

RABBI MOSHE TAUB – 1<sup>ST</sup> DRAFT

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### TA'AMEI HAMITZVOS, PESACH, AND THE POWER OF REASON

#### I

##### Introduction to Topic

Around the year 400 BCE, 3420 years since creation, the *Anshei K'Neses HaGedolah* (men of the great assembly) were closing the canon; choosing which books should be included in Tanach and which –like the book of Ben Sira – would be left out.

(To give some perspective, Esther likely died at around 350 BCE).

Precisely as we were closing *our* books, *l'havdil a'ln* a new book was being opened: that of 'Philosophy'.

In the year 399 BCE, a few weeks leading up to the trial of Socrates, Plato records a dialogue that took place with the religious scholar Euthyphro regarding the structure and pursuit of holiness.

This dialogue, extant today, contains the following exchange:

*Socrates: Consider this question: Is what is pious loved by the gods because it is pious, or is it pious because it is loved?*

*Euthyphro: I don't understand what you mean, Socrates.*

*Socrates: Well, I will try to explain more clearly.....*

*Socrates: And what do you say of piety, Euthyphro: Is not piety, according to your definition, loved by all the gods?*

*Euthyphro: Yes.*

*Socrates: Just because it is pious, or for some other reason?*

*Euthyphro: No, because it is pious.*

*Socrates: So it is loved because it is pious, not pious because it is loved?*

This dialogue is at the heart of the question of how to perceive the Torah, now that it and its prophetic commentaries have been completed.

Namely, how do we view the Divine commands? Are they chosen due to their holiness, or holy due to their choosiness?

This dichotomy is not simply a religious academic exercise; rather it cuts to the heart of our spiritual – or better said, *halachic* – experience.

How do we view mitzvos?

The average orthodox Jew may very well recoil at this question. “*Why, they are surely intrinsically holy*”, they may say. Perhaps this is true, nay, this is certainly true, but it is not as simple as presumed by many.

As the era of ancient, classic philosophy closed<sup>1</sup> the era of popular Jewish philosophy commenced, with the Shlah and Maharal of Prague.

At its core, this movement –which would soon give birth to *chassidus* –would be about ‘asking’ and delving into the reasons and structure of, Gd, our existence, and the Torah. For instance, Maharal<sup>2</sup> points out that animal-life are termed ‘*Baheima*’, because what *they* see is what they get: it is composed, therefore, of the same letters of, ‘*Bah Mah*’ (‘in it is what?’). There is no depth to their thinking, no nuance, and certainly no existential crises.

Man however,<sup>3</sup> or *Adam*, has a name that shares its numerical value (45) with the Hebrew word ‘*Mah*’/What. For this is existential man, always asking, pondering for deeper meaning. It is what makes us who we are. Man seeks to discover.

The questions we ask by the *seder*, then, would seem to align with this mission of man. “***Mah*** Nishtaneh...”, “***Mah*** HaAvodah”, “***Mah*** HaEidus Hachukim *U’Mishpatim*...” etc. The questions we as humans are directed to ask, which indeed make us human, would seem, then, to extend to the *mitzvos*, or so it would seem from the *seder*.

For, by asking “Why” we thereby improve ourselves, while at the same time further our understanding in our Creator and the inherently holy commands that He, due to their holiness, gifted to us.

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<sup>1</sup> Thus launching the era of Modern Philosophy of the 17<sup>th</sup>-20<sup>th</sup> centuries, starting, likely, with Rene Descartes.

<sup>2</sup> Tiferes Yisroel, ch. 3

<sup>3</sup> I could not find this famous corollary to the Maharal. Heard from many, notably Rav Moshe Schapiro.

At this point one may think that the case has been made. Man is *supposed* to ask questions, *mitzvos do* have innate meaning, and at the *seder* these two ideas collide with the ‘*seder* questions’.<sup>4</sup>

Furthermore, the *gemara* famously teaches<sup>5</sup>, and the *haggada* quotes:

“Raban Gamliel was want<sup>6</sup> to say ‘Whomever does not say these three things....*pesach al shum mah*....*matzah al shum mah*...*marror al shum mah*...”

It would appear, then, that there is no controversy relating to our topic of discussion. We are *supposed* to seek the reasons behind the *mitzvos*! And we are obligated to do so, specifically, by the *seder*.

Alluding to the fact that our questioning of *taamei hamitzvos* by the *seder* extends to the rest of the year and to *all* the *mitzvos*, we can connect the idea of the *Panim Yaffos* who points out that the word ‘Pesach’, when added through the value of its full letters<sup>7</sup> (Peh, Samech, Ches) equals 613.

However, there is an extraordinary *Midresh Rabbah*<sup>8</sup> that will seem to challenge this assertion (that we are to delve into the *taamei hamitzvos*), as well as seemingly defy, or test, the *seder*’s objective.

<sup>4</sup> As to why the focus of ‘Asking’ is seen more by Pesach than, say, Sukkos: see Shabbos HAgodol Drashah 2012 by this writer we Rav Tzadok’s deep approach is offered.

<sup>5</sup> Mishnah, Pesachim 116

<sup>6</sup> See Shabbos HAgodol Drasha 2008 “Raban Gamliel’s Dilemma” by this writer.

<sup>7</sup> There are many forms of *gematria* (taken, according to some, from the same root as geometry). One of which is assigning a value to the letter-spelling of each letter in a word. So while the *gematria* of the word ‘Bo’ would generally equal 3, in this other system it would equal 523 (the letter Beis is spelled Beis, Yud, Tav; the letter Aleph is spelled Aleph, Lamed, Peh. Adding all these up would equal 532). See Shabbos 104 with commentaries.

<sup>8</sup> Bereishis Rabbah, 44:1

The Midrash opens with a verse in Psalms (18:31) that teaches that we could at least ‘know’<sup>9</sup> Gd through His commandments:

“...‘Gd! His paths are perfect(ion). The word of Gd is pure(ified)/refined...’. If His paths are perfect how much more so is He! Says Rav, The commandments were only given so as to purify/refine (l’tzoref) mankind through them. **For why should Gd care (, for example,) whether one slaughters from the neck, or from the back – Tanchuma, Shemini 9 adds: ‘...or care whether we eat kosher or neveila’ - rather the commandments were given only so that mankind may become purified (or, refined) through them”**

It would seem from this *midresh* that *mitzvos* were **not** chosen due to their – each and every *mitzvah*’s - intrinsic holiness; rather it is the other way around: *mitzvos* are holy because Gd chose them!

But would not this *midrash* imply that *mitzvos* have no meaning?! Was Gd’s choosing of them simply an act capriciousness, arbitrary in thought and execution?

As we shall see, this *midrash*, and the questions we highlighted that stem from it, have vexed scholars for millennia, especially Rambam in his *Moreh Nevuchim* as well as Ramban in his commentary on the Torah.

Indeed, this *midrash* will be the nucleus for this *drashah*.

We shall return to many of the points raised, but for now all the above suffices to introduce our topic: ‘Ta’amei HaMitzvot, Pesach, and the Power of Reason’

*(The term Taamei Hamitzvos, used throughout, is the colloquial term for ‘Reasons for Mitzvos’. The Talmud uses the term ‘Taamei D’kra’. Whether the Talmud’s term for it or our own, both express this pursuit with the word ‘Ta’am’ which means*

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<sup>9</sup> Seemingly challenging Rambam’s idea of a *negative* theology, that teaches one can only know Gd from what He is not, for Man cannot penetrate what He is.

*‘Taste’ – for, like tatse which has no nutritional value rather it allows us to further desire a basic human need, so too Taamei Hamitzvos, which while surely not touching upon its most inner depth, it can at least give us further temptation and appreciations toward it)*

## II

### Taamei Hamitzvos, or, Assiyas HaMtizvos? Reason or Action?

#### A question of focus

The *gemara* tells us of a debate between Rav Eliazar and Rav Yehoshua regarding Creation. One says that it took place in the month of Tishrei; the other says it was in Nissan.<sup>10</sup>

It would seem to this writer that this question –where/when is the beginning –is mirrored by what is perhaps the most famous, and the first, Rashi in all of Chumash.

Rashi asks<sup>11</sup> why the Torah begins with the events of creation and the forming of our nation. Why not, instead, open with the events of Pesach –namely the first Divine command, the very first *mitzvah*: “*Hachodesh Hazeh Lachem*” (the *mitzvah* to calculate the calendar)? After all, is not the Torah to be a book of laws? Why the narrative?<sup>12</sup>

While here is not the place to get into the weeds of this particular question of Rashi as well as its many proposed answers, we can however frame it along the

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<sup>10</sup> Rosh Hashanah 10b

<sup>11</sup> Bereishis 1:1, quoting a *midresh*, and not his father as commonly thought. See Taz’s commentary to Rashi, Divrei Dovid ad loc.

<sup>12</sup> See Shabbos Hagodol Drashah 2010 by this writer titled ‘Nomos and Narrative’ with this dichotomy is explored fully, and along different lines.

lines of debate seen above: Does the Torah - does Judaism - begin as a theology (Tishrei), or as *halacha/ mitzvos* (Nissan). Indeed, Nissan, the month of the exodus, is when that first *mitzvah* was given.<sup>13</sup>

I heard from Rabbi Dr. A. Lichtenstien that Rabbi Soleveichik was once explaining why he forbade joining interfaith groups. He expressed the disconnect between students of the priesthood and students, *l'havdil*, in yeshiva. Imagine yeshiva students explaining to them that while they focus on angels and the godhead, we focus on contract verification, and if the notary of a divorce treaty is simply verifying the document or establishing it!<sup>14</sup>

In orthodoxy, there seems to be a focus on 'Nissan'.<sup>15</sup>

On the other hand, and as Rav Kook taught,<sup>16</sup> there are many who do not feel a sense of satisfaction from *halacha* and its talmudics; they may even become turned-off by its concentrated minutia. Due to this, some would rather see a shift to a more theological focus.<sup>17</sup>

“Tishrei or Nissan”: it is still a question that troubles –even divides –us.<sup>18</sup>

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<sup>13</sup> See Rambam *peirush hamishnayus* Sanhedrin 7:6 that the *mitzvos* we keep are not inherited from Abraham, inter alia, rather those laws were renewed through Moshe. Cf. end of Yad, *hil. Melachacim* 9:1 where he seems to contradict this principle.

<sup>14</sup> The example is mine, to enhance his point.

<sup>15</sup> See Shabbos Hagodol Drashah 2008 from this writer titled, ‘Marror and the Bitterness of Halachah’ where we seek to explain the purpose of Halachah’s minutia.

<sup>16</sup> Orot HaTorah. See Shabbos Hagodol Drasha titled “Marror” by this writer where the rigidity of *halachah*, and its necessity, is explored in detail.

<sup>17</sup> When hired to teach in Telshe Yeshiva, Rav Kook offered a new curriculum that would have indeed included such works as the Moreh, Kuzari, et al. He never did take the position, opting to move to Jaffa instead. The rest, as they say, is history.

<sup>18</sup> Still today, many yeshivah students are challenged, upon returning home to their more modern shuls for the festivals, on being unable to say something over from what they had learned in yeshivah. Trying to explain to some the difficulty of saying over a *Ketzos* or a *Rav Baruch Ber* without giving a half-hour background only fosters challenges toward the ‘system’.

There may even be further insight in Rashi's question.

Let us presume for a moment that the Torah *had* started by *halacha*, in Nissan, by *hachodesh hazeh lachem*.

Think about this for a moment. There would have been no exodus-narrative leading up to these commands; commands for *matzah*, a paschal offering, *marror*. What would we have made of them? They would have been commands without any apparent reason!

Perhaps Rashi –and the *midresh* his question is based on – is challenging the very need for *ta'amei hamitzvos*.

Do we need reasons at all? Can't we skip the events that were the cause of their birth and be simply commanded in what to perform?

Perhaps this is what bothers Rashi there, in the very first verse of the Torah.

A rabbi gives two major sermons a year: one in Tishrei and one in Nissan. These, too, reflect this same dichotomy. The former is all about theology, man's relationship to Gd, what *teshuvah* 'represents'. The latter is to be about *halacha*,<sup>19</sup> about the *shiur* of a *kezayis*, not, however, what an olive is to 'represent'.

### III

#### *Miphatim, Chukim and points in-between*

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<sup>19</sup> See Sefer HaPardes from Rashi

According to all views<sup>20</sup> the idea that some commandments exist for the sake of the commandment alone –having no reason, or contradicting reason [Tzlach] - is a vital tenant of our faith. These are called *chukim*.

Indeed there are three categories of *mitzvos*.

After the first set of commandments in Egypt, Gd again gave us laws at Marah.<sup>21</sup> *Rashi*<sup>22</sup> records what these second set of laws were: Shabbos, Parah Adumah (red heifer), Dinim (civil law, torts).

Many<sup>23</sup> point out that these three were chosen as representatives of the future Torah to be given at Sinai, which would be divided into three<sup>24</sup> natures of command.

- 1 – *Mishpat(im)* –laws whose reason are accessible (*Dinim*)
- 2 – *Chukum* – laws whose reasons seem/are<sup>25</sup> impenetrable (*Parah Adumah*)
- 3 – *Eidiyos* –laws that are testimonies (a) past event(s) (*Shabbos*)

Indeed the numerical value of *chok*, *mishpat*, *eid* equals Torah.<sup>26</sup>

It should be noted that the three *mitzvos* mentioned by Raban Gamliel also seem to represent these three natures of commands,<sup>27</sup> as Rav Tzadok reminds us, by the *seder* we act as the pre-Sinai Jew, seeing ourselves as leaving Egypt just now.

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<sup>20</sup> See Yoma 67

<sup>21</sup> Shmos 15:25. "...*shum sum lo chok u'mishpat...*"

<sup>22</sup> ad loc. s.v. *shum*

<sup>23</sup> See Emes L'Yaakov ad loc

<sup>24</sup> See Yoma 67 where only *mishpatim* and *chukim* are mentioned. See Rabbenu Bachaya's introduction to *parshas chukkas*, and *Ri Bar Yakar* to the *haggadah*

<sup>25</sup> This will be elaborated upon below

<sup>26</sup> See *Seder HaAruch* vol. 3 page 145, 146.

<sup>27</sup> A similar idea can be found in the *Ritvah* relating to the *chacham's* question

Perhaps then the *seder* is *our* Marah.

So that, as Ritvah explains:

Pesach – As with other *korbonos*, it is essentially a *chok*.<sup>28</sup>

Matzah – The celebration of freedom –*celebrating* through the bread of our freedom –is the most natural instinctive response to salvation

Marror – Recalling, testifying to, how we once suffered

This, in fact, is the *chacham*'s question (based on *Devarim* 6:20):

“What are the edus, and the chukim, and the mishpatim, which Gd has commanded you?”

According to the Maharal<sup>29</sup> this is not a question relating just to the *seder*, but regarding *all* the *mitzvos*!<sup>30</sup>

So accepted is this idea –that at Marah Gd desired to have all ‘types’ of commands represented – that the Talmudic giant Rav Yosef Engle suggests the following extraordinary idea:<sup>31</sup>

Whilst *Rashi* mentions *parah adumah* as the second command taught at Marah, in the version found in the *gemara*,<sup>32</sup> however, it lists it as *Kibud Av V'Eim*.<sup>33</sup>

Rav Yosef Engle therefore seeks to prove that *Kibud Av* is also a *chok*! He goes

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<sup>28</sup> Rishonim

<sup>29</sup> *Gevuras Hashem* ch. 53

<sup>30</sup> Abarbanel disagrees and holds that this question is reserved to the *mitzvos* of the night.

<sup>31</sup> See *Tiferes Yosef*, *Shmos*, 355ff

<sup>32</sup> See *Sanhedrin* 56b

<sup>33</sup> See however *Aruch Hashulchan* brought at the end of this *drasha*

even further, suggesting that there are some mitzvos that may begin as a *chok* yet metamorphosize into a *mishpat*.<sup>34</sup>

We may find a similar, remarkable, transformation by the *seder* as well.

Back to Raban Gamliel:

When we look at his statement again we will notice something peculiar:

“...matzah al shum mah? Al shum sh’negalu avoseinu m’mitzraim...”

“Why do we eat matzah? **Because our forefathers were redeemed from Egypt**”

When we look in our *haggadas* we will notice that this is not the answer that we provide for this same question. Rather the *haggadah* reads:

“matzah al shum mah? **Al shum shlo hispik bitzgmam shel avoseinu l’hachmitz**”

“Why do we eat matzah? **Because our dough did not have time to rise**”

Why do we change the answer? When did this change occur?

One of the most famous early recordings of the *haggadah* is found in the Rambam’s *Yad*.<sup>35</sup> However when looking to see the *girsas* in his *haggada* we notice something odd.

<sup>34</sup> He does so brilliantly: the *gemara* in Eiruvim 13b debates: *For two-and-a-half years, Beis Shamei and Beis Hillel debated. These said, "It is better for man not to have been created than to have been created"; and these said, "It is better for man to have been created than not to have been created."* We see says Rav Engle, that what starts as a *chok* –our existence, created through the parents – can be reversed to a *mishpat* should we live decent lives.

At first,<sup>36</sup> by the laws of the *seder*, he records Raban Gamliel's words faithful to our version of the *mishnah*.

However, later, when he records the language of the *haggadah*<sup>37</sup> he uses the language we are familiar with, that we now say at the *seder*: that we eat *matzah* because the dough did not have time to rise.

It is staggering that something that goes to the heart of the *seder*, the heart of Pesach, is so unclear!

The *Nodah B'yehudah*<sup>38</sup> suggests the following fascinating approach:

Clearly this is not a question of mistaken texts –for the Rambam at first quotes the *mishnah* accurately.

Rather the secret is contained in the Rambam himself, who throughout his version of the *haggadah* informs us of the changes needed to be made since we are in *galus* (e.g. he points out that in exile we do not ask about the paschal offering in the four questions).

This, explains the *Nodah B'Yehudah*, is the reason behind this change.

The exodus from Egypt accomplished two freedoms: the freedom of body, and the freedom of spirit. He further explains that these two freedoms were experienced in different ways and at different times in the exodus narrative. A bodily freedom is felt and therefore needs no 'proof'; it was therefore experienced

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<sup>35</sup> Of course, the *haggadah* in its present form pre-dates Rambam. For its authorship (aside for that –like the *mah nishtanah* –which is contained in *mishnah* or *gemara*), see introduction to Malbim's *haggadah shel pesach*.

<sup>36</sup> Hilchos chometz u'matzah 7:5

<sup>37</sup> *ibid* 8:5

<sup>38</sup> Drashos, 38:10

immediately upon leaving Egypt, or upon receiving permission to leave. Whereas, a spiritual salvation needs something to ‘prove’ that it occurred, for we cannot see it, feel it, *b’chush*, in our senses. It was only when we saw Gd rushing us to leave, of our dough not having even the 18 minutes needed to rise, when we first realized that Gd needed us to escape, and quickly, out of spiritual necessity. For as the *kadmonim* teach (see Seforno and Ariz<sup>l</sup>)<sup>39</sup> in Egypt we were on the lowest rung of *tumah* –the 49<sup>th</sup> –and had we been there for a moment longer all would have been lost forever.

Explains the *Nodah B’Yehudah* (the following is a loose translation):

*“Raban Gamliel lived during the Second Temple, so he understood both freedoms. But we can only learn from a spiritual freedom, for that is still up to us –still in our hands, should we ant it - even in Exile. Therefore in our day that is what we focus on. For in Asia and Africa we wonder how we can call ourselves, by the seder, ‘Free’ whilst still clearly in Exile. And this is what the chacham is asking: ‘What are the chukim and mishpatim...’ **For matzah was at one time a mishpat, but today it is a chok**”!*

We see from this two things: 1 - A *chok* is not reserved to specific *mitzvos* –any *mitzvah* can be turned into a *chok*, and any *chok* can become a *mishpat*; it up to our level of understanding<sup>40</sup> 2 – even regarding *chukim*, we are not just allowed to ask, but must ask – as does the *chacham*.

## IV

### Tammei Hamitzvos –The First View

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<sup>39</sup> See Tanya ch. 31

<sup>40</sup> See Michtav M’Eliyahu brought below.

If this change in the *haggada* is due to the *Tzlachs*'s explanation, then it makes beautiful sense that Rambam is our source for this modification.

For it is Rambam in his *Morah Nevuchum* who argues that we must explain *mitzvos*, even the *chukim*.

Let us quote from him and notice allusions to the *Tzlach*'s points, as well as, *l'havdil*, Aristotle's:

**MORAH 3:26**

*As Theologians are divided on the question whether the actions of God are the result of His wisdom, or only of His will without being intended for any purpose whatever... **Some of them hold that the commandments have no object at all;** and are only dictated by the whim of God... **All of us, the common people as well as the scholars, believe that there is a reason for every precept, although there are commandments the reason of which is unknown to us, and in which the ways of God's wisdom are incomprehensible... There are commandments which are called *chukkim*, "ordinances," like the prohibition of wearing garments of wool and linen (*sha'atnez*), boiling meat and milk together, and the sending of the goat... **But our Sages generally do not think that such precepts have no cause whatever,** and serve no purpose; for this would lead us to assume that God's actions are purposeless. On the contrary, they hold that even these ordinances have a cause, and are certainly intended for some use, although it is not known to us; owing either to the deficiency of our knowledge or the weakness of our intellect. Consequently there is a cause for every commandment: every positive or negative precept serves a useful object; in some cases the usefulness is evident, e.g., the prohibition of murder and theft; in others the usefulness is **not so evident**. Those commandments, whose object is generally evident, are called "judgments" (*mishpatim*); those whose object is **not generally clear** are called "ordinances" (*chukkim*).***

**MORAH 3:31<sup>41</sup>**

***There are persons who find it difficult to give a reason for any of the commandments, and consider it right to assume that the commandments and prohibitions have no rational basis whatever. They are led to adopt this theory by a certain disease in their soul..*** According to the theory of those weak-minded persons, man is more perfect than his Creator. For what man says or does has a certain object, whilst the actions of God are different; He commands us to do what is of no use to us, and forbids us to do what is harmless. ***Far be this!*** On the contrary, the sole object of the Law is to benefit us....He thus says that even every one of these "statutes" convinces all nations of the wisdom and understanding it includes. But if no reason could be found for these statutes, if they produced no advantage and removed no evil, why then should he who believes in them and follows them be wise, reasonable, and so excellent as to raise the admiration of all nations? But the truth is undoubtedly as we have said, that **every one of the six hundred and thirteen precepts serves to inculcate some truth, to remove some erroneous opinion, to establish proper relations in society, to diminish evil, to train in good manners or to warn against bad habits.**

It seems to many that the scholar he is referring to –who believes that *chukkim*

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<sup>41</sup> There are many places in the Rambam's writings where the following points are made, with some differences. See *Yad*, end of Meila, as well as end Temurah and Mikveos. Lesser known, perhaps, is in his *Shemoneh Perakim* where he states (Ch. 4) "...The Torah only made forbidden what it made forbidden, and commanded what it commanded, only for these reasons. Namely to distance one from bad (to train)...such as the laws of *kashrus*..." Here he seems to take the view of Ramchal in *Derech Hashem*, as well as the Tanya, that the *mitzvos* have a purpose in toto in that they cleave us with Gd and our better selves. See also *Otzros Gedolei Yisroel* where he seeks out and finds every reason Rambam had written relating to hundreds of *mitzvos*!

have no meaning - is none other than Rashi,<sup>42</sup> who often seems to state<sup>43</sup> that *chukim* have 'no' meaning.

For instance, Rashi writes:

*“Chukim: these are Divine decrees which have no reason for them”<sup>44</sup>*

If you wondered how Aristotle belonged in a Shabbos Hagodol Drasha, now I can tell you.

It was not Rashi to whom Rambam was referring –as we shall soon seek to prove –rather to the Greek disputants of Socrates, those who were unsure if Divine commandments were chosen due to their holiness!<sup>45</sup>

Before proving that Rashi also believed that *mitzvos* have reasons –even *chukim* – let us first demonstrate that Rambam was speaking about some Greek philosophers.

In truth, Maharal<sup>46</sup> alludes to this concern:

(Paraphrasing) “There are many men who go in the way of philosophers who are troubled how spiritual concepts could benefit a physical form. More, they are bothered how such good deeds, which can only be performed by the physical body, can in any way benefit a spiritual soul. They cannot fathom or accept that these two worlds can coexist and interconnect. This is especially true of *chukim* where no apparent physical gain can be seen...”

<sup>42</sup> Many indeed take this view. See Gershon Appel, ‘A Philosophy of Mitzvot’, p. 16ff who clearly understands Rashi as ascribing to this view. I discovered his fascinating book after this *drashah* was given and I intend to incorporate some of his fascinating ideas and sources in a second draft, Gd willing.

<sup>43</sup> See his comments to Vayikra 19:19

<sup>44</sup> Ibid

<sup>45</sup> Dr. Jonathan Dauber, a professor at YU, suggested I consider the additional possibility that Rambam was speaking of Islamic scholars of his time.

<sup>46</sup> Teferes Yisroel beginning of ch. 6

These philosophers are the ones *chazal* mention would first laugh at us for our observance of the *chukkim* but would soon come to respect us for our performance of them (see verses from Devarim brought below, as well a Rashi throughout the Pentateuch).

While this is not the place to get into this central Jewish tenant of the merging – in limited scope –between the physical and spiritual realms to which Maharal was referring, the point is made: Rambam was not referring to any Jewish sage.

As for Rashi, it would seem that even he would agree –at some level – with Rambam.

For instance, the Torah tells us:<sup>47</sup>

*“You shall safeguard and perform them, for it is your wisdom and discernment in the eyes of the peoples, who shall hear **all of these decrees** (chukim) and say, ‘Surely a wise and discerning people is this great nation!’*

Rashi, ad loc., states that through the very action of and faithful performance in *chukim*, by us and observed by the nations, the nations will praise us for our wisdom!

Now, why would the nations think we are wise for keeping *chukim*? Had not Rashi –based on *chazal* – taught in many places that *chukim* cause them –and Satan - to laugh/challenge us?

Malbim<sup>48</sup> explains that *chukim* only *appear* to have no reason –that is simply their *starting* point – and this is all Rashi ever meant when he explained that ‘*they have no reason*’. But certainly after time we can discover some

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<sup>47</sup> Devarim 4:6

<sup>48</sup> Ad loc. See Sha’arei Aaron there at length

reasons...exactly the view of Rambam!<sup>49</sup>

Rambam, and perhaps Rashi, were not alone. The *sefer HaChinuch* is perhaps the best-known scholar to the *hamon am* (average Torah Jew) who frequently emphasizes and asserts reasons for *mitzvos*. What may be less known, however, is what he explains in his introduction, as well as throughout his work,<sup>50</sup>; that he comes only to give allusions – *remazim* –, so as to make *mitzvos* more meaningful to simple people, with the hope that they will then ask their teachers and get even deeper insight. I would argue that this is in line with Rambam, who never suggested that he was giving the full reasons, the nucleolus, of each *mitzvah*.

From the *Chinuch* too we see the two ideas alluded to in Rambam, the Tzlach, and even Rashi: 1 –ALL *mitzvos* have reasons; 2 – Reasons for *mitzvos* are on a sliding scale (see Rav Dessler brought below), changing with time and our personal growth.

But what about the *midrash* quoted when we began that seemed to say *mitzvos* have no meaning?

Rambam and Ramban<sup>51</sup> - who generally concurs with Rambam's approach vis-à-vis *taamei hamitzvos* - both challenge their view from this *midrash*.

Rambam, on the one hand, explains that while each *mitzvah* has reasons, the minutia of its laws may not; for instance where in the neck we slaughter, etc, and it was regarding **this** that the *midrash* was referring.

Ramban, on the other hand, in a lengthy treatment of this issue,<sup>52</sup> differs here

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<sup>49</sup> Malbim also gives a second explanation: the very act of observance to *mitzvos* that have no apparent *taam* will first cause others to mock us, but after time earn us their respect for our trust in Gd

<sup>50</sup> See *mitzvah* # 397, # 598. IN the latter he explains that the reasons for *mitzvos* found in his work were written for children (!) to pique their interest and ask their teachers.

<sup>51</sup> Devarim 22:6

<sup>52</sup> Op. cit.

with Rambam. Ramban explains that the *midrash* is teaching us something else.

Taking the *mitzvah* of *shiluach haken* as an example: According to Rambam this *mitzvah* shows Gd's pity on the sire (dam) bird. Ramban strongly disagrees and suggests that it is not for the benefit of the bird, but for *our* benefit, to teach us to keep away from *achzoriyos* (cruelty).<sup>53</sup> Thus, explains the Ramban, the *midrash* we quoted above was only stating that *mitzvos* are not for **Gd's** benefit, but rather for our benefit alone. Going back now, the words of the *midrash* would strongly support Ramban's supposition.

There is another, quite famous, *mishnah/gemara*<sup>54</sup> that would seem to challenge this view of *taamei hamitzvos*. There it teaches that one is forbidden to pray to Gd by saying, "You Who has mercy on the mother-bird, have mercy on us". The *gemara* –in one of two opinions – explains that this injunction is due to "the *mitzvos* are not about character but are simply decrees (*gezeiros*) without reason".

Would not this prove that seeking to ascribe reasons to the *mitzvos* is a dangerous pursuit?

The Ramban explains that we follow the other view<sup>55</sup> brought in the *gemara* (ad loc) who explains this prohibition as being based on causing 'jealousy' among the creatures.

Based on what we have thus far explored: every *mitzvah* has reasons. These reasons run the gamut from the simple to the mystical. Whatever the reasons we find for each, we can never ignore at least one that will benefit *us* (according

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<sup>53</sup> Some suggest from here a general debate between Rambam and Ramban, where only the former demands that *mitzvos* must teach *us* something. This would seem to be incorrect, and limited to the case of *shiluach haken* only, for Rambam himself suggest similar explanations to various other *mitzvos*. See Especially his comments in ch. 4 of his Shemoneh Perakim, mentioned briefly in a footnote above.

<sup>54</sup> Berachos 33b

<sup>55</sup> See Yerushalmi for a third approach

to Ramban). All this applies to *chukim* as well as *mishpatim*; only that *chukim* first appear to not have any reason.

By the *seder* we focus on all the *mitzvos*. Judging ourselves –as the *chachom* does - as to what is and is not a *chok* in our own personal eyes, thus seeing if we moved *mitzvos* out of the *chok* category and into the *mishpat* one.

We ask ourselves: ‘How far have I come since last year? Have I been able to internalize any more *mitzvos*?’

## V

### Taamei Hamitzvos –The Second View

*However, there are those who argue on all of the above.*

From the Vilna Gaon,<sup>56</sup> Chasam Sofer,<sup>57</sup> Ksav Sofer,<sup>58</sup> Aruch HaShulchan,<sup>59</sup> Chayay Adam,<sup>60</sup> inter alia, many suggest staying away from the entire *taamei hamitzvos* enterprise.

The famed *mashgiach*, Rav Yeruchen Levovitz, often opined that even *mishpatim* need to be viewed, at their core, as *chukim*!

Rabbi Soleveichik<sup>61</sup> mentions this theme in light of a well-known question relating to the *girsas* found in the Rambam’s *Yad to hilchos chometz u’matzah*:

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<sup>56</sup> To Mishlei, 25:27

<sup>57</sup> *Drashos* 1 19b

<sup>58</sup> Al HaTorah, Vayikra, ch. 19

<sup>59</sup> Y.D. 140:2

<sup>60</sup> 68:18

<sup>61</sup> *Harrarei Kedem*, Rav Michel Sherkin, vol. 1, *erech*: Haggadah, ‘*al shloshet dvarim*’

When quoting the *mishnah* of Raban Gamliel, some editions of Rambam read: “*matzah al shum mah*, etc” – **Why** do we eat *matzah* (as we have rendered it thus far).

Others have the *girsah*, “*matzah al shem mah*, etc.” – **What** is behind the **name** of *matzah*, *marror*, *pesach*.<sup>62</sup>

Rabbi Soleveichik asserts that the latter would have to be the correct version, for we do not concern ourselves with *taamei hamitzvos*!<sup>63 64</sup>

It need not be said that these views (Gaon et al.) certainly agree that there are human, physical reasons and gain from *mitzvos*,<sup>65</sup> rather they argue the need to turn away from seeking to discover them.

It would seem that these opinions hold that we are to follow the *amara* in that *gemara* in Berachos 33b who states that we are forbidden say, “*Gd who has mercy on the mother-bird...*” due to the *mitzvos* needing to viewed only as *gezeiros/Divine decrees*.

These views would also marshal support from another *gemara*<sup>66</sup> which seems to directly address the question whether we are to investigate *taamei hamitzvos*:

(Translation taken from Soncino [online], with small changes)

Our Rabbis taught: Whether a widow be rich or poor, no pledge (*mashkon*) may be taken from her: this is R. Yehudah's opinion. R. Shimon said: A wealthy

<sup>62</sup> See R. Shabsei Frankel ed.. ‘*shinu nuscheos*’.

<sup>63</sup> Many *haggadas* quote Rav Chaim and the Brisker Rav asserting the same under a similar line of reasoning.

<sup>64</sup> Indeed, *Maharasha* to Pesachim 116 (‘*Raban Gamliel haya omer...*’), asks, ‘how come we search for reasons for *mitzvos* the night of the seder?’

<sup>65</sup> See *midrashim* brought below. E.g. Bereishis Rabbah 61:1

<sup>66</sup> Sanhedrin 21a, Bava METziah 115a

widow is subject to distraint, but not a poor one...Now, shall we say that R. Yehudah does not interpret the *taamei d'kra* (reasons for *mitzvos*), whilst R. Shimon does? (Because the verse mentions poverty as the cause for this *chesed*, and Scripture's example of a widow was only due to her potential poverty, thus a wealthy widow would not be granted this kindness). (Asks the *gemara*) But we know their opinions to be the reverse! For we learnt (relating to laws of a Jewish king): *Neither shall he multiply wives to himself, [that his heart turn not away]*; R. Yehudah said: He may multiply [wives], providing that they do not turn his heart away. R. Shimon said: He may not take to wife even a single one who is likely to turn his heart away; what then is taught by the verse, *Neither shall he multiply wives to himself?* Even such as Abigail! (Answers the *gemara*) In truth, R. Yehudah does not interpret the reason of Scripture; but here it is different, because Scripture itself states the reason: *Neither shall he multiply wives to himself, and his heart shall not turn away.* Thus, why '*shall he not multiply wives to himself?*' So '*that his heart turn not away.*' And R. Shimon [argues thus]: Let us consider. As a general rule, we interpret the Scriptural reason. Then Scripture should have written, '*Neither shall he multiply [etc.]*.' whilst '*and his heart shall not turn away*' is superfluous, for I would know myself that the reason why he must not multiply is that his heart may not turn away. Why then is '*shall not turn away*' [explicitly] stated? To teach that he must not marry even a single one who may turn his heart.

Once again, Rambam et al would follow the view of Rav Yehudah that we do investigate *taamei hamitzvos*;<sup>67</sup> the Gaon et al would follow Rav Shimon who

<sup>67</sup> Note the usage of the term *taamei d'kra* in lieu of *taamei hamitzvos* in the *gemara*. My brother R' Shmuel pointed out that Rav Chaim Volizion, *Nefesh HaChaim* 2:16, explains that we more use the term *taamei d'gra* –generally- to refer to *trop* (the cantillation marks of the Torah), for, Rav Chaim explains, it is through *trop* greater depth and reason can be discovered (he ties the words, vowels, and *trup* to the three parts of souls, *nefesh*, *ruach*, and *neshamah*). Ironically, the Gaon, Rav Chaim's teacher, often times would use *trop* so as to get to the heart of a verse. See *Emes L'Yaakov* by R' Yaakov Kamanetzky who often utilizes *trop* in brilliant ways.

says that we do *not*.

An additional factor that this *gemara* raises is the fear that searching for reasons within the *mitzvos* may lead to gross errors in *halachah*. For one would apply their reason (real or imagined) to real-world cases, and if the ‘reason’ for the law no longer exists we would then abandon it.

In a staggering opening line to a *halachah*, the *Tur*<sup>68</sup> says (relating to the injunction on men against using a razor):

“Once again Rambam suggests that these too were commanded due to (the practices of ancient) idolaters, but this is not mentioned (in scripture) explicitly, rather *mitzvos* are Divine decrees and we must abide by them even without reasons...”

Rav Yosef Karo in his *Beis Yosef* commentary to the *Tur* (ad loc.) comes to Rambam’s strong defense, and seems genuinely surprised that the *Tur* is suggesting that Rambam disagrees with the idea that *mitzvos* are intrinsically holy, as if Rambam believes that without knowing the reasons behind each one we would not then have to keep them. “Heaven for fend that Rambam would hold this idea! Is there anyone who honored the Torah more than he!” he exclaims. For even Rambam was aware that *mitzvos* exist in a far deeper realm than any human reason can aspire to reach. This *Tur* and *Beis Yosef* mirror perfectly the debate between Rambam and Vilna Gaon.

Further support for the Gaon et al. comes from a famous Rashi:<sup>69</sup>

Rav Eleazar ben Azariah said, "... One should not say 'I don't eat pig and don't wear *statnez* because I am disgusted by the pig and I am unable to wear *shatnez*...' Rather, he should say, 'I can eat pig and wear *shatnez* but what can I do? My Father in heaven has decreed for me that I mustn't ..."

<sup>68</sup> Y.D. *siman* 181

<sup>69</sup> Rashi, Vayikra, 20:26

Although the Gaon et al. find strong support for their view from the earlier *midrash* which seemed to state that there are no reasons for the *mitzvos*, as well as the above *chazal* as brought in Rashi (etc., etc.), as pointed out above even they would agree that reasons *do* exist – although we are not to ponder them - for there are numerous *midrashim* that would seem to disagree with their view and rather support Rambam et al.

For instance, the *midrash*<sup>70</sup> teaches us how Moshe was taught the reasons for all *mitzvos*, even for the *parah adumah* (which Moshe was in turn prohibited to teach; Shlomo Hamelech was taught these as well [with the exception of the *parah adumah*]).<sup>71</sup> It is also taught that when *moshiach* comes all the *taamei hamitzvos* will be revealed.

These sources clearly show that reasons *do* exist.

The *midrash* elsewhere<sup>72</sup> famously points out that although Avraham had no Torah teachers he was able to surmise the *mitzvos* based on **reason** alone.

But, again, we would have to suggest that the Goan et al would explain these *midrashim* by agreeing that there ARE reasons, rather that they are to remain hidden (which indeed the *midrashim* indicate; as it is only in the era of *moshiach* that they shall be revealed).

Back to the *seder*:

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<sup>70</sup> Bamidbar Rabbah 19:6

<sup>71</sup> Rashba, *shu't*, 1:94 suggests that even to Shlomo Hamelech, Gd only gave over *remazim*, allusions, like Rambam does in his Yad relating to *tekias shofer*. For, Rambam agrees that our reasons are not the depth of the *mitzvah's* reasons. See Mahartiz Chiyus to Rosh Hashanah 16b who may shed light on the distinction of 'Why' and 'What'. See also a powerful *Chasam Sofer al HaTorah* on this *midrash* mentioned above that Moshe –the idyllic pedagogue - was forbidden from teaching something.

<sup>72</sup> Bereishis Rabbah 61:1

- The above clarifies why both the Gaon and Beis Halevi explain that the reason the Torah does not give us an answer to the *rasha's* question is due to the level of heresy he brought to the table by asking 'Why', forcing us to ignore him and re-inspire all those who heard his "heresy". This is opposed to the *chacham* who asked 'What' – "What are the *mishpatim* this year and what are still the *chukim*". The Chacham was not looking for explanations, rather order and commands.

- Rambam et al would, however, instead explain that the tragedy of the *rasha* is not that he dared asked "Why", but rather that each *sefer* a year goes by and he still has been unable to interpret the Torah in a way that helps him feel a sense of growth and inspiration from the *mitzvos*.

As Rav Dessler (clearly following Rambam, it would seem) writes,<sup>73</sup> "*Our understanding of the reasons for mitzvos is based on a sliding scale. Any mitzvah can be a mishpat or a chok, depending on how much we wish to internalize them*".

The *rasha* lost his search for meaning in Torah, in *mitzvos*.<sup>74</sup>

The trouble with the *rasha*, then, is that he is starting from zero, gave this no thought, has no approach, everything is a *chok*: He takes neither the approach of the Gaon, that they are *gezeiros*, nor that of Rambam that every mitzvah has a reason, while its minutia may not have reason outside of being Divine decrees, nor of Ramban that even the minutia teach us much.

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<sup>73</sup> Michtav M'Eliyahu, vol. 5 p. 411 *ff*

<sup>74</sup> At this point we should note, that outside of this debate all agree that the *mitzvos* in toto have a physical purpose outside of their respective commands. See 4<sup>th</sup> chapter of Tanya, as well Ramchal in Derech Hashem, and Rambam in Shemoneh Perakim

## VI

And...perhaps this is why we knock the *rasha* in his teeth – for teeth are the only part of the mouth that has no sense of *taam*, taste.

May we all use this *seder* to ask ‘Why’, for as Maharal above explained this is what defines us as *Adam*; let us all accept that *mitzvos* are decrees, and yet seek to find ways to grow through them. Let that journey begin at the *seder*, in Nissan, when we begin each year to renew our commitment to *halacha* through the very question, “Why”.

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