



Shavuoth: Mitzvoth Prior to Matan Torah
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A number of the *mitzvot* included in the Torah given at Mount Sinai had already been observed even before the Revelation. Circumcision, for example, had already been in practice since Avraham's time, and the prohibition against partaking of the *gid ha-nasheh* (the sciatic nerve) applied already during time of Yaakov. This gives rise to the question as to the nature of our observance of these commands once we received the Torah. Do we observe these laws to obey the commands given to the patriarchs, or out of loyalty to the Torah given at Sinai?

Maimonides, in his *Commentary to the Mishna* (Chulin, chapter 7), takes a very clear and strong stand on this issue. The context is the Mishna's ruling that the prohibition of *gid ha-nasheh* applies only to kosher animals. Rabbi Yehuda objected to this ruling, noting that this law preceded the giving of the Torah and thus applied even before a distinction was made between kosher and non-kosher animals. In response, the Sages explained that we observe not the prohibition that applied during the time of the patriarchs, but rather the new prohibition established at Sinai, when the Torah was given. Thus, the fact that the *gid ha-nasheh* prohibition in Yaakov's time included all animals has no bearing on the prohibition commanded at Mount Sinai, which we observe to this day. Maimonides comments on this Mishna:

Take note of the fundamental principle latent within this Mishna, namely, that which it says, "it was prohibited at Sinai." You have thus been shown that everything from which we refrain or that we observe today we do so only by force of the divine command through our teacher Moshe *a"h*, and not because the Almighty said this to the earlier prophets. For example, we refrain from eating flesh from a living animal not because the Almighty forbade this upon Noach, but rather because Moshe forbade upon us flesh from a living animal by commanding us at Sinai that the prohibition of flesh from a living animal shall remain in force. Similarly, we circumcise not because our patriarch Avraham *a"h* circumcised himself and his household, but rather because the Almighty commanded us through our teacher Moshe that we should circumcise just as our patriarch Avraham *a"h* circumcised. The same applies to *gid ha-nasheh*: we follow not the prohibition imposed upon our patriarch Yaakov, but rather the command of our teacher Moshe *a"h*.

Upon reading this passage, one is immediately struck by the vehemence of Maimonides' tone. He speaks of this viewpoint as a "fundamental principle," and seems to almost belabor the point, which in any event is tangential – to say the least – in the context of this Mishna.

The reason, perhaps, why Maimonides felt so strongly about this "fundamental principle" relates to his perception of the Torah's commands as constituting a single, composite whole, rather than an assemblage of unrelated commands. As he writes in his *Guide for the Perplexed* (3:27), the entire Torah serves to fulfill a twofold purpose:

The general object of the Law is twofold: the well-being of the soul, and the well-being of the body. The well-being of the soul is promoted by the correct opinions communicated to the people according to their capacity... The well-being of the body is established by a proper management of the relations in which we live one to another...first by removing all violence from our midst... Secondly, by teaching every one of us such good morals as must produce a good social state.

According to Maimonides, no single *mitzva* stands on its own as an independent value, as serving a complete objective in its own right. Rather, each individual *mitzva* must be viewed and assessed in light of its contribution to the general, twofold objective that Maimonides describes.

Rav Eli Haddad explained this perspective through an analogy to the composition of an automobile. Every component in a car helps, in some way, to achieve the goal of enabling the driver to travel from one point to another in the fastest, safest, most comfortable and most convenient way possible. From the steering wheel to the windshield wipers to the cylinders to the upholstery, every nail, screw and bolt in a car contributes towards the achievement of that purpose. Similarly, Maimonides believed that every *mitzva* in the Torah contributes somehow to the overall purpose described above. Thus, the significance and underlying reason of any single *mitzva* can be assessed only in terms of this overarching objective.

Indeed, as Rav Haddad noted, Maimonides' two halakhic works – the *Commentary to the Mishna* and *Mishneh Torah* – are characterized by their unparalleled comprehensiveness. The Mishna and the *Mishneh Torah* are in fact the only two halakhic works ever written that encompass the entire range of *Halakha*. Maimonides was committed to this notion of the *mitzvot* as components of a single entity, and thus devoted his halakhic writing to the Mishna and his own *Mishneh Torah*, the two comprehensive presentations of the entire spectrum of *Halakha*.

Accordingly, we can understand why Maimonides so forcefully expressed his view concerning *mitzvot* such as circumcision and *gid ha-nasheh*. Before *Matan Torah*, there existed only a small handful of *mitzvot*, each of which served its own, independent purpose. At Sinai, however, we were presented with an integrated system, not an assemblage of independent *mitzvot*. Maimonides thus found it necessary to emphasize that we observe commands such as *gid ha-nasheh* and circumcision because of their place within the broader framework of the Torah, rather than for the specific, self-contained purposes they served before *Matan Torah*.

Rav Yehuda Amital (<http://vbm-torah.org/archive/sichot/shemot/18-59mishp.doc>) emphasized the importance of this notion of the Torah as an integrated unit. He noted that one cannot draw a complete picture of the Torah's attitude towards any given concept without taking into account the entire range of laws and values relevant to that concept. Any attempt to formulate a "Torah perspective" based on a narrow analysis of a small handful of sources will result in a fundamentally flawed and distorted approach:

...the very laws of the Torah themselves cannot be understood when they are each taken in isolation – this causes them to be perverted and misunderstood. On one hand, the Torah speaks of mercy: "God is good to all those who call on Him" (Tehillim 145:9), and at the same time, "Happy is he who shall seize and dash your [Babylonia's] little ones against the rock" (Tehillim 137:9). These verses need to be reconciled and seen together... When only one aspect is chosen, despite the truth that that aspect may contain, it is by definition partial and incomplete.

An accurate perspective emerges only from a careful study and examination of all the various angles presented in the Torah, all of which are to be viewed as but parts of a single, composite whole transmitted to us on Mount Sinai.