

Va'etchanan. Deut 3:23 – 7:11

Mike Fenster, 2024/5784

In chapter 4, verse 8 we read “What great nation has laws and rules as perfect as all this Teaching that I set before you this day?”

We have a sedrah about laws and commandments, ordinances and statutes, Hukkim, Mishpatim and Mitzvot and Edut

There are multiple mentions: Chapter 4, verse 1, 5, 8, 14, 40, 45. Chapter 5 verse 1 and 28. Chapter 6 verse 1, 17, 20, Chapter 7 verse 9 and 11.

Two more quotes:

~~(6:20)~~ When your child asks you on the morrow, saying: What [mean] the precepts, the laws, and the regulations that our God has commanded you? (from the seder)

And

In verse 2 of chapter 4. You are not to add to the word that I am commanding you, and you are not to subtract from it, in keeping the commandments of your God that I am commanding you.

Don't Add, don't subtract prompts the obvious question, at least for me; I need to know how many commandments there are before I know if I am adding or subtracting. What is X in the equation of commandments?

Well X is 613, as we all know. Such a common well-known number

Where does it come from?”

In the Talmud in Makkot 23b we read that Rabbi Simlai , a 3rd century rabbi, taught: There were 613 mitzvot stated to Moses in the Torah, consisting of 365 prohibitions corresponding to the number of days in the year, and 248 positive mitzvot corresponding to the number of a person's limbs.

Rav Hamnuna asks: What is the verse that tells us this? It is written: “Moses commanded to us the Torah” (Deuteronomy 33:4). The word Torah, in terms of its numerical value [gimatriyya], is 611, the number of mitzvot that were taught directly by Moses. In addition, there are two mitzvot: “I am the Lord your God” and: “You shall have no other gods” (Exodus 20:2, 3), the first two of the Ten Commandments that we read today, where there is a tradition that the children of Israel heard only these 2 directly from the mouth of the Almighty, for a total of 613.

So 613 it is, but what are they. Neither Rabbi Simlai nor Rav Hamnuna published that list.

Surprisingly, there wasn't any consensus on what are the “613 precepts, the laws, and the regulations” that God commanded, just that there are 365 prohibitions and 248 positive ones. Rabbi Simeon Kayyara, an 8th century Babylonian scholar first listed the 613 in his work, Halachot Gedolot, and in the 12th century Maimonides codified the 613 in his list, organising them by topic and linking each back to a Torah verse.

These 613 are Torah laws, or as they say in Talmud – d’oraita. “From the torah”. The list is somewhat arbitrary. We have #534; don’t lend with interest and #535 don’t borrow with interest, Wearing tefillin accounts for two of the 613, one for the arm and one for the head (79 & 80). And that’s derived from the verse in the 1st paragraph of the shema in today’s leyeing. #11 is very general; **וְהִלַּכְתָּ בְּדַרְכָיו**: Walk in his ways. And many are very specific such as ‘Not putting frankincense on the Sota offering’. Like this one, many cannot be observed any more without the temple, and some cannot be observed outside of the land of Israel.

Of the 613, only 5 are about Shabbat. One of those is the law of the shabbat sacrifice, one is about courts not operating on Shabbat, and one about not walking more than 2000 cubits out of town. Then there is one +ve law to rest on Shabbat and one -ve law not to work on Shabbat.

Nothing about what is work – the Torah doesn’t define rest or define work, but we know there are specific things we are not supposed to do on Shabbat – we can’t write, we can’t carry.

Now, I said that there are 613 laws each of which can be referenced back to a verse in the Torah. D’oraita Commanded to Moses on Sinai and written in the Torah. But what about not writing on Shabbat, or not carrying? –Is that d’oraita?. Yes, because a d’oraita law doesn’t have to be spelt out in the Torah, it is enough that the rabbis can work out what God is meaning to say in the Torah.

There are 13 ways to do this, 13 hermeneutical principles, listed on page 30 of the Singer’s siddur, And for the rabbis, their life’s work was to understand what God intended for the Jewish people. And if the specific circumstance and details are not in the Torah, they would apply these 13 hermeneutical principles to try to work it out.

So the rabbis have to define work and they do this by saying work is any one of the 39 different and distinctive activities related to the building the sanctuary. Why? Moses was not told to stop the construction of the mishkan on Shabbat, which would have been a very clear way of God hinting what he meant by work. But the instructions for building the mishkan in Ex 31.1-11 are immediately followed by verses 12-17 on observing shabbat, so the rabbis said Aha – this mention of shabbat must be related to the building of the mishkan that precedes it, and that is a clear indication of what God meant about work on shabbat.

Looking at what precedes and what follows a verse, what we call Juxtaposition, is one of them 13 principles, #12. And in the Rabbis frame of thinking, none of these additional detailed rules around working on shabbat are adding to or subtracting from the laws given by God to Moses on Sinai

The rabbis accept that this results in a huge body of halachah having only a tenuous connection with the Torah. In Talmud Hagiga 10a they admit that in regard to dissolving vows, something which isn’t mentioned at all in the Torah, these halachot **“fly in the air and have nothing to support them”**. And with regard to Shabbat, where there is only one of the 613 commandments about work on Shabbat, the mass of rules are like **“mountains hanging by a hair”**.

Lets focus on carrying. There is a law about NOT carrying on Shabbat. It doesn't say it specifically. But as we saw, since there was a lot of carrying in building the mishkan, shlepping all of those poles and staves, hooks and sockets, and yards of sealskin around, carrying is a d'oraita activity forbidden on Shabbat. At least, carrying outside of your home is forbidden, and taking things in and out of your home or your city is forbidden. But what about the Edgware Eruv, you might say!

What is an eruv – it has two meanings. Notionally, it's the boundary, a wall or a more symbolic boundary, that demarcates an area bigger in area than someone's home or synagogue, but still limited such that one can carry within that area on Shabbat. The rabbis create the fiction that this wider area, the whole of the walled city of Jerusalem, or the whole of Edgware, is somehow a limited area in which carrying, pushing a buggy, is allowed. An eruv is also a symbolic meal deposited in that wider area to maintain the fiction that the area is actually a shared space enjoyed by multiple households to eat their Shabbat meals. There is a very complex tractate of Mishna and Gemara about the Eruv,

And is this a d'oraita law? There is nothing in the Torah about an Eruv.

No, even the rabbis admit that the whole idea of the Eruv is rabbinic. Its one the laws called d'rabbanan, initiated by the rabbis. They instituted a series of laws that aren't based on the specifics of the 613 laws, don't have a verse to support them, but are made for reasons that made sense to the rabbis.

The Eruv was a rabbinic law instituted to make shabbat observance easier and more pleasant, for darchei shalom, ways of peace, but other rabbinic laws were instituted for the sake of Tikkun olam – healing the world, and there are many examples in the tractate of Gittin, (Gets) of making the divorce laws stricter than the Torah states to protect women, or that one shouldn't buy tefillin from non Jews for more than they are worth in case it encourages them to steal more tefillin. Often, these rabbinic rules are there to make it easier to observe the original 613 d'oraita laws, or to avoid unintended transgressions of the 613.

While the d'rabbanan laws are still halachic, still required for Jews to observe, they are legally different from d'oraita laws, and one of the interesting differences is that, while the penalty for transgressing many Torah laws is death, by strangulation stoning etc, the rabbis understood that they didn't have the power to execute anyone for transgressing a rabbinic law.

So we have the 613 clearly stated laws in the Torah, we have all of the additional d'oraita laws understood by applying these 13 hermeneutical rules, and we have many rabbinic laws initiated for darchei shalom and tikkun olam.

Have we added or subtracted to the laws stated in the Torah?

And finally, is adding or subtracting to the laws stated in the Torah included in Maimonides 613 laws ?Yes or No

It is there twice, one for adding, once for subtracting (#580 and 581)

Shabbat shalom