (sorfim otam), for Scripture states, “its booty” (shelalah), and this excludes the “booty of Heaven” (shelal Shamayim).

Rabbi Avraham ben David of Posquieres (Ra’avad) challenged the final ruling of this passage. It appears evident from the last *sugya* in *Sanhedrin* (112b) that whatever belonged to the category of *shelal Shamayim* at the time that the city was condemned is excluded from the commandment (Deut. 13:17) “and you shall burn the city and its entire spoil in fire.”

How can Maimonides assert, on the one hand, that *bedek haBayit* comes under the rubric of *shelal Shamayim*, and,

on the other hand, that such items must ultimately be burned? Centuries of sages have toiled to reconcile this *halachah* in the *Mishneh Torah* with the authoritative *sugya* in the Talmud. Indeed, some very ingenious solutions have been suggested.

Yet, if one accepts the manuscript reading, made available to the reader of the Frankel and Kafich editions, the question becomes a non-sequitur. According to some manuscripts, Maimonides wrote [not *sorfim otam* but] *sorfim otah*.¹⁷ This changes the purport of the entire sentence. In English the law may now be rendered as: “Items sanctified for the upkeep of the Temple are redeemed, and it [i.e., the city] is burned.” The difference of a single letter, technically dependent on two small holes in the final *mem* of “*otam*” (one at the bottom and one at the side), has provided a simple solution to the problem. Thus, the onset of the manuscript era, and the restorative textual criticism of the new editions of the *Mishneh Torah*, have provided, in certain instances, an alternative to the intricate pilpulistic method of explaining difficult passages in the *Mishneh Torah*.¹⁸

Horizons Ahead

Notwithstanding the tremendous achievements of either Rabbi Kafich or the Frankel team, neither of the editions is beyond criticism.

Rabbi Kafich works on the assumption that the Yemenite manuscripts are the most reliable and that they reflect Maimonides’ final word, his *mahadura batra*. Eminent scholars, such as Rabbi Shlomo Zalman Havlin, have challenged this assumption on scholarly grounds.¹⁹

Rabbi Kafich’s boldness has allowed him to dismiss the *Letters of Maimonides to the Sages of Lunel* (in which he explains certain *halachot* in the *Mishneh Torah*) as the work of forgery.²⁰ Rabbi Kafich’s “unilateral” decision in this regard is, arguably, over-presumptuous.²¹

His attitude towards some of the earlier commentaries on the *Mishneh Torah* may strike some as being unduly dismissive, if not discourteous. In at least one place, he rejects, on dubious

grounds, the testimony of Maimonides’ own son, Rabbi Avraham, about a correction his father had made in the text of the code.²²

Although Rabbi Kafich cites hundreds of different commentaries, he does not seem to have made any use of the commentaries that have emerged from the so-called Brisker school of *lomdus*.²³ Evidently, their analytical approach was foreign to him, and he probably did not consider practitioners of Brisker *lomdus* to be legitimate explicators of the *Mishneh Torah*.

Rabbi Frankel’s ambition to produce an error-free edition has not yet been realized. The editors’ claim to have restored the original text of the *Mishneh Torah*—“the one penned by our Master”—contradicts their own admis-

IT IS OBVIOUS THAT THE FRANKEL EDITION HAS BEEN, MOST UNFORTUNATELY, HIJACKED BY POLITICAL PARTISANSHIP, LEADING TO THE DENIGRATION OF GEDOLEI YISRAEL.

sion that “generally speaking, we have avoided making any significant changes to the body of the text, that have [heretofore] not been made in any of the printed editions of the *Mishneh Torah*.”²⁴ Thus, in *Hilchot Nizkei Mamon* 4:4, the Frankel edition has preserved the “traditional” reading, notwithstanding Maimonides’ own testimony that the text as “we” have it is corrupt.²⁵

The editors’ decisions concerning which changes to incorporate into the main text, which to place in the margin and which to relegate to the *Yalkut Shinuyei Nuschaot* are somewhat arbitrary. There are even differences in this regard between the various prints of the Frankel edition, as the discerning eye will notice.²⁶ On occasion the *mekorot*

vetziyunim in this edition also seem to have been affected by an unexplainable bias and process of selectivity.²⁷

The Book of Indices, one of the highlights of the Frankel edition, has developed over the years. The indices to *Sefer Zemanim*, first published in 1975, contain references to no more than 300 works; even the well-known *Seder Mishneh* of Rabbi Binyamin Ze’ev Wolf HaLevi Boskowitz (1740-1818) is not referred to; *Sefer Kinyan*, published in 1990, enumerates some 1,000 volumes that are referred to, and *Sefer HaMadda*, published in 2001, contains references to over 1,800 works! Unfortunately, virtually no bibliographical details are provided for the works cited, and, as a result, tracing the references to some of the more obscure volumes can be quite a tiresome task.

The editors seemed to have adopted an unwritten policy that, with few exceptions,²⁸ works whose authors are still alive are not referred to. Thus, for a random example, the indices to *Hilchot Melachim* ignore the thorough commentaries of Rabbis Yehudah Gershuni,²⁹ David Yitzchak Man³⁰ and Gershon Arieli.³¹ Needless to say the contributions of Rabbis Kafich and Rabinovitch are not mentioned.

Moreover, neither the death of the author nor the quality of his scholarship guarantees that his work will gain entry into the Frankel index. The significant contributions of Rabbi Yaakov Reines (1839-1915)³² and, more recently, Rabbi Isaac Herzog (1888-1959)³³ have also been refused admission by the Frankel “selection committee.”

It is obvious that the Frankel edition has been, most unfortunately, hijacked by political partisanship, leading to the denigration of *gedolei Yisrael*. The numerous *chiddushim* of Rav Avraham Yitzchak HaKohen Kook (1865-1935), Rabbi Yosef Dov HaLevi Soloveitchik (1903-1993) and Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe (1902-1994), are not referred to even once. The editors of the Frankel edition feign oblivion of the landmark essays of the Lubavitcher Rebbe on

*Hilchot Beit Habechirah*³⁴ and *Hilchot Melachim*.³⁵ For example, Rav Kook’s classic *Shabbat HaAretz* (Jerusalem, 1937) on *Hilchot Shemittah Veyovel*, as indeed all other works of Rav Kook,³⁶ is ignored, as are the many works of Rav Soloveitchik, whose contribution to the Brisker analysis of the *Mishneh Torah* amounts to a voluminous literature.³⁷

This does not mean to say that the editors shy away from all “controversy.” The notorious responsa forgery, namely Saul Berlin’s *Besamim Rosh*,³⁸ is included in the index, and the *Dor Revi’i (Chiddushim on Chulin* [Klausenburg, 1921]) of Rabbi Moshe Shmuel Glasner (1856-1924) is made welcome despite the ardent Zionism and other controversial views of its author.³⁹

It is sometimes difficult to understand the parameters for inclusion in Frankel’s “gallery of the great.” The contentious *VaYoel Moshe* (New York, 1959), an anti-Zionist polemic written by Rabbi Yoel Teitelbaum (1887-1979) is referred to, whereas the famous *Derishat Zion* (Lyck, 1862) of Rabbi Zvi Hirsch Kalischer (1795-1874) is apparently *livre non gratis*, presumably on account of his unconventional views regarding the restoration of the sacrificial order before the Messianic era.⁴⁰ (It is, however, noteworthy that Rabbi Chaim Nathanzohn’s *Avodah Tamah* [Altona, 1872], which is virtually a page-by-page rebuttal of Rabbi Kalischer’s *Derishat Zion*, is referenced, thereby leading the genuine researcher to the “tabooed” book, albeit indirectly).

The People of the Book will forever be indebted to those who have dedicated themselves to deciphering the manuscripts of the *Mishneh Torah* and who have provided new tools for the appreciation of Maimonides’ great edifice. Let us hope that the shortcomings and lacunas of the above-mentioned editions will be addressed in the near future.⁴¹

The Jewish people are blessed with many scholars who possess the requisite skills and acumen to produce a wholesome edition of the *Mishneh Torah*, one which will also be free of arbitrary discrimination against, and denigration of, *tzaddikim* and *chachamim*. May we merit

the day on which Maimonides’ own motto will prevail: “Accept the truth from whoever says it.”⁴² JA

Notes

1. For more details and sources regarding matters discussed in the first section of this article, see Isadore Twersky, *Introduction to the Code of Maimonides* (Connecticut, 1980). See also his “Maimonides’ Image: An Essay on His Unique Stature in Jewish History” (Hebrew), *Asufot* 10 (1997): 9-35.
2. Or 1138; see Shlomo Zalman Havlin, “The Date of Maimonides’ Birth,” *Da’at* 15 (1985): 67-79.
3. On occasion it has been used in praise of other greats. See, for example, Rabbi Moshe Isserles (ca. 1525-1572), *Teshuvot HaRema* (Cracow, 1640), no. 67. See also Byron L. Sherwin, *Sparks Amidst the Ashes: The Spiritual Legacy of Polish Jewry* (New York, 1997), 36.
4. See also Rabbi Moshe Alshakar (1466-1552), *Teshuvot Maharam Alshakar* (Sabionetta, 1554), no. 117.
5. His *Thirteen Principles of Faith* include the affirmation that no one will ever reach the “perfection” of Moses. However, this may refer particularly to Moses’ prophetic power.
6. For example, the Vilna Gaon (1720-1797), who (in his glosses to *Yoreh Deah* 179:13) condemned Maimonides as having been misled by “philosophy,” which, he said, led him to reject demonology.
7. See, for example, Rabbi Meir Poppers (seventeenth century), *Ohr Tzaddikim* (Hamburg, 1690), 22:19. See also Rabbi Menachem Mendel Schneerson (1902-1994), *Likkutei Sichot* 27 (New York, 1989), 229ff.
8. The obvious exception to this rule being some Yemenite Jews, who, I believe, continue to this day to use the *Mishneh Torah* as a practical code.
9. See *Mishneh Torah, Hilchot Lulav* 8:12; *Hilchot Beit Habechirah* 5:9; *Perush HaMishnah Sukkah* 5:2; *Middot* 2:5. For a recent discussion of the *Mishneh Torah*’s role in the *mechitzah* controversy, see Rabbi Baruch Oberlander’s comprehensive article “*Din Mechitzah Hamaseket Bein Anashim Lenashim*,” *Pardes Chabad* 13 (Elul 5764): 95-150, esp. the notes and references on pp. 102-107.
10. See *Mishneh Torah, Hilchot Melachim* 1:5 and J. David Bleich, “Women on Synagogue Boards,” *Contemporary Halakhic Problems* 2 (New Jersey, 1983), 256ff.
11. It is noteworthy that the halachic debate regarding the position of the *bimah* in the sanctuary of the synagogue revolves, to a large degree, around the wording of *Mishneh Torah, Hilchot Tefillah* 11:3: “One makes a *bimah* in the middle (*b’eemtzta*) of the synagogue for the Torah reader to stand on ... so that all can hear.” (See the sources cited in *Encyclopedia Talmudit* 3, entry “*Bimah*,” 112.) Yet, according to *Oxford Manuscript Huntington* 80 (which includes Maimonides’ own signature, certifying that the book was proofread and corrected according to his own copy), a facsimile of which is available in *The Authorized Version of the Code of Maimonides, Mishneh Torah: Madda, Ahavah*, ed. Shlomo Zalman Havlin (Jerusalem, 1997), the critical word “*b’eemtzta*” may be

the result of a scribal error.

12. For a biographical sketch on Rabbi Kafich, see Matis Greenblatt, “Rabbi Yosef Kafach: A Life Fulfilled,” *Jewish Action* (winter 2000): 53-54. More recently, Rabbi Kafich’s granddaughter, Avivit Levy, has published *Holeich Tamim: Morashto, Chayav Ufoalo Shel HaRav Yosef Kafich* (Israel, 2003).

13. Rabbi Kafich acknowledges the following: *It is true that there are minor variations among the manuscripts, changes which naturally occur as unintentional sprinklings emitted from the quill pen of the copyist, which require close attention to detail. Nevertheless, I noted these, but not in a consistent manner, because I don’t spend time on full versus short spellings and so forth, and I generally followed the majority.*

14. This is also the reading of this passage as cited in *Teshuvot Maharam Alshakar* 117 and endorsed by Rav Avraham Yitzchak HaKohen Kook (1865-1935), *Iggerot Re’iyah* 1 (Jerusalem, 1961), no. 89. (The text cited in Rabbi Yosef ben Shem Tov [ca. 1400-ca.1460], *Kevod Elokim* [Furth, 1556], 29a, reads *aval*, which is a synonym for *ela*.) See also, *Encyclopedia Talmudit* 3, p. 362, n. 465. For a discussion of this textual problem see Eugene Korn, “Gentiles, The World to Come, and Judaism: The Odyssey of a Rabbinic Text,” *Modern Judaism* 14 (1994): 265-287, and the references in the notes thereon. See, also, Menachem Kellner, “Steven Schwarzschild, Moses Maimonides, and ‘Jewish Non-Jews,’” *Moses Maimonides (1138-1204): His Religious, Scientific, and Philosophical Wirkungsgeschichte in Different Cultural Contexts*, eds. Goerge K. Hasselhoff and Otfried Fraisse (Ergon: Wuerzburg, 2004), 587-606.

15. See Korn, p. 273 and J. David Bleich, “Judaism and Natural Law,” *The Jewish Law Annual* 7, p. 9, n. 15, who attributes the reading *ela* to the Bodleian manuscript [!] and argues that:

there is one cogent reason for assuming the published text to be accurate and the Bodleian manuscript to be corrupt. It is virtually an axiom of halachic hermeneutics that early authorities in general, and Maimonides in particular, did not employ unnecessary verbiage. The phrase velo mehakhamehem serves to negate Natural Law doctrines and hence Maimonides would have had reason for its inclusion. The phrase ela mehakhamehem has neither halachic nor philosophical import and would constitute an irrelevant interpolation.

See, however, Rav Kook, *Iggerot Re’iyah*, 100, who suggests an elaborate “omni-significant” reason for Maimonides’ addition, *ela mechachmeiheim*.

16. The Frankel edition claims that all (accessible) manuscripts of the *Mishneh Torah* have the reading *ela mechachmeiheim*. It is therefore surprising that Bleich (previous note) asserts that “most manuscripts” contain the reading *velo mechachmeiheim!*

17. See, however, Rabbi Yitzchak Sheilat, *Rambam Meduyak* (Maale Adumim, 2004); *Hilchot Avodah Zarah*, *ibid.*, n. 4.

18. With regard to *posekim* who issued rulings based on Maimonides’ *mahadura kama*, original text, (not having access to Maimonides’ final recension), see Rabbi Menachem Mendel Schneerson, *Yein Malchut* 2 (New York, 1987), 648-651.

19. See Havlin in his introduction to *The Authorized Version*. See also his brief article, “An

Autograph of the Rambam (Bodleian MS 577),” *Alei Sefer* 18 (1996), 171ff, (particularly nn. 4, 9 and 10) and Rabbi Sheilat, in his preface to *Rambam Meduyak*, sec. 6-7, pp. 12-15.

20. See Rabbi Kafich, “*She’elot Chachmei Lunel Uteshuvot HaRambam: Kelum Mekoriot Hen?*,” *Sefer Zikaron LeHarav Yitzchak Nissim*, ed. Meir Benayahu (Jerusalem, 1985), 235-252; Rabbi Sheilat’s rejoinder to Rabbi Kafich, “*Klum Teshuvot HaRambam LeChachmei Lunel Mezuyafot Hen?*,” *ibid.*, 253-256 and Rabbi Kafich’s response, *ibid.*, 257.

21. See Havlin, *Alei Sefer* 12 (1986): 14; David Henshke, “*HaRambam Kimefaresh Divrei Atzmo*,” *Sefunot* 23 (2003): 124, n. 34.

22. See Rabbi Kafich’s commentary on *Hilchot Chametz Umatzah* 5:2. Regarding this matter, see at length, Rabbi Baruch Oberlander, “*Iyun Bemahadurot Hachadashot shel HaMishneh Torah LehaRambam*,” *Ohr Yisrael*, no. 23, (New York, 5761), 215ff.

23. On this method, see Norman Solomon, *The Analytic Movement: Hayyim Soloveitchik and his Circle* (Atlanta, 1993), and the relevant studies cited in the bibliography thereon; Marc B. Shapiro, “Review Essay: The Brisker Method Reconsidered,” *Tradition* 31, no. 3 (spring 1997) and, more recently, Rabbi Mosheh Lichtenstein, “What Hath Brisk Wrought: The Brisker *Derekh* Revisited,” *The Torah U-Madda Journal* 9 (2000): 1–18. See also Rabbi Doniel Schreiber, “The Brisker *Derekh* Today: Are We Pursuing the ‘Path’ Envisioned by Reb Hayyim?,” *Wisdom from All My Teachers*, eds. Jeffrey Saks and Susan Handelman (Jerusalem, 2003).

24. See Y. S. Spiegel, *Chapters in the History of the Jewish Book: Scholars and their Annotations* (Ramat Gan, 1996), 561 and Rabbi Sheilat, *Rambam Meduyak*, sec. 9, p. 17.

25. See *Teshuvot HaRambam*, ed. Blau, no. 433, cited in the margin of the *Frankel Rambam, Hilchot Nizkei Mamon*, *ibid.*

26. See Havlin, *Yeshurun* 5: p. 716, n. 69; Rabbi Yoel Katan, *HaMa’ayan* 44:1: p. 79 and n. 4.

27. The marginal notes, “*mekorot vetziyunim*,” on the first paragraph of the first section of the *Mishneh Torah* provide a good example of this. Maimonides commences *Hilchot Yesodei HaTorah* with the statement: “It is the most basic of basic principles . . . to know that there is a First Being [namely God] who brings into being all other beings.” The “*mekorot*” (p. 34) refer the reader to Maimonides’ *Sefer HaMitzvot* where, in the same context, the word *leyda* is substituted with *leha’amin*. *Mekorot* informs the reader that *leha’amin* is a translation of Maimonides’ Arabic term *itakad*. “All the translators of *Sefer HaMitzvot* and the *Perush HaMishnah* have translated this word [*itakad*] as *leha’amin*.” This assertion simply flies in the face of the facts. Rabbi Kafich, in his edition of *Sefer HaMitzvot* (Jerusalem, 1971), translates *itakad* as “know,” and Rabbi Chaim Heller (1878-1960), in his edition of the *Sefer HaMitzvot* (New York, 1946), n. 1, also points out that the term *itakad* connotes knowledge rather than belief.

The case of *leha’amin* vs. *leyda* serves as an example of another “Frankel phenomenon,” namely that the various editors evidently do not engage in sufficient dialogue. For in the Frankel edition of *Sefer HaMitzvot* (published some six years earlier than the *Sefer HaMadda*), the compilers of the “*mekorot vetziyunim*” (p. 207) state explicitly that *leha’amin* is not an accurate translation of the Arabic and suggest that an alternative rendition of the Arabic *itakad* would be *leyda*!

28. Rabbi Chaim Kanievsky is one such exception. His *Derech Emunah* on *Sefer Zeraim* is quoted numerous times.

29. *Mishpat HaMeluchah* (New York, 1950). Rabbi Gershuni passed away in 2000 after the Frankel edition of *Sefer Shoftim* was published (in 1999). Yet his *Chukat HaPesach* on *Hilchot Korban Pesach* (New York, 1955)—published with a *haskamah* (endorsement) of the renowned Rabbi Isser Zalman Meltzer (1870-1954)—is also not on record in the Frankel edition of *Sefer Korbanot*, published in 2003.

30. *Be’er Miriam*, 3 vols. (Kfar Chassidim, 1981-1984).

31. *Torat HaMelech* (Jerusalem, 1958; 1984).

32. His *Edut BeYaakov* (Jerusalem, 1951) contains many *chiddushim* on *Mishneh Torah, Hilchot Edut*.

33. For example, his *Torat Haohel: Shiurim al HaRambam, Hilchot Sanhedrin* (Jerusalem, 1948).

34. These have been collected and published in *Rambam Hilchot Beit Habechirah im Chiddushim Ubiurim* (New York, 1990).

35. For some of these, and many other *chiddushim* on the *Mishneh Torah*, see his

Chiddushim Ubiurim BeShas [Ubedivrei HaRambam] 1 (Jerusalem, 1979); vol. 2 (New York, 1985) and vol. 3 (New York, 1987).

36. See, in relation to the omission of Rav Kook, the censorial remarks of Aryeh Stern in his *Petach Davar* to the *Maftach Leperushim al Mishneh Torah LehaRambam*, 2d ed. (Jerusalem, 1995) and the evidently restrained rebuke of Rabbi Yonah Emanuel in his review essay on the Frankel edition of *Sefer Zeraim* in *Hama’ayan* 31, no. 3: p. 49. It is noteworthy that other *gedolei Yisrael* who are referred to in the Frankel indices, for example, Rabbi Shlomo Zalman Auerbach (1900-1995), cite Rav Kook’s writings with great respect, even awe. See, for example, his *Ma’adanei Eretz* (Jerusalem 1944; 1972), preface and chap. 1.

37. His works include *Shiurim Lezecher Abba Mori, zt”l* 1 (Jerusalem, 1983); vol. 2 (Jerusalem, 1985); *Kovetz Chiddushei Torah* (a collection of *chiddushim* that had previously been published in rabbinic journals); *Chiddushei HaGram VebaGrid* (New York, 1993) and *Iggerot HaGrid HaLevi* (Jerusalem, 2001). The latter three volumes also include *chiddushim* of his father, Rabbi Moshe Soloveichik (1879-1941).

38. Saul Berlin (1740-1794) first published this fraudulent work in 1793. See Reuven Margaliyot, “Rabbi Saul Berlin, the Forger of the Book *Besamim Rosh*,” *Aresheet* (1944): 411-418.

39. See David Glasner, “Rabbi Moshe Shmuel Glasner, The *Dor Revi’i*,” *Tradition* 32, no. 1 (winter 1998): 40-56 and Rabbi Ya’akov Elman, “Rabbi Moses Samuel Glasner: The Oral Torah,” *Tradition* 25, no. 3 (spring 1991): 63-69.

40. See Jody Myers, *Seeking Zion: Modernity and Messianic Activism in the Writings of Tsevi Hirsch Kalischer* (Oregon, 2003), 89-96; 211ff and esp. 214, n. 146.

41. Insofar as the variant readings and the restoration of the “authentic” text is concerned, we are pleased to note the most recent contribution of Rabbi Sheilat in his *Rambam Meduyak* (cited in n. 17 above). With regard to the indices, the authors of *Maftach Leperushim al Mishneh Torah LehaRambam* (cited in n. 36) have successfully redressed some of the faults of the Frankel *maftach*, although their own *maftach* leaves much to be desired in both content and structure. The prefatory remarks of the editors indicate that they may yet produce a more wholesome work.

42. Intro. to *Shemonah Perakim*. See also *Mishneh Torah, Hilchot Kiddush Hachodesh* 17:24.