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MAIMONIDES ON SACRIFICES PART II

IV. Maimonides and Sacrifice Details

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

....Our doctrine is that all the precepts have a reason.... all our Sages' dicta proceed according to this principle and the Scriptural books indicate it. However I found one utterance made by them, in Beresheet Rabbah (44), which at first sight appears to imply that some commandments have no other reason than merely to prescribe a law, that no other purpose or benefit is intended by them.... "What does it matter to the Holy One, blessed be He, that an animal is slaughtered by cutting its neck in front or in the back? Say therefore that the commandments are given only to purify man...." Though this dictum is very strange and has no parallel in their other dicta I have interpreted it in a manner that they will not be in contradiction to their views in their other statements, as follows: The generalities [only] of the commandments necessarily have a cause and were given for a certain benefit; it is the details regarding which it was said that commandments were given with no ulterior object. Thus, killing an animal for obtaining good food is useful; how it should be killed.... was imposed with an intention to test man's obedience.... I cite this example because it was mentioned by the Sages.... in reality, however,.... the commandment for the proper slaughter of an animal is intended to bring about the easiest death in the easiest manner.... A more suitable example can be cited from the detailed commandments concerning sacrifices....

The law that sacrifices should be brought is of great use.... but why is one sacrifice a lamb while another is a ram, and why should a particular

fixed number of them be brought - for such details it is impossible to give an explanation.... Those who believe these details have explanations are as far from the truth as those who imagine that the generalities of a commandment are not designed with a view toward some real benefit....

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

Further in the *Guide* (3:46), he provides reasons for many details of sacrifices! He explains why sacrifices were limited to the prescribed domestic species. He believes that a number of details were mandated to wean the people away from idolatry. He accepts the Sages' explanation as to why the eighth day consecration of the Mishkan required a calf of the herd for a sin-offering - as atonement for the golden calf. He presents a similar reason as his opinion as to why he-goats are prescribed as sin-offerings on Rosh Hodesh, festivals and Yom Kippur - to atone for Israel's disobedience in sacrificing "to the se'i'rim that they were wont to stray after." On this very detail, he insists that the alternate explanation of the Sages is solid - that the reason is to always seek forgiveness for the brothers' sin in deceiving Yaaqob after the sale of Joseph through slaughtering a goat. He provides reasons why bullocks are stipulated for

inadvertent transgressions of the high priest and congregation, and so on. He comments on why male or female animals were required for different situations, why young or old, why a sacrifice is not acceptable before the eighth day. The inconsistency with his earlier rejection (*Guide*, 3:26) of the validity of the questions “why a lamb and not a ram and why a particular number?” is glaring.

It has been assumed that in the previous context he was providing an acceptable explanation to the statement of the Sages that he was there interpreting. But his passionate, confident language in that context, striving hard to persuade the reader - asserting that for such details it is “impossible to give an explanation,” that “those who believe these details have explanations are as far from the truth as those who imagine that the generalities of a commandment are not designed with a view toward some real benefit,” as well as several other choice expressions - appears to have reflected his personal view. The attribution of reasons to the details was also articulated in a most fervent, extensive and persuasive manner. Although we cannot be sure, it does not appear that this is an example of the intended contradictions he spoke of in his introduction to the *Guide*, a device he felt constrained to employ for various reasons.

One wonders why he did not merely attribute the rabbinic statement - that the commandments were given only to purify man - to another school of thought among the Sages, one not accepted as normative, as he does on other occasions when he addresses a statement of theirs that does not coincide with his views. A strikingly similar example is the case of the Talmudic explanation that the reason the Mishnah ruled that a public reader who says, “Thy mercies extend to young birds” must be silenced is because he is defining G-d’s laws as motivated by mercy when in reality they are “decrees of the King” (BT Ber. 33b), implying decrees without reasons. There he states that this is the opinion of those who think that there is no reason for the laws except the will of G-d, “but as for us we follow only” the other opinion, that they all have reasons (*Guide*, 3:48.).

Or, one further wonders, why he did not treat the troublesome statement as he does statements of certain Sages “in the Talmud, Mishnah and Midrashim” that contradict his position of totally rejecting any validity to astrology, “for it is possible

that something was unknown to him at that moment, or perhaps his words were intended to hint at something, or perhaps he only said them for the moment or due to some specific incident that occurred. Do you not see that many verses of the Torah are not to be taken literally...” (Letter to the Community of Marseilles).

Does it not appear that he changed his mind within the relatively short span of about 20 chapters?

At any rate, on the issue of details, modern Bible research supports the position that what may appear to be relatively minor particulars of sacrifices, as of all rituals, invariably do have symbolic meaning. The comparison with the practices of neighboring cultures has highlighted distinctive meaning in numerous particulars. In addition, many sophisticated patterns and intertextual linkages involving minutia that run throughout the Torah betoken purpose to the details (see our study *On Number Symbolism in the Torah From the Work of Rabbi Solomon D. Sassoon*).

V. In Mishneh Torah

In light of HaRambam’s position in the *Guide* that sacrifices were a concession to human frailty in ancient times - a disposition that apparently no longer obtained in his days - many have wondered why in *Mishneh Torah* he devoted the enormous attention he did to a comprehensive and precise articulation of the myriad minutia of the sacrificial program. The standard and well-established explanation of his position is that once the laws pass through the prophetic channel and become formulated in the Torah they take on transcendent significance regardless of the original consideration for their inclusion in Divine Law. The symbolism invested in them at the very beginning, notwithstanding their sometimes being reactions to past idolatrous practices, renders them ever-relevant.

This is not to say that he never changed his views from *Mishneh Torah* (completed about 1180) to the *Guide* (completed about 1190). A famous example is that of “the bird’s nest,” regarding which we earlier quoted his position from the *Guide* rejecting the interpretation in the Talmud that refuses to see G-d’s mercy at work in the law, assigning that view to a rejected school of thought. In *Mishneh Torah* (Hilkhot Tefilla 9:7) he codified the law as stated in the

Mishnah, that the public reader who recites that phrase is silenced. There, he explains that had the prohibition of taking the young in front of its mother been a result of G-d's mercy He would have prohibited slaughtering - and partaking of animal and fowl flesh - altogether. In that earlier formulation he was willing to accept a Talmudic interpretation that he may not have been very satisfied with, indicated by his effort to provide it a logical support (one that we may add has not been considered compelling), a disposition he no longer possessed when writing the Guide.

It is possible that in the tension that might have existed within him between his appreciation of tradition and his insights into philosophy and reality, all of which were part and parcel of his understanding of Torah in its wholeness, in earlier phases of life he tilted more to the former while subsequently he increased the relative weight placed on the latter. This appears to parallel his explanation (in the 1191 letter to his student Rabbi Joseph, either Ibn Waqin or Sham'un) concerning some of the variations between his Commentary on the Mishnah (completed about 1168) and Mishneh Torah. He acknowledges having erred in the earlier work, usually in instances of having relied uncritically on the interpretations of the Geonim; upon subsequently studying those matters more carefully he concluded that those Geonim were mistaken.*

Regarding "ḥuqim" in general, it may be that there are signs of ever-subtle change in perspective in his views even within the law code itself (which was written over a ten year period, although he did release completed sections through the years). We will quote from his formulations at the conclusion of three sections of Mishneh Torah, in relatively close proximity, the first two of which may indicate a degree of movement in this area that set the trajectory for his later views and the third interesting for revealing its author's disposition. In Hilkhhot Me'ila (8:8), he states:

...Regarding the Torah statement, "You shall guard all הַקִּימֵם and all מִשְׁפָּטֵי and do them" (Lev. 20:22), the Sages explain that this formulation is to apply both "guarding" and "doing" to the הַקִּימֵם (statutes) equally as to the מִשְׁפָּטֵם (ordinances). The meaning of "doing" is known, to fulfill. "Guarding" means that one should be careful with the ḥuqim and not imagine that they are of lesser

importance than the mishpatim. Mishpatim are those laws whose reason is apparent and the benefit of fulfilling them to this world is known, such as the prohibitions to steal or kill and the obligation to honor father and mother, while the ḥuqim are those laws whose reason is not known. The Sages said: "[G-d said:] Statutes I have decreed for you and you have no right to skeptically question them." Man's natural impulse troubles him regarding ḥuqim and the nations of the world criticize them, such as the laws regarding pork, meat and milk, the 'eglah 'arufah, the red heifer and the scapegoat.... All the sacrifices are in the category of ḥuqim. The Sages said: "The world stands because of sacrificial service." For in fulfilling ḥuqim and mishpatim the upright people merit the life of the World to Come. And the Torah placed its commands on the ḥuqim first, as it states: "You shall guard My statutes and ordinances that a man shall fulfill them and live thereby" (Lev. 18:5).

In Hilkhhot Temurah (4:13) he writes:

....Although all the statutes of the Torah are decrees, as we explained at the end of Me'ila (the passage quoted above), it is appropriate for one to reflect upon them and to the extent that you can give any a reason give the reason. The early Sages stated that King Solomon understood most of the reasons for the statutes of the Torah. It appears to me that what Scripture states [regarding the desire to substitute a different animal for a consecrated one]: "And both it and the substituted one shall be holy" (Lev. 27:10)....is a case in which the Torah penetrated to the depths of man's mind and inclination. For the nature of man inclines toward increasing his possessions and being concerned for his money and although he vowed and consecrated something its possible he changed his mind and regrets it and would redeem the item [evaluating it] for less than its value, so the Torah stated that if he redeems for himself he must add a fifth. In the case of a consecrated animal that cannot be redeemed he might want to exchange it for one of less value. And even had it been permitted to exchange for one of greater value he might rationalize that the inferior is the superior so Scripture precluded him from doing so by prohibiting exchanges and mandating that if he

nonetheless does exchange, both are holy. All these regulations are to prompt one to subdue his natural temptation and improve his character. Most laws of the Torah are nothing other than counsel from afar from the Great of Counsel to improve character and correct actions as it states, “Indeed, I wrote for you excellent things with wise counsel to make you know the meaning of words of truth, to reply with truthful words to him who sent you” (Prov. 22:20-21, based on old and new JPS).

And in Hilkhot Miqva’ot (11:12):

It is clear and obvious that impurities and purities are Scriptural decrees, not matters that the human mind could have determined, and that they are included in the *ḥuqim*. Similarly, immersing [to purify] from impurity is part of the *ḥuqim*, for the impurity is not mud or excrement that may be removed with water but it is a Scriptural decree and the matter is dependent on the intentions of one’s heart... Nonetheless, there is a hint in this matter, that just as one who focuses his intention to become purified, upon immersion becomes purified, even though there is no physical change in his body, similarly, one who directs his heart to become purified from the impurities of being, which are thoughts of iniquitous doing and evil dispositions, as soon as he decides in his heart to separate from those counsels and brings himself into the waters of enlightenment he is pure, as it states, “I will sprinkle pure water upon you and you shall be purified...” (Ezek. 36:25).

Although its possible that these three statements were designed to be taken together it appears likely that they reveal a dynamic thinker, one constantly refining his views and always concerned for the larger picture. In the first he interpreted the *ḥuqim* in accordance with their value of man expressing his obedience to Divine decrees, somewhat in the manner of the “other opinion” in the case of the bird’s nest, apparently not yet formulating his

position of, “All these regulations are to prompt one to subdue his natural temptation and improve his character.” Had the latter consideration been prominent in his thought while formulating the earlier statement would it not have been incorporated within it? Indeed, the purpose “to improve his character” brings him close to his position in the Guide on that issue**. In the third of these formulations - concerning a large area of Biblical law - he doesn’t touch on the intrinsic disciplinary benefit of *ḥuqim* nor does it seem he has developed his position as presented in the Guide (3:47), but he straightaway turns to a symbolic explanation. (He early on recognized a symbolic dimension to Scriptural decrees such as in the case of shofar (MT Laws of Repentance 3:4): “Although blowing the shofar on Rosh Hashanah is a Scriptural decree it contains a hint, namely, ‘Awake from your slumber...’”).

Endnotes

* An apparent example of HaRambam reversing himself in Mishneh Torah from a position on *realia* twice asserted in his Commentary on the Mishnah (Abot 5:5 and Sota 9:) is the case of the *shamir*. It seems that in the earlier work he accepted the traditional view of its existence and utility based on the Mishnah’s statements and Talmudic explanation of its use but in Mishneh Torah ignored it completely, perhaps considering the Mishnaic view allegorical (see out study *Cutting Stones for the Temple, the Rambam and the Shamir*)

** A number of commentators agree with HaRambam’s position in the Guide that statutes have a purpose but disagree with his rejection of the Mishnah from halakha. Some (see Ramban) distinguish between the purpose of “improving human character,” which they opine would have been acceptable in the Talmudic context under discussion and the unacceptable, “As You have mercy on the bird’s nest.”