

# Mitzvot

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## 1. Introduction

In Judaism, mitzvot (singular: mitzvah) are commandments that God gives humans, especially the Jewish people. Rabbinic Judaism recognizes several categories of mitzvot: mitzvot that God gave non-Jews (the Noahide laws—*mišvot bene noah*); mitzvot that God gave Jews in the Torah (*mišvot de'orayta*); and rabbinical mitzvot (*mišvot derabbanan*), instituted by rabbis using authority vested in them by the Torah. This entry explores connections between mitzvot and skepticism pertaining to the topic of the reasons for the mitzvot (*ta'ame hammišvot*, on which see Heinemann 2008), distinguishing between various forms of skepticism regarding *ta'ame hammišvot*.

## 2. *Ta'ame Hammišvot* and Skepticism

In considering connections between skepticism and *ta'ame hammišvot*, it will be helpful to distinguish between *epistemological skepticism*, which denies that we can know the reasons for the mitzvot, and *metaphysical skepticism*, which denies that the mitzvot have reasons at all.

### 2.1. *Epistemological Skepticism*

Many Jewish thinkers have held that the reasons for some mitzvot are unknowable or very difficult to know. This *epistemological skepticism* appears in Rabbinic literature at Numbers Rabbah XIX, 3-6 (Slotki 1983, 748-757). At XIX, 3, Rabbi Isaac says that Solomon, with his extraordinary wisdom, understood the reasons for many seemingly arbitrary mitzvot, but even he

was not able to understand the reason for the mitzvah to sacrifice the red heifer, the ashes of which were used to purify anyone who came in contact with a corpse, although those same ashes made impure those who were pure. This implies that even some reasons for mitzvot other than sacrificing the red heifer are difficult to grasp, which is why grasping them required Solomon's wisdom. At XIX, 5, Rabbi Joshua of Siknin says in the name of Rabbi Levi that there are four mitzvot "that the evil inclination criticizes [as irrational]" (Slotki 1983, 755), each of which is called a "statute" (*huqqah*): the prohibition of sex with one's brother's wife (apparently irrational because the Torah commands levirate marriage of a man to his brother's wife if his brother dies childless), the prohibition of wearing wool and linen together, the sacrifice of the red heifer, and the Day of Atonement's scapegoat ritual. The lack of response to the evil inclination's critique suggests that these mitzvot are beyond human comprehension. At XIX, 6, Rabbi Jose son of Hanina says that Moses was the only human who understood the reason for the mitzvah of the red heifer, and Rav Huna says that reasons for mitzvot that are concealed in this world will be revealed in the coming world. These statements suggest that the reasons for some mitzvot are mysteries which either cannot be known or can be known only by few, or only in an eschatological future, evincing skepticism about our ability to know *ta'ame hammišwot*. (Cf. also the parallel passage at Pesiqta de-Rab Kahana, pisqa 4, parah adummah, in Braude and Kapstein 2002, 88-97.)

While these statements in Numbers Rabbah address the *(im)possibility* of knowledge of *ta'ame hammišwot*, notable passages in the Babylonian Talmud address the *(im)permissibility* of inquiry into them. Yoma 67b discusses Leviticus 18:4 ("you shall do My judgements [*mišpatay*] and guard My statutes [*huqqotay*]"). The passage in Yoma explains that the word "judgements" means mitzvot such that "had they not been written, it would make sense that they be written,"

while the word “statutes” means mitzvot “that Satan criticizes [as irrational],” e.g., not eating pork, not wearing wool with linen, the *ḥaliṣah* ritual that exempts one from levirate marriage, the purification of a leper, and the scapegoat, concerning all of which God says “I the Lord make the statutes and you have no right to ponder them.” This source is similar to Rabbi Joshua of Siknin’s teaching, though the latter attributes the criticism to “the evil inclination,” a personification of the human urge to do evil, while the passage in Yoma attributes it to Satan. The passage in Yoma distinguishes between mitzvot that seem rational and those that seem irrational, dubbing the former *mišpatim* and the latter *ḥuqqim*, which became the standard terminology, and forbidding speculation about the reasons for *ḥuqqim*. (We take the phrase *lēharhēr bāhen* to mean “to ponder them,” though it may instead mean “to object to them.” Heinemann (2008, 186, note 14) understands it in the latter way. Cf. also the parallel passage in Sifra on Leviticus 18:4.)

In contrast to the passage in Yoma, which suggests that inquiry into *ta‘ame hammišwot* is forbidden, Pesahim 119a says that God concealed the “reasons of the Torah” but praises people who reveal them, suggesting that inquiry into *ta‘ame hammišwot* is not only permissible but praiseworthy.

Sanhedrin 21b says that the reason that God did not reveal the reasons for the mitzvot is that in the case of two mitzvot whose reasons He revealed—the prohibition that a king have too many wives (so that his heart not stray, Deuteronomy 17:17) and that he have too many horses (so that he not bring Israel back to Egypt, Deuteronomy 17:16)—Solomon thought the reasons did not apply to him and transgressed those mitzvot. The purpose of not revealing the reasons, then, is that people not think that they are exceptions to those reasons and consequently not do the mitzvot. This purpose seems applicable to all mitzvot, so this source reflects no distinction

between *mišpatim* and *ḥuqqim*. A parallel passage at Bava Metzia 115a shows that the issue is whether one can use *ta'ame hammišwot* to draw conclusions within halakhah, i.e., Jewish law (this is how Heinemann 2008, 24 interprets the passage). While these passages are about *mišwot de'orayta*, Avodah Zarah 35a applies this way of thinking to *mišwot derabbanan*, saying that when the rabbis made a new enactment, they would not reveal its reason for an entire year, lest someone not agree with the reason and consequently disregard the enactment. (Cf. also Shabbat 83b on a point of halacha whose reason was initially not revealed.)

*Ta'ame hammišwot* feature prominently in medieval Jewish philosophy. In *The Book of Beliefs and Opinions* III:Exordium and III:I-II, Saadia Gaon, who stresses the rationality of the mitzvot, nonetheless hints that there is an unknowable aspect to the reasons for some of them (Saadia Gaon 1948, 137-145; subsequent citations will be by treatise, chapter, and page number(s) in that edition). He divides mitzvot into two categories: “rational precepts” and “revealed precepts.” Rational precepts mandate (in)actions that reason approves. Revealed precepts mandate (in)actions “neither the approval nor the disapproval of which is decreed by reason” (II:I, 140). There is nonetheless a reason that God commands them, namely, to increase the merit of those who perform them. By doing actions that God commands, one becomes more worthy of happiness. (Cf. Mishna Makkot 3:16: “Rabbi Ḥananiah son of Akashya says: the holy one, blest is He, desired to make Israel meritorious. He therefore gave them much Torah and many mitzvot, as it is said, ‘the LORD is desirous of his righteousness, He makes Torah great and makes it glorious.’”) There are further incidental benefits that accrue from some revealed precepts. For example, the mitzvah of the Sabbath promotes rest. These benefits partly motivate God’s commanding of the revealed precepts. All this evinces confidence that we can know *ta'ame hammišwot*, but Saadia says of the incidental benefits that partly motivate the revealed

precepts, “I see fit, therefore, to note some of these motivations and discuss them, although the wisdom of God, blessed and exalted be He, is above all that” (II:II, 143). He also writes that although most revealed precepts have “utilitarian value,” “the wisdom and the view that the Creator had in mind in decreeing them is far above anything that men can grasp, as scripture says: For as the heavens are higher than the earth, so are My ways higher than your ways (Isa. 55:9)” (II:II, 145). Despite his attempt to rationalize the revealed precepts, then, Saadia maintains a skepticism about our ability to know the reasons for some mitzvot reminiscent of the views in Numbers Rabbah discussed above.

Saadia makes similar remarks about the unknowability of God’s reasons when speculating about another matter. Discussing why God allows prophets to suffer, Saadia says, “but of course God’s wisdom is above aught that can be said,” shortly thereafter quoting Micah 4:12: “But they know not the thoughts of the Lord, neither understand they his counsel” (II:IV, 150). It is possible, therefore, that the statements of Saadia that we quoted in which he hints at the unknowability of the reasons for some mitzvot reflect a general skepticism about the knowability of God’s reasons rather than a skepticism about our ability to know *ta’ame hammišvot* specifically.

Saadia’s tendency to rationalize the mitzvot is evident in his explanations of the red heifer and scapegoat rituals (II:X, 177-178), which Rabbi Joshua of Siknin seems to think unexplainable. Saadia writes that although the mitzvah of the red heifer may seem irrational because the ashes of the red heifer make the impure pure and the pure impure, it is actually common that the same phenomenon has opposite effects on different kinds of things. For example, fire liquifies lead but solidifies milk. While the scapegoat ritual may seem irrational because it may seem like a sacrifice to a demon Azazel, Saadia says Azazel is a mountain, not a

demon. Thus, what are mysteries for Rabbi Joshua of Siknin are rational for Saadia. While Saadia may express some skepticism about our ability to understand the reasons for some mitzvot, he is much less epistemologically skeptical than the rabbis in Numbers Rabbah.

There is lengthy treatment of *ta'ame hammišvot* in Maimonides' *Guide of the Perplexed* III:25-49 (Maimonides 1963, 502-613; subsequent citations will be by part, chapter, and page number(s) in that edition). In *Guide* III:25, Maimonides lays out four categories of actions: the futile, which aim at no end; the frivolous, which aim at an unnecessary and useless end; the vain, which aim at an end that they fail to achieve; and the excellent, which aim at and achieve a necessary or useful end. He writes that all God's actions are excellent, disagreeing with the Kalam school, which holds that none of God's actions aim at an end and all God's actions proceed from God's will rather than His wisdom. As a proof-text against this, Maimonides cites Psalms 104:24, which says that God does all His actions with wisdom. He takes this to mean that God does all His actions to achieve a necessary or useful end.

In *Guide* III:26, Maimonides applies this to God's acts of commanding. Because all God's actions aim at a necessary or useful end, all mitzvot must aim at such an end. Thus, they all have reasons. However, those reasons are not always clear. The *mišpatim* are mitzvot whose reasons are clear to "the multitude," the *ḥuqqim* those whose reasons are not. The *ḥuqqim* nonetheless have useful ends. Maimonides cites as a proof-text for this Deuteronomy 4:8, which calls both the *ḥuqqim* and the *mišpatim* "righteous." Maimonides is confident that he, unlike the multitude, understands the reasons even for most *ḥuqqim*. Maimonides also explains that, while every mitzvah has a reason, not every detail of every mitzvah has one. Some details serve only to make the mitzvot sufficiently specific. (Cf. the modern law that requires driving on the right rather than the left—there's no reason to have that law rather than the contrary, but one or the

other was necessary. However, see Stern 1998, ch. 2, who argues that this is not Maimonides' true view.)

In *Guide* III:27-28, Maimonides lays out three ends at which the mitzvot aim: inculcating correct opinions about God, preventing people from harming each other, and inculcating moral virtues. In III:29-32, he explains that the purpose of many apparently irrational mitzvot, especially those regarding sacrifices, is to eradicate idolatry. God commanded sacrifice because it was the standard mode of worship in antiquity and Israel would not have accepted a command not to sacrifice, so diverting sacrifice to the worship of God was the only way to turn them away from idolatry. (For an attempt to soften the radicalism of Maimonides' view of sacrifices, see Hendel 1973.) In III:33, he says that the purpose of some mitzvot is to limit lust for pleasure. In III:36-49, he considers the individual mitzvot, offering reasons for most of them. He admits ignorance only of the reasons for "those few whose purpose I have not grasped up to this time" (III:35, 538), leaving open the possibility that he may grasp them later. He thus does not seem to think that the reasons for any mitzvot are beyond human comprehension. He thinks that the reasons for most mitzvot that he does not understand pertain to eradicating idolatry and that he does not understand them only because he does not know enough about the idolatrous practices that those mitzvot are supposed to eradicate (III:49, 612).

Maimonides offers reasons for the four mitzvot that Rabbi Joshua of Siknin seems to think cannot be rationalized. Maimonides writes that the general reason for prohibited sexual relations is to make sex less frequent so that people not pursue sexual pleasure for its own sake. Incestuous unions (*'arayot*), including sex between a man and his brother's wife, are prohibited because the men and women whose unions would be incestuous often live in the same house and interact frequently, so such sex would be especially easy (III:49, 606). Levirate marriage

predated the giving of the Torah, which perpetuated it, presumably as a concession (III:49, 603). The reason it is forbidden to wear wool and linen together is that idolatrous priests used to do so (III:37, 544). The reason the scapegoat is sent away is that it symbolically bears the nation's sins in order to arouse a passion for repentance (III:46, 591). The reason one must be pure to enter the Temple is so that the temple be held in awe and reverence. To this end, the means of purification from more common sources of impurity are more difficult. The reason the ashes of a red heifer are necessary to purify someone who came in contact with or was in the same building as a corpse is that that is the most common source of impurity and red heifers are very rare. Making the means of purification from the most common source of impurity rare, combined with the requirement to be pure to enter the temple, increases the awe in which the temple is held (III:47, 594).

Thus, while Saadia accepts an *essential* epistemological skepticism about *ta'ame hammišwot*—the view that there are limits to the knowability of *ta'ame hammišwot* due to human nature—Maimonides accepts an *accidental* epistemological skepticism about them—the view that there are limits to their knowability due to contingent insufficiency of information. However, even Maimonides gives voice to essential epistemological skepticism. He writes, “our intellects are incapable of apprehending the perfection of everything He has made and the justice of everything He has commanded. We only apprehend the justice of some of his commandments just as we only apprehend some of the marvels in the things He has made ... What is hidden from us in both these classes of things is much more considerable than what is manifest” (III:49, 605-606). Perhaps this is a standard expression of humility rather than a serious expression of skepticism. It seems inconsistent with the overall thrust of this thought on *ta'ame hammišwot*,



which is accidentally, not essentially, epistemologically skeptical. (On this passage, see Stern 1998, 17-18.)

We have seen that Maimonides resists the view that any mitzvot lack reasons, the view we call *metaphysical skepticism*. However, he admits that some details of mitzvot lack reasons. (However, Stern 1998, ch. 2 argues that this admission is a mere “smokescreen” rather than what Maimonides really thought.) Furthermore, his view that the reasons for many mitzvot, including sacrifices, is eradicating idolatry suggest that in his own time, after idolatry’s waning, they lack reasons. This gives metaphysical skepticism a foot in the door, despite Maimonides’ rejection of it.

## 2.2 *Metaphysical Skepticism*

In addition to epistemological skepticism, on which we have focused thus far, the more far-reaching form of skepticism that we call metaphysical skepticism is also present in Jewish sources. According to this view, at least some mitzvot do not have reasons but are rather “the decree of the king.” An important representative of this skeptical view is Rabbi Judah Loew ben Bezalel (d. 1609), commonly called the Maharal of Prague. In his work *Tiferet Yisrael*, he begins his discussion of the topic of *ta’ame hammišwot* with the following statement: “There are some people—and they are people who probe the heart—who walk in the paths of the philosophers, inquiring into everything with their minds and intellects. ... They have created many ways to give a rationale and reason in accordance with their opinion, *which is far from the ways of the Torah and the ways of the sages*” (Loew 2000, ch. 6, 98, our emphasis; subsequent citations are given by chapter and page number in that edition). He goes on to mention some of the statements of Maimonides that we have mentioned as well as a statement of Nachmanides in which he too

seeks to give reasons for various mitzvot. The Maharal criticizes them both. According to the Maharal, the view that all mitzvot have reasons is incompatible with the halakhah's treatment of a number of topics and with statements of the ancient rabbis scattered across various loci in rabbinic literature.

One halakhic source on which the Maharal bases his view is a Mishnah in tractate Berakhot which forbids saying that mercy is the reason for the mitzvah of sending a mother bird away from her nest before collecting her eggs: "One who says 'let Your mercies arrive upon the nest of the mother bird' [while praying] ... is to be silenced" (Mishnah Berakhot 5:3). The Babylonian Talmud provides two different justifications for this law. Firstly, it suggests that someone who so prays "introduces envy into creation" (Berakhot 33b). As the Maharal interprets this, someone who understands the mitzvah of sending a mother bird away from her nest before collecting her eggs as a mitzvah based on mercy has to explain why God has mercy only on birds and not on other species. Since there is no reason for distinguishing between different species, such a person makes the species envious of each other. The second reason that the Talmud suggests is that someone who so prays "makes the traits of the Holy One, blest is He, into mercies when they are nothing but decrees" (Berakhot 33b). According to the interpretation of the Maharal, this second reason is essentially a continuation of the previous one: God decreed that we should do thus and not otherwise, and He decreed this regarding birds and not other species, indicating that the decree, and not the reason, is the final fact that stands at the foundation of the mitzvah. In other words, the reasons for mitzvot not only are not known to us but also do not stand at the foundation of the mitzvot. (Nachmanides, in his commentary on Deuteronomy 22:6, explains this Talmudic passage in a way consistent with Maimonides' view. According to Nachmanides, the two reasons that the Talmud suggests are distinct, and the correct

reason is that the person who says “let Your mercies arrive upon the nest of the mother bird” introduces envy into creation. The Maharal replies to Nachmanides at length. For lack of space, we have not treated of Nachmanides in this entry, though he is one of the most important thinkers about *ta’ame hammišwot*. On his views on this topic, see Stern 1998, chs. 4 and 6.)

An additional halakhic source upon which the Maharal bases his view is the Talmudic principle according to which “mitzvot were not given for benefit,” a principle which explains the permissibility of fulfilling mitzvot by means of objects benefitting from which is forbidden by halakhah (Rosh Hashanah 28a and other places in the Babylonian Talmud). For example, someone who takes a vow not to benefit from a shofar (the horn of an animal) is permitted to blow the shofar on Rosh Hashanah because doing so is a mitzvah, not a benefit to oneself. Likewise, someone who takes a vow not to benefit from a spring may immerse in the water of the spring to purify himself when it is a mitzvah to do so, provided that he does this during the winter, when, due to the cold, it is not pleasurable to do so, so that he is only fulfilling a mitzvah and not deriving the benefit of pleasure from the spring (Rosh Hashanah 28a). The Maharal argues that since the mitzvot were not given for our benefit, either in this world or in the coming world, they do not have reasons. Instead, the Maharal claims that “the mitzvot of the Torah were not given for benefit in this world but rather as a burden upon humanity,” and their general goal is to refine human beings (ch. 6, 107; cf. Wygoda Cohen 2022).

In addition to the halakhic sources that the Maharal cites, he supports his stance using aggadah, non-halakhic material in rabbinic literature. One piece of aggadah to which he appeals is a story at whose center is a dialogue involving “a certain gentile,” Rabban Yochanan son of Zakai, and his students. The story describes the gentile’s question, which views purification by

means of the red heifer as sorcery. Although Rabban Yochanan son of Zakai tells the gentile that it is indeed so, he tells the following to his students:

By your lives, I swear: the corpse does not have the power by itself to defile, nor does the mixture of ash and water have the power by itself to cleanse. The truth is that the purifying power of the Red Heifer is a decree of the Holy One. The Holy One said: “I have set it down as a statute, I have issued it as a decree. You are not permitted to transgress My decree. ‘This is the statute of the Torah’ (Num 19:1).” (Pesiqta de-Rab Kahana, pisqa 4, parah adummah, as translated in Braude and Kapstein 2002, 112).

According to the Maharal (ch. 8), this midrash, together with others, supports the claim that God’s mitzvot are not based upon natural reasons and the Torah is not “a book of medicine or a book of nature” (134), “for the Torah is not natural” (132). He concludes the chapter with a distinction between “mitzvot whose reasons are known, such as the mitzvot of charity and prayer and the mitzvot of filial piety and keeping away from theft and stealing,” whose purpose is clear, and other mitzvot which are based upon “a divine intellect” whose goal is to “remove the soul from nature” and to lead it to cleave to God (ch. 8, 137).

The following chart summarizes some of the points that we have covered thus far:

Thinker(s)	General Position	Specific Mitzvot
Talmudic Rabbis	Various expressions of epistemological skepticism; conflicting views about the permissibility of inquiry into <i>ta'ame hammišvot</i> .	Paradigm cases of <i>huqqim</i> include the prohibition of eating pork, not wearing wool with linen, and especially the red heifer, along with other mitzvot.
Sa'adia Gaon	Mostly confident in the rationality of the mitzvot, but with some admixture of essential epistemological skepticism: our human limitations limit our	Resolves certain apparent irrationalities in various mitzvot, including the red heifer.

	knowledge of <i>ta'ame hammišwot</i> .	
Maimonides	Accidental epistemological skepticism: the mitzvot aim at ends that we can understand, but at times we no longer have enough contingent information to figure out what those ends are.	Gives reasons for most mitzvot, even the red heifer.
Maharal	Metaphysical skepticism: a central subgroup of mitzvot have no reasons but rather are solely the decrees of God.	Uses various mitzvot as examples, including sending away the mother bird.

3. *Contemporary Philosophy of Halakhah*

Different versions of skepticism regarding *ta'ame hammišwot* also play a role in the contemporary literature on the philosophy of halakhah. Large parts of this literature deal with a distinction between two competing theses—“halakhic realism” and “halakhic nominalism”—as theories that provide a basis for the analysis of various concepts in halakhic literature (Silman 2012). In this article we will not spend extensive space on a systematic account of these theories. We should note that these two theories are really two families of theories, each of which has different versions (Lorberbaum, 2015; Cohen, forthcoming). As regards the present topic, we can say in general terms that halakhic realism claims that the mitzvot are based in the real nature of things while halakhic nominalism denies this. It seems that if we are to take metaphysical skepticism about *ta'ame hammišwot* seriously, then we must adopt the nominalist stance as regards the nature of halakhah. Of course, if we distinguish between mitzvot “whose reasons are known” and those based on a “divine intellect,” a distinction we mentioned briefly at the end of our presentation of the Maharal's position, then we might apply realism to some mitzvot and nominalism to others. We might also draw the line between mitzvot to which nominalism is

applicable and mitzvot to which a realist position is applicable differently from the Maharal's distinction between mitzvot whose purpose is clear and mitzvot whose purpose is not. For example, it might be thought that in the case of concepts such as purity and impurity, kashrut (permissibility of food), etc., which do not have an accessible naturalistic basis (as was mentioned in the discussion of epistemological skepticism), a nominalist position must be adopted, while in the case of other mitzvot we should adopt a realist position.

It is not clear whether the adoption of the nominalist stance as a theory about halakhah—as a second-order position—has practical consequences in halakhic discussions themselves—first-order discussions. However, it has recently been claimed that there are such implications for discussions of doubt in halakhah (Halbertal, 2020, ch. 1). In this article we cannot discuss Halbertal's claim, but if he is correct, then the discussion of meta-halakhic skepticism about *ta'ame hammišwot* bears upon the rich first-order halakhic discussion of the phenomenon of doubt in halakhah, a discussion that has garnered an extensive halakhic literature (on which see the entry on “halakhah” in this encyclopedia).

### 3. Open Questions

The present discussion of skepticism regarding *ta'ame hammišwot* leaves open a number of questions. Firstly, how did the historical and intellectual contexts in which the various thinkers whom we mentioned—Maimonides, Sa'adia Gaon, the Maharal of Prague—as well as other thinkers operated influence their views regarding the question of *ta'ame hammišwot*? For example, did the fact that the Maharal operated in the sixteenth century, when modern science was getting started, influence the formation of his views on *ta'ame hammišwot*? Secondly, what does a principled commitment to the existence of reasons for mitzvot, such as Maimonides' view,

imply about cases in which the reason is no longer applicable? On the assumption that mitzvot are completely based on their reasons, what justification can be given for a distinction between the mitzvah itself, which is still in force, and its reason, which is no longer applicable? For example, if the reason for animal sacrifice was to wean Israel off idolatry, should we expect a restored temple with animal sacrifice now that idolatry is less of a problem? (On this question, see Stern 1998, chs. 1, 2, and 6, and Pinchot 1999, 27.) A final open question is the philosophical question of whether it is acceptable to attribute arbitrary actions to God. Is it, as Maimonides thought, incompatible with God's perfection to attribute arbitrary actions to God, or are views such as that of the Kalam school and that of the Maharal compatible with God's perfection? These questions require further thought about the nature of skepticism regarding *ta'ame hammišvot*.

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