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# JUDAISM EXAMINED

ESSAYS IN JEWISH PHILOSOPHY AND ETHICS

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MOSHE SOKOL

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ESSAYS IN JEWISH PHILOSOPHY AND ETHICS

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- “*Ger ve –Toshav Anokhi*: Modernity and Traditionalism in the Life and Thought of Rabbi Joseph B. Soloveitchik,” *Tradition* 29:1 (1994).
- “Personal Autonomy and Religious Authority,” in *Personal Autonomy and Rabbinic Authority*, ed. Moshe Sokol (New York: Rowman & Littlefield Publishing Group, 1992), 169-216.
- “How Do Modern Thinkers Interpret Religious Texts?” *Modern Judaism* 13 (1993): 25-48.
- “Mitzvah as Metaphor: Towards a Philosophical Theory of *Ta’amei Ha- Mitzvot*,” in *A People Apart: Chosenness and Ritual in Jewish Philosophical Thought*, ed. Daniel Frank (Albany: SUNY Press, 1993).
- “Attitudes Towards Pleasure in Jewish Thought: A Typological Proposal,” in *Reverence, Righteousness and Rahmanut*, ed. Jacob J. Schacter (New York: Rowman & Littlefield Publishing Group, 1992).
- “The Allocation of Scarce Medical Resources: A Philosophical Analysis of the Halakhic Sources,” *AJS Review* XV:1 (Spring 1990): 63-83.
- “The Autonomy of Reason, Revealed Morality and Jewish Law,” *Religious Studies* 22 (1986): 423-427.
- “Joseph B. Soloveitchik: Lonely Man of Faith,” with David Singer, *Modern Judaism* 2 (1982): 227-272.
- “Some Tensions in the Jewish Attitude Toward the Taking of Jewish Life,” *Jewish Law Annual* VII (1988): 97-114.
- “Master or Slave? Rabbi Joseph B. Soloveitchik on Human Autonomy in the Presence of God,” in *Turim: Studies in Jewish History and Literature Presented to Dr. Bernard Lander*, ed. Michael Shmidman (Jersey City, NJ: Touro College Press/Ktav, 2007), 275-330.

## INTRODUCTION

Most, although by no means all, scholars of Jewish philosophy approach the field primarily from the perspective of intellectual Jewish history. What does a particular thinker maintain, how were his ideas influenced by those of his predecessors and contemporaries and the general cultural milieu in which he lived and worked, and how did his ideas influence others? This is surely a valuable mode of inquiry. Nevertheless, it hardly exhausts the range of possibilities.

This is so in several senses. First, what has sometimes been called “constructive” Jewish thought is by very definition not the province of history. Those who wish to make creative and contemporary contributions to the very same problems that have long preoccupied Jewish thinkers, or to new problems never even envisioned in the past, are hardly engaged in an historical task. While what they do often is, and should be, informed by the past, its very ambition is to liberate itself from that past and approach questions anew.

Second, even when great Jewish thinkers are studied, they can and should be considered not only as historical artifacts embedded in the past, but in active dialogue with the present. After all, they wanted to be taken seriously, took themselves to be engaged in a quest for the truth, and believed in the eternal truth of what they wrote. But this would require them to be open to active and critical conversation not only with their contemporaries, but with their successors as well. Such a conversation will raise questions about the clarity of the ideas of these thinkers, their justification, and their internal coherence, and apply the conceptual frameworks and ideas of recent and contemporary philosophers to bear on those great efforts of the past.

The essays in this volume endeavor to contribute to these two tasks, and they do so from a particular perspective, that of analytic philosophy, the method in which their author was trained. Much scholarship in the field of Jewish philosophy is either historical or grounded in other methods, from continental to post-modern. Analytic philosophy, which dominated the field of philosophy for decades in the United States and Britain, and continues to be influential, is nevertheless relatively under-represented in Jewish philosophy, although certainly present. This volume is designed to help develop further this important perspective.

The subjects of these essays can be organized in a variety of ways. Some are more historical in nature, and some more constructive. However, the principle of organization I chose is topical. The first set of essays takes up aspects of the challenge of living a Jewish life, from historical and contemporary perspectives. What is the meaning of joy? What are Jewish attitudes towards pleasure? How does the Jewish philosopher live his or her life? What is the meaning of mitzvot? Are there fresh ways to deal with the perennial human problem of suffering?

The second category of essays takes up a series of related themes, central concerns of the western intellectual tradition, especially but not exclusively during the modern period. These themes are human autonomy, freedom of the will, and tolerance.

Another group of essays includes further studies in the thought of Rabbi Joseph B. Soloveitchik, supplementing essays included in the first two sections of the book. Two essays in this section explore topics in hermeneutic theory, of fundamental importance in modern Jewish thought. Finally, the remaining three essays examine problems in applied Jewish ethics. These take up the crucial conversation between Jewish thought and Jewish law, central to the whole enterprise of modern Jewish ethics. Both because of a common method and the interconnection amongst topics, there is, in the end, a deeper unity running throughout the entire volume. But that should not be surprising, for philosophers, like all human beings, share certain preoccupations, emerging from a life of the mind and a mind engaged in life.

## MAIMONIDES ON JOY

My aim in this essay is to examine closely a number of Maimonidean texts, many halakhic in nature, in an effort to unravel Maimonides' conception of joy. My argument is that when these texts are considered in the context of Maimonides' philosophical views, frequently as articulated in the *Guide*, they yield a rich and fascinating portrait of joy and the avenues to its achievement.

It should first be pointed out that this essay is quite different in subject than that of Hava Tirosh Samuelson's book on *eudaemonia* in the Jewish sources.<sup>1</sup> While that learned work contains a detailed chapter on Maimonides, it does not cite the texts considered here, primarily because it addresses Jewish conceptions of the *summum bonum*, and focuses little on the emotional dimension of happiness. Moreover, there is an intuitive distinction between happiness or *eudaemonia*, on the one hand, and joy or *simha* on the other. Recent empirical studies of what psychologists now call "subjective well-being," a state that correlates with at least part of *eudaemonia*, flesh this distinction out. Joy is purely emotional, while subjective well-being is a far broader condition, which, scholars argue, includes not only the presence of positive emotions, such as joy and affection, but also the relative absence of negative emotions, such as sadness and anxiety, as well as judgments about personal life satisfaction, which are cognitive in nature. Thus happiness, construed as subjective well-being, is a far more inclusive state than joy, which is no more than one if its many constituents.<sup>2</sup>

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<sup>1</sup> Hava Tirosh Samuelson, *Happiness in Pre-Modern Judaism* (New York: Hebrew Union College Press, 2003).

<sup>2</sup> There is a considerable philosophical literature on happiness. For a fuller discussion, see, for example, Deaz W. Hudson, *Happiness and the Limits of Satisfaction* (London:

While Maimonides mentions joy in numerous contexts, all catalogued and carefully discussed in a comprehensive article by Gerald Blidstein,<sup>3</sup> I shall focus here on what are the most important halakhic manifestations of joy, the Jewish holidays, where the experience of joy, according to the halakha, is sometimes biblically mandated. I shall also examine a particularly significant set of texts related to the holiday of *Purim*, where joy is likewise of fundamental importance.<sup>4</sup> While these sources may not give us a complete picture of Maimonides on joy, they will, I believe, shed considerable light on important aspects of it.

## I. THE THREE FESTIVALS

Maimonides asserts in *Hilkhot Yom Tov* 6:17 that there is a biblical obligation to rejoice during *Shalosh Regalim*: *Pesach*, *Sukkot*, and *Shavuot*. In Temple times this was fulfilled by bringing certain sacrifices. Nevertheless it included, and according to Maimonides continues to include to this day, a series of other behaviors, which he famously describes in the next halakha:

- 18 Thus children should be given parched ears, nuts and other dainties; women should have clothes and pretty trinkets bought for them,

---

Rowman and Littlefield, 1996), especially chapter 4, and the bibliography included at the end of the book. For a survey of the extensive empirical literature on subjective well-being from which my comments were drawn, including a comprehensive bibliography, see Ed Diener, Eunkook M. Suh, Richard Lucas, and Heidi Smith, "Subjective Well-Being: Three Decades of Progress," *Psychological Bulletin* 125 (March 1999), 276-301.

<sup>3</sup> Gerald Blidstein, "*Ha-Simha Be-Mishnato Ha-Musarit shel Ha-Rambam*," *Eshel Be-er Sheva* 2 (1980), 145-163. David Blumenthal offers a brief linguistic analysis of the term *simha* as Maimonides uses it, in his essay "Maimonides: Prayer, Worship and Mysticism," in *Approaches to Judaism in Medieval Times*, ed. David Blumenthal (Atlanta: Scholars Press, 1988), 1-16. The role of the emotions in religious life according to Maimonides has been examined by Menachem Kellner in "Is Maimonides' Ideal Person Austerely Rationalist?" *American Catholic Philosophical Quarterly* 76:1 (2002), 125-143, although he does not discuss joy there.

<sup>4</sup> Some of these texts have been analyzed by Isadore Twersky in "On Law and Ethics in the *Mishneh Torah*: A Case Study of *Hilkhot Megillah* 2:17" in *Tradition* 24:2 (Winter 1989), 138-149, and in a brief follow-up essay by Lawrence Kaplan, "*Hilkhot Megillah* Revisited: A Halakhic Analysis," *Tradition* 26:1 (Fall 1991), 14-21. My approach in this essay is broader, and provides a different perspective on the texts in question, and on others.

according to one's means; and men should eat meat and drink wine, for there can be no real rejoicing without meat to eat and wine to drink. And while one eats and drinks himself, it is his duty to feed the stranger, the orphan, the widow, and other poor and unfortunate people, for he who locks the doors to his courtyard and eats and drinks with his wife and family, without giving anything to eat and drink to the poor and the bitter in soul—his meal is not a rejoicing in a divine commandment, but a rejoicing in his own stomach. (*Hilkhot Yom Tov* 6:18)<sup>5</sup>

Whatever one's reaction to Maimonides' view of the divergent needs of men and women delineated here, several points should be stressed. First joy is largely associated here with material well-being—with eating, drinking and fine clothing, falling squarely under what Maimonides in *Guide* III:27 calls well-being of the body. This is consistent with (although not quite identical to) Maimonides' generic explanation for the Three Festivals in *Guide* III:43, where he says “the festivals are all for rejoicings and pleasurable gatherings, which in most cases are indispensable for man; they are also useful in the establishment of friendship, which must exist among people living in political societies.”<sup>6</sup> Here the stress is on material and now social well-being.

Given this material conception of joy in *Hilkhot Yom Tov*, Maimonides is greatly concerned about the potential for selfishness in a holiday focused around food, drink, and fine clothing, and he insists on the importance of caring for the needy and poor. And again, because of his material conception of joy, Maimonides is equally concerned about the likelihood of frivolity implicit in that account, and a concomitant absence of spirituality. Here is what Maimonides writes in the next two paragraphs:

19 Although eating and drinking on festivals are included in the positive commandment to rejoice on those days, one should not eat and drink all day long, the proper procedure being as follows: In the

<sup>5</sup> *MT Repose on Festivals* 6.18, trans. Solomon Ganz and Hyman Klein (New Haven: Yale University Press, 1961), 303.

<sup>6</sup> *The Guide of the Perplexed*, Moses Maimonides, translated by Shlomo Pines (Chicago: University of Chicago Press, 1963), 570.

morning, people should go early to the synagogue or the house of study, recite the prayers and read the lesson in the Law appropriate to the day, and then return home and eat. Then they should return to the house of study, and study Scripture or Mishnah until noon. After noon they should recite the afternoon prayer, and then return home and eat and drink for the rest of the day until nightfall.

- 20 When one eats and drinks and rejoices on a festival day, he should not overindulge in wine, merriment, and frivolity, in the belief that the more he does of this the more he is fulfilling the commandment to rejoice. For drunkenness, excessive merrymaking, and frivolity are not rejoicing but madness and folly, and we were commanded to indulge not in madness and folly but in the kind of rejoicing which partakes of the worship of the Creator of all things.<sup>7</sup>

Maimonides thus insists not only on the importance of caring for the needy, but also (1) that much of the holiday be spent in prayer and study; and (2) that the joy itself be contextualized by divine service. Despite these many constraints designed in some sense to “elevate” the holiday, it is nevertheless still true that rejoicing on the festivals is halakhically associated most closely with material well-being, or well-being of the body. Let us now examine Maimonides’ account of one of the Three Festivals in particular, Tabernacles, or *Sukkot*.

## II. SUKKOT

In the rabbinic tradition, the festival of *Sukkot* was an especially joyous holiday. Maimonides writes in *Hilkhhot Lulav* 8:12 that “in the Temple there was extra joy.” In the *Guide* III:43 he goes much further, writing that *Sukkot* “aims at rejoicing and gladness.”<sup>8</sup> This implies that joy is the whole point of the holiday, a striking claim that requires some explanation.

In *Hilkhhot Lulav* 8:13-15 Maimonides describes the joyous festivities at the Temple during *Sukkot*.

<sup>7</sup> MT *Repose on Festivals* 6.19-20, Ganz and Klein, 303-304.

<sup>8</sup> *Guide* III:43 (Pines, 571).

- 13 What form did this rejoicing take? Fifes sounded, and harps, lyres, and cymbals were played. Whoever could play a musical instrument did so, and whoever could sing, sang. Others stamped their feet, slapped their thighs, clapped their hands, leaped, or danced, each one to the best of his ability, while songs and hymns of praise were being recited.
  
- 14 It was a religious duty to make this rejoicing as great as possible, but participation in it was not open to non-scholars or anyone else who wished to take part. Only the great scholars in Israel, heads of academies, members of the Sanhedrin, elders, and men distinguished for their piety and good deeds—these only danced and clapped, made music, and rejoiced in the Temple during the Feast of Tabernacles. Everyone else, men and women, came to watch and listen.
  
- 15 Rejoicing in the fulfillment of the commandment and in love for God who has prescribed the commandment is a supreme act of divine worship. One who refrains from participation in such rejoicing deserves to be punished.... If one is arrogant and stands on his own dignity and thinks only of self-aggrandizement on such occasions, he is both a sinner and a fool... Contrariwise, one who humbles and makes light of himself on such occasions achieves greatness and honor, for he serves the Lord out of sheer love... True greatness and honor are achieved only by rejoicing before the Lord, as it is said, "King David leaping and dancing before the Lord," etc.<sup>9</sup>

The joy described here is not material or social, like that of the Three Festivals generally, but ecstatic in nature. It was associated with music and dancing, which, interestingly, were spiritual practices important for the Sufi mystics of Maimonides' own day. Moreover, the celebrations were limited to the elite, while the average citizen merely stood by and observed. Indeed, the practices described here are not social, as was Maimonides' characterization of the Three Festivals generally, but in certain respects even *antisocial*. For not only are the masses excluded from them, but King David was criticized by his own wife for his excesses while dancing in honor of the ark, and King David serves as Maimonides' model for ecstatic dancing and singing.

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<sup>9</sup> See *Guide* III:43 (Pines, 572-574).



Thus in the *Mishneh Torah* the joy associated with this aspect of the *Sukkot* observance moves in an entirely different direction from the joy associated with the Three Festivals generally, and indeed even stands in tension with it. This too requires some explanation.

Maimonides' peroration about the importance of joy in the performance of mitzvot is certainly consistent with his comments cited earlier about the Three Festivals generally. Nevertheless, the emphasis given here on this point, and the stress on the ecstatic and on the moral and social implications of ecstatic worship, are striking. Also significant is the introduction of a phrase which does not appear in *Hilkhot Yom Tov*, "*ahavat ha-El*," "love of God." It is surely worth asking why this phrase first makes its appearance here. At one level, of course, the answer is obvious. Love of God may be exactly the kind of passionate experience linked to the ecstatic states Maimonides describes here. But is there more to it? In numerous places Maimonides associates love of God with knowledge of Him, the former flowing from the latter.<sup>10</sup> Moreover, it is precisely the knowers of God, the intellectual elite, who participate in these ecstatic celebrations. But what might be behind the special role of knowledge of God for *Sukkot* in particular, more so than the other two festivals?

In the *Guide*, III:43, Maimonides draws a comparison between *Sukkot* and *Pesach*, its closest analogue. *Sukkot* is like *Pesach* in that both teach a moral quality as well as a belief. The moral quality in both cases is gratitude for God's redemption and protection of Israel. The belief is in God's capacity for miracles, performed in liberating Israel from Egypt, a memory sustained by these celebrations.

*Sukkot* is distinctive, however. Maimonides first focuses on its season. Recognizing that *Sukkot* originates as a harvest festival, he provides his own original reading of its significance. He references the *Nicomachean Ethics* (VIII 9, 1160a 25-28) where Aristotle explains that it was a general practice in ancient times to celebrate and offer sacrifices after the harvest, when people were at leisure. *Sukkot*, too, "a season of leisure when one rests from necessary labors," affords ample and appropriate opportunity for "rejoicing and gladness." This

<sup>10</sup> For example, MT, *Yesodei Ha-Torah* 2:2 and *Hilkhot Teshuva* 10:6.

stress on *Sukkot* as a season of leisure is, so far as I know, Maimonides' original contribution. That he allies this interpretation with Aristotle's understanding of harvest festivals is surely not without interest.<sup>11</sup>

Later in the same chapter of the *Guide* Maimonides takes up another major feature of the festival, the obligation to take the Four Species. After discussing the homiletical and poetic character of midrashic rationales of the symbolism of the four, he proposes that the purpose of the Four Species is to signify or indicate the joy and gladness felt by the Jews on leaving the desert, a land barren of such verdure, and entering the Land of Israel, which was blessed with fruit-bearing trees and rivers in abundance. The Four Species, themselves fragrant, fresh, and enduring products of a fertile land, are thus understood by Maimonides to provide a vehicle for celebrating the agricultural blessings of the Land of Israel.

What emerges from Maimonides' analysis in the *Guide*? Two transitions seem central. First, there is the transition from the labors of farming and its deprivations to a post-harvest leisure blessed with plenty, silos bursting with produce. This takes place on the plane of the individual. Then there is the transition from the deprivations of traveling through a barren desert to a life of relative wealth in the fertile Land of Israel. This takes place on the national plane. The two transitions mirror one another. I would like to suggest that the end states of each of these transitions, individual and national, are what might be termed *proto-messianic*. Here is how Maimonides characterizes the messianic era in the famous concluding two paragraphs of *Mishneh Torah*, in *Hilkhot Melakhim* 12:4-5 (and echoed in his *Introduction to Perek Ha-Helek* and elsewhere).

- 4 The sages and prophets did not long for the days of the Messiah that Israel might exercise dominion over the world, or rule over the heathens, or be exalted by the nations, or that it might eat and drink and rejoice. Their aspiration was that *Israel be free to devote itself to the law and its wisdom*, [italics mine] with no one to oppress or disturb it, and thus be worthy of life in the world to come.

<sup>11</sup> For a study of Maimonides' citations of Aristotle's *Ethics* in the *Guide* see Shmuel Harvey, "Mekoran shel Ha-Muvaot min Ha-Etica Le-Aristo Be-Moreh U-be-Moreh Le-Moreh," in *Meromei Le-Yerushalayim*, ed. A. Ravitzky (Jerusalem: 1989), 87-101.

- 5 In that era there will be neither famine nor war, neither jealousy nor strife. Blessing will be abundant, comforts within the reach of all. The one preoccupation of the whole world will be to know the Lord. Hence Israelites will be very wise, they will know the things that are now concealed and will attain an understanding of their Creator to the utmost capacity of the human mind, as it is written: "For the earth shall be full of the knowledge of the Lord, as the waters cover the sea" (Is. 11:9).<sup>12</sup>

Note Maimonides' assertion that in the messianic era "Israel will be free to devote itself to the Law and its wisdom." The Hebrew term is "*penu'im*," "free" or "at leisure." The material ease described in the last paragraph about the messianic era echoes the phrases Maimonides uses in the *Guide* III:43 and elsewhere to describe the Land of Israel. Thus, for example, Maimonides writes in III:43 that *Sukkot* cultivates the moral quality of gratitude, in that Jews are obligated by the Torah to live in discomfort in the huts of *Sukkot* to commemorate how they lived as "wretched inhabitants of deserts and wastelands." However, with the benefaction of God they "went over to dwell in richly ornamented houses in the best and most fertile place on earth." This is a reference to the Land of Israel. Describing the messianic state, Maimonides in his *Introduction to Perek Ha-Helek* cites the passage in *TB Shabbat* 30b that the Land of Israel will in the future give forth delicate cakes and fine woolen clothing.<sup>13</sup> It turns out, then, that the extraordinary natural fertility and richness of the Land of Israel as described in the *Guide* III:43 bears the potential for a *proto*-messianic state even in *pre*-messianic history. Maimonides in *Hilkhot Teshuva* 8 interprets the significance of the material blessings promised in the Torah to those who obey God's will as providing a this-worldly opportunity to engage undistractedly in the pursuit of wisdom. This too is proleptic for the messianic era.<sup>14</sup>

<sup>12</sup> MT *Hilkhot Melakhim*, 12.4-5, trans. A.M. Hershman (New Haven: Yale University Press, 245).

<sup>13</sup> *Mishneh im Perush Ha-Rambam*, translated by David Kapach (Jerusalem: 1965), vol. III, 139.

<sup>14</sup> For a general overview of Maimonides on the Land of Israel, see Isadore Twersky, "Maimonides and Eretz Yisrael, Halakhic, Philosophic and Historical Perspectives," in *Perspectives on Maimonides*, ed. Joel Kramer (London: 1996), 257-290. There is a

Maimonides knew Aristotle's view, famously enunciated in the *Nichomachean Ethics* (X:7, 1177b 1-15), that leisure provides the possibility of the contemplative life, which Aristotle sees as the *summum bonum*. Maimonides shares with Aristotle this commitment to the importance of the contemplative life, although in my view not to the same extent as Aristotle.<sup>15</sup> Maimonides' reliance on *Nichomachean Ethics* in *Hilkhot Sukkot* may thus be part of a much larger conceptual framework laid out by Aristotle that is adopted and adapted by Maimonides. The plenty and consequent leisure of life in the Land of Israel as it should be, and the plenty and consequent leisure of the post-harvest season, on the national and individual planes, provide just the context necessary for a life of contemplation. And that indeed is exactly how Maimonides describes life in the messianic era made possible by messianic plenty. Leisure, and the opportunity for contemplation it provides, are thus essential features of *Sukkot*, especially in the Land of Israel, exactly as they are an essential feature of the messianic era.

*Sukkot*, because of its harvest season roots, is the only biblical holiday designed to mimic and pre-figure this messianic state. This theme underlies the ecstatic joy Maimonides describes in the *Mishneh Torah*. His use of the phrase "love of God" there signals the role of philosophical knowledge in the celebrations, in which, as we saw, only the intellectual and spiritual elite participated directly, because only they could appreciate that knowledge, and experience it. This too would explain why Maimonides asserts only in the case of *Sukkot* that joy is the purpose of the holiday. For it is joy that arises in the contemplation of God which the harvest season uniquely makes possible.

But this needs a more careful formulation. What exactly would foster this joy which Maimonides says is the *raison d'être* of the holiday? First, it was probably conditioned by the simple, normal joy anyone

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voluminous literature on messianism in Maimonides' writings. For a good overview which touches upon some of the sources cited here see Joel Kramer, "On Maimonides' Messianic Posture," in *Studies in Medieval Jewish History and Literature* II, ed. Isadore Twersky (Cambridge, MA: 1984), 109-142.

<sup>15</sup> Note the concluding paragraph of the *Guide*, and the various interpretations to which it gave rise, as well as the far-reaching role of practical *mitzvot* in Jewish life. See note 24 below.

would feel once a difficult job was finally accomplished, and with food and livelihood secured at the completion of labors on the farm. But for Maimonides this connection provides no more than a psychological backdrop for the joy which is ultimately the purpose of the holiday. This “higher” joy may have sprung, in part, from newly acquired, deeper knowledge of God afforded by the leisure of the holiday itself, which Maimonides describes as spent in prayer and study. It may also have sprung from knowing that the opportunity to spend far more time seeking such knowledge was nigh, with the post-harvest leisure to follow. It may have sprung, too, from the messianic intimations of the holiday. Finally, and this is a point Maimonides himself stresses, it may also have flowed from thinking about the miracles that God performed for the Jewish people that the holiday celebrates, and that yield so much insight into the mysterious workings of the divinity. As we shall see later on, this is of special importance, for it relates to the crucial role of understanding divine providence in the experience of Maimonidean joy.

Direct textual evidence linking joy to knowledge for Maimonides may be found in *Hilkhot Teshuva* 8:2. Maimonides there describes the world to come as a non-physical state in which there are no material bodies. What then do the rabbis mean when they assert that in the world to come the righteous will sit with crowns on their heads taking pleasure from the radiance of the divine presence? How can the crowns be physical if the world to come is non-physical? Not surprisingly, Maimonides interprets this figuratively—“*derekh hidah*.” “Their crowns,” he says, are a metaphor for the knowledge they have acquired. Maimonides next quotes the verse from the Song of Songs (3:11) that mentions King Solomon’s crown, and adds a verse from Isaiah (51:11) stating, “eternal joy rests on their heads.” Maimonides observes that joy is not an object that can literally rest on someone’s head. Thus, Maimonides concludes, “the crown to which the wise men referred is knowledge.” But what Isaiah said is that joy sits upon their heads, not knowledge. Thus joy and knowledge are used interchangeably when described as resting on someone’s head. From this it clearly follows that joy and knowledge can be used in some contexts interchangeably.

For more evidence linking joy to knowledge of God, and for a deeper understanding of why joy follows knowledge of God, we must turn to

the final portion of our analysis, Maimonides' discussion of the holiday of *Purim*. But before doing so it is worth observing that Maimonides' discussion of the Three Festivals generally focuses our attention on the ways in which they contribute to the well being of the body. Our analysis of *Sukkot* has focused on its distinctive role in contributing to the well being of the soul. But *Sukkot* is one of the Three Festivals as well. Taken together, *Sukkot* thus contributes to both dimensions, to well being of the body and well being of the soul.

### III. PURIM

Maimonides in *Hilkhot Megillah* 2:14 describes *Purim* as "... a day of joy [*simha*] and celebration, of sending gifts to friends and to the poor." This reference to *Purim* as a day of joy and celebration derives from *Megillat Esther* itself, and goes considerably further than Maimonides' characterization of the Three Festivals, and even of *Sukkot*. While there is an obligation to experience joy on those days, even extra joy, they are not called "days of joy," as is *Purim*. What lies behind this crucial difference?

Let us read further, now *halakha* 17.

- 17 It is preferable to spend more on gifts to the poor than on the *Purim* meal or on presents to friends. For no joy is greater or more glorious than the joy of gladdening the hearts of the poor, the orphans, the widows, and the strangers. Indeed, he who causes the hearts of these unfortunates to rejoice, emulates the Divine Presence, of whom Scripture says, "to revive the spirit of the humble, and to revive the heart of the contrite ones" (Is. 57:15).<sup>16</sup>

The similarity to Maimonides' emphasis on helping the poor in *Hilkhot Yom Tov* regarding the Three Festivals is obvious. But consider these differences:<sup>17</sup>

1. Notice that strictly speaking the obligation in *Hilkhot Megillah* is not to feed the poor, as it was in *Hilkhot Yom Tov*, but to make them happy. This one happens to accomplish by feeding them,

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<sup>16</sup> Isadore Twersky (Cambridge, MA: 1984), 118.

<sup>17</sup> See Twersky and Kaplan, op. cit., n. 4, for different approaches to these differences.

but the obligation *per se* as Maimonides formulates it is to be “*mesameah lev aniyim*.” This is hardly insignificant. What lies behind the difference?

2. Maimonides adds in *Hilkhot Megillah*, but not in *Hilkhot Yom Tov*, that in fulfilling this obligation one is similar to the *shekhina*, the Divine Presence. Why does Maimonides mention this only in *Hilkhot Megillah*? And what exactly does he mean by “similar to the Divine Presence”?

In order to gain insight into the difference between the Festivals and *Purim*, and to attempt to answer some of these questions, we would do well to note first that *Megillat Esther*, in verses 9:29-30, uses the terms “*shalom*” and “*emet*,” “peace” and “truth,” to characterize the Megillah itself. Do these two terms have any special significance in the Maimonidean lexicon?

At the end of *Hilkhot Taanit*, and based upon the Tosefta (*Taanit* 3) Maimonides asserts that in the messianic era the cycle of fasts commemorating the destruction of the Temple, which plays so important a role in the Jewish calendar, will no longer obtain.

- 19 All the fast days mentioned above are destined to be abolished in the time of the Messiah; indeed, they are destined to be turned into festive days, days of rejoicing and gladness, in accordance with the verse, “Thus says the Lord of hosts: The fast of the fourth month, and the fast of the fifth, and the fast of the seventh, and the fast of the tenth, shall be to the house of Judah joy and gladness, and cheerful seasons; therefore love you truth and peace.”<sup>18</sup>

Maimonides identifies the messianic era and its joy and gladness with the truth and peace prophesied by Zechariah. *Megillat Esther* also uses the term joy to describe the *Purim* holiday; and, as we have seen, it too speaks of truth and peace. So three values join in *Purim*: joy, peace, and truth, all linked by Zechariah with the messianic era. When Maimonides quotes Zechariah’s prophecy, that fasts will be transformed to days of joy and gladness, he is careful to include the words truth and peace,

<sup>18</sup>. Ibid., p. 117.



going beyond the shortened version of the prophecy cited in the text of the Tosefta that he may well have used.<sup>19</sup>

In *Shemoneh Perakim* 4 he cites the same verse from Zechariah that he cites at the end of *Hilkhot Taanit* and adds: “Know that ‘truth’ refers to intellectual virtues, because they are true and will not change, and ‘peace’ to the moral virtues on which the peace in the world depends.”<sup>20</sup> Thus the messianic era foretold by Zechariah will be an age of intellectual perfection—knowledge of God—and moral perfection.

This conception of the messianic era mirrors Maimonides’ comments on the same subject at the end of *Hilkhot Melakhim*, and in the *Guide* III:11 (although there moral virtue is made dependent on intellectual virtue). This reading reinforces our own reading of Maimonides on *Sukkot*. There I argued that the joy of *Sukkot* is linked to knowledge of God in a proto-messianic state. According to Maimonides’ interpretation of this verse in Zechariah, knowledge of God (“*emet*”) is linked to the actual messianic state, and in that same verse it is also linked to joy. The terms “truth” and “peace” are bound up with the term “joy” because “truth” and “peace” entail intellectual (and moral) perfection. Thus, the verse in Zechariah on Maimonides’ own reading supports our theory, that knowledge of God and joy are properties of the messianic era.

But what then accounts for the differences between the joy of *Sukkot* and the joy of *Purim* as it emerges in the Maimonidean texts we have examined? Why is *Purim* called a day of joy and *Sukkot* not? Why is the mitzvah on *Purim* to bring others to joy, but not on *Sukkot*? Why is someone who does so compared to the *shekhina*, divine presence, but not someone who rejoices and feeds the poor on the other holidays? If *Purim* achieves knowledge of God, is its yield different in any way than the knowledge of God achieved on *Sukkot*? Based upon what we have seen so far, it seems likely that there would be a link between the messianic state and *Purim*. What is that link, and is it different than the link between *Sukkot* and the messianic state, which I have called “proto-messianic”?

<sup>19</sup> Tosefta (Jerusalem: 1970), 221.

<sup>20</sup> Kapach edition, 254.



In order to attempt an answer to these questions we would do well to turn to the *Guide* once again, but now to III:51. In numerous passages in that important chapter Maimonides describes joy as flowing from knowledge of God. For example, he writes, “And there may be a human individual who, through his apprehension of the true realities *and his joy in what he has apprehended* achieves a state in which he talks with people and is occupied with his bodily necessities while his intellect is wholly turned toward him...”<sup>21</sup> In this passage and others Maimonides characterizes the ideal state of the knower of God as including the emotion of joy, not to mention love. Unfortunately, he does not make clear exactly why this is so. Can we gain a deeper and more precise understanding of why knowledge yields joy?

Let us turn to the first mention of the link between joy and knowledge in this very chapter. In this passage Maimonides describes an individual who focuses only on God, renounces all other than He, and directs all his or her intellectual energies “toward an examination of the beings with a view of drawing from them proof with regard to Him, so as to know His governance of them in whatever way possible.”<sup>22</sup> Moses is referred to there as someone who achieved this rank, conversing with God, such that “*because of his great joy* in what he apprehended he did neither eat bread nor drink water. For his intellect attained such strength that all the gross faculties in the body ceased to function.”

This passage is interesting on at least two accounts. First of all, Maimonides attributes Moses’ abstinence to his joy. Why not directly to Moses’ knowledge? Is it because of the powerful response of the emotions to what we desire? In any case, this passage also makes much clearer exactly what knowledge yields the joy in question: knowledge of God’s governance of the world. Of course, all anyone can ultimately know of God, Maimonides argues in Book I of the *Guide*, are God’s attributes of action. Here, where Maimonides links joy and knowledge explicitly, he also makes it explicit that the knowledge that yields joy is exactly that knowledge, of divine providence, insight into

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<sup>21</sup> *Guide* III:51 (Pines, 623).

<sup>22</sup> *Guide* III:51 (Pines, 620).

how God governs the universe. But why does this specific form of knowledge yield joy? Perhaps the halakhic sources shed light on these philosophical sources.

Let us return to *Purim*. As is well known, the holiday celebrates the Jewish redemption from the evil machinations of Haman and his dupe, King Achashverosh. The story told in *Megillat Esther* derives its power in part because the mysterious and threatening turns of events yield the ultimate salvation of the Jewish people in utterly unforeseeable ways. Who could have predicted that the very gallows Haman built for Mordechai would see Haman and his sons hanged? Who could have predicted that the seemingly disastrous turn of events would in the end lead to a significant strengthening of the Jewish position? While the reader of *Megillat Esther* knows that all will work out well in the end, and is familiar with every twist of the plot, the actors do not. They are utterly ignorant of what will turn out to be the true meaning of the nightmare in which they find themselves enmeshed.

In a single, brilliant flash, the redemption that *Purim* celebrates illuminates the otherwise hidden and enigmatic contours of divine providence. I would like to suggest that *Purim* more than any other holiday provides insight into the astonishing work of providence. So Maimonides saw the link between joy and knowledge on *Purim* as making it a day of joy more than any other. For no other day in the Jewish calendar provides such a stunning revelation of the mysteries of providence. That is just the kind of knowledge that Maimonides in III:51 says engenders joy. It is as if God had for a moment parted the veils that hide His power in the world and given observers a glimpse of the divine mysteries. This is evocative of the metaphor Maimonides uses at the beginning of the *Guide*,<sup>23</sup> in describing the lightning flashes of insight which momentarily illuminate the dark night of human ignorance. Would this occasion joy? I should certainly think so. This reading of the knowledge-joy link makes it particularly understandable why knowledge gives rise to joy, especially since the illumination in question derives from the experience of divine salvation. Death no longer waits at the doorstep.

<sup>23</sup> *Guide*, Introduction (Pines, 7).

Consider now the link I have suggested between the messianic state and this knowledge of divine providence and consequent joy. Remember that the verse in Zechariah which Maimonides quotes links the messianic state to both joy and knowledge. Not only that, the verse promises that the fast days commemorating the destruction of the Temple will become holidays. But why should that be so? One answer is that in the messianic era it will become clear just how that great tragedy in Jewish life led to ultimate redemption. If the destruction of the Temple is the product of divine providence, then, for Maimonides it would have had some ultimately beneficent purpose. Revealing that concealed purpose would dramatically reverse the experience of tragedy, transforming its commemoration from mourning to celebration. This reading sharpens the parallel between *Purim* and the messianic era. Both observances bespeak a brilliant vision of the mysteries of providence behind the shadows of tragedy. The messianic era casts a much longer and more powerful beam than *Purim*. But I would argue that both are of the same ilk, and thus both are called days of joy.

Not so with the Three Festivals generally, nor with *Sukkot* in particular. The element of divine providence is there, as Maimonides explains in the *Guide*, and that is a factor in the joy that Maimonides sees as prescribed for these holidays. It was God, he says, who made the harvest possible, who redeemed the Jews from Egypt and cared for them in the desert. Yet there is no dramatic reversal or stunning illumination like that of *Purim*, or that of the messianic age that will transform fast days into joy. *Sukkot*, I have argued, is “proto-messianic.” *Purim*, I would suggest, is “micro-messianic,” for two reasons. First, it captures for a brief moment the lightning flash of insight into divine providence. Second, the victory over enemies and resultant physical ease again presage the ease and comfort of the messianic era.

Why then the unique obligation on *Purim* to bring all to rejoicing, and why only for *Purim* does Maimonides use the phrase “compared to the Divine Presence”? The answers may lie in the final paragraph of the *Guide*, which delineates what has been called a post-theoretic morality. The moral virtues are only the third in Maimonides’ hierarchy

of virtues, the fourth and highest being intellectual virtue. Still, in describing the life of one who has achieved intellectual perfection, and understands God's governance of the world, Maimonides says that such a person "will always have in view loving-kindness, righteousness and judgment, through assimilation to His [God's] actions..." At this stage, moral virtue is not cultivated habit but a consequence of understanding God's governance of the world. God acts with compassion toward His creatures and so will the individual who has achieved full knowledge of God's compassionate governance. As Plato understood, to *know* goodness, or compassion, is to *live* it. This is the deeper meaning of *imitatio dei*, the highest, post-theoretic level of morality.<sup>24</sup>

For Maimonides, *Purim*'s micro-messianic illumination of the mysteries of divine providence may foster just that kind of moral sensibility. The events described in *Megillat Esther* reveal God's miraculous and compassionate care for Israel despite all appearances to the contrary, and indeed, paradoxically, precisely *through* those seemingly ugly appearances. By illuminating the providential mysteries concealed behind Jewish suffering, God brought his people new insight and joy, which the newly insightful who experience this great joy should share with others. For "God" we can, of course, substitute "Divine Presence." This would explain why Maimonides uses the phrase "divine presence" only in the context of *Purim*.

The two distinctive features of Maimonides' description of *Purim*'s joy are linked: the obligation to bring others to rejoice, and the use of the phrase "compared to the divine presence." The joy of the Three Festivals, and even *Sukkot*, is of a different order. Only *Purim* can provide the stunning insight into providence which can, if only for a moment, penetrate the veils of mystery and yield the sort of knowledge that approximates the post-theoretic knowledge of the concluding chapter of the *Guide*. The kindnesses of the Three Festivals, I argued earlier, are ensconced in a *tikkun ha-guf* morality, a morality of habit, of the

<sup>24</sup> For a review and analysis of the extensive literature on the concluding section of the *Guide*, see Menachem Kellner, *Maimonides on Human Perfection* (Atlanta: 1990), and Hava Tirosh Samuleson, op. cit., n. 1. My own approach favors a Platonic reading of Maimonides.

third perfection. There the obligation is simply to feed the poor, but not wholly to imitate what God has achieved, rendering others so joyous that in their joy, like God, they must make others joyous as well. All moral acts, including feeding the poor, are *imitatio dei*, as Maimonides makes clear in *Hilkhot De'ot* 1. But they are *imitatio dei* of a completely different order.

Perhaps the best conclusion to the substantive portion of this paper is Maimonides' own conclusion to the substantive portion of his discussion of the laws of *Purim*, *Hilkhot Megillah* 2:18.

- 18 All prophetic Books and the Sacred Writings will cease [to be recited in public] during the messianic era except the Book of Esther. It will continue to exist just as the Five Books of the Torah and the laws of the Oral Torah that will never cease. Although ancient troubles will be remembered no longer, as it is written: "The troubles of the past are forgotten and hidden from my eyes" (Isaiah 65:16), the days of *Purim* will not be abolished, as it written: "These days of *Purim* shall never be repealed among the Jews, and the memory of them shall never cease from their descendants" (Esther 9:28).<sup>25</sup>

Maimonides draws this paragraph from *TY Megillah* 1:5. But it need hardly be cited, especially in a halakhic work. This teaching explicitly links *Purim* to the messianic era, one of the essential claims of the "micro-messianic" theory of *Purim* proposed here. *Purim* is the quintessential festival of the messianic era. It reveals the meaning behind the suffering its story relates, and the ways in which Jewish tragedy providentially gives way to salvation. So too the messianic era will reveal that same providence hidden behind exile. Therefore, Maimonides says, all Jewish suffering will be forgotten during the messianic era—not merely because all is now well, for that is hardly a sufficient reason to forget. Tragedy will be forgotten because it will be revealed as the very means by which the bliss of redemption and the messianic era were won. In that important sense Jewish tragedy is only apparent tragedy. So only *Megillat Esther*, which teaches that lesson in the most vivid way, will survive into the messianic era.

<sup>25</sup> Translation from *Maimonides Mishneh Torah*, trans. Philip Birnbaum (New York: 1974), 110.

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I'd like to conclude this chapter with a caveat. I have sought to analyze Maimonides' halakhic teachings regarding joy, raising a series of problems with the texts and seeking their solution in Maimonides' philosophical writings. If I am right, this chapter is yet one more argument for the unity of Maimonides' work as a halakhist and a philosopher. It shows how Maimonides' halakhic and philosophical works illuminate one another.

Yet we cannot be entirely certain that our approach is sound. Maimonides' halakhic works do not explicitly advance any of the philosophical ideas I have cited here in my effort to illuminate his writings. Nor do his philosophical writings make explicit any of the halakhic implications I have suggested flow from those ideas. Students of Maimonides are all too familiar with the allusive character of the master's writings. His methods leave us inevitably to suffer our lack of perfect certainty. But if my analysis is correct, come the messianic era, that suffering will end. Perhaps it too will be revealed to have been only an appearance, and not real suffering at all. And then, of course, we can rejoice.

## THE TRAGEDY OF EXCELLENCE

### MAIMONIDES ON THE PHILOSOPHICAL LIFE\*

#### I

Students of Maimonides are accustomed to contradictions within the text of the *Guide of the Perplexed*, and between the *Guide* and Maimonides' other writings. Far less common, but no less important, is a contradiction between Maimonides' own life and his writings. The former kind of contradiction illuminates Maimonides' philosophical views. The latter sheds light not only on his philosophical views, but also on Maimonides himself, the man as philosopher. I shall argue that attending to this kind of contradiction highlights a tension of the greatest importance in Maimonides' philosophical system, between his conceptions of intellectual and moral perfection. This tension, properly understood, suggests that Maimonides' view of the human condition is in certain important respects what I shall here call tragic. Moreover, I shall propose that Maimonides' own personal life exemplified precisely that tragic dimension which is implied by his philosophical views, and which for Maimonides echoes in the lives of all who aspire to human excellence.<sup>1</sup>

That Maimonides' life was a "paradox," as Professor Isadore Twersky called it, has long been noted.<sup>2</sup> In his famous 1199 letter to Samuel ibn

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\* I am deeply indebted to Professors Barry Kogan, David Shatz, Michael Shmidman, Joseph Stern and Hava Tirosh Samuelson for their detailed and insightful comments on an earlier version of this paper. Responsibility for what remains is of course mine.

<sup>1</sup> My main aim in this essay is to focus on these philosophical problems. Speculation about Maimonides' life remains just that—speculation, even if well grounded in the data available to us. Nevertheless, my contention is that such speculation can in itself lead to significant philosophical and exegetical insight, by directing our attention to hitherto less than adequately explored avenues into Maimonides' thought.

<sup>2</sup> *Introduction to the Code of Maimonides* (New Haven: Yale University Press, 1980), 3-4. This "paradox," or contradiction, has been the subject of two essays, both published

Tibbon, written some five years before his death, Maimonides describes an arduous weekly regimen, his days and even nights completely taken up with the obligations of his medical practice, and Saturdays busy with Jewish communal activities. During the morning and early afternoon, Maimonides writes, he was busy with his myriad responsibilities as court physician to the Sultan, not to mention the exhausting three-hour commute to and from the palace. When he returned home, Maimonides continues,

[By] then I am almost dying of hunger. I find the antechamber filled with people, both Jews and gentiles, nobles and common people, judges and bailiffs, friends and foes—a mixed multitude, who await the time of my return. I dismount from my animal, wash my hands, go forth to my patients, and entreat them to bear with me while I partake of some slight refreshment, the only meal I take in the twenty-four hours. Then I attend to my patients ... patients go in and out until nightfall, and sometimes even, I solemnly assure you, until two hours and more in to the night. I converse and prescribe for them while lying down, from sheer

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in Joel L. Kaemer, ed., *Perspectives on Maimonides: Philosophical and Historical Studies* (Oxford: Oxford University Press, 1991), “Maimonides’ Governance of the Solitary,” by Ralph Lerner (33-46); and “Maimonides in the Sultan’s Palace,” by Steven Harvey (47-75). I shall have more to say about each of these essays in what follows. Prof. Michael Shmidman has observed that Maimonides may well have needed the remuneration that came from his work as a physician, since the brother who had long supported him was dead, and Maimonides was opposed to communal support of Torah scholars. Nevertheless, unless Maimonides was in extreme financial need, it is unlikely he would have worked as hard as he did. One gets the sense from this letter that other factors were operative. Prof. Josef Stern has questioned the usefulness of this letter in deriving clear hints about Maimonides’ life and person, in light of the oddity of Maimonides’ refusal to grant time for consultation to his devoted translator, who was willing to risk life and limb in travelling to Maimonides. While this demurral is well taken, the letter does provide us with whatever hint we do have about Maimonides, and it should not be taken lightly, especially since, I shall argue, it serves to call attention to a problem which inheres within Maimonides’ philosophical system itself. In other words, as I observed in footnote 1, my thesis in this essay is that the putative contradiction between Maimonides the person and the philosopher calls attention to and mirrors a contradiction within Maimonides’ theory, and so the burden of evidence for my thesis doesn’t rest on the letter alone, but rests as well on his philosophical views objectively examined. While I have framed the discussion around the contradiction between Maimonides’ life and writings, that should not obscure the central philosophical tension I wish to explore.



fatigue, and when night falls, I am so exhausted I can scarcely speak. In consequence of this no Israelite can have any private interview with me except on the Sabbath. On this day the whole congregation, or at least the majority of its members, come to me after the morning service, when I instruct them as to their proceedings during the whole week; we study together a little until noon, when they depart. Some of them return and read with me after the afternoon service until the evening prayers. In this manner I spend that day.<sup>3</sup>

It is not hard to see why a life of such unrelieved professional and communal activity should be entirely inimical to achieving human excellence, *as Maimonides himself understood it*. In Book III:27 of the *Guide*, Maimonides' summarizes his conception of the *summum bonum*:

[Man's] ultimate perfection is to become rational *in actu* ... this would consist in ... knowing everything concerning all the beings that it is within the capacity of man to know.... It is clear that to this ultimate perfection there do not belong either actions or moral qualities and that it consists only of opinions toward which speculation has led and that investigation has rendered compulsory.<sup>4</sup>

This highly intellectualist conception of the good, explained in the context of Maimonides' account of *mitzvot* and ultimately drawn from Aristotle,<sup>5</sup> explicitly excludes actions or moral qualities. Thus treating the sick—exactly Maimonides' own personal preoccupation—is an action which expresses a moral quality, and would therefore not be part of humankind's highest perfection. This relegation of moral behavior to a secondary status is reiterated in the last chapter of the *Guide*, in which Maimonides famously distinguished among four perfections, the third and penultimate of which is moral perfection. Maimonides there concedes that morality is of great importance, and that “most of the commandments [of the Torah] serve no other end than the attainment

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<sup>3</sup> Quoted and translated in Isadore Twersky, *A Maimonides Reader* (Springfield: Behrman House, 1972), 7.

<sup>4</sup> *The Guide of the Perplexed*, translated Shlomo Pines (Chicago: University of Chicago Press, 1963), III:27, 511. All references to the *Guide* are from this edition.

<sup>5</sup> *Nicomachean Ethics*, Book X, 6-8.

of this species of perfection.”<sup>6</sup> Nevertheless, says Maimonides:

This species of perfection is likewise a preparation for something else and not an end in itself. For all moral habits are concerned with what occurs between a human individual and someone else. This perfection regarding moral habits is, as it were, only the disposition to be useful to people; consequently it is an instrument for someone else. For if you suppose a human individual is alone, acting on no one, you will find that all his moral virtues are in vain ... and that they do not perfect the individual in anything....<sup>7</sup>

Here the problem with moral virtue is that it is not a perfection of the individual himself; it is a means to achieving social well being, and not an end in itself.<sup>8</sup> For Maimonides, again following Aristotle, the form—the essential “whatness”—of human individuals is not their matter, central to the formation of character, but their intellect. Therefore, it is through their intellects that humans achieve their own individual perfection:

The fourth species is the true human perfection; it consists in the acquisition of the rational virtues—I refer to the conception of the intelligibles, which teach true opinions concerning the divine things. This is in true reality the ultimate end; this is what gives the individual true perfection, a perfection belonging to him alone; and it gives him permanent perdurance; through it man is man.<sup>9</sup>

Now of course the claim that moral virtue is secondary to intellectual virtue does not mean that moral virtue is unimportant. Surely, by Maimonides’ own concession, it has some importance, and therefore, at least on the face of it, perhaps it is not unreasonable for Maimonides to spend some time helping the sick. So at one level, the problem is that Maimonides’ *own* allocation of time, with its consuming focus on healing,

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<sup>6</sup> III:54, 635.

<sup>7</sup> Ibid.

<sup>8</sup> See Howard Kreisel, “Individual Perfection vs. Communal Welfare and the Problem of Contradictions in Maimonides’ Approach to Ethics,” *PAAJR* (1992), 107-141, for a discussion of these issues.

<sup>9</sup> Ibid.

does appear to preclude the intellectual perfection, which constitutes for him the highest human good. For if Maimonides is so busy with his patients, when does he have enough time to contemplate God?

But there is another level to the problem as well. For suppose Maimonides were not as busy with his patients as he tells us. Suppose, for example, that he had spent five hours a days on familial, professional and communal matters, and seven hours a day in contemplation. Would that have been adequate to achieve the highest human good?

There is considerable evidence from the *Guide* that Maimonides would have counseled against even this allocation of time; that Maimonides himself drew quite radical conclusions from his own intellectualist presuppositions. To see why this is so, let us begin by examining Book III:51 of the *Guide*. This chapter begins with an introduction, explaining that the chapter is no more than a “conclusion” of the preceding chapters, “at the same time explaining the worship as practiced by one who has apprehended the true realities peculiar only to Him ... and it also guides him toward achieving this worship, which is the end of man....”<sup>10</sup> What is Maimonides after here?

One way of looking at it is this: Since Maimonides is concerned in the *Guide* with explicating the *summum bonum*, he must account for the difference between the prophet and the philosopher. For while Maimonides places the philosopher on a high enough pedestal, Maimonides realistically enough recognizes that not all philosophers—even those who have achieved close to perfect knowledge of “everything concerning all the beings that it is within the capacity of man to know”—are perfect human beings. So what then are they lacking? The most obvious answers for Maimonides are a well-developed faculty of imagination and moral perfection.<sup>11</sup> But Maimonides believed there is more to it than that, and this becomes evident in his discussion of prophecy in III:51 especially. For Maimonides there, the distinction between prophet and philosopher is that the prophet continually contemplates God and is thus more focused on Him than the philosopher. This focus, which Maimonides

<sup>10</sup> Ibid., 618.

<sup>11</sup> *Guide*, II:36-37.

calls “intellectual worship,” has not only a cognitive but also an affective component, too, in that persons in this state fear and passionately love God as well.<sup>12</sup> Given initial parity of knowledge between two deeply contemplative persons, the more exclusive the focus on God—as opposed to pleasure of the senses, family matters, or social obligations, for example—for one of them, the more he/she will come to know God relative to the other, and feel love and fear of Him. Indeed, this focus is necessary to achieve prophecy, and prophecy, once achieved, provides knowledge to the prophet not accessible to the philosopher.<sup>13</sup>

In Maimonides’ famous parable of the palace, which appears at the beginning of this chapter, great philosophers can join the king in the inner part of his habitation. However,

there are those who set their thought to work after having attained perfection in the divine science, turn wholly toward God, may He be cherished and held sublime, renounce what is other than He, and direct all the acts of their intellect toward an examination of the beings with a view toward drawing from them proof with regard to Him, so as to know His governance of them in whatever way possible. These people are those who are present in the ruler’s council. This is the rank of the prophets.<sup>14</sup>

This is a highly suggestive passage. For our present purposes I wish to emphasize the exclusivity claim: only persons who are “turned *wholly* toward God” and who “direct *all* the acts of their intellect” in contemplation of a particular sort (*italics mine*), can become prophets. On this account the role of moral virtue would be to assist the potential prophet in seeking to “renounce what is other than He,” all the distractions of worldly life—the “sense of touch” as Maimonides refers

<sup>12</sup> The exact nature of this affective state is of course somewhat unclear, since emotions are dependent upon the body, and prophets are actualized intellects. But this relates to the discussion below concerning the tension between the moral and intellectual in Maimonides.

<sup>13</sup> See the concluding few sentences of II:38, and the overall discussion of the faculty of divination there. For the view that prophecy and philosophy do not necessarily yield different degrees of knowledge, see Barry Kogan, “What Can We Know and When Can We Know It? Maimonides on the Active Intellect and Human Cognition,” in *Moses Maimonides and His Time*, ed. Eric Ormsby (Washington, DC: Catholic University of America Press, 1989), 121-137.

<sup>14</sup> *Ibid.*, 620.

to it in this context. This includes, most importantly, overcoming his desire for worldly pleasures and satisfactions. As Maimonides never tires of telling his readers, the pursuit of pleasures of the senses is a most potent distraction from realizing one's true human perfection. Book III:51 then proceeds to chart a practical program for achieving this intense form of worship, including progressive concentration on expanding parts of prayer, focus on the management of one's household during necessary contact with the family, and nighttime contemplation while one lies awake in bed. It is in this context that Maimonides urges all aspirants to the highest form of human perfection to live in solitude:

Thus it is clear that after apprehension, total devotion to Him and the employment of intellectual thought in constantly loving Him should be aimed at. Mostly this is achieved in solitude and isolation. Hence every excellent man stays frequently in solitude and does not meet anyone unless it is necessary.<sup>15</sup>

There are at least one and as many as four persons in human history, Maimonides says, who achieved prophecy and no longer needed to live in solitude. Moses, and perhaps the Patriarchs too, were capable of interacting with others while simultaneously thinking about God. However, Maimonides explicitly disavows any ability on his own part to achieve this exalted level of worship.<sup>16</sup>

This same theme is reiterated in II: 36 of the *Guide* as well, in the context of Maimonides' discussion of prophecy. He first emphasizes that the aspiring prophet must detach himself from the desire for sensual pleasures and the desire for power and honor. Maimonides continues by writing:

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<sup>15</sup> Ibid., 621.

<sup>16</sup> Pines in his translation (p. 624, n. 32) notes that the original Arabic is ambiguous, and Maimonides may be disavowing not the capacity to achieve this state himself, but the capacity to guide others to achieve it. Nevertheless, even according to this translation of the Arabic, the overall discussion makes it quite clear that only Moses, and perhaps the Patriarchs, achieved this exalted rank. It is therefore highly unlikely that Maimonides thought himself to have achieved this level too, even if, as some have suggested, Maimonides did think that he had achieved prophecy. See A. J. Heschel, "Did Maimonides Believe He Had Achieved Prophecy?" (Heb.), *Louis Ginzberg Jubilee Volume* (New York: American Academy for Jewish Research, 1945), 155-188 (Hebrew section).

He should rather regard all people according to their various states with respect to which they are indubitably either like domestic animals or beasts of prey. If the perfect man who lives in solitude thinks of them at all, he does so only with a view to saving himself from the harm that may be caused by those among them who are harmful if he happens to associate with them, or to obtaining an advantage that may be obtained from them if he is forced to by some of his needs.<sup>17</sup>

This rather harsh passage conveys a deep unhappiness on the part of the aspiring prophet in associating with most persons. They simply distract him from his pursuit of total focus on God, sometimes by even causing him harm. Interaction is occasionally required—if you don’t own a cow how will you get your morning milk?—but this must be kept to the barest minimum.<sup>18</sup>

Shlomo Pines and other have pointed to the Islamic background of this idea, especially in the writings of ibn Bajja.<sup>19</sup> Whatever Maimonides’ sources, however, he affirms the view as his own, and that is the crucial point. How then is this advocacy of the solitary life consistent with Maimonides’ own life as an over-committed physician?

## II

In his essay on this issue, Steven Harvey proposes that Maimonides’ daily presence in the sultan’s palace may actually have afforded him time for contemplation. The sultans for whom Maimonides worked had reputations as patrons of scholars, and they may have allowed him certain freedoms, with time for research and contemplation.<sup>20</sup>

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<sup>17</sup> Ibid., 372.

<sup>18</sup> While later in that passage Maimonides says that this perfect individual does concern himself with “general directives for the well-being of men in their relations with one another,” this emerges from “his apprehension of divine matters” and is a reflection of his intellectual perfection, not his moral compassion, a “post-theoretic” rather than “pre-theoretic” morality. See below for a fuller discussion of this distinction.

<sup>19</sup> See his “Philosophic Sources of the *Guide of the Perplexed*,” in his translation of the *Guide*, cvii, and the very extensive discussion in the article by Steven Harvey, op. cit., note 2 and the sources cited therein.

<sup>20</sup> Op. cit., 73 ff.

While this is a clever suggestion, I find it not wholly satisfactory on two counts. First, some limited time for contemplation hardly amounts to the solitude Maimonides so forcefully advocates. As I noted earlier, there are two levels to the paradox of Maimonides' life, and while this may solve the first level, it doesn't solve the second. The ideal of solitude, if it is to be taken seriously, requires more than some spare hours at the sultan's palace. Moreover, the whole tenor of Maimonides' letter to ibn Tibbon conveys the image of a beleaguered man with no time to breathe. If Maimonides did have leisure during his stay at the palace, the letter hardly suggests it. No doubt Maimonides' main goal was to convince ibn Tibbon not to journey to him, since he would not have the time to spend instructing him. But is it clear that Maimonides could not have taken ibn Tibbon with him to the sultan as an assistant and apprentice? Overall I find it unlikely—although by no means impossible—that Harvey is right in his conjecture. And even if he is right, we don't have the complete solution we need.

A second approach to the problem is advocated by Ralph Lerner, and considered, but rejected, by Harvey as well. This approach flows from the well-known school of Maimonides scholars who advocate what has come to be called a Platonic reading of the *Guide*. This school takes as foundational the closing paragraph of the *Guide*, which advocates what some have called a fifth perfection, over and above the first four:

It is clear that the perfection of man that may truly be gloried in is the one acquired by him who has achieved, in a measure corresponding to his capacity, apprehension of Him, may he be exalted, and who knows his providence extending over His creatures as manifested in the act of bringing them into being and their governance as it is. The way of life of such an individual, after he has achieved this apprehension, will always have in view "loving-kindness, righteousness and judgment," through assimilation to His actions, may He be exalted, just as we have explained several times in this treatise.<sup>21</sup>

This concluding sentence has suggested to some scholars that the highest form of human perfection for Maimonides is not a life of

<sup>21</sup> III:54, 638.

contemplation, but a life of moral activity. Others have argued that this highest life is political, the establishment or governance of a society devoted to the knowledge of God.<sup>22</sup> Whatever the merits of these readings, and I shall have more to say about this passage later, Ralph Lerner has proposed one version as a solution to our paradox. The reason Maimonides led so active a medical life, Lerner suggests, is that Maimonides had achieved this fifth level of human perfection and had sought to act with “lovingkindness” towards the sick and needy.

I find myself unsatisfied with this solution as well. First, it isn’t clear that this Platonic reading is the correct one, and indeed many dispute it. But even if it is correct, I fail to see how it can help us. Consider the following question: Isn’t there a contradiction within the *Guide* itself, between Maimonides’ advocacy there of a life of solitude and his advocacy of a life of “lovingkindness, righteousness and judgment”? If one acts in lovingkindness towards all those in need, how can one live in isolation? This is a tension within the book itself, and not a tension between the book and Maimonides’ life. What interpretive strategies are available to us?

I think the probable answer to this question is that it depends upon one’s level of achievement.<sup>23</sup> Who are the exemplars of this highest form of life described in III:54? When Maimonides defines the terms “lovingkindness, righteousness and judgment” in Book III:53, all his prooftexts that refer to individuals refer to God Himself, and in one instance, to Abraham. In Book III:51 Maimonides describes the Patriarchs and Moses as having achieved a sufficiently high level of knowledge and contemplative focus so that, “... the end of their efforts during their life was to bring into being a religious community that would know and worship God ..., to spread the doctrine of the unity of the name in the world and to guide people to love Him.”<sup>24</sup> This is

<sup>22</sup> This matter has been hotly debated, especially during the past two decades. For recent summaries of the very extensive literature see Menachem Kellner, *Maimonides on Human Perfection* (Providence: Brown Judaic Studies, 1990); the article by Steven Harvey, op. cit., n. 2, 70-72; and Howard Kreisel “Imitatio Dei in Maimonides’ *Guide of the Perplexed*,” *AJS Review* XIX:2 (1994), 169-211.

<sup>23</sup> For more on this, see below.

<sup>24</sup> *Ibid.*, 624.



the most divine form of lovingkindness, since bringing into being a religious community models God's own behavior in creating the world, choosing the Jews as His people, and revealing the Torah. Now as we know, only Moses and perhaps the Patriarchs had achieved that uncommon ability to associate with others while thinking of God. For them there was no contradiction between living lives of uninterrupted lovingkindness and contemplating God. Lesser mortals, such as the other prophets, would need to curtail their lovingkindness and preserve time for solitary contemplation in order to finally achieve the highest levels characteristic of Moses and the Patriarchs. Those who fall beneath the achievements of these great figures would presumably alternate their regimens, between periods of solitary contemplation and periods of activity, with the ratio dependent upon their level of prophetic achievement and concomitant compulsion to reach others,<sup>25</sup> as well as the needs of the hour.

If this account of the contradiction within the *Guide* is correct, then it might indeed allow Maimonides *some* time for his medical practice, depending upon his own status. However, since Maimonides did not reach the Mosaic/Patriarchal level himself, as noted above, he should *not* have been eligible to devote all his life to lovingkindness. We are then left with our original question: How could Maimonides at this crowning point in his life have spent all or virtually all his time treating the sick? Even if we assume that the letter is a bit hyperbolic—and I'm not sure that is the case—it surely seems likely that Maimonides did spend at least very considerable time in his medical practice. How much time could he have had left in solitude?

This question is rendered even more acute if we consider that healing the sick concerns "welfare of the body" and prophetic activity concerns not only "welfare of the body" but also "welfare of the soul." Maimonides in Book III:27 regards welfare of the body as a means to achieving welfare of the soul, which is superior. What could be more

<sup>25</sup> For Maimonides this depends upon the strength of the overflow of the active intellect that reaches them. See *Guide* II:11 and II:37. For a discussion of this important point see Warren Zev Harvey, "Political Philosophy and Halakha in Maimonides" [Hebrew], *Iyyun* 29 (1980), 209-212; Howard Kreisel, "Imitatio Dei in Maimonides' *Guide of the Perplexed*," *AJS Review* XIX:2 (1994), 169-211; and Barry Kogan, op. cit., n. 13.

important for someone like Maimonides than devoting one's life to promulgating the truth? Indeed Maimonides did exactly that for significant parts of his career, in writing his philosophic, and portions of his halakhic, works. But at the very culmination of his years he veered not only from the contemplative solitude he advocates, but from the sort of life he himself regarded as superior, to time-consuming concern with welfare of the body at the expense of welfare of his, and others', souls. What might have justified this shift?

### III

I would like to suggest that the solution to our problem emerges from the practical implications of what might be called Maimonides' two-tiered ethical theory. It has long been noted that Maimonides' ethical theory in his halakhic works stands in tension with the theory he advocates in the *Guide*.<sup>26</sup> In the *Mishneh Torah* and *Eight Chapters* he interprets the obligation to imitate God as an obligation to cultivate a moral character which follows the middle way in behavior. The key feature of this ethical model, derived from Aristotle and Alfarabi, is its psychological orientation. The goal of moral life is to cultivate the sort of psychological character that yields morally correct emotional and behavioral responses to changing circumstances, where "correct"

<sup>26</sup> See Steven Schwarzschild, "Moral Radicalism and 'Middlingness' in the Ethics of Maimonides," *Studies in Medieval Culture* XI (1977), for an early and influential discussion of this and related themes. See too Herbert Davidson, "The Middle Way in Maimonides' Ethics," *PAAJR* 54 (1987), and more recently Howard Kreisel, "Individual Perfection vs. Communal Welfare and the Problem of Contradictions in Maimonides' Approach to Ethics," *PAAJR* (1992), 107-141. For the view that Maimonides held a consistent ethic throughout his writings, see Barry Kogan, "*Ha-Rambam al Musag Ha-Idi'al Ha-Enushi: Hasid oh Hakham?*" in *Sefer Ha-Yovel Le-Shelomo Pines, Mehekerei Yerushalayim* 9 (1990), 77-191, and the literature cited therein.

Aristotle himself seems to have proposed two different conceptions of human excellence, that of practical reasoning, which finds its expression in human choices according to the middle way, and that of theoretical reasoning, which finds its expression in a life of contemplation. Unlike Maimonides, however, Aristotle does not maintain that a life of contemplation has its own ethical standards, nor does he maintain that one should live one's life in solitude: for Aristotle, man is a social and political being. Despite these differences, however, it seems likely that the philosophical tradition in which Maimonides was working was influenced by this Aristotelian dichotomy.

is identified with the middle way between two extremes. For example, when it comes to pleasure, a person should so train himself that he neither desires to indulge in pleasurable activities constantly, nor desires to avoid them entirely. Neither extreme is good; rather, persons should indeed desire to marry, eat meat, drink wine and so on, but not to excess, and they should act accordingly. Despite the Aristotelian origins of this theory, Maimonides does give it a “Jewish twist”<sup>27</sup> in several important ways. First, he identifies it with the obligation to walk in God’s ways. Thus, Maimonides says,

The precept concerning walking in God’s ways has been interpreted by the Sages to mean “Be gracious even as He is called gracious; be merciful even as He is called merciful; be holy even as He is called holy” (Shabbat 133b). Thus the prophets described God by all kinds of attributes, “slow to anger and abounding in kindness, righteous and just, perfect and mighty” and so on to inform us that these traits are good and right and man ought to adopt them for himself and thereby imitate God as much as he can.<sup>28</sup>

While the character traits identified in this passage are not obviously examples of the middle way, Maimonides is convinced that the middle way is true as an ethical theory, and reasons that therefore this must be what the Sages (and the biblical verse) had in mind. The net result, however, is that the obligation to cultivate character traits which reflect the middle way, including compassion, kindness and so on, is a biblical mandate. This is so notwithstanding Maimonides’ affirmation in the *Mishneh Torah* (but not in *Eight Chapters*) of the ethics of what he calls the *hasid*, the “saintly” or “pious” person, who veers somewhat to the side which is furthest from the worst of the two extremes, unlike the *hakham*, the wise person who follows the mean. Thus the *hasid* will approach the side of great humility, because arrogance is the more problematic of the two extremes related to self-regard.<sup>29</sup> This allowance for the *hasid* does constitute a second difference between Maimonides

<sup>27</sup> The phrase is Schwarzchild’s, from “Moral Radicalism and ‘Middlingness’ in the Ethics of Maimonides,” *Studies in Medieval Culture* XI (1977), 67.

<sup>28</sup> *Mishneh Torah*, *De’ot*, chap. 1:5.

<sup>29</sup> *De’ot*, chap. 1, 8-9.

and Aristotle. Nevertheless, Maimonides clearly portrays him as an exception to the biblical (and Aristotelian) model. This is even more evident in *Eight Chapters*, where the *hasid* is portrayed as someone who chooses to veer from the mean only as a prophylactic, to insure that he ultimately always remains safely within the mean.<sup>30</sup> Thus the *hasid* model, even if it is taken to be an exception to the rule, only serves to further exemplify it: the standard remains the mean and he who follows it, the *hakham*.

A third Jewish dimension to Maimonides' version of the theory rests in two clear-cut exceptions to the general principle. Unlike Aristotle, Maimonides maintains that one should be exceedingly humble and never feel any anger.<sup>31</sup>

While the theory of the mean dominates Maimonides' earlier, halakhic works, it barely makes an appearance in the *Guide*. One indicator of the differences between these works is Maimonides' shifting attitude towards sensual pleasure. As we have noted, the halakhic works argue for moderation in this regard. However, the *Guide* almost consistently advocates asceticism, and in rather sharp language at that. Thus, Maimonides says that "... the first of the degrees of the people of science and, all the more, prophets ..." is the "renunciation of and contempt for the bodily pleasures.... In particular this holds good with regard to the sense that is a disgrace to us—as Aristotle has set forth—and especially in what belongs to it with regard to the foulness of copulation."<sup>32</sup>

<sup>30</sup> See Twersky, op. cit., for an explanation for the divergence in this regard between these two halakhic works.

<sup>31</sup> See *Mishneh Torah*, *De'ot*, chap. 1 and 2; and *Eight Chapters*, chap. 4. For a discussion of the Aristotelian background of Maimonides' theory of the mean, and the significance of these exceptions, see Marvin Fox, *Interpreting Maimonides* (Chicago: University of Chicago Press, 1990), 93-123. (This chapter of the book is a reprinting of an earlier essay, "The Doctrine of the Mean in Aristotle and Maimonides: A Comparative Study.") See too, Daniel Frank, "Humility as a Virtue: A Maimonidean Critique of Aristotle's Ethics," *Maimonides and His Times* (Washington, DC: Catholic University of America Press, 1989), 89-99 and, for alternative readings of the significance of these exceptions, see Barry Kogan, *ibid.*, in *Sefer Ha-Yovel*.

<sup>32</sup> II:40, 384. See too II:36; III:8 and III:49. For a discussion of this aspect of the tension, see Davidson, op. cit., n. 26; Kreisel, "Individual Perfection...", op. cit., n. 26; and Isadore Twersky, op. cit., n. 3, 459-479.

This specific difference in turn reflects a much broader one. The *Guide*'s model for moral behavior downgrades cultivated moral virtue to the third level of perfection, as we have seen. Cultivating moral character is not a perfection of the individual; it serves no more than a social purpose. In Book III:27 Maimonides describes moral virtue as a perfection of the body rather than a perfection of the soul. He tells his readers there that a society whose citizens lacked moral virtue would be dysfunctional, and that the purpose of cultivating virtue is to insure a well-ordered society in which one has the peace of mind and stability to achieve welfare of the soul, namely knowledge of God. Book I:2 of the *Guide* maintains that morality is a matter of social convention and not knowledge. The very capacity and need to make moral choices governed by character is a consequence of the sin of Adam and Eve.<sup>33</sup> Eating from the forbidden fruit thrust humankind into the realm of imagination, in which humans are drawn by, and into, what their imagination projects as good, and not what truly is good. While Maimonides does occasionally mention the value of moderation in the *Guide*,<sup>34</sup> he almost never employs the technical terms and theoretical apparatus of the middle way, which is thereby sharply conspicuous for its scarcity.<sup>35</sup>

Morality does make an appearance in the *Guide* in quite another theoretical framework, however, and that is the moral behavior that follows upon achieving the highest knowledge of God. As noted earlier, Maimonides concludes the *Guide* by advocating a life of "lovingkindness, righteousness and judgment" for one "who has achieved ... apprehension of Him, may He be exalted, and who knows His providence extending over His creatures ... and their governance as it is...."<sup>36</sup> But what does this "post-theoretic" morality consist in? Even if Maimonides means to refer here to political behavior, as some scholars suggest, I think a simple

<sup>33</sup> For a discussion of this, and references, see below, note 53.

<sup>34</sup> E.g. II:39, speaking about the "balanced" quality of the Law; and III:49, speaking about "balance" in regard to sexual intercourse, so that it is not avoided entirely.

<sup>35</sup> In III:49 (p. 611) Maimonides does mention "the principle of keeping the mean in all matters," in the context of his treatment of circumcision. However, it isn't at all clear that his usage of the term "mean" is identical with his use of the term in *Eight Chapters*. See Joseph Stern, *Problem and Parables of the Law* (Albany: SUNY Press, 1998), 89-91.

<sup>36</sup> III:54, 638.

reading of the text, especially in light of Maimonides' interpretation of the terms "lovingkindness, righteousness and judgment" in III:53, suggests that it has a moral connotation as well.

Herbert Davidson has pointed to the importance of Maimonides' views on divine attributes, and especially a key passage in Book I:54, for understanding not only the conclusion of III:54, but all of Maimonides' ethical theory in the *Guide*.<sup>37</sup> In his discussion of divine attributes, Maimonides maintains that no predicates can be attributed to God's essence, since this would violate God's simple unity; moreover, God's essence is in principle unknowable. This implies that we cannot assert of God anything positive at all, including the psychological characteristics that constitute moral character. This leads to Maimonides' claim that all qualities attributed to God are in reality attributes of action, not essential attributes. In other words, when we say that God is compassionate, we can't coherently mean that He possesses the moral quality of compassion, for that would be to attribute a quality to God's essence. What we really mean is that God's actions are such that if they were performed by human beings they would be said to proceed from someone who is compassionate. We can describe God's actions in various ways, borrowing from our human experiences, but we cannot describe God Himself. Language about God thus reduces to language about God's providential governance of His world. "The meaning here is not that He possesses moral qualities, but He performs actions resembling the actions that proceed in us from moral qualities."<sup>38</sup>

This claim, that God does not have moral qualities, follows not only from Maimonides' elaborate theory of divine attributes. Moral character, as Maimonides maintains throughout his writings, is a psychological quality, and is bound up with human emotions. But emotions, and all psychological qualities, are ultimately physical, are "perfections of the body" in Maimonides' terms, not "perfections of the soul." Thus God, Who has no body could hardly have these qualities. God acts only according to the rational, unchanging standards of the intellect, according to what is truly right. He is not influenced by emotions or embedded character traits, which can cloud judgment.

<sup>37</sup> Op. cit., 64 ff.

<sup>38</sup> I:54, 124.

What are the moral and political implications of this conception of divine morality? If human beings are obligated to imitate God—to “go in His ways,” as the Torah says—then they should be obligated to behave towards others as God does, to emulate God’s attributes of action. That is, they should make moral and political judgments exclusively according to what reason requires, uninfluenced by emotions or embedded character traits. This is exactly what Maimonides says in I:54:

It behooves the governor of a city, if he is a prophet, to acquire similarity to these attributes, so that these actions may proceed from him according to determined measure and according to the deserts of the people who are affected by them and not merely because of his following a passion ... for all passions are evil... (p. 126). For the utmost virtue of man is to become like unto Him, may He be exalted, as far as he is able; which means that we should make our actions like unto His, as the sages made clear in interpreting the verse “Ye shall be holy.” They said “He is gracious, so be you gracious; He is merciful; so be you also merciful” (p. 128).

Maimonides quite explicitly re-interprets *imitatio dei*, the biblical mandate behind the middle way ethics of his halakhic works. Interestingly, the verse he chooses here is not “You should go in His ways,” which he uses in the *Mishneh Torah*, but “You shall be holy.” Holiness requires passion-less, character-less moral choices made only according to what the intellect understands to be right. Maximal emulation of God is a post-theoretic morality, in which human beings so understand God’s providential governance of the world that they act only according to that understanding. Emotions, even good moral character, can mislead. As Maimonides points out, compassion, as fine a quality as it normally is, can get in the way of justice. Sinners, after all, must be punished and Amalekites killed, notwithstanding the compassion they might evoke.<sup>39</sup>

The asceticism encouraged in the *Guide* seems linked to this higher

<sup>39</sup> Maimonides probably does not mean to take the Stoic position that emotions are bad. For Maimonides, love and fear of God, and especially *heshek*, impassioned love of Him (III:51-52), are emotions that flow from knowledge, and therefore good. What Maimonides precludes at the highest levels of human achievement are decisions *based upon* emotion, or emotions sufficiently strong to destabilize reason.



morality. As Maimonides says time and again, the pursuit of pleasure precludes achieving knowledge of God. Since the ethics of the *Guide*, unlike that of the halakhic works, is consequent upon understanding God and His providential governance of the world, asceticism becomes crucial not only for the *Guide*'s ethos, but for its ethics too, unlike the ethics of the halakhic works.

That said, what are we to make of this shift from Maimonides' halakhic works to the *Guide*? Davidson himself, and Lawrence Berman,<sup>40</sup> propose that Maimonides simply changed his mind after writing the earlier halakhic works. That is, Maimonides came to the realization later in his life, before writing the *Guide*, that the logic of his view of divine attributes and His conception of God required him to abandon the theory of the middle way in favor of a purely intellectualized ethic. While this approach is plausible, I favor the view of Kreisel,<sup>41</sup> Twersky<sup>42</sup> and others, that Maimonides offers his reader a two-tiered system of ethics, already adumbrated in the *Mishneh Torah* through his distinction between the *hakham* and the *hasid*, the wise and the pious. The wise person, it will be recalled, follows the middle way; the *hasid* veers from it. It seems likely that the morality the *hasid* aspires to is none other than the ascetic, passion-less and character-less morality of the *Guide*. The pre-theoretic morality of the more popular, halakhic works is less demanding, and more suited to the capacities of the vast majority of the Jews. The *Guide*, on the other hand, is indeed a guide, to those who aspire to the highest form of human perfection, theoretical knowledge, and then post-theoretic imitation, of God as a pure Intellect. Thus the *Guide* affirms the doctrine of the mean, but downplays it considerably in favor of the post-theoretic morality, which it favors.

It should be recalled in this regard that Maimonides chose a different biblical verse for *imitatio dei* in the *Guide* than he does in *Mishneh Torah*. In the latter he cites the verse from Deuteronomy "And you shall walk in His ways" (Deut. 28:9), whereas in the former he cites the command

<sup>40</sup> "Ethical Views of Maimonides within the Context of Islamicite Civilization," *Perspectives on Maimonides* (Oxford: Oxford University Press, 1991), 320.

<sup>41</sup> Op. cit., n. 22, 132 and passim.

<sup>42</sup> Op. cit., n. 2, esp. pages 507-514.



in Leviticus “You shall be holy” (Leviticus 19:2). The *Guide* advances the loftier goal of holiness, whereas the *Mishneh Torah* does not.

Interestingly, one of the two exceptions that Maimonides offers to the doctrine of the mean in his halakhic works exactly foreshadows the *Guide*’s overall ethical model of passion-less behavior. As noted above, Maimonides, citing numerous rabbinic passages, maintains that anger should be entirely avoided.

One should train oneself not to be angry even for something that would justify anger. If one wishes to arouse fear in his children and household or members of a community of which he is the head, and desires to exhibit anger so that they may amend their ways, he should make a show of anger before them ... but in reality his mood should be composed like a man who simulates anger and does not really feel it.<sup>43</sup>

Maimonides concludes this paragraph about anger by citing as a proof-text a verse from the prophets: “And they that love Him are like the going forth of the sun” (Judges 5:11). This relates to Maimonides’ claim that those who act without anger are impelled to do so out of love for God. Now what is the connection between love of God, “like the going forth of the sun,” and acting without anger? The explanation may be that Maimonides here means to allude to a claim he makes several books later in the *Mishneh Torah*, in “The Laws of Repentance” 10:6 (and repeats in the *Guide*), that love of God is consequent upon knowledge of Him. Maimonides may be subtly suggesting that those who love God know Him, and if they know Him, they will act without any passion at all, including anger. This, indeed, is exactly the position of the *Guide*, generalized from anger to *all* character traits. In other words, if one truly understands the implications of Maimonides’ apparently odd proof-text, one will be led in the direction of the morality of the *Guide*, whose theory is thus adumbrated already in the *Mishneh Torah*.

I would now like to suggest that this model of the two-tiered ethic in Maimonides’ moral philosophy positions us to offer a solution to the contradiction between Maimonides’ life and his writings. I wish to stress, however, that the cogency of my proposed solution stands

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<sup>43</sup> Deot, 2:3.

independent of whether one accepts the hierarchical reading of Maimonides' two-tiered ethic offered here (which I continue to use throughout this essay), or whether one accepts the Davidson/Berman thesis that Maimonides changes his mind. Even according to Davidson and Berman, the *Guide* itself does apparently offer us a two-tiered ethic, that of perfection three, social morality, and that of perfection four (or five depending upon how one counts), the "lovingkindness, righteousness and justice" of III:54. While I and others maintain that perfection three is none other than the mean, even if it isn't we still have here some form of lower-order morality involving the cultivation of virtues—the "perfection of the body" as Maimonides calls it in III:27—and the higher order morality of III:54. That alone is enough to make my case.

#### IV

What are the practical implications of Maimonides' two-tiered ethic? What is the path to moral excellence? No doubt it begins with the cultivation of those character traits which constitute the middle way. This is surely no easy task, as anyone who has tried to cultivate these qualities can attest. It takes years and years of labor, with constant adjustments and struggles along the way. Even then, how many people have we met who have fully realized all the virtues Maimonides enumerates and discusses? The life of the *hakham* is difficult to achieve.

We can safely assume that Maimonides himself worked to shape his character according to the standards of the mean.<sup>44</sup> To the extent that he was successful, he would have become the sort of person who by virtue of his character would respond charitably to those in need, courageously in situations of danger, and so on. While he would need

<sup>44</sup> While Maimonides does say in III:8 of the *Guide* that "it is easy ... to control suitable matter" (p. 433), he doesn't tell us all that much about how easy his own matter may have been to train. There are rabbinic traditions according to which even Moses himself was born with innate aggressiveness, which he had to learn to control. It is probably safe to assume that Maimonides had to make at least some efforts in regard to at least some of the moral virtues which appear on his long list.

to choose consciously to do so, that choice would flow naturally from the character traits he had shaped and developed over time.

The more stable and mean-centered these traits would have become, the better Maimonides would have been situated to pursue the knowledge that constitutes the highest human perfection. Aspirants to the truth who lack these traits, Maimonides frequently tells us, are inevitably diverted. Thus Maimonides would have worked on his character simultaneous with his studies of logic and mathematics, then physics and ultimately metaphysics. But at some point Maimonides would have run into a problem, for in order to achieve the very highest levels of human perfection, to which we can only assume Maimonides personally aspired, he would have needed to transcend the moral education he had so diligently cultivated. I have argued here that the highest form of morality for Maimonides is passion-less and character-less. In order to achieve that level of morality, one must achieve deep knowledge God and His governance of the world. Either subsequent to acquiring that knowledge, or simultaneous with its achievement, at least at the deepest levels, the aspirant to the higher morality must train himself to respond to life's exigencies not out of his entrenched moral character but out of an understanding of God's providential governance of the world. Indeed, he must rise above those very traits he has worked so hard to cultivate, so that they don't interfere with the choices made according to the new knowledge he has acquired.

While this experience may seem foreign to Maimonides' readers, it really isn't so far removed from common human experience. Thus, one may feel a natural, and developed, compassion for one's children, but nevertheless rise above those feelings to mete out the kind of punishment one believes is necessary for the children's moral well-being. Parents thus detach or dissociate themselves from what comes naturally to them in order to "do the right thing." This seems to be something like what Maimonides has in mind, although for Maimonides one would undergo this dissociation even if compassion and right reason yielded the same, and not contrary, results.

That said, Maimonides' requirement is still very difficult to achieve. But this is only one level to the practical difficulties Maimonides' two-tiered theory raises. For what kind of life is necessary to realizing the

highest levels of divine knowledge that humans can achieve? None other than the life of solitude. At the sub-Mosaic/Patriarchal level, human relationships ultimately divert one from the intense focus necessary to achieve and sustain ongoing contemplation of God. This is not to say that once thrust into contact with others one shouldn't follow the mean. But this form of morality is only the third perfection. As Maimonides says in III:54, it isn't an end in itself but only a means to another end, "an instrument for someone else." But "the conception of intelligibles ... is in true reality the ultimate end" and is "the true human perfection." Only prophets like Moses, and perhaps the Patriarchs, can afford frequent interaction with others because of their learned ability to think about God while at the same time effectively relating to others.

But how does this work? How can they think about God all the while relating to others? One way of thinking about this, as I noted above, is that Moses and the Patriarchs succeeded in dissociating themselves from their actions. They were capable of "going through the motions" of human relationships, mechanically saying or doing the right thing while their thoughts were really elsewhere. While this interpretation is plausible, I strongly favor another, according to which Moses and the Patriarchs achieved an uncommon *integration* of the contemplative and moral. As Kogan, Warren Zev Harvey, Kreisel,<sup>45</sup> and others stress, the very same overflow from the Active Intellect which yields knowledge of God in the aspirant to such wisdom yields knowledge-based (as opposed to character-based) moral behavior as well. In the case of Moses and the Patriarchs, every action they take and every choice they make derives only from their true knowledge of God (His attributes of action) and from nothing else. When they talk politely to their neighbors or help an old woman cross the road, they do so out of the knowledge of how God would have acted in the circumstances. Therefore their actions and choices are constant expressions of their thinking. In this way, their contemplation of God has never ceased.

<sup>45</sup> For an elaboration of this view see references, n. 26, especially the Kreisel article cited there. Those scholars who read III:54 politically, and especially out of an epistemological skepticism about the possibility of human knowledge of the divine, would not share this perspective. For a discussion, see Kellner, *ibid.*, n. 23.