

Hagai Pely | **The Validity of the Talmud and the Quality of the *Mishneh Torah* according to Maimonides: A Reexamination**

An interesting interpretation holds that the legal construction on which Maimonides based the absolute validity of the Talmud – its actual acceptance throughout all Jewish communities – also stands at the infrastructure of the expected future validity of the *Mishneh Torah*. According to this perception, when Maimonides' magnum opus will gain widespread recognition its exclusive legal status will be established: henceforth it will replace the Talmud, and will be used as the basic halakhic text from which adjudication is derived. As I suggest, this legal construction, mentioned in the introduction to the *Mishneh Torah*, was perceived by Maimonides as a necessity for the foundation of the absolute validity of the Talmud, but not as a sufficiency. Along with the actual acceptance of the Talmud, Maimonides set another necessity – the identification of amoraic rulings as legislations of "Beit Din Gadol." Since Maimonides required these two necessities to establish the absolute validity of the Talmud, and neither of the post-talmudic treatises – including the *Mishneh Torah* – can meet these two cumulative conditions, it was found that Maimonides did not and could not assume his monumental treatise to be an absolutely valid codification under any circumstances.