

Review Essay

RESPONSE TO THE REVIEW ESSAY OF BROYDE AND GOLDSTEIN

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I appreciate the close read given my book by Joshua Broyde and Binyamin Goldstein. I also thank them for their suggested solution to the conflict between Maimonides' different formulations regarding *yom tov sheni shel galuyot*. I find it quite compelling. However, I would also like to correct a number of their mischaracterizations of my book, some of which are so egregious that I have trouble understanding how they could have arrived at them.

1. Contrary to what the authors state, I did not write that because the *Mishneh Torah* was never brought to final order that “this incompleteness renders futile most attempts to harmonize its rulings with either opposing Talmudic sources or with its own inconsistencies” (emphasis added). All I wrote was that in some examples this is the case. The authors' mistaken characterization of my position is most unfortunate as it leaves the impression that I have no use for hundreds years of traditional *Mishneh Torah* commentary. This is completely inaccurate and nothing I have written supports such a mischaracterization. In fact, I explicitly state the exact opposite. See *Studies in Maimonides and His Interpreters*, p. 64.

2. Contrary to what the authors state, I never claimed that Maimonides and his son, R. Abraham, did not view the *Mishneh Torah* as a complete summation of Jewish law. What I wrote is that since Maimonides continued to update and correct the *Mishneh Torah*, that in this respect it should be viewed as a work in progress. The evidence for this is overwhelming (for some of it, see *Studies in Maimonides*, p. 60 n. 48). The authors' statement that Maimonides considered the *Mishneh Torah* to be a “polished magnum opus” is certainly correct, but

together with this one must deal with the evidence of Maimonidean revisions. One must further explain in what sense a work is to be regarded as “polished” if the author continues to revise it.

Contrary to what the authors state, I also do not put forth the hypothesis that Maimonides or his son regarded the *Mishneh Torah* as an “unpolished draft” or a “rough draft.” No one who has read the introduction to the *Mishneh Torah* could ever make such a statement. Maimonides never would have “published” his *Mishneh Torah*, and sent it all over the world, had he viewed it as an “unpolished draft” or a “rough draft.” Furthermore, there is nothing in what I wrote in opposition to the conclusion of the authors that “Maimonides intended his work as a polished, well-researched and internally consistent compendium of halakhah” (emphasis added). After all, what author doesn’t have that intention? However, despite Maimonides’ initial intention, history shows that the *Mishneh Torah* was a work in progress, never brought to final completion as the author continued to make corrections. Both the academic world as well as traditional scholars such as R. Kafih share this view. What I have claimed is far removed from the mistaken notion (never advocated by anyone) that the *Mishneh Torah* was a “rough draft”.

3. Contrary to what the authors state, and repeat at the end of their article, I never claim that Maimonides made halakhic errors. I also never speak of a “mistaken view of Maimonides.” Even the most outstanding halakhists of our day would never dare to say something like that, and yet the authors leave the impression that I think myself adequate to declare that Maimonides made halakhic errors. Furthermore, I never state that Maimonides’ son, R. Abraham, conceded that his father unintentionally erred. I was very careful with my language (something the authors unfortunately are not). I wrote that in one responsum R. Abraham suggested that “perhaps” his father forgot about a Talmudic passage.

Contrary to what the authors state, I never use this responsum of R. Abraham to “demonstrate a general paradigm of ‘mistakes, carelessness and forgetfulness by Maimonides.’” Rather than take my word for it, I ask all readers to look at my book, p. 11, where they will find that I write that in one instance R. Abraham suggested that perhaps his father erred. The “general paradigm” of which the authors write is based on the numerous

examples I cite beginning on page 17, as can be seen by all who examine my book.¹

4. In order to illustrate how we can identify Maimonides' sources in newly uncovered rabbinic literature, the authors point to *Hilkhot Melakhim* 8:11. Here Maimonides famously states that if a non-Jew only keeps the Noahide laws because they make sense to him, not because they were given to Moses, he is not regarded as a pious Gentile. The authors claim that the source of this passage is *Mishnat Rabbi Eliezer*.² The truth is that Maimonides himself identified his source in his *responsa* (ed. Blau no. 148). Furthermore, I discuss all this in my book (p. 83 n. 347) and I don't understand why the authors do not mention this.

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1. Here is not the place to discuss how R. Abraham related to his father's work. I will just note that the authors make judgments about R. Abraham based upon the nineteenth-century publication *Birkat Avraham*, which contains only forty-seven *responsa*. They seem to be unaware of the standard edition of R. Abraham's *teshuvot*, edited by A.H. Freimann (Jerusalem, 1938), which contains many more *responsa*.
 2. The authors cite this text as "*Mishnat Rabbi Eliezer with the Commentary Midrash Agur*." There is no commentary *Midrash Agur*. *Midrash Agur* is simply another name for *Mishnat Rabbi Eliezer*.