



*Parshat Tetsaveh:*

*In this shiur I discuss the reasons for the divergent classifications of the laws of the temple and the sacrifices in the Mishneh Torah and in the Moreh. I suggest that while the sacrifices were intended almost entirely to combat idolatrous practices, the Temple is also intended to publicize G-d's name in the world, a function it fulfilled admirably in the days of King Solomon. Maimonides conceives of his own writings as forwarding that same end.*

*Parshat Tetsaveh* continues the description of the plans for the *mishkan*. In last week's *parshah* we had commands for building the *mishkan* and its furniture and utensils: the *aron* with the *kheruvim* and the *kaporet*, the *shulhan* for the *lehem hapanim*, the *menorah*, the *parokhet* to hide the *kodesh kodashim*, and the altar. In this week's *parshah* we have the commands for the *ner tamid*, the clothing of the priests, the sanctification of the priests, and the *tamid* sacrifices of *shaharit* and *bein ha-arbaim*. After the commandments concerning the *mishkan* are seemingly completed, there is a further command to build an altar for incense.

Although most of the details of the laws of sacrifice are delayed until the book of Leviticus, it seems clear from this week's *parsha* that the laws of the construction of the *mishkan* and the laws of the sacrifices are closely interrelated. In *Mishneh Torah* Maimonides treats the laws concerning the structures of the Temple together with some of the laws of sacrifice, primarily those concerning community sacrifices, in the book of *avodah*. The rest of the laws of sacrifices, especially those brought by a private individual, are treated in the book of *korbanot*. This raises two questions: Why does Maimonides divide the laws concerning the temple and its service into two books? And why does he divide them in this way?

This question is particularly pointed since this is not the way he divides the discussion of the reasons for the commandments in the *Moreh*. Just as Maimonides divides the laws into fourteen classes in the *Mishneh Torah*, so too in his discussion of the reasons for the laws in the *Moreh*, he also divides them into fourteen categories. But they are not the same fourteen categories. Instead of dividing the laws of sacrifice into two parts, community sacrifices and private sacrifices, he distinguishes the laws relating to the structures of the Temple from the laws regarding the sacrifices.

Maimonides treats the laws concerning the structures in part three chapter 45:

The commandments of the tenth class are those enumerated in the laws of the Temple, the laws of the vessels of the Temple and its ministers, and the laws concerning entry into the *miqdash*. [These are the two opening sections of *sefer ha-avodah* -- *Moreh* 3.45]

He introduces chapter 46 as follows:

The commandments of the eleventh class are those enumerated in the remainder of the *sefer ha-avodah* and in *sefer ha-qorbanot*.

This seems like a more logical division of the material, if some division has to be made. But why do the divisions in *MT* and *Moreh* differ from each other?

In order to address this question, I will need to discuss the principles of Maimonides' systems of classification in the *MT* and in the *Moreh*. This question has been treated in detail by Professor Isidore Twersky in his *Introduction to the Code of Maimonides* (pp. 238-323), and has also been discussed in a series of public lectures by Professor Haim Soloveitchic. While Twersky describes the impressive achievement of Maimonides' classification system, and tries to explain its principles, while acknowledging some of its tensions, Soloveitchic draws attention to the peculiarities and weaknesses it contains. The case of the Temple and the sacrifices is one of them. Why does Maimonides treat them as distinct in the *Moreh*, while uniting them in the *MT*?

One factor that is rarely taken into consideration is the necessity to make divisions that are appropriate to the length of the subject matter. There are vast differences between the amount of material contained in the laws of sacrifice, for example, and the amount of material that is required to explain their purposes in the *Moreh*. Because of the length of the legal material, Maimonides cannot treat all the laws of Temple and sacrifice in a single book, so he divides them into *sefer ha-avodah* and *sefer ha-korbanot*. Maimonides has to divide the material; but he cannot divide it in accordance with the division of the *Moreh*. Since the sections treating the laws of the structures of the Temple and its utensils are very short, placing them in their own book, while placing all the laws of sacrifices in another, would have resulted in one very long and one very short book. Instead, Maimonides combined the laws of the Temple with some of the laws of the sacrifices, and placed the remainder of the laws of sacrifices in a separate book.

In the *Moreh*, however, where Maimonides explains the reasons for the commandments, this is not necessary. In contrast to the halachic discussions, the reasons for the laws concerning the temple and its utensils and the reasons for the laws concerning sacrifices each occupy similar lengths and each can be treated in a single independent chapter.

This approach helps explain many of the "problems" that have been discovered in Maimonides' classification of the *mitsvot*. An example is Maimonides' treatment of the laws of *aveilut*. Why does he place them in *sefer shofetim*? And, as Professor Twersky asks (Introduction p. 307), why do they not appear at all in the *Moreh*? Twersky argues that they are omitted from the *Moreh* because, from a philosophic point of view, death is merely a translation to a higher state, and therefore laws of mourning are not needed:

In the *Guide* Maimonides sees death as something "which in true reality is salvation from death," for one's intellectual apprehension "becomes stronger at the separation" of soul from body... This is how Maimonides understands the Rabbinic interpretation of the verse, So Moses... died there in the land of Moab by the mouth of the Lord (Deut. 34:5), indicating that he "died by a kiss." Death by a kiss really means "death which is a kiss," for after the apprehension of God "increases very powerfully, joy over this apprehension and a great love for the object of apprehension become stronger, until the soul is separated from the body at that moment in this state of pleasure. Clearly there is no room for grief and mourning when death is viewed from such a perspective. (p. 307).

The suggestion is intriguing, but its implications are disturbing. If Twersky is right, and death is nothing to mourn, this would mean, in effect, that there are no good reasons for the laws of mourning. But even if this were true, the fact that a philosopher would not find death disturbing or mourning necessary does not excuse Maimonides from the obligation to explain the reasons for the laws. After all, the *Moreh* is devoted to explaining these reasons, and since there are laws of mourning, it ought to explain them. If the *Moreh* were devoted to explaining only those commandments that are appropriate for philosophers, we would expect to find no discussion of the laws of sacrifice in the *Moreh*, since these too are unnecessary for a philosopher. And yet despite the difficulties these involve, Maimonides found rational explanations for the vast majority of them. Moreover, even if Maimonides believed that mourning is philosophically unnecessary, could he not have explained that the purpose of the laws of mourning is to reduce the temptation to mourn excessively and to place it within appropriate limits?

But the omission of the laws of mourning is probably less anomalous than Twersky assumes. As Rabbi Nahum Danzig has reminded me, Maimonides' chief concern in the *Moreh* is with the simple meaning of the laws found in the Bible. But there is no clear obligation to mourn found in a simple reading of the text of the Torah. Maimonides derives the Toraitic obligation for the first day of mourning from a verse in Leviticus (10.20) which does not speak about mourning at all.

Even if Maimonides is concerned to explain Talmudic law, he could not possibly discuss every one of the 613 commandments in the relatively short discussion in the *Moreh*. Innumerable laws are omitted there, not necessarily for any special reason. For example, Maimonides does not discuss the obligation to honor one's father and mother, or the reason for the prohibition of murder or of theft. The reason for many of these omissions is easy to see: Maimonides does not aim to explain those commandments whose reasons are obvious (see *Moreh* 3.26). Instead he concentrates on the laws that are more difficult to explain, such as sacrifices and other laws that do not serve any clear purpose. He does not discuss the reasons for the prohibition of murder, for the prohibition of theft, for the honoring of parents, or for the observance of mourning. The reasons are too obvious.

In the *MT*, on the other hand, Maimonides needs to record these laws. But it is not always easy to see where they should be placed. Mourning the dead does not closely resemble any of the other *mitsvot*. Ideally, it would have been treated in its own separate book. But since the material is not large enough to justify an independent book, Maimonides decided to place it towards the end of his composition, in the laws of judges. It is somewhat appropriate here, considering that it follows the discussion of the obligation to punish the rebellious elder by death, and precedes the laws of kings and their wars, which also involves the right to kill. This may not be a compelling reason, but as B. Cohen says with some exaggeration about the placement of the laws of inheritance in the book of *mishpatim*, "Maimonides did not have any more appropriate place" to put it. (Cited by Twersky p. 288). This is frequently an important consideration.

A similar approach may explain why, as L. Strauss has observed (Notes on Maimonides' *Mishneh Torah*), Maimonides sometimes refers to the first few chapters of *sefer ha-mada'* as though they were the entire book. In principle, these chapters, which constitute the laws of the foundations of the Torah, may well be the only ones that are truly scientific. But since they were not long enough to constitute a book in themselves, Maimonides added the rest of the book, and named the entire book *sefer ha-mada'*.

Thus the explanation of the division of laws of the temple and the laws of sacrifice seems simple. In the *MT* Maimonides seeks a point roughly in the center of the halachic material, and he finds that in the distinction between the communal and the private sacrifices. In the *Moreh*, he offers a more principled division, between the laws of the Temple and those of the sacrifices.

This explanation implies that the division in the *Moreh* is based on a more significant principle. As Twersky argues (*Introduction to the Code of Maimonides*, pp. 300-308), the classification in the *MT* is based on formal or structural similarities between the different *mitsvot*, while the classification in the *Moreh* is based on their educational purpose. For example, the laws of fasting are treated in the *MT* as part of the book of seasons, where all the seasonal holidays are treated, while in the *Moreh* they are classed as laws which concerns fundamental beliefs, since fast days are designed to remind us of G-d's providence.

One would expect, then, that the division of the laws concerning the Temple in the *Moreh* would represent a fundamental distinction between the *miqdash* itself and the sacrifices carried out in it. It is true that Maimonides offers similar explanations for both the laws of the Temple and the laws of Sacrifices: they are explained in large part by historical factors, by the desire to overturn the practices and beliefs of idolatry that were popular in the time of the Tanach. But there is an important difference of emphasis. When Maimonides discusses the laws of the Temple, his emphasis is on prayer and reverence, not sacrifice. He mentions the altar for burnt-offering once, but does not discuss it. And he mentions sacrifices only when he explains that the incense was designed to cover up their smell. The division in *Moreh* thus suggests that there is a fundamental distinction between the purpose of the sacrifices and the purpose of the Temple itself.

This distinction is rooted in the Tanach, in the descriptions of the altars built prior to the *miqdash*. These altars served many purposes other than sacrifice. For example, when Avram reaches Alon Moreh in the land of Canaan, and God informs him that this is the land he will give him, he builds his first altar: "And he built there an altar to Hashem who appeared to him." (Gen. 12.7) But there is no mention of any sacrifices being offered. After this he travels to a spot between Beit El and Ha-'Ai: "And he built there an altar to Hashem and called in the name of Hashem." (Gen. 12.8). Once again there is no mention of any sacrifice. These altars seem to be built as a way of staking a claim in the land for the new religious idea that Avram is founding.

After his sojourn in Egypt, Avram returns to "the place where his tent was at first, between Beit El and Ha-'Ai, to the place of the of the altar which he made there previously and Avram called there in the name of G-d." (Genesis 13.3-4). Once again, there is no mention of any sacrifice being offered. But here Avram does perform some activity at the altar: he calls out in the name of G-d.

There are several opinions about what exactly this means. Onkelos interprets it as prayer. Ramban says that "he would call out in a loud voice in front of the altar the name that expresses His divinity." In other words, he tried to spread a message about G-d. Similarly, when Moses builds an altar in Ex. 17.15 it says: "And Moses built an altar and called its name "G-d is my Insignia." By building an altar and calling it by the name of G-d, Moses creates a monument to the new religion.

Another major feature of the altar service is the writing and reading of the Law. In Exodus 24 3-8, after the people have heard the ten commandments, Moses builds an altar, and he also writes down "all the words of G-d". After sprinkling blood on

the altar, he then reads the “book of the covenant” and sprinkles blood on the people as well. Here the altar serves as a sacred space in which the law can be read with full effect.

In Deuteronomy 27, 2-8 G-d commands the people of Israel to build an altar when they enter the land of Israel. They are to paint it with whitewash and then write the words of the Torah on it. When Joshua does enter the land, this is exactly what he does:

Then Joshua built an altar to Hashem, G-d of Israel, on Mount Eival, as Moses the servant of G-d commanded the people of Israel, as is written in the book of the Torah of Moses, “an altar of whole stones that the iron has not hewn,” and they offered ‘*olot* to Hashem, and they sacrificed *shelamim*. And he wrote on the stones a copy of the Torah of Moses which he wrote before the people of Israel. (Joshua 8.30-32)

Here we see the altar serving as a sacred space where the Law is recorded. Later in the Temple itself, the Sanhedrin, which functions as the foundation and source of the oral law, will also find its seat beside the Temple.

Another function that the Temple can serve is as a means of attracting righteous gentiles. This is illustrated by the story of Malkat Sheva’ in 1 Kings 10. After Solomon completed the Temple, she came to visit him, “having heard of Solomon’s reputation (*shema*’) for the name of G-d.” When she arrived, Solomon first answered all of her questions. Then it says,

And the Queen of Sheva’ saw all the wisdom of Solomon, and the Temple that he built, and the food of his table, and the honor of his slaves and servants, and their clothes and drinks and the *olah* that he would bring in the Temple of G-d, and she had no more spirit left in her. And she said to the king, “It is true what I heard in my land about your words and your wisdom. But I didn’t believe it until I came here and my eyes saw it. In fact, I hadn’t even heard half of it. You have more wisdom and success than the reputation I heard. Your people and servants are fortunate to stand before you and hear your wisdom. May the Lord your G-d be blessed, who has chosen to place you on the throne of Israel because of G-d’s eternal love for Israel, and he made you king to judge righteously. (1 Kings 10.4-9)

Solomon’s wisdom is found not only in the answers he gave, but also in the structure of the Temple and its utensils. It was the Temple which persuaded her to visit Jerusalem, and which impressed her when she arrived. And it led her to offer a blessing in the name of G-d, as other righteous gentiles did in the pages of the Tanach.

For Maimonides, the idea of publicizing the name of G-d in the world is a central concept. In his description of the *mitsvah* of *kiddush ha-shem* in the book of commandments (positive *mitzvah* 9), Maimonides says that one of the aims of this commandment is “to publicize this true faith in the world.” In his time, this could not be effected by the Temple, but it could be done in other ways. At the beginning of the first, second and third parts of the *Moreh* Maimonides inscribes the words, “And he called out in the name of G-d the eternal lord.” This quotation comes from the period of Avraham’s sojourn in Be’er Sheva’ and describes his efforts to persuade the local residents to recognize the creator. Although this was performed beside an *eshel* tree, and not beside an altar, it is the same activity that he performed at the altars in

*Shekhem* and near *Beit El*. By inscribing these words prominently in his own book, Maimonides tells us that he sees the *Moreh* as a continuation of this service.