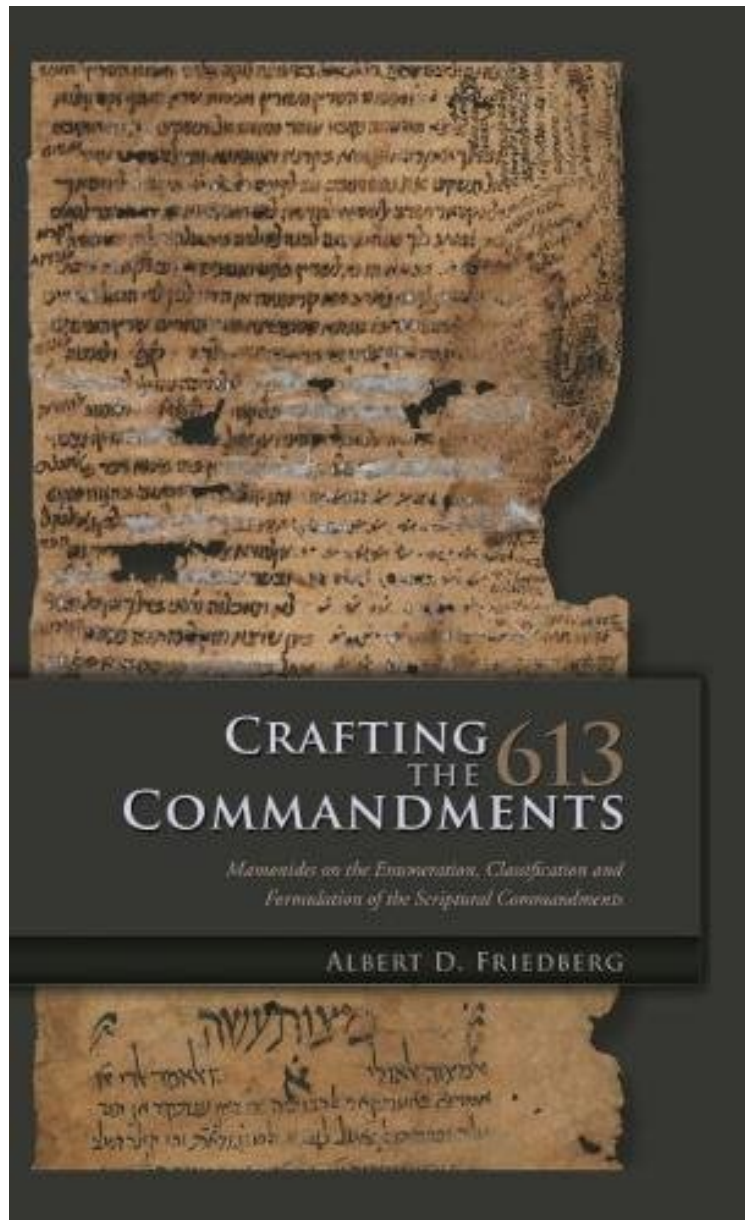


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Crafting the 613 Commandments: Maimonides on the Enumeration, Classification, and Formulation of the Scriptural Commandments

Albert D. Friedberg

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Albert D. Friedberg : Crafting the 613 Commandments: Maimonides on the Enumeration, Classification, and Formulation of the Scriptural Commandments before purchasing it in order to gauge whether or not it would be worth my time, and all praised *Crafting the 613 Commandments: Maimonides on the Enumeration, Classification, and Formulation of the Scriptural Commandments*:

8 of 8 people found the following review helpful. You won't read Mishneh Torah the same way again. By LewFor about 850 years admirers and detractors of Maimonides have been trying to decode his writings to uncover esoteric teachings. The author has managed to break fresh ground in this area, claiming that Maimonides was not as committed to there really being 613 scriptural commandments as everyone has thought, and that in the main body of Mishneh Torah, Maimonides' comprehensive code of Jewish law, he classifies a smaller number of commandments as being genuinely scriptural commandments. This is an extraordinary assertion given that Maimonides reviews the entire list of 613 commandments three times in the Mishneh Torah: twice in the introduction and then a third time, listing in the heading of each of its treatises the commandments that are discussed in that treatise. He reaches his conclusion by first divorcing the lists of commandments in the treatise headings from the body of the treatises (the Halakhot) themselves, considering them to be separate works. Then he asks why in the Halakhot many of the 248 positive commandments are introduced by the formula "It is a positive commandment (mitzvat `aseh) to . . ." but over 100 of them are not. Looking for a single, comprehensive, principled explanation, he answers that only positive commandments identified as mitzvat `aseh are properly classified as scriptural commandments according to the methodology in the Halakhot despite all 248 of them being counted as scriptural commandments in the Book of Commandments. That is a radical conclusion since Maimonides' Book of Commandments explicitly excluded all commandments that are either rabbinic or derived using the 13 hermeneutic principles, so the ones that made it into the Book of Commandments ought to be scriptural. I'm not prepared to follow the author to his conclusion, though I have to admit that I have no alternative theory as to why some positive commandments are explicitly identified as such in the body of the Halakhot and others are not. In any event he is to be commended for not being afraid to see what he sees. The author suggests that only those commandments that are in accord with the straightforward meaning (peshat) of the scriptural text or whose claim to scriptural commandment status have strong rabbinic warrant get to be called mitzvat `aseh in the Halakhot. He does a good job discussing commandments that didn't make the cut. An area for further research would be to investigate thoroughly the extent to which those commandments that are called mitzvat `aseh in the Halakhot meet the standard of being peshat or having strong rabbinic warrant. There are also some positive commandments identified as such in the Halakhot that are not listed, or not listed separately, in the Book of Commandments. Some of them are discussed in footnote 56 on page 202. An additional candidate is making the incense, which is referred to as a "mitzvat `aseh" in Hilkhhot Klei Hamikdash (Laws of the Temple Utensils) 2:1, but is not listed separately in the Book of Commandments. If Maimonides considered the notion of there being 613 commandments, 248 to do and 365 to do not, as a rabbinic homily and not as central to the Torah, why would he have made such a big deal of the 613 enumeration, devoting great effort to establish the principles for identifying the 613 commandments, applying those principles to come up with exactly 613, and making them the scaffolding for his legal magnum opus? According to the author Maimonides did all this to establish that the cognitive acts of believing in God as First Cause and in His unity qualify as scriptural commandments. If considering those beliefs to be full scriptural commandments sounds unremarkable today, it's largely because Maimonides was so successful. To illustrate by way of contrast, Bahya ibn Pakuda, in his book *Hovot Halehavot*, which was devoted to elevating the stature of duties of the heart including belief in a Creator and in His unity, thought that only practical duties and not beliefs were included in the count of 613. Despite being an academic work--it's based on the author's PhD thesis--this book is a lively read. Still I would only recommend it to people who are already familiar with Maimonides' Book of Commandments and his Mishneh Torah. It's a thought-provoking work and I won't be able to read Mishneh Torah quite the same way again. Finally, the book does have some errors that should be corrected if there's a second edition. All of the ones I found appear in the discussion of learning Torah in Chapter VIII (The Participial Form). First, the first full paragraph on page 249 states, "No mention is made of the obligation to study [as opposed to teach] Torah until halakhah 8. . . ." It would have been more accurate to write that no mention is made of the general obligation to study Torah, since an obligation for someone who wasn't taught Torah by his father to study Torah is mentioned in halakhah 3 ("ulmadtem otam ushmartem la'asotam" Deut. 5:1.). Second, each citation to Deut. 11:19 on page 249 should be changed to Deut. 6:7. And third, on page 249, footnote 9, "positive commandments that have a fixed time" should be changed to "positive commandments that do not have a fixed time".

5 of 5 people found the following review helpful. Thought Provoking Book! By MarkIn *Crafting the 613 Commandments*, Dr. Albert D. Friedberg addresses many questions about Maimonides *Sefer Hamitzvot* and the listing of commandments in the Mishne Torah that have been little explored. Some of these questions are:-(1) Why are there differences between the lists of commandments found in the *Sefer Hamitzvot*, at the start of the Mishne Torah, and in the Mishne Torah chapter headings?-(2) Why did Maimonides include exactly 613 commandments in his count? After all, not all lists of commandments written before the *Sefer Hamitzvot* limit the count to 613. Furthermore, many rabbis

before and after Maimonides lived doubted whether the number 613 is binding.-(3) Why did Maimonides separate (or group together) certain mitzvot? For example, positive commandments numbered 237, 238, 240, 241 are the four categories of damages and injuries (shor, bor, etc.) There is no biblical reason to separate these commandments. Maimonides could have grouped all four together into a single commandment of damages. By doing so, he would still be adhering to his 14 principles used to identify mitzvot. A large portion of the book addresses a grander question. Namely, why did Maimonides write Sefer Hamitzvot? Maimonides, himself, provides an answer to this question in his introduction to the work. Friedberg, however, suggests there is an additional philosophic motive behind the work that Maimonides does not at all mention in his introduction. Maimonides has a philosophical agenda in counting out exactly 613 commandments. Rabbi Simlai exegetically declares in a Talmudic passage that there are 613 commandments. Rabbi Hamnuna adds to Rabbi Simlai's exegesis that the first two of the Ten Commandments (I am the Lord, and Thou shalt have no other gods) are part of the 613 commandments. This addition by Rabbi Hamnuna lends credibility to Maimonides' inclusion of two much-debated commandments in his count. Namely, believing in the existence of God and believing in His oneness. More importantly, Rabbi Hamnuna's exegesis allows Maimonides to claim these two commandments, which were heard directly from God, are categorically different from the remaining 611 commandments because these are philosophic truths that can be demonstrated without revelation. This is an important assertion for Maimonides and it is why Maimonides went to great lengths to ensure he counted out exactly 613 commandments. Friedberg's conclusion will appeal to many but may not convince readers who prefer an exoteric reading of Maimonides' works. These readers may point out that a tradition of 613 commandments existed well after Talmudic times. Perhaps Maimonides counts out 613 mitzvot in following with this tradition. It is not necessary for Maimonides, and it is not a direct argument, to count out exactly 613 commandments in order to add credibility to his inclusion of two much-debated commandments. Nevertheless, Friedberg does convincingly show that the reasons Maimonides gives in his introduction to Sefer Hamitzvot are difficult to accept. For example, Maimonides explains that he wrote the Sefer Hamitzvot so that he would have an outline to use when writing the Mishne Torah. This outline of biblical commandments would prevent Maimonides from omitting any laws from the Mishne Torah. Friedberg asks how this outline helps achieve that goal since there are plenty of laws in the Mishne Torah that are rabbinic and have no connection to biblical commandments. Friedberg also claims that there are examples in the Mishne Torah of laws that Maimonides believes to be of rabbinic authority (or he is unsure whether they are biblical or not) even though these are laws that are called biblical in the Sefer Hamitzvot and are included in the enumeration of biblical commandments in the Mishne Torah. This is a bold claim since Maimonides writes that one of his goals in writing the Sefer Hamitzvot is to correct the mistakes of previous enumerators who include rabbinic commandments in a biblical count. If Maimonides did not later remove the laws he now views as rabbinic from his Sefer Hamitzvot and he portrays these same laws (to the unattuned reader) as biblical in his Mishne Torah, isn't Maimonides also guilty of including rabbinic commandments in a biblical count? This conclusion rests on the assumption that the headings to each section of the Mishne Torah's halakhot were written after the enumeration of mitzvot found at the start of the Mishne Torah, which, in turn, was written after Sefer Hamitzvot. Friedberg writes that he hopes to demonstrate this assumption in a forthcoming work. It would have been helpful if he demonstrated it in the present work since many of his conclusions rest on this assumption. In addition to his main arguments, Friedberg makes a number of other interesting points throughout the book that, themselves, make the book worth reading. For example, Friedberg points out that Rules 5 and 8 of the fourteen shoreshim are examples where Maimonides uses Greek logic to identify mitzvot. A second example is his claim that Maimonides' use of the phrase *mi-pi hashem uah lamdu* is more of an argument against the Karaites than an epistemological principle. Overall, any reader will learn a lot from Friedberg's critical reading of the Sefer Hamitzvot and the Mishne Torah. This book is sure to make students of Maimonides' teachings reassess how they currently understand Maimonides' mitzvot count.

Rabbinic tradition has it that 613 commandments were given to Moses on Mount Sinai, but it does not specify those included in the enumeration. Maimonides methodically and artfully crafts a list of 613 commandments in a work that serves as a prolegomenon to the Mishne Torah, his monumental code of law. This book explores the surprising way Maimonides put this tradition to use and his possible rationale for using such a tradition. It also explores many of the philosophical and ethical ideas animating the composition of such a list. In the book's second half, Friedberg examines the manner by which Maimonides formulated positive commandments in the Mishne Torah, leading him to suggest new dimensions in Maimonides' legal theory.

Crafting the 613 Commandments is an extraordinary and seminal work that is a critically important and highly recommended contribution to academic library Judaic Studies reference collection and supplemental reading lists. (The Midwest Book (June 2014)) With citation index, extensive bibliography, and informative notes, this book is an invaluable discussion of the objectives and motivations behind Maimonides' Mishne Torah. It provides an important contribution to the study of Jewish legal theory. (Randall C. Belinfante AJL s) "Friedberg's thesis is original and groundbreaking. . . . Students of Maimonides will find the book very worthwhile." (H. Norman Strickman) About the

Author Albert D. Friedberg (PhD University of Toronto) is a scholar of medieval Jewish literature and philosophy and early rabbinic literature. His published articles include *A New Clue in the Dating of the Composition of the Book of Esther*, and *Maimonides Reinterpretation of the Thirteenth Article of Faith: Another Look at his Essay on Resurrection*.