Reasons for the Commandments in Maimonides' *Guide of the Perplexed* and in Provençal Jewish Philosophy

Introduction

In the introduction to the *Guide of the Perplexed*, Maimonides sets forth the purpose of his treatise and adds the following remark:

> I do not think that anyone possessing an unimpaired capacity imagines that the words of the Torah referred to here that one contrives to understand through understanding the meaning of parables, are ordinances concerning the building of Tabernacle, the *lulab*, and the law of four trustees. Rather what this text has in view here is, without any doubt, the understanding of obscure matters. (11)[1]

The "obscure matters" mentioned by Maimonides apparently refer to the "secrets of the Torah," which he equates with the natural and metaphysical sciences.[2] He thereby clarifies from the outset of his

1 All English translations of the *Guide* are taken from the translation of Shlomo Pines (Chicago: Chicago University Press, 1963). All other translations in this chapter are my own.

2 Maimonides identifies these sciences with the "work of creation" and "work of the chariot"; see *Guide*, introduction; *Mishneh Torah*, Laws of Principles of the Torah, chapters 1-4. See above, chapter 7, 229.

treatise that he does not regard the commandments as allegories belonging to these secrets. They are to be understood in a literal manner. The most detailed listing of the secrets of the Torah is presented by Maimonides in *Guide* 1.35. They include a discussion of the divine attributes and the way they should be negated as pertaining to God, the meaning of the attributes that may be ascribed to God, a discussion of the creation of what God has created, the character of divine governance of the world, the manner of divine providence, the notions of divine will and divine knowledge, the notion of prophecy and its various degrees, and the meaning of the divine names. In the course of the *Guide*, Maimonides deals with all these topics. The esotericists among his interpreters have looked for his hidden views specifically in his discussions of these topics, attempting to show that his true position in these matters essentially conforms to that of the Aristotelian philosophers.[3] On some of these issues, Maimonides expresses his agreement with the philosophers' world view explicitly. Divine governance of the world is one prominent example.[4] More important for our purpose are those topics that are treated prominently in the *Guide* that are not on Maimonides' list, particularly the two topics that conclude the *Guide*—the reasons for the commandments and human perfection.[5] Maimonides devotes well over half of the third part of the *Guide* to these two topics. Why so much attention

3 The topics of creation, prophecy, and providence in particular have been the focus of attempts to show that Maimonides hints to his essential agreement with the Aristotelian view. For a summary of the divergent interpretations of Maimonides on these issues, see Howard Kreisel, "Moses Maimonides," in *History of Jewish Philosophy*, ed. Daniel H. Frank and Oliver Leaman (London: Routledge, 1997), 256-272. For a survey of the esoteric interpretations of Maimonides' philosophy, see Aviezer Ravitzky, "The Secrets of the Guide of the Perplexed: Between the Thirteenth and the Twentieth Centuries," in *Studies in Maimonides*, ed. Isadore Twersky (Cambridge, Mass.: Harvard University Press, 1990), 159-207. See also above, chapter 3.

4 Maimonides writes in *Guide* 2.6: 265: "There is then nothing in what Aristotle for his part has said about this subject that is not in agreement with the Law."

5 These topics are not the only ones treated by Maimonides that are not on his list of the "secrets of the Torah." Maimonides also devotes a detailed discussion in the *Guide* to the proofs for the existence of God and the problem of evil. It may be argued, however, that these topics are subsumed into other ones that are mentioned, namely divine attributes and divine providence.

is paid to topics whose discussion is apparently not part of the explicit purpose of the treatise invites further investigation.

While Maimonides indicates that the commandments are not "obscure matters" that should be understood allegorically, thus suggesting the view that no esoteric doctrines are involved in his presentation of them,[6] his approach to the commandments in *Guide* 3.25-49 has been the cause of more than a little perplexity. On some points Maimonides appears to present contradictory positions and even allusions to an esoteric doctrine, as shown by his medieval commentators as well as his modern ones. For example, Maimonides argues in *Guide* 3:26 that the particulars of the commandments may not always have a specific reason but may be arbitrary, one of his examples being the specific type of animal chosen for a particular sacrifice, while in 3.46 he offers explanations why particular animals were chosen for certain sacrifices.[7] Another example is Maimonides' apparently esoteric view on the nature of Oral Law, which emerges from a close reading of 3.41.[8] To these two examples we may add positions presented in the *Guide* that appear to contradict his position in earlier works, such as his positive evaluation of asceticism in 3.48 and his treatment there of the Nazarite as a holy individual due to his abstinence, while regarding the Nazarite as a sinner in *Eight Chapters*, 4 for abstaining from permitted

6 See, however, Isadore Twersky, *Introduction to the Code of Maimonides* (New Haven: Yale University Press, 1980) 397-400. Twersky argues that this topic belongs to the secrets of the Torah in Maimonides' thought, but he provides only indirect evidence in support of this conclusion. It should be noted that this topic is essentially different than the ones mentioned explicitly by Maimonides. They deal with *being* and with the foundations of nature, thus corresponding to the subject matter of the theoretical sciences in Aristotelian philosophy. The reasons for the commandments belong more to the domain of political philosophy, which is a practical science.

7 See Josef Stern, *Problems and Parables of Law* (Albany: State University of New York Press, 1998), 30-31.

8 Maimonides' discussion suggests that the Oral Law was not received by Moses together with the Written Law but developed later. For a discussion of this issue, see Jacob Levinger, "On the Oral Law in Maimonides' Thought," *Tarbiz* 37 (1968): 282-293 (Heb.) [reprinted in his *Maimonides as Philosopher and Codifier* (Jerusalem: Bialik Institute, 1989), 100-111].

pleasures.[9] Further examples may also be adduced.[10] These problematic issues notwithstanding, there appears to be nothing esoteric about the gist of Maimonides' approach. All commandments have a purpose or *telos*. They are designed to promote either true beliefs or the social welfare of the body politic, what Maimonides terms "the welfare of the soul" and "the welfare of the body."[11] In this manner they create an ideal environment for the pursuit of individual perfection, what Maimonides labels the "perfection of the soul," which is essentially the perfection of the intellect in its apprehension of all truths that the human intellect is capable of grasping regarding *being*.[12] Performance of the commandments accrues no benefit to God or to any of the existents above humanity in the hierarchy of being. Nor do the commandments have any magical-mystical effects on the soul that are closed to the discernment of human reason. The manner they mold a person's character traits can be grasped by a close examination of the activities they command or prohibit in conjunction with knowledge of Aristotelian ethics. In this chapter I would like to make a number of observations regarding Maimonides' approach to the reasons for the commandments, then turn to the treatment of this topic among some of his followers in Provence, particularly Levi ben Avraham, and conclude by returning to the place of this topic in the *Guide*.

Characteristics of Maimonides' Approach to the Reasons for the Commandments

The fundamental premise upon which Maimonides bases his discussion of the reasons for the commandments is that they all were legislated for a good reason, for God does nothing in vain.[13] Their

9 I have dealt with this issue in "Asceticism in the Thought of R. Baḥya Ibn Paquda and Maimonides," *Daat* 21 (1988): 5-22.

10 Maimonides apparently contradictory positions regarding commandments that appear to involve cruelty to animals, such as sending away the mother bird before taking her young, has also been discussed by scholars; see for example Stern, *Problems and Parables of Law*, 49-55, 63-66.

11 See *Guide* 3.27.

12 For a discussion of this issue, see Howard Kreisel, *Maimonides' Political Thought* (Albany: State University of New York Press, 1999), 166-170, 189-193.

13 *Guide* 3.25.

ultimate purpose is to promote human perfection, which consists of the perfection of the intellect, which in turn requires living in a well ordered society. The latter goal is achieved by legislating laws that prevent the inhabitants of society from wronging each other and more importantly, that inculcate moral virtues which contribute to social harmony or the wellbeing of the body politic (as well as to the well-being of the body and soul of the individual). The former goal is advanced by inculcating true beliefs as well as actions that reinforce them or are designed to counter false beliefs.[14] One of the most well known characteristics of Maimonides' approach is the historical-anthropological reasons he presents for many of the commandments. According to his reading of history, the idolatrous religions of old posed the greatest obstacle to the welfare of the soul and its perfection, as well as to the welfare of the body, that is to say, social morality. It is for this reason that the Torah's first goal is to eradicate idolatry, both its beliefs and the ritual practices that reinforce these beliefs.[15] Many of the commandments are the immediate product of the Torah's campaign to put an end to these beliefs and practices. Ironically, the very success of the Torah in this area is why we no longer understand the reasons for many of the commandments. The books purportedly describing the ancient religion of the Sabians, foremost among them the *Nabatean Agriculture*, provide Maimonides with his critical insights into some of the Torah's more esoteric commandments, particularly those belonging to the realm of agriculture and to the order of sacrifice.[16]

14 Ibid. 3.27.

15 Ibid. 3.29-30.

16 Worthy of note is Maimonides' concluding remarks to his discussion of the reasons for the commandments in ibid. 3.49: 612:

> In the case of most of the statutes whose reason is hidden from us, everything serves to keep people away from idolatry. The fact that there are particulars the reason for which is hidden from me and the utility of which I do not understand, is due to the circumstance that things known by hearsay are not like things that one has seen. Hence the extent of my knowledge of the ways of the Sabians drawn from books is not comparable to the knowledge of one who saw their practices with his eyes. . . . If we knew the particulars of those practices and heard details concerning those opinions, we would become clear regarding the wisdom manifested in the

A corollary of Maimonides' historical-anthropological approach is his view that many of the commandments reflect a form of historical compromise. The order of sacrifice in its entirety is the result of such a compromise, since it allows the Israelites to continue to practice the form of worship to which they were accustomed. At the same time it weans them away from idolatrous beliefs and practices by changing the details of the practice and directing all sacrifices to the true deity instead of false gods. In *Guide* 3.32, Maimonides categorizes the commandments involving the sacrifices as belonging to the "second intention" of the Torah, namely commandments not laid down for their own sake since they do not contribute directly to a person's perfection. Sacrifices do not constitute the ideal form of worship that lead most directly to a true apprehension of God, at least on the level appropriate for society as a whole. In promulgating the Law, God takes under consideration the fact that it is harder to uproot ritual practices than the beliefs they are designed to support. The basic practices must be maintained while attaching them to new beliefs. Otherwise the people will continue to hold on to the old practices, the promulgation of newer forms of worship by the Law notwithstanding, together with the idolatrous beliefs associated with them. While sacrifices are countenanced for this reason, God at the same time limits their practice in time and place and attempts to accustom the Israelites to the more superior form of worship, prayer, upon which the Law does not place the same limitations.[17] As is the case with all legislations, the Law addresses a certain social reality and is framed from the standpoint of what is possible to achieve in a given situation.

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details of the practices prescribed in the commandments concerning the sacrifices and the forms of uncleanness and other matters whose reason cannot, to my mind, be easily grasped.

17 Ibid. 3.32. It is important to note that Maimonides regards prayer as a Torah commandment and not a rabbinic ordinance. This view not only is in harmony with his philosophical approach but also reflects the dominant view of the Geonim. For a study of this issue, see in particular Gerald Blidstein, *Prayer in Maimonidean Halakha* (Jerusalem: Bialik Institute, 1994), 23-68 (Heb.). On prayer in Maimonides' thought and how it contrasts to sacrifices see below, chapter 11, 403-406.

The notion of viewing many commandments as a result of historical compromise is certainly problematic from a religious standpoint. Gershom Scholem goes directly to the heart of the issue in the introductory essay to *Major Trends in Jewish Mysticism*:

> For a purely historical understanding of religion, Maimonides' analysis of the origin of the mitzvot, the religious commandments, is of great importance, but he would be a bold man who would maintain that his theory of the mitzvot was likely to increase the enthusiasm of the faithful for their actual practice, likely to augment their immediate appeal to religious feeling. If the prohibition against seething a kid in its mother's milk and many similar irrational commandments are explicable as polemics against long-forgotten pagan rites, if the offering of sacrifice is a concession to the primitive mind, if other mitzvot carry with them antiquated moral and philosophical ideas—how can one expect the community to remain faithful to practices of which the antecedents have long since disappeared or of which the aims can be attained directly through philosophical reasoning? To the philosopher, the Halakah either had no significance at all, or one that was calculated to diminish rather than to enhance its prestige in his eyes.[18]

It would also be a bold individual who would argue that there is no truth in Scholem's critique of Maimonides' approach. Scholem employs his critique to explain the more attractive solution offered by the kabbalists in winning hearts and minds in the battle to uphold Jewish law and lore. It is not incidental that Scholem bases this critique on Maimonides' approach in the *Guide*. As already been noted by scholars such as Isadore Twersky, Maimonides' approach to the reasons for the commandments in the *Guide* differs from the approach that may be gleamed from the *Mishneh Torah*.[19] In the *Guide*, the question that Maimonides seeks to answer is: why did God command these particular commandments, what is the divine motive? In the *Mishneh Torah*, on the other hand, Maimonides is more concerned with providing reasons that would add to one's devotion.

18 See Gershom Scholem, *Major Trends in Jewish Mysticism* (New York: Schocken Publishing House, 1941), 29.

19 Twersky, *Introduction to the Code of Maimonides*, 430-439.

The question he answers in those passages in the *Mishneh Torah* in which he provides reasons for the commandments is how one observing the commandments should view them. A religious existential perspective is adopted in this work.[20] These two perspectives—that which views the commandments from the standpoint of the reason God commands them and that which focuses on how one should regard the commandments while observing them—often overlap and there is no inherent contradiction between them. Maimonides himself adopts an existential approach to the commandments in *Guide* 3.51 while dealing with the form of worship appropriate to those striving for intellectual perfection. Nevertheless, these two approaches create different impressions on the mind of the reader, as is Maimonides' intent.

Even in confining oneself to Maimonides' approach in the *Guide* to commandments belonging to the "second intention," one discerns that his approach is not as one-dimensional as the critique of it suggests. The novelty and radical nature of his historical-anthropological approach to sacrifices has overshadowed the other dimensions of Maimonides' approach to this topic. As we have seen above, according to Maimonides' discussion of the "second intention" of the Law, the reason for the limitations in time and place governing the offering of sacrifices is due to the inferior nature of this type of worship. Yet in Maimonides' subsequent discussion one finds a positive value placed upon some of these limitations. Consider what Maimonides writes, for example, in 3.47, while discussing the stringent limitations placed upon the entry to the Sanctuary:

> We have already explained that the whole intention with regard to the Sanctuary was to affect those that came to it with a feeling of awe and of fear, as it says: *Ye shall fear My Sanctuary* [Leviticus 19:30]. Now if one is continually in contact with a venerable object, the impression received from it in the soul diminishes and the feeling it provokes becomes slight. (593)

20 See in particular the example of Maimonides' different treatments of the laws of impurity brought by Twersky, ibid., 435.

If familiarity breeds contempt, as Maimonides appears to argue, severely limiting certain practices insures that they remain awe-inspiring. Here too there is no inherent contradiction between Maimonides' different positions on this issue. The limitations on sacrifice may serve a twofold purpose: they are designed to create the feeling of awe while at the same time encourage the individual to become accustomed to the more frequent and superior form of worship, namely prayer. Yet Maimonides' discussion of the Sanctuary in *Guide* 3.47 reveals a far more nuanced approach to sacrifices as a mode of worship than the general view he expresses in 3.32. This is further underlined by the allegorical explanation he offers for aspects of the service in the Sanctuary as well as for some of the sacrifices in his discussion in *Guide* 3.46, as we shall see below.

Reasons for the Commandments in Provençal Jewish Philosophy

Given the dominant influence Maimonides' approach in the *Guide* exercised on most of the subsequent medieval Jewish philosophers, it is not without justification that Scholem views it as *the* medieval Jewish philosophical approach. This enables Scholem to treat Maimonides' view of the reasons for the commandments, particularly what must be regarded from many perspectives as its most problematic aspect, as reflecting the view of the medieval Jewish philosophers in general. Yet historical reality never fits neatly into the categories we create to describe it. It is not only Scholem who finds Maimonides' approach wanting on this issue; the same is true of many of Maimonides' most avid followers, particularly those who lived in Provence for the century and a half following his death. Samuel Ibn Tibbon, the translator of the *Guide*, started exploring the problem of the reasons for the commandments by focusing on some whose reason Maimonides did not adequately address in his view.[21]

21 Samuel Ibn Tibbon wrote a short treatise on the reason for the table with the loaves of bread that are placed in the Sanctuary, as well as for the candlestick. The motivation for writing this treatise is Maimonides' admission that he does not know the reason for this commandment; see *Guide* 3.45. Ibn Tibbon explains how both commandments are designed to combat the notion that God is corporeal. See MS Oxford 1252, 335a-337b.

His son-in-law, Jacob Anatoli, delves into the topic of the reasons for the commandments in more detail in his book of sermons, *Malmad ha-Talmidim*.[22] Some of the later thirteenth-century and early fourteenth-century thinkers, such as Levi ben Avraham,[23] David ben Samuel HaKokhavi,[24]

22 Ed. L. Silberman (Lyck: Mekize Nirdamim, 1866).

23 For a discussion of Levi and his encyclopedia *Livyat Ḥen*, see above, chapter 5.

24 See *Sefer ha-Batim*, vol. 2 (*Sefer Mizvah*), Moshe Hershler (ed.) (Jerusalem: Makhon Shalem, 1983).
Sefer ha-Batim, or *Kiryat Sefer* as the treatise was called by the author, is for the most part a legal work, in fact one of the most ambitious legal works ever written. Like Maimonides' code, and in fact building upon it, HaKokhavi deals with all topics of Jewish law, whether relevant to his own period or not, but unlike the *Mishneh Torah*, HaKokhavi cites his medieval sources, brings divergent opinions, and introduces a different method of organization. Most of this early fourteenth-century treatise is lost, while the few surviving parts have been published. Prior to writing his legal compendium, HaKokhavi wrote a different treatise entitled *Migdal David* (The Tower of David), which he then appended to the beginning of his legal compendium. This treatise consists of two parts, the first devoted to a detailed discussion of the principles of Judaism—HaKokhavi brings seven such principles: creation, free will, providence, Torah from heaven, reward and punishment, the coming of the messiah, and resurrection of the dead. The second part is an in-depth discussion of the rationale underlying each of the 613 commandments. The core of the treatise, the legal section, is divided into three parts, with each part subdivided into "houses" (*batim*), consisting of different categories of commandments (in total, 12 categories). In the introduction to *Kiryat Sefer*, HaKokhavi describes the mutual relation between the two sections of his combined treatise. The tower—knowledge of the principles of Judaism—defends the city, that is, the religion, against all its enemies who wish to destroy it, while the residents of the city supply the defenders of the tower with their nourishment, that is, knowledge of all the commandments. For an outline of the sections of the treatise, see Adolf Neubauer, "Documents inédits," *Revue des études juives* 9 (1884): 218. For a discussion of HaKokhavi's thought, see Moshe Halbertal, *Between Torah and Wisdom* (Jerusalem: Magnes Press, 2000), 181-216 (Heb.); see also Howard Kreisel, "Between Faith and Reason: Three Medieval Hebrew Encyclopedias," in *Jewish Thought and Jewish Belief*, ed. Daniel J. Lasker (Beer-Sheva: Ben-Gurion University of the Negev, 2012), 82-85 (Heb.). For a discussion of his legal approach, see Pinchas Roth, "Later Provençal Sages—Jewish Law (Halakhah) and Rabbis in Southern France, 1215-1348" (PhD thesis, Hebrew University of Jerusalem, 2012), 142-149 (Heb.). See, most recently, Gavriel Hanuka, "The Philosophy and Halakhic Theory of R. David d'Estelle" (PhD thesis, Bar-Ilan University, 2014) (Heb.).

Nissim of Marseille,[25] and Gersonides,[26] among others,[27] explore this topic in depth.

Maimonides' approach disturbed these thinkers not only for existential-spiritual reasons, but also for theological ones. Why would God promulgate eternal commandments whose rationale was not eternal? True, they remain much more modest in their approach than the kabbalists who begin to flourish in the same period. They do not create narratives that place the commandments in the context of a cosmic struggle in which God's power could be augmented by their practice.[28] For them, as for Maimonides, God is the Unmoved Mover. God does not become emotional, let alone stronger or weaker, by what a person puts in his mouth, for example, or by what comes out of it. Humanity, both as individuals and as a collective, is the realm to which an under-

25 For a discussion of Nissim and his treatise *Ma'aseh Nissim*, see above, chapter 6.

26 This topic is almost, though not quite, completely absent from Gersonides' philosophic magnum opus, *The Wars of the Lord*, but as is only fitting occupies much of his attention throughout his Torah commentary. For a discussion of Gersonides' approach to the commandments, see Isaac Heinemann, *The Reasons for the Commandments in Jewish Literature* (Jerusalem: The Jewish Agency Press, 1966), 97-102 (Heb.); Charles Touati, *La pensée philosophique et théologique de Gersonide* (Paris: Les Éditions de Minuit, 1973), 492-505.

27 Mention should also be made of the Torah commentary of the late-thirteenth-century Spanish kabbalist, Baḥya ben Asher. Baḥya's commentary is replete with philosophical explanations of many of the commandments, many of whose sources have not been identified. It is clear that Baḥya had at his disposal philosophical sources that are no longer available to us. Some may have been the product of the Jewish philosophers of Provence. There is evidence, for example, that some of the writings of Moses Ibn Tibbon, the son of Samuel Ibn Tibbon, have not survived and that they dealt in part with the subject of the commandments. This evidence is based on references by Moses Ibn Tibbon in his *Sefer ha-Pe'ah* to these works, as well as references by Levi in his *Liwyat Ḥen*. A number of the references allude to matters pertaining to the commandments; see my introduction to *The Writings of R. Moshe Ibn Tibbon*, ed. Howard Kreisel, Colette Sirat, and Avraham Israel (Beer-Sheva: Ben-Gurion University of the Negev Press, 2010), 9-35 (Heb.); see also above, chapter 4, 93, 111.

28 For a study of kabbalistic approaches to the commandments see Daniel Matt, "The Mystic and the Mizwot," in *Jewish Spirituality*, I, ed. Arthur Green (New York: Crossroad Press, 1986), 367-404. Frank Talmage contrasts philosophic and kabbalistic approaches along different lines, focusing on the allegorical interpretation of the commandments employed by the philosophers as against the symbolic interpretation of the kabbalists; see Frank Talmage, *Apples of Gold in Settings of Silver*, ed. Barry Walfish (Toronto: Pontifical Institute of Medieval Studies, 1999), 132-139.

standing of the reasons for the commandments is to be limited. They also share with Maimonides his fundamental belief that all commandments are essentially rational, that is understandable, from a human perspective, with the Aristotelian world view in its medieval form lying at the heart of their approaches. While Maimonides' historical-anthropological approach is not ignored by them or even dismissed, one can detect a recurring attempt to supplement this approach with reasons that are divorced from the vicissitudes of history and would not lose their luster over time.

Naturalistic reasons figure prominently in the Provençal Jewish philosophers' approaches to the commandments just as they do in Maimonides' approach. Maimonides explains certain prohibitions, such as forbidden foods, as being laid down in order to prevent harm to one's body. Blood for example is forbidden because of the damage it causes to the digestive system. He also regards pork as harmful despite the fact that he knows that not all medical authorities share this opinion.[29] While Maimonides does not view circumcision as being commanded for physical health reasons,[30] but to serve as a physical sign uniting all those committed to the monotheistic idea, he also regards it as decreasing sexual desires. This plays a crucial role in the pursuit of moral and intellectual perfection.[31]

Yet Maimonides at times breaks with a naturalistic framework for understanding the commandments. He suggests miraculous explanations for some of them. In *Guide* 3.47, for example, he writes:

> As for the uncleanness of leprosy, we have already explained its meaning. The Sages, may their memory be blessed, have also

29 See *Guide* 3.48. For a discussion of this issue, see Levinger, *Maimonides as Philosopher and Codifier*, 112-124.

30 Such a reason would suggest that there is a lack of physical perfection in God's creation, since man is born with a superfluous part. Thus God's creation could not be regarded as the most perfect one possible. The same theological problem does not hold true with regard to moral defects, for the nature of the human being requires the striving for moral and intellectual perfection and not its possession from the outset.

31 *Guide* 3.49. For a discussion of Maimonides' approach to the commandment of circumcision, see Stern, *Problems and Parables of Law*, 87-107.

> explained it. They have made known to us that the established principle in regard to it is that it is a punishment for slander and that at first this change appears in the walls. If the man repents, the purpose has been achieved. . . . If he still persists in his disobedience, it passes over to his clothing, then to his body. This is a miracle that was perpetuated in the religious community like that of the waters of the woman suspected of adultery. (597)

How committed is Maimonides to an understanding of the leprosy mentioned in the Torah as a miraculous phenomenon, or to the miraculous effectiveness of the water administered to a woman suspected of adultery in establishing her guilt, is an open question.[32] In the continuation of his remarks in 3.48, he notes that leprosy is a contagious disease, a fact that suggests the tie drawn between leprosy and slander as not literal but metaphoric. In 3.49, he presents sociological and psychological reasons in reference to most of the other details of the ceremony of the woman accused of adultery. It is noteworthy that he posits an ongoing miracle in reference to the salient feature of this commandment. In this manner, Maimonides' approach to the commandments mirrors his approach to the divine governance of the world in general.[33] While the object of Maimonides' discussion is to instill in his readers a greater appreciation of God's governance of the world through the order of nature, and to limit the importance and extent of the miraculous, he nevertheless understands the theological importance of allowing for the occurrence of miracles. Similarly, his discussion of the commandments is designed to show how they further the natural ends of humanity in a manner that conforms to the order of nature, but at the same time reflect some of the supernaturalistic aspects of divine activity.

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32 This problem belongs to the more general one of Maimonides' approach to miracles, specifically whether he accepts the view of God's direct intervention in events of the world or is secretly committed to a completely naturalistic understanding of all phenomena. For a discussion of this issue, see my "Miracles in Medieval Jewish Philosophy," *JQR* 75 (1984): 101-114; see also above, chapter 9, 354-360.

33 On the similarity that Maimonides draws between Law and nature, see *Guide* 3.34, 49.

The Provençal Jewish philosophers tend to expand upon the naturalistic approach in understanding the reasons for the commandments, such as in the case of forbidden foods. They see all these foods as harmful to one's health and bring scientific explanations in support of this position.[34] They also extend the naturalistic approach to commandments that Maimonides sees primarily in terms of a reaction to Sabian practices. While Maimonides, for example, sees the commandment prohibiting the mingling of crops (*kil'ayim*) as combating idolatrous rites, the Jewish philosophers of Provence supplement this reason with theological and naturalistic ones. HaKokhavi, after agreeing with Maimonides' view, adds:

> The words of our Sages suggest a different reason for the prohibition to mingle crops. They said: "*You shall observe my decrees* [Leviticus 19:19]—the decrees that I decreed in my world—*you shall not let your cattle mate with a different kind"* [BT Sanhedrin 60a]. It appears to me that the intent of this statement is to prohibit us, in accordance with the decree of divine wisdom in His world, from creating a species that is not found in nature, for this would lead to the denial that all existence is under God's providence. This denial would also lead to the corruption of the existents. One who tries by means of stratagems to create something that is not found in accordance with the nature of existence in its entirety will think that the world did not come into existence in accordance to the purpose of one who acts with intent. I say "the corruption of the existents," for the conjoining of one species with another in vegetation or in animals will lead to the corruption of that species. It will no longer continue to exist and no longer breed its kind.[35]

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34 See, for example, *Malmad ha-Talmidim*, 98a-b; *Sefer ha-Batim*, 379-388; *Ma'aseh Nissim*, 370-372, 378-379; Gersonides' commentary to Leviticus 11:1-46 (*Perushei Ralbag 'al HaTorah*, volume 3, ed. Jacob Lev Levy [Jerusalem: Mossad HaRav Kook, 1997], 127-155).

35 *Sefer ha-Batim*, 402. See also his explanation for the prohibition against wearing *kil'ayim* (ibid., 320-321). Among subsequent Jewish philosophers a similar explanation appears in Nissim's *Ma'aseh Nissim*, 384, and Gersonides' commentary to Leviticus 19:19 (*Perushei Ralbag 'al HaTorah*, volume 3, 302-303). HaKokhavi's explanation appears earlier in Nahmanides' commentary to Leviticus 19:19, which may have served as HaKokhavi's source. Nahmanides too employs naturalistic reasons where he feels that they are in harmony with the notion of the eternal validity of the Torah and serve to strengthen one's commitment to observance. For a comparison between Maimonides and Nahmanides on their approaches to the

The eating of fruits of the tree in its first three years (*'orlah*) is yet another example where Maimonides looks to Sabian practices to provide an explanation for the prohibition,[36] while subsequent Jewish philosophers look also to nature. Nissim argues that the fruit in its first three years is bad for one's health. He also presents a good agricultural reason for this prohibition, based on the fact that most people think more in terms of short term gains than the long term consequences. As a result of the commandment, the individual rather than immediately attempting to multiply the fruits of the true, as would be one's tendency and would lead to the tree's destruction, concentrates instead on strengthening the tree.[37]

Health reasons, in addition to the other reasons presented by Maimonides, are also found among the explanations given by these philosophers for the commandment of circumcision.[38] HaKokhavi writes: "Circumcision is also a safeguard against some diseases. It is known by the science of medicine that many diseases occur in those possessing foreskins that do not occur in those who are circumcised."[39] A similar explanation is presented by Nissim.[40]

Two other types of explanation, one Maimonides only occasionally employs and the other he does not present at all, tend to play a prominent role in Provençal approaches to this subject. Both these types of explanation can be traced to a different Spanish Jewish thinker who had a strong impact on Provençal Jewish philosophy, Abraham Ibn Ezra. The first type of explanation is the allegoric one. Certain commandments

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commandments labeled divine decrees (*ḥuqqim*), see Stern, *Problems and Parables of Law*, 109-160.

36 See *Guide* 3.37.

37 See *Ma'aseh Nissim*, 385-386. Nissim cites Ibn Ezra's commentary to Leviticus 19:23 as the source of the first reason. Gersonides expands upon this reason in his commentary to Leviticus 19:23 (*Perushei Ralbag 'al HaTorah*, volume 3, 304).

38 See Avraham Gross, "Reasons for Circumcision: Trends and Historical Influences," *Daat* 21 (1988): 25-46 (Heb.). The philosophers presenting this explanation ignore the reason for Maimonides' refusal to introduce the physical health factor in regard to circumcision. As noted above, this reason suggests a lack of physical perfection in God's creation of man, since he is born with a superfluous part that is a physical liability in addition to being a moral one.

39 *Sefer ha-Batim*, 72.

40 *Ma'aseh Nissim*, 373.

were promulgated with the intention of spurring our thought to focus on eternal scientific-theological truths or moral ones. In a famous passage toward the beginning of his commentary on Leviticus, a passage that appears also in his *Yesod Mora*, Ibn Ezra explains the sacrifice of *'olah* (that which goes up), a sacrifice that is burnt completely, as one that is offered to atone for *ha-'olah 'al ha-ruaḥ*, that is to say, sinful thoughts.[41] Both the name of the sacrifice and the details concerning it serve to stimulate the person to ponder the individual's more noble part and attempt to burn out completely any evil inclinations. Ibn Ezra's older contemporary, R. Judah Halevi, is another Spanish Jewish philosopher whose philosophical treatise was known to the Jewish philosophers of Provence and who made use of allegoric explanations in his approach to the commandments. In *Kuzari* 2.26, he presents an allegoric understanding of the Sanctuary, treating it as a macro-anthropos.[42]

Maimonides tends to treat allegoric explanations as nice homilies rather than part of the original intent of the commandments.[43] This serves to safeguard the commandments themselves from being treated as allegories rather than actions that one is obligated to perform. Yet it is not the case that Maimonides denies all allegoric explanations of the commandments. His explanation of the sin-offering in *Guide* 3.46, for example, is primarily of an allegorical nature:

> As for the burning of the sin-offerings, its purpose was to signify that the trace of the sin in question was wiped out and had disappeared, and that no trace remained of that action just as no trace remained of the sin-offering which was destroyed by having been burnt.

41 See Ibn Ezra's commentary to Leviticus 1:4, and his *Yesod Mora ve-Sod Torah*, ed. Joseph Cohen (Ramat Gan: Bar-Ilan University Press, 2002), 140.

42 The idea of the Sanctuary as a macro-anthropos is found in *Midrash Tanḥuma*, Pequdei 3. While Halevi presents an allegorical interpretation, it appears that he thinks that the arrangement of the Sanctuary as a macro-anthropos has a theurgic function—it serves to bring down the spiritual forces from the divine world. The allegorical explanations of some of the commandments on the part of the Provençal philosophers, on the other hand, are based on the notion that the commandments are designed to serve as a prod to contemplate scientific and philosophic truths.

43 This is true for example of the rabbinic explanation for the four species on the Festival of Tabernacles; see *Guide* 3.43.

> Consequently, its burning would not offer a sweet odor unto the Lord. (591)

Even more allegorical in nature is Maimonides' explanation of the scapegoat in the passage that immediately follows. Maimonides concludes his explanation with the following remark:

> No one has any doubt that sins are not bodies that may be transported from the back of one individual to that of another. But all these actions are parables serving to bring forth a form in the soul so that a passion toward repentance should result: We have freed ourselves from all our previous actions, cast them behind our backs, and removed them to an extreme difference. (Ibid.)

The primary reason that Maimonides resorts to allegorical explanation in these instances in all probability is to avoid the most evident and far more problematic alternative: namely, magical explanations.[44] These have no place at all in Maimonides' thought.

Maimonides' ambivalence regarding allegorical explanations can be detected in the qualified manner he presents the final explanation of this kind in the chapter:

> As for the offering of wine, I am up to now perplexed with regard to it: How could He have commanded to offer it, since the idolaters offered it? No reason for this has occurred to me. Someone else gave the following reason: For the desire, which is located in the liver, the most excellent thing is meat; for the animal faculty, which is located in the heart, the most excellent thing is wine; similarly the faculty located in the brain—that is, the psychic faculty—takes pleasure in songs accompanied by instruments. Therefore every faculty offers to

44 Even more problematic is the explanation that regards the scapegoat as a sacrifice to the fallen angel Azazel or Azael. This explanation would certainly transform the commandment into an idolatrous act in Maimonides' view, though he makes no allusion to it. The notion that the scapegoat is dedicated to a fallen angel is preserved in *Pirqei de-Rabbi Eliezer*, 46, and in *Yalqut Shimoni* to Genesis 6, no. 44, a midrash that is known to the Jewish philosophers of Provence; see for example my edition of *Livyat Ḥen: The Work of Creation* (Jerusalem: World Union of Jewish Studies, 2004), 341 (Heb.). The *Zohar* too builds upon this midrash in explaining the scapegoat ritual; see *Zohar*, II, 184b. See also BT Yoma 67b, which transforms the scapegoat into a form of atonement for the sins of the fallen angels.

> God the thing most cherished by it. Accordingly offerings consist in meat, wine and sound—I mean song. (591-592)

This explanation is offered not in Maimonides' own name and only because his own most likely explanation for practices concerning sacrifices fails him in this instance. Why Maimonides offers an explanation at all in this case is not too difficult to discern. The practices involved evoke the conception that God enjoys corporeal pleasures. An appropriate counter-explanation had to be adduced to put the focus of the commandment back on humanity.[45]

The allegorical approach to the structure of the Sanctuary and its service exerted an important influence on the thought of the Jewish philosophers of Provence. Gersonides, for example, devotes a lengthy excursus on this subject in his commentary to Exodus 25-27, Lesson 3.[46] Building upon Halevi's approach, Gersonides treats the Sanctuary both as a macro-anthropos as well as a micro-cosmos. The latter allegorical understanding of the Sanctuary figures prominently also in the commentary of Nissim.[47] HaKokhavi expands upon Halevi's allegorical explanation of the order of sacrifices and points out the limitations of Maimonides' approach in his own discourse on the subject.[48] The physical and metaphysical ideas conveyed by the structure of the Sanctuary and its utensils as depicted by these thinkers are based on Aristotelian science. While they would seem antiquated to the modern reader, they represent scientific truths to the rational medieval one. Moreover, many

45 For the same reason, Maimonides repeats in *Guide* 3.43 the allegoric reason for the commandment to sound the shofar on the New Year presented in *Mishneh Torah*, Laws of Repentance, 3.4. The shofar is designed to awaken us from our spiritual-moral slumber and call upon us to examine our deeds and repent. The popular alternative in this case would be to regard the sounding of the shofar as a way of awakening the Deity, based on an anthropomorphic conception of God, or as a means of chasing away Satan and the demons. Maimonides' explanation provides a much better alternative to these views from the perspective of his theology.

46 *Perushei Ralbag 'al HaTorah*, volume 2, ed. Jacob Lev Levy (Jerusalem: Mossad HaRav Kook, 1997), 361-372.

47 See *Ma'aseh Nissim*, 355-358.

48 *Sefer ha-Batim*, 119-133. HaKokhavi follows Halevi in stressing also the hidden affects of the order of sacrifice on the soul of the individual.

of these thinkers were convinced that the basic structure of the world as conceived by Aristotle came close to being demonstrative. Hence the truths conveyed by the Sanctuary in their view were eternal ones. While progress would continue to be made in many important details of the various sciences, none of these thinkers entertained the notion that Aristotle's physics and metaphysics would one day be rejected on rational grounds.[49]

The second type of explanation taken from Ibn Ezra, which plays a prominent role in the approach to the commandments among many of the Jewish philosophers of Provence, is one that is not advanced at all by Maimonides. This type of explanation is anchored in what today we would call the "occult sciences," but Ibn Ezra would consider them to be practical sciences—astrology and sciences dealing with the special properties of objects.[50] Ibn Ezra's treatment of the breastplate (*ḥoshen*) worn by the high priest that was employed to answer questions about whether a certain course of action should be undertaken suggests that he viewed it as an astrolabe.[51] The stones in the breastplate were chosen for their special properties, for example crystal (*aḥlama*) for its ability to induce dreams.[52] His understanding of some of the laws of incest is

49 When Scholem criticizes the philosophers' approach by pointing out that their explanations of some of the mitzvot "carry with them antiquated moral and philosophical ideas," he is guilty of an anachronism. It is of considerable historical irony that many of the kabbalistic explanations are the product of an imaginative reworking of many of the same philosophical and ethical views maintained by the medieval Aristotelian philosophers. The fact that these explanations continue to be regarded by so many as timeless appears to reflect the victory of imagination over intellect.

50 For the most in-depth treatment of the place of astrology in Ibn Ezra's thought, see Shlomo Sela, *Astrology and Biblical Exegesis in Abraham Ibn Ezra's Thought* (Ramat-Gan: Bar-Ilan University Press, 1999) (Heb.); see also Y. Tzvi Langermann, "Some Astrological Themes in the Thought of Abraham Ibn Ezra," in *Rabbi Abraham Ibn Ezra: Studies in the Writings of a Twelfth-Century Jewish Polymath*, ed. Isadore Twersky and Jay Harris (Cambridge, MA: Harvard University Press, 1993), 28-85. For a study of astrology in medieval Jewish thought, see Dov Schwartz, *Astral Magic in Medieval Jewish Thought* (Ramat-Gan: Bar-Ilan University Press, 1999) (Heb.).

51 See Ibn Ezra's commentary to Exodus 28:7-8. For a discussion of this issue see Sela, *Astrology and Biblical Exegesis in Abraham Ibn Ezra's Thought*, 287-299.

52 See Ibn Ezra's commentary to Exodus 28:9.

rooted in the special properties of the land of Israel.[53] One of the reasons he gives for the rest imposed on us on the Sabbath and the prohibition against travel is because of the rule of the evil planets on this day, Mars at night and Saturn during the day. Avoiding activity during this period is a way to protect us from the negative effects of these planets.[54] Other examples can be brought along these lines.

Many Provençal Jewish philosophers, if not most, were more inclined to take their cue from Ibn Ezra on these matters than from Maimonides. The astrological significance some of the commandments—e.g., the Sabbath being ruled by two evil planets, making a cessation from work highly advisable,[55] identifying the breastplate worn by the High Priest as an astrolabe—is a theme that recurs in the writings of a number of thinkers. They viewed these explanations as naturalistic ones, while conceding that the scientific reasons for the efficacy of certain practices and objects are not always understood. Often they can to be discerned only by experience. This is not unlike the practical science of medicine, particularly regarding the efficacy of many drugs.[56] Halevi had already employed the medical analogy, God being the expert physician, to explain the beneficial effects of the Divine Law in contrast to other legislations.[57] He appears to have in mind the direct influence of the commandments on the soul in a manner indiscernible by human reason. This is seen in his description of the salutary effects sacrifices have on the soul, often in complete opposition to the expectations of reason.[58] The explanations offered by some of the Provençal Jewish philosophers are less mystical and more scientific in nature. Many of the commandments whose reasons are not easily understood are seen as affecting one's physical disposition, which in

53 See Ibn Ezra's commentary to Leviticus 18:26; Deuteronomy 31:16.

54 See Howard Kreisel, "The Sabbath in Medieval Jewish Philosophy: From the Supernatural to the Natural," in *Sabbath: Idea History Reality*, ed. Gerald Blidstein (Beer-Sheva: Ben-Gurion University of the Negev Press, 2004), 69-75 (Heb.).

55 See ibid., 75-79.

56 See, for example, Nissim's explanation of the reason for the law of the red heifer brought above, chapter 6, 197-198.

57 See *Kuzari* 1.79.

58 *Kuzari* 4.15; see also 3.23.

turn affects the powers of the soul. The incense burnt in the Sanctuary, for example, is seen as purifying the vapors that enter the body, helping to sharpen one's intellect and induce prophecy. Music too helps to create the proper balance between the humors necessary for receiving this emanation. In general, the offering of sacrifice in connected with the *praxis* of attaining prophecy.[59]

Even commandments that suggest supernatural divine intervention are given naturalistic explanations by at least some of the Provençal philosophers. Nissim, the most radical naturalist among this group, offers a naturalistic explanation to explain the efficacy of the unusual ceremony to which a woman suspected of adultery is subjected in order to reveal whether she in fact is guilty of the crime, as well as how the adulterer also suffers his just punishment.[60] Moreover, no allusion is made to leprosy as a supernatural disease for slander but rather as a physically contagious one.[61] In explaining leprosy appearing on the walls of a house, Nissim treats it as a form of mould that results from rancid air and adversely affects the occupants of the dwelling. This phenomenon he notes can still be found in Arab lands.[62] Gersonides offers a similar explanation in his commentary to Leviticus 13:47. In general, many of the laws of impurity and of purification are seen as related to combating physical contagion, impurity not being simply a "fancied notion" referring to touching things held as unpleasant or disgusting, as Maimonides describes it.[63] Dead bodies actually physically contaminate things with which they are in contact and many of

59 See *Sefer ha-Batim*, 130-131; *Ma'aseh Nissim*, 347; Gersonides' commentary to Genesis 6-9, Lesson 10 (*Perushei Ralbag 'al HaTorah*, volume 1, ed. Jacob Lev Levy [Jerusalem: Mossad HaRav Kook 1992], 92-3). Gersonides shows also how the contemplation of the allegoric significance of sacrifice stimulates the intellect and prepares it for prophecy.

60 See *Ma'aseh Nissim*, 399-400.

61 Ibid., 374-375.

62 Ibid., 378. As for the ceremony of one who is purified from leprosy, he offers primarily an allegorical explanation.

63 *Guide* 3.47.

the commandments are designed to protect from this contamination or to cleanse it.[64]

Levi ben Avraham

I would like to focus now on the Provençal thinker who presents one of the most extensive discussions of the reasons for the commandments, Levi ben Avraham. In the section titled "The Quality of Prophecy and the Secrets of the Torah," in the second part of his monumental encyclopedia *Livyat Ḥen*,[65] Levi devotes fourteen chapters to this subject (chapters 13-26).[66] He is of the opinion that this topic in fact belongs to the secrets of the Torah. As is the case with other secrets, the time is now ripe to reveal this one. In his view, in order to achieve the goals for which the commandments were intended, one must observe them with the proper intent, which requires knowing their reasons.

Levi opens his discussion by presenting the Maimonidean idea of the equibalance of the commandments, in which there is no deficiency or excess, and which guide the individual in accordance with the just middle path while avoiding the opposing extremes of laxity and overly burdensome restrictions. Insofar as the Torah is perfect, and within each species what is perfect is unique, the Torah will never undergo any abrogation or change, and no divine law will ever replace it.[67] Levi goes so far as to liken the immutability and uniqueness of the Torah to that of God.

In the following chapter, the commandments are divided by him in different ways, many of the divisions revolving around the Maimonidean notion that the purpose of the Torah is to promote the welfare of

64 See, for example, *Sefer ha-Batim*, 176. Allegoric reasons are also adduced for understanding the laws of purity and purification. See in particular Gersonides' discussion of these laws immediately following his commentary to Leviticus 11:46.

65 For a discussion of Levi and his encyclopedia see above, chapter 5.

66 Levi ben Avraham, *Livyat Ḥen: The Quality of Prophecy and the Secrets of the Torah*, ed. Howard Kreisel (Beer-Sheva: Ben-Gurion University of the Negev Press, 2007), 304-622 (Heb.).

67 Ibid., 305; cf. *Guide* 2.39. While Maimonides' discussion suggests that the perfect specimen must be unique, since there cannot be two completely identical yet distinct members of a species, this argument in reference to the Torah is made explicit by Anatoli in *Malmad ha-Talmidim*, 191a-b.

the body and the welfare of the soul.[68] For example, one of the divisions is between *mishpatim*, which come to promote peace and justice in the world, and the "commandments of the heart," which come to perfect the soul. Levi is of the opinion that the individual who lives in isolation does not require the first category of commandments, nor do the pure individuals who have no desire to harm others. He brings as an example the inhabitants of India who, according to one of the tales told about them, live together in perfect harmony without any legal code, courts, or police—a tale whose apparent origin is one of the versions of *The Gests of Alexander of Macedon*, which was very popular in the Middle Ages.[69] This natural trait, however, does not pertain to the Israelites, hence their need for such laws. Another division, which he attributes to Maimonides, involves three main categories: those involving moral virtues, those involving beliefs, and those involving actions. Among the actions, some come to preserve a true belief (e.g., the Sabbath) or to eliminate a false one (e.g., sacrifices), and some come as symbolic actions pointing to moral lessons (e.g., the red heifer), or to theoretical truths involving God and the world (e.g., the menorah in the Sanctuary). Others come to leave a positive impress on the soul of the individual (e.g., awe of the Sanctuary).[70]

Levi then devotes twelve chapters to different commandments or groups of commandments. The topics alone indicate where his major concerns lie. The order is as follows: 1) commandments whose purpose is to inculcate noble moral traits (in which he deals with forbidden foods and laws of purification as well as charitable gifts); 2) commandments concerning incest, circumcision, and vows; 3) the sale of houses in walled cities, the red heifer, and cities of refuge; 4) commandments whose purpose is to eradicate idolatry; 5) commandments whose

68 *Guide* 3.27.

69 Levi ben Avraham, *Livyat Ḥen: The Quality of Prophecy*, 324-342. Moses Ibn Tibbon brings this tale in his *Ma'amar ha-Taninim*, which probably served as Levi's immediate source. See *The Writings of R. Moshe Ibn Tibbon*, 239. For a discussion of this tale and the sources in which it appears, see ibid., note 54. It should be noted that a version of the *Gests* was translated into Hebrew as early as the beginning of the thirteenth century.

70 *Livyat Ḥen: The Quality of Prophecy*, 354.

purpose is to honor the Holy Sanctuary; 6) commandments whose purpose is to strengthen the faith; 7) Sabbath and Festivals; 8) commandments whose purpose is to hint at matters of wisdom or to stimulate us to learn; 9) the Tabernacle and its Utensils 10) the altar 11) the structure of the Sanctuary 12) the Vestments of the High Priest.[71] Levi's discussion of the commandments is designed more as a supplement to Maimonides' discussion than an alternative to it. While he does not attempt to deal with the reasons for each of the commandments or to organize them systematically, his encyclopedic tendency finds its expression in the multiple reasons he presents for the various commandments and their details with which he deals. Moreover, much of his discussion is devoted to the citation and explication of rabbinic *midrashim* pertaining to the commandments, in an attempt to understand them along philosophic-scientific lines. As in the case of Maimonides, he distinguishes between homiletic explanations and those that he feels uncover the true intent of the commandment.[72]

Naturalistic and allegorical reasons dominate Levi's approach. As is the case with many of his contemporaries in Provence, Levi views astrology as a practical science, hence he sees astrologic reasons underlying a number of the commandments, such as the Sabbath, the breastplate of the High Priest, and even the reason for the date of the High Holidays.[73] On this point he too is far more influenced by the approach of Ibn Ezra than that of Maimonides.[74] While he does not reject Maimonides' historical-anthropological explanation of many of the commandments, he supplements them with explanations that are ahistorical. In this manner he underscores the trans-historical value of each of the commandments.

We have already seen that Maimonides treats the laws of purity and impurity as based for the most part on a "fancied notion"[75]—an

71 In chapter 27, Levi deals with the significance of numbers—those that characterize some of the commandments, as well as other matters found in the Torah.

72 See above, note 44.

73 *Livyat Ḥen: The Quality of Prophecy*, 522-523, 534-535, 556-557, 615-616; see also below.

74 See above, note 51.

75 See above, note 63.

idea based not on reality but on vain imaginings. Maimonides traces many of these imaginings to the Sabians, and argues that the Torah attempts to limit the severity of these laws by confining them primarily to ritual matters and not to everyday life.[76] In essence, he treats the approach of the Torah to these matters as similar to that of sacrifices. The Torah compromises with the existing situation by legislating laws in harmony with the prevalent views and practices, at the same time that it limits the scope of the practice of these laws. This is also true of laws that do touch upon daily matters, such as the laws concerning menstruating women, which were legislated because of the widely held negative attitude toward menstruation, and in Maimonides' view were much less restrictive than the laws of the Sabians.[77] Levi, on the other hand, is more interested in downplaying this historical approach. The laws of menstruation, for example, also limit the desire for sexual intercourse.[78] In addition, menstrual blood is viewed by Levi as poisonous coarse matter, and not simply as something that was deemed unclean in popular imagination. Any newborn that is formed from it will have a bad temperament and be infected, hence the reason for prohibiting intercourse with menstruating women. Levi cites not only a midrash in support of this view,[79] but also medical scholars.[80]

Levi traces the impurity of dead bodies to their poisonous effect on the surrounding air, which also explains the rabbinic injunction to distance dead carcasses and cemeteries from the city, as well as the biblical prohibition against leaving the body of an executed criminal hanging overnight, in order not *to defile your land* (Deuteronomy 21:23). The air of the Land of Israel in Levi's view is much purer than that of Egypt. For those growing up in Israel, any pollution to its air will result in far greater injury to them than in the case of those who grew up

76 *Guide* 3.47.
77 Ibid.
78 *Livyat Ḥen: The Quality of Prophecy*, 379-381.
79 *Tanḥuma* (Buber), Metzora', 3.
80 *Livyat Ḥen: The Quality of Prophecy*, 388-389. Maimonides himself notes the unhealthy nature of menstrual blood in his *Medical Aphorisms*, Heb. trans. Nathan Hameathi, ed. Suessmann Muntner (Jerusalem: Mosad Harav Kook, 1982), 341.

accustomed to breathe polluted air.[81] Many of the details of the laws of concerning corpses and the utensils that are impurified by them also have a naturalistic explanation that is based on the contamination of the surrounding air. Human corpses produce much more contamination than the dead of other species in his view, hence the more severe restrictions regarding contact with them and the utensils in their vicinity. Levi explains the reason why the same restrictions do not apply to the corpses of Gentiles (or beasts) from two different (and somewhat conflicting) sociological perspectives. On one hand, Jews naturally shy away from the dead bodies of Gentiles as well as beasts, hence there is no need to legislate in this matter; on the other hand, the Gentile dead are buried all over the place, within the city as well as by the side of thoroughfares, making such restrictions impossible to uphold.[82]

Levi regards leprosy as a highly contagious disease, and not as a supernatural punishment. This is the reason that no exceptions are made in the law to isolate the leper from the community, no matter how noble is the afflicted individual. The notion that leprosy comes to those speaking evil of others is nothing more than a rabbinic homily in his view. The reason for the initial seven days of isolation he traces to the fact that this is the natural length of time for the course of many diseases. The fact that leprosy may be found in the walls of houses is explained by the possibility that the air may transfer the characteristics of this pestilence to them.[83]

Allegorical reasons are more readily employed to explain the process of purification. Levi adduces explanations of this sort for the purification ceremony of the leper.[84] Similarly, allegorical explanations are offered for all the details of the law of the red heifer.[85]

81 *Livyat Ḥen: The Quality of Prophecy*, 393-394.
82 Ibid., 401-403, 494.
83 Ibid., 400-401
84 Ibid., 497-499.
85 Ibid., 500-502.

Many of the explanations for the commandments already encountered among other Provençal thinkers are contained in Levi's treatise,[86] from the allegorical understanding of the structure of the Temple and its vessels to the practical effects of aspects of the Temple service in bringing about a purification of the brain, and even prophecy. A naturalistic approach is also presented for the prohibitions concerning agriculture and forbidden foods.

Influences of Levi's Christian milieu at times can also be detected in his discussion of the commandments.[87] In discussing circumcision, for example, Levi offers the reasons brought by Maimonides: to dampen the sexual drive, and to serve as sign of unity. As opposed to some of the other Provençal philosophers, he does not talk of the diseases associated with the foreskin, perhaps because he, like Maimonides, sensed that such an explanation suggests a defect in God's creation.[88] There remains, nonetheless, a subtle but significant difference between their approaches. Maimonides writes in an Islamic environment in which Moslems also practice circumcision. Thus for Maimonides circumcision is a sign uniting all those who believe in the unity of God, and he formulates his position accordingly.[89] Levi, writing in a Christian environment, sees circumcision as a sign uniting Jews and preserving them in their far-flung Diaspora while other nations disappeared, a theme that will reemerge in Spinoza's thought.[90]

Levi's Christian milieu also has an impact on another significant point in his discussion. He attempts to show the superiority of circumcision over baptism in that the former is a permanent signed impressed upon the flesh. The Christians, however, argue the shortcoming of

86 In some cases, Levi's treatise may well have been their source. Nissim was definitely acquainted with Levi's treatise, though he never mentions the author by name. It appears that the same is true of HaKokhavi.

87 Levi devotes chapter 12 to a polemic against Christianity, showing his awareness of Christian views. For Levi's acquaintance with Christians and Christianity, see Howard Kreisel, "Christian Influences on Levi ben Avraham's *Livyat Ḥen*," *Studia Hebraica* 6 (2006): 45-53.

88 See above, notes 31, 38-40.

89 *Guide* 3.29. See Stern, *Problems and Parables of Law*, 95-97.

90 See *Tractatus Theologico-Politicus*, trans. Samuel Shirley (Leiden: Brill, 1991), 100.

circumcision in that it excludes women.[91] Levi, who was sensitive to this charge, attempts to show the ways in which this commandment has also the woman in mind:

> One of the reasons for circumcision is to decrease the [sexual] appetite and weaken the [evil] inclination by diminishing the elemental moisture in the organ, and to sanctify [God] by means of the vessel through which the species endures. This will lead also to the perfection of the woman, for her enjoyment of sex will lessen because of this, as they say: "One having sex with an uncircumcised male finds it difficult to refrain" (Genesis Rabbah 80.11). In addition, the woman is part of the creation of man, a rib of his ribs. She is under his service and dominion, Follows him and is included in his commandments. In man's removal of what is superfluous, the woman removes it too. Moreover, the woman's observance and care taken during the days of her menstruation, her cleansing and purification, take the place of this intent. It is known that the heart is the foremost minister for the power of giving birth. For this reason, diminishing the moisture of the man from the outset purifies his blood, cools down and diminishes his [evil] inclination, calms his nature, refines the power of his intellect, and [leads him to] attain a good temperament. The offspring will then be born with this characteristic, and this nature will be strengthened in his sons and daughters. This commandment thus includes men and women.[92]

Levi's acquaintance with Christian practices, which he observes from his neighbors, finds its expression in other discussions of the reasons for the commandments. He even sees the Christians as having introduced new holidays in imitation of Jewish ones. For example, in his discussion of the ten days of repentance between the New Year and the Day of Atonement, Levi sees an astrological basis for the idea found in rabbinic literature that this is a period of divine judgment, inasmuch as this is the period of the Fall equinox in which the sun enters into the constellation of Libra, represented by scales of judgment (hence in Hebrew the constellation is termed *moznayim*, meaning scales). In Levi's view, the Christians, seeing that the Jews observed a holiday in this period revolving around God's judgment of the world, decided

91 *Livyat Ḥen: The Quality of Prophecy*, 417.
92 Ibid., 416.

to adopt this practice: "And in imitation of us, the gentiles made a holiday in this period for Michael, and they said that he examines souls and weighs their actions."[93] Levi refers here to Michaelmas, named after the archangel Michael, which in the West is celebrated on September 29. Michael is normally depicted as holding scales, and according to Christian belief will blow the great horn on the Day of Judgment and will accompany the souls to the presence of God.

I would like to conclude this section with a lengthy example of Levi's allegoric understanding of the reasons for one matter pertaining to a number of commandments, which will help to convey a deeper appreciation of his approach. The example is taken from chapter 18, dealing with the commandments whose purpose is to eradicate idolatry. After a lengthy exposition of the reason for sacrifices that basically follows the lines of Maimonides' approach, Levi turns to the reason for the prohibition of offering leaven and honey in a burnt offering (Leviticus 2:11). He first ties the reason for this prohibition with ancient idolatrous practices, as does Maimonides in *Guide* 3.46, and then continues:

> We have already hinted at another reason in the first part of *Batei ha-Nefesh ve-ha-Leḥashim*,[94] namely that the leaven is sour, cold, and dry, the opposite of honey. Matzah (unleavened bread) too is dry by nature and signifies a lack of appetite for physical pleasures. Leaven alludes to an evil appetite and the strengthening of matter, as it is said: "Who detains us [from performing God's will]? The leaven in the dough and the subjugation by the nations" [BT Berakhot 17a]. It is also said: *Knead the dough until it is leavened* [Hosea 7:4], that is, until they put into action their evil intentions.[95]

In the case of the first proof text, one may understand by the context that the leaven refers to the evil inclination. The latter proof text, on the other hand, can only be understood by a thorough knowledge of Levi's source. This is characteristic of his entire composition and cannot simply be explained by the copyist shortening the quotes found in

93 Ibid., 541.

94 For a description of this poem see above, chapter 5, 120-121.

95 *Livyat Ḥen: The Quality of Prophecy*, 453-454.

the original version of the treatise, as is often the case. Levi assumes that his readers know the Bible and rabbinic literature by heart and that they can complete the text to which he alludes and thereby understand the point he is making. The beginning of the verse in Hosea 7:4, which he does not explicitly quote, reads as follows: *They are all adulterers, like an oven heated by the baker. He rests from stoking the fire from the time of the kneading of the dough until it is leavened*. With the knowledge of the complete verse, the reference is clear.

Levi next takes up the problem of why leaven is required in the offering of the first fruits, goes on to deal with the reason why leaven is forbidden on Passover, and enters into a brief legal discussion on how the command: *Eliminate the leaven* (*tashbitu se'or*) (Exodus 12:15) is to be fulfilled, whether by burning or by annulment. He shows that the leaven that one knows about is burnt, while that which remains unknown to the person is annulled. He then adduces the symbolic meaning of both these activities. He concludes this part of his discussion with the following comment:

> We find that the prohibition of leaven on Passover alludes to two good intentions: remembering the miracle and removing the superfluous physical desires. The honey hints at overspeculation (*hitḥakhmut*), studying those matters that do not enter the province of the hylic intellect[96] and looking for demonstrative proof where none is to be found.[97]

Levi goes on to cite a number of verses, most prominently Proverbs 25:16: *Have you found honey? Eat as much as is sufficient for you, lest you be sated and vomit it out*. This verse appears in the story in Tractate Ḥagigah of the four who entered *pardes* and is also analyzed by Maimonides in *Guide* 1.32. In short, the intake of honey—that is to say, engaging in speculation—by one who does not have the proper constitution for it may lead to heresy, while the right amount of honey that is suitable for one's digestion is good.

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96 In other words, studying matters the human intellect is incapable of understanding. The hylic intellect refers to the human potential for grasping the intelligibles.

97 *Livyat Ḥen: The Quality of Prophecy*, 455; cf. *Guide* 1.32.

Levi continues this line of thought by remarking: "It is the obligation of the individual to investigate the reasons for the Torah and its secrets. For this reason the Torah commanded not to eliminate salt from the sacrifice. It is said:[98] 'Can one give it taste as understanding?[99] Scripture says: *You should salt it* [Leviticus 2:13]' [BT Menaḥot 21a]."[100] While the exact meaning of this text has been subject to conflicting interpretations,[101] Levi cites it to show that one should pursue the secrets contained in the Torah by means of one's understanding, which is symbolized by the salt that is applied to the sacrifice. Salt, Levi also points out, is a symbol for the covenant. What follows is a discourse on the need to pursue wisdom.

In this manner, the discussion continues moving between details of the commandments and the moral and theoretical lessons they are designed to stimulate in those who ponder them. Numerous discussions regarding different commandments follow this pattern in Levi's treatise. The reader of *Livyat Ḥen* may be tempted to conclude that what we are dealing with here is simply homilies on homilies, that is to say, Levi's homilies on rabbinic homilies. This misses the point. Levi feels that his expositions capture an important dimension of the biblical texts themselves, texts that the Sages only partially illuminated by their expositions, and which Levi is further illuminating by his. All these expositions are part of the original intent of the text. I would say that his approach has an element that anticipates the approach of Samson Raphael Hirsch in modern times.[102] Yet it should be noted that

98 The discussion there deals with the salt that is to be applied to the sacrifice, in the course of which the Sages define *tevunehu*, a term appearing in a *baraitha* that is used in reference to the manner salt should *not* be applied

99 In Hebrew: יכול יתן בו טעם כבינה.

100 *Livyat Ḥen: The Quality of Prophecy*, 455.

101 Rashi explains the question: Can you give it taste just as understanding gives a person distinction? This apparently means to immerse it in salt. According to the *Arukh* by Nathan ben Yeḥiel: Can you give it a taste of discernment (reading *tevunah* rather than *ke-binah*)—that is, just enough so that the taste of salt can be discerned? Both these sources were known to Levi.

102 See in particular Hirsch's discussion of symbolism in his essay *Grundlinien einer juedischen Symbolik* published in *Gesammelte Schriften*, ed. Naphtali Hirsch (Frankfurt, 1908-1912), vol. 3, 211-447 (partially translated into English in *Timeless Torah*, ed. Jacob Breuer [New York: Feldheim, 1957], 303-420).

Levi is totally familiar with the standard scientific Hebrew lexicographic works of his period, Yonah Ibn Ghanaḥ's *Book of Roots*, David Kimḥi's treatise by the same name, and Nathan ben Yeḥiel's *Arukh*. He thereby bases his etymological discussions on what would be considered in the Middle Ages a solid linguistic footing. Perhaps more interesting, there are elements in Levi's approach that are reminiscent of some of the kabbalistic approaches to the commandments, at least in form if not in content. This topic deserves further investigation.

While Levi may have gone down in history as a heretical thinker whose treatise was banned by the Rashba, from his discussion we can discern that he was looking for ways to maintain and enhance the value of the commandments. Many of the commandments were converted into symbolic acts, though not theurgic ones,[103] the appreciation of which required both philosophic study and the study of the entire rabbinic tradition. Whatever one may think of this endeavor, one that weds the prophets and the rabbinic sages to Aristotelian philosophers and occult scientists, at least one thing clearly emerges from the reading of this passage from Levi's treatise. Only one with a profound knowledge and commitment to Jewish law and lore could have written it.[104]

Conclusion

Let us return to Maimonides. I began this chapter by asking why he includes a discussion of the reasons of the commandments as part of the *Guide*, when the purpose of his treatise as he presents it is to offer an explanation of the secrets of the Torah that are presented in Scripture

103 Some of his naturalistic explanations, on the other hand, would strike today's reader as being essentially magical, since they are predicated on astrological beliefs. On the distinction between natural and magical, see Howard Kreisel, *Prophecy: The History of an Idea in Medieval Jewish Philosophy* (Dordrecht: Kluwer Academic Publishers, 2001), 618-622.

104 One reading the polemical literature against the philosophic camp in the controversies of the thirteenth and fourteenth centuries may come away with the impression that the more radical members of this camp were not well versed in rabbinic tradition. In the case of Levi at least, as well as Nissim, who could be considered even a more radical rationalist, this was definitely not the case. The immersion of these thinkers in rabbinic tradition, and not just those who were known as "moderate" Maimonideans, such as Menaḥem HaMeiri, deserves a separate study.

in parable form. The reasons for the commandments are not listed by him among the secrets of the Torah, and he explicitly indicates that the commandments are not to be treated as parables. Herbert Davidson has adduced textual evidence in support of his conclusion that Maimonides did not have most of the *Guide* written when he wrote the introduction.[105] If Davidson is correct, the *Guide* may in fact have really been a work in progress, with its final shape taking place in the course of the writing. It follows from this view that Maimonides' lengthy discussion of the commandments may not have been part of his original plan for the treatise. Rather it was the result of a decision in the midst of the work to write a broader theological work and to include additional topics that are crucial for an understanding of the relation between Judaism and Aristotelian philosophy. He felt the need to complete the picture, as it were. What is the overall purpose of the Torah and the reason for its specific commandments, particularly those that appear to have no discernible reason, is certainly a cause for perplexity for one grounded in both traditions, one that calls for an explanation.

One can only hypothesize why Maimonides was boldly willing to offer a historical relativistic view for so many of the commandments in the course of discussing this topic. It should be noted that most, though certainly not all, of the commandments to which his historical explanation applies were not being practiced in Maimonides' time, most notably all the commandments involving the Sanctuary. His explanation suggests that Jews are not worse off for it, though they are certainly worse off in his view for not living in a sovereign Jewish state ruled by Jewish Law.[106] Moreover, his approach to the commandments suggests

105 See Herbert Davidson, *Moses Maimonides: The Man and His Works* (Oxford: Oxford University Press, 2005), 327-334. In Davidson's view, this point helps explain the absence of instances of discernable contradictions in the *Guide*, and the overall absence of any esoteric teachings. As Maimonides continued to write the *Guide*, he changed his mind about introducing contradictions as a writing technique or introducing esoteric teachings. I do not think that Davidson is right concerning the issue of Maimonides' esotericisim, but further evidence can be adduced for his basic position that the introduction was written prior to the actual writing of much of the treatise.

106 See, for example, his remarks on living in exile in *Guide* 2.36.

a historic dynamism in which progress could be made in creating a more perfect religion within the framework of Mosaic Law.[107] His repeated insistence that the law is immutable[108] comes to address Maimonides' contemporary concerns. It does not negate the view that he regards these commandments as far from ideal in his own time, let alone in the messianic future.[109] This is not to question his belief in the view that in the time of the messiah all the commandments will again be practiced.[110] It is to argue that Maimonides' focus is on the present. He develops a view of the messianic future that best supports what he is trying to accomplish in the here and now amidst the multiple challenges that confront Judaism from within and without.[111] In regard to the commandments whose rationale is a historical relativistic one and that continued to be practiced in Maimonides' time, religious existential reasons could be substituted for historical ones, as he at times does in the *Mishneh Torah*, in order to maintain their relevance.

It is not without much irony that one of the main charges against the medieval Provençal Jewish philosophers in the controversies that erupted in the first half of the thirteenth century and then at the beginning of the fourteenth century is that they allegorize the Torah and its commandments. In other words they follow the same route taken by the Christians.[112] Yet it was not for the purpose of throwing off the yoke

107 One should note also Maimonides' attempts to limit the scope of the Oral Law, which from a legal perspective broadened the scope of laws that could be changed with the reconvening of the Sanhedrin in the messianic period. See Kreisel, *Maimonides' Political Thought*, 21-22.

108 See particularly the ninth principle of faith in his *Commentary on the Mishnah: Introduction to Pereq Ḥeleq*.

109 Maimonides alludes to this point when he subtly suggests that were a prophet to come in his own period, he would not command sacrifices; see *Guide* 3.32.

110 See *Mishneh Torah,* Laws of Kings and their Wars 11.1.

111 See above, chapter 2, 38-39.

112 This point emerges clearly from the letters accompanying R. Solomon Ibn Adret's ban against the allegorical preachers, signaling out Levi; see Abba Mari of Lunel, *Sefer Minḥat Qena'ot*, ed. Haim Z. Dimitrovsky (Jerusalem: Mossad Harav Kook, 1990), 726-737. For a study of the conflict over philosophical allegorization in Provence in its social context see Ram Ben-Shalom, "Communication and Propaganda between Provence and Spain: The Controversy over Extreme Allegorization (1303-1306)," in *Communication in the Jewish Diaspora*, ed. Sophia Menache (Leiden: Brill, 1996), 171-177.

of the Law that they bring allegorical explanations or that they continuously strive to look for naturalistic ones, but in order to underscore the eternal relevance of each of the commandments as against Maimonides' historical relativism. It is Maimonides in this area who was in reality the most radical of Maimonideans.