1. The mishnah presents us with an opening statement that translates the "very many" of the Torah into the concrete number eighteen. R. Yehudah suggests that that this is not an absolute limit, but rather a limit on the number of causing-to-stray wives he can have. R. Shimon suggests that it is an absolute, limit, but that he may not have even one causing-to-stray wife. In other words, R. Yehudah takes "very many" to apply to causing-to-stray wives, and R. Shimon to not-causing-to-stray wives.

The Talmud initially suggests that the argument between R. Yehudah and R. Shimon is based on whether they are willing to allow the rationale for the law, namely preventing his heart from straying, to modify the law. R. Shimon believes that if "very many" means 18, that limit cannot be exceeded even if we don't see the excess causing his heart to stray, whereas R. Yehudah believes that the limit should only be applied when it has that dangerous potential.

However, the Talmud notes, in a case in Bava Metzia R. Yehudah and R. Shimon appear to reverse positions. In Bava Metzia R. Shimon says that the verse banning the taking of collateral from widows only applies to poor widows. We presume that the only way she could provide collateral would be to mortgage her night things during the day and vice versa, meaning that she would have to appear at the lender's house every morning and evening, which would cause malicious gossip. R. Yehudah says that collateral may not be taken from a rich widow, even though giving collateral will not require her to be seen at the lender's house every morning and evening. Thus here R. Shimon allows the rationale to modify the law, and R. Yehudah does not!

The Talmud concludes that Sanhedrin is actually a special case, because with regard to the prohibition against kings having "very many" wives the Torah provides the rationale itself. This leads to an ironic reversal – R. Yehudah, who generally doesn't allow the rationale to modify the law, allows it to do so where the Torah provides the reason explicitly. R. Shimon, who generally allows the Torah's unstated rationales to modify the law, must explain why the Torah needed to state a rationale in this case. This problem leads to a complicated and confusing interpretation as a result of which it emerges that the number eighteen cannot be exceeded even when the rationale for it doesn't apply.

(My current reading of R. Shimon as interpreted by the Talmud here is as follows. Since we would have known that the rationale for the law was to prevent the king's heart from straying without the Torah's telling us so explicitly, it follows that this apparent rationale is actually an independent law telling the king not to have any wives who would cause his heart to stray. But then the law restricting him to eighteen wives is redundant if it only applies to causers-to-stray – he's already been limited to one! So that law must apply even to perfectly virtuous wives, although that seems utterly against its rationale.)

2. Bava Metzia provides the identical discussion, but in reverse order. In other words, since it starts from Bava Metzia, it starts with the presumption that R. Shimon allows the rationale to affect the law and R. Yehudah doesn't.

The willingness of the Talmud to approach the question from either starting point may tell us that the Talmud is engaging in a free intellectual investigation – there is no tradition about the positions of R. Yehudah and R. Shimon on this issue.

3. Rambam rules like R. Yehudah in Bava Metzia, in other words that an unstated rationale may not modify the law. According to the Talmud, that should lead to the conclusion that a stated rationale may affect the law, and specifically that the rule against a king having "very many"wives does not apply to virtuous wives.
4. However, Rambam actually rules that the rule applies universally, i.e. that a king may not have more than eighteen wives of any type. How can Rambam ignore the Talmud's explicit linkage of R. Yehudah's positions in Bava Metzia and Sanhedrin?
5. The most likely answer is found in Rambam's commentary on mishnah Sanhedrin. There he claims that the law follows neither R. Yehudah nor R. Shimon. Who, then, does it follow? It seems Rambam read the Mishnah as presenting three opinions rather than two. Whereas we read the opening line as simply a translation of the Torah's phrase "very many", followed by a disagreement about where to apply it, Rambam read it as a halakhic position that the number eighteen is both a maximum and a permission with regard to all types of wives. This position seems to believe that rationales may not modify the law whether stated or unstated.
6. Kiddushin says that while matrilineal descent is universally agreed to, there is a dispute as to its biblical source. R. Shimon, who allows rationales to modify law, derives it from the verse "ki yasir", whereas those who don't allow rationales to influence law provide an entirely different (long, complicated, and for our purposes irrelevant) derivation.

Since we established above that Rambam rules that the rationale may never influence law, we would expect him not to cite the verse "ki yasir" as the source for matrilineal descent.

7. Of course he does cite it as the source. How do we reconcile this with his previous positions?

Lechem Mishnah (to Source #4) offers two suggestions (Note: The text of Lechem Mishnah is clearer in the Frankel edition):

One) Analysis of Kiddushin shows that it is incompatible with Sanhedrin and Bava Metzia. The verse "ki yasir" is a rationale given explicitly in the text, and thus it should be used by R. Yehudah and not R. Shimon, while the Talmud has the reverse. In citing the verse, then, Rambam is actually following the position of R. Yehudah.

This squares with Rambam's ruling in the widow case, but not with the case in Sanhedrin, where as note above Rambam seems to rule that even explicit rationales may not modify law.

However, it is possible to utilize some of Lechem Mishnah's mechanics to craft a different solution.

1st) Kiddushin uses the verse "ki yasir" not as a rationale, but rather, as R. Shimon does in Sanhedrin, as the source of a new law, namely matrilineal descent in cases of intermarriage with women not of the Seven Nations.

B) This new law, unlike the new law derived by R. Shimon from "lo yasur" in Sanhedrin, does not limit the scope of the law, but rather expands it. Perhaps the third position would agree to use it that way.

This would square with Rambam's positions re both Bava Metzia and Sanhedrin. However, it's not clear why in this reading there would be any disagreement with the derivation from "ki yasir", while the Talmud claims there is such disagreement. Also, of course, the claim that Rambam believed that the third position would not disagree is speculative.

Lekhem Mishnah's second suggestion is as follows:

a) Rambam actually rules consistently like R. Shimon that rationales may modify law. This works well with Sanhedrin, of course, and as explained in B) above fits well with Kiddushin too. It seems, however, to directly oppose Rambam's decision re Bava Metzia.

8. Lekhem Mishnah has a solution, however. He notes that in his Commentary Rambam provides a rationale for the position attributed to R. Yehudah even though the Talmud says that the positionis based on the principle that rationales may not modify law. He suggests that Rambam wished to rule like R. Shimon on the general question of the role of rationales in law, but like R. Yehudah in the Bava Metzia case because the *stam mishnah* supports him. To reconcile these aims he devised a way of squaring R. Yehudah's position in Bava Metzia with R. Shimon's general principle.

This requires Rambam to rule against the Talmud's explanation of the argument between R. Yehudah and R. Shimon in Bava Metzia and Sanhedrin.

It is also possible to argue, and this is an ongoing controversy, that Rambam cites prooftexts in the Mishneh Torah for pedagogic rather than legal reasons, and that accordingly his citation of "ki yasir" is not meaningful since it has no direct legal impact.

9. Yoma provides two sources for the law that two red cows may not be taken out to be slaughtered together. The anonymous first position provides a rationale, whereas Rebbe provides a verse. The Talmud states that here the dispute as to source has direct legal impact, namely that the verse excludes taking a donkey out together with the red cow whereas the rationale does not.
10. Rambam cites the rationale, accordingly ruling that donkeys are not excluded. This seems to show clearly that he believe rationales may modify law. In other words, it leaves Lekhem Mishnah's second possibility as the only explanation of Rambam.
11. Sotah contains a dispute structurally identical to Yoma. Here the direct legal impact is where one of the women is visibly trembling – the rationale-based position would not exclude her, while the verse-based position would. Rambam, to be consistent should cite the rationale and not exclude the visibly trembling woman.
12. Of course, he cites the verse and makes the exclusion universal.

Chazon Ish resolves this contradiction by saying that Rambam found the rationale in Sotah extremely unconvincing, and thus ruled against it despite in principle believing that rationales may modify law.

Chazon Ish's solution has very broad implications. Before introducing them, however, several points must be made.

One) Several rishonim explicitly rule "lo darshinan taama dikra".

Two) They do this presumably aware that in many, many places in the Talmud Amoraim provide reasons for biblical law, and these reasons have legal impact.

Three) The Encyclopedia Talmudit cites many instances in which rationales modify law without opposition. Some of these are attributed to R. Yehudah.

Four) Acharonim make many distinctions to explain these apparent contradiction, including among inter alia

1) kula vs. chumra.
2) with peshat vs. against peshat, and
3) intuitive vs. counterintuitive laws.

None of these suffice to distinguish between Yoma and Sota.

Five) The standard explanation for the "lo darshinan" position is that the stakes are too high – we can't be confident enough that we understand G-d's reasons to make law based on our understanding of them. This argument is somewhat circular as it stands – if G-d wanted us to use them, not using them is likely to distort the law. It can be adapted, though, to argue that G-d could not have intended us to use rationales to modify law.

The advantage of this rationale is that it accounts for the innumerable taamei hamitzvot offered throughout tradition – it suggests that they're acceptable because they were not intended, and are not used, to modify law. In this light the position of the Minkhat Chinukh (ir hanidachat, 464) deserves mention. Minchat Chinukh argues that, absent a compelling need, it would be unjustifiably presumptuous to ever try to dicover G-d's reasons. The compelling need he discovers is . . . impact on law. He accordingly goes through the Talmud discovering the legal implications of many seemingly innocent taamei hamitzvot.

Six) The Yerushalmi makes no mention of a controversy about whether rationales modify law, although of course, like the Bavli, it cites many rationales that do so.

With these points as background, we return to the Chazon Ish's explanation of Rambam. Chazon Ish suggests that while Rambam in principle believes that rationales may modify law, he reserves the right to reject the rationales offered by the Tannaim espousing that principle.

Chazon Ish's answer has the effect of demonstrating that one can never prove, other than by a direct statement, that someone holds lo darshinan – any specific ruling may be the result of a different rationale, or an unwillingness to accept any offered rationale, as with Rambam re Bava Metzia and re Sotah.

But we argued that Sources #1-2 demonstrate that the Talmud had no tradition, or explicit statement, about the positions of R. Yehudah and R. Shimon! Accordingly, the Talmud cannot effectively prove that R. Yehudah in principle holds lo darshinan.

I suggest further that the absolute position "lo darshinan" is legally inconceivable. There will always be cases, arising under every law, regarding which the textual evidence is insufficient or utterly equivocal. If the law is to grow and deal effectively with reality, those cases will either have to be decided arbitrarily or else on the basis of taamei hamitzvot.

I accordingly suggest that the Talmud's discussion of R. Yehudah and R. Shimon should be regarded as an academic exercise to see how far such a position can be taken, as the exploration of a mood rather than as the delineation of a rule. The case in Kiddushin, and its cousins, which present an anonymous position framed in terms of the general principle, should instead be read as asking "what about someone who doesn't accept this rationale?".