CHAPTER 1

Ta'amei Ha-Mitzvot *and the Philosophical Foundations of Judaism*

A recurring topic since the beginning of Jewish philosophical thought has been the subject of *ta'amei ha-mitzvot,* literally: "reasons for the commandments." Unlike many other issues studied by Jewish philosophers—for example, the existence and attributes of God, theodocy, creation and miracles, or providence—*ta'amei ha-mitzvot* is not part of the received canon of natural, or philosophical, theology. To be sure, it raises epistemological and metaphysical questions that also apply to theism or religion in general. However, the philosopher investigating *ta'amei ha-mitzvot* does not begin with a general question, like the problem of evil, about which he turns to the intellectual tradition of Judaism to learn what it has to say. He begins instead with the "data" of Judaism—its scriptural commandments and their rabbinic interpretation—in an attempt to articulate their philosophical or theoretical presuppositions. Analogues to the place of *ta'amei ha-mitzvot* within Jewish philosophy would be akin to the place of the logic of quantum mechanics in the philosophy of physics or of the theory of evolution in the philosophy of biology. To introduce a terminological distinction to mark the difference, *ta'amei ha-mitzvot* falls under the philosophical foundations of Judaism rather than in Jewish philosophy simpliciter.

Like many topics addressed by medieval Jewish philosophers, *ta'amei ha-mitzvot* entered their repertoire through the writings of Saadiah Gaon under the influence of Islamic Kalam.[1] As Jewish thinkers attempted to "rationalize"—in various of the many senses of this difficult expression—the objects of divine revelation and prophecy, their attention naturally shifted to reasons for the Mosaic commandments. These reasons could be of two kinds: either those of the legislator (or Legislator), explanations why the commandments were legislated, or those of the performer, reasons that would justify or move an agent to perform the commandments. Some thinkers focus on one kind of reason rather than the other; others do not distinguish the two; still others make the second a condition to be met by candidates of the first kind. Sometimes but not always, the two kinds of reasons coincide. When they do not, problems like antinomianism raise their head.

The study of *ta'amei ha-mitzvot,* like most other received subjects he touched, was radically and thoroughly transformed in the hands of Moses Maimonides who devotes to it the largest self-contained bloc of the *Guide of the Perplexed* dedicated to a single theme: chapters 25 to 49 (and possibly also including chap. 51) of the third part. These twenty-five chapters consist of eleven introductory chapters in the last of which Maimonides divides the commandments into fourteen classes. Maimonides first defends his view that all commandments have reasons why they were legislated and that it is proper, even obligatory, to study them. Next he lays out the general aims of the Law—to create conditions for the practical and intellectual well-being of the community-at-large—and the assumptions that guide his assignments of particular reasons to individual commandments. Among these guiding premises is his controversial hypothesis that many of the cultic and ritual Mosaic commandments should be explained in light of the historical context—in particular the star-worshipping Sabian culture—in which they were legislated. These introductory chapters are then followed by fourteen chapters, one for each class, which propose reasons for individual commandments. What is remarkable about this account is not only the highly contextualized and contingent conception of the Law that emerges, but also the thoroughness, detail, and consistency with which Maimonides applies his general principles to particular commandments. By the time Maimonides is done, very few of his promisory notes remain unpaid, or so it seems.

This is not Maimonides' only excursion into *ta'amei ha-mitzvot* in his many writings. Even within the *Guide*, the long, detailed account in III:25–49 is immediately followed, in Part III, chapters 51–52, by a second sketch according to which the commandments, or "practices of worship," furnish "training" for certain perfected individuals to "occupy [themselves] with His commandments" rather than with "matters pertaining to this world" (III:51:622), an explanation that differs sharply from the preceding account that aims at the this-worldly welfare of the general community. And while Maimonides does not give a systematic theory of *ta'amei ha-mitzvot* in either the *Commentary on the Mishnah* or *Mishneh Torah*, both of these legal works are full of *ta'amei ha-mitzvot* and their reasons frequently do not cohere with, even if they do not contradict, those given in the *Guide*. A recurring problem for students of the Maimonidean corpus is the relation among the different accounts of *ta'amei ha-mitzvot* in these different works.

Maimonides' reconception of *ta'amei ha-mitzvot* not only revolutionized the subject he received; it also precipitated strong reactions among subsequent Jewish thinkers, both philosophers—Gersonides, Crescas, Albo, and Arama, to name a few—and mystics in the various Spanish kabbalistic traditions.[2] Possibly the most significant among these nach-Maimonideans, and the one who put forth the most important competing account of *ta'amei ha-mitzvot* in medieval Jewish thought, was Moses Nahmanides, one of the leading talmudists of the thirteenth century and a seminal figure in the emerging kabbalah, whose writings, largely in the form of biblical commentary, span, combine, and fall somewhere in between philosophy and kabbalah. Scholars have tended traditionally to set the two Moseses in stark opposition to each other; but in recent years a more subtle, nuanced picture of their relation has begun to emerge, one that acknowledges the degree to which Nahmanides adapted as well as criticized Maimonidean theses and his considerable ambivalence toward the "Rav."

This book focuses on two elements in the Maimonidean revolution in the study of *ta'amei ha-mitzvot* and their impact on Nahmanides. The first is Maimonides' idea of the problematic commandment. The second is his idea that explanations of commandments—both individual laws and the Law, or totality of commandments, as a whole—should be modelled after the multilevelled interpretation of parables. Both of these ideas are concerned with the *form* of *ta'amei ha-mitzvot*, the explanatory structures for the reasons Maimonides offers for certain classes of commandments. Both structures are then adopted by Nahmanides and adapted by him to fit the substantively very different reasons he proposes to explain the same commandments. Despite the differences between the contents of Maimonides' and Nahmanides' respective *ta'amei ha-mitzvot*, I argue that their shared models of explanation are as significant.

The idea of a problematic commandment grows out of Maimonides' treatment of the *huqqim*, the subject of the second and last chapters. The *huqqim* are commandments—like the burning of the red heifer, the prohibition against wearing garments woven from linen and wool (*sha'atnez)*, and sending forth the scapegoat—that in classic rabbinic Judaism are said to have no reason. Even though the rabbis seem to have regarded the *huqqim* as exceptions to the rule, Maimonides views the existence of *any* arbitrary commandments of this kind as a violation of his most basic metaphysical assumptions about the necessary order and high purposefulness of divine creation, including the Mosaic Law, which he describes as a divine (i.e., natural) law that aims at the highest well-being of the community. The same metaphysical issue underlies chapter 3, which takes off from Maimonides' ruling in the *Mishneh Torah* that the commandment to send forth the mother bird before taking her young (Deut. 22, 6–7) is a "decree of Scripture" [*gezerat ha-katuv*], a phrase traditionally used to mean that the commandment is arbitrary, or without reason.

Against the idea that a commandment may be arbitrary, or reasonless, Maimonides holds that the *huqqim* (and "decrees of scripture") all have reasons why they were legislated. But their reasons are not the objects of the intellect or faculty of reason; instead they make reference to the contingent historical context out of which the Mosaic Law emerged, the idolatrous Sabian culture from which the Law aimed to free the Israelites and whose beliefs it aimed to eradicate. Moreover, Maimonides uses this model of explanation not only for the handful of apparently exceptional commandments enumerated by the rabbis; he expands, or generalizes, the *huqqim* to include all laws of sacrifice and the Temple, purity and impurity, agriculture, and various other individual laws he links to Sabian rites. For Maimonides, in short, the *huqqim* are all those commandments that refute the *huqqot ha-goyim*, the idolatrous way of life of the nations of the world.

Maimonides does not hesitate to propose these historically sensitive, context-dependent reasons, or explanations, for the legislation of the *huqqim* but he also recognizes that they are problematic, especially for certain constituencies in the community. They raise several problems. First, it may be evident *why* the *huqqim* are legislated—namely, to worship the deity—but it is highly problematic, given the idolatrous character and associations of the particular rites they prescribe, *how* a divine law *could* legislate them. Given its general opposition to everything associated with idolatry, the Law ought to exclude all acts like these; instead it requires them. Maimonides' solution to this problem is to show how the Law aimed to reeducate the ancient Israelites by adopting the external means of idolatrous modes of worship, to which the people were habituated, in order to wean them from the objects of idolatry. Thus the Mosaic Law hoped to draw the Israelites to monotheism while respecting their psychological needs as creatures of habit who resist radical change.

A second problem is a consequence of the first solution. If the *huqqim* are commandments whose particular forms were shaped by their historical context of legislation, why should agents—in the twelfth century or nowadays, living in contexts vastly different from that of the ancient Israelites—be obligated to continue to perform them? More generally, what justifies the performance of context-oriented commandments like the *huqqim* once the historical conditions that motivated their legislation have lapsed? This problem, of course, exemplifies the situation where the legislator's and performer's reasons for a commandment sharply diverge. It is also a difficulty that is inevitable once one attempts, as does Maimonides, to naturalistically explain the Law, that is, explain the legislation of the Law using the same kinds of conditions and factors one would employ to explain other natural phenomena, say, as means toward achieving human practical and theoretical welfare. Any such explanation runs the risk of rendering some commandments "obsolete."[3] Maimonides, I argue, sees this difficulty as the potential grounds for a form of philosophical antinomianism, opposition to the commandments and rejection of the Law. And because of this danger, he thinks it is better for the multitude, or community at large, not to know the reasons for these commandments. The *huqqim* emerge, then, as commandments, not without reasons or with reasons we just don't know, but with reasons it is best not to *make known*, or reveal, to the multitude.

Maimonides does not, to the best of my knowledge, anywhere in his writings give a general account of the grounds of obligatoriness of the commandments, an account that would also apply to the "obsolete" commandments that he explains historically such as the *huqqim*. Part of the reason, I suspect, is that the very idea that one performs commandments because one is *obligated* would strike Maimonides as a mistaken view of one's responsibility to perform the Law. A community aims to educate or cultivate a character type or personality type among its members for whom performance of the Law is a natural means, the best of all legal means, toward achieving the kinds of ends that constitute communal welfare and that enable the creation of an environment in which individuals can achieve their respective states of happiness and perfection. It is, of course, another matter to show that the Mosaic Law actually is such a mechanism that is the best of all means.

There is also a further question, not to be confused with this first one, which concerns the "eternity," or necessity, of the Mosaic Law. Why, if the Law assumed its present form because of historical circumstances that obtained at its time of legislation, must it remain eternally the same when those historical circumstances themselves change? Why cannot the Law be superceded by other laws more suitable to later circumstances? Or why can't the community change the Law to fit changing circumstances of performance?[4]

In this volume, I explore neither this last issue nor general reasons (for Maimonides) why any agent at any time and in any context ought to perform the Mosaic commandments. Instead I focus on specific arguments the *Guide* contains to counter the antinomianism implicit in its explanation of the *huqqim*.

In chapter 2, I argue that Maimonides hints at one reply in his second account of *ta'amei ha-mitzvot* in III:51–52. There he is explicitly concerned with yet a third problem that is formally analogous to the obsolescence of the *huqqim*. This is the problem why, or how, the philosopher who is engaged in constant (or as constant as possible) intellectual contemplation of the divine, the highest form of divine worship, should perform bodily acts of worship such as the commandments.[5] His answer is that the perfected agent should exploit the commandments' very pointlessness (relative to his state of intellectual perfection) to make them a form of "training" to occupy oneself with God *rather than with matters of this world*, that is, rather than with matters that lead to one's actual well-being or happiness that do *give* a point to every other (rational) act we perform. In other words, Maimonides suggests a way in which agents can and should transform their *reasons* for *performing* commandments to fit their respective contexts and states of perfection, while the commandments themselves remain constant. Likewise for the *huqqim,* once their legislative reasons no longer motivate agents to perform them.

In chapter 6, I discuss a different response Maimonides also gives: that the Sabianism the commandments were legislated to counteract is not (only) a historical reality in the past but a live threat that the Law is still actively engaged in combatting. Based on a number of passages in which Maimonides seems intent on drawing our attention to the fact that Sabianism still survives in various myths, superstitions, and practices, I argue that what he means by the title is not just the ancient star-worshipping cult-nation but also an ongoing twelfth-century mix of fatalistic astrology, magic, popular religion, and hermetic Neoplatonism. If this is so, the *huqqim* are not at all obsolete. Their legislative reasons are still at work. And just as those reasons had to be concealed from the ancient Israelites, it may still be necessary to conceal them from the twelfth-century multitude.

This last solution to the antinomian problem posed by the *huqqim* may serve as one important point of contrast between Maimonides and Nahmanides. Maimonides explains the *huqqim* as commandments designed to counter astrology, magic, and their way of life, based on his deep belief that what is primarily wrong with astrology and magic is that they are absolutely false and ineffective. Nahmanides holds the very opposite view of these "sciences": they are true and effective and, for that very reason, forbidden by the divine law. Precisely because the powers on which they rest, for example, the stars and their celestial lords, are real, there is a serious danger that they might be worshipped. Therefore the Torah prohibits all such practices. The *huqqim,* he explains, are devices to acknowledge and deal with these real powers in ways compatible with the requirements of the divine law that only God and not they be worshipped. But because of the controversial nature of this distinction between acknowledgment and worship, Nahmanides, like Maimonides, also argues that the rabbis wished to conceal the reasons for these commandments.

As sharply opposed as they are in their underlying views of astrology and magic, Nahmanides nonetheless adopts and develops Maimonides' idea that the *huqqim*—which he conservatively restores to the small number enumerated by the rabbis—are commandments, not without reasons, but whose reasons are problematic. Nahmanides, however, articulates this notion in terms of structural properties of the explanations of these commandments that are considerably more abstract than Maimonides' original idea. By enabling the same form of explanation to apply to commandments of rather different kinds, Nahmanides radically improves upon the Maimonidean idea of a problematic commandment, in each instance (ironically) expressing a decidedly anti-Maimonidean content. In the theories of *ta'amei ha-mitzvot* of both authors, however, the *huqqim* assume a unprecedented central place.

There is also a second broad ground shared by Maimonides and Nahmanides in their respective approaches to *ta'amei ha-mitzvot*. Both give multiple reasons for many commandments, using a common structure. The structure of these multiple or multilevelled reasons is modelled after that of the parable (sing.: Ar: *mathal*/Heb: *mashal*; pl.: Ar: *amthal*/Heb: *meshalim*), which Maimonides describes, using parables, in the Introduction to the *Guide*. In the first of these two parables, about a man who loses a pearl in his house, Maimonides says that the "external meaning [*zahir*] of a parable is worth nothing" (I:Intro.:11). In the second parable, based on Prov. 25, 11, "*A word fitly spoken is like apples of gold in settings of silver*," he says that the external meaning [*zahir*] is as "beautiful as silver" and "contains wisdom that is useful in many respects, among which is the welfare of human societies." This external meaning, he next contrasts with the "internal meaning" [*batin*], which is even "more beautiful" and "contains wisdom that is useful for beliefs concerned with the truth as it is" (ibid., 12).

In chapters 4 and 5, I propose that, by way of these two parables, Maimonides demarcates three levels of meaning or interpretation he believes characterize a parable. I call these (1) the vulgar external meaning, (2) the parabolic external meaning, and (3) the parabolic internal meaning. That there is this difference between (1) and (2) can be seen in the open contradiction, side by side, between the two evaluations of "external meaning" [*zahir*] in the two parables. From this I conclude that Maimonides uses the expression "external meaning" [*zahir*] equivocally or amphibolously.

Where the external meaning is said to be worthless, he intends by it the meanings of the words uttered, both as the vulgar understand them through the medium of their imagination and their lexical meaning as comparative-philological analyses reveal. For example, the vulgar external meaning of *zelem*, the well-known topic of the first chapter of the

Guide, is bodily, sensible shape; this is both what the vulgar multitude take the word to mean and what Maimonides suggests is in fact its lexical meaning through his own selective choice of prooftexts.[6] Similarly, in I:2, the external meaning of Genesis 2–3 is the "learned man's" interpretation. This meaning is worthless insofar as it contains no wisdom: at best it is concerned with material words rather than with what we ought to believe (I:50:111) and at worst (as in these examples) it expresses falsehoods no one should believe.

The silver-lined parabolic external meaning, on the other hand, is a kind of wisdom that ought to be believed. In the case of *zelem*, its parabolic external meaning is the idea of a (Aristotelian) natural, or specific, form; in the case of humanity, its intellect. In I:2, it is Maimonides' proposed interpretation of the story: Humanity was originally, and ideally, a pure intellect engaged in contemplation of theoretical truths and, only as a result of inclining to its bodily desires and imagination (expressed as eating of the fruit of the tree of knowledge), came to know the lower, and conflicting, knowledge of good and bad, knowledge concerned with communal welfare. The moral of this interpretation of the story is that the natural perfection of humanity is theoretical rather than merely practical or moral. Hence, the best community is one that aims not merely at the political and social welfare of its citizens but also at their intellectual welfare, that they acquire correct beliefs.

The golden internal meaning [*batin*], Maimonides' third kind of parabolic meaning or interpretation, is also a kind of wisdom that expresses what ought to be believed. It differs from the external parabolic meaning only in the *content* of its wisdom. Whereas parabolic external meaning expresses wisdom that is (especially, though perhaps not exclusively) conducive to the well-being of a community, parabolic internal meaning expresses wisdom related to the highest obtainable theoretical perfection of the individual: "wisdom that is useful for beliefs concerned with the truth as it is." Now, this last characterization is somewhat awkward, vague, and circumlocutious: the wisdom is not said to be knowledge *of* the truth, but wisdom "useful" for beliefs "concerned with" the truth "as it is." Let me add a few words that may throw some light on this description of parabolic internal meaning and its relation to parabolic external meaning.

Let me begin by emphasizing what the distinction between external and internal parabolic meaning is *not*. Because it is a distinction solely between two kinds of *contents*, or wisdoms, the external/internal distinction is not a function of presentation or style or audience. It does not mark the difference between the revealed and concealed. It does not mark the difference between two kinds of intended readers: the community or multitude or 'general run of men' corresponding to the external, the philosophers or elite or 'those who are able to understand by themselves' for the internal. It does not reflect a difference in the author's attitude toward the contents of the two meanings: the internal meaning is not what the author 'really' believes, the external what he merely says for public consumption or as a political strategem. And while there may sometimes be tensions between particular external and internal meanings, there is no suggestion that there is a *general* opposition between them such as a deep conflict between Law and Philosophy. In short, the distinction between the external and internal is not the distinction between the *esoteric* and *exoteric* as those terms have been applied for the last fifty years.[7]

Maimonides describes both external and internal parabolic meanings as kinds of *wisdom*. Hence, they are both kinds of philosophy, albeit one is oriented toward the welfare of the community, the other toward the highest (theoretical) perfection of the individual. Both express contents he thinks ought to be accepted, and assented to where true, or, more generally, to which an agent ought to commit himself. They are also both, equally, what is *meant* by the parable, what the author intends it to communicate and intends the reader to understand by the text.[8] Futhermore, while the identity of the intended reader or readers of the *Guide* remains a difficult open question (that I cannot discuss here), there is no reason to assume that there are (systematically) *different* readers or audiences for the external and internal. Finally, the exoteric/esoteric distinction in ancient thought was a distinction between two classes of *texts*: one popular, elementary, nontechnical, and sometimes practical; the other advanced, for a closed audience, technical, and typically theoretical.[9] The external/internal distinction, on the other hand, is a distinction between levels of meaning *within* a single text.

This is not to say that Maimonides does not conceal certain meanings or contents in the *Guide*. He explicitly tells the reader in the introduction to the *Guide* that he employs various devices for this purpose, most famously, deliberately contradictory claims but also ellipsis, disorganization, and the literary form of the parable and other figures. But the distinction between the concealed and revealed is perpendicular to the external/internal distinction. That is, there may be concealed external meanings as well as concealed internal ones, and revealed internal meanings as well as revealed external ones. (Where the external or internal meaning is revealed, it may also coincide with the vulgar external meaning; i.e., it may be expressed explicitly by the lexical meanings of the words used.) To represent Maimonides' hermeneutics, we need a matrix with at least four cells. Moreover, Maimonides' motivations for concealment and for the use of the parable, or parabolic interpretation, are entirely different. Concealment is necessary either to protect the community-at-large from premature exposure to certain contents that, without the right kind of preparation, might harm them (I:33:70–72) or to protect the philosopher from the multitude who may harm him when his claims are not properly understood or appreciated (I:17:43). The use of the parable whose multiple levels of interpretation go beyond the meaning of explicit, linear, sustained discursive speech is a function of the typically incomplete, limited character of the lighteninglike apprehension and understanding of the philosopher-prophet and of his attempts to communicate that content. According to Maimonides, it was this character of their intellectual experiences that led the prophets to express their contents in the flashlike, allusive form of the parable (I:Intro.:7–8).

Maimonides' notion of a parable, or of texts that deserve parabolic interpretation, is rather different, then, than the literary notion of a parable—that is, a narrative with a certain structure. Admittedly, some parables Maimonides himself constructs in the *Guide*—for example, the parable of the palace in III:51–52, the parable of the ruler in I:46, and the parable of the free man and slave in III:8—themselves follow the narrative model of the rabbinic king-parable (*mashal le-melekh*). But he also applies the term *parable* (*mathal*, *mashal*) more generally to *any* text, narrative or not, with multiple levels of external and internal meaning.[10] And not only to texts or discursive speeches. To return to *ta'amei ha-mitzvot,* he extends his idea of a parable and of parabolic interpretation from texts to commandments. Just as parabolic texts have multiple levels of meanings or interpretation, so certain commandments have multiple reasons or (legislative) explanations structured in exactly the same way as the parable—one is the vulgar external reason, the second a parabolic external reason, and the third a parabolic internal reason.

In chapters 4 and 5, I explore Maimonides' application of his model of parabolic interpretation to *ta'amei ha-mitzvot*. In chapter 4, I show how Maimonides applies the model to the explanation of the totality of the commandments, the Law as a whole. The parabolic external explanation of the Law is stated programmatically in chapter III:27 and elaborated in detail throughout III:26–49 (as Maimonides states in III:41:567): on this account, the commandments lead to the welfare, both of the body and of the soul, of the community. In III:51–52, I suggest (taking a different line from my analysis in chapter 2) that we are given the parabolic internal reason for the commandments: to serve as the kind of training that enables the perfected individual to engage in constant (or as constant as possible) intellectual apprehension of theoretical truths.

In chapter 5, I show how Maimonides applies the parabolic model of interpretation to the explanation of an individual commandment: the covenant of circumcision. He rejects the vulgar reason (which was also given by the rabbis and by Saadiah) that the act physically perfects the individual's body. As its parabolic external reason, he proposes instead that circumcision communicates or expresses belief in the unity of God, a belief that every member of the community ought to hold and that thereby contributes to the "welfare of the communal soul." And as its internal reason, he argues that circumcision restrains the person's sexual passions (among, or perhaps representative of, his other desires and needs) that prevent him from exclusively and completely engaging in intellectual apprehension as a fully actualized intellect. Ideally, indeed, Maimonides seems to hold that it would be best if the person simply had no such desires or needs. But this is impossible both because metaphysically there is no form, or intellect, without matter, or body, and because of the necessities of human nature and procreation. Hence, circumcision is an accommodation of the ideal to reality. Circumcision is not the only individual commandment for which Maimonides offers parabolic multilevelled explanations, although he does not do it for all. Instead it seems that he applies the parabolic model specifically to commandments that focus on bodily organs, functions, or actions such as the commandment to rest one's body on the Sabbath and the commandment to bury one's excrement when at war (Deut. 23:13–14).[11]

In light of Maimonides' extension of the parabolic model to the explanation of commandments, it may also be possible now to say why he describes the internal meaning of a parable, as we saw earlier, in such vague terms: "wisdom that is useful for beliefs concerned with the truth as it is." The reason may have to do with the different kinds of things he counts as parables and therefore have an internal meaning/reason: stories (like the *Aqedah* or the episode of the tree of knowledge), speeches or non-narrative texts (like the speeches of the Book of Job and certain chapters of the *Guide* which Maimonides also wrote as parables), and commandments. (For obvious reasons, it is much easier to produce a homogeneous set of parabolic external meanings/reasons for all these objects.)

The internal meanings of parabolic *texts*—stories and speeches—either express a truth about physics, or the governance of the sublunar world, or a statement *about* the limited character of human apprehension of metaphysical truths and the consequences of those limitations. In the latter case, the interpretations are determined in significant part by considerations related to Maimonides' skepticism about human knowledge of metaphysics and divine science, something that might be described as "wisdom that is useful for beliefs concerned with the truth as it is," though it is not itself wisdom *about* the metaphysical truth, or metaphysical knowledge.[12] The internal reasons of parabolic *commandments*, on the other hand, explain their performance as means that enable individual members of the community to achieve theoretical perfection—apprehension of intelligible truth—to the extent possible, often as training or exercises designed to restrain, if not eliminate, bodily needs and desires. In this latter case, the internal reason is, again, not itself wisdom or knowledge of the truth or a true belief per se, but "wisdom that is useful for beliefs concerned with the truth as it is."

Parabolic commandments and, in particular, the *huqqim*, I would add, are also good examples of laws whose parabolic *external* meaning must be *concealed*. Maimonides' explanation, for example, that sacrifices were legislated to put an end to Sabian idolatry—by adopting the external forms of that very idolatry in order to accommodate the psychological needs of the ancient Israelites—is their parabolic external reason: it aims at the welfare of the community and, in particular, its theoretical welfare—to inculcate the correct kind of belief that must be held by everyone. However, Moses, according to Maimonides' interpretation of the rabbis, concealed this explanation (like that of all the *huqqim*) from the multitude, or community-at-large, on pain that, if he did not, it would have rendered the sacrifices ineffective. Had the multitude believed that they were performing these outwardly idolatrous acts only in order to wean themselves away from all such worship, the actions would have been self-defeating and the people would never have been led through that means to deny idolatry and embrace monotheism. Here, then, we have a concealed parabolic external reason. A similar story can be told about the argument of chapter 6—that the *huqqim* aim to refute star worship more generally, including contemporary astrology and magic. In that case, the same kind of reason for concealment applies now as then. And if the explanation for the *huqqim* is, on the other hand, now obsolete (because there is no Sabianism to combat), there still remains an anti-antinomian reason to conceal that explanation for their legislation. For if this context-dependent historical reason for the *huqqim* was revealed to the multitude, they would reject those commandments on the grounds that the reason for their legislation no longer obtains. Finally, we might note that Maimonides himself explicitly reveals his explanation for the *huqqim* only insofar as he presents the Sabians as if they were only a historical reality of the past. He himself conceals his further view that Sabianism qua astrology, Neoplatonic hermeticism, magic and contemporary popular religion is still alive and remains the present live target of the *huqqim*. In all these alternatives, it is the external reason for the *huqqim* that must be concealed.

Maimonides' discussion of the metaphysical presuppositions of the *huqqim* and, more specifically, his explanation of the commandment of *shiluah ha-ken* (Deut. 22, 6–7)—the locus of chapter 3—is also the point from which Nahmanides takes off to present his general theory of *ta'amei ha-mitzvot*. As with the idea of a problematic commandment, Nahmanides adopts and develops the Maimonidean parabolic model of multiple reasons or explanations for each commandment by preserving its structure while changing the contents of its levels of reasons/meanings. In chapter 4, I discuss two ways in which Nahmanides departs from Maimonides. First, his parabolic internal reasons are theosophic and theurgic rather than philosophical: the commandments are explained as means to satisfy, complete, or perfect the deity or divine nature. Second, unlike Maimonides who considers the vulgar external meaning/reason of a parable to be worthless, Nahmanides reclaims this level of interpretation, which he identifies with *peshat*. In so doing, he enriches the notion of *peshat* to include much more than did his Spanish predecessors. But he maintains its distinctiveness from both levels of parabolic meaning/reason while restoring to it the cognitive value of which Maimonides had divested it. Despite these differences, the positive influence of Maimonides on Nahmanides' conception of the structure of *ta'amei ha-mitzvot* should not be obscured. Only against the background of their shared common approach can we clearly discern their particular disagreements and evaluate the true impact of the Maimonidean revolution.

CHAPTER 2

Problematic Commandments I: Maimonides on the Huqqim *and Antinomianism*

According to a view widely held in Rabbinic literature and medieval Jewish philosophy and scriptural exegesis, there exist a small number of Mosaic commandments, the *huqqim* (literally: "statutes"), which are said either to have no reasons or to have reasons which we do not, and perhaps cannot, know.[1] The existence of this class of laws, it was further believed, is already indicated in the language of the Torah, which appears to distinguish the *huqqim* from the *mishpatim* (literally: "ordinances" or "judgments") by juxtaposing the two in many verses.[2] Although the Torah itself gives no principle of differentiation for this division, the *mishpatim* came to be identified with those laws that are rationally necessary, according to some, or that are conventionally but universally accepted, according to others; while the *huqqim* were identified with those laws whose validity depends essentially on divine decree or which we know only by divine revelation.[3]

As with many other received notions in the tradition of Judaism, Maimonides took over these categories of *hoq* and *mishpat* and reconceived them in light of his own philosophical assumptions and purposes. Whereas previous figures in the tradition took the *huqqim* to consist of no more than eight or nine apparently unrelated individual commandments, Maimonides takes them to comprise a broad and central portion of the Law. And whereas others took the *huqqim* to be *exceptions* to the general rule of commandments for which reasons can, and should, be given, Maimonides holds that not only do the *huqqim* have reasons but that their explanation serves as a model for his conception of *ta'amei ha-mitzvot*, the project of giving reasons for, or explaining, the commandments of the Torah.

In this chapter I shall trace the development of this notion of a *hoq* in Maimonides' writings, concentrating on the *Guide of the Perplexed*. Because this subject arises in the context of his general discussion of *ta'amei ha-mitzvot*, I begin with a brief discussion of Maimonides' conception of this traditional enterprise. Against this background, I then turn to a close reading of chapter III:26 of the *Guide* where Maimonides introduces the notion of a *hoq* and restricts its traditional characterization to "particulars" rather than "generalities" of commandments. Since he claims that "the true reality of particulars of commandments is illustrated by the sacrifices" (III:26:509), I turn next to his well-known use of historical explanations for these and certain other laws. This discussion will lead us to the central issue underlying Maimonides' account of a *hoq*: the nature of the authority of the Law and the dangers of antinomianism. That his use of historical explanations tends to undermine the authority of the Law has been frequently raised as an objection to Maimonides' account; I will argue that, not only does he respond to this difficulty in the *Guide*, but that indeed it motivates his conception of a *hoq*.

I

Inquiries into *ta'amei ha-mitzvot*, the rationale or explanation of the commandments of the Torah, are concerned with either or both of two different questions: (1) Why did God legislate a particular commandment, or the Law as a whole, to Israel at the time of the Mosaic revelation?[4] and (2) Why should I, or any member of the community of Israel, perform a particular commandment or the Law as a whole? The first question—which I shall call the "commandment question"—sees the project of *ta'amei ha-mitzvot* as a matter of explaining, or demonstrating, the rationality of the Mosaic legislation; the second—the "performance question"—sees it as the task of furnishing reasons that a human agent can use to justify his own performance of the commandments. In most cases, these two types of reasons go hand in hand: Any reason why God commanded Israel to perform a commandment C will also be a reason for any member of Israel to perform C. Inversely (with some natural assumptions about God, say, that He is altruistic), any reason that an agent can use to justify his own performance of C will also be serviceable as a reason why God commanded C or why C was legislated. But there are also certain critical cases where these two types of reasons come apart: in particular, where a reason or explanation why God commanded a certain law cannot function as a reason for a member of the community of Israel at some time to justify his own performance of that very same commandment. These cases cannot be overlooked for they threaten to undermine the authority of the Law and, I shall argue, they lie at the heart of Maimonides' concern with the *huqqim*.

Although the "commandment" and "performance" questions are clearly different, they have not always been explicitly distinguished by inquirers into *ta'amei ha-mitzvot.* In part this is because most authors have pursued both questions, though usually one is emphasized and only its implications for the other probed. Maimonides' concern in the *Guide*, as his opening statements in chapter III:26 make absolutely clear, is primarily with the "commandment" question, but the question of "performance," as we shall see, is also just off stage. He begins by drawing a parallel between the Law and God's works or acts, which had been the topic of the previous chapter.

> Just as there is disagreement among the men of speculation among the adherents of Law whether His works . . . are consequent upon wisdom or upon the will alone without being intended toward any end at all, there is also the same disagreement among them regarding our Laws, which He has given to us. Thus there are people who do not seek for them any cause at all, saying that all Laws are consequent upon the will alone. There are also people who say that every commandment and prohibition in these Laws is consequent upon wisdom and aims at some end, and that all Laws have causes and were given in view of some utility. (III:26:506)

After classifying all actions into four types, Maimonides had argued in chapter 25—against the Ash'arites who maintain that all of God's acts are consequent upon His will alone and aim at no end—that "all [of God's] actions are good and excellent," that is, all His actions aim at an end which is, furthermore, noble, either necessary or useful.[5] Alluding to his own identification of the divine attributes of action with the governance of nature (I:54), he adds that "the philosophic opinion is similar, holding . . . that in all natural things . . . some end is sought, regardless of whether we do or do not know that end" (III:25).[6] Thus, given the parallel between the two chapters, the subject of III:25 is the explanation of God's acts in general, or of nature; that of III:26, the explanation of a particular type of divine act, namely, the divine legislation of the Mosaic commandments to Israel.

There is a second, equally important, parallel between chapters III:25 and 26. Together with the metaphysical or ontological claim that all of God's acts are consequent upon His wisdom, and therefore have reasons, Maimonides makes the epistemological claim that "we, however, are ignorant of many of the ways in which wisdom is found in His works" and, as prooftext for this opinion, he cites Deut. 32:4: *The Rock, His Work Is Perfect* (III:25). Similarly, when he introduces his own position concerning the Law, Maimonides distinguishes the ontological thesis that all commandments have reasons from the epistemological thesis that the reasons for the commandments are all humanly knowable or known. "It is, however, the doctrine of all of us—both of the multitude and of the elite—that all the Laws have a cause, though we are ignorant of the causes for some of them and we do not know the manner in which they conform to wisdom." And when he concludes his discussion of *ta'amei ha-mitzvot*, he emphasizes the same parallel between the divine acts, that is, nature, and commandments, repeating the prooftext he had cited earlier in chapter 25.

> Marvel exceedingly at the wisdom of His commandments . . . just as you should marvel at the wisdom manifested in the things He had made. It says: *The rock, His works is perfect; for all His ways are judgment.* (Deut. 32:4) It says that just as the things made by Him are consummately perfect, so are His commandments consumately just. However, our intellects are incapable of apprehending the perfection of everything that He has made and the justice of everything He has commanded. We only apprehend the justice of some of His commandments just as we only apprehend some of the marvels in the things He has made, in the parts of the body of animals and in the motions of the spheres. What is hidden from us in both these classes of things is much more considerable than what is manifest. (III:49:605)

It should be stressed that the epistemic limitations concerning our knowledge of *ta'amei ha-mitzvot* to which Maimonides refers throughout these passages bear on *all* commandments, classic instances of *mishpatim* as well as *huqqim*. In III:26 it is only after he draws this general metaphysical/epistemic distinction that Maimonides first mentions the *huqqim*; the scriptural prooftexts of III:26 and III:49 refer to *mishpatim* and *huqqim*; and the commandments at whose wisdom he specifically tells us to marvel in the passage of III:49 are the punishments meted out to the husband who defames his wife, to the thief, and to the false witness, all typical examples of *mishpatim*. Analogously, in the realm of God's works or nature, the marvels Maimonides mentions range from the biological to the astronomical, from the terrestrial, for which he believed that Aristotelian natural science was as a rule fully adequate, to the celestial, concerning which he arguably believed that man can have no knowledge.[7] In nature as well as in the Law, the wisdom Maimonides believes "is hidden from us" can be found in all categories of objects of scientific inquiry. Thus, while the claim that all commandments have reasons but some may not be humanly known, or perhaps knowable, is central to Maimonides' conception of the Law, this claim applies across the board to all laws. There is no indication thusfar that there are special epistemic limitations that apply to certain classes of commandments, such as, the *huqqim*, that do not apply to the others.

As we have now seen, and will repeatedly encounter in Maimonides' discussion, underlying his conception of *ta'amei ha-mitzvot* is a deep parallel between the Law and nature. The same ontological and epistemological theses hold for both.[8] To understand the full significance of this correspondence, we must ask ourselves, What, according to Maimonides, is the meaning of the explanandum statement that God commanded such-and-such a law? And to answer this, we must turn back to the lexicographical chapters of Part I of the *Guide* where Maimonides provides us with the key to understanding terms, not only as they are used in the Torah, but also as they are used in the *Guide* itself.[9]

Because predicates like *say*, *speak*, and *command* cannot be literally attributed to God, Maimonides tells us that they are instead "used to denote either will and volition or a notion that has been grasped by the understanding having come from God" (I:65:158). In particular, "the term 'command' is figuratively used of God with reference to the coming to be of that which He has willed" (I:65:159). Thus the statement that God commanded some law L to Israel should be rephrased, or translated into a philosophically purified language, to say that God willed the commandment L to Israel into existence, that is, that He is the efficient cause of its existence. In the same way, Maimonides explains that God is "designated as the *Rock*"—incidentally, in the same verse, Deut. 32:4, cited in both III:25 and III:49 as prooftext that all of God's acts and commandments have reasons even where we are ignorant of them (III:25:506)—inasmuch as "He is the principle and the *efficient* cause of all things other than himself" (I:16:42; my emphasis).

Now, having told us the meaning of the divinely attributed predicate 'command,' Maimonides goes on to explicate "in what respect it is said of Him . . . that He is the efficient cause" of something—and, similarly, its final cause (I:69:168). To say that God is such a cause is not to deny nature or natural causality. On the contrary, "everything that is produced in time must necessarily have a proximate cause which has produced it. In its turn that cause has a cause and so forth till finally one comes to the First Cause of all things, I mean God's will and free choice" (II:48:409). That is, God—His will and wisdom, which are identical with His essence—is said to be the cause of any action produced in time only insofar as He is the first, ultimate, or remotest of its causes, *presupposing* rather than *excluding* a series of proximate or intermediate causes that lie within the natural order. It is merely the characteristic manner of prophetic writing to omit the intermediate natural causes and ascribe the effect to the direct agency of God: "For all these things the *expressions to say, to speak, to command, to call*, and *to send* are used" (II:48:410).

We can now see exactly how Maimonides conceived of the project of *ta'amei ha-mitzvot* in the *Guide*. What is primarily to be explained is why God legislated the commandments—rather than the "performance" question—and this object of explanation is, in turn, to be understood as the statement that the commandments are the final effects of a series of proximate natural causes of which God, as in any full Aristotelian explanation, is simply the first cause. The substantive work of any particular explanation why certain commandments came to be legislated to Israel will, therefore, consist in discovering the intermediate natural causes. Furthermore, although such explanations will necessarily have recourse to the acts of individual humans, prophets, and legislators, there is good reason to suppose that Maimonides did not believe that for this reason they would be any less deterministic than explanations in the physical domain, that human volition and choice are any less subject to causation than natural phenomena and "form in this respect a domain governed by different laws or by no laws at all."[10] Thus, the parallel Maimonides constantly emphasizes between the Law and divine (i.e., natural) acts is not a parallel between two *different* domains but within *one* domain. Just as knowledge of God's attributes of action, His governance of nature, is attained through study of natural science, so one understands the *ta'amei ha-mitzvot*, why and how the Mosaic commandments came to be legislated, by studying their *natural* causes. Maimonides' presentation of *ta'amei ha-mitzvot* in Part III of the *Guide* might, in short, be described as the natural science of the Law, on a par with Aristotelian natural science of the physical world.[11] And from this perspective, his use of historical explanations to account for the characteristics of certain laws is not only not puzzling but entirely natural. However, given this conception of *ta'amei ha-mitzvot*, the *huqqim* raise a particular problem to which we now turn.

II

The *huqqim* are first introduced on the grounds that, as they are described by the Rabbis, they appear to contradict the thesis that all commandments have causes, reasons, or useful ends. To this objection, Maimonides immediately responds that "the multitude of Sages" in fact believed that "there indubitably is a cause for them . . . but that it is hidden from us either because of the incapacity of our intellects or the deficiency of our knowledge" (III:26:507). The only sense, in other words, in which the Rabbis thought that the *huqqim* have no causes is epistemological, though it is not yet clear whether this lack of knowledge associated with the *huqqim* is meant to be the same as or in addition to the general epistemic limitations already emphasized for all *ta'amei ha-mitzvot*.

Having reaffirmed the (metaphysical) thesis that all commandments have reasons, Maimonides then redescribes the *huqqim*, this time, however, in contrast to the *mishpatim* and with a significant but easily over-