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Walking with Mitzvot

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MITZVOT IN THE RABBINIC PERIOD

CANDICE LEVY

INTRODUCTION

Though the word mitzvah is often translated as a good deed, it is more accurately translated as a commandment. For the rabbis, the commandments are the central terms for the covenantal relationship between God and the people Israel. However, they are not restricted to the Godly sphere, but encompass every aspect of daily life including the self, relations with others, and with God. The 613 mitzvot that are derived from Torah are at the center of the rabbinic endeavor to legislate and adapt Judaism in a post-Temple world. In their attempt to interpret and define the Torah and its commandments, the rabbis have classified the mitzvot in a number of ways based on reasoning (*hukkim* and *mishpatim*), scope (positive and negative), object (God and fellow-man) and source (*d'oraita*/Toraitic and *d'rabbanan*/rabbinic). Despite the large number of commandments, the rabbis nonetheless advocate that a person has a responsibility to go beyond the commandments and adhere to a higher standard of behavior.

MITZVAH AND COVENANT

For the rabbis, revelation at Sinai marked the establishment of a covenantal relationship between God and the people Israel. God's offer of the Torah to the people was met with the response, *na-aseh v'nishma*, we will do and we will hear (Exodus 24:7). In that moment, the Israelites entered into a covenant with God that bound them to the observance of the mitzvot, or the laws and statutes that God would ordain for them. The mitzvot were the terms of the covenant. Adherence to the laws guaranteed the people wealth, abundance and other such rewards, whereas failure to do so would bring about punishments such as disease, famine, and ultimately, severance of their relationship with God. This system of retribution theology in which reward and punishment are doled out on the basis of one's actions is one of the central themes of the Torah, particularly in the book of Deuteronomy. "See, this day I set before you blessing and curse: blessing, if you obey the commandments of the Lord your God that I enjoin upon you this day; and curse, if you do not obey the commandments of the Lord your God" (Deut. 11:26-28). It established the means by which the rabbis understood the relationship of humans with God and the fundamental role of the mitzvot. The mitzvot at the center of the covenant necessitated human free will and the acceptance of the covenant by all those who would be bound to it. Thus, the rabbis contended that the Israelites willfully entered into the covenant and furthermore, that all Israelites, including the souls of the unborn, were present at Sinai, and they all agreed to abide by the covenant (Babylonian Talmud, Shabbat 146a, from Deut. 29:13-14). Another opinion states that every generation renews the covenant with God and accepts the mitzvot all over again. Consequently, the mitzvot are an inherent part of the relationship with God in the past, present and future.

MITZVAH AND TORAH

The centrality of the mitzvot to the Torah has rendered the latter synonymous with the former in various rabbinic teachings and statements. According to the rabbis, the essential role of the Torah is to convey the mitzvot. A midrash asks, "Why were the ten commandments not stated at the beginning of the Torah?" The question belies the rabbinic view that the mitzvot are the centerpiece of the Torah. The response comes by way of a parable about an unknown king who attempts to reign over a people and is rejected since he has not done anything for them. However, after fortifying the city walls, providing them with water and waging war on their behalf, the king's reign is readily accepted. Likewise, say the rabbis, God took the people out of Egypt, split the sea, provided manna and a well, sent the quail, and fought the war with Amalek, and only then did God establish the commandments (*Mekhilta*, Bahodesh 5). In this view, the narratives of Genesis and Exodus are a preamble to the commandments, a history of the relationship between God and the Israelites that was meant to pave the way for the establishment of the laws and ordinances relayed at Sinai. Here, the mitzvot are the driving force in biblical narratives. They are the culmination of a special relationship with God and a testament to the favor that God has shown the people.

And yet, the rabbis maintain that Abraham observed the Torah in its entirety (*Mishnah Kiddushin* 4:14). Though the Torah had not yet been given, the rabbis contend that the commandments were known to the forefathers and they received a special merit for observing them. The rabbis taught that the Patriarchs studied the Torah and its laws at the yeshiva of Shem, Noah's son, and Ever, Shem's grandson (*Genesis Rabbah* 56:11). By presenting the Patriarchs as ethical and moral exemplars, the rabbis highlight the fact that the Patriarchs observed the Torah and mitzvot of their own free will. In these stories, the mitzvot transcend time, and the Torah becomes a timeless code of conduct.



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THE TEN COMMANDMENTS

The Ten Commandments, or the Decalogue, are at the center of the revelation at Sinai. The rabbis say that though God only spoke the first two commandments and Moses the rest, the people felt as if they heard the entirety of the Decalogue directly from God. A reading of the two versions of the Ten Commandments found in the books of Exodus and Deuteronomy reveals quite a few differences., but the rabbis maintain that both versions were transmitted in a single act of speech (Babylonian Talmud, Shevuot 20b).

As with the rest of the mitzvot, the rabbis divide the Ten Commandments into two categories: ben adam la-makom, between a person and God, and ben adam la-havero between people. The first five commandments fall into the former category and the last five are in the latter category. These commandments, engraved on the tablets of the law that were housed in the tabernacle and later the Temple, served as a constant reminder to the people of their relationship with God and their duty to abide by the mitzvot.

THE 613 MITZVOT

The rabbis derive 613 distinct commandments from the Torah. “Rabbi Simlai expounded: 613 commandments were given to Moses – 365 negative ones, corresponding to the number of the days of the solar year, and 248 positive commandments, corresponding to the parts of man’s body” (Babylonian Talmud Makkot 23b). These 613 form the foundation for rabbinic law, or halakhah.

The rabbis distinguish and categorize the commandments in a number of ways. These reflect the rabbinic tendency to classify and systematize matters, and their attempt to make sense of the vast number of laws they considered to be binding.

HUKKIM AND MISHPATIM

While the distinction between hok or statute, and mishpat or ordinance, is present in the language of the Torah, it is the rabbis who ascribe meaning to the linguistic difference. The rabbis explain that the mishpatim are laws that any reasonable and moral person or society could arrive at even without the Torah. Commandments against robbery, murder and incest are examples of mishpatim. Hukkim, on the other hand, are commandments that demand observance even where no reason or rationale is provided or can be ascertained. These are observed as a consequence of faith in God rather than the perceived benefit or sense of the commandment itself. The classic example of a hok is the prohibition against wearing a garment made of wool and linen (Leviticus 19:19). The Bible provides no reason for this prohibition, nor can we discern a moral or ethical rationale behind the prohibition of mixing wool and linen within one garment.

Overall, the rabbis refrain from discussing or providing a rationale for any of the mitzvot, for they believe that observance of the commandments should not depend on ta’amei ha-mitzvot, the reasons for the commandments. Rather than being an extension of logical thought, the rabbis believe that the mitzvot were given to refine and purify the people and to enable the Israelites to gain merit in the eyes of God. Providing the reasons for the commandments could open the way for the rationalization and dismissal of the commandments (Babylonian Talmud Sanhedrin 21b).

POSITIVE AND NEGATIVE COMMANDMENTS

Of the 613 mitzvot, the rabbis distinguished 365 mitzvot lo ta’aseh, negative or prohibitive commandments, and 248 mitzvot aseh – positive or exhortative commandments. While both were held to be divine in origin and thus authoritative, the rabbis assign harsher punishment for the transgression of a negative commandment than for a positive commandment.

COMMANDMENTS BETWEEN GOD AND MAN AND COMMANDMENTS BETWEEN PEOPLE

As with the Ten Commandments, the rabbis divide all the laws of the Torah into the categories of ben adam la-makom and ben adam la-havero. The latter are just as important and binding as the former. Perhaps because the rabbis understand humans to be creations and reflections of God, we are obliged to treat our fellows with respect and dignity. While the failure to do so results in divine punishment, the rabbis assert that God cannot grant forgiveness to one who has wronged his friend (Mishnah Yoma 8:9).



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BIBLICAL AND RABBINIC COMMANDMENTS

The rabbis acknowledge their creative endeavor while at the same time maintaining that their additions derive from the Oral Law and, as such, form part of the original commandments given at Sinai. The rabbinic endeavor involves the interpretation and the categorization of the biblical commandments into a system that is exact and can be lived. For example, the Torah states “Remember the Sabbath day to keep it holy; six days you shall labor and do all your work, but the seventh day is a Sabbath of the Lord your God: you shall not do any work” (Exodus 20:8-10). The Torah warns against the performance of “work,” but would we call some of the activities that are prohibited on the Sabbath “work?” It seems that the word is vague and may mean different things to different people at different times. The rabbis seek to determine a means of observing this commandment by defining what is entailed in “work.” Using the building of the tabernacle as an example of creative work, they establish 39 categories of work that are prohibited on the Sabbath (Mishnah Shabbat 7:2). Each category encompasses a number of activities that stem from the original act, and thus the rabbis legislate the laws of observing the Sabbath. While every commandment stems from the Torah, it is defined and often times undergoes a complete transformation at the hands of the rabbis.

The rabbis recognize their roles as interpreters and innovators of the tradition by distinguishing between commandments that are d’oraita, from the Torah, and those that are d’rabbanan, from the rabbis. Nonetheless, both are equally binding, since rabbinic authority stems from the chain of transmission that reaches back to Moses and ultimately, to God (Mishnah Avot 1:1). The rabbis make the claim that their laws are authoritative despite the fact that many go far beyond the scope of biblical law, because they are derived through interpretative methods and oral traditions that are part of the Oral Law that was revealed at Sinai (Babylonian Talmud Shabbat 31a). Though the rabbis claim authority to interpret the Bible and establish the parameters and the component parts of the mitzvot, they also contend with the biblical injunction not to add even one letter to the Torah: “You shall not add anything to what I command you or take anything away from it, but keep the commandments of the Lord your God that I enjoin upon you” (Deuteronomy 4:2).

There are three categories of rabbinic commandments: gezeirah or rabbinic decree, takanah or rabbinic ordinance, and minhag or custom. A gezeirah is a decree enacted to prevent the transgression of a biblical commandment. The rabbis claim that it is necessary to make a siyag la-Torah, a fence for the Torah which creates a buffer for the biblical laws (Mishnah Avot 1:1). For example, the Torah prohibits work on the Sabbath, and the rabbis prohibited the handling of implements of work on the Sabbath, so that one should not mistakenly use them and violate the Sabbath.

A takanah is an ordinance that is instituted in the interest of public welfare. For example, although the Torah and the Talmud permit polygamy, a takanah issued by Rabbenu Gershom prohibited polygamy among Jews who lived in countries that had laws against the practice.

A minhag is a custom that is accepted and in force to such an extent that its practice has become authoritative and binding. For example, some Jews had the custom to refrain from eating rice on Passover. This custom was in force for so long that today some Jews maintain that rice is forbidden on Passover.

BEYOND THE LETTER OF THE LAW

Despite the vast number of laws and commandments, both biblical and rabbinic, the rabbis insist that sometimes we are beholden to an even higher standard. This is the idea of lifnim mi-shurat ha-din, beyond the letter of the law. The sages recognize that one can observe the commandments and still engage in deplorable behavior, and they call one who does this naval b’reshut ha-torah, a scoundrel within the bounds of the law.

For example, there are large sections of rabbinic literature that deal with capital punishment, and the rabbis delineate the procedures to enforce such a punishment. However, Mishnah Makkot 1:10 states: “A Sanhedrin which imposes the



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death penalty once in seven years is called murderous. Rabbi Elazar ben Azariah says, 'Once in seventy years.' Rabbi Tarfon and Rabbi Akiva say, 'If we were on a Sanhedrin, no one would ever be put to death.'" The rabbis are imposing a standard on themselves and the Sanhedrin to adjudicate with a higher standard than just the letter of the law.

If a case resulted in the death penalty despite the vast number of safeguards and restrictions that the rabbis institute on capital punishment, it would probably be well deserved. And yet, the rabbinical court that imposes it once in seven years is labeled murderous! This text conveys the notion that the letter of the law, though perhaps correct, though it may be justified, cannot be the sole determinant of a person's actions. There are situations that demand a different standard.

While the commandments are fixed and rigid, the standard of *lifnim mi-shurat ha-din* is flexible and vague, determined subjectively on a case-by-case basis. This is the place for humans to exercise better judgment, compassion and ethical ideals so as to create a world that surpasses the bare letter of the law.

CONCLUSION

The rabbis teach that the world was created for the sake of the Torah, and humans so that they could fulfill its commandments. The mitzvot form the foundation of the Torah and religious practice. The rabbis engage in the interpretation of the Torah so as to derive 613 commandments, which they further clarify in the Mishnah, Gemara and Midrash. What emerges is a series of distinctions of the various types of mitzvot as well as additions and supplements that the rabbis imposed. While the number of commandments makes it practically impossible to observe them all, the rabbis demand of us to adhere to a higher standard and go beyond the letter of the law. Recognizing human imperfection, we implore God to deal with us with mercy and we too must act accordingly. The rabbis teach that it is through the commandments that people can break through the chasm between God and humanity, this world and the heavens. They say: "Whosoever fulfills the laws it is as if he has created himself" (Midrash Tanhuma, Ki Tavo 3). In observing the commandments, a person becomes a partner with God in the act of creation. For the rabbis, this moment in which humanity is most God-like, is the closest to perfection as can be.



MITZVOT IN THE RABBINIC PERIOD – TEXT 1

תלמוד בבלי מסכת סנהדרין דף כא עמוד ב
אמר רבי יצחק: מפני מה לא נתגלו טעמי תורה? שהרי שתי מקראות נתגלו
טעמן, נכשל בהן גדול העולם. כתיב "לא ירבה לו נשים" (דברים יז: יז), אמר
שלמה: אני ארבה ולא אסור, וכתיב "ויהי לעת זקנת שלמה נשיו הטו את
לבבו" (מלכים א, יא: ד). וכתיב "לא ירבה לו סוסים" (דברים יז: טז), ואמר
שלמה: אני ארבה ולא אשיב, וכתיב "ותצא מרכבה ממצרים בשש מאות
כסף וסוס בחמשים ומאה..." (מלכים א, י: כט).

BABYLONIAN TALMUD, SANHEDRIN 21b

Rabbi Yitzhak said: Why were the reasons [for mitzvot of the] Torah not revealed? Because reasons for two verses were revealed, and they caused the greatest person in the world to stumble. It is written [about an Israelite king]: "He shall not multiply wives for himself [lest his heart go astray]" (Deut 17:17). Solomon said: I will have multiple wives and I will not go astray. But it is written: "It came to pass when Solomon was old that his wives turned away his heart..." (1 Kings 11:4). And it is written: "He shall not multiply horses for himself [nor cause the people to return to Egypt]" (Deut 17:16). Solomon said: I will have many horses, but I will not return [the people to Egypt]. But it is written: "And a chariot going out of Egypt would cost 600 silver shekels and a horse 150..." (1 Kings 10:29).

STUDY QUESTIONS

- Why would knowing the reason for a mitzvah lead someone to violate it, if negative, or to refrain from observing it, if positive? Isn't this counterintuitive?
- Why does Rabbi Yitzhak choose Solomon as his example of the negative impact of knowing the reasons for mitzvot?
- What do you think about hukkim, mitzvot for which the Torah does not give reasons? Do you observe the prohibition against wearing a garment made from wool and linen? Why or why not?
- The Torah does reveal the reasons for many of the mitzvot. How do the reasons for mitzvot figure into the process of halakhic change?



MITZVOT IN THE RABBINIC PERIOD – TEXT 2

משנה יומא ח: ט

עבירות שבין אדם למקום יום הכפורים מכפר. עבירות שבין אדם לחבירו אין יום הכפורים מכפר עד שירצה את חברו. את זו דרש רבי אלעזר בן עזריה: "מכל חטאתיכם לפני ה' תטהרו" (ויקרא טז: ל) – עבירות שבין אדם למקום יום הכפורים מכפר, עבירות שבין אדם לחבירו אין יום הכפורים מכפר עד שירצה את חברו.

MISHNAH YOMA 8:9

For transgressions between a person and the Omnipresent, the Day of Atonement atones. For transgressions between a person and his fellow, the Day of Atonement does not atone until he appeases his fellow. Rabbi Elazar ben Azariah explained this: "You shall be ritually pure from all your sins before the Lord" (Lev. 16:30) — For transgressions between a person and the Omnipresent, the Day of Atonement atones. For transgressions between a person and his fellow, the Day of Atonement does not atone until he appeases his fellow.

STUDY QUESTIONS

- Does this mishnah surprise you, or is this the way you understand Yom Kippur?
- Candice Levy points out that "The rabbinic endeavor involves the interpretation and categorization of the biblical commandments into a system that is exact and can be lived." Do you see this endeavor in our mishnah?
- What kinds of mitzvot seem to be most important to God in this mishnah? How do you feel about that?
- According to this mishnah, what is the process of forgiveness for transgressions of mitzvot between people? Think of some examples of these mitzvot. Where is God in this?



MITZVOT IN THE RABBINIC PERIOD – TEXT 3

תלמוד בבלי מסכת בבא מציעא דף ל עמוד ב
תני רב יוסף: (שמות י"ח:כ)... "ואת המעשה" זה הדין, "אשר יעשון" זו
לפנים משורת הדין... אמר רבי יוחנן: לא חרבה ירושלים אלא על שדנו בה
דין תורה. אלא דיני דמגיזתא לדיינו? אלא אימא: שהעמידו דיניהם על דין
תורה, ולא עבדו לפנים משורת הדין.

BABYLONIAN TALMUD, BAVA METZIA 30b

Rav Yosef taught [concerning “You shall show them the way in which they must walk, and the work that they must do” (Ex. 18:20)]: “and the work” – this refers to [observing mitzvot according to] the letter of the law, “that they must do” – this refers to [observing mitzvot in a way that goes] beyond the letter of the law. Rabbi Yohanan said: Jerusalem was destroyed only because they judged there according to the [the letter of the] law of Torah. But should they have judged according to the laws of tyranny?! Rather, say: [Jerusalem was destroyed] because they established their laws on [the letter of] the law of the Torah, and they did not go beyond the letter of the law.

STUDY QUESTIONS

- According to Rabbi Yohanan, Jerusalem was destroyed even though people observed the mitzvot. Why?
- How does this Talmudic passage fit with the idea of covenant Candice Levy discusses in her essay?
- How can the rabbis demand greater observance than God demands in the Torah? What do they demand from God in exchange? Does this restore the balance of the covenant?



MITZVOT IN THE RABBINIC PERIOD – TEXT 4

תלמוד בבלי מסכת ברכות דף ז עמוד א
אמר רבי ישמעאל בן אלישע: פעם אחת נכנסתי להקטיר קטורת לפני
ולפנים, וראיתי אכתריאל יה' ה' צבאות שהוא יושב על כסא רם ונשא ואמר
לי: ישמעאל בני, ברכני! אמרתי לו: יהי רצון מלפניך שיכבשו רחמיך את
כעסך ויגולו רחמיך על מדותיך ותתנהג עם בניך במדת הרחמים ותכנס להם
לפנים משורת הדין, ונענע לי בראשו.

BABYLONIAN TALMUD, BERAKHOT 7a

Rabbi Ishmael ben Elisha said: One time I went in to offer up incense on the innermost altar, and I saw Akatriel Yah HaShem Tzevaot [names of God], who was sitting on the highest throne, and he said to me: Ishmael, my son, bless me! I said to him: May it be your will that your mercy will overcome your anger, and that your mercy will overcome your attributes, and that you will treat your children with the attribute of mercy, and that for their sakes you will go beyond the letter of the law. And he nodded his head to me.

STUDY QUESTIONS

- Rabbi Ishmael ben Elisha went in to offer incense on “the innermost altar.” This means he entered the Holy of Holies of the Temple. What was the one day a year that this was done?
- Which of God’s attribute(s) does Rabbi Ishmael ben Elisha hope will be overcome by God’s mercy?
- According to Rashi, when God nods his head to Rabbi Ishmael ben Elisha, it is as if God acknowledges his blessing and answers “Amen.” How is Rabbi Ishmael’s plea for mercy really a blessing of God?
- Candice Levy points out that the word mitzvah, often translated as good deed, really means commandment. How can we reconcile God as commander with God as portrayed in some of our rabbinic texts?



MITZVOT IN THE RABBINIC PERIOD – TEXT FOR GROUP STUDY

תלמוד בבלי מסכת בבא מציעא דף פג עמוד א
רבה בר בר חנן תברו ליה הנהו שקולאי חביתא דחמרא. שקל לגלימיהו,
אתו אמרו לרב. אמר ליה: הו להו גלימיהו. אמר ליה: דינא הכי? אמר
ליה: אין, "למען תלך בדרך טובים" (משלי ב: כ). יהיב להו גלימיהו. אמרו
ליה: עניי אנן, וטרחינן כולה יומא וכפינן ולית לן מידי. אמר ליה: זיל הב
אגרייהו. אמר ליה: דינא הכי? אמר ליה: אין, "וארחות צדיקים תשמר"
(משלי ב: כ).

BABYLONIAN TALMUD, BAVA METZIA 83a

Some porters broke a keg of Rabbah bar bar Hanan's wine. He took their cloaks [as payment for the wine]. They went and told Rav. He [Rav] said to him [Rabbah bar bar Hanan]: Give them their cloaks! He [Rabbah bar bar Hanan] said to him [Rav]: Is that the law? He said to him: Yes! "In order that you may walk in the way of good people" (Prov. 2:20). He gave them back their cloaks. They [the porters] said to him [Rav]: We are poor people, and we worked all day, and we're hungry, and we have nothing. He [Rav] said to him [Rabbah bar bar Hanan]: Go pay them their wages! He said to him: Is that the law? He said to him: Yes! "and keep the ways of the righteous" (continuation of Prov. 2:20).

STUDY QUESTIONS

- Rashi says that "the way of good people" is beyond the letter of the law. What does this mean in the context of our text?
- What is the rabbinic self-image in this text? Rabbah bar bar Hanan hired porters to move his wine, and they broke the keg, causing him to lose the wine. Whose solution seems most fair to you? Rabbah bar bah Hanan's or Rav's? Do you apply Rav's standards to yourself in your business dealings? Could you?
- What is the point of the mitzvot according to this text? Where is God in this story? What does God require of us?
- Look at Proverbs 2:20 in context. What do you think about the rabbinic midrash on it?
- This short story about Rabbah bar bar Hanan, his workers and his wine, and Rav, expresses many of the same points of our other texts, as well as those in Candice Levy's essay. Look in turn at Texts 1-4 in relation to this text.





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