

The *Ta'amei Ha-Mitzvot* of the *Sefer HaBatim*

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Introduction

The *Sefer HaBatim-Sefer Mitzvah* is a work on the number, reasons, and purposes of the 613 commandments by thirteenth century Provençal scholar Rabbi Dovid b. Shmuel HaKochavi. His count generally follows that of Maimonides, although he does deviate on occasion. Furthermore, in sharp contrast to Maimonides' *Book of Mitzvot*, the *Sefer HaBatim* engages thoroughly with the rationale behind the Mitzvot and their deeper meanings, an endeavor which Maimonides left for his *Guide for the Perplexed*. The goals and contents of HaKochavi's *ta'amei ha-mitzvot* also differ greatly from those of Maimonides. While Maimonides offers a unified, philosophical-historical set of rationales for the *mitzvot*, HaKochavi's aims, sources, and theories appear to be far more diverse and variegated. On a first reading, his books of *mitzvot* and his book on matters of faith can give the impression of a fundamentally eclectic, even somewhat pluralistic thinker. HaKochavi gives a range and multiplicity of reasons for many of the *mitzvot*, quoting the full gamut of Jewish sources available in his day, addressing himself to multiple audiences, and polemicizing against diverse groups while simultaneously making room for multiple legitimate approaches to Judaism. The reasons he gives for the *mitzvot* range from the sanitary and educational, moral and political, to the astrological and philosophical. He ascribes a range of reasons and modes of fulfillment of many *mitzvot* for people of differing intellectual and spiritual levels. He quotes freely from thinkers as different as R. Yehuda HaLevi and Maimonides. His work seeks to polemicize against intellectual foes as diverse as Karaism, Christianity, Islam, radical Maimondeanism, and anti-philosophical Judaism. As much as he polemicizes against anti-philosophical Judaism, he readily acknowledges the legitimacy and value of philosophically unsophisticated Jewish piety.

¹ I am indebted to my father-in-law, Rabbi Michael Rosensweig, for raising my awareness about the *Sefer HaBatim* and its novelty

Upon closer examination however, a far more unified theory emerges. In Mitzvah 1², he makes clear that the goal of all the *mitzvot* is to achieve knowledge of G-d. Some *mitzvot* further that goal directly, others indirectly: “So too positive *mitzvot*, some are primary, and some serve the primary ones, and their goal is all one, and it is to come to the knowledge of G-d, may He be exalted, and His apprehension³.” He mentions this “end goal” of the *mitzvot* in numerous locations throughout the work⁴. The “knowledge of G-d” to which he refers is ideally and primarily intellectual and philosophical; as he goes on to explain in Mitzvah 1 and elsewhere. And so, all *mitzvot* further the cause of man’s knowledge of G-d, either directly or by providing an “intellectual insight⁵” or furthering man or society’s physical or spiritual/intellectual well-being. So despite the book’s diverse audiences and goals, a unified philosophical theory of *mitzvot* emerges.

If we are to construct a unified picture of HaKochavi’s understanding of *ta’amei ha-mitzvot*, however, we need to account for two other anomalies in his thought. The first is the great, sometimes supreme, significance which he accords to the enterprise of *ta’amei ha-mitzvot*. Not only does he open his book on theology with a discussion of *mitzvot*, but he goes on to say in the introduction⁶ that “the complete perfection from man in virtue of his humanity is that he try to apprehend the intent of the *mitzvot* and their ends after fulfilling them in action.” He then makes clear that this pursuit of the reasons for the commandments is actually obligatory.

The second anomaly is one which characterizes HaKochavi’s entire *Sefer Mitzvah-*the assiduous, almost painstaking attention to the details of the *mitzvot* in constructing *ta’amei ha-mitzvot*. To take one example, he does not suffice with explaining that *Tefillin*

²All references to *Sefer Ha-Batim- Sefer Mitzvah* and *Sefer Emunah*, refer to HaKochavi, David. *Sefer HaBatim*, ספר אמונה, בית תפילה בית הקודש, Ed. Moshe Hershler. Machon Shalem, Jerusalem 1982. I have abbreviated *Sefer Mitzvah* as SM and *Sefer Emunah* as SE

³ Translations of the *Sefer Ha-Batim* are my own

⁴ E.g. Mitzvot 2, 8, 146, 157

⁵ HaKochavi’s term is “הערה שכלית”. This probably connotes something in between insight and inspiration. As I believe “insight” captures more of the term’s meaning I have chosen that translation in the text’s main body.

⁶ Page VI, ed. Hershler

(*Mitzvot* 6-7) serve as a reminder of key themes in Judaism, but feels compelled to explain the differences in the structure of the head and hand *Tefillin*, the significance of the number four, the precise location of the *Tefillin* on the hand and head respectively, the precedence of the donning of the hand *Tefillin*, the greater sanctity of the head *Tefillin*, the relationship of the head and hand *Tefillin* and the blessings upon them, the rules governing the making of the straps, the requirement of making a *shin* and a *dalet*, the requirement of a clean body while wearing *Tefillin*, the exemption from *Tefillin* on Shabbat and Yom Tov, and the requirement to repeatedly touch the *Tefillin*. Similarly, with regard to *ma'aser sheni*, the second tithe (*Mitzvah* 125), he not only explains that its goal is to provide sustenance while one makes the tri-annual pilgrimage to Jerusalem, to motivate the pilgrimage, and to motivate Torah learning while in Jerusalem, but he also explains why one may redeem the fruits onto money, why one must add a fifth specifically when redeeming one's own fruits, the exemption of women from adding a fifth, the limitations on what may be purchased with *ma'aser* money, and which elements of the *mitzvah* are applicable nowadays. This attentiveness to detail is evident in almost every *mitzvah* in the Batim, and constitutes a sharp contrast with Maimonides who wrote⁷ that attempting to explain the details of the commandments is a fool's errand. Why does HaKochavi accord such prime importance to the enterprise of *ta'amei ha-mitzvot*, and why does he focus so intently on the minutiae? In this thesis, I will attempt to answer these questions. To do so, let us first turn to analyze HaKochavi's treatment of the *Mitzvot* of belief in G-d (1) and Torah study (4).

The *Mitzvah* of Belief in G-d

Following Maimonides' lead, HaKochavi counts belief in G-d as the first *mitzvah*. As this *mitzvah* is "a great principle", he expounds upon it at length. He begins by proving that belief is in fact a *mitzvah*, and then describes its centrality as the goal of all

⁷ *The Guide for the Perplexed*, 3:26. This is of course complicated by the fact that Maimonides himself suggests reasons for details on occasion. See Josef Stern, *Problems and Parables of Law : Maimonides and Nahmanides on Reasons for the Commandments (Ta'amei Ha-Mitzvot)*. SUNY Press, 1998.

other *mitzvot*. Later in his exposition of the *mitzvah*, he sets out to prove that intellectual inquiry with the goal of reaching true knowledge of G-d is obligatory. He further posits, on the basis of various verses, that apprehension of G-d is the most desirable objective for man, “and *mitzvot* and good deeds are not equal to this”. He then explains that the primary path toward knowledge of G-d comes through the movements of the spheres, which the scientifically and philosophically trained individual will then be able to trace back to the First Cause. Similarly, regarding the *mitzvah* of establishing the calendar (146), he writes that this *mitzvah* requires knowledge of astronomy which also leads to knowledge of G-d. He adds that although this *mitzvah* is primarily incumbent upon the court, there is a *mitzvah* מִדְּבַרֵי סוֹפְרִים⁸ upon everyone to study astronomy in order to achieve knowledge of G-d. This all highlights the central importance of the study of philosophy⁹ in Torah life for the Batim. As he emphasizes time and time again, the goal of all the *mitzvot* is to achieve knowledge of G-d, a knowledge which is for him primarily philosophical.

HaKochavi further explicates his position vis. a vis. philosophy in his *Sefer Emunah*¹⁰. There he engages in an imaginary dialogue with a philosopher who posits that the *telos* of man is to walk in the image G-d, perfect his character, purify his intellect, and ultimately unite with the Active Intellect. HaKochavi responds that no one is born a philosopher or with perfect character, and only through the practice of the Mitzvot as handed down by tradition can one ensure that he develops properly to lead the meaningful life and ultimately achieve philosophical perfection. After convincing the philosopher, HaKochavi takes him to his side to combat his other intellectual foes.

⁸ This term generally refers to Rabbinic enactments. However, in the works of Maimonides this term is often used in ways which are highly complex and ambiguous, and may possess some Biblical stature. HaKochavi’s use of the term here is significant, since he has clearly implied in Mitzvah 1 that seeking G-d through astronomy is part of the Biblical *mitzvah* of belief in G-d. As we will see below, he concedes that this *mitzvah* is multi-faceted, and may be fulfilled on some level even by the non-intellectual. Therefore, he may believe that the specific *mitzvah* for everyone to engage in astronomy is Rabbinic, although it is of clear value on the Biblical level and further constitutes a Biblical-level fulfilment of the *mitzvah* of belief in G-d.

⁹ Although we have just cited astronomy in particular, HaKochavi clearly refers to the philosophically-oriented study of astronomy and likely would not draw a sharp line between the two disciplines.

¹⁰ Pg. 140-141

So HaKochavi here seems to concede that philosophical knowledge of G-d is the ultimate end, and Mitzvot are the methodology to achieve it. This would seem to lessen the value of Mitzvot for those who are already accomplished philosophers. This was in fact a trend among radical Maimonideans in Provence at the time¹¹. However, nothing could be further from HaKochavi's own position. As he emphasizes elsewhere¹², he greatly prefers the simple, pious Jew over the antinomian philosopher. He spells out clearly that his ideal is the man whose pious devotion to *mitzvot* is only strengthened by his philosophical inquiry. So the impression HaKochavi gives in the context of his polemic with the philosopher may be slightly skewed. As we shall see later, HaKochavi's passionate delight in the *mitzvot* and their minutiae bespeak a more nuanced approach, while retaining the assessment of knowledge of G-d as the ultimate goal. As Moshe Halbertal¹³ documents, HaKochavi projected a centrist "Torah and philosophy" ideology which he shared with contemporaries such as Rabbi Menachem HaMeiri, in contrast to the opposing camps of anti-philosophy traditionalists and radical Maimonideans which also existed in his time.

Earlier in HaKochavi's exposition of the first *mitzvah*, he delves into the controversy over whether belief ought to be counted as a commandment. Interestingly, he does not quote the objection of Nahmanides¹⁴ that belief is a prerequisite to the commandments and not a commandment itself. Rather, he quotes the "people of inquiry" who object as follows:

All the *mitzvot* were given to the masses in a way that they can fulfil the *mitzvot* to their true essence, but this *mitzvah*, if one wants to reach its true essence, needs many introductions, and the knowledge of the wisdoms in their entirety...and how can one say that this would be given over to the masses such that they

¹¹ See Moshe Halbertal, *Between Torah and Wisdom (Heb.)*. Magnes Press, 2000.

¹² E.g. SM pg. 285-287

¹³ *Between Torah and Wisdom*. On HaKochavi in particular, see pp. 181-216

¹⁴ *Hassagot to Sefer Ha-Mitzvot* of Maimonides, 1

would be punished when they don't fulfil it, and they don't have the ability to fulfil it? (SM pp. 21-22)

HaKochavi's response is both fascinating and critical to our inquiry, so it bears quotation at length:

And one who is puzzled about this *mitzvah*, it is because he has inquired as to its goal, and if so he should be puzzled also in all the *mitzvot*...and even in the easiest one it is possible to ask this, for they all come in truth for an intellectual insight which is not in the power of the masses to apprehend. If so, we are not left with any difference between this *mitzvah* and the easiest *mitzvah* in the Torah, for all were given to the masses for some clear purpose. (ibid. pg. 22)

HaKochavi's initial response fits perfectly into his unifying scheme for the *mitzvot*. In truth, there are no "easy" or "simple" *mitzvot*; all *mitzvot* participate in the process of man's intellectual perfection and apprehension of G-d. So the problem of accessibility to the masses which the "men of inquiry" raised is endemic to all *mitzvot* and cannot be solved by stripping belief in G-d of its *mitzvah* status. Rather, an entirely different solution is in order:

Therefore we shall say, that the idea of this *mitzvah* which is fit to reveal to the masses in their entirety, is that they should believe in the existence of a Divine being orchestrating all, and this is truly needed for the intellectual and the non-intellectual, for "a wild ass is born a man¹⁵", and in the beginning of his thought, based on what appears to him in the matter of existence, he will think that the world has no leader, but that all matters are according to their nature, like the *Apikorsim*, or will attribute Divinity to the sun or moon since its action is seen, like the ancients erred in the days of Enosh. Therefore, it must be transmitted to him that there is one Existent who orchestrates all. And when this is transmitted to him by tradition, maybe he will be inspired afterward to inquire further until

¹⁵ Job 11:12. Translation taken from JPS 1985 edition

he reaches knowledge of the truth of G-d's existence. And even if he will not reach this level of wisdom, he will believe strongly that this G-d is one and is the leader, who gave us the Torah and the *mitzvot*, and he will fulfil the *mitzvot* "which man shall do and live by them". (ibid. pg. 22)

HaKochavi cautions us not to confuse the process with the goal. Although the goal of the *mitzvah* is the philosophical apprehension of G-d, the process must begin with tradition¹⁶. Tradition inspires inquiry while simultaneously anchoring and guiding it. This point is strengthened by the remarkable exegetical insight which follows:

But the utterance which came for this *mitzvah* teaches that man should not inquire about this a great inquiry, but as if it is a thing known and clear to them from what they have seen from the wonders, and to us from the tradition. For the word "I" connotes something known and seen, like one who presents himself before another after he has been truly acquainted with him and he says "I am so and so who did this great good for you which you cannot deny", and this is that which he said "who has taken you out of Egypt from the house of bondage". (ibid. pg. 22)

The word "אניכי" is the point of departure for Jewish philosophy, its inspiration, its goal, and the source of its boundaries. In HaKochavi's understanding, G-d essentially says "Here I am" in revelation and tradition, "come find me more intimately through philosophy". For HaKochavi, belief in G-d is not merely the *foundation* of religious life; it is a life-long process whose pinnacle is the *goal* of religious life. The fact that it is a process which begins with tradition provides a dimension of the *mitzvah* which is wholly relevant to the philosophically unsophisticated masses. As HaKochavi explains elsewhere, each *mitzvah* provides meaning and edification on multiple levels. All this further explains why HaKochavi is unconcerned with Nahmanides' contention that belief is the foundation for *mitzvah* and therefore cannot be one of the *mitzvot*. For as we

¹⁶ This may also be the intent Maimonides in the Guide (III:27). I thank Dr. Daniel Rynhold for this reference.

have explained, belief is so much more than just a foundation or a static state for HaKochavi. Rather, it is a dynamic process and an activity which we are enjoined to engage in, a *mitzvah par excellence*. Its *mitzvah* status is further grounded for HaKochavi by the continuation of "אנכי"- "Who has taken you out of the land of Egypt". It is our indebtedness to G-d for the Exodus which provides the normative push to seek deeper knowledge of the Divine. So belief is not the foundation of the *mitzvot* for HaKochavi, but instead the Exodus provides a foundation for the *mitzvah* of belief. This understanding may also explain HaKochavi's choice to label the *mitzvah* "להאמין" ("to believe"), in keeping with the common translation of Maimonides in his *Sefer Ha-Mitzvot*¹⁷, rather than "לידע" ("to know"), Maimonides' choice in *Mishneh Torah*¹⁸. Scholars have long debated the precise meaning of the Arabic term "אתעקד" which Maimonides used in the original text of *Sefer Ha-Mitzvot*, and HaKochavi's choice of להאמין rather than לידע is surely significant here¹⁹. Within the framework we have developed, this choice makes perfect sense. "To know" G-d is the ultimate goal of the *mitzvah*, not the *mitzvah* itself. As the "men of inquiry" pointed out, it would be unfair to require the masses to achieve philosophical knowledge which is beyond their reach. As HaKochavi goes on to explain, even the philosopher needs to start with tradition-based belief, upon which he builds his philosophical inquiry. Knowledge is the end-goal, belief is the active process. It is the activity and the process which define the essence of the *mitzvah*.

In fact, the knowledge of G-d which is humanly achievable is limited in important ways. Much of the remainder of HaKochavi's exposition of the *mitzvah* of belief constitutes an extended mediation on the both the possibilities and the boundaries of human inquiry and apprehension. He does this through the prism of the stories of the burning bush and Moses' quest to apprehend G-d at Sinai, with extensive

¹⁷ Mitzvah 1

¹⁸ *Hilchot Yesodei Ha-Torah* 1:1

¹⁹ Although he may have simply been copying the Hebrew text of Maimonides' *Sefer Ha-Mitzvot* which he had before him, in nonetheless behooves us to understand how he integrated this term of "להאמין" into his understanding of the *mitzvah*.

quotation from Maimonides' *Guide*. Before G-d's revelation at the burning bush, Moses is told "do not come near". In HaKochavi's philosophical exegesis, this comes "to teach that man's intellect has a boundary beyond which it is impossible to inquire." Only one who respects this limit will merit to "behold the visage of G-d". HaKochavi connects this to Maimonides' admonition in the *Guide*²⁰ that skipping steps and jumping too far ahead in intellectual inquiry can be disastrous. As HaKochavi explains, only by extirpating one's desires and recognizing the bounds of inquiry will one be ready to achieve the maximum human knowledge of the Divine. He then goes on to quote and develop Maimonides' exegesis of the dialogue between G-d and Moses at Sinai. Maimonides²¹ understands that Moses requested knowledge of G-d's traits and His essence. G-d responded that His essence cannot be comprehended, but He revealed to Moses His traits which are His actions and the maximum apprehension of G-d Himself which is possible for man. G-d is known to man primarily, if not exclusively, by His actions. HaKochavi²² quotes someone who objected that Moses would not have requested something philosophically impossible. He responds that this story is meant to teach us the limits of human intellect, and "this is not a deficiency in Moses, for it is known that every inquirer longs to apprehend G-d, may He be exalted, if it is in his ability". Moses then understood, whether through philosophical argument or prophecy, that what he sought was impossible. So there is nobility to the quest and the thirst for G-d, even though it can never be fully requited. The desire for the Divine is infinite, but ultimately it must be disciplined. In *Sefer Emunah*²³, he also works to delimit the bounds of human inquiry, understanding the Talmudic opprobrium for one who asks "what is before" as referring to one who inquires after G-d's essence. Rather, we should inquire after G-d through the science of nature, though even that must be guarded from the masses. Through this method, we may aspire to knowledge of the truth of G-d's existence. Nonetheless, we must also believe in certain propositions which are

²⁰ 1:5

²¹ *Guide* 1:21

²² *Sefer Mitzvah*, pg. 41

²³ Pg. 44

accessible only through tradition and not through reason. As proof-text he cites the verse “and on your understanding do not rely²⁴” and the comment of the sages “In recompense for ‘and he feared’, he merited to ‘and the visage of G-d he beheld’²⁵”. Throughout one’s intellectual quest, both tradition and inquiry continue to play crucial roles. In a sense, one’s goal in this endeavor can never be fully achieved, thereby imbuing the quest itself with ever greater significance.

The Mitzvah of Talmud Torah

This brings us to the *Sefer Ha-Batim*’s understanding of the *mitzvah* of *Talmud Torah* (Torah study). HaKochavi places a remarkable emphasis upon this *mitzvah*, even moving it from Mitzvah 11 in Maimonides’ count to Mitzvah 4 in his own. As he cites from the sages²⁶, Torah study is of supreme importance, even in comparison with other critical Mitzvot. Why is this so? For HaKochavi, the story really begins with the *mitzvah* of the love of G-d (Mitzvah 3), which he also counts earlier than Maimonides, placing it immediately before the *mitzvah* of Talmud Torah. He explains that the love of G-d serves to further the goal of knowledge of G-d, “for the definition of love is to cling to one’s beloved in order to find in him what one seeks²⁷.” He then explains that the primary method for achieving this is Talmud Torah! He cites Maimonides to the effect that this love comes through the grasping the truths of the Torah, which include apprehension of the truth of G-d’s existence. He goes on to bolster this idea with a citation from the Sifrei that the way to achieve “and you shall love the Lord your G-d” is through “and these words which I am commanding to you today shall be on your heart”, referencing the words of the Torah. In other words, says HaKochavi, “it is as if He said ‘place these things upon your intellect’, for through their inquiry one will come to love G-d²⁸.” Therefore, he explains, one should dedicate all his thought and study to achieving these truths which lead him to the love and knowledge of G-d, and this

²⁴ Proverbs 3:5 (translation my own)

²⁵ BT Berakhot 7a

²⁶ JT Pe’ah 1:1, Bereishit Rabbah 35:3

²⁷ SM, p. 50

²⁸ Ibid., p. 51

should be one's goal in Torah study. He explains that this is the intention of the verse "...But in this shall one be praised, in becoming enlightened and knowing Me..."²⁹. As he says regarding the *mitzvah* of the love of G-d, "And the way to truly achieve this *mitzvah* is with the knowledge of the ends of the intentions of the Torah and the *mitzvot*, and that is what is called Torah Lishmah (for its own sake)"³⁰.

So HaKochavi truly places *Talmud Torah* at the center of religious life. Belief in G-d is the first *mitzvah* and knowledge of G-d is the goal of life, but they both constitute a life-long process which is accomplished through the medium of *Talmud Torah*. A key component of this theory is the unique integration of Torah and philosophy which he proposes. On the one hand, he subsumes the study of general philosophy and science within the *mitzvah* of Talmud Torah since they are needed to achieve knowledge of G-d³¹. Simultaneously however, he intimates that the more traditional elements of Talmud Torah are also themselves a profound form of philosophy. For as we have explained, HaKochavi believes, on the basis of Maimonides, that the philosophical quest leads one to the boundary of human knowledge, at which point it becomes clear that G-d's essence cannot be known, and the only way to know G-d is through His actions and His Mitzvot. Although Maimonides does not consistently include Mitzvot here (at least explicitly³²), HaKochavi makes this a central tenet of his philosophy. So for HaKochavi, philosophy comes full circle- tradition inspires the philosophical quest for G-d, which then leads one to understand that G-d can only be known through nature and Mitzvot, which then leads one to study the Mitzvot with renewed zeal as a form of philosophy! In the introduction to *Sefer Ha-Batim* (SE pg. 6), HaKochavi quotes a beautiful passage in Maimonides which is often understood to refer primarily to the religious experience of nature, and harnesses it toward his theory of Talmud Torah. Maimonides states (Yesodei HaTorah 2:2): "When a person contemplates His wondrous and great actions and creations and sees in them His infinite wisdom, immediately he loves and praises

²⁹ Jeremiah 9:23 (translation my own)

³⁰ SM pg. 51

³¹ See SM, Mitzvah 5 (pg. 59) and elsewhere

³² See below

and glorifies, and experiences a great desire to know the Great Name, as David said, 'My soul thirsts for G-d, for the living G-d.' HaKochavi identifies this great desire and the means for requiting it with Talmud Torah: "For with the desire for G-d and when he secludes himself to know His actions and the intentions of His Mitzvot, he will come to the knowledge of G-d which is the ultimate goal." He then declares that this enterprise is at the heart of his entire treatise: "And after G-d has informed us all this and we have seen that inquiry and study into the foundations of the Torah and the intentions of the *mitzvot* and their ends is obligatory upon us, we have been inspired to quest and inquire and behold the wonders of G-d and His actions, so that we may know His great benefactions...to benefit our souls". As we see in this passage, HaKochavi places particular emphasis upon understanding the intentions of the *mitzvot*, not just their content. Regarding the love of G-d (Mitzvah 3), he writes that it is achieved by knowing "the end of the intention of the Torah and the *mitzvot*"³³. As quoted above, HaKochavi believes that "the complete perfection from man in virtue of his humanity is that he try to apprehend the intent of the *mitzvot* and their ends after fulfilling them in action"³⁴." This focus on the ends of the *mitzvot* likely relates to the Aristotelian conception of scientific knowledge which Maimonides seems to have ascribed to, in which truly knowing something requires knowledge of its causes, including its final cause or *telos*, "that for the sake of which something is done or exists"³⁵. It is this conception which underlies Maimonides' enterprise of rationalizing the commandments in the third part of the *Guide*. For HaKochavi, this pursuit of the reasons and goals of the commandments not only demonstrates their rationality, but also constitutes a path toward knowledge of G-d. By truly "knowing" G-d's *mitzvot*, we are led to know G-d to the best of our ability.

³³ SM, p. 51

³⁴ SE pg. VI. Compare Guide 3:54

³⁵Rynhold, Daniel. *Two Models of Jewish Philosophy: Justifying Ones Practices*, pg. 13. Oxford University Press, 2005.

Polemical Concerns and Rabbinic Exegesis

HaKochavi then adds that he was inspired to write this work for an additional reason: to combat those who deny the interpretations of the sages and follow the literal meaning of the Bible. Therefore, he says, we will “investigate...the *mitzvot* and their intention, and we will explain the clear benefit in doing the *mitzvot* exactly as we do them”. Most critically, “when we search and study the great analysis of our Rabbis...in the matters of the *mitzvot*”, we will see “that through their explanation and their reaching the hidden depths of the Torah, they made all darkness into light and all pitfalls into plains”, thereby leading the deniers to see “the honor of our Torah” and call us a wise and clever nation and see that the name of G-d is called upon us³⁶. However, it is clear from his writings here and elsewhere that this polemical purpose is not divorced from his more fundamental purpose in studying the *mitzvot*. As we see in this passage itself, HaKochavi strongly believes that the details of the *mitzvot* as explicated by the sages reflect their great wisdom in apprehending the deeper ideas behind the *mitzvot*, which is precisely the element of Torah study which HaKochavi identifies as the means to achieving the ultimate end, knowledge of G-d. As mentioned at the outset, this belief in the critical importance of the details of the *mitzvot* is born out throughout the work, as he hones in on the details of each *mitzvah* and how they relate the larger goals of that *mitzvah* and *mitzvot* in general. But he makes this point even more explicitly in a number of other places.

In *Sefer Emunah* (pg. 157), he addresses those who claim that Rabbinic interpretation of the Bible contradicts the meaning of the text. He responds firstly that the Rabbis’ basis is a tradition tracing back to Sinai. He then posits that the very claim that Rabbinic interpretation contradicts the text reflects a poor understanding and study of the idea of the *mitzvah* and its intention. For, as he explains, “the idea of the *mitzvah* and its intention is what brings them [i.e. the Rabbis] to interpret” the Biblical text as

³⁶ SE pg. VII

they do. As an example, he cites “an eye for an eye³⁷” which the Rabbis read as monetary compensation. The text itself suggests this interpretation, for actually gouging the eye of the offender could kill him, thereby subverting the precise tit for tat which the verse clearly intends.

A seeming difficulty with this approach of the *Batim* is that it appears to reflect the approach of the *tanna* Rabbi Shimon who is “דורש טעמא דקרא”, or “expounds the reasons of Scripture”, establishing the details of the laws on the basis of the reason for each *mitzvah*. The problem is that this view of Rabbi Shimon is roundly rejected by the majority of the sages of the Mishna as well as subsequent Halakhic decisors. Interestingly, HaKochavi explicitly embraces the view of Rabbi Shimon at the outset of *Sefer Emunah* (pg. 23), citing his view as support for the enterprise of studying *ta’amei ha-mitzvot*. So HaKochavi seems to understand that the majority of the sages do not categorically reject Rabbi Shimon’s enterprise of seeking the reasons for the *mitzvot*, but merely deny his specific application of that enterprise to Biblical exegesis. Of course, HaKochavi assumes, all agree that Biblical verses must be read in light of the larger ideas behind them and not with a narrow literalism. That is why even the sages can agree to interpret “an eye for an eye” in light of the intention of the verse. Rabbi Shimon, however, goes a step further and asserts that new details and caveats which are not hinted in the text can be added to the *mitzvah* on the basis of its reason. This is where the majority view objects. In light of this understanding of the disagreement between R. Shimon and the Rabbis, HaKochavi is justified in adducing R. Shimon as support for the enterprise of *ta’amei ha-mitzvot*- for the value of enterprise itself is universally embraced, and that aspect of R. Shimon’s credo of “דרשין טעמא דקרא” is instructive even within the majority view which limits its application.

Soon after discussing “an eye for an eye”, HaKochavi addresses a slightly different challenge which is lodged at the sages- how do they derive such lengthy and elaborate sets of laws on the basis of very terse Biblical passages? He responds in a

³⁷ Exodus 21:24

similar manner, that this phenomenon stems from “the vast breadth of their understanding of the intentions of the Mitzvot and their explanations”³⁸. He cites as an example the prohibition of consuming a *t'reifa*, a mortally injured or sick animal: “For one who contemplates what they carefully derived in the matter of the *treifuyot* according to their tradition from Moses at Sinai, will understand and apprehend the idea of the prohibition of the *t'reifa*, and he will understand that the prohibition is because of disease and putrefaction³⁹”. On this basis the sages determined that mortally ill animals are classified as *t'reifa*, and that giving birth or surviving for a day or year after the onset of an illness or injury can prove it was not mortally ill and thereby remove the status of *t'reifa*. So it is precisely the nitty-gritty details of the Halakha which most clearly reflect the larger ideas behind the *mitzvot*. For this reason, HaKochavi roundly rejects those who devote all their study to philosophy and suffice with rote observance of the commandments (SM, pg. 287), “for with the observance of the commandments and their rigors with the explication of our holy Rabbis, which cannot be truly known without inquiry and investigation, the Torah of G-d will become clear, and the intentions of the *mitzvot* will become known in truth, and then man shall do them and live by them.” He reserves even harsher words for those contemporaries who were lax even in observance and claimed to fulfil the philosophical essence of the Torah. His ideal, rather, is one who serves G-d with passion and fulfils the *mitzvot* with rigorous attention to detail and also engages in philosophical study to further his knowledge of G-d.

The Unified Picture

Having laid out various key elements, we are now poised to understand HaKochavi's unified philosophy of *mitzvot*. Man's highest goal, and the ultimate goal of the Torah, is to achieve knowledge of G-d. The two primary and most basic *mitzvot*, belief in G-d and belief in His oneness, directly further this goal. All other *mitzvot*

³⁸ SE, p. 158

³⁹ Ibid.

further this same goal, with varying degrees of directness. The most basic level of the *mitzvah* of belief in G-d refers to belief on the basis of tradition, something accessible to all people at all stages of education. However, the *mitzvah* further exhorts us to engage in philosophy to achieve the maximum possible knowledge of G-d, the goal of the Torah. Sound philosophical inquiry leads one to the conclusion that apprehension of G-d's essence is impossible; He can only be known through His actions, which consist of nature and G-d's commandments. The study of both, with particular focus on their reasons and causes, leads one inexorably to apprehend G-d, the First Cause, to the best of human ability. It is this process which HaKochavi labels as "Torah Lishma", Torah for its most essential sake. So Torah exhorts one to the study of philosophy, which in turn points one to the careful study of the *mitzvot* as a form of philosophy, one of two viable paths to the apprehension of G-d. This obviously lends supreme significance to the enterprise of *ta'amei ha-mitzvot*, but also informs its methodology. Just like the apprehension of G-d through nature requires careful study of physics and metaphysics, apprehension of G-d through the *mitzvot* requires rigorous study of the content of the *mitzvot*, accounting for every detail. As most *mitzvot* do not come with a Biblical explanation of their reasons, our best guide to the larger ideas behind the *mitzvot* is careful study of their details and the patterns behind them, in a way rather akin to Rabbi Joseph B. Soloveitchik's method of "reconstruction" outlined in *The Halakhic Mind*⁴⁰. In HaKochavi's understanding, the best guides to this process are the sages of the Talmud, who were masters at understanding the larger ideas behind the *mitzvot* and their relation to the details. So the first *mitzvah* inspires philosophy, which in turn inspires the pursuit of *ta'amei ha-mitzvot*, which then inspires rigorous study of the details of the *mitzvot* as explicated by the sages of the Talmud. This is the credo which underlies HaKochavi's entire *Sefer Mitzva*, which seeks inspiration in the beauty of each *mitzvah* and edification in the larger ideas behind each *mitzvah* as reflected by its details. We now turn to illustrate HaKochavi's method through a number of examples.

⁴⁰ Soloveitchik, Joseph B. *The Halakhic Mind*. Macmillan, 1985. In particular, see pgs. 81 and 88

The *Mitzvah* of *Shema*

The reason for the *mitzvah* of reciting the *Shema* (Mitzvah 5), as understood by HaKochavi, is readily apparent in the verses themselves- to instill in us the love of G-d and belief in His oneness. HaKochavi's real contribution here is to show how all the details of this *mitzvah* flow seamlessly from its larger goal. The sages instituted three paragraphs to instill three key themes- accepting the yoke of Heaven, the importance of observing the *mitzvot*, and the importance of remembering the *mitzvot* and the Exodus. This *mitzvah* must be done daily, morning and night, so that these themes will frame our consciousness throughout the entire day, and even as we sleep. The sages instituted blessings surrounding the recital of the *Shema* to round out its themes and add complementary ones to the *Shema* experience. The elevated and spiritually attuned state which result from this process provide the perfect opportunity to meet G-d in prayer. For this reason the sages placed tremendous value on praying the *Amida* immediately following the *Shema* and its blessings. The recital of the *Shema* requires a clean body and environment in order to facilitate the intellectual insight which it is meant to produce.

That was the straightforward part. However, HaKochavi's sensitivity to Halakhic and exegetical detail lead him to uncover an additional dimension of this *mitzvah* and its significance- the relationship to Talmud Torah. As HaKochavi points out, the simple meaning of the verses of the *Shema* seem to exhort us to the continual study of Torah, not necessarily to the recital of this passage itself. However, the Rabbis' careful study of "the intentions of the *Mitzvot* and their perfection" led them to conclude that the passage of *Shema* was in fact commanding its own daily recital. For the passage clearly demands the daily recital of words of Torah which will serve as a reminder and inspiration to the love and oneness of G-d, the ultimate purpose of Torah study. However, since not all Torah passages directly accomplish this (think lists of names in Numbers), the Rabbis concluded that the *mitzvah* must refer specifically to the recital of this passage which explicitly discusses the oneness and the love of G-d. In this way, the *Shema* serves as a twice-daily encapsulation or "short-cut" to the ultimate goal of

Talmud Torah. This, says HaKochavi, is why the Rabbis state that one who says the *Shema* morning and night has fulfilled his basic obligation of Talmud Torah⁴¹. Similarly, this is why one who is engaged in Torah study must stop to recite the *Shema*, for the *Shema* more directly touches the ultimate purpose of Talmud Torah than the rest of Torah does- “for the recital of the *Shema* is more specifically directed to the acceptance of the kingship of Heaven and its apprehension than Talmud Torah in a such small amount of time⁴²”.

The Mitzvah of Terumah

While with regard to the *Shema*, the larger themes illuminated the details, in the *mitzvah* of *Terumah* (121), the details help identify the theme. HaKochavi begins by citing Maimonides who views the *teruma* tithe to the *Kohanim* as part of the larger framework of charity, as the *Kohanim* do not receive a share in the land of Israel. He respectfully demurs, however, and places *terumah* squarely within the framework of other “firsts” which the Torah designates for G-d- the firstborn, the first fruits, the first grains (the *omer* sacrifice), and others. This is in keeping with the verses which refer to the *terumah* as the “first” of our produce. HaKochavi then adduces his key proof from the law of “חיטה אחת פוטרת הכרי” - one grain exempts the entire heap. The fact that there is no minimum amount to the *teruma* according to Torah law makes perfect sense if the idea is simply to designate the “first” to G-d, but it is very difficult to understand if the primary intention of the *mitzvah* is to provide sustenance to the *Kohanim*. On HaKochavi’s account then, why is the *terumah* in fact given to the *Kohanim*? He deftly answers this question by concluding that the *terumah* was “eaten by the *Kohanim* who eat the bread of their G-d”, subtly referencing the notion of ⁴³“כהנים משולחן גבוה קא זכו”, that the *Kohanim* are eating “at G-d’s table”, so to speak. In other words, the *terumah*

⁴¹ Although HaKochavi does not mention this, his theory also explains perfectly why the blessing of *Ahava Rabba* which precedes the recital of the *Shema* can also serve as the *Birkat HaTorah* (blessing over Torah) for one who had not recited it already (see *Mishneh Torah Hilkhos Tefillah* 7:10)

⁴² SM, p. 63

⁴³ See, for example, BT Menachos 6b

isn't really for the *Kohanim*; it is for G-d, who then chooses to "feed it" to His *Kohanim*⁴⁴. HaKochavi further bolsters his position two *mitzvot* later in explaining the sharp contrast between *terumah* and *ma'aser*. The consumption of *terumah* is strictly prohibited to a non-Kohen or one who is ritually impure, whereas *ma'aser* subject to neither of these strictures. This is because the *terumah* is sanctified to G-d, whereas *ma'aser* is merely intended as sustenance for the Levites.

The *Korbanot*

The *mitzvot* of the *Korbanot*, the sacrifices, provide a related, but even more complex example of HaKochavi's methodology. HaKochavi (Mitzvah 37) begins by citing Maimonides' position in the *Guide* that the purpose of the *Korbanot* was to wean the Israelites off their idolatrous habits by providing them with a monotheistic outlet for the forms of worship to which they had been accustomed. HaKochavi cites a number of Midrashim which support this view, and rejects the views of others who fell to the temptation of seeing the *Korbanot* as a means of channeling Heavenly forces. He then addresses a number of attacks which were levelled at Maimonides' view: If the sacrifices were merely a means for weaning the Israelites off of idolatry, why did the patriarchs and earlier figures offer sacrifices, why do the prophets look forward to the restoration of the sacrifices, why all the innumerable details, and why are the sacrifices described in such elevated terms as coming close to G-d and the like? Although not referenced by name, these critiques are those of Nahmanides⁴⁵.

HaKochavi's initial response hews close to Maimonides' ideas. He explains that any action which comes for the perfection of our souls or the removal of false beliefs is of utmost importance and fit to be termed "coming close to G-d". Since *korbanot* combat idolatry, they are worthy of this designation. And since the sacrifices walk such a fine line between combatting idolatry and embracing it, the Biblical verses and the Halakha

⁴⁴ He acknowledges, however, that the Rabbinic directive to give between 1/60 to 1/40 as *teruma* is in keeping with Maimonides' understanding of the *mitzvah* to sustain the *Kohanim*

⁴⁵ In his commentary to the Torah, Leviticus 1:9

ascribe critical importance to one's thoughts when offering a sacrifice. Along the same lines, sacrificial worship was limited to one centralized location and a select group of priests to ensure that it would be properly directed toward G-d. Regarding other details like the obligation to sacrifice on the holidays and after certain states of ritual impurity, HaKochavi initially suggests that these were part of the old sacrificial regimen which the Israelites were not ready to abandon.

However, he then effects a profound pivot with the understated transition "or it is possible":

Or it is possible, that when the wisdom of G-d decreed that they should be commanded regarding the sacrifices according to the intention that Maimonides wrote, it was the Divine wisdom that the command of the *korbanot* should come in a way that an idea could be apprehended from them. That is to say, that they should be awakened through the sacrificial acts to something for which the sacrifices come. (SM, p. 123)

In other words, Maimonides' explanation of *why* G-d commanded the sacrifices does not exhaust the internal meaning of precisely *what* G-d commanded. Once G-d decided there was to be an institution of *korbanot*, He chose to imbue it with internal meaning which both amplifies and transcends the motivation of weaning the Israelites from idolatry. HaKochavi begins by explaining the internal meaning of the *Korban Olah*:

For the *Olah* which is completely burnt to bring a pleasing aroma, for the insight that coming close to G-d is with the **destruction of the material and bodily aspect**⁴⁶ and will be left in his spirit alone, the *Olah* is upward and then it will be for them a pleasing aroma before G-d...and it will be a hint to the diminution of his blood and fat which facilitate his bodily life, and they are the reason for man's sin...and with this intention the Rabbis said 'a soul who shall bring from you a sacrifice' - 'I consider it as if he has offered his soul before Me'. (ibid)

⁴⁶ Emphasis my own

The symbolism of the *Olah* not only adds significance to the institution of *korbanot* beyond the weaning from idolatry; it actually amplifies and enhances that very theme! Idolatry seeks to find or channel the Divine in the physical world⁴⁷, whereas the *korbanot* and the entire framework of the *Mikdash* inspire man to seek the Divine by transcending physicality. HaKochavi makes this abundantly clear in his presentation of the Mitzvot relating to the structure and function of the *Mikdash*. He defines the purpose of the *Mikdash* (Mitzvah 19) as follows: "To have in it figures and vessels and institutions which will give insight into reality, in order to achieve knowledge of the existence of G-d and His unity which is the purpose of everything, and...that this should be a uniquely designated place to pray and serve G-d, for with the designation of a place, one's intellect will be more concentrated and aroused to come to the truth⁴⁸." Later he defines the *Mikdash* as "a place of study and insight for the people of our nation⁴⁹". This is why the sages (Berakhot 33) say that one who has knowledge, it is as if the *Mikdash* had been built in his days. The vessels of the Temple symbolize different levels of reality- the intellects (*Keruvim*), man (the ark), the spheres (Menorah), and the lower world (the table and showbread). The command to fear the *Mikdash* (Mitzvah 20) symbolizes the need for caution in intellectual inquiry and comes to guard against the danger of seeing the *korbanot* in primarily physical terms. The song in the *Mikdash* (Mitzvah 22) comes to arouse the intellect, as does the offering of the incense (Mitzvah 28). The fire on the altar (Mitzvah 28) symbolizes the destruction of the powers of the body and the inspiration of the soul. The various forms of impurity (see Mitzvah 89) epitomize matter and physicality, and are therefore banished from the realm of the *Mikdash* which is all about transcending physicality through reason.

The beauty of these *mitzvot* in HaKochavi's conception is not difficult to fathom. The intricate web of *mitzvot* and details surrounding the *Mikdash* and *korbanot* not only provide an acceptable outlet for habituated forms of worship, but themselves aid and

⁴⁷ See SM, Negative commandment 2

⁴⁸ SM, p. 99

⁴⁹ Ibid., p. 100

inspire the transition from physical worship of physicalized gods to the intellectual worship of the one, radically non-physical G-d. This transition is most clearly expressed in HaKochavi's thought on the *mitzvah* of sanctifying G-d's name (Mitzvah 11) and the fascinating connection he draws to the institution of *korbanot* and the story of the *Akeda*. The *mitzvah* of sanctifying G-d's name in life and in martyrdom is derived from the verse, "and I shall be sanctified in the midst of the children of Israel⁵⁰". Ever sensitive to the nuance and context of Rabbinic exegesis, HaKochavi addresses the question of this verse's relevance to martyrdom. After all, the context of the verse is a discussion of various laws of *korbanot*. What does this have to do with martyrdom? HaKochavi explains:

The accurate study of the exalted nature of the *mitzvot* and their intentions brought them [i.e. the Rabbis] to this [interpretation]. It is known that one of the intentions of the *korbanot*...is for an insight, as if he has sacrificed his fat and blood to G-d and he will arouse his intellect. Our Rabbis said, "'A man who shall sacrifice from you' - I consider it as if you have sacrificed yourselves before me". And because there were some early forms of worship that they would sacrifice themselves or their children to the service of their gods, G-d commanded that they should bring the animals in exchange for themselves, for G-d has not commanded that He should be worshiped with their bodies but rather with their souls. (SM, p. 74)

For this reason, HaKochavi explains, G-d showed Abraham at the *Akeda* that he did not truly desire the body of his son, but rather the worship of his heart which would be symbolized and inspired by the offering of a ram in exchange. That exchange is at the heart of the institution of *Korbanot* for HaKochavi- the exchange of a religious approach of physicalizing the Divine to one of transcending the physical through the intellectual worship of the Divine. That is why for most *mitzvot*, the Halakha allows and demands that one violate rather than give up his life, for "the *mitzvot* were for the life of man, for

⁵⁰ Leviticus 22:32

the sake of his soul, as Scripture states, ‘which man will do an live by them’, and our Rabbis said ‘and not that he should die by them’⁵¹”. Physical martyrdom of the body is not the ideal service of G-d; He much prefers the service of souls and intellects in life. However, says HaKochavi, some sins are so heinous that they constitute or cause the utter corruption and death of one’s soul and intellect or those of others: idolatry, *arayot*, murder, public desecration of G-d’s name, or the wholesale outlawing of *mitzvah* observance. In these situations, G-d says “I ask of you a sacrifice of your souls, that you should sacrifice yourselves before me for the sanctity of my name.⁵²” When one does this, says HaKochavi, “he has already aroused his intellectual soul to cling to G-d and live forever.⁵³” So in truth, there is no better context in which to introduce this *mitzvah* than that of the *korbanot*.

This conception of the *korbanot* which emerges from HaKochavi’s presentation fits neatly with the hierarchy he proposes (Mitzvah 13, pg. 82) in which Talmud Torah is the most elevated mode of Divine worship, followed by prayer, and only then sacrifices. This hierarchy, also visible in the order in which these commandments are counted by HaKochavi, reflects the ultimate preference of intellectual over physical worship of G-d. With all this in mind, we are now poised to detect an added layer of significance in HaKochavi’s harsh dismissal of those whose interpretation of the *korbanot* swayed toward the channeling of Heavenly forces (Mitzvah 37). For this view not only misses the entire point of *korbanot* for HaKochavi; it actually embraces precisely the pagan conception of sacrifice which *korbanot* seek to overturn!

HaKochavi does not explicitly identify the proponents of this theurgically-leaning interpretation of the *korbanot*, but Moshe Hershler points to Nahmanides as one of the prime candidates in his footnote. Nahmanides’ dense esoteric comments in Leviticus 1 are open (or closed, as the case may be) to interpretation, but they certainly

⁵¹ Ibid., p. 73

⁵² Ibid., p. 74

⁵³ Ibid., p. 73

could be construed as leaning in that direction⁵⁴. As HaKochavi himself admits that the words of the “men of speculation” on this matter “have not become clear to me”⁵⁵, Nahmanides’ comments here would certainly fit the bill. Given that this would not be the first time HaKochavi referred to Nahmanides under the title of “the men of speculation”⁵⁶ and his subsequent engagement with Nahmanides’ comments on the sacrifices one paragraph later under this same title, Hershler’s identification of Nahmanides here is persuasive. This *mitzvah* is therefore fertile ground for exploring the complex ways in which HaKochavi navigates between Maimonides and Nahmanides in his *ta’amei ha-mitzvot*.

Between Maimonides and Nahmanides

After sharply dismissing the theurgic view of the *korbanot* in which he may have implicated Nahmanides, HaKochavi goes on to respond to the critiques Nahmanides levelled at Maimonides’ view in the Guide. His second suggestion on behalf of Maimonides, however, is strikingly similar to the first suggestion which Nahmanides himself offers! As quoted above, HaKochavi suggests that Maimonides may agree that the internal meaning of the *korbanot* is the symbolic exchange of the animal for oneself, representing the destruction of the material body, the source of sin. Nahmanides’ had written (Leviticus 1:9) as follows:

“And he should burn in fire the innards and the kidneys which are the organs of thought and desire, and the legs corresponding to the hands and legs of man which do all his work, and he should sprinkle the blood on the altar corresponding to his lifeblood, and he deserves to have his blood spilled and his body burnt if not for the kindness of the creator who accepted a replacement, and this sacrifice atones that his blood should be in place of his blood, a soul for a soul.”

⁵⁴ See Stern, Problems and Parables of Law pg. 141 who actually interprets Nahmanides in this manner

⁵⁵ SM, p. 121

⁵⁶ See Hanuka (pg. 13, footnote 60) citing Sefer Emuna (pg. 50)

Although important differences are no doubt discernable⁵⁷, the structural similarity between Nahmanides' interpretation and HaKochavi's is unmistakable. So HaKochavi and Nahmanides offer similar explanations, one in alleged rejection of Maimonides, and one allegedly in his defense! This irony highlights something much deeper about HaKochavi's *ta'amei ha-mitzvot* - the extent to which, despite his deep allegiance to Maimonides over Nahmanides, his *ta'amei ha-mitzvot* actually bear far greater resemblance to those of Nahmanides than those of Maimonides in key structural and methodological respects. Rabbi Joseph B. Soloveitchik⁵⁸ memorably presents Maimonides and Nahmanides as archetypal proponents of the "causalistic" and "retrospective reconstruction" methods of *ta'amei ha-mitzvot*, respectively. Maimonides in the Guide represents the "causalistic method" which R. Soloveitchik identifies with "the 'how' question, the explanatory quest, and the genetic attitude⁵⁹" - why did G-d decide to command this particular act? Nahmanides, in contrast, represents the method of "reconstruction", which seeks to discover the internal, subjective religious meaning of the Mitzvot in the objective data of the innumerable details of the Halakha. Maimonides' reasons address *why* the *mitzvah* was commanded; Nahmanides' reasons address the internal meaning of *what* was commanded. In a related manner, Josef Stern⁶⁰ contrasts reasons for the legislator with reasons for the performer. On both of these scores, HaKochavi falls much closer to Nahmanides than Maimonides. As we have seen, HaKochavi's entire enterprise is centered on finding the beauty and meaning of each *mitzvah* in the ways it promotes the knowledge of G-d through its detailed Halakhot. In doing so he often focuses on the symbolism and the "הערה שכלית", or "intellectual insight" which the *mitzvah* engenders in the performer. G-d's reasons for commanding the Mitzvot are simply not his concern.

⁵⁷ For example, HaKochavi may reject Nahmanides' understanding that the organs of thought are being symbolically destroyed here. For HaKochavi, this sacrifice symbolizes the destruction of man's material side and the elevation of the intellectual. However, to the extent that certain organs symbolize sinful thought, HaKochavi may agree that they relate to man's material side. I thank Dr. Daniel Rynhold for pointing this out to me.

⁵⁸ *The Halakhic Mind*, note 108

⁵⁹ HM, pg. 92

⁶⁰ *Problems* *ibid.* pg. 92 and elsewhere

So it comes as no surprise that the interpretation of the *korbanot* which HaKochavi endorses is quite close to one of Nahmanides' preferred explanations. Why then this odd polemical triangle? Why does HaKochavi claim to reject Nahmanides while using Nahmanides' own view to defend Maimonides, while Nahmanides claims to reject Maimonides while embracing a view which HaKochavi, at least, found to be a plausible interpretation of Maimonides? To resolve this perplexity we must widen our perspective on Maimonides' view of *ta'amei ha-mitzvot*. After harshly critiquing Maimonides' *ta'amei ha-mitzvot* in the Guide, R. Soloveitchik goes on to contrast them with Maimonides' own explanations in Mishneh Torah which are in far greater consonance with his preferred method of reconstruction:

...the halakhic code (the Mishneh Torah) apprehends the religious act in an entirely different light. The *Code* does not pursue the objective causation of the commandment, but attempts to reconstruct its subjective correlative. It would seem that the Maimonides of the Halakha was not intrigued by the "how" question. He freed himself from the genetic purview and employed a descriptive method of expounding the content and symbolic meaning of the religious norm. The "what" question was his guide in the *Code*. (p. 94)

R. Soloveitchik cites three examples in which Maimonides in Mishneh Torah offers descriptive reasons which contrast sharply with the general method in the Guide: the blowing of the *shofar*, purification in the *Mikveh*, and resting on the Sabbath. In the case of the shofar, the reason offered in the Guide is actually quite similar to that in Mishneh Torah, but in the last two examples a sharp contrast prevails. In both cases, HaKochavi (Mitzvot 100 and 147) endorses the reason offered in *Mishneh Torah* over that of the *Guide*. In the case of the *Mikveh* (Mitzvah 100), he explicitly contrasts the view he endorses on the basis of *Mishneh Torah* with the view expounded in the *Guide*. So HaKochavi's brand of Maimonideanism has clear roots in *Mishneh Torah*. As we saw earlier however, HaKochavi sometimes goes a step further in claiming that even the causal explanations of the *Guide* can leave room for his internal descriptive

explanations. This approach rests on the highly plausible assumption that *Mishneh Torah* and the Guide are not two radically opposing works, but are largely amenable to integration. Maimonides' pursuit of the "why" in the Guide does not preclude him from acknowledging the importance of the "what" in *Mishneh Torah*.

One oft-cited example of the tension between the Guide and *Mishneh Torah* is the case of שילוח הקן, the *mitzvah* of sending away the mother bird. In the Guide⁶¹, Maimonides writes that the reason is out of mercy for the mother bird and dismisses the Mishnaic dictum, that one who says "on the bird's roost your mercy extends" is silenced⁶² as reflecting the rejected view that *mitzvot* stem from pure, reason-less Divine will. In *Mishneh Torah*, however, he codifies precisely that view in the Laws of Prayer (9:7). Josef Stern⁶³ posits that Maimonides could never have intended that G-d's mercy on the individual animal is the reason for the commandment, for he himself states earlier in the Guide (3:17) that Divine providence does not extend to individual members of non-human species. Rather, he likely intended something far closer to Nahmanides' interpretation (Duet. 22:6) that the commandment seeks to inculcate in *the performer* the trait of compassion, thereby avoiding any contradiction with the Talmudic interdiction upon claiming that the *mitzvah* stems from G-d's mercy upon the bird. Nahmanides (*ibid.*) however, presents his view in contrast to that of Maimonides. Strangely enough, he actually cites as proof an argument which Maimonides himself adduced in the Commentary to the Mishna and *Mishneh Torah*! Clearly, there is something more than meets the eye in Nahmanides' relation to Maimonides position here. Stern documents notes the parallel to this ambiguity in Nahmanides critique of Maimonides on the *korbanot* and elsewhere, claiming that all these examples reflect what Stern⁶⁴ calls "Nahmanides' ambivalent, tense relation to Maimonides" which he speculates may stem from "his own ambivalent, tense position in the Maimonidean Controversy." As Stern continues,

⁶¹ III:48

⁶² Mishnah *Berakhot* 5:3

⁶³ *Ibid.* pg. 77

⁶⁴ *Ibid.* pg. 143

Nahmanides may have wished to distance himself openly from some of the most radical of Maimonides' conclusions (or what they were commonly believed to be) while, or perhaps because, he also knew the degree to which his own explanations were in fact indebted to him. In language Nahmanides uses in his introduction to the Commentary on the Torah to describe his relation to another commentator, his relation to Maimonides is one of "open rebuke and concealed love".

I would like to suggest that a parallel (though not identical) relation exists between HaKochavi and Nahmanides. We have already seen how HaKochavi vigorously rejects the interpretation of the sacrifices which emerged from Nahmanides' school, while then embracing Nahmanides' first interpretation under the guide of a defense of Maimonides. In the *mitzvah* of שילוח הקן, a parallel phenomenon occurs. HaKochavi (Mitzvah 141) cites Maimonides' reason in the Guide (i.e. mercy on the mother bird), but then says we must somehow explain the other opinion in the Talmud. His suggestion is that the *mitzvah* is meant to refine our character, just as Nahmanides had suggested! Moreover, we have seen how HaKochavi's general methodology in *ta'amei ha-mitzvot* parallels Nahmanides far more closely than the Maimonides of the *Guide*. Why then, does HaKochavi consistently identify with Maimonides and push back against Nahmanides? I believe that the same way Nahmanides felt that despite many similarities and influences, the Guide represented a philosophical and theological "camp" which he fundamentally opposed, HaKochavi likely felt the same way toward Nahmanides, despite the striking similarities in methodology and content between them. To HaKochavi, Nahmanides, and even more so his students like R. Solomon ben Aderet (Rashba), represented the anti-rationalist camp which sought to replace philosophy with a mysticism which, in his Maimonidean eyes, occasionally bordered on heresy.

HaKochavi instead sought to ground the full richness of his thought within the Maimonidean corpus through the beautiful integration of the Guide and the *Mishneh*

Torah which he achieves in his *Sefer Mitzvoa*. He develops a path, latent in Maimonidean thought, to not only justify, but ascribe supreme significance to, the *Mishneh Torah*-esque pursuit of *ta'amei ha-mitzvot* though the method of descriptive reconstruction in a way that is thoroughly integrated into the philosophical project of achieving the knowledge of G-d. As Rabbi Soloveitchik puts it in *The Halakhic Mind*⁶⁵, "Through the method of reconstruction, God's word, the "letter of the scriptures, becomes an inner world, a certainty, insight, confession" of the G-d-thirsty soul."

Conclusion

In this study, we have attempted to explain three key features of R. David HaKochavi's *Sefer Mitzvoah*: the tremendous importance he ascribes to the pursuit of *ta'amei ha-mitzvot*, his painstaking analysis of the details of the *mitzvot*, and the seemingly diverse and variegated motives behind this work. Through the pursuit of these questions, we have uncovered the unified theory and methodology behind this work. We have seen that for HaKochavi, the ultimate purpose of human life and of the *mitzvot* is the pursuit of the knowledge of G-d. This is the essence of the *mitzvoah* of belief in G-d. All other *mitzvot* aid in the achievement of this goal, with varying degrees of directness. The most direct mode for achieving this knowledge is philosophy. However, both philosophy and Scripture teach us of the limitations of philosophy. Therefore, the focus shifts to seeking knowledge of G-d through nature and, most prominently, Torah study. By studying every detail of G-d's word and analyzing the larger concepts and goals behind it, we achieve the love and knowledge of G-d. This is precisely the enterprise in which HaKochavi seeks to engage in his *Sefer Mitzvoah*, thereby explaining the great importance which he accords to details of the *mitzvot* and their reasons. Through this endeavor, HaKochavi simultaneously deflects his varied polemical foes (the Karaite, the radical philosopher, the anti-philosophical pietist) by showing that only the philosophically-informed yet pious pursuit of Torah observance and study, guided by the Talmudic masters, can offer the richest and most efficacious path to the

⁶⁵ Pg. 81

ultimate goal, the knowledge of G-d. Finally, we've demonstrated the workings of HaKochavi's method through a number of examples and shown how it locates HaKochavi on a fascinating point on the spectrum between Maimonides and Nahmanides, and between the Maimonides of the *Guide* and the Maimonides of *Mishneh Torah*. Fruitful avenues for further research would include analysis of HaKochavi's other extant works in light of this analysis, as well as comparison of his ideas with those of his rough contemporaries like Jacob of Anatoli, Levi ben Avraham, and Nissim of Marseille.

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