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בס"ד

Maimonides on Sacrifices and Related Matters Part II

1. Concerning Sacrifice Details

At the very beginning of his grand exposition on “Reasons for the Divine Commandments” in his *Guide for the Perplexed*, the Rambam addressed the issue of the meaning of certain details of the sacrifices.

Our doctrine is that all the precepts have a reason...All our sages’ dicta proceed according to this principle and the books of Scripture indicate it, as is written, “Statutes and ordinances that are righteous” (Deut. 4:8); “Hashem’s ordinances are true, they are righteous altogether” (Ps. 19:10)...However, I found one utterance made by them, in *Genesis Rabbah* (44), which at first sight appears to imply that some commandments have no other reason than merely to prescribe a law, that no other purpose or benefit is intended by them...“What does it matter to the Holy One, blessed be He, that an animal is slaughtered by cutting its neck in the front or in the back? Say, therefore, that the commandments are given only to purify man...” Though this dictum is very strange and has no parallel in their other dicta, I have interpreted it in a manner that they will not be in contradiction to their views in their other statements and so that we shall not depart from the universally agreed upon principle that a purpose should be sought for all the laws because “it is no vain matter for you” (Deut. 32:47)...The generalities [only] of the commandments necessarily have a cause and were given for a certain benefit; it is the details regarding which it was said that commandments were given with no ulterior object. Thus, killing an animal for obtaining good food is useful; how it should be killed...was imposed with an intention to test man’s obedience...

I cite this example only because it was mentioned by the sages...in reality, however, the commandment concerning the proper slaughter of an animal is intended to bring about its easiest death in the easiest manner...A more suitable example can be cited from the detailed commandments concerning sacrifices...

The law that sacrifices should be brought is of great use...but why is one sacrifice a lamb while another is a ram, and why should a particular fixed number of them be brought – for such details it is impossible to give an explanation...Those who believe these details have explanations are as far from the truth as those who imagine that the generalities of a commandment are not designed with a view toward some real benefit...

Wisdom requires – if you prefer, say necessity causes – that there be details impervious to explanation. That such a situation cannot be avoided can be seen from the following: the question why a lamb and not a ram would be asked in reverse if it were a ram and not a lamb. But something is required. Similarly, the question as to why seven lambs and not eight would be asked if it were eight, or ten or twenty. But a number is required. This is like the nature of possibilities in cases in which one possibility must necessarily occur. One cannot ask why a particular possibility emerged, for the similar question would be asked if it had been another possibility, as some possibility is a necessity (*Guide* 3:26).

Further in the *Guide* (3:46), however, the Rambam provides reasons for many details of sacrifices. He explains why sacrifices were limited to the prescribed

domestic species. He believes that a number of details were mandated to wean the people away from idolatry. He accepts the Sages explanation that a calf of the herd was prescribed for a sin offering for the eighth-day consecration of the Tabernacle to serve as atonement for the golden calf apostasy. Similarly, he thought he-goats were prescribed for sin offerings on *Rosh Hodesh*, festivals and Yom Kippur to atone for Israel's disobedience in sacrificing "to the he-goats that they were wont to stray after." On this detail, he insists that the sages' alternate explanation is also satisfactory – to constantly seek forgiveness for the sin perpetrated by the sons of Jacob when they deceived their father concerning Joseph's disappearance by use of a he-goat's blood. He provides reasons why bullocks are stipulated for inadvertent transgressions of the high priest and the congregation, and so on. He comments on why male or female animals were required for different situations, why young or old were stipulated, why an animal is not acceptable for a sacrifice before the eighth day. The inconsistency with his earlier rejection of the validity of the questions, "Why a lamb and not a ram and why a particular number?" (*Guide* 3:26) is glaring.

It has been assumed that in the previous context he was providing an acceptable explanation of the sages' statement that he was discussing at that point – that of *Genesis Rabbah* – that there need not be any special reason for the laws. But his passionate, confident and assertive language there (as quoted above), which apparently was designed to persuade the reader that there indeed are not reasons for the details, appears to have reflected his personal view. On the other hand, it also is the case that his attribution of reasons to the details is articulated in a most fervent, extensive and persuasive manner. We cannot be sure, but we must ask, is this an example of the intended contradictions that he spoke of in his introduction to the *Guide*, a device he sometimes felt constrained to employ for various reasons?

It should be borne in mind that the Rambam explicitly acknowledges that there is a minority view among the sages that does maintain that the laws do not necessarily have a reason. One wonders why he did not merely attribute the rabbinic statement of *Genesis Rabbah* that the commandments were given only to purify man, to that school of thought. He

employs that solution on other occasions when he addresses a statement of the sages that does not coincide with his views on this matter. An example strikingly similar to the case we are dealing with concerns an interpretation proffered in the Talmud to explain the Mishnah's ruling that a public reader who says in his supplications, "Your mercies extend to the bird nest," must be silenced. That interpretation views the reader's statement as defining G-d's laws as motivated by mercy when in reality they are "decrees of the King" (*b. Ber.* 33b). The Rambam understands the latter clause to mean that the laws are decrees without reasons. He explicitly comments regarding it that it is the opinion of those who hold that there is no reason for the laws except the will of G-d, "but as for us we follow only" the other opinion, that they all have reasons (*Guide* 3:48).

Or, one further wonders, why did he not treat the troublesome statement that "the commandments were given only to purify man" as he did statements of certain sages in the case of astrology? He acknowledges that assertions of certain sages "in the Talmud, Mishnah and Midrash" contradict his position of totally rejecting the validity of astrology. Regarding those sages, he writes: "for it is possible that something was unknown to him at that moment, or perhaps his words were intended to hint at something, or perhaps he only said them for the moment or due to some specific incident that occurred. Do you not see that many verses of the Torah are not to be taken literally?" (*Letter to the Community of Marseilles*).

Taking all this into consideration, does it not appear that he changed his mind within the relatively short span of about twenty chapters of the *Guide*?

In any event, on the issue of biblically prescribed details, modern Bible research strongly supports the position that what may appear to be relatively minor particulars of the sacrificial cult invariably do have symbolic meaning. This appears to be the case with all rituals of the Torah. The study of the extensive literature of the ritual practices of the contemporary neighboring cultures and the comparison to the Torah has highlighted distinctive meaning in numerous particulars of the Torah. In addition, many sophisticated patterns and intertextual linkages involving minutiae as well as symbolic associations

run through the Torah and betoken a purpose for the details. (See our study *On Number Symbolism in the Torah from the Work of Rabbi Solomon D. Sassoon.*)

2. In *Mishneh Torah*

The Rambam's position that sacrifices were a concession that G-d made because of the deeply entrenched attitudes and feelings that people had concerning proper worship in ancient times – a situation that he felt no longer obtained and that obviously was not destined to return – has prompted several questions. Is it possible for ritual details, which had been designed to wean the public away from idolatrous beliefs that are no longer relevant or even known, continue to serve the purposes of the Torah's objectives? According to the Rambam, is it appropriate to seek the restoration of the Torah's sacrificial program in full? Why in *Mishneh Torah* did he devote the enormous attention he did to a comprehensive and precise articulation of the myriad minutiae of the sacrificial program despite the whole program not being of primary importance and lacking intrinsic meaning according to his explanation in the *Guide*?

The standard and traditional explanation of the Rambam's position is that once the laws passed through the prophetic channel and became incorporated in the Torah, they assumed transcendent significance regardless of the original reason for their inclusion in divine law. The symbolism invested in the rituals at the very beginning, despite it having been a reaction to past idolatrous practices which are presently irrelevant, possesses a richness that renders the rituals ever-meaningful. That means to say that the original formulations of these laws contained the potential for benefits to those observing them beyond the basic purposes they served in previous times.

However, this is not to rule out the possibility that the Rambam may have changed his mind from *Mishneh Torah* (completed about 1180) to the *Guide* (completed about 1190) without explicitly indicating that he did so. That definitely sometimes was the case. We will devote the balance of this study to a brief discussion of several aspects of this topic that relate to our study.

A famous reversal of the Rambam is found in the case of “the bird's nest.” In the previous section we referred to his position in the *Guide* rejecting the ruling of the Mishnah as well as the interpretation in the Talmud that do not permit the citing of G-d's mercy as an acceptable explanation of the prohibition of taking the young bird in front of its mother. He assigned that view to a rejected school of thought. In *Mishneh Torah*, however, he codified the law as stated in the Mishnah: The public reader who recites “Your mercies extend to the bird nest” must be silenced (*Laws of Prayer* 9:7). He explains there that had the prohibition of taking the young in front of its mother been a result of G-d's mercy, He would have prohibited slaughtering, as well as partaking of animal and fowl flesh, altogether. He was willing to accept a talmudic interpretation that he may not have been fully satisfied with. This is indicated by his effort to provide it a logical support (one that has not been considered compelling), a disposition he no longer possessed when writing the *Guide*.

This appears to indicate a tension that existed within him between his appreciation of tradition and his insights into philosophy, logic and reality, all part and parcel of his understanding of Torah in its wholeness. In earlier phases of life he tilted toward the former while subsequently he increased the relative weight placed on the latter. This parallels his explanation in an 1191 letter to his student Rabbi Joseph (either Ibn Waqnin or Sham'un) concerning some variations between his *Commentary on the Mishnah* (completed about 1168) and *Mishneh Torah*. He acknowledges having erred in the earlier work, mostly, he explains, because he relied uncritically on gaonic interpretations; upon studying those matters more carefully, he deemed those Geonim mistaken.*

Regarding *huqim* in general (the class of law in which he places sacrifices), it may be that there are signs of an ever-subtle change in perspective in his views even within *Mishneh Torah* itself. (It should be borne in mind that this was a work composed over a ten-year period, though he did release completed sections through those years.) We will quote from his formulations at the conclusion of three sections of this immense work. These sections are in relatively close proximity to each other and the formulations seem to indicate a degree of subtle movement in his

perspective on matters relevant to our discussion. It seems that the modifications set the trajectory for his later views and provide insight into his disposition. In הלכות מעילה (*Laws of Sacrilegious Violations* [8:8]), he states:

Regarding the Torah statement ושמרתם את כל חקתי ואת כל משפטי ועשיתם אתם (*“You shall guard all huqotai and all mishpatai and do them”* [Lev. 20:22]), the sages explain that this formulation means to apply both “guarding” (ושמרתם) and “doing” (ועשיתם) to the חקים (statutes) equally as to the משפטים (ordinances). The meaning of “doing” is understood: to fulfill. “Guarding” means that one should be careful with the huqim and not imagine that they are of lesser importance than the mishpatim. Mishpatim are those laws whose reason is apparent and the benefit of fulfilling them to this world is known, such as the prohibitions to steal or kill and the obligation to honor father and mother, while the huqim are those laws whose reason is not known. The sages said: “[G-d proclaimed:] Statutes I have decreed for you and you have no right to skeptically question them.” Man’s natural impulse troubles him regarding huqim and the nations of the world criticize them, such as the laws regarding pork, meat and milk, the ‘eglah arufah, the red heifer and the scapegoat...All the sacrifices are in the category of huqim. The sages said: “The world stands because of sacrificial service.” For in fulfilling huqim and mishpatim the upright people merit the life of the world to come. And the Torah placed its commands on the huqim first, as it states: “You shall guard My statutes and ordinances (ושמרתם את חקתי ואת משפטי) that a man shall fulfill them and live thereby” (Lev. 18:5).

In הלכות תמורה (*Laws of Exchange* [4:13]), he writes:

Although all statutes of the Torah (חקי התורה) are decrees, as we explained at the end of Me’ila [the passage quoted above], it is appropriate for one to reflect upon them, and to the extent that you can explain any, give the explanation. The early sages stated that King Solomon understood most of the reasons for the statutes of the Torah. It appears to me that what Scripture states [when one attempts to exchange a not-yet-consecrated animal in place of one already consecrated]: “And both it and the

one substituted for shall be holy” (Lev. 27:10)...is a case in which the Torah penetrated to the depths of man’s mind and inclination. For man’s nature inclines toward increasing his possessions and being concerned for his wealth. Therefore, although he vowed and consecrated something, it is possible he changed his mind and regrets it and would redeem the item [but evaluating it] for less than its value. Accordingly, the Torah stated that if he redeems for himself he must add a fifth. Concerning a consecrated animal that cannot be redeemed he might desire to exchange it for one of less value. And even had it been permitted to exchange for one of greater value he might rationalize that the inferior is the superior, so Scripture precluded him from doing so by prohibiting exchanges and mandating that if he nonetheless does exchange, both are holy. All these regulations are to prompt one to subdue his natural inclination and improve his character. Most laws of the Torah are nothing other than counsel from afar from the Great of Counsel to improve character and correct actions as it states, “Indeed, I wrote for you excellent things with wise counsel to make you know the meaning of words of truth, to reply with truthful words to him who sent you” (Prov. 22:20-21, based on old and new JPS).

And in הלכות מקנאות (*Laws of Ritual Baths* [11:12]), he states:

It is clear and obvious that impurities and purities are scriptural decrees, not matters that the human mind could have determined, and that they are included in the huqim. Similarly, immersing [to purify] from impurity is part of the huqim, for the impurity is not mud or excrement that may be removed with water but it is a scriptural decree and the matter is dependent on the intentions of one’s heart...Nevertheless, there is a hint in this matter, that just as one who focuses his intention to become purified, upon immersion does become purified, even though there is no physical change in his body, similarly, one who directs his heart to become purified from the impurities of being, which are thoughts of iniquitous actions and evil dispositions, as soon as he decides in his heart to separate from those counsels and brings himself into the waters of enlightenment, he is pure, as it

states, “I will sprinkle pure water upon you and you shall be purified” (Ezek. 36:25).

Although it is possible that these three statements were intentionally designed from the beginning with their subtle, nuanced differences, it appears more likely that they reveal a dynamic thinker, one constantly refining his views and always concerned for the larger picture. In the first he interpreted the *huqim* in accordance with their value of man expressing his obedience to divine decrees, somewhat in the manner of the talmudic interpretation in the case of the bird’s nest that he later rejected, apparently not yet having developed his position as formulated in the *Temurah* section that “All these regulations are to prompt one to subdue his natural temptation and improve his character.” Had the latter consideration been prominent in his thought while formulating the earlier statement, would it not have been incorporated within it? Indeed, the purpose of improving his character brings him close to his position in the *Guide* on that issue.** In the third of these formulations – concerning a large area of biblical law – he does not touch on the intrinsic particular disciplinary benefit of *huqim* nor does it seem he has as yet developed his position as presented in the *Guide* (3:47), but he straightaway turns to a symbolic explanation. (He early on recognized a symbolic dimension to scriptural decrees such as in the case of *shofar* [MT *Laws of Repentance* 3:4]: “Although blowing the *shofar* on Rosh Hashanah is a scriptural decree it contains a hint, namely, ‘Awake from your slumber.’”)

Endnotes

* An apparent example of his reversing himself in *Mishneh Torah* from a position on realia that he had mentioned in two different places in his *Commentary on the Mishnah* (*Abot* 5:5 and *Sotah* 9:12) is the case of the *shamir* (which he defined in his *Commentary on the Mishnah* as a small worm with the capability

to carve into stone). In the earlier work he accepted the traditional view of its existence and great utility in construction of the temple based on the mishnaic statements and talmudic explanations. Thus in his *Commentary on the Mishnah* (*Abot* 5:5) he wrote:

שְׁמִיר – הוּא בְּעַל חַיִּים קָטָן, יְנִסֵּר הָאֲבָנִים הַגְּדוֹלוֹת בְּעוֹבְרוֹ
עָלֶיהֶן, וְבוֹ בָּנָה שְׁלֵמָה הַמִּקְדָּשׁ.

“The shamir is a small creature that cuts large stones in its passing over them and with it Solomon built the temple.”

In *Mishneh Torah* he ignored the *shamir* completely, despite the mishnaic statements and talmudic discussions, particularly a passage regarding the specific facet of construction for which it was purportedly used (*b. Sotah* 48b). This has puzzled many commentators. However, the Talmud associates access to the *shamir* with interacting with the world of demons. It recounts an absolutely fantastic and bizarre series of tales as to how it was obtained for Solomon’s construction (*b. Git.* 68a). Eventually, the Rambam undoubtedly deemed the *shamir* allegorical, as he surely considered the related stories. (See our study, *The Rambam, the Shamir and Cutting Stones for the Temple*.)

** Some commentators agree with the Rambam’s position in the *Guide* that statutes have a purpose, but disagree with his rejection of the Mishnah from *halakha* and proffer various reconciliations. The Ramban distinguishes between the purpose of “improving human character,” which in this case would be to teach human beings to be compassionate, a purpose he opines would have been acceptable to attribute to G-d in the talmudic context under discussion, and the unacceptable statement of the reader who must be silenced, “As You have mercy on the bird’s nest.”

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