

THE GROUPING OF THE 613 COMMANDMENTS IN RABBINIC LITERATURE.

A

Graduation Thesis

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by

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TO THEM--

Whose intense Jewishness

Whose Jewish Loyalty

Whose Love for all Things Jewish

--- inspire me;

Whose never-ceasing Love and Devotion

--- stimulate me;

TO MY PARENTS

My First Teachers

this is dedicated in filial

Gratefulness, Reverence and Love

by their

SON.

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PREFACE.

The purpose of this essay is to determine the different methods of grouping in Rabbinic literature the commandments of the Pentateuch.

I am concerned entirely with the development of systems of arrangement and with the methods of grouping of the מצוות. The Halachah is extraneous to my purposes. With the reasons for the laws and with the currents of ideas in them, except insofar as they affect the grouping or enumeration of precepts, I am not dealing here.

I attempted to treat the development of the classification of the מצוות historically, from the first accessible sources to the present day. I have studied all the sources, I believe. But at the last moment, due to lack of the time required to carry out to the full the original plan, I shortened the extent of the subject by bringing the development up to the time of Maimonides. It is my earnest hope, that God granting me life and strength, I would translate Maimonides' ספר מצוות, at which time I hope to utilize all the material and notes which I have gathered, covering the attempts at the arrangement and enumeration of the precepts to the present time. I thought it advisable to stop with Maimonides, since his work has not been improved upon—as yet. Those who came after him are only following in his footsteps.

I wish to record here my gratefulness to my esteemed teacher, Professor Jacob Z. Lauterbach, not only for valuable suggestions offered, but also for the stimulus which his whole-hearted, fervent love for

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the field in which the theme of this effort lay, has been.

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INTRODUCTION.

The Pentateuch narrates not only the traditional history of Israel's beginnings. It contains in its composite form the organic law not alone of the Israelites--using the term in its historical significance as applying to pre-exilic, exilic, and post-exilic national Israel, but of the Jews ~~of the Jews~~ of the generations which have lived and striven and struggled and hoped in the strength inspired by this law since the fateful year 70. Indeed, that collection of laws has become in the mind of the Jew--the Law, the Law *par excellence*; it has become his *Torah*, the centre of his spiritual and soul life, the hub--as it were--about which he constructed his Judaism.

It has been said that "law is stable".¹ This is true with reference to the law which the Pentateuch represents if we presuppose that the Law has not come down "ready-made" and formulated, but rather that it represents the result of the evolution in social and moral life and consciousness of many generations during numerous centuries.

The Law with which we deal has become practically stable, so we may reasonably assume, about the year 300 B.C.² But before it reached that stage it has been growing and developing for "at least eight or nine centuries. Through five centuries it was assuming its final written form. In its historical origin it is like a pyramid with the little primitive decalogue of Exodus 34:10-26 at the top, the subsequent codes in successive layers, and the large, composite Priestly codes at the base... At the apex stands Moses, dominating with his per-

sonality and with the magic of his name all parts of the rapidly ~~known~~ broadening pyramid. That which makes it difficult to distinguish its original form is the fact that, like many of the temples and cities of antiquity, it has been rebuilt so often and the original order so far disarranged that it is possible only by the most careful study of the individual parts to restore each to its former place... Some smaller stones bear no clear mason's mark and fit almost equally well in several different places; but, with these unimportant exceptions, the reconstruction is complete; and we may behold in imagination the outlines of Israel's law as it gradually took form. That law as a whole represents the work of scores and hundreds of men: judges, like Moses, who rendered precedent-making decisions;... unknown priests, prophets, and scribes, who formulated the laws in written form; revisers who adapted them to new circumstances; editors, who, without any hope of reward except the sense of having preserved the divine messages entrusted to their race, copied and re-incorporated earlier collections of laws into the later codes, and reformers, like Hilkieh, Josiah, Nehemiah and Ezra, who rescued the new codes of their day from threatening oblivion and secured their universal acceptance and practical application to the life of the nation".³

Once it reached that stage the Law, became stable in the same sense as the Constitution of the United States of America is stable, i.e. it became fundamental, and was ascribed that sanctity which naturally, tended to make it inabrogable.

But, the Law was the law of a living people, hence, it was subject to change with the revolving life of the people. The process was similar to the one which is evidenced in this country with re-

garg to the Federal Constitution. The words of the Law were subjected to interpretation and comment, and the Mishna and the Gemara may be placed--with regard to their position in the growth of the Jewish jurisprudence--in the same relation as the *responsa prudentum* (the answers of the learned in the law) bear to the fundamental element in Roman jurisprudence-- the Twelve Tables. "At first they (the *responsa prudentum*) were exclusively collections of opinions interpretative of the Twelve Tables. As with us, all legal language adjusted itself to the assumption that the text of the old Code remained unchanged...It overrode all glosses and comments, and no one openly admitted that any interpretation of it, however eminent the interpreter, was safe from revision on appeal to the venerable texts."⁴ However, these *responsa*, especially those of authoritative students of the law, assumed great authority, and in time, "constantly modified, extended, limited or practically overruled the provisions of the Decemviral law. The authors of the new jurisprudence during the whole progress of its formation professed the most sedulous respect for the letter of the Code. They were merely explaining it, deciphering it, bringing out its full meaning; but then, in the result by piecing texts together, by adjusting the law to states of fact which actually presented themselves and by speculating on its possible application to others which might occur, by introducing principles of interpretation derived from the exegesis of other written documents which fell under their ~~obligation~~ observation, they reduced a vast variety of canons which had never been dreamed of by the compilers of the Twelve Tables and which were in truth rarely or never to be found there."⁵ Any one, be his acquaintance with the growth of Jewish law and ethics

never so superficial will recognize in the above quotation the similarity which the Roman *responsa* bear to the Mishna and the Gemara, as well as to the subsequent Rabbinic literature. For, the Mishna represents the attempt at the codification of the great number of laws the origin of which is unknown, (those, which, in the Talmud are included under the phrase *הלכות למשה מסיני*); of customs and traditions, the so-called *מנהגים*; of the Soferic dicta (*דברי סופרים*) consisting of, *מקנות*, *מדרות*, *מדרות* and *מדרות*, the interpretations of the Law made by the Soferim; and of the discussions and decisions of that group of teachers in the Palestinian academies known as Tanaim. All of these laws, be they called the *מדרות*, or *דברי סופרים*, or *מקנות*, or be they included in the collections of laws made by Hillel or R. Akiba or his pupil R. Meir, are all "deduced", to use Sir Henry S. Maine's word in the above quotation, from that body of laws designated by Jewish tradition as the *חוקה שכתב*, "written law", are based on the laws which these later generations found in the Pentateuch. To be sure, some of these deductions, or "deductions" have little or no visible relation to the Pentateuchal verses which the authors quote in proof of their statements, but tradition has come to accept them and to consider them binding.

CHAPTER 1.

Talmudic Groupings.

I have said before, that the Jewish organic law had become static ~~an~~ about 300 B.C. Then, I have pointed out that based on that law, the Soferim and the Tanaim drawing upon the sources of tradition and customs of a living people have attempted to codify the law which they, as the recognized teachers and authorities of their respective generations, ~~h~~ have deduced from the Pentateuchal commandments. It has been maintained, however, by some that up to the time of the first Amoraim (ca. 200 C.E.), no attempt has been made to determine definitely just which are those commandments upon which as a foundation they were constructing the law of Israel. Even a cursory examination of the Mishna reveals the fact that this position is not correct. We find in the Mishna several phrases applied to different groups of laws which, though not always enumerated, prove that the Tanaim, had at least attempted to group some laws together on the basis of their germane applicability.⁸

Laws Observable only in Palestine. ~~החוקים הנראים רק בארץ~~

Thus, there is a large body of laws which the Mishna groups according as their fulfilment is dependent upon Palestine. Under this classification come most of the agricultural laws ~~החוקים הנראים רק בארץ~~ and the group of laws--not mentioned in the Mishna but found mentioned in the Gemara--which deal with all laws appertaining to land--produce, viz:

קרקע, in which class according to both *Rashi* and *Tosafoth Yom Tov* belong those laws which deal with *terumah*, tithes, *halah*, *leget*, *shikhehah*, *peah*, *shevith*, *hodosh*, *'orlah*, and *kilaim*.

Laws not Dependent upon Palestine for their Observance.

בין בארץ ובחוץ לארץ

The antithesis to the group above mentioned, i.e. מצות הנוהגות בארץ is not, as it would logically follow either מצות שאינן נוהגות בארץ or מצות הנוהגות בין בארץ ובחוץ. For, laws that are not dependent upon Palestinian soil are binding both in Palestine (מצות) שאינה תלויה בארץ נוהגת בין בארץ ובחוץ. and outside of it.

מן הערלה וכלאים. ר"א אומר אף מן החדש 10

There is a group of laws in connection with sacrifices and temple-offerings mainly (though not entirely, שלוח הקן, for instance) which would come under this heading. Those that came to my notice are:

אוחזות בנו. נוהג בין בארץ ובחוץ. חוצה לארץ בפני הבית ושלא בפני הבית. בחולין ובמקדשין. (חולין א:ה)

כיסוי הדם נוהג בארץ ובחוץ. בפני הבית ושלא בפני הבית. בחולין אבל לא במקדשין. (חולין א:ו)

גיד הנשה נוהג בארץ ובחוץ. בפני הבית ושלא בפני הבית. בחולין ובמקדשין. הזרוע והלחיים והקבה נוהגין בארץ ובחוץ. בפני הבית ושלא בפני הבית. בחולין אבל לא במקדשין. (חולין א:י)

ראשית הגז נוהג בארץ ובחוץ לארץ. בפני הבית ושלא בפני הבית. בחולין אבל לא במקדשין. (חולין א:יא)

שלוח הקן נוהג בארץ ובחוץ. בפני הבית ושלא בפני הבית. בחולין אבל לא במקדשין. (חולין א:יב)

מעשר בהמה נוהג בארץ ובח'ל. בפני הבית ושלא בפני הבית. בחולין אבל לא
במוקדשין. (בכורות א:ט)

Under this classification are included also the laws the fulfilment of which is binding upon the individual only, (חובת הנוף). These laws according to *Rashi* are: 12 על לא אינה חלוייה בארץ, אינה מוטלת לא על מקרקע ולא על גידוליו אלא על גופו של אדם כגון שבת, תפלין, ע"ז, פטר חמור, סילה, עריות, כל מצוה שהיא חובת הנוף נוהגת בין בארץ בין בח'ל... מה ע"ז (d. 299) and according to R. Judah, an Amora of the second generation (d. 299) מיוחדת היא חובת הנוף ונוהגת בין בארץ בין בחוץ לארץ אף כל שהיא חובת הנוף נוהגת בין בארץ בין בח'ל. 13

Laws which are Binding upon the Sexes.

Another classification of laws is made according to their binding force a) upon men alone, b) upon women alone, c) upon both men and women.

a. and b) The Mishna in Kidushin (E7) records the fact that כלל מצוות הבן על האב אנושים חייבים ונשים פטורות "With regard to the obligations which a father has towards his son, men are responsible, women are absolved". These obligations are six in number: 1) ~~Ex~~ Circumcision 2) Redemption if the son is a first-born; 3) Education; 4) Teaching him a trade; 5) Marriage; 6) Teaching him how to swim.

All mandatory laws which can be obeyed only at stated times, such as the dwelling in booths during the Sukkoth festival, the blowing of the ram's horn on the New Year's day, the use of the lulav on Sukkoth, are binding upon men, not upon women. Also the following three prohibitory commandments are binding upon men alone:

"You shall not round the corners of your heads" Lev. 19:27

"Thou shalt not mar the corners of thy beard" do.

"None of the priests shall defile himself for the dead among his people". Lev. 21:1

The Mishna following (Kid. I: 8) reports that all duties that come in connection with the sacrificial offerings are incumbent upon men only, and not upon the women, with two exceptions¹⁴ in which cases the women must discharge them, since the men cannot.

c) 15 כל מצות האב על הבן אחד אנשים ואחד נשים חייבין

"All obligations which a son has towards his father are equally binding upon the sons and upon the daughters", these obligations being Reverence and Honor.

Furthermore, all mandatory commandments the observance of which does not depend upon any one definite time, such as מצותה, טעקה, אכילה ושלוחה הקן and all prohibitory commandments which apply either to definite times or are general, are equally binding upon men and women.¹⁶

Laws of Greater and Lesser Importance. מצות קלות ומצות קשות

There is still another general classification. The laws are divided into two large groups: a) מצות קלות laws of lesser importance, minor laws, and b) מצות קשות important laws, laws of major importance. There is no indication of an attempted minute classification, or of an enumeration of such laws; there is not even an indication of a line of demarcation between the laws of lesser or greater importance.¹⁷

Religious and Civil Laws.

There is an indication in the last Mishna in the eighth chapter of Yoma of a division of laws into civil and religious.¹⁸ Here, too, there is no enumeration outside of the mere mention of the two groups of laws. But about eight centuries later, Moses Maimonides the master

mind of mediaeval Jewish thought and learning made much use of this suggested division in the arrangement of the Pentateuchal commandments in his ספר המצוות. We shall speak of this again when we speak of that work.

Laws Dependent for their Observance upon the Sanctuary.

מצוות התלויות במקדש.

Another classification is the one which makes laws dependent upon the existence of the Sanctuary, viz: the מצוות התלויות במקדש. The following passages will illustrate the fact:

כל שנוזר עד שלא חרב ביהמ"ק נוזר. ומשחרב ביהמ"ק אינו נוזר. 20.

אוחזין אותם בנזונוהג... בפני הבית ושלל בפני הבית... 21

כיסוי הדם, גיד הנשה, הזרוע והלחיים והקבה, ראשית הגז, שלוח

Likewise הקן, מעשר בהמה. 22

Mandatory and Prohibitory Commandments.

מצוות עשה ולא תעשה

By far the most important, the most logical (from the juridical point of view), and the most prevalent and best accepted classification of the laws in the Pentateuch found in the Mishna, the Gemara, and the contemporary Midrashim is the one which groups all the laws (not the Halachah) under either mandatory commandments--מצוות עשה, or prohibitory commandments--מצוות לא תעשה. In the Mishna alone the references to this method of grouping are so frequent that ~~the~~ to enumerate them here were a process of mere copying pages of Mishnaic text. The reader will have noticed that several of the classifications aforementioned make mention of the

מצוות עשה ולא תעשה 23

The Gemara speaks of these commandments in the same way as modern

lawyers speak of the Common Law.²⁴

The frequent mention of this method of grouping and its unquestioned acceptance lead me to believe that this grouping was already established in pre-Mishnaic times.

However, old as this grouping may be the laws which it includes are nowhere mentioned in the Talmud, there is no enumeration of them, a fact which has developed a great deal of discussion and polemics among Jewish teachers and students of Jewish law throughout the centuries. To me this seems strange; I mean, this seeking for an enumeration of these laws in the Talmud. For the surprising, the unusual thing would have ~~been~~ had these laws been enumerated. The teachers of the Mishna and the Gemara were not unlike the juriconsults of the Roman law who did not themselves record their decisions or views. Their responsa were ~~not~~ treasured up by their admiring pupils who would stand around them when their decisions were rendered. "Whatever were the practical advice given, the responsa treasured up in the notebooks of listening pupils would doubtless contemplate the circumstances as governed by a great principle or included in a sweeping rule"²⁵. And ~~היה~~ ~~היה~~ is a phrase often encountered in the Mishna and in the Gemara after a more or less lengthy discussion of details or circumstances. If there is no recorded enumeration of these mandatory and prohibitory laws, we must not forget that even as late as the latter part of the eighth century the writing down of the decisions of the teachers was prohibited. It was R. Jehudai Gaon who was the first to abrogate this prohibition.²⁶ Not alone were laws and legal decisions ~~in~~weighed against being written down, but even prayers were not to be written down. "When R. Jehudai ventured to

set aside the old custom and permitted the writing down of the Halakah, the prayers still remained to a large extent under the ban against written transmission"27. Under such circumstances one can readily realize that the fact that we have no written enumeration of these laws does not argue against the existence of an enumeration. Moise Bloch28, I. H. Weiss29 and H. Schorso in our times, and Abraham Ibn Ezra in 115830, and Nachmanides in the thirteenth century31 looked askance at the idea of a detailed enumeration of the commandments in this grouping. Bearing in mind certain facts, however, leads me to disagree with these authorities and maintain that there was an enumeration and that this enumeration of these precepts was a detailed one32

An ^{existing} enumeration of the violations which are punishable with death will bear my contention out. This is the only instance among all the groupings of laws where a complete enumeration is given either in the Mishna or the Gemara. The Gemara to the Mishna where these violations are enumerated opens the discussion with the question34 למה נאמר? "Why the enumeration?" The question is significant. It illustrates the point. Where there is a well known tradition-- as there was most probably in this case-- , or where the laws are well known, then there is no need for enumeration. The teachers and pupils accept the statement of fact without question. Where a principle is involved, or where a principle is laid down as in this case of מיתה, then there is reason for the question למה נאמר? In the case of the mandatory and prohibitory arrangements of precepts no principle is involved, hence, there is no minute enumeration given.

But I am reasonably certain that an enumeration existed. The division of the whole body of Pentateuchal laws into two groups being pre-Mish-

naic in point of origin, as I have pointed out (p.15), the following must be conclusive proof that an enumeration existed.

R. Simeon ben Azzai, one of the earlier and most prominent of Rabbi Akiba's pupils (third generation of Tanaim, 120-139) says: 35 וְהָרַג נֶפֶשׁ אֶחָד מִלִּפְנֵי הַמֶּלֶךְ וְהָרַג נֶפֶשׁ אֶחָד מִלִּפְנֵי הַמֶּלֶךְ כִּי יִצְאָה בָּרוּךְ.

Here we have, what is probably the earliest definite statement about an enumeration. It informs us that one part of this two-fold group of laws, the prohibitory, contained 365 laws.

We find R. Yose saying in a Beraitha: 36 וְהָרַג נֶפֶשׁ אֶחָד מִלִּפְנֵי הַמֶּלֶךְ וְהָרַג נֶפֶשׁ אֶחָד מִלִּפְנֵי הַמֶּלֶךְ כִּי יִצְאָה בָּרוּךְ. The R. Yose mentioned here must be the R. Yose bar Halafta who was a Tana of the fourth generation (139-165). Thus as early as the middle of the second century we find an enumeration of 613 Biblical precepts spoken of.

R. Simeon ben Elazar, a Tana of the fifth generation of Tanaim who lived in the second half of the second century, says, in speaking of the giving of the Law at Sinai and of the aggadic tradition that the Law was offered to the many other peoples of the earth before it was offered by God to Israel: 37 וְהָרַג נֶפֶשׁ אֶחָד מִלִּפְנֵי הַמֶּלֶךְ וְהָרַג נֶפֶשׁ אֶחָד מִלִּפְנֵי הַמֶּלֶךְ כִּי יִצְאָה בָּרוּךְ.

Here again we are informed that there are 613 of these Pentateuchal precepts, while the abovementioned statement of ben Azzai tells us that there are 365 prohibitory precepts among these.

In the early part of the next century, R. Simlai, of the first generation of Amoraim (219-279) is reported as making the following remarkable statement: 38 וְהָרַג נֶפֶשׁ אֶחָד מִלִּפְנֵי הַמֶּלֶךְ וְהָרַג נֶפֶשׁ אֶחָד מִלִּפְנֵי הַמֶּלֶךְ כִּי יִצְאָה בָּרוּךְ. וְהָרַג נֶפֶשׁ אֶחָד מִלִּפְנֵי הַמֶּלֶךְ וְהָרַג נֶפֶשׁ אֶחָד מִלִּפְנֵי הַמֶּלֶךְ כִּי יִצְאָה בָּרוּךְ.

The Muenchen Codex Hebraicus 95, the oldest extant edition of the Babylonian Talmud (published by Herman L. Strack, Leiden, 1912) being a MS dated 1343, has the statement of R. Simlai as follows: דרש ר' שמלאי שש
מא' ושל' עש' מצו' נאם' לו למש' כמני שלש מא' וששי' וחמש כנגד יום' סמתי'
 The fact that the descriptives "לאוין", "שכאדם", and "עשה" are omitted in this MS does not militate against the admission of this statement in proof of the contention that an enumeration of the מצוות existed. In this connection Jost's note is interesting.

He says: דרש" 39 *Dieser Ausdruck beweist, dass er mit dieser Grundlage seines Vortrages nicht Eigenes, neues Vorbrachte. Die Zahl war vielmehr längst unbestritten angenommen. Die Einteilung in Gebote und Verbote ist viel älter, und es wäre kaum begreiflich, dass man verabsäumt hätte, sie zu zählen. Es ist daher ganz unrichtig, ihn zum Urheber dieser Zahl zu machen."*

A distinguished contemporary of the Palestinian R. Simlai, the most distinguished of the Amoraim of the first generation (sometimes also called a Tana⁴⁰), R. Abba is quoted as saying⁴¹: רמ' סמות (עשה) בתורה
כנגד איברים שכאדם, שכל אבר ואבר צווה על האדם ואומר עשה בי מצוה שנחיה
בזכותה וזאת יך ימים. ושם' ה מצוה לא תעשה כמנין ימות החמה שבכל יום ויום חמה
זורחת עד שהיא שוקעת, אומרת וצווחת לאדם גזורני עליך במי שהגיע ימים ליום זה
אל תעבור בי את העבירה הזאת ואל תכריע אותי ואת כל העולם לכף חובה, הרי תרי"ג
 מצוות. Of R. Joshua ben Levi, another one of the bright lights of that generation it is reported: ר' עזרי' ור' יהודה בר סימון בשם ריב' ל תפסי 42
שימתיא אמרי כתי' (דברים לג) תורה צוה לנו משה כל החורה כולה תרי"ג מצוה
הוי תורה בנימטריא עולה כמנין תרי"א מצוה דבר עמנו משה אלא ברם אנכי ולא
יהיה לך ^{לא} ~~לך~~ ^{לך} דבר עמנו משה אלא ספי הקב' שמענום.
 This last part is a con-

ception which we find quoted in the name of R. Ishmael, a TANA of the third generation (129-139)⁴³ דתנא ר' ישמעאל אנכי ולא יהיה לך מפי הנבורה שמעונים

A statement which is attributed to R. Hamnuna an AMORA of the second generation and a pupil of Rav, one that is strangely similar to the statement credited to R. Joshua ben Levi quoted above, is:⁴⁴ אמר ר' חמנא

כא י קרא (דבר' לג) תורה צוה לנו משה מורשה תורה בנמריא שית מאה וחד מרי
 Thus Nachmanides' argument ³² הוי אנכי ולא יהיה לך מפי הנבורה שמעונים.
 that R. Simlai's statement is not a binding tradition but only a personal opinion, and that R. Hamnuna's pointing to the word תורה as a נמריא is only an אממכא, will not hold water in view of the similar statements by earlier teachers, quoted above. Likewise as to Ibn Ezra who in his יסוד מורה protests against taking 613 as the number of mandatory and prohibitory commandments found in the Pentateuch, literally. He says:⁴⁵

בכל חכמות ובכל אומנות אין אדם מבקש לדעת הפרטים כי אין כח באדם לדעת חכ-
 ליחם וכמה מספרם כי לא יעמדו ענע אחד על מתכונת אחד לעולם כי יאבדו חסיד
 והכללים עומדים לעולם. וצורך גדול היה לי להזכיר דבר הכלל קודם שאדבר על
 המצות בעבור שראיתי כמה חכמים סופרים שש מאות ושלוש עשרה מצות על דרכים
 רבים. ויש מהם שמספר בשול גדי פעם אחת ויש שמפרו בג' מצות כנגד שנכתב ג'
 פעמים וחכמים דרשום ורבות ככה. ויש מי שיספור הכללים והפרטים. ויש שסופרים
 פעם הכללים לבדם ופעם הפרטים לבדם. ויש שסופרים מצוה אחת שבאה בשתי לשונות
 והטעם אחד, ועל דרך מחקר האמת אין קץ למספר המצות... ואם נספר העיקרים
 והכללים ומצוה שהיא עומדת לעד אין המצות עשירית משש מאות ושלוש עשרה...

Which is, of course, true as regards the enumeration of the 613 precepts by the liturgical poets in their אזירות and of the attempts at the classification of these precepts by others (as the בעלי הלכות גדולות and his imitators). There are, undeniably, more than 613 commandments in the Pen-

tateuch if we "investigate thoroughly". It is also undeniably true that "were we to count only the cardinal and general laws and those which are permanently valid there would be less than one tenth of 613". But this argument, reasonable as it is when applied to the later enumerators cannot be applied to the enumeration which the Tannaim and Amoraim had undoubtedly had before them when they spoke of the number 613 as their total. It can not hold against them because we do not know, because we do not have their detailed enumeration. What I wish to maintain here is that the teachers of Talmudic times knew of 613 precepts and that they took it seriously. For not only do the Mishna and the Midrashim of Mishnaic times speak of them very seriously, indeed, but even the Gemara and the later Midrashim speak of it in the same serious vein. I have quoted some passages. I may be permitted to adduce additional passages to substantiate my claim.

R. Elazar (b. Pedath of the second generation of Amoraim, 279-320) is quoted as saying: *מאי קראה דכתיב (רות א) וחרא כי מתאמצת היא ללכת אחרי ו...* We find also a few anonymous passages in the Gemara which have a bearing on this issue.

ותורה אי נמי שש מאות ושלש עשרה מצות... 47.

...ועליונה להו קיומו שש מאות ושלש עשרה מצות 48

אלו שהן עושין ומקיימין תרי"ג מצות חוץ מן ~~המצוות~~ 49:2000 Similarly in the Midrash

הכללים ומן הפרטים ומן הדקדוקים אינו דין שהן חיים וקיימין לעולם 50

(קערת כסף אחת) מלאה קמרת: שתרי"ג מצות כלולות בהן. וכן את מוצא תרי"ג אותיות

יש מן אנכי עד אשר לרעך כנגד תרי"ג מצות. וזו יתירות כנגד זו דמי בראשית 51

לסדך שכל העולם לא נברא אלא בזכות התורה. הוי מלאה קמרת שכן ק' מתחלפת בד'

א"ת ביש גיר דיק ועולה חשבון התיבה אחר כן למנין תרי"ג. 1. And the following

neighboring passage:52 עד אנכי מן אותיות כנגד מצות חרי'ג מן אותיות מן אנכי עד 52: neighboring passage
 אשר לרעך לא פחות ולא יותר. וכולן נתנו למשה במיני שבהם חקים ומשפטים תורה
 ומשנה תלמוד ואגדה 58 (ישע' לג) יראת ד' היא אוצרו אין בכל מדות גדול מיראה
 וענוה (דברים י) ועתה ישראל מה ד' אלהיך שואל מעמך כי אם ליראם את ד' אלהיך
 ללכת בכל דרכיו ולאחבה אותו ולעבוד את ד' אלהיך בכל לבבך ובכל נפשך. יראת
 בגמטריא תרי"א. ותורה תרי"א ויראה ותורה עם הרי תרי"ג. ציצית ת"ר וח'
 גרורין וה' קשורין הרי תרי"ג.

"Die Grundlage der Gesetzlehre" says Jost⁵⁴ "bildete die ohne Zweifel
 schon zur Zeit der Tempelzerstoerung oder nicht viel spaeter anerkannte,
 wenn auch erst spaeter angesprochene Ansicht, dass das Gesetz 248 Gebote
 und 365 Verbote enthalte, deren durchfuehrung in den Schulen Gegenstand
 der Eroerterung war". This assertion of Jost has, I believe, been proven
 in the foregoing pages.

CHAPTER 2.

Halachoth Gedoloth and Hefetz ben Yatzliach.

In the previous chapter I presented the groupings and methods of classifying the Pentateuchal laws in the literature which by general consent has come to be known as "Talmudic". We found many attempts at grouping and that the grouping of the organic law of Israel into mandatory (מצוות) and prohibitory (אסורים) came to be the most generally accepted. We know that these two groups of the law were summed up to a total of 613, and that the former contained 248 while the latter 365 precepts. But we have found no enumeration of these laws, a lacuna--if such we may term it--which generations of teachers and poets subsequent to the Talmud have attempted to fill in.

The first attempt in this direction was by the author of the מנחת הענין which is a compendium of all the practical laws of the Talmud. Tradition associated two names with the authorship of that work. The one is that of Rabbi Jehudai Gaon (eighth century), the other is that of Rabbi Simeon Kayara (mid-ninth century) 55.

It is generally conceded, however, that the מנחת הענין is not--as we have it the original work. It had been very much in use especially during the tenth century, and as a result has suffered in point of preserving its original form from accretions. The original author, according to Prof. Ginzberg, was R. Jehudai, a Gaon of the eighth century. His work was later recast by R. Simeon Kayara and it was as a result of this revision that

it gained the tremendous popularity which it enjoyed. "When Rabbi Sherira and Rabbi Hai (the last two of the Geonim) desire to speak of Rabbi Jehudai's work, they designate it specifically as ה'הורא'י in contrast to the ה'ה' par excellence, which circulated a century after Rabbi Simeon in the form given to it by him"⁵⁸. But "the real author of ה'ה' is Rabbi Jehudai⁵⁷... His work was intended to serve two purposes at once--it was to be a guide for the student desirous of acquainting himself with the Talmud, and also it was to enable the scholar to decide a case submitted to him, according to law, without having to wade through the three thousand folio pages of the Talmud"⁵⁸. Clearly, it is a Halachic work, and as such does not come within the scope of our treatment. Its importance to us consists of the fact that in the introduction to this work there is recorded for the first time an enumeration of the 613 commandments of the Pentateuch.⁵⁹ This enumeration, however, has not been a source of much joy to those who have been studying this part of the work. Dr. Hildesheimer in his notes to this part of the work often says

60 ונלאו מליצי ופרקליטי
61 ונחיאשתי למצוא נדר הנינוי במנין הלאוין ונו' or הנאון למצוא פשר דבר

And well may he despair. For an examination of the enumeration reveals the following situation: The "613" are divided into prohibitory and mandatory laws, which, but for the order, is not unlike the Talmudic division. But instead of enumerating 248 mandatory and 365 prohibitory the author gives 265 of the former and 348 of the latter. Nor is that all. He begins with the enumeration of the prohibitory commandments. These he divides into two groups: a) 71 offences punishable with one of the six prescribed forms of death: 18 by stoning, 9 by burning, 2 by the sword, 8 by strangu-

and from the practice of my teacher who would have it from his teacher". And yet, I believe his deviation is explicable. When we recall that R. Jehudai was a bold spirit, bold enough to write down the Halachah--the first one to do ~~it~~^{so}--in the face of the traditional statement of Rabbi Jochanan that ⁶⁷כותבי הלכות כשורף החורף והלומד מהן אמין ונאמן שכל שכתב, "a concrete deed which made him a commanding figure in the eyes of his contemporaries and his successors"⁶⁸ and sufficient of an authority to interpret and amplify the Halachah⁶⁹, we may believe that in this first attempt to enumerate the Biblical precepts he would dare to arrange them as he thought it fit. And when we recall also that he was a contemporary of Anan ben David the founder of the sect of Karaitic dissenters, thus living at a time when the demand was inexorable for "a codification of the religious laws affecting practical conduct; (when) the scholar and the educated layman alike had to be given the possibility of readily distinguishing the true from the false, the 'traditional law' from the law of the Karaites"⁷⁰ we can readily understand, then, that Rabbi Jehudai, who was decidedly anti-Karaitic⁷¹ would attempt to demonstrate the authority of the teachers and of tradition by the change which he makes as well as by the inclusion of Rabbinic laws such as laws of mourning, Chanukkah light, Hallel, etc., among the "613" Biblical laws.⁷²

Hefetz ben Yatzliach.

A Halachic author concerning whom very little is known was Hefetz b. Yatzliach who lived ca. the year 1000.⁷³ Of his writings--and they are said to have been numerous--only his Book of Precepts is known, and this not in its entirety. Only a fragment of it has been found in the form of an Arabic MS which is now in the library of the Dropsie College in Phila-

delphia, Pa. Dr. B. Halper edited this MS and published his opinions in the J.Q.R. IV 519-576 V 29-90. Since this is all we have of this book, I may be permitted to quote from Dr. Halper.

In this work Hefetz "gave a brief account of all laws as compared with the Halakot Gedolot which contained only those that are obligatory at this time"⁷⁴ But, "not being satisfied with a mere enumeration of the precepts, as was done by the author of the Halakot Gedolot, and, centuries later by Maimonides, he gives a lengthy discussion of each detail"⁷⁵. "We have the ~~authority~~ ^{testimony} of Ibn Bal'am and Maimonides that Hefes severely criticized the method of the author of the Halakot Gedolot"⁷⁶

Instead of arranging positive precepts in one group and negative ones in another, as is done by practically all writers, including Maimonides, he incorporates all precepts, positive and negative, belonging to one category, in one book. He then divides them according to their subject-matter. These sections are in their turn subdivided into positive and negative precepts. Where necessary, he assigns different classes to precepts that are obligatory throughout all ages and countries, and to those that are only incumbent during the existence of the Temple, or only in Palestine... Our fragment, which comprises fifty complete precepts and parts of two others, that is to say, about fifty-one precepts... In his treatment of individual precepts he is quite methodical, though monotonous. He practically uses the same formula in every case... In a comparatively few words a resume of the biblical law is given. He then goes on to state the ramifications and amplifications added by the Rabbis".

The contents of the fragment which we have is as follows: "The first

book contained ethical precepts,...dealt with the relation of God to man, and hence some of the ordinances appertaining to first-fruits and heave offerings were described there. For the same reason the ethical side of vows was discussed in that book, and a principle was laid down whereby to know what kinds of vows may be made nowadays, and which are forbidden. It also pointed out that the judges are obliged to urge a man to fulfil his vows, and that the vow is to be carried out during the time set for it...This book treated (also) of certain transgressions and their punishments... The second book dealt with the acquisition of slaves and all the laws appertaining thereto....The third book dealt with the law of damages. The fourth book treats of free-will offerings, vows, consecrations, and a few other priestly laws...The fifth book is devoted to special kinds of ritual defilement resulting from coming into contact with dead bodies or creeping things... The sixth book...dealt with the tithes of corn, etc., and the various kinds of blood...The tenth book dealt with various kinds of blemishes found in animals...The fourteenth book (had for its) theme the firstlings of animals...The nineteenth book...dealt with various kinds of defilement...The thirty-sixth book was similar to the tenth, and treated of blemishes that are found in human beings...This book was especially devoted to the elucidation of all the terms used for the various kinds of blemishes."

"It will thus be seen that Hefes arranged the precepts in a logical order, but tried to follow the Bible as closely as possible. The ethical precepts take precedence of all others...These ordinances disposed of, the author at once takes up the laws in Exodus, which are followed by those of Leviticus. Keeping the logical arrangement in mind, he is ob-

liged to deviate now and again from the biblical order".⁷⁷

CHAPTER 3.

Azharoth.

Graetz is quite right when he says of the Halachoth Gedoloth that "*Dieses Werk wurde eine Fundgrube fuer die Spaeteren*". For, in the very next century, Saadia, "truly one of the lights of the Exile"⁷⁸ availed himself of this enumeration by the author of the Halachoth Gedoloth to use this scheme of division in the writing of his own "Taryag Mitzvoth" and of his "Azharoth".

While Saadia is the first of whom we know anything reliable as to the writing of these compilations of the 613 precepts for liturgical purposes mention is made of other and earlier Azharoth in the Seder R. Amram (ca. 869-881)⁷⁹. Now, Azharoth were collections of laws arranged in rhymes or verses to be recited mainly on the traditional anniversary of the giving of the Torah--on Shavuoth. Their purpose and function is well stated by J.M. Sachs in his article on some Azharoth in Rosenberg's קובץ. He says: so האזהרות האלה לא נכתבו ללמד דינים והלכות כי אם ללמד דעת את העם מצות המוטלות על איש הישראלי לעורר זכרון ולב היודעים והמבינים בחורת ד' ולהפיץ בתוך ההמון הנמוג בעמקי העולם נצוצות אור החורה הכתובה והמסורה למען ילמדו וידעו וישאלו. והיתה כוונתם בפיומיהם לעשות כעין שיר משכיל (Lehrgedicht) או חרוזים למזכרת... וכל הדבר אשר יוכל לקבוע בלב הקורא או זכרון מצוה או מדה טובה ומעולה הביאו אל תוך בתייהם ולא חשו בזה ללכת באיזה שיטה קבועה או להעמיד בנין במנין המצות על יסודות חזקות אשר גם ברוח משפט וברוח הבקרת לא יפול. כי לא

להורות הלכה מתוך קריאת האזהרות כווננו והי' די להם אם ביום הנבחר לזכרון
 מעמד הגדול יתנו לכל איש ואיש די מחסורו דברי חכמים...ומאי איכפת להו אם כל
 הדברים על אדני ההלכה והפסק המבועז אם לא. Indeed, in vain does one look for
 a logical order in the grouping of these laws or for poetic value (since
 they are written in rhymes). We have 613 commandments having nothing
 internally in common, nor anything externally so, except the fact that ~~they~~
 they are Biblical, bound together by a loose bond of rhyme--"wie sollten
 diese den Weg finden zum Gefuehl?" asked Leopold Dukess¹, "Wie sollten
 einzelne Ceremonialgesetze mit ihren detaillirten Bestimmungen die nur dem
 Verstand Beschaeftigung darbieten, mit dem Hauche der Dichtung sich vere
 einen?". But ingenious the writers of the Azharoth undoubtedly were. ~~T~~
 They resorted to the most fanciful arrangements to get acrostics, or to
 arrange the lines so as to have them run alphabetically from א' to n
 and backward ק' to א', and similar other ways. It seems to me that Maimonides'
 charge that with regard to the enumeration of the "613" these Azharoth-
 writers were רבנים לא רבנים would have been truer if he said that they
 were רבנים לא משפחה. For, the leading Azharoth-writers, those whose
 works have been preserved, were scholars, Rabbis of very high standing, ~~A~~
 and though some of them like Gabirol were even poets of a high order they
 do not show their poetic genius in these--their Azharoth.⁸² It was almost
 exclusively a matter of cleverness ~~of~~ in arrangement.

Saadia.

As has been said we have from Saadia the first Azharoth, the first
 attempt at enumeration that we know of definitely since the Halachoth
 Gedoloth. He left us two separate enumerations; the one known as "Tar-

yag Mitzvoth", the other as "Azharoth". In his "Taryag Mitzvoth"⁸³ he follows the plan of R. Jehudai, viz: 200 mandatory commandments which he subdivides into 97 which he terms מצות הנוף, 58 laws dealing with sacrifices, and 45 laws bearing on hygiene and sanitation; 277 prohibitory laws which he subdivides into 142 laws which in contradistinction to the מצות הנוף of the mandatory precepts he, here, terms חובות הנוף, and 135 laws which baffle logical arrangement; 71 capital offences and the 65 פרשיות of the תורה which should be put under the mandatory commandments. Thus he makes a total of 613 laws which he indicates at the conclusion by the following formula: אז שם מאות ושלש עשרה מצות. פרוש עונשן ומתן שכרן. אמרות מהורות. מוקקות שבעתים. צרופות ככסף. ובחונות כזהב. This formula is referred to already in the Halchoth Gedoloth⁸⁴, is found in the Seder R. Amram, and concerning it Sachs says:⁸⁵ והמיום אז שם מאות כו' הוא מסדור הנאונים החתימה המורגלת והיותר קדמונית אשר השתמשו בה בתחלה ומפני זה היא מונחת במקום כבודה כנחלת אבות מורשה מימי קדם.

It is interesting to note that like the Saadia included in this count Rabbinic laws, but unlike him, and as though conscious of their being out of place he attempted to avert criticism for including them in his list by attaching such laws to Biblical verses which he considers suggestive of themse.

The arrangement of his Azharoth is original with him. Following, presumably, the Talmudic tradition that at the giving of the Decalogue on Sinai God revealed to Moses all the subsequent legislation of Israel⁸⁷, he finds all the laws (the 613) hinted at in the letters of the Ten Commandments, and consequently arranges the 613 under the headings of each of the Ten Commandments, respectively. As a result he includes under the

first commandment--80 laws; under the second--60 laws; under the third--48 laws; under the fourth--75 laws; under the fifth--77 laws; under the sixth--50 laws; under the seventh--58 laws; under the eighth--59 ^{laws} ~~laws~~; under the ninth--52 laws; and under the tenth--54 laws.⁸⁸

This scheme of arranging the 613 precepts under the Ten Commandments has found numerous imitators later, among them Bachya b. Asher in the article שווען in his ספר קטן David Vital in his ספר חורו (carries it to an eccentric extreme), Moses Maisels in his שירת משה, and W. Persky in his ספר חורו, the last two elaborating ^{on} and toning down--as it were--Vital's scheme.

Rabbi Simeon the Great of Mainz.

Rabbi Simeon b. Isaac b. Abnu, a liturgic poet of the early eleventh century and a great factor in preventing the expulsion ~~from Mainz~~ of the Jews from Mainz during the reign of Henry II, wrote the Azharoth beginning with the words אהיה נחלתם--which is found in our machzor for Pentecost and is read during the mussaf of the first day of that festival. This enumeration if it may be said to be characterized by any thing it is by nothing else than the general chaos which exists in them. They are a perfect hodge-podge of all the 613 precepts (the Biblical and Rabbinic) thrown together without even the traditional division into mandatory and prohibitory classes.⁸⁹ Probably to no other author of Azharoth is Ibn Ezra's characterization so applicable as to this R. Simeon: ^{והנה בעלי האזהרות דומים לאדם} ^{שמופר} כמה הוא מספר העשבים הכתובים בספר הרפואות והוא לא יכיר מה חועלת בכל אחד מהם ומה יועילו לו שמותם?

Elijah Hazzaken.

Elijah the Elder (this was the family name) was a relative of R. Simeon

aforementioned, and a brother-in-law of R. Hai Gaon, He lived in Babylon about the middle of the eleventh century¹. His Azharoth, beginning with the words אמת יהוה חבי (printed in Rosenberg's קריקט) are divided into the traditional mandatory commandments which include the פרשיות which we found in the Halachoth Gedoloth, and into the prohibitory commandments which contain as a distinct group those offences which are punishable with death. Nowhere in the composition does he distinguish the laws by dividing them into groups of a certain number as did the author of the Halachoth Gedoloth and R. Saadia, but he concludes their enumeration with the--by now-- accepted formula: אין שם סמות ושלא עשרה מצות כול

Solomon ben Judah ibn Gabirol.

Solomon ibn Gabirol was a brilliant poet and a philosopher of the eleventh century. His Azharoths are the most poetic of all the attempts made to enumerate the 613 precepts in verse. His enumeration, too, shows an effort at logical arrangement, an effort which at best must remain unsuccessful in the absence of any scientific principles of enumeration such as Maimonides established for himself. Gabirol accepted Saadia's principle that the 613 commandments are all "sunk in" in the Decalogue. I have made an effort to find this principle expressed in his enumeration, but I could not. Philosopher that he was he began both the mandatory and the prohibitory groups with the most cardinal principles of Israel's faith, viz: the Unity of God, Prayer, Imitatio Dei, etc., but he fails to follow out a consistent plan of arrangement. Thus among the prohibitory commandments he has amidst the Passover laws the prohibition of cursing a leader of the people, or in enumerating sexual prohibitions and חליצה he inserts the prohibition of a non-priest eating of קדשים after which follows

the prohibition of קדושה; or the prohibition of sodomy is followed by the injunction against cruelty to a Hebrew slave which in turn is followed by prohibitions with relation to royalty, and more of a similar nature. He follows Saadia and the author of the Halachoth Gedoloth in the grouping of the פירוש with the mandatory and the group of 71 capital offences with the prohibitory injunctions. He differs from Saadia and from his younger contemporary Isaac ben Reuben Albargeloni in following the Talmudic division of Pentateuchal precepts into 248 mandatory and 365 prohibitory laws, as opposed to the author of Halachoth Gedoloth who counts 265 of the former and ³⁴⁶ 348 of the latter.

Isaac ben Reuben Albargeloni.

Rabbi Isaac b. Reuben Albargeloni (or Albarceloni, as he is sometimes ~~call~~ called) was a Spanish Talmudist and liturgical poet born in Barcelona in ~~the~~ the year 1043 and known to have been living yet in the year when Alfasi died (1103). His Azharoth⁹⁴ are not distinguished internally in any way from the enumeration as laid down in the Halachoth Gedoloth, often to the extent even of not changing the wording. He goes further than the author of the Halachoth Gedoloth, in that he includes not only the Rabbinical laws which the latter and Saadia and Elijah the Elder do, but also the Talmudic interpretations and modifications of bona fide Pentateuchal laws. Naturally, then, there is no internal order in this work of his, and a great deal of repetition. His style is clever, in that he ends each verse with a Biblical phrase which seems to fit in with one or two of the laws contained in the verse. The following will illustrate the point חלק מלאכה ודמער לא תאחר. במלאכה הזרע בגדולו. חוק בשר הנמרף באתר משמונה עשרה. אל תחאו למאכלו. חקור ~~בגדי~~ בגדי הנופל מן הגג. ונשתכרו רוב צלעותיו לארץ בגלגלו. ידעתי

בי לא יחיה. אחרי נפלו.

ירא לך מקדשת שמי. ולא ישמע על פִּיךָ שם אלהים אחרים אשר שנאתיהו. אמר בשר גדי אֶלִי לבשלו בחלב. וכריתות ברית ליושב הארץ רחקתיהו. יפיפותם לא תחון ונכרי לא תוכל. לשום עליך מלך בי לא בחרתיהו. אל תבט אל מראהו ואל גבוה קומתו. כי ואסתיהו.

שור לא תתסום (ופרט לא תלקט) וכרם לא תעולל. ולא תפאר את כל גבולו. שמירת יבמה עלי להיות חוצה. ותחזור לנדול שבאחים וככה תאמר לו. שורש מצוה (זו) עליך לכנום ולפטור. בחליצת נעליך בהשילו. ובלעדיך לא ירים איש את ידו ואת רגלו.

Indeed, Rapoport is right when he says in his 92 *the* תולדות ר' האי צד
יותר חריצות מנועם, שיגע והצליח מאד in Albargeloni's Azharoth may be seen
סיים תמיד החרוז במקרא הנאות לענין. 95.

CHAPTER 4.

Abraham Ibn Ezra and Moses Maimonides.

Abraham Ibn Ezra.

Abraham Ibn Ezra (1087-1167) was not an author of *Wzharoth*. But in a work which he wrote during the months of May and June in 1158 while in London for his pupil Joseph ben Jacob, a work of a religio-philosophic nature, *the Nivur Nivur*, he treated of the division of, and the reasons for Biblical commandments. We are not concerned in this essay with the reasons for the commandments. And Ibn Ezra does ~~not~~ enter into an enumeration of the Commandments. But he lays down certain principles of enumeration which I consider to be the first manifestations of a changed attitude towards the liturgic enumerations, an attitude which became dominant after Maimonides' *Yosipon* established itself as an authoritative work.

Ibn Ezra was above all a traditionalist. He believed firmly in the authority of the Oral Law, but at the same time and with characteristic boldness and open-mindedness he was ready to reject and did reject tradition when--in his opinion-- it erred. Thus, with regard to the enumeration of the 613 precepts to which we have already alluded, we find him rejecting the possibility of counting 613 cardinal laws⁹⁷. He finds that the enumerators include in this fundamental law of Israel laws which have no longer any validity, and he asks justly "Why count them?"⁹⁸ He finds counted as of the 613 such as are really only explanations of laws⁹⁹, or regulations as to the manner of doing certain things if the individual desires to do them, but where the doing is not a mandatory obligation!¹⁰⁰

So, also, is there found an identical law counted several times because a different word is used in the mention of the same law in the Pentateuch¹⁰¹; or, it is considered that permission to do a certain thing is equivalent to a command to do it.¹⁰² And many more inconsistencies of a similar nature may be found. Ibn Ezra protests against such a practice of enumeration and lays down the principle that a distinction must be made between commandments that are essential, cardinal (עיקרים), and those that are only secondary, preparatory (לזכר). The passage in which he outlines the differences is highly significant. He says:¹⁰³ ויש למשפחה... ויש לאדם לבדו מאיזה משפחה שיהיה כמצות ידועה כמו מצות הגדול הכהנים הגדולים... ויש לאדם לבדו מאיזה משפחה שיהיה כמצות המלך והנזיר והמצורע והממאים מתלויות בדבר אחר כמו העולות והמוספין... ויש מצות רבות תלויות בזמנים כמילה בן ח' ימים... ויש מצות רבות ביום כעולות והמילה ויש בלילה כאכילת הפסח ומפירת העומר. ויש בין היום ובין הלילה כמוף זמן שחיטת הפסח והדלקת הנרות וכיאת הממאים אל המחנה. ויש בצהרים כתפלת המנחה ותחלת שחיטת הפסח. ויש פעם בשבוע כשבת ופעם בשנה כחג השבועות וגו' ויש מצות רבות שאינן תלויות בדבר ולא בזמן ידוע והם חיוב לכל בני מצות זכרים ונקבות מלך ועשר ועני בישראל גם בנר בריא או מנוגע בתורה אחת לכל ואלה המצות המהעקרים.

And again:¹⁰⁴ המצות שהם עקרים שאינם תלויות במקום או בזמן או בדבר אחר הם הנמועות בלב

Thus he puts the commandments on the very highest of ethical planes. Thus he makes the former, i.e. the cardinal laws equally incumbent on all men and at all times, while the latter, the preparatory, may vary with conditions, environment and circumstances. כולל, says he ¹⁰⁵ ומצאתי פסוק אחד כל המצות והוא את ד' אלהיך תירא ואותו תעבוד. And the realization of this high principle is placed by him on the lofty level of Faith, Profession and Deed ¹⁰⁶ והנה כל המצות על שלשה דרכים הא' באמונת הלב והשני בפה והג' במעשה

Moses Maimonides.

About the middle of the twelfth century Azharoth-writers multiplied. Not many of their writings, however, are preserved to us.¹⁰⁷ It is probably ~~the~~ these minor paitanim that Maimonides characterized as ~~מסוררים לא רבנים~~. We know, f.i., of Joshua Benvenisti who wrote the ~~מסורת המצות~~, in which he followed Maimonides' scheme of enumeration. We know that many wrote groups of laws applicable only to some of the festivals. Thus, the Provençal liturgical poet, (in the mid-thirteenth century), hence post-Maimonian, ^{R. Kalonimus Nasi} wrote the poem beginning ~~ליל שמע בני~~ to be recited on the Sabbath preceding the Passover in which are given the ritual laws for this festival.¹⁰⁸ We know that Judah Halevi, previously, wrote Azharoth for the Shabbath Haggadol beginning with the words ~~התקבצו ושקצו בני יעקב~~. We know also of Isaac ben Mordecai Kimhi¹⁰⁹ who wrote Azharoth of the nature of Gabirol's and Albargeloni's poems. These Azharoth¹¹⁰ which according to the customs of the Avignon and Carpentras communities were recited at the afternoon services of the Pentecost festival (the mandatory precepts on the first day, the prohibitory on the second day), breathe more of the spirit of logical order than do the Azharoth of other poets preceding him. There is an attempt to group laws logically and in blocks according to content, but it is only an attempt, clearly evident-- but not successful to any marked degree.

This attempt at order is probably due to the influence of Maimonides who, seems to be unknown to Kimhi (who, we must remember lived a century after Maimonides)--if we should judge this by his Azharoth.

All of these, however, disappear in the background when we approach ~~the~~ to consider the monumental work of that genius of Jewish literature and learning, Moses Maimonides. Maimonides was truly disgusted with the chaotic

enumeration of the Halachoth Gedoloth (he says as much¹¹¹), and with the latter's imitators of later generations. He finds neither order nor arrangement in their work. To a scientifically trained mind such as his was a state of chaos such as existed in his day in the legal lore of Israel was intolerable. Hence he wrote his Mishneh Torah, a stupendous work the purpose of which was to render useless all other codes and collections of opinions and responsa in the expectation that "in the future when jealousy, and the desire to dominate shall disappear ^{לבונו וירחינו ונולחו} ¹¹² and again ¹¹³ ^{שלא יצטרך עמו אחר התורה ספר אחר ונולחו לדעת מסנו דבר שיצטרך בכל} ¹¹⁴ ^{התורה בין מדאורייתא בין מדרבנן.}

But in order to avoid misunderstanding and to encourage confidence he decided that the mere presentation of a new enumeration in the face of the accepted--though, to him, erroneous, enumerations which preceded his work, would not do.¹¹⁴ ^{כאשר התבוננתי... ידעתי כי אם אוכור אני המנין האמתי שראוי} ¹¹⁵ ^{ימנה זכרון מוחלט מבלתי ראיה הנה הקורא הראשון שיקראהו יתייב במחשבתו שזה /} ^{עוה ותהיה ראית המעות אצלו ראיתו בחלוק מה שזכר פלוני ופלוני, כי זהו בכל רוב} ^{נשי הקנולה בזמננו זה כי לא יבחנו המאמר בענינו אבל בהמכיו למאמר / מי שקדם} ^{לתי בחינת המאמר הקודם, כל שכן ההמון.} ¹¹⁶ ^{And so he decided to justify his}

method by presenting the principles underlying his enumeration so that people may know them and not misunderstand him. Thus, the ^{ספר המצות} became an introduction to the larger work, the Mishneh Torah.

Accepting Rabbi Simlai's statement concerning 248 positive and 365 negative precepts, the principles of enumeration as he lays them down, are as follows:¹¹⁵

Principle 1. All laws that are non-Mosaic, i.e. that were formulated by prophets, Soferim and Rabbis, are not to be counted among the 613

precepts.

Principle 2. Any law which is derived through any one of the thirteen hermeneutic rules¹¹⁶ by which the Torah is explained, or any law which is "extended" (רבוּי), read in, and is not part of the literal meaning of the Torah is not to be considered as of the 613 precepts. Only such that are designated in the Talmud *נוף חורה* or *מפאורייתא* are to be counted.

Principle 3. All laws that were not called forth by the exigencies of the moment, i.e. such laws that have permanent value and validity, are to be counted among the 613 precepts.

Principle 4. General injunctions such as "Do all that I have commanded Thee", or "Holy shall ye be" and the like, injunctions which imply the observance of many or all of the laws are not to be counted among the 613 precepts as they have been by Maimonides' predecessors in this task of enumeration.

Principle 5. The given reason for a law is not to be counted as being by itself a law, as f.i. Dt. 24:4: "Then shall her former husband who had ~~sent~~ sent her away, not be at liberty to take her again to be his wife, after she hath been defiled... and thou shalt not bring sin upon the land." The last part is counted as a negative precept by Maimonides' predecessors. "He who counted such would be disgraced were he asked to explain what definite thing the words 'and thou shalt not bring sin upon the land' prohibited".¹¹⁷

Principle 6. Laws which have both a mandatory and prohibitory implication (such as fasting on the Day of Atonement, and refraining from food and drink on that day, both of which are implied in the same commandment)

are counted twice, i.e. the mandatory among the mandatory precepts, and the prohibitory amongst that class of precepts.

Principle 7. The specifications or details for fulfilling a law are not counted as separate laws. The law itself is counted, the details are omitted from the count.

Principle 8. The exemption from fulfilling a commandment or one's freedom from observing it (i.e. where one is not obliged to do a certain thing) is not to be counted as a negative precept.

Principle 9. Where a law is repeated in different words the different statements are to be counted as one law. Where different methods of fulfilling one law are suggested then they are counted as one law, ~~xxx~~ except the Talmud determine in such cases that the parts constitute separate and distinct laws, in which case each is counted separately.

Principle 10. Instructions in the procedure preparatory to fulfilling a commandment are not counted separately.

Principle 11. The constituent parts of a precept are not counted as separate precepts, but are counted as one precept.

Principle 12. The different movements in the process of fulfilling a precept are not counted as separate precepts but as one precept.

Principle 13. A precept is not to be counted as more than one even where its fulfilment extends over more than one day, as for instance the dwelling in booths on the Feast of Tabernacles is one precept not seven precepts.

Principle 14. Where a certain ^{punishment is} prescribed for transgressions of a given type the prescription to punish in that way is to be counted as only one

precept, and not as many times as the transgression meriting that punishment is mentioned in the Torah.

These, however, are only principles of inclusion and exclusion; that is to say, they are the principles by which Maimonides guided himself in determining which laws were to be included in the list of 613 precepts forming the organic law, and which were to be excluded. His method of grouping the laws, once the content of the laws was determined, was equally as interesting as his principles, and what is even more, they are characteristic of the man. He accepts the traditional division into mandatory and prohibitory precepts, but in addition he divides the precepts within the traditional grouping in accordance with his statement in his *More*

*Nebushim*¹¹⁸, viz: וכבר נזע שהמצות כולם יחלקו לשני חלקים מצות שבין אדם

Thus, of the 248 positive commandments the למקום ומצות שבין אדם לחברו

first 171 in his enumeration¹¹⁹ are religious laws such as are בין אדם

למקום; the remaining 77 of the positive laws are civil laws, or those

that are בין אדם לחברו. Similarly, of the 365 negative precepts the

first 227 in his enumeration are religious laws, whereas the remaining

138 in this group are civil laws.

Jost is perhaps corrected when he says, after giving the list of the "613" as Maimonides arranged it, ^{that} *im Allgemeinen die Gesetzgebung sich noch in der Kindheit befand und von Vollstaendigkeit weit entfernt war*¹²⁰ a statement which may be born out by the fact that Maimonides' grouping and enumeration called forth much opposition on the part of some scholars in the generation following his (Nachmanides, Moses of Coucy and others), still the fact remains, that Maimonides did clear up the perfect maze that existed in this matter before him, and that he succeeded in bring-

ing some order out of the existing chaos." His grasp of general principles, his successful search for generalities underlying details, his power to bring to the front the spiritual side of Judaism, of showing its expression in the ritual side, these characteristics in a catalogue of precepts reveal qualities which do not fall short of genius. To Maimonides the ceremonial law was as sacred and as divine as the ethical law; but the spiritual, doctrinal aspect, not only came first, but justified and transfigured the rest."¹²¹ And it does speak to the eternal glory of his master-mind and name that to this day no one has succeeded either in superseding him in method of enumeration or to replace him in the esteem of the people as he replaced and towered above those who preceded him.

F I N I S .

NOTES.

1. Maine, H.S.: "Ancient Law", N.Y., 1878, p. 28
2. Kent, O.F.: "The Messages of Israel's Lawgivers", N.Y., 1902, p. 45.
3. *ibid.* pp. 46-47.
4. Maine, H.S. *op.cit.* p. 32. See whole chapter 2. Also T.W. Dwight's Introd. to this work p. XIX
5. *ibid.* pp. 32-33
6. Ginzberg, L. "Geonica" I: 79 quotes the Gaon R. Hai from Albageloni's דבר זה כתבוהו ראשונים אחד אחד במגילת סתרים שכותי בה: p. 126 מ' שמרות זכרונות שמועתיו לעצמו משום ראשוני ראשונים קודם למר רב יהודאי גאון ז"ל
7. By Meisä Bloch: R.E.J. I p. 208; by I.H. Weiss in footnote to Mechilta, Yithro, Bachodesh, 5, p. 74a. He says: להם לי שהיה נודע כי מן התנאים לא נודע לי שהיה להם: ור' שימלאי במכות הוא הראשון המזכיר מניין זה.
8. It should be noticed that the groupings are always expressed in dual form, giving the opposing extremes as גרמן--לא הוזמן גרמן etc.
9. This phrase is not found in this form. The Mishnaic phrase is אינה נוהגת אלא בארץ
10. כל מצוה שהיא תלויה בארץ אינה נוהגת אלא בארץ.. חוץ מן הערלה Kid. I: 9 וכלאים. ר"א אומר אף מן החדשת
- Jastrow, M. "Talmudic Dictionary" II p. 1671 says of these laws that they are commands "made dependent on the land (of Israel, to which the Biblical text attaches living in Palestine as a condition)"
11. Kid. 37a: בארץ: See also Rashi and a. l. חובת קרקע אינה נוהגת אלא בארץ: Kid. 37a.
12. Rashi to Kid. 37a.
13. Kid. 37a.
14. Kid. I: 8 באנשים ולא בנשים. חוץ ממנחת סוטה ונזירה שהן מניפות. ומהקטנות. וגו' נוהגין
15. Kid. I: 7
16. כלל הוא דכל מצות עשה. There are, of course, exceptions to these general rules in Kid. I: 7. In this connection see Erubin 27a. שהזמן גרמא נשים פטורות הרי מצה, שמחה, והקהל דמצות עשה שהזמן גרמא הוא ונשים חייבות וכל מצות עשה שלא הזמן גרמא נשים חייבות הרי ת"ת פריה ורביה ופדיון הבן דמצות עשה שלא הזמן גרמא ונשים פטורות אלא אמר ר' יוחנן אין למידין מן הכללות ואפילו במקום שנאמר בו חוץ

17. Yebam. 47a. An anonymous teacher says that if a non-Jew asks to be admitted into the Jewish fold he is to be discouraged, but if he persists מקבלין אותו מיד ומודיעין אותו מקצת מצות קלות ומקצת מצות חמורות

See also Yeb. 47b

Yoma VIII:8; Shebuoth I:6; Abboth IV:2.

18. עבירות שבין אדם למקום....עבירות שבין אדם לחברו
19. (none)
20. Nazir V:4
21. Chulin V:1
22. do. VI:1; VII:1; X:1; XI:1; XII:1; Bechoroth IX:1
23. Yoma VIII:8; Kid. I:7; Chulin XII:4; Zevachim XIV:9; Horayoth 8b; R.H. IV:8; Shevuoth I:6; II:3; Terumoth III:6; and others.
24. See for instance Kid. 29a-36a. Numerous other places in Gemara could be adduced in additional proof.
25. Maine, H.S., op. cit. p.38; also Ginzberg op. cit. I pp.73-75
26. Ginzberg, op. cit. pp.73-75; 97-98.
27. ibid. p.119sq-
28. R.E.J. I p.208.
29. In a noteto Mechiltah, Yithro, Bachodesh, 5.
30. vol. V p.17 note 3; vol. VI p.51.
31. chapt. 2; see also Halper: "Hefes b. Yasliah's Book of Precepts" in J.A.R. vol. IV p.525.
32. In ספר המצות to Maimuni's משנה תורה, Warsaw, 1903, p.2.
33. Even Ibn Ezra says in the 6th chapter of ספר השולחן ערוך
- אנשי כנסת הגדולה ואנשי המשנה והתלמוד כבר אבדה תורת אלהינו ונשכח זכרה כי אלה העמידו כל דבר על בוריו ובארו לנו המצות באר היטב וכל המצוות כאשר קבלום
- which, though it does not commit him to an approval of the literal interpretation of the "613", does not betray his belief in the attempt of the early teachers to determine the law or laws, and such determination of necessity leads to grouping and enumeration
34. Kerithuth 2a.
35. Sifre, Dt. #76, ed. Friedmann, p.90b.
36. Shabbath 87a.
37. Mechilta ed. Weiss, Yithro, Bachodesh, 5.
38. Makkoth 23b.
39. Jost, I.M.: "Geschichte des Judentums und seiner Secten" Vol. II, p.154 note 2.
40. Mielziner, M.: "Introduction to the Talmud" Cincinnati, 1894, p.39. cf. p.43.
41. Tanchuma ed. Buber, Ki Thetze, 2 (cf. Midrash Mishle, ed. Buber, p.110b)

רבות בנוח עשו חיל: אדם הראשון נצטווה על שש מצות, נח (גם) על אבר מן החי אברהם על המילה יצחק חנכו לשמנה, יעקב על ניד הבשה, יהודה על היבמה, ישראל על רמ'ה מצות עשה, כנגד רמ'ה איברים שבאדם, כל אבר ואבר אומר לו לאדם, בבקשה ממך עשה בי מצוה זו, ושם'ה מצות לא תעשה כנגד ימות החמה, וכל יום ויום אומר לאדם אבקש ממך שלא תעשה בי עבירה זו.

42. Shir ha-Shirim R. I:13.

43. Horayoth 8a.

44. Makkoth 23b-24a.

45. Shir ha-Shirim R. I:13.

46. Yevamoth 47b; see also Midrash Mishle, ed. Buber, end of book, p. 112b.

47. Nedarim 25a.

48. Shevuoth 29a.

49. (none)

50. Exodus R. 32:1

51. Numbers R 13:15

52. do. 18; 17

53. of Megilla 19b; הראו הקב"ה למשה דקדוקי תורה ודקדוקי סופרים ומה שהסופרים עתידין לחדש.

also Berachoth 5a.

54. Jost op. cit. Leipzig, 1857, vol. I p. 451

55. See stimulating discussion of this question in Ginsberg's "Geonica" vol. I, pp. 95-111.

56. ibid. p. 105

57. do. p. 104

58. do. p. 112.

59. Halachoth Gedoloth, ed. Hildesheimer, Berlin, 1888, pp. 9-17 and 634.

60. ibid. p. 9, note 7D

61. ibid. p. 10, note 7P

62. cf. ib. where on p. 10 the author speaks of only seven offences in this category, while on p. 634 he speaks of eight. See note 7P on p. 10.

63. At the beginning of the enumeration on p. 10 he mentions מלקות as the punishment; so also on p. 634. At the conclusion of the enumeration on p. 13 the word מלקות is omitted and simply the designation לווי retained. In the enumeration many of the negative laws which are punishable otherwise than with stripes are included. See note 7P p. 8.

64. מכל מקום חשבונן של בעל הלכות בפרשיות לא שרש ג' end of השנות הרמב"ן. עד-עבד ed. Hildesheimer p. 8; notes 7P of פד; see also note 7P; נהביר ענינו

65. ib. p. 10, note 7P; נחיאשתי למצוא גדר הגיוני במנין הלאוין ובפרט מאיזה מעם: קו p. 634; and additional note to p. 13 in the מחתח p. 140 (bound with ib)

66. Ginsberg, op. cit. vol. I pp. 95-96 and vol. II pp. 52-53. חשב הבה' ג פעמים ב' לאוי חלקי פסוק בשנים ופעמים רק אחת ונו'

67. Temurang 14b.
68. Ginzberg L. op. cit. vol. I p. 97
69. Halachoth Gedoloth, ed. Hildesheimer, p. 9, notes IX and XI
70. Ginzberg, op. cit. vol. I pp. 111-112.
71. ibid. p. 111, note 2.

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67. Graetz in his "Geschichte der Juden" V pp. 280-281, 1st. ed. (1860)

ascribes the authorship of the Halachoth Gedoloth to R. Simeon Kayara. He says: "R. Simon aus Kahira war der erste, der die traditionelle Zahl von 365 Verboten und 248 Geboten vollstaendig aufzusaehlen versucht, aber dabei manche Missgriffe gemacht. In der Einleitung zu diesem Werke behauptet er die Wichtigkeit der Tradition wahrscheinlich gegenueber den Karasern. Dieses Werk wurde eine Fundgrube fuer den Spaeteren, wurde aber von den Gaonen nicht besonders gesachtet"

Graetz wrote in 1860. I am inclined to take the word of Prof. Ginzberg (1909) in op. cit. that R. Jehudai was the author of the Halachoth Gedoloth. Graetz dismisses the matter of "some blunders" (manche Missgriffe) in the enumeration of the "613" by referring to Maimuni's Introd. to his PIKDON TSED. -- Graetz knew of only two printed editions

of the PIK (Venice, 1550, and Vienna, 1819) and those -- with reference to enumeration Graetz probably did not examine carefully. For, though in the Vienna ed. we find the reference to שם'ה סל'ת ורמ'ח ס'ע we also find after the author's enumeration of the PIK the significant statement הררי אלן שלש סדוה וארבעים ושלס סדוה while after the enumeration of the ע'ד we find הררי אלן סדוה קס"ז which shows a discrepancy of 17 precepts between the sum of these and the traditional "613" which the author tells us he is enumerating for us. However, since Graetz wrote, Dr. I. Hildesheimer in 1888 published the PIK according to a Vatican MS where the "613" are enumerated according as we have indicated in the body of this essay, and it is this enumeration which R. Saadia had before him when he wrote his PIK and his Minhagot, and was the one which Graetz refers to.

Prof. G. Deutsch, too, in his "History of the Jews" p. 40, speaks of the "Halakot Gedolot by Simeon Kayara, written in the eighth century." Now, R. Simeon according to Graetz and others lived approximately bet. 840-928. R. Jehudai was Gaon in the Sura academy in the years 759-782. If the Halachoth Gedoloth are of the eighth century as Prof. Deutsch is quite right in saying then he errs when he ascribes their authorship to R. Simeon Kayara.

73
68. Halper, B. "A Volume of the Book of Precepts by Hefes b. Yasliah" J. Q. R. vol. IV p. 543

74. ibid. p. 546

75. ibid. p. 547

76. ib. p. 560

77. *ibid.* pp. 567-576

78. Goodman, Paul, "History of the Jews" London, 1909, p. 60.

79. Dukes, L. "Zur Kenntniss der neuhebraeischen religioesen Poesie"
F.a.M. 1842, p. 44.

Sachs, J.M. in Rosenberg's קובץ מעשה ידי הגאונים, Berlin, 1856, II p. 99.

80. Sachs *ibid.*

81. *op. cit.* p. 46

82. Sachs in *op. cit.* p. 99: ואם בדרך כלל אמר כי המתכבדים היו משוררים לא
רבנים שמעתי ולא אבין. כי מן הידוע כי מחברי האזהרות הראשונים היו רבנים
עמודי התווך בהלכה ובהוראה לא משוררים

See also Azulai's לחכמים ועד, Leghorn, 1796, p. 8a.

So also Stern, M.E. in his כתב תורה Vienna, 1864, Introd. p. IX footnote.

83. In Rosenberg's קובץ II pp. 26-38

84. *ed.* Hildesheimer, p. 9, (top)

85. *op. cit.* p. 99

86. *ib.* p. 98; also Landshuth L. עמודי העבודה Berlin, 1857, pp. 291-292 for
a complete outline of the acrostic scheme of this enumeration.

87. Megillah 19b. Also quotation from Saadia's commentary to יצירה in
Rosenberg's קובץ II pp. 285 וראינו ונבין כי העשרת דברות ששמענום האבות
לפני ה' סיני נגד אלה העשרה מאמרות עד שלא תשאר מצוה שלא תכנס תחתם

88. Landshuth in *op. cit.* pp. 289-291 points out the technical tricks and
acrostics in these Azharoth.

89. *ibid.* pp. 312-314

90. יסוד מורה end of chapter 2.

91. Landshuth *op. cit.* pp. 13-15.

92. II pp. 55-73; See also Sachs p. 98 and Unger pp. 191-197 of this volume.

93. Azharoth of Ibn Gabirol Amsterdam, 1735.

94. Found in vol. II of וישועה רנה, Leghorn, 1883, folios 96a-112b; 124b-136b.

95. Quoted in Landshuth *op. cit.* p. 126

96. ch. 4: יסוד מורה
אם שכייל לדעת מצוה אחת תמימה מן התורה אם לא יעמוד על דברי תורה שבע' פ'
אם תמצותם עד המצוה הקבלה נמשך ואין תחבש שבעה המצות בין דבריהם
ובין דברי תורה. כי גם הם נתונים לנו והם קבלו מאבותם ואבותם מהנביאים והכל
מפי השם ביד משה

See *supra*, note 33, p. 44.

In the Introd. to his commentary to the Pentateuch he says:

ולמה במצות נגע צרעת מבוארים המשפטים שהיא מצוה לאדם אחד ולפרקי' מעשים
ומצות המועדים חיוב לכל ישראל בכל זמן. ולמה אין בתורה עליהם עד נאמן רק

נחפוש בה וכה רמיוות. ולמה ~~אין~~ תורה חמימה כזאת. וזה לנו דאז שסמך
משה על תורה שבעל פה... כי אין הפרש בין שתי התורות. ומידי אבותינו שחיהן
לנו מסורות.

97. See supra p. 19.

98. ויש מצות רבות עברו ומה צורך לספרם בשש מאות: 2. chap. שאלה יסוד מורא.

99. ib. chap. 2: ... שפירושם מעם.

100. ibid.: חשם לא צדקה מצד חסדם לשתוק איסור לאכול בשר חי עד שישפך דמו
בשחימה לבדה לא בדרך אחרת...

101. ibid.: ויש מהם נזכרים בספר בשני שמות והוא חושב כי שנים הם כמו זכור ואל
חשבה...

102. ויש שהכניסו במצות מה שהוא רשות כמו לגר אשר בשעריך או במכור לנכרי ונזכר
וככה לכלב תשליכון אותו כי המעם דבק עם ואנשי קדש תהיון לו

103. ib. ch. 4.

104. ib. ch. 5.

105. ib. ch. 7.

106. ibid.

107. Azulai: לחכמים ועד Leghorn, 1796, p. 8a.

108. Found in 1759, in possession of Jewish Theol.

Seminary in N.Y.

109. Surnamed "Mestre petite de Nions"; lived about 1290. of Landshuth
op. cit. p. 124.

110. See note 108, above.

111. Introd. to מה'ם Warsaw, 1903, p. 4. וכן כל מה ששמעתי האזהרות רבות המספר
המתוכרות אצלנו בארץ ספרד, נחפכו עלי צירי...

112. ed. Venice, 1564, p. 25a.

113. Introd. to מה'ם Warsaw, 1903, p. 3

114. ibid. p. 4

115. By "Mosaic" laws he understood such laws only of which R. Simlai says
נאמרו לו למשה במיני. Maimonides stresses the word בסיני. Now, our
editions of the Babylon. Talmud do not have this word which Maimuni
quotes. I found this word, however, in the Muenchen MS edition (supra
p. 18)

116. For an explanation of the thirteen hermeneutic rules see Mielziner's
"Introduction to the Talmud" pp. 130-176-

117. מה'ם Warsaw, 1903, pp. 99-100

118. Part III, chap. 35 near end.

119. In his ספר המצות. Also in J.E. vol. IV pp. 181-185. Also in Jost's op.
cit. vol. I pp. 452-466

120. op. cit. p.466, vol.I

121. Yellin and Abrahams "Maimonides", Phils. 1908, pp.120-121-

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These represent the standard works consulted in connection with the field covered by this thesis. The notes (supra) give more detailed information re sources used.

Many more works were consulted, but the material gathered from them belongs more properly to the post-Maimunian phase of this work, which I hope to be able to ~~do~~ present shortly. Hence, I omitted those reference works from this bibliography.