

## MAIMONIDES' POLITICAL THOUGHT

### *Introductory Essay*

#### I

When one thinks of Jewish philosophers, Maimonides' name immediately comes to mind. Maimonides, however, would demur from being described as such. "Philosopher" for him designated a disciple of the Aristotelian tradition who investigated the world with the impartial tools of reason. The apprehension of reality is the goal, the *telos*, of the philosophic pursuit. Aristotle, *the* philosopher, laid the foundations and built most of the structure for understanding the world as it truly is. Maimonides was deeply impressed by this picture, and makes no effort to hide the fact. Nevertheless, he does not define himself as belonging to the philosophic camp. He sees himself as belonging to a particular religious tradition, and as being bound by that tradition. When Maimonides speaks in terms of "we," he is addressing his coreligionists. The philosophers are invariably referred to as "they." The theoretical issue that concerned Maimonides more than any other was the relation between the teachings of the Jewish tradition and the picture of the world painted by the philosophers—the relation between "our" view and "theirs."

Many scholars, I among them, have interpreted Maimonides' relation to the medieval Islamic Aristotelian philosophers as that of a fellow traveler. They shared the same essential view of God, the world, and the human being's place in the world. This interpretation is opposed to the one that views Maimonides as building a conceptual scheme occupying the "middle ground" between the radical naturalism of the Aristotelian philosophers and the view of a personal, miracle-working deity who holds central stage in traditional conceptions.<sup>1</sup> Yet even if one concludes that for Maimonides, "our" view—that is, the Jewish view of the world when properly understood—and "their" view are essentially the same, a crucial distinction between the views remains. The philosophic worldview entails no commitment to Judaism. It is this commitment, more than any other factor, that defines Maimonides' identity.

The commitment to philosophy and the commitment to Judaism, or to any religious tradition, are not necessarily mutually exclusive. The Islamic Aristotelians who so impressed Maimonides—Alfarabi in particular—continued to see themselves as loyal to their religious tradition. If Maimonides saw the philosophic and Jewish worldviews as being essentially the same, he must have viewed the commitments to philosophy and Judaism as coexisting in complete harmony, if not coinciding. Moreover, it is not unreasonable to maintain that when Judaism and philosophy teach opposing beliefs, the one considered more reliable by an individual may be treated as a sign of where the individual's loyalties lie. By being more prone to reinterpret Judaism in order to conform to philosophic views than to reject philosophic views in order to uphold traditional Jewish ones, Maimonides shows where his preferences lie. Yet it is not this type of loyalty to which I am referring. Commitment defines a person's concerns and activities. Maimonides' primary commitment was not to a further exploration of the frontiers of knowledge illuminated by Aristotle. He did not take upon himself the task to expand the borders of philosophy. Maimonides' principal effort was directed to the understanding and strengthening of Judaism.

This point is crucial for any proper evaluation of Maimonides' thought. Leaving aside his medical treatises,<sup>2</sup> almost all of Maimonides' literary corpus is Jewish in nature. Most of it deals with Jewish law. While still a young man, Maimonides completed a commentary on the *Mishnah*, the second-century compilation of the Jewish Oral Law. The *Book of the Commandments* followed, in which Maimonides enumerated and summarized the 613 commandments derived from the Torah. This work paved the way for Maimonides' greatest one—the groundbreaking *Mishneh Torah*. The *Mishneh Torah* was the first complete, systematic code of Jewish law.<sup>3</sup> Numerous legal responsa and epistles to Jewish individuals and communities were penned by Maimonides throughout his lifetime.

Maimonides' most famous "philosophic" work, *The Guide of the Perplexed*, should also be defined as a Jewish treatise.<sup>4</sup> The impartial investigation of the issues of philosophy was not Maimonides' concern in this work. The *Guide* was not designed to serve as an alternative to the treatises of the philosophers, in the way that the *Mishneh Torah* was designed to serve as an alternative to previous texts of Jewish law.<sup>5</sup> The *Guide* was addressed to those Jews who, like Maimonides, were committed to Judaism while at the same time engaged in philosophic studies. The perplexity experienced by them, and which Maimonides attempts to resolve, involves those issues on which philosophy and Judaism are in evident conflict.<sup>6</sup> Maimonides enters

into formal philosophic discussions to the extent that he feels it important to define or defend the "Jewish" view, whether it be on such issues as God's incorporeality, creation, or the problem of evil and individual providence.

The relation between Maimonides the student of philosophy and Maimonides the great Jewish legal authority has posed a particularly vexing problem to those who have studied him. In the eyes of staunch Jewish traditionalists, Aristotelian philosophy is synonymous with heresy. How could a person so totally at home in the world of rabbinics engage in the study of such thought, let alone *openly* embrace it on several religiously sensitive issues? Many Jewish rationalists, on the other hand, viewed Jewish legal studies at best as secondary to the philosophic pursuit, upon which depends one's true felicity. As we shall see, Maimonides, too, subscribes to this view of where true felicity lies. Why then would he devote most of his literary efforts to the former area, painstakingly studying and codifying even those laws that had no practical relevance in his own day? Why would he pay so little attention to the latter area, at least as far as his literary activity is concerned? What is the "key" that allows us to understand this exceptional personality, so unique in the annals of Jewish history? Who is the "real" Maimonides amidst all the competing models of him presented by the many diverse and opposing schools within Judaism?

Maimonides' political thought holds the key to understanding his life work.<sup>7</sup> A summary of Maimonides' view of political philosophy is contained in the only treatise he wrote in his long and illustrious career that he would label as "philosophic"—the *Treatise on Logic*.<sup>8</sup> This treatise is fairly short. It is devoted to defining the technical terms and concepts of Aristotelian philosophy. The treatise apparently is also one of his earliest.<sup>9</sup> It is divided into fourteen chapters—a number that was to play a prominent role in Maimonides' subsequent writings, and serves as a type of leitmotif.<sup>10</sup> In the final chapter of this treatise, Maimonides explains the term "philosophy." He presents a summary of the various branches of Aristotelian philosophy, both the theoretical and practical ones. Theoretical philosophy begins with the "learning sciences" (arithmetic, geometry, astronomy and music), advances to natural science, and culminates in metaphysics. Practical philosophy, also termed "political" and "human" philosophy, consists of the areas of self-government (ethics), the government of a household (economics), the government of a city-state (politics), and the government of a great nation or nations.<sup>11</sup>

There is little, if anything, that is novel in Maimonides' treatise. Nor does he regard it as more than a synopsis. In writing this treatise, Maimonides

bases himself on the Islamic Aristotelian tradition, particularly on the works of Alfarabi. The most significant aspect of the treatise is Maimonides' concluding remarks defining the practical philosophy of the governance of the city:

As for the governance of the city, it is a science that provides its inhabitants with knowledge of true happiness and the way of striving to attain it . . . and with training their moral qualities to abandon things that are presumed to be happiness. . . . It likewise prescribes for them rules of justice by means of which their associations are well ordered. The learned men of bygone nations used to posit governances and rules in accordance with the perfection of each individual among them, by means of which their kings governed subjects. They called them *nomoi*. The nations were governed by these *nomoi*. The philosophers have many books concerning all these things that have been translated into Arabic. What has not been translated may even be more extensive. But in these times all of this has been dispensed with—I mean, the regimes and the *nomoi*—for people are governed by the divine commands.<sup>12</sup>

Maimonides maintains, in the name of the Aristotelian tradition, that politics ideally consists of the following components: knowledge of what is true happiness and what is not, the way of attaining it, training in the moral qualities, and finally, rules of justice for the ordering of society. In this context Maimonides does not spell out what is true happiness. Nor does he indicate the relation between his discussion here and his discussion of the Aristotelian four causes in chapter 9. There he posits the attainment of intelligibles as the purpose of human life, its final cause. Even without a knowledge of Aristotelian philosophy, one is tempted to conclude that true human happiness and the attainment of the final cause are closely related, if not identical. A study of Aristotelian philosophy and Maimonides' own writings confirms that this is the case. True human happiness lies in active contemplation of the unchanging verities of the world. The higher on the chain of being is the object of apprehension, the greater the felicity experienced. The apprehension of God to the extent of human ability results in the highest level of felicity.

Politics thus is ultimately concerned with the attainment of the human beings' final end—the apprehension of the intelligibles contained in the theoretical sciences. Its goal is the creation of a social environment most conducive to the individual's pursuit of perfection. Insofar as it does not deal with the actual knowledge possessed by the one who attains the final end, but with the *process* by which the final end is attained, it is a practical rather than a theoretical science. Noteworthy is the fact that politics does

not consist only of laws or rules but also teachings—that is, what is true happiness and how to attain it. Moreover, it is concerned with the individual's moral qualities in addition to just laws—qualities that are necessary for the pursuit of intellectual perfection as well as social well being.

Maimonides ends his treatise on a personal note. He maintains that the divine commands make all human *nomoi* superfluous. While scholars have debated the precise meaning of Maimonides' remark,<sup>13</sup> at least certain points appear to be clear. The quality of the legislations of bygone nations—the *nomoi*—was directly related to the perfection of their legislators. The implication is that divine legislation is the most perfect, its source being the perfect legislator. This makes all human legislations superfluous, regardless of how close to perfection they may be. They can never equal the perfection of the divine legislation.<sup>14</sup>

Does this make also the books of the philosophers on political philosophy dispensable? The primary purpose of the books of the philosophers, as viewed by Maimonides, is in providing a blueprint for ideal legislations—ones that contain not only laws, but also teachings indispensable for the attainment of true happiness. Mosaic Law, Maimonides constantly reiterates, contains true teachings in metaphysics and the prescription to learn the sciences, as well as just laws ordering society and bringing about moral virtues. From this perspective, this would make philosophic works on politics dispensable, in contrast to their works in the theoretical sciences, or even the practical philosophy of ethics.

Yet Maimonides is careful not to make the claim that these books are no longer of any value. The fact remains that he was deeply indebted to philosophic works on politics, particularly those of Alfarabi, in developing his own political thought. In a letter to the Hebrew translator of the *Guide*, Samuel Ibn Tibbon, Maimonides goes so far as to single out Alfarabi's *Political Regime* as a work that is completely "pure grain."<sup>15</sup> The value of such works for Maimonides is in the key they hold for properly understanding Mosaic legislation—its underlying goals and the strategies it employs to accomplish them. The importance of the insights they contain does not belong solely to the realm of theory. They are crucial for the task of adapting the ancient Mosaic legislation to changing conditions.

Why did Maimonides abandon philosophy after writing the *Treatise on Logic*—not the study of philosophy in which he was passionately engaged his entire life, but the writing of philosophy? The answer is that he devoted his literary life to politics. His concern was not in teaching political philosophy per se, but in teaching Mosaic Law as the ideal expression of political

philosophy. Maimonides' goal was to reorient Mosaic legislation to direct its adherents to true happiness.<sup>16</sup> His life work may be characterized as the practical implementation of political philosophy in Jewish society. In this essay I present a few examples from the vast mosaic of Maimonides' thought to illustrate the multifaceted nature of this task.

## II

While Aristotelian political philosophy is labeled a "practical science" as we have seen, its foundation is to be found in the theoretical sciences. It is rooted in the study of the nature of human beings, their final end, and the role of society in relation to human existence. All theoretical philosophic investigations ultimately lead to a discussion of the nature of God and God's relation to the world. From this perspective, medieval Islamic Aristotelian philosophy is exceptionally "holistic" in nature. Before turning to a study of Maimonides' adaptation of Aristotelian political philosophy to a Jewish context, we must first take a brief look at his view of Aristotelian theoretical philosophy.

The Jewish tradition and the Aristotelian tradition present two fundamentally opposing conceptions of the world. The Torah depicts God in anthropomorphic terms, and the sages of the Talmud continue to depict God in the same manner. More important, God is seen as the creator of the world in its entirety, who exercises never ceasing personal providence over the world. All human deeds are observed. God intervenes in history, performing miracles subverting the order of nature. God is the immediate author of the Law, which was revealed to Moses. Reward and punishment are meted out in accordance with obedience or disobedience to the divine commands. The Jews are regarded as God's elect, but the principles of reward and punishment are universal. Non-Jews are also rewarded or punished on the basis of their deeds. One has free will to obey or disobey, but not to determine what is binding or not.

The Islamic Aristotelian God, on the other hand, is the First Cause and Prime Mover of an eternal world. God is the incorporeal One, the Self-Intellecting Intellect. God gives existence and "governs" the world through the impersonal emanation of the hierarchy of beings. God does not know individuals *qua* individuals, does not keep a record of people's deeds, does not perform miracles, and is not the immediate cause of anything that touches upon the human condition. All that happens results either from the imper-

sonal workings of nature, or from human volitional activity. Nature is constant and will never change. Everything that exists or occurs is ultimately traced to God, but only as the remote Cause. The purpose of any species is integrally bound up with its essence. The perfection of human beings *qua* human beings belongs to them by nature. It is discovered by rational investigation, not created. One may choose to pursue perfection or not, but one cannot choose what perfection is.

Each species has two goals: to perpetuate itself, and to produce the perfect specimen. The latter is an exceptionally rare occurrence. In the context of human beings, the perpetuation of the species requires society. "Man is a political animal," Aristotle maintains.<sup>17</sup> Society in turn requires leaders who can overcome the conflicting temperaments of people and organize them to function peacefully and efficiently together to provide for their needs. Human perfection, however, lies not in the collective but in the individual—in the perfection of the intellect. Few are equipped by nature to attain this goal. Even fewer engage in the necessary preparations to reach the final destination. These preparations involve not only a continuous in-depth study of the sciences, but also living a strictly moral life. One cannot totally commit oneself to the contemplative life while being a slave to one's physical passions, which are responsible for the evils one commits against others and against oneself. Maimonides himself, in the introduction to his *Commentary on the Mishnah*, notes in the name of Aristotle that one cannot be a true philosopher without curbing one's desires for physical gratification. Yet morality primarily serves as a means to intellection in the case of the elite. In the medieval Islamic Aristotelian tradition, most viewed the immortality of the intellect as dependent upon the attainment of final perfection—the apprehension of incorporeal existence.<sup>18</sup> The end of the rest of humanity, whether righteous or wicked, is the same as it is for the members of all earthly species—degeneration and death. There is no "injustice" in this state of affairs. This is simply the way of the world. Of course the philosopher does not go and teach these matters publicly to the masses. Discretion is not only the better part of valor, but also the philosophically more responsible course. The masses are taught those beliefs or myths that insure their proper behavior and contribute to the welfare of society.

One can easily understand why from a traditional perspective it is so difficult to accept the notion that one of Judaism's all-time leading legal authorities would accept the philosophic picture of the world. Given the fact that Maimonides devotes most of his efforts to legal matters, explicitly labels many of the Aristotelian doctrines as heretical, upholds God's creation

of the world, God's dictation of the Torah word for word to Moses, miracles, individual providence and the resurrection of the dead—it is tempting to conclude that any interpretation that sees Maimonides as an Aristotelian in Jewish guise reflects the depraved imagination of the interpreter. Yet a careful reading of Maimonides' writings, not only the *Guide*, lends a great deal of support to the conclusion that he embraced the philosophic worldview.<sup>19</sup>

More than in the case of any other medieval Jewish philosopher, the effort to understand Maimonides relies on the fine art of reading.<sup>20</sup> While most philosophers may at times be very obtuse in their presentation, they tend to write with the sole purpose of revealing their positions. Once one understands the argument being presented, the question: "But does the author *really* think that this is the case?" is generally out of place. Maimonides, on the other hand, is interested in concealing his views from many of his readers, at the same time he imparts them to some. His points often appear to the quick and careless reader deceptively simple, and deliberately so. One thus must slow up and start examining his discussions word by word not only in order to understand the nuances of the points he presents, but also to determine his commitment to them. What makes the *Guide* such an exciting and complex work is not simply the philosophic subtlety of the arguments themselves, though from a philosophic perspective many of them hold much value in their own right. The great fascination the treatise holds for the reader lies also in its style of presentation. In his attempt to communicate his thoughts only to the elite reader, and not to any reader who may lay hands on the treatise, Maimonides deliberately obfuscates his views on certain religiously sensitive issues. In the introduction to the *Guide*, he explicitly indicates that this is his writing strategy. This position lays the foundation for the search for Maimonides' esoteric views, a search that was to preoccupy the attention of Maimonides' earliest commentators, and continues up to his present-day interpreters. The act of reading the *Guide* was intended by Maimonides to be an intellectual adventure of the highest order. It was not primarily fear of persecution that led Maimonides to resort to the art of esoteric writing, but fear of the social destruction that would result if he did not.

Philosophic arguments in Maimonides' treatise are subservient to the doctrine that he wishes to communicate in a particular discussion. Not all of the doctrines necessarily reflect his own belief. This casts a different light on how we are to understand and evaluate the arguments he advances. The issue on which Maimonides presents his most extensive and penetrating philosophic argumentation—creation—is one on which a sharp debate con-



tinues to exist among scholars as to his true view on the subject. If Maimonides in fact believed in the eternity *a parte ante* of the world as a number of "hints" scattered throughout the *Guide* intimate, his arguments against the philosophers' proofs for eternity, as well as the proofs he presents for creation, must have been viewed by him as far less persuasive than he suggests. At the very least, Maimonides' philosophic arguments were designed to support doctrines that he regarded as important to impart to the average reader in order to preserve and strengthen one's commitment to Judaism.

To arrive at Maimonides' view, it is crucial to surrender one's preconceptions of what "must" be the case. Instead the reader must take a very close look at what exactly is being said by Maimonides, and other authors whose works he read, particularly those he cites or praises.<sup>21</sup> Furthermore, the reader must constantly keep in mind the wider context of the discussion and its purpose. What Maimonides holds out to the reader at the end of the journey is enlightenment on those issues that he regarded as the source of perplexity. This enlightenment is to be reserved for those who were bright enough and well grounded enough in philosophy to appreciate its significance. To Maimonides, in the case of this special reader a full appreciation of the meaning and function of the Law as grounded in a proper understanding of reality serves to strengthen the commitment to tradition, together with reinforcing the pursuit of philosophic knowledge. Moreover, the ultimate aim of the Law is to create this type of individual.

Certain points in Maimonides' treatise are not even minimally comprehensible without an examination of their philosophic sources. As I try to show in some of the chapters in the present volume, this is true of some of his discussions in his legal writings as well.<sup>22</sup> The average reader was not to be allowed to see what was below the surface of the text, for such glimpses would only cause him a spiritual crises for which he was not prepared. Students of Maimonides' *Mishneh Torah* have long held the view that a close examination of each word is crucial for the proper appreciation of Maimonides' presentation of Jewish law. This principle is no less applicable in studying those passages in which philosophic conceptions play a prominent role, where one must turn to Maimonides' philosophic sources, and not only rabbinic sources, to understand his formulations. While Maimonides' legal writings do not presuppose the reader's acquaintance with philosophy, the message that the astute reader attains in those discussions is that in order to grasp what Maimonides is saying, and at the same time fulfill one's legal requirements as formulated by Maimonides, one has no choice but to turn to the corpus of Aristotelian writings.

Truth for Maimonides is one. It may be represented by images or presented in an abstract conceptual manner, but there can be no opposing truths. Judaism and philosophy cannot present contradictory doctrines and both be right. Maimonides holds no "double truth" theory. It is highly unlikely that any medieval philosopher ever seriously entertained such a theory.<sup>23</sup> Maimonides was convinced in the truth of the conception of the philosophers and reinterpreted Judaism accordingly. Judaism presented figurative representations of philosophic truths, whether it be in its corporeal descriptions of God or in the manner in which it depicts God's governance of the world. Maimonides made it his life work to teach publicly the truth of the philosophic conception in regard to the doctrine of the incorporeality of God.<sup>24</sup> The truth of their view on the manner in which God relates to the world he presents in a veiled manner. It is precisely the latter view that is far more problematic from a religious perspective.

The one who discovers the truth must return to the cave in Plato's famous allegory.<sup>25</sup> The cave consists of those to whose society one belongs, in whose midst one was born and grew up. I have no doubt that Maimonides was convinced that Judaism from its inception was led by those who had attained intellectual enlightenment. The human masses in whatever society they are born are condemned by nature to remain in darkness. A leader who understands the truth of the world must still guide others by means of images of reality. The difference between the images presented by the leader who has attained intellectual enlightenment and those promulgated by one who has not is that the former contain hints to the abstract truths underlying them. They are designed to be closer to the truth, though all "images" of reality are intrinsically false. The masses continue to treat the images as real. The elite gradually learn to see the abstract reality that underlies them.

It is exceptionally hard, if not also dangerous, to break the thought patterns of the masses. For them the corporeal and imaginable are more real than the incorporeal and intellectually apprehensible. The supernatural is more awe inspiring than the natural. No leader who has seen the light of the sun can afford to blind oneself to this fact when returning to the cave. There is simply no way to turn all of the masses of society around and march them out of the cave where they can see the world in the full light of the sun. The need of the philosophically enlightened leader to compromise with social reality is inevitable. In the case of the unenlightened leaders, no abstract truths are intended to underlie the images presented by them. They share with the masses the same false view that the images are reality. Not knowing what is the true goal that society is to pursue, they posit false goals

instead—for example, the pursuit of wealth, honor, conquest. The images promote the pursuit of these false goals, distancing society ever further from the attainment of perfection.

If Maimonides felt that many of the teachings of Judaism consist of myths and other figurative representations of the truth, and that God is not the corporeal “personal” deity depicted in Jewish law, then one is tempted to rashly conclude that he could not have viewed Jewish law as really being divine. Why would he remain loyal to such a law? Why would he continue to observe, study, and codify all the commandments if he did not trace them to the immediate will of God, or think that divine reward and punishment followed in the wake of observance and disobedience? The answer that emerges from Maimonides’ writings is that the person asking such questions does not have a proper understanding of what is “divine” or the true nature of “reward and punishment.” To this person we continue to teach that God reveals the Law word by word and checks carefully our level of observance.

The person possessing a true understanding of reality will have a different view of the meaning of these notions. The “divine” is not opposed to what we call “natural,” or even what many of us would regard as “human.” The medieval Aristotelian philosophers posit a difference between divine and natural on the basis of the incorporeal and corporeal. The forces that belong to the world of matter are “natural,” while “divine” is used to characterize the metaphysical world. “Human” is applied to those areas in which an individual’s deliberation and choice are involved. The world of the Separate Intellects is considered “divine.” Nevertheless, it operates in a fixed impersonal manner that in today’s parlance we would call “natural.” In the philosophic view, all events in our physical world, whether “natural” or tied to human volition, ultimately can be traced to a “divine” origin. None, however, has God as its immediate agent.

Implicit in this conceptual approach is the view that from the standpoint of “origins,” human law is no less divine than divine law, and divine law is no less human than human law. If a categorical distinction is to be drawn between them, a different definition of “divinity” must be introduced. Maimonides’ doctrine of prophecy, adopted from his Islamic philosophic sources, provides the basis for such definition.<sup>26</sup> Maimonides defines prophecy as an “emanation” from God to the Active Intellect, and from there to the rational faculty and to the imagination of the individual (*Guide* 2:36). This “emanation” is to be distinguished from the emanation that reaches the rational faculty alone and results in the apprehension of intelligibles, and

from the one that reaches the imagination alone and results in divination or in the ability to govern. The prophetic "emanation" is received only by one possessing a good physical disposition and perfect imagination, who has acquired the virtuous character traits and intellectual perfection. Proper potential and training thus are necessary (and it appears also sufficient) conditions for attaining prophecy.

The "divine speech" is a figurative way of depicting this special type of "emanation." God does not "pick" a particular individual, formulate a particular "message" and send the individual on a specific mission. The "message" results from the "contact" of the mind of the perfect individual with the impersonal force emanating from a "divine" intellect. Those lacking the necessary intellectual and moral prerequisites cannot attain revelation. This emanation strengthens the individual's apprehension, allowing the individual to reach a higher level of enlightenment. The individual attains a more profound understanding of metaphysical truths, grasps rules of governance, and is also able to learn the future. Prophecy, in short, is a natural attainment. This naturalistic approach, it should be noted, also contains the criteria for validating who is a true prophet. One lacking any of the criteria necessary for the attainment of prophecy cannot possibly be a true prophet, despite the individual's claim to the contrary. Many of the Islamic philosophers added an ontological dimension to this phenomenon. They described it in terms of "conjunction" between the human intellect and the Active Intellect in which a quasi identity between the two is achieved.<sup>27</sup>

Moses, in Maimonides' view, reached the highest level of prophecy possible, one in which the imagination was no longer required to play a role. This level enabled Moses to "receive" in his prophetic experience a law that alone deserves the label "divine." Only one who achieves ultimate perfection can receive a revelation allowing the recipient to lay down a perfect legislation that best promotes the guidance of others to true happiness. In several passages Maimonides hints to Moses' authorship of the Law, but in exceptionally veiled terms as appropriate to this most religiously sensitive of subjects: "After we have spoken of the quiddity of prophecy, have made known its true reality, and have made it clear that the prophecy of Moses our Master is different from that of the others, we shall say that the call to the Law followed necessarily from that apprehension alone" (*Guide* 2:39.378).<sup>28</sup>

The "divinity" of the Law is brought to light, according to Maimonides, by its unique perfection, the "equibalance" of its commands in which there is "no burden or excess." The Law strives to create morally and intellectu-

ally perfect individuals: "If you find a Law all of whose ordinances are due to attention being paid . . . to the soundness of the circumstances pertaining to the body and also to the soundness of belief . . . and desires to make man wise, to give understanding, and to awaken his attention, so that he should know the whole of that which exists in its true form—you must know that this guidance comes from Him, may He be exalted, and that this Law is divine" (2:40.384). Other legislators also lay down laws as a result of an "emanation," but ones in which their imaginations are primarily involved. As a result, their legislations are seriously flawed. They neither achieve a perfect equilibrium in moral matters—as a close examination of their commands reveals—nor do they attempt to direct their adherents to intellectual perfection. These legislations are termed, "human."<sup>29</sup>

People of limited understanding would say that this position entails that the divine law is really an excellent human law, with Moses being its immediate author. The philosopher would respond that the divinity of the law stems from the fact that it is derived from the "contact" between the Active Intellect and a perfect human intellect, resulting in a perfect legislation. Maimonides was committed to a reconstruction of history in which the prophets are to be viewed as those who received revelation on the basis of their perfection in the natural and metaphysical sciences. Moses attained the highest level of perfection and revelation possible. A law that comes about in this manner is no less divine than one in which a personal deity speaks each of the commandments.

Similarly, "reward" and "punishment" are not extrinsic to the natural order of the world. They are not meted out directly by God. They are not the product of particular acts of divine volition. Rather, they are the natural consequence, "impressed" by God upon the order of the world, of the type of life one leads. Goodness is its own reward, evil its own punishment. Since the masses cannot possibly appreciate this point, it is crucial to continue to present to them the "traditional" picture. If the notion that living a life that is truly "human"—one that provides the individual with the most true happiness and is closest to being "divine"—does not provide people with sufficient motive to observe the commandments laid down in the Law, then the picture of rewards and punishments in the "next" life, coupled with the belief in the resurrection of the dead, must be presented to them instead.<sup>30</sup>

The relation between Maimonides' metaphysical and political thought is multifaceted. Political activity is not an alternative to metaphysical speculation but rooted in it and an extension of it. It does not result from the inability to apprehend God and the turning to the next best activity available to

humanity. Rather, it flows from the highest level of apprehension. I will deal in detail with Maimonides' approach to *imitatio Dei* in chapter 4, but a few words on the subject are appropriate here. Maimonides adopted an extreme version of negative theology which maintained that nothing positive can be known about God's essence.<sup>31</sup> God can only be known by the attributes to be negated of the divine essence. This view of God's essence to which Maimonides was driven by philosophical considerations does not hold much promise as a goal or as a model for human striving. While Maimonides argues that progress in this type of apprehension is possible (*Guide* 1:59–60), it can never result in actually knowing God. The importance of this approach to knowledge of God lies in preserving the notion of God's absolute unity and transcendence.

The ontological, and not only epistemological implications, of this approach are profound. In medieval Aristotelian thought, knowledge lies in the intellect's apprehension or grasping of a thing as it "is." The thinking mind is the intelligible it apprehends. For many Aristotelians, the immortality of the intellect is rooted in grasping the incorporeal essence. Knowledge of what an object "is not" cannot be equated with the apprehension of the object. The former type of knowledge leaves no room for attaining some type of unity with God. It appears to close the door on the possibility of achieving immortality. Moreover, it gives little direction for human endeavors. No matter how high an individual climbs on this ladder of knowledge, he still is left only with knowledge that is negative in character.

For Maimonides, however, there is another type of knowledge of God that overcomes these problems by providing positive content. This is the knowledge of God's attributes of "action" (*Guide* 1:54). These attributes are the entire realm of existence "under" God, for which God serves as the First Cause. We can never grasp anything positive about God's essence, but we can apprehend God's governance of what exists. Knowledge of God's "actions," or the whole of existence, includes even the Separate Intellects. This leaves open the possibility of grasping and conjoining with the Active Intellect, thereby achieving immortality. The knowledge of God's attributes of action also provides a model for imitating God in our practical activity. All that exists and the interrelation between all things are treated by Maimonides as the product of God's "emanating perfection" (2:12). The notion of "emanating perfection" is crucial for Maimonides not only in that it provides an Archimedean point on which to establish some type of "resemblance" between the perfection of God and the human ideal, but also a way to establish a continuum linking the divine domain and its activity with

the human. The Separate Intellects, the spheres and the ideal human beings are all the products of God's emanating perfection. Each possesses the intellectual perfection that characterizes its level of existence. They all imitate and extend God's perfection by emanating their perfection to that which is "below" them. The knowledge attained by the perfect human being results from the emanating perfection of the Active Intellect. The ultimate expression of emanating human perfection, in turn, assumes the form of the ideal governance of others.

The significance of the knowledge of God's attributes is highlighted by Maimonides' interpretation of God's revelation to Moses at Sinai in *Guide* 1:54. The knowledge attained by Moses represents the absolute limits of human capacity in Maimonides' view. Moses asks to see God's "face" but is denied this request. He is given only a glimpse of God's "back." In the opening section of the *Mishneh Torah*, the *Laws of the Principles of the Torah* 1:10, Maimonides interprets "face" to indicate God's essence, while "back refers to the manner God is distinct from other beings"—an allusion to the doctrine of negative attributes. He continues to present the same interpretation of "face" in the *Guide* but interprets "back" in a different manner. This apprehension is equated with knowledge of God's "ways," or all of God's "goodness," as represented by the "thirteen characteristics":

Scripture has restricted itself to mentioning only those *thirteen characteristics*, although [Moses] apprehended *all His goodness*—I mean to say all His actions—because these are the actions proceeding from Him, may He be exalted, in respect of giving existence to the Adamites and governing them. This was [Moses'] ultimate object in his demand, the conclusion of what he says being: *That I may know Thee, to the end that I may find grace in Thy sight and consider that this nation is Thy people* (Exod. 33:13)—that is, a people for the government of which I need to perform actions that I must seek to make similar to Thy actions in governing them. (Pp. 124–25)

In this passage too Maimonides alludes to the view that the legislation of the Law is the product of Moses' "translation" of the theoretical knowledge of all of existence into a system of ideal rule in the human context. He is adamant on the point that God's "characteristics" are not affections of the soul. They represent the activity resulting in ideal cosmic order, described in terms of human emotions. The ideal human ruler must also govern solely on the basis of rational considerations free from all passions. Anger, or any other emotion, should never be experienced since it would inevitably cloud one's rational judgment on what is the best course to adopt. The ruler may

at times have to feign anger to insure obedience, Maimonides agrees, but this is a far different matter than *experiencing* anger. The ruler may also have to teach that God is angry with the disobedient in order to accomplish the desired end.

Even the notion that God purposefully destroys the wicked by way of natural catastrophes that overtake them, or by way of defeat in wars and the like, is a form of myth designed to improve people's conduct. Maimonides is careful to conceal this point in *Guide* 1:54 as well as in his discussion of providence in 3:17. Yet it emerges when one ties together his various discussions in the treatise, as he urges his readers to do. All natural evils are regarded by him as the necessary consequence of the process of generation and corruption characterizing sublunar existence. They are not brought about directly and willfully by God. God cannot give existence to the sublunar world without their occurring, as Maimonides' approach to the problem of evil clarifies (3:12). The order is designed to operate in an optimal manner in general. This does not mean that individuals will not at times be inadvertently harmed by what occurs in nature. Nature cannot be designed to pay attention to the isolated, exceptional cases (3:34). Nor does God have an immediate hand in any of the evils that humans inflict upon each other. They are the product of our own poor choices based on the privation of knowledge of what is the true good. Still, Maimonides regards it as crucial that people believe that God acts willfully in bringing evils upon the disobedient when this occurs, and these evils do not occur by accident, just as it is important that people should think that God "bends" nature to reward the righteous when they attain natural benefits.<sup>32</sup> It is evident from Maimonides' discussions that the "translation" of divine governance to human governance is not a straightforward one. Yet all ideal human governance is ultimately rooted in the theoretical knowledge that one attains.

### III

Maimonides establishes as a principle of Judaism, as laid down in Mosaic Law itself, that no legislation will ever come to replace it (*Guide* 2:39). He endeavors to show that none of the prophets before or after Moses in biblical tradition sought to lay down laws governing a polity (1:63; 2:39). He insists that even in messianic times no new legislation, or even formal changes in Mosaic legislation, will come about (*Laws of Kings* 11:3). Moreover, Maimonides rules that any claimant to prophecy who attempts to do



so is automatically to be regarded as a false prophet (*Laws of the Principles of the Torah* 9:1). The role of all the prophets after Moses, and the talmudic sages who followed them, is seen as implementing and adapting Mosaic Law to their historical period. This will be true also of the king-messiah. Maimonides takes as his model Alfarabi's description of the "princes of the law," while breaking with Alfarabi's view on the possibility of successive divine legislations. The "princes of the law" are sufficiently well versed in the ancient laws and their purpose to enable them to adapt and implement the old legislation. Yet due to their inferior level of perfection in comparison to the ideal ruler, they lack authority to introduce a new legislation.<sup>33</sup>

Inasmuch as Mosaic Law, in being the ideal legislation, is concerned with one's knowledge and moral qualities, in addition to the just ordering of society, the activities of the subsequent rulers focus on the same areas. This is the key to understanding their literary output in Maimonides' view. The sages, for example, were jurists who had the ability to decree new enactments, though not of the same legal status as Mosaic commandments, in addition to interpreting the Mosaic Law. The Mishnah and Talmud in particular reflect the legal side of their activity. The Talmud, however, also contains many homilies or midrashim. Separate collections of midrashim also were collated by the sages. Maimonides maintains that these homilies, when examined closely, are parables containing the philosophic truths of the natural sciences and metaphysics. The homily is a literary device, addressed to society at large, for teaching philosophy. The sages showed their concern also for an individual's ethical qualities in such works as the tractate *Avot*.

The same concerns explain the nature of Maimonides' literary output in his attempt to adapt Mosaic Law to his own period. His *Commentary on the Mishnah* contains all the main elements of the ideal legislation—strict legal matters, an ethical tract, and philosophic teachings. These elements reemerge in Maimonides' subsequent major works, but in different ways in accordance with the nature of the work. The *Mishneh Torah* is essentially Maimonides' reformulation of the Mishnah and legal material in the Talmud while the *Guide of the Perplexed* is his reformulation of the midrash.

The *Mishneh Torah* is Maimonides' crowning achievement, the practical adaptation of theoretical political philosophy to Jewish law. In respect to the form of this legal composition, it is highly innovative. As opposed to the *Mishnah*, it is designed to be all inclusive. The entirety of Jewish law is organized topically by book and section, with Maimonides determining the structure and order of classification. Every law is carefully and concisely

formulated. No dissenting opinions are presented that may lead to a conflicting view of what is the proper practice. No references are cited that would lengthen the work and make it more cumbersome. In the attempt to preserve the Law, Maimonides set out to compose a work that is accessible to all. One no longer needed to devote years of intricate study of the rabbinic sources to learn what the Law is, or spend a great deal of time researching particular questions.<sup>34</sup>

In keeping with the objectives of this work, Maimonides for the most part adopts a conservative stance in the content of his rulings. Only on rare occasion does he appear to reinterpret the Law in accordance with his personal views—ones that can be discerned in the *Guide* for example—when they stand in opposition to the weight of the Jewish legal tradition.<sup>35</sup> Maimonides makes no serious attempt in his reformulation of the Law to introduce extensive changes in the guise of Jewish tradition. For the most part, he rests content in letting his views emerge by subtly modifying the formulations appearing in his sources. He often reveals the significance he attaches to certain laws by where he places them in the code. He brings together laws that are not found together in his sources and separates laws that are brought together in his sources. While the reasons behind Maimonides' classification and organization of the various laws are for the most part clear, this is not always the case. At times a study of his rabbinic sources helps to clarify the reasons. At other times they do not, signaling Maimonides' innovative thinking on the issue. This is the reason why a painstaking study of Maimonides' sources is crucial for understanding his legal thought and its relationship to his philosophy.<sup>36</sup> Only on the most significant issues, those that concern the ultimate ends of the Law in his view—namely, intellectual and moral perfection—does Maimonides introduce his most blatant, far-reaching legal innovations. The far different order and formulation of commandments in the *Mishneh Torah* in comparison to his earlier more succinct legal compendium, the *Book of the Commandments*, gives us a chance to see also in what ways Maimonides chose to change his approach.

Maimonides' effort to continue the process of reformulating the Law of Moses is characterized by a number of competing concerns. The mediation between these concerns, in his view, can be seen in the original legislation. For example, the Law must mediate between the social welfare of Jewish society at large, which is its initial goal, and the intellectual perfection of the elite, which is its ultimate goal. In a crucial sense this is part of a larger conflict—the well-being of the majority versus the well-being of the

individual. While Maimonides views the Torah and Talmud as creating a polity that admirably harmonizes these two goals, he is well aware that in certain situations the two goals stand in conflict. Compromises are necessary. The art of governance, unlike the art of medicine, cannot be tailored to the needs of each individual. Law is similar to nature, which brings the most good to the greatest number, but at times inevitably causes some individuals harm (*Guide* 3:34).

Ethics helps to reduce the conflict considerably. The attainment of ethical traits, Maimonides insists against opposing conceptions, is a legal obligation. It is the object of the command to "walk in God's ways" (*Laws of Character Traits* 1–3). Yet the crucial difference between this commandment and most others is clear. Ethical regimen can be modified in accordance with the circumstances of the individuals. There is enough flexibility in the actions required to attain the ethical traits (or even in the determination of what is the proper ethical trait in certain circumstances) so that the activities of different individuals pursuing this goal may differ considerably.<sup>37</sup> This type of flexibility is certainly not true of other areas of Jewish law. As is the case with the governance of the Jewish community in general, here too the sage plays a dominant role. It is the sage who acts as the "physician of the soul" determining what are the activities most appropriate for the morally sick individual (*Eight Chapters* 3).

There is yet another set of competing concerns in Maimonides' writings. Maimonides follows rabbinic tradition in insisting that Mosaic Law was revealed together with its oral explanations, which are those presented by the sages of the Talmud. No changes can be introduced in the legal definitions of the commandments as laid down in the Oral Law. For example, the conditions laid down in the Oral Law for the construction of a *sukkah* (booth) to fulfill the commandment of sitting in a *sukkah* on the *Festival of Sukkot*, or the manner that the commandments of *mezuzah* and *tefillin* are to be fulfilled, can never undergo change.<sup>38</sup> Furthermore, Maimonides takes an exceptionally extreme position in maintaining the inviolability of Mosaic Law in its entirety. He insists on the eternal uniqueness of this legislation. No Mosaic commandment, as opposed to rabbinic enactment, can ever be formally abrogated. No commandment can be formally added to the body of Mosaic commandments. Not all rabbis felt that tradition compelled one to adopt such extreme stance.<sup>39</sup>

The divine legislation is given at a certain point in history, but is from then on treated by Maimonides as ahistorical. On this point too, nature is taken as the paradigm for the divine Law. Like nature, the governance of

the divine Law must be absolute and universal (*Guide* 3:34). This position receives a very concrete expression in the *Mishneh Torah*. Maimonides, alone among the great jurists of Judaism, codifies the entire range of Jewish law including sacrifices, Temple Service, and all the laws of ritual purity. No area of law, whether actively practiced in his time or not, is ignored. The Law is presented in its entirety as an absolute, formally unchanging system.

This view appears to ignore the obvious need for changes as social situations change. Maimonides insists that every commandment is designed to promote perfection. He devotes many chapters of the *Guide* to showing how the commandments contribute to the intellectual perfection of the Jews, their ethical traits, and to a just social order. They all have discernible reasons in his view, though not all of them are immediately evident. All are designed solely for the sake of humanity. God is totally unaffected by the fulfillment or transgression of the commandments. Maimonides, however, is not oblivious to the fact that aspects of the human condition do not remain static, even if the components of human perfection never change. Furthermore, his approach to the reasons for the commandments serves to sharpen the problem. Maimonides views many of the commandments as being promulgated to address the specific historical circumstances of the Jews leaving Egypt, certain types of compromise being necessary. The Torah commands sacrifices, Maimonides argues, for this was the way of worship to which the people were accustomed. A failure to command sacrifices would have resulted in the people continuing to offer sacrifices to other gods, being unwilling or unable to surrender this practice. Sacrifice is not in itself a desirable way of worship, in Maimonides' view, but was historically necessary. Maimonides comes close to indicating explicitly that were the Torah to be legislated in his own day, no sacrifices would be commanded (*Guide* 3:32).

The view of the historical obsolescence of many of the commandments, when viewed from the standpoint of the reasons for their legislation, stands in stark contrast to Maimonides' insistence upon the eternal validity or authority of these commandments. Maimonides was certainly aware of this conflict and some of his positions are aimed at resolving it. He sees Mosaic Law itself addressing this issue by limiting the scope of many of the historically relative commandments. Sacrifices, for example, are to be performed only in one place, by a certain class and only when the Sanctuary is in existence. Commandments whose reason is not attached to historical circumstances—prayer, for example—are not governed by the same limitations (*Guide* 3:32).<sup>40</sup> In this practical manner Mosaic Law draws a line dis-