

## Blind Faith or Rational Practice:

Do Mitzvot Have Reasons, and Should We Investigate Them?

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*Note: Throughout the main text, regular type represents translations of the Hebrew texts or the text of an English text, while my comments are either in italics or in the footnotes.*

### I. Is Jewish Law Divine Fiat or Rationally Based?

*Jewish law places many demands on the individual. There are many requirements that speak to our relationship with God, for example prayer. There are also demands on how we interact with God's world, including laws respecting honest business practices, caring for the poor, and treatment of animals. Each of these requirements are called a מצוה (mitzvah, plural מצוות mitzvot) - a commandment.<sup>1</sup> A very important debate which can be found throughout the history of Jewish thought is whether the commandments represent divine fiat, meaning rules that should be observed simply because God commanded them, or rules that represent God's wisdom and hence are directly beneficial to the individual or community who observes them. This question is of vital importance for a number of reasons. Theologically, our understanding of God is radically different if we understand God as a dictatorial tyrant versus seeing God as a benevolent despot who commands us behaviors because they are beneficial to us. But this question also will no doubt impact our mindset while performing mitzvot. The purposes of the sources below is to address the nature of mitzvot. First, we will explore some biblical and rabbinic sources that address the nature of mitzvot. Second, we will explore some of the benefits and detriments to viewing mitzvot as divine fiat or as rational law.*

#### Leviticus 18:4

ויקרא יח:ד

אַתָּה מִשְׁפָּטִי תַעֲשֶׂה וְאֶת חֻקֹּתַי תִּשְׁמְרוּ לְלַכֵּת בְּהֵם אֲנִי ה' אֱ-לֹהֵיכֶם :

You shall observe my *mishpatim*, and keep my *chukim*, to follow them, I am the LORD your GOD.

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<sup>1</sup> Note that the term mitzvah means "commandment," although it has often come to be used more generically for any "good deed."

## Babylonian Talmud Yoma 67b

## תלמוד בבלי מסכת יומא דף סז עמוד ב

תנו רבנן: "את משפטי תעשו" - דברים שאלמלא (לא) נכתבו דין הוא שיכתבו, ואלו הן: עבודה זרה, וגלוי עריות, ושפיכות דמים, וגזל, וברכת השם. ואת חקתי תשמרו - דברים שהשטן ואומות העולם משיבים עליהן, ואלו הן: אכילת חזיר, ולבישת שעטנז, וחליצת יבמה, וטהרת מצורע, ושעיר המשתלח. ושמא תאמר מעשה תוהו הם - תלמוד לומר +ויקרא יח+ אני ה' - אני ה' חקקתי, ואין לך רשות להרהר בהן.

The Rabbis taught: "Observe my *mishpatim*" - [this refers to] those things that were they not written (i.e. were they not part of the law), it would have been necessary<sup>2</sup> for them to be written, and these are they: [the prohibitions of] idolatry, incest, spilling of blood, stealing, and blasphemy. "and keep my *chukim*" - [this refers to] those things that the Satan<sup>3</sup> and the nations of the world object about, and they are: [the prohibitions of] eating pork, wearing *shatnez*,<sup>4</sup> [and the requirements of] *chalitzah* for the *yevamah*,<sup>5</sup> the purification of the leper, and the scapegoat<sup>6</sup>. And lest you say these are deeds of emptiness, it (the Torah) teaches saying: "I am the LORD" [meaning]: I the Lord commanded (*chakhtiv*) it, and, and you have no right to criticize them.

*In this section, the Talmud is explaining the use of two different terms for commandments, and says that one term (mishpat) refers us to commandments that are easy to understand why they were commanded (so much so that if they were not commanded by God, humanity might have instituted them) while another term (chukim) refers to commandments whose reasons are less obvious and therefore the commandments may come to be criticized. The Talmud tells us that this is the reason why the statement regarding chukim is followed by the statement "I am the LORD." <sup>7</sup> This final part of the verse is seen as warning people to keep the commandments even if the commandment seems useless. Maimonides argues that this section of Talmud does not imply that such chukim are useless or irrational, but simply that the reasons behind these laws are unclear:*

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<sup>2</sup> Perhaps "logical" would be a good translation of this word.

<sup>3</sup> This can be taken to refer to Satan, an angel who argues with God from time to time in the Bible, or it can be taken as referring to the evil inclination in general (see Rashi).

<sup>4</sup> A garment created with a mixture of wool and linen.

<sup>5</sup> This is the ceremony of removing of a shoe where a man decides not to perform a "levirate marriage" (marrying the wife of his brother who passed away without having children).

<sup>6</sup> A goat used during the Yom Kippur observances. According to some sources, the goat was sent out into the wilderness, while others say that the goat was sent off a cliff. See Hakham Isaac Sassoon, Destination Torah on Lev. 16:22, pp. 169-174.

<sup>7</sup> Out of this teaching of the Talmud, some have argued that the word "chok/chukim" means laws that are not and/or cannot be understood. This may too expansive of a read of this Talmud. The Talmud's statement concerns the meaning of the use of two terms for commandment (chukim and mishpatim) in this verse, but does not necessarily suppose that this explanation impacts the meaning of these words in all other contexts (However, we will see below regarding Bamidbar Rabbah 19:6 another occasion where the word chok seems to be taken as law that does not have an apparent rational basis). In fact, as we shall see below on Deut. 4:5-6, Moshe (Moses) associates the word chok with rational law.

The actual distinction between different terms for commandments (chok, mishpat, torah, eid, mitzvah) is entirely unclear (Some suggest that the word chok owes its etymology to the word חקק, i.e. chiseled, and at least originally referred to law that was chiseled in stone). It is entirely possible that each term originally belonged to a certain dialect. See Hakham Isaac Sassoon, Destination Torah on Ex. 24:3, p. 92-93, based on Maimonides "Guide For The Perplexed" 3:26 and 3:31.

### Maimonides Guide For The Perplexed 3:48<sup>8</sup>

### ספר מורה הנבוכים חלק שלישי פרק כו

ואלו שנקראים חקים כשעטנו ובשר בחלב ושעיר המשתלח, . . . לא יאמין המון החכמים שהם ענינים שאין להם סבה כלל ולא בוקש להם תכלית, כי זה יביא לפעולת ההבל כמו שזכרנו, אבל יאמין המון החכמים שיש להם עלה, ר"ל תכלית מועילה על כל פנים, אלא שנעלמה ממנו, אם לקצור דעתנו או לחסרון חכמתנו.

And these that are called *chukim*, like *shatzez*, [the prohibition of combining] milk and meat and the scape goat . . . the majority of sages did not believe that these were matters without a reason at all and for which we do not seek [to understand] an end, because this would lead to vain works as we have mentioned, rather most sages believed that they (the *chukim*) do have a benefit, I mean to say, a utilitarian end in any event, except that it has escaped us, whether because of our limited knowledge or because of a deficit in wisdom.

*It seems to me that Maimonides read of this section of Talmud is quite convincing. Note that the Talmud says regarding these laws "And lest you say these are deeds of emptiness, it (the Torah) teaches saying: ' am the LORD,' which seems to mean that although one may think these laws to be emptiness, they are not, and one should trust that God has found these laws to be useful. Note that to Maimonides, a law that has no rationale would be vain (= "emptiness.")*

#### A. Justified Law in the Bible

*On a number of occasions, the Bible tells us why we should observe God's laws in general, or why we should observe a particular law. We will explore some of these occasions. There are also many laws that seem to have a logic that can easily be discerned, for instance a prohibition against murder. Although these laws seem to be clearly rational and designed for human benefit we will see there is even an strain of thought that argues that these laws, too, are designed only for the sake of our obedience.*

#### Exodus 13:8-9 (Re: Passover observances)

#### שמות יג:ח-ט

(ח) וְהִגַּדְתָּ לְבִנְךָ בַּיּוֹם הַהוּא לֵאמֹר בְּעִבּוֹר זֶה עָשָׂה ה' לִי בְצֵאתִי מִמִּצְרָיִם :

(ט) וְהִזְיֶה לְךָ לְאוֹת עַל יָדְךָ וּלְזִכָּרוֹן בֵּין עֵינֶיךָ לְמַעַן תִּהְיֶה תּוֹרַת ה' בְּפִיךָ כִּי בְיַד חֲזָקָה הוֹצֵאתָ ה' מִמִּצְרָיִם :

(8) And you shall tell your child on that day saying: "It is because of this that the LORD did for me when I came out of Egypt.

(9) And it shall be a sign on your arm, and a reminder between your eyes so that the Torah of the LORD shall be on your lips, for with an outstretched arm the LORD took you out of Egypt.

*Note that here the "reason" for God's law is to remind us of what God did for us. In a certain sense, this can be seen as rational law. On the other hand, since the commandment is given in order to bolster our sense of fealty to God, one may argue that this does not take us too far away from God's law being divine fiat.*

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<sup>8</sup> Note that Maimonides' Guide was written originally in Arabic. My translations are of the Hebrew text reproduced here (from the Bar Ilan Responsa CD, the translation by R. Shmuel ibn Tibbon, first published in Rome in 1480).

### Deuteronomy 16:3

דברים טז:ג

לא תאכל עליו חמץ שבעת ימים תאכל עליו מצות לחם עני כי בחפזו יצאת מארץ מצרים למען תזכר את יום צאתך מארץ מצרים כל ימי חייך:

Do not eat chametz upon it (the Passover sacrifice); for seven days you shall eat upon it matzot, poor bread, because in haste you left from the land of Egypt, so that you may remember the day of your departure from the land of Egypt all the days of your life.

*Here, eating matzah is given a historical justification. Eating matzah is a reminder of the Israelite's common history. In that this departure was orchestrated by God, however, one may still argue that the point here is to bolster our fealty to God.*

### Leviticus 23:42-43

ויקרא כג:מב-מג

(מב) בסכת תישבו שבעת ימים כל האזרח בְּיִשְׂרָאֵל יֵשְׁבוּ בַּסֹּכֶת:

(מג) למען ידעו דורותיכם כי בסכות הושבתי את בני ישראל בהוציא אותם מארץ מצרים אני ה' אֱלֹהֵיכֶם:

(42) In *sukkot* (huts) you shall dwell for seven days, all natural born in Israel shall sit in *sukkot*.

(43) So that your generations shall know that I caused the Children of Israel to dwell in *sukkot* when I took them out of the land of Egypt, I am the LORD your God.

*Much like in Passover, the dwelling in Sukkot is a reminder of history and of God's beneficence toward the Jews in that history.*

### Numbers 36:39-40

במדבר טו:לט-מ

(לט) והיה לכם לציצת וראיתם אתו וזכרתם את כל מצות ה' ועשיתם אתם ולא תתרו אחרי לבבכם ואחרי עיניכם אשר אתם זנים אחריהם:

(מ) למען תזכרו ועשיתם את כל מצותי והייתם קדשים לא-להיכם:

(39) And they shall be for you *tsitsit* (fringes), and you shall see it (the blue fringe described in 15:38) and remember all the mitzvot of the LORD and do them, and you should not stray after your hearts and after your eyes after which you lust.

(40) So that you may remember and do all my commandments and be sanctified to your God.

*Are these verses more of the same that we have seen above - commandments as reminders of our obligations to God - or is there more here? In one sense, this text treats *tsitsit* as a reminder of God's laws, thus designed to "keep us in line." However, the goal of these laws is to keep people from being swayed by their own desires. To the extent that these personal desires may ultimately be injurious to ourselves or to others, one may argue that these verses do indicate that observance of the laws has a tangible benefit to the individual or to society.*

### Deuteronomy 4:5-6

דברים ד:ה-ו

(ה) ראה למדתני אתכם חקים ומשפטים כאשר צוני ה' אֱלֹהֵי לַעֲשׂוֹת כֵּן בְּקִרְבְּ הָאָרֶץ אֲשֶׁר אַתֶּם בָּאִים שָׁמָּה לְרִשְׁתָּהּ:

(ו) ושמרתם ועשיתם כי הוא חכמתכם ובינתכם לעיני העמים אשר ישמעו את כל החקים האלה ואמרו רק עם חכם ונבון הגוי הגדול הזה:

(5) Behold, I have taught you *chukim* and *mishpatim*<sup>9</sup> as the LORD my God has commanded me, [for you] to do thus within the land which you are going to inherit it.

(6) Keep them, and observe them, for they are your wisdom and understanding in the eyes of the nations, who will hear all these *chukim* and say "this is but a wise and discerning nation, this great nation."

<sup>9</sup> As discussed above on Leviticus 18:4, the distinction between terms such as *chok/chukim* and *mishpat/mishpatim*, if there is any, is not at all clear. It is often best in these cases to leave the terms untranslated.

*Here, Moshe (Moses) bids the people to follow God's laws and explains that the observance of these laws will make them look smart. This clearly denotes a rational law that is designed to create a good society. One can hardly imagine other nations saying "Wow, what a smart folk they are in that they follow their God so blindly."<sup>10</sup>*

*Note that it is hearing the "chukim" that prompts the nations' laudatory response. This strongly refutes the notion that the term "chok" refers to laws that cannot be understood, a matter which is discussed above regarding Lev. 18:4 and Yoma 67b.<sup>11</sup> Maimonides understands the word "chok" as referring to laws whose purpose is not as readily apparent as others.*

### Deuteronomy 6:1-3

דברים ו:א-ג

- (א) וְזֹאת הַמִּצְוָה הַחֲקִים וְהַמְשֻׁפָּטִים אֲשֶׁר צִוָּה ה' אֱ-לֹהֵיכֶם לְלַמֵּד אֶתְכֶם לַעֲשׂוֹת בְּאֶרֶץ אֲשֶׁר אַתֶּם עֹבְרִים שָׁמָּה לְרִשְׁתָּהּ:  
(ב) לְמַעַן תִּירָא אֶת ה' אֱ-לֹהֶיךָ לְשֹׁמֵר אֶת כָּל חֻקֹּתָיו וּמִצְוֹתָיו אֲשֶׁר אֲנֹכִי מְצַוֶּה אֶתְּךָ וּבְנֶךָ וּבִתְּךָ כָּל יְמֵי חַיֶּיךָ וּלְמַעַן יֵאָרְכוּ יְמֵיךָ:  
(ג) וְשָׁמַעְתָּ יִשְׂרָאֵל וְשָׁמַרְתָּ לַעֲשׂוֹת אֲשֶׁר יִטֵּב לְךָ וְאֲשֶׁר תִּרְבוּן מְאֹד כִּי אֲשֶׁר דִּבֶּר ה' אֱ-לֹהֵי אֲבֹתֶיךָ לְךָ אֶרֶץ זָבַת חֶלֶב וְדָבָשׁ : פ
- (1) These are the *mitzvah*, *chukim*, and *mishpatim* which the LORD your God commanded to teach you, to observe them in the land to which you are passing to inherit it.  
(2) So that you may have awe for the LORD your God, to keep all his *chukim* and *mitzvot* which I command you, you, your sons, and your sons sons, all the days of your life so that your days may be lengthened.<sup>12</sup>  
(3) Listen Israel, and take care to observe so that it may be good for you, and you may increase greatly as the LORD your God spoke to your forebearer [in] a land flowing with milk and honey.

*This text, again, seems to indicate direct benefit to following God's laws, although one might argue that this text says that if they follow the commandments, the Israelites will be rewarded by God with longevity.*

### Deuteronomy 6:24

דברים פרק ו:כד

וְצִוָּנוּ ה' לַעֲשׂוֹת אֶת כָּל הַחֲקִים הָאֵלֶּה לְיִרְאָה אֶת ה' אֱ-לֹהֵינוּ לְטוֹב לָנוּ כָּל הַיָּמִים לְחַיֵּינוּ כְּהַיּוֹם הַזֶּה.  
And the LORD commanded us all these *chukim*, to have awe of the LORD our God for our everlasting benefit and to let us live as on this day.

### Hakham Isaac Sassoon, Destination Torah on Deut. 6:24

Lest we be duped into thinking that by keeping the commandments we were doing God a favor! Paganism was a matter of trade-offs between the worshiper and insatiable idols with whom he must ingratiate himself. The Torah reveals here (and elsewhere) that her Giver's purpose is very different: the well-being of His creatures.

*In perhaps one of its strongest statements to this effect, the Torah here tells us that observance inures to the benefit of those that observe. One might again argue that the benefits here are simply in God rewarding those who follow God's laws. However, it seems from this verse that the benefits flow more as a natural result of following the just laws of the Torah.*

<sup>10</sup> See Maimonides "Guide For The Perplexed" 3:31.

<sup>11</sup> Hakham Isaac Sassoon, Destination Torah on Ex. 24:3, p. 91, text accompanying footnotes 49-50, based on Maimonides "Guide For The Perplexed" 3:26 and 3:31.

<sup>12</sup> This may refer to personal longevity. However, many times Deuteronomy refers to "your days be lengthened on the land," and so the reference here may be to the idea that observing these laws will result in the Children of Israel maintaining their sovereignty over the land of Israel.

## Deut. 22:6-7

## דברים פרק כב:ו-ז

(ו) כי יקרא קן צפור לפניך בדרך בכל עץ או על הארץ אפרחים או ביצים והאם רבצת על האפרחים או על הביצים לא תקח האם על הבנים:

(ז) שלח תשלח את האם ואת הבנים תקח לך למען ייטב לך והארכת ימים: ס

(6) If a nest of birds is before you on your way, in any tree or on the ground, [with] young or eggs, and the mother is sitting over the young or on the eggs, do not take the mother along with the children.

(7) You must send away the mother, but the children you may take for yourself, so that it may be good for you and you may have length of days.

*The commandment of Deuteronomy 22:6-7 is perhaps one of the biblical laws that seems most clearly based morality.<sup>13</sup> However, it is this law that lends itself to a comment in the Babylonian Talmud which is perhaps the most critical of the idea that Torah law has morality as its reasoning. Here, the Talmud objects to a prayer that implies that the law in Deuteronomy 22:6-7 is based on mercy:*

## Babylonian Talmud Berachot 33b

## תלמוד בבלי דף לג עמוד ב

משנה. האומר על קן צפור יגיעו רחמיו . . . משתקין אותו.

גמרא. . . . מאי טעמא? - פליגי בה תרי אמוראי במערבא, רבי יוסי בר אבין ורבי יוסי בר זבידא; חד אמר: מפני שמטיל קנאה במעשה בראשית, וחד אמר: מפני שעושה מדותיו של הקדוש ברוך הוא רחמים, ואינן אלא גזרות. . . .

**Mishnah:** One who says (in a prayer) "may Your mercy extend to a bird's nest," . . . we silence him.

**Gemara:** . . . What is the reason? Two Amoraim in the west (=Israel) disagreed on it, Rabbi Yose bar Avin and Rabbi Yose bar Zvida. One said: because he brings jealousy into the creations of genesis (Rashi: by implying that God is more merciful on one species than another), whereas the other says: because he makes the measures [enacted] by the Holy One Blessed Is He merciful, whereas they are only decrees.

## Rashi on Berachot 33b (Selection)

## רש"י מסכת ברכות דף לג עמוד ב

מדותיו - מצותיו, והוא לא לרחמים עשה, אלא להטיל על ישראל חקי גזרותיו; להודיע שהם עבדיו ושומרי מצותיו וגזרות חוקותיו, אף בדברים שיש לשטן ולנכרים להשיב עליהם, ולומר מה צורך במצוה זו.

**Measures** - [i.e.] his commandments [are made to appear as being based on mercy], but He did not enact them for mercy, but in order to give Israel decreed laws, in order to show them (Israel) that they are His servants and those who keep His *mitzvot*, *gezerot* and *chukim*, even on those matters where Satan or non-Jews might criticize them and say "what is the need for this commandment."

*Note that Rashi here is merely explaining, and not necessarily endorsing, the second explanation given in the Talmud as to why one should not say in prayer "may Your mercy extend to a bird's nest." This view argues that even the most apparently moral laws in the Torah are still simply matters of divine fiat. Maimonides rejects this view in defending his position that the law requiring chasing away the mother bird before taking its children is concerned with the feelings of the mother:*

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<sup>13</sup> Here, and also in the commandment not to slaughter a mother and her young on the same day (Leviticus 22:8), the Torah proscribes excessively unjust treatment of animals. Interestingly, there are different explanations of exactly the purpose of this law. According to Maimonides (Guide For the Perplexed 3:48), the purpose is to avoid excessively hurting the feelings of animal. Ramba"n (Nachmanides) challenges this understanding, arguing that were the Torah to limit human practice because of an animal's feelings, then all slaughter of animals would have to be forbidden. Instead, Ramba"n argues that the laws of this verse and Lev. 22:8 are designed to keep humanity from becoming unmerciful.

### Maimonides Guide For The Perplexed 3:48

ספר מורה הנבוכים חלק שלישי פרק מח

... ולא תקשה עלי באמרם על קן צפור יגיעו רחמיך וגו', כי הוא לפי אחת משתי הדעות אשר זכרנום, ר"ל דעת מי שחושב שאין טעם לתורה אלא הרצון לבד, ואנחנו נמשכנו אחר הדעת השני . . .

And do not challenge me regarding their saying "may Your mercy extend to a bird's nest, etc." for this is according to one of the two opinions which we mentioned, I mean to say the opinion of he who feels that there is no reason to the Torah except the [divine] will, and we follow the other opinion (i.e. that there is reason to the Torah).

*Thus, we see there is the a stream of thought within the Talmud that there is no reason for biblical law other than divine fiat, although Maimonides (and most others in my view) reject this notion.*

### B. Apparently Unjustified Law

#### Deuteronomy 6:18

דברים פרק ו:יח

(יח) וְעָשִׂיתָ הַיָּשָׁר וְהַטּוֹב בְּעֵינֵי ה' לְמַעַן יִיטֵב לְךָ וּבָאתָ וְיָרֵשֶׁתְּ אֶת הָאָרֶץ הַטֹּבָה אֲשֶׁר נִשְׁבַּע ה' לְאַבְרָהָם:

And you shall do what is right and good in the eyes of the LORD so that it may be good for you and you may come and inherit the good land which the LORD promised to your forebearers.

#### Rabbi David Novak, "On Finding Reason For Commandments" in Halakhah and the Modern Jew: Essays in Honor of Horace Bier published by the Union For Traditional Judaism p. 18.

"What is right 'in the sight of the Lord' might not readily be explainable in human terms (see Nahmanides' comment on Deut. 6:18).

*Rabbi Novak sites this verse as demonstrating that appeal to the Torah alone will not solve the question of whether commandments have rational reasons.*

#### Numbers 19:2

במדבר יט:ב

זאת חקת התורה אשר צוה ה' לאמר דבר אל בני ישראל ויקחו אליהם פרה אדמה תמימה אשר אין בה מום אשר לא עלה עליה על:

This is *chukat hatorah* which the LORD commanded saying: Speak to the Children of Israel let them bring you a unblemished red heiffer which has no defect, upon which no yoke has gone.

*The red heiffer, which was used as a purification ritual after contact with a dead body is considered the quintessential example of enigmatic law that defies rational explanation. In fact, rabbinic midrash indicates that the wisest of Jewish Kings, Solomon, was able to understand the rational behind all Torah law except this one. The midrash comments on a verse of Ecclesiastes, which is understood to have been written by King Solomon.*

#### Ecclesiastes 7:23

קהלת ז:כג

כָּל־זֶה נִסִּיתִי בְחִכְמָה אֲמַרְתִּי אֲחַכְמָה וְהִיא רְחוּקָה מִמֶּנִּי:

All this I tested with wisdom, I said I would understand, but it is distant from me.

*The midrash understands the beginning of this verse as indicating that Solomon "tested" Torah law "with wisdom" - i.e. to understand the rational basis of the law. The end of the verse indicates that ultimately Solomon failed in at least one part of his endeavor.*

### **Ecclesiastes Rabbah 7:23**

**קהלת רבה (וילנא) פרשה ז: כג**

... אמר שלמה על כל אלה עמדתי ופשפשתי ופרשה של פרה אדומה חקרתי, כיון שהייתי יגע בה ודורש וחוקר בה אמרתי אחכמה והיא רחוקה ממני. . . .

Solomon said: regarding all of these, I investigated (i.e. understood), but the section of the red heifer I studied, and when I was toiled in it and searched and investigated in it, "I said I would understand, but it is distant from me."

*Lest one get the mistaken impression that Solomon's inability to understand this law indicates that the law of the red heifer is undoubtedly without reason, we find a midrash that tells us otherwise:*

### **Bamidbar Rabbah 19:6**

**במדבר רבה (וילנא) פרשה יט: ו**

ויקחו אליך פרה אדומה א"ר יוסי ברבי חנינא אמר לו הקב"ה למשה לך אני מגלה טעם פרה אבל לאחר חקה . . .

Let them bring you a red heifer: Rabbi Yose son of Rabbi Channina said: The Holy One, Blessed is He said to Moses: I will reveal to you the reason for the heifer, but for others it is a law (*chukah*).

*This midrash seems to explain why the red heifer is called "chukat hatorah." The explanation is that Moses was given the reason of the law (hence the word "torah") while the law remained unexplained for others (hence the word "chukat").<sup>14</sup> Very importantly, this midrash views the laws of the red heifer as not being without reason, but simply being with a reason that was not revealed to us. Why the reasoning would not be revealed to us is not explained.*

### **Genesis Rabbah 44:1**

**בראשית רבה (וילנא) פרשה מד"ה א אחר הדברים**

... רב אמר לא נתנו המצות אלא לצרף בהן את הבריות, וכי מה איכפת ליה להקב"ה למי ששוחט מן הצואר, או מי ששוחט מן העורף, הוי לא נתנו המצות אלא לצרף בהם את הבריות . . .

Rav stated: The mitzvot were only given to refine humanity<sup>15</sup> through them. What does the Holy One Blessed is He care whether one slaughters from the throat or from the nape? Thus, The mitzvot were only given to refine humanity through them.

*Here, Rav indicates that there are certain laws that do not really matter to God! These laws, we are told, exist only to "refine humanity," which seems to mean that having these laws will keep humanity in line, perhaps by training humanity to be obedient to law. This would mean that these laws only have an indirect purpose. Though some would be comfortable with the concept of an occasional rule designed merely for obedience training, Maimonides was not. In the following discussion, Maimonides admits to originally having been disturbed by this text, but then coming to an understanding of it:*

### **Maimonides Guide For The Perplexed 3:48**

**ספר מורה הנבוכים חלק שלישי פרק כו**

... ועל זה העקר נמשכו כל דבריהם וכתובי הספרים יורו עליו, אלא שאני מצאתי דבר לחכמים ז"ל בבראשית רבה יראה ממנו בתחלת מחשבה שקצת המצות אין להם עלה אלא המצוה בהן לבד, ולא כיון בהם תכלית אחרת ולא תועלת נמצאת, והוא אמרם שם וכי מה איכפת לו להקב"ה בין מי שהוא שוחט מן הצואר למי שהוא שוחט מן העורף . . .

All their (the Rabbis) statements and all texts of scripture demonstrate this principle (that commandments have purposes), except that I have found a statement of the Sages of Blessed Memory in Genesis Rabbah that may have inferred from it upon first thought that some commandments do not have a benefit except for [obedience to] the commandment itself, and that have no other benefit in their intent, and for which no benefit is found, and this is found in their saying: "What does the Holy One Blessed is He care whether one slaughters from the throat or from the nape?" . . .

<sup>14</sup> For more on the meaning of the word *chok* and how it was understood by the sages, see above discussions on Babylonian Talmud Yoma 67b and Deut. 4:5-6.

<sup>15</sup> Laterally, "to refine creatures."



ועם היות המאמר הזה נפלא מאד שלא ימצא לו דומה בדבריהם, פרשתי אני בו פירוש תשמעהו עתה עד שלא נצא מסדר דבריהם כלום ולא נפרד מהשורש המוסכם עליו, והוא היות כל המצות בוקש בהם תכלית מועילה במציאות, כי לא דבר רק הוא וגו', ואמר לא אמרתי לזרע יעקב תהו בקשוני, אני ה' דובר צדק מגיד מישרים.

And since this statement is quite wondrous, in that nothing like it is found in their statements, I have explained an explanation that you will hear now so that we shall not leave the order (i.e. reasoning) of their words at all, and we will not part from the agreed upon principle, which is that one should seek a useful end in all mitzvot, "for it is not a vain thing,"<sup>16</sup> and [God] said: "I have not told the seed of Jacob: 'seek me for nothing;' I am the LORD who speaks justly and declares rightly."<sup>17</sup>

ואשר צריך שיאמינהו כל מי שדעתו שלמה בזה הענין הוא מה שאספרהו, וזה שכלל המצוה יש לה סבה בהכרח ומפני תועלת אחת צוה בה, אבל חלקיה הם אשר נאמר בהם שהם למצוה לבד, והמשל בו שהריגת בעלי חיים לצורך המזון הטוב מבוארת התועלת כמו שאנחנו עתידים לבאר, אמנם היותו בשחיטה לא בנחירה, ובפסיקת הוושט והגרגרת במקום מיוחד, אלו וכיוצא בהן לצרף בהם את הבריות . . . ואשר אמרו בו תמים מהיות לכל מצוה סבה, ואשר ידע מהם שלמה הוא תועלת המצוה בכלל לא חקירת כל חלקיה . . .

And that which all of sound intellect should believe in this regard is as I will explain, which is that the general commandment has a certain meaning and was given for one purpose, except that its particulars are about which is said that they are only commandments [for purposes of obedience]. And the example is, that the killing of living creatures for the purpose of food, the benefit is clear and the utility is as we will explain later, except that its being through cutting the throat and not by stabbing, and with cutting the esophagus and windpipe in a particular place, these and the like [are] "to refine humanity through them." . . . but that which they always said, that each commandment has a reason and that Solomon knew the benefit to all commandments [refers to] the general rule and not its details.

*Maimonides reads Rav's statement to mean that certain mitzvot do not really matter to God refers to some of the minutia of the laws.<sup>18</sup> Maimonides explains that it is these laws that serve the purpose of "refining humanity" through their obedience. Attention to these details will help train ourselves to make our more selfish desires subordinate to our desire to "do the right thing."<sup>19</sup>*

*One could suggest other utility to having such details which would also constitute "refining humanity." Perhaps observing the details of the laws may increase our awareness of the laws and our ability to fulfill the "big picture" purposes of the law. Alternatively, one may argue that having certain standards of practice is helpful for communal cohesion.*

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<sup>16</sup> Deut 32:47.

<sup>17</sup> Isaiah 45:19. Note again Maimonides' insistence that law that lacks rational basis would be emptiness, an opinion we saw from another selection from Guide 3:26 which we discussed above regarding the Talmud in Yoma 67b.

<sup>18</sup> Note that in a section which I have not quoted, Maimonides argues that as a matter of logic, all laws will have to have some details that are less than essential. In fact, Maimonides argues that where logically there must be somewhat random details, those who search for the reasons for these details are just as deluded as those who argue that there is any law that is without rational purpose:

וכל מי שמטריד עצמו לתת סבה לדבר מאלו החלקים הוא בעיני משתגע שגוען ארוך ואינו מסיר בזה ההרחקה אך מוסיף הרחקות, ומי שידמה שאלו יש להם סבה, הוא רחוק מן האמת כמי שידמה שהמצוה כולה היא ללא תועלת נמצאת.

And anyone who troubles himself to give a reason to these details in my view afflicts himself with a great lengthy affliction and does not remove obstacles (to understanding) but rather adds obstacles, and one who imagines that these [details] have reasons is far from the truth just as one who imagines that all the generalities of the commandment are without a benefit to be found.

<sup>19</sup> See above regarding Numbers 36:39-40 on the reason for tsitsit.

*Note also that Maimonides does not dismiss all "details" as not having a direct purpose. Later in this section he tells his reader: "וכן התבאר לי ג"כ קצת חלקי מצות ותנאי קצתם ממה שאפשר לתת סבתו" and so too some details of mitzvot and some of their conditions have become clear to me so that I may give their reasons."*

## II. What are the Benefits and Detriments of Knowing the Reasons For Commandments?

*It seems generally that the Rabbis saw Jewish law as operating to the benefit of the people. However, it does not necessarily follow that it is always good for us to know the exact reasons for the commandments. Below, we explore some of the benefits and detriments to seeking to understand the reasons and benefits of particular commandments.*

### A. The Benefits of Knowing the Reasons For Commandments

**Rabbi David Novak, "On Finding Reason For Commandments" p. 19 (italics in original, citations omitted).**

*Note: Rabbi Novak is commenting here on the the idea that commandments do not have reasons beyond obedience to God's authority.*

The practical problem is that if one carries this approach to its logical conclusion, one could not possibly interpret the commandments for purpose of *halakha*, especially when there arise conflicts between them. . . . For example, there is a commandment to keep the Sabbath and a commandment to save human life. What if saving a life requires that the Sabbath be violated? Which commandment takes precedence? Clearly, the solution to this dilemma calls for a comparison of the reasons for these respective commandments and a rational criterion for ordering them hierarchically in a structure of values.

*Note that understanding the reason behind laws may also have other practical effects on the interpretation and application of a law. See Hakham Isaac Sassoon, Destination Torah on Exodus 40:32 (p. 115 and following).*

**Hayim Halevy Donin "To Be A Jew" (2nd Edition, 1991) pp. 33-34**

The only reason that a devout Jew needs for the observance of any of the commandments - however they may be classified - is that they reflect the will of God. As an obedient servant of the Lord, it is his duty to carry them out. However, this has never stopped the Jew from *trying to understand the reasons* for the various laws and commandments. By searching for the reasons, he felt he was drawing himself closer to the Mind of the Divine, that he was thereby raising himself spiritually. Only when confronted by a statute whose reason totally escaped him (such statutes are called *hukim*<sup>20</sup> in the Torah), did he resort to the ultimate reason: This is what God wants of us. The inability to grasp a sensible purpose or find a reason was never used by a man of faith as the pretext for discarding the observance or even for asserting that no reason and no purpose existed. One either gave up and admitted his limitations, or continued trying even harder to discover the meaning and purpose.

*Donin supposes that understanding the reasons for mitzvot brings us close to the "Mind of the Divine." If the reason for a mitzvah is, for example, to sensitize ourselves to the needs of others, would it not help us to be conscientious of that goal when we are fulfilling that mitzvah? If we are not aware of the reason behind a mitzvah, that mitzvah can only effect our nature on a subconscious level. Awareness of the purpose of our deeds can allow that mitzvah to operate on us on a conscious level as well.*

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<sup>20</sup> As discussed above, the association of the word *hok/hukim* with laws whose reasons are not understood may be overstated.

## B. The Dangers of Knowing the Reasons For Commandments

*Preliminarily, I would note that we may make errors in our judgments when we speculate as to the reasons behind mitzvot, which may lead to many errors both in our behavior and in the impact of the mitzvah. Beyond this point, below we find some discussions that would suggest dangers to knowing the reasons for commandments even when we are correct as to the actual reason.*

### **Babylonian Talmud Sanhedrin 21b**

### **תלמוד בבלי מסכת סנהדרין דף כא עמוד ב**

ואמר רבי יצחק: מפני מה לא נתגלו טעמי תורה - שהרי שתי מקראות נתגלו טעמן נכשל בהן גדול העולם. כתיב +דברים י"ז+ לא ירבה לו נשים, אמר שלמה: אני ארבה ולא אסור, וכתיב +מלכים א' י"א+ ויהי לעת זקנת שלמה נשיו הטו את לבבו. וכתיב +דברים י"ז+ לא ירבה לו סוסים, ואמר שלמה: אני ארבה ולא אשיב וכתיב +מלכים א' י"א /י'+ ותצא מרכבה ממצרים בשש וגו'.

Rabbi Yitzchak stated: Why were the reasons of the Torah not revealed (i.e. why are the reasons for many laws in the Torah not explained): because behold, two scriptures revealed their reasons, and the greatest in the world (Solomon) was tripped up by them. It is written: "He (the King) should not have many wives so that his heart not turn away . . . <sup>21</sup>" (Deut 17:17). Solomon said: I will have many [wives] but not turn away, and it is written "and it was at the time when solomon was old [that] his wives turned his heart after other gods . . ." (1 Kings 11:4). And it is written: "and he should not have many horses so that he not return the people to Egypt in order to increase [stock of] horses" (Deut. 17:16), and Solomon said: "I will have many [horses] but will not turn away, and it is written (1 Kings 10:29) "And a chariot from Egypt [purchased by Solomon] cost 600 shekels of silver . . . "

*The Talmud argues that the Torah generally does not provide the reason behind a commandment because to do so may embolden some to dispense with the actual commandment in the mistaken belief that they will be able to uphold the goals of the commandment without performing the commandment itself. The example of Solomon teaches that following the commandments is an indispensable part of achieving the goals of Judaism.<sup>22</sup>*

### **Philo of Alexandria (1st century) "Migration of Abraham" from The Works of Philo Judaeus, the Contemporary of Josephus Trans. C.D. Yonge, London, 1854, available on Google Books, p. 63-64.**

. . . for although the seventh day is a lesson to teach us the power which exists in the uncreated God, and also that the creature is entitled to rest from his labours, it does not follow that on that account we may abrogate the laws which are established respecting it, so as to light a fire, or till land, or carry burdens, or bring accusations, or conduct suits at law, or demand a restoration of a deposit, or exact the repayment of a debt, or do any other of the things which are usually permitted at times which are not days of festival. Nor does it follow, because the feast is the symbol of the joy of the soul and of its gratitude towards God, that we are to repudiate the assemblies ordained at the periodical seasons of the year ; nor because the rite of circumcision is an emblem of the excision of pleasures and of all the passions, and of the destruction of that impious opinion, according to which the mind has imagined itself to be by itself competent to produce offspring, does it follow that we are to annul the law which has been enacted about circumcision.

<sup>21</sup> I.e. so that his wives (often coming from foreign lands) might not turn him toward idolatrous practices.

<sup>22</sup> The Talmud does not mean to say, of course, that the reason for a biblical law is never relevant to its halachic application. Sometimes an understanding of the reason for a law will help us understand when and in what situations it applies. In this regard, see Hakham Isaac Sassoon, Destination Torah on Exodus 40:32 (p. 115 and following). Also, see the quotation above from Rabbi David Novak regarding the importance of the reason for mitzvot in interpreting mitzvot.

But it is right to think that this class of things resembles the body, and the other class the soul; therefore just as we take care of the body because it is the abode of the soul, so also we must take care of the laws that are enacted in plain terms: for while they are regarded, those also will be more clearly understood, of which these laws are the symbols . . .

*Rabbi David Novak explains in "On Finding Reason For Commandments": "The commandments of the Torah no doubt have reasons, but, for Philo, only the actual performance of the commandments themselves is truly commensurate with those ends." Philo's point is that we should not be so confident in ourselves that we feel that the mitzvot are not a necessary tool to our own self betterment and a defense from backsliding.*

### **Babylonian Talmud Avodah Zarah 35a**

**תלמוד בבלי מסכת עבודה זרה דף לה עמוד א**

[ ] אמר עולא: כי גזרי גזירתא במערבא, לא מגלו טעמא עד תריסר ירחי שתא, דלמא איכא איניש דלא ס"ל ואתי לזלולי בה.  
[ ] Ula said: When they make decrees in the west (i.e. Israel), they do not reveal the reasons [behind the decree] until twelve months [pass from the creation of the decree], lest there be people who disagree [with the decree] and come to ridicule it.

*According to Ula, when the Rabbis of Israel made decrees,<sup>23</sup> they would not explain their decrees for 12 months, essentially until the decree (they hoped) would already have gained some acceptance. They did so because otherwise someone may have objected to the decree and would use the reasoning for the decree as an argument against it. One might imagine that there are similar dangers to revealing the reasons behind Torah law.*

### **Yeshayahu Leibowitz (1904-1994) from his entry on "Commandment" in Contemporary Jewish Religious Thought, by A.A. Cohen and P. Mendes-Flohr, Excerpted from [www.myjewishlearning.com](http://www.myjewishlearning.com).**

Mitzvot as a way of life, as a fixed and permanent form of human existence, preserve religion as a goal in itself and prevent it from turning into a means for attaining a goal. Indeed, most of the mitzvot have no sense unless we regard them in this manner, as an expression of selfless divine service. . . . A person would not undertake this way of life unless he sees divine service as a goal in itself . . .

. . . Every reason given for the mitzvot that bases itself on human needs -- be they intellectual, ethical, social or national -- voids the mitzvot of all religious meaning. For if the mitzvot are the expression of philosophic knowledge . . . [h]e does not serve God but uses the Torah of God for human benefit and as a means to satisfy human needs.

Therefore, the so-called "reasons for the mitzvot" are a theological construct and not a fact of religious faith. The only genuine reason for the mitzvot is the worship of God . . . If, for example, the meaning of Shabbat were social or national, it would be completely superfluous: The secretary of the labor union takes care of the workers' need for rest. The Divine Presence did not descend upon Mount Sinai to fulfill that function. . .

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<sup>23</sup> The word used here, *gezerah*, generally refers to when the Rabbis prohibit a certain activity that would otherwise be permitted, but the Rabbis believed might lead one to do something that is prohibited.

*Professor Leibowitz's view seems to reflect one of the views we saw in Babylonian Talmud Berachot 33b. Leibowitz views commandments only and always as subservience to God. Otherwise, he argues, Judaism would become service of humanity rather than God. This seems to presuppose that human betterment is not something that God wants us to do!*<sup>24</sup>

*Leibowitz also argues that the extent to which laws that benefit humanity could have been promulgated by humans themselves would render divine revelation superfluous. This, I believe, brings us full circle to the first text we studied in this compendium, that of Babylonian Talmud Yoma 67a, which spoke of two classes of commandments: (1) Those that could/would/should have been written had they not appeared in the Torah; and (2) those that lacked the apparent logic to fit into the first category. In admitting the existence of the first category, the Talmud seems not to be bothered by the potential superfluity of such commandments. Perhaps the Talmud would respond that it might take humanity too long to construct these rules, or that humanity would construct rules that were not as good as those created by the divine.*

*Note also that Leibowitz believes that if God's laws served utilitarian needs they would be useless. This seems to be the opposite of the view in Maimonides Guide (3:26) which we studied along with Babylonian Talmud Yoma 67a and regarding Genesis Rabbah 44:1. Maimonides says that law which does not serve utilitarian ends would be useless.*

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<sup>24</sup> Note that to the extent that one might observe the mitzvot for purposes of self betterment, rather than for the good of others, Leibowitz's point may raise a valid cause for concern.