

The Legacy of  
Maimonides  
*Religion, Reason and Community*

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## Maimonides on Creating an Inclusive Community

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Each individual possesses something unique, rare which is unknown to others; each individual has a unique message to communicate, a special color to add to the communal spectrum. Hence when lonely man joins the community, he adds a new dimension to the community awareness. He contributes something no one else could have contributed.

Joseph B. Soloveitchik, "The Community,"  
*Tradition* 17:2 (1978): 10

...[W]e should never alienate or despise the Shabbat violators, but, on the contrary, draw them near and inspire them to perform *mizvot*. As our sages indicated: "A willful transgressor who enters the synagogue to pray should not be disgraced but on the contrary be received with courtesy."

Maimonides, *Iggeret ha-Shemad*

Once I have recognized the thou and invited him to join the community, I *ipso facto* assumed responsibility for the thou. Recognition is identical with commitment.

Soloveitchik, *ibid.*, page 18

R. Judah spoke: Hear, O Israel, this day thou art become a people unto the Lord thy God. Now was it on that day that the Torah was given? It is however to teach you that the Torah is as beloved everyday to those who study it as on the day it was given at Sinai.

*Berakhot* 63b

### Introduction

The Maimonides Heritage Center was founded on the premise that the "Great Eagle" Maimonides is not only in harmony with modern man's

spiritual sensibilities but is indeed the most relevant Jewish thinker in modern man's struggle back to tradition. Eight hundred years after his death, the influence and impact of Maimonides' writings, as well as what we know about his personal life and his religious passion, affords us the spirituality that many have sought in religious existentialism and mystical texts.

Maimonides also speaks to some of the overriding political and communal issues of the contemporary Jewish community today. R. Norman Lamm formulated our generation's greatest challenge as follows:

To concentrate solely on our physical survival with no thought to our cultural and religious tradition or, conversely, to focus our loyalties exclusively on our spiritual legacy even if it means alienating vast numbers of Jews who may be indifferent to it—this is the primal sin of our times. Jews without Judaism, Judaism without Jews—either one is treason, because each of these is a prescriptions for the end of the story of both Israel and Torah.<sup>1</sup>

The political implications of Maimonides' Halakhic thought are especially critical. A clear presentation of Maimonides' religious and Halakhic epistemology can be an avenue to bridge the gap between the religious, the secular, and the indifferent. Maimonides affords the twenty-first century Jewish community in the Diaspora and in Israel the spiritual and political answers it seeks in order to ensure the Jewish people remain a unified and pertinent entity.

The need to create a spiritually sensitive "community" is especially urgent in Israel. Contrary to the predictions of the nineteenth and twentieth century earlier thinkers who anticipated a melting pot where minority cultures assimilate, the modern state of Israel has become an arena where ethnic variety, individuality, and pluralism have found expression within the national society. This in itself would not pose a problem were it not for the tensions, animosity, and even outright hostility among various ideologies both within and beyond the range of religious groupings. This clearly poses a crucial and urgent challenge: How do we as a people, with different ideologies, lifestyles and religious and cultural backgrounds, come together to create a community?<sup>2</sup> In the view of Jonathan Woocher,

At the very heart of the mystery of Jewish survival throughout the ages, in magnificent denial of the normal laws of history that decree the death sentence on people that lose their homeland, is the idea of community.... the sense of a profoundly shared

destiny, a shared purpose, a shared history and customs, a shared responsibility.<sup>3</sup>

One of our strengths as a people has always been the ability to draw on a shared past and the promise of a national destiny. Is there a place in our theology for substantive dialogue among those who share a land but not necessarily a common belief in a historical past, or commitment to a shared destiny? In this essay I will propose that Maimonides' exposition of basic Jewish theological principles and *mizvot* can serve as a guide toward reaching all members of our community and bringing the fragmented parts together in unity of direction and responsibility.

### Self Perception

The thesis I am about to present requires a short discussion on the ways that Jews collectively perceive themselves in relation to God and, consequently, in relation to the rest of the world. One element of that collective perception is the concept of the election of Israel, on which the late Talmud scholar Ephraim E. Urbach astutely noted two different views in rabbinic literature. The first view, which he calls *nitzhit* (eternal or absolute), sees the chooseness of Israel as conceived together with the creation of the world. It assumes that the people of Israel are chosen because they possess an intrinsic distinction and that their election is not contingent on anything they do or fail to do. The second view he calls *yahasit* (relative), according to which the election of Israel is linked to certain stipulations and conditions. In this approach, the people are both elected and electors, in the sense that they "chose" as well as have been "chosen."<sup>4</sup>

Urbach attributes the idea of *behirah nitzhit*, the eternal or absolute election of Israel, to R. Akiva and his disciples. He hears the essence of this message in R. Akiva's well-known dictum: "Beloved are Israel who are called God's children... Beloved are Israel because the vessel through which the world was created was given to them."<sup>5</sup> That is, both Israel and Torah are primordial entities.<sup>6</sup> It then follows that both Israel and Torah are in truth eternal and not temporal. This belief was very attractive to a range of later Jewish theologians and scholars, finding its fullest expression in the works of Yehuda Halevi. By way of the *Zohar* and the schools of mystics, it also spread widely through popular writings.

The second view, that Urbach calls *behirah yahasit*, is attributed to

the *Tanna* R. Eliezer Ben Azariah. R. Eliezer cited the verse “Thou hast avouched the Lord this day... and the Lord has avouched thee this day” (Deuteronomy 26:17-18) and expounded it:

The Holy One blessed be He, said to Israel: You have made Me a unique object of your love in this world, so I shall make you a unique object of My love in this world. You have made Me a unique object of your love in this world as it is written “Hear, O Israel, the Lord our God, the Lord is One,” and I shall make you a unique object of My love as it is written “Who is like unto Thy people Israel, a nation, one in the earth” (I Chronicles 17:21).<sup>7</sup>

That is, God was chosen by Israel before God chose the people of Israel. An identical view can be attributed to R. Ishmael in his teaching: “And ye shall be holy unto Me...when you are holy you are Mine.”<sup>8</sup>

On the election of the Jewish people, Maimonides chose this second and less popular view.<sup>9</sup> As Menachem Kellner asserts persuasively, Maimonides does not assign any special ontological status to the Jewish people.<sup>10</sup> Maimonides does make reference to *behira*, election by God, but only in regard to liturgical traditions and the preservation of certain Talmudic formulations.<sup>11</sup> He does not suggest that God chose the Jewish people for qualities that distinguish them from the rest of humanity, nor does he give any theological significance to that concept.

This stance has many and dramatic implications that Kellner, in his study of Maimonides, examines. It seems clear that Maimonides downplays any special character of the Jewish people and sees no difference between Jew and gentile except in their theological choices. He rejects the concept that Jews are beneficiaries of a special Divine providence or prophecy.<sup>12</sup> Rather, Jew and Gentile are equally capable of achieving human perfection. This concept explains why Maimonides was so welcoming to proselytes.<sup>13</sup> Kellner’s thesis also places in context Maimonides’ belief that in the End of Days the distinction between Jew and gentile will dissolve.<sup>14</sup>

In the next section, I will apply Kellner’s research further and argue that an appreciation for Maimonides’ position on the election of Israel as a backdrop for the analysis of Maimonides’ religious epistemology might afford us, the Jewish community of the twenty-first century, the religious and theological outlook necessary to engage co-religionists who might lack faith in God, a belief in traditional revelation, and in a shared destiny.

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## Self Expression

Interestingly, there is a relationship between how one understands the election of the Jewish people (*behirah*) and *ta'amei ha-mizvot*, applying reasons to the commandments. Regarding *ta'amei ha-mizvot*, Maimonides insists in numerous places that “every commandment and prohibition in these laws is consequent upon wisdom and aims at some end.”<sup>15</sup> All the commandments are useful and even necessary for helping us achieve human perfection<sup>16</sup> and creating the ideal society. Based on this premise Maimonides goes to great lengths in the *Guide* to expound the reasons for the commandments. This is indeed consistent with his position on *behirah*. For him, *behirah* of the Jewish people is a dynamic process initiated by man seeking out his or her Creator. In presenting *ta'amei ha-mizvot*, Maimonides actually presents a model that by its very nature encourages dialogue and engages all members of the community in the religious quest. Man chose God because His law and creations are perfect and wise, and a relationship is forged from human intuition. Man then rationally communicates that choice and the values of his religious experience to others who may or may not be committed to the same kind of belief. Maimonides uses as a proof-text a verse on rationally communicating to the nations of the world the Divine wisdom of Torah: “*Ki hi hokhmatkhem u-vinatkhem le-einei ha-amim* (For she is your wisdom and knowledge in the eyes of the nations)” (Deut 4:6).

In contrast, those who insist that *behirah* of the Jewish people is absolute and that God chose the Jew because he or she is intrinsically special, regardless of human participation at all, will likely view the nature of *mizvot* in absolutist and fundamentalist terms as well. The Jew observes the *mizvot* because they are God’s commandments. The transcendental nature of the relationship is not only its source but also the way it is expressed. The process of uncovering the reason and purpose for the commandments becomes irrelevant and even discouraged. One observes *mizvot* because that is what God wills. Fulfilling God’s will for no reason or purpose actually becomes the highest form of religious expression.

Maimonides rejected such a position not only as contrary to the Torah’s intended political goals<sup>17</sup> but also as a malady of the individual’s soul:

There is a group of human beings who consider it a grievous thing that causes should be given for any law; what would please

them most is that the intellect would not find a meaning for the commandments and prohibitions. What compels them to feel thus is a sickness that they find in their souls, a sickness to which they are unable to give utterance and of which they cannot furnish a satisfactory account. For they think that if those laws were useful in this existence and had been given to us for this or that reason, it would be as if they derived from the reflection and the understanding of some intelligent being. If, however, there is a thing for which the intellect could not find any meaning at all and that does not lead to something useful, it undoubtedly derives from God; for the reflection of man would not lead to such things.

It is as if, according to these people of weak intellects, man were more perfect than his Maker; for man speaks and acts in a manner that leads to some intended end, whereas the deity does not act thus, but commands us to do things that are not useful to us and forbids us to do things that are not harmful to us. But He [God] is far exalted above this; the contrary is the case—the whole purpose consisting in what is useful for us, as we have explained<sup>18</sup> on the basis of its dictum: *for our good always, that He might preserve us alive as it is at this day* (Deut. 6:24). And it says: *Which shall hear all these statutes and say: Surely this great community is a wise and understanding people* (Deut. 4:6). Thus it states explicitly that even all the statutes will show all the nations that they have been given with wisdom and understanding.<sup>19</sup>

Explaining Jewish law exclusively in terms of faith can become a way of escape for one who does not want to engage the outside world in understanding his way of life. Those whom Maimonides diagnoses with “sickness of soul” make use of *mizvot* to create a community of isolated individuals whose common language is generally dogmatic and absolute. The more they separate themselves from the non-believers, the more deeply they experience the fullness of the *mizvah*. If non-comprehension is indeed the highest expression of religious fervor, then actions that seem the least comprehensible will also seem to be the supreme demonstration of religious faith.

For Maimonides, the ultimate goal is the creation of an inclusive, orderly, and just society that gives the individual the necessary opportunity to achieve human perfection. True inclusion is possible only if one is able to explain the nature of one’s actions and beliefs in terms and concepts that can be understood to a diverse public.<sup>20</sup> Maimonides’ polemic against those who do not subject the truth of Jewish thought and philosophy to universal rational criteria makes sense in the context of an

ultimate goal that will otherwise not be achieved. That goal, of course, is community.<sup>21</sup>

In the introduction to *Perek Helek* of Sanhedrin, Maimonides again discredits those whose religious outlook is exclusive and communicated in absolute literalist terms.

You must know that the words of the sages are differently interpreted by three groups of people. The first group is the largest one. I have observed them, read their books, and heard about them. They accept the teachings of the sages in their simple literal sense and do not think that these teachings contain any hidden meaning at all. They believe that all sorts of impossible things must be. They hold such opinions because they have not understood science and are far from having acquired knowledge. They possess no perfection which would rouse them to insight from within, nor have they found anyone else to stimulate them to profounder understanding. They, therefore, believe that the sages intended no more in their carefully emphatic and straightforward utterances than they themselves are able to understand with inadequate knowledge. They understand the teachings of the sages only in their literal sense, in spite of the fact that some of their teachings, when taken literally, seem so fantastic and irrational that if one were to repeat them literally, even to the uneducated, let alone sophisticated scholars, their amazement would prompt them to ask how anyone in the world could believe such things true, much less edifying.

The members of this group are poor in knowledge. One can only regret their folly. Their very effort to honor and to exalt the sages in accordance with their own meager understanding actually humiliates them. As God lives, this group destroys the glory of the Torah of God, say the opposite of what it intended. For He said in His perfect Torah, "The nation is a wise and understanding people" (Deut. 4:6). But this group expounds the laws and the teachings of our sages in such a way that when the other peoples hear them they say that this little people is foolish and ignoble.

The worst offenders are preachers who preach and expound to the masses what they themselves do not understand. Would that they keep silent about what they do not know, as it is written: "If only they would be utterly silent, it would be accounted to them as wisdom" (Job 13:5). Or they might at least say, "We do not understand what our sages intended in this statement, and we do not know how to explain it." But they believe they do understand, and they vigorously expound to the people what they think rather than what the sages really said. They, therefore, give lectures to

the people on the tractate *Berakhot* and on this present chapter, and other texts, expounding them word-for-word according to their literal meaning.<sup>22</sup>

There is, indeed, a psychological and spiritual security in living only with others who think and behave the same way and share a common spiritual language. It can be unsettling to recognize the theological implications of Maimonides' ideal, in which one must constantly move between the inclusive and the particular, always trying to find a way of integrating disparate needs into one's life. This raises the critical need of finding a shared language between those who observe *halakhah* because they believe in revelation and those who do not believe in revelation but want to understand the value of *halakhah* as a way of life.

Shared practice and customs are essential ingredients needed to create an inclusive community, and so Maimonides would have the educated Jew go forth into the world and impart his religious experience and spiritual life to others in commonly intelligible terms. It is a cornerstone of Maimonidean thought that the Jew has a mandate to communicate the wisdom of the Divine message in words that can be understood by all. Maimonides' endeavor of giving reason for the *mizvot* had less to do with how the law was practiced and more to do with knowing God through Torah and nature. Yeshayahu Leibowitz formulated this point by stating that *ta'amei ha-mizvot* is not a pursuit of knowledge as much as it is a pursuit for knowledge of God.<sup>23</sup>

## Recognition

Maimonides offers a model for building bridges through communication. The edifice of Jewish law takes on greater significance when the observant individual is capable of sharing his inner spiritual life with others for the sake of building community. The Jew should be capable of elucidating the nature of his observance without having to validate the significance of his actions solely in terms of faith. *Halakhah* and Jewish philosophy need not isolate the practitioner from full participation in a universal culture of mankind. Indeed, cognitive isolation would be too great a price to pay for a commitment to a particular way of life.

Some of the most fundamental *mizvot*, love of God, for example, can be ideally observed only with recognition of the need to move beyond traditional disciplines toward understanding of the universal. Thus,

to fulfill the *mizvah* of love of God one must master the natural world, including knowledge of mathematics and physics.

And what is the way that will lead to the love of Him and the fear of Him? When a person contemplates His great and wondrous works and creatures and from them obtains a glimpse of His wisdom which is incomparable and infinite, he will straightway love Him, praise Him, glorify Him, and long with an exceeding longing to know His great Name; even as David said, “My soul thirsts for God, for the living God” (Ps. 43:3).

And when he ponders these matters, he will recoil frightened, and realize that he is a small creature, lowly and obscure, endowed with slight and slender intelligence, standing in the presence of Him who is perfect in knowledge. And so David said “When I consider Your heaven the work of Your fingers—what is man that You are mindful of him?” (Ps. 8:4-5).

In harmony with these sentiments, I shall explain some large, general aspects of the works of the Sovereign of the universe, that they may serve the intelligent individual as a door to the love of God, even as our sages have remarked in connection with the theme of the love of God, “Observe the universe and hence you will realize Him who spoke and the world was.”<sup>24</sup>

It is known and certain that the love of God does not become closely knit in a man’s heart until he is continuously and thoroughly possessed by it and gives up everything else in the world for it; as God commanded us, “with all your heart and with all your soul” (Deut. 6:5).

One only loves God with the knowledge with which one knows Him. According to the knowledge will be the love. If the former be little or much, so will the latter be little or much. A person ought therefore to devote himself to the understanding and comprehension of those sciences and studies which will inform him concerning his Master, as far as it lies in human faculties to understand and comprehend...<sup>25</sup>

The greatest scholars of Judaism, including those of the twentieth century, use insights from disciplines beyond the range of the specifically Jewish. Maimonides’ own intellect was shaped not only by the work of his rabbinic predecessors but also by the ideas of gentile philosophers and scholars. In a letter to Samuel ibn Tibbon, who was translating *Guide of the Perplexed*, Maimonides refers to Aristotle, whom he describes as “the roots and foundations of all works in the sciences.” He also makes reference to Alexander of Aphrodisias and Themistius, and to the Muslim

philosophers Averroes and al-Farabi, with the comment on the latter that his “writings are faultlessly excellent—one ought to study and understand them.” Truth reigns supreme based on its content and not on the appeal or authority of its author.<sup>26</sup>

A student of Maimonides learns to appreciate and value of the culture of others, in a context that seeks integration rather than polemics.<sup>27</sup> This is in itself a novel attitude, for as Jacob Katz strongly argues in his seminal work *Exclusiveness and Tolerance*,<sup>28</sup> the traditional Jewish position was one of separatism and of intolerance of the non-Halakhic and the secular.

### **Actualization**

Maimonides was heir to a tradition and culture absolutely committed to *halakhah*, yet he could appreciate the possibilities of dialogue with those of different ideas and cultures.<sup>29</sup> This illustrates how an inclusive attitude can indeed be rooted in a profound passion for one particular belief and way of life. In his philosophy, shared values can be achieved by a variety of means. If this is so, then the Halakhic and the non-Halakhic Jew and even the gentile can share a common teleology, even with their disparate ways of seeking its fulfillment. Maimonides even asserts that the aim of Halakhah is to shape a healthy soul, and that is also the aim of the Aristotelian system. This would give *halakhah* and Aristotelian ethics a common goal and approach to the nature of virtue.<sup>30</sup>

Maimonides begins Chapter Four of the *Shemonah Perakim* with a discussion of virtue based upon moderation:

Good deeds are such as are equi-balanced, maintaining the mean between two equally bad extremes, the too much and the too little. Virtues are psychic conditions and dispositions which are midway between two reprehensible extremes, one of which is characterized by an exaggeration, the other by deficiency. Good deeds are the product of these dispositions. To illustrate, abstemiousness is a disposition which adopts a mid-course between inordinate passion and total insensibility to pleasure. Abstemiousness, then, is a proper rule of conduct, and the psychic disposition which gives rise to it is an ethical quality; but inordinate passion, the extreme of excess, and total insensibility to enjoyment, the extreme of deficiency, are both absolutely pernicious. The psychic dispositions, from which these two extremes, inordinate passion and insensibility, result—the one being an exaggeration, the other a deficiency—are alike classed among moral imperfections.

The perfect Law which leads us to perfection—as one who knew it well testifies by the words “the Law of the Lord is perfect restoring the soul; the testimonies of the Lord are faithful making wise the simple” (Ps. 19:9)—recommends none of these things (such as self-torture, flight from society, and so forth). On the contrary, it aims at man’s following the path of moderation in accordance with the dictates of nature, eating, drinking, enjoying legitimate sexual intercourse, all in moderation, and living among people in honesty and uprightness, but not dwelling in the wilderness or in the mountains, or clothing oneself in garments of hair and wool, or afflicting the body.

The Law even warns us against these practices if we interpret it according to what tradition tells us in the meaning of the passage concerning the Nazirite, “And he [the priest] shall make an atonement for he has sinned against the soul” (Num. 6:11). The rabbis ask, “Against what soul has he sinned? Against his own soul, because he has deprived himself of wine. Is this not then a conclusion a *minori ad majus*? If one who derives himself merely of wine must bring an atonement, how much more incumbent is it upon who denies himself every enjoyment.”

Maimonides explains how habitual actions form character:

Know, moreover, that these moral excellences or defects cannot be acquired, or implanted in the soul except by means of the frequent repetition of acts resulting from these qualities, which, practiced during a long period of time, accustoms us to them. If these acts performed are good ones, then we shall have gained a virtue; but if they are bad, we shall have acquired a vice. Since, however, no man is born with an innate virtue or vice, as we shall explain in Chapter VIII, and, as everyone’s conduct from childhood up is undoubtedly influenced by the manner of living of his relatives and countrymen, his conduct may be in accord with the rules of moderation; but, then again, it is possible that his acts may incline toward either extreme, as we have demonstrated, in which case, his soul becomes diseased. In such a contingency, it is proper for him to resort to a cure exactly as he would were his body suffering from an illness.

*Halakhah* is presented as a system designed to reach these goals:

The Law did not lay down its prohibitions or enjoin its commandments except for just this purpose, namely, that by its disciplinary effects we may persistently maintain the proper distance from either extreme. For the restrictions regarding all the forbidden foods, the prohibitions of illicit intercourse, the forewarning against prostitution, the duty of performing the legal

marriage rites—which, nevertheless, does not permit intercourse at all times, as, for instance, during the period of menstruation and after childbirth, besides its being otherwise restricted by our sages and entirely interdicted during the daytime, as we have explained in the tractate *Sanhedrin*—all of these God commanded in order that we should keep entirely distant from the extreme of the inordinate indulgence of the passions, and, even departing from the exact medium, should incline somewhat toward self-denial, so that there may be firmly rooted in our souls the disposition for moderation.

Likewise, all that is contained in the Law concerning the giving of the tithes, the gleaning of the harvest, the forgotten sheaves, the single grapes, and the small bunches in the vineyards for the poor, the law of the Sabbatical year and of the Jubilee, the giving of charity according to the wants of the needy one, all these approach the extreme of lavishness to be practiced in order that we may depart far from its opposite, stinginess, and thus, nearing the extreme of excessive prodigality, there may become instilled in us the quality of generosity.

If you should test most of the commandments from this point of view, you would find that they are all for the discipline and guidance of the faculties of the soul. Thus, the Law forbids revenge, the bearing of a grudge, and blood-revenge by saying, “You shall not avenge nor bear any grudge” (Lev. 19:18); “you shall surely unload with him [the ass of him who hates you]” (Ex. 23:5); “you shall surely help him to lift them up again [your brother’s ass or ox which has fallen by the way]” (Deut. 22:4). These commandments are intended to weaken the force of wrath or anger. Likewise, the command, “You shall surely bring them back [your brother’s ox or lamb which has gone astray]” (Deut. 22:1), is meant to remove the disposition of avarice.<sup>31</sup>

Maimonides also presents his theory on the nature of ethics in the *Mishneh Torah*. Here, too, as in the *Shemonah Perakim*, he begins by establishing a concept of virtue based upon moderation. For this principle his source is not the Talmud or rabbinic authority, but one outside of the tradition.

To cultivate either extreme in any class of disposition is not the right course, nor is it proper for any person to follow or learn it. If a man finds that his nature tends or is disposed to one of these extremes or if one has acquired and become habituated to it, he should turn back and improve, so as to walk in the way of good people, which is the right way. The right way is the mean in each group of dispositions common to humanity; namely, that

disposition which is equally distant from the two extremes in its class, not being nearer to the one than to the other.<sup>32</sup>

In *Hilkhot De'ot*, Maimonides identifies God's attributes, such as mercy and graciousness, with the virtuous actions of a healthy soul:

We are bidden to walk in the middle paths which are the right and proper ways, as it is said, "and thou shalt walk in His ways" (Deut. 28:9). In explanation of the text just quoted, the sages taught, "Even as God is called gracious, so be thou gracious; Even as He is called merciful so be thou merciful; Even as He is called Holy, so be thou holy." Thus too the prophets described the Almighty by all the various attributes "long-suffering and abounding in kindness, righteous and upright, perfect, mighty and powerful," and so forth, to teach us, that these qualities are good and right and that a human being should cultivate them, and thus imitate God, as far as he can.... And as the Creator is called by these attributes, which constitute the middle path in which we are to walk, this path is called the Way of God and this is what the patriarch Abraham taught his children.<sup>33</sup>

Maimonides here presents his students with a remarkably progressive notion that the goals of Jewish law are in certain ways similar to those of other universal systems. According to him, the very goal of perfection of the soul achieved through *halakhah* and imitation of God's moral attributes becomes intelligible in terms that are not based on revelation or commitment to *mizvot*. This suggests that the goals of Halakhah can be achieved by those outside the covenant<sup>34</sup> through a means other than Halakhah. This premise permits the observant individual a meaningful interaction with those of different beliefs, assumptions, and way of life. This approach makes it possible for students of Jewish law who subscribe to certain principles of faith to cooperate, aspire and create with those outside their own religious and belief milieu in a language independent of Halakhah.

## Responsibility

It has been observed and documented that Maimonides had a unique approach to the nature of *halakhah* in a conceptual sense. He understood Jewish Law in political terms,<sup>35</sup> as a means toward creating a society and building a community. He distinguishes between the prophet and the legislator; the patriarchs were limited to prophecy as master teachers of monotheism, who knew God and inspired others in that knowledge

through rational inquiry and deliberations,<sup>36</sup> whereas Moses was both prophet and legislator, bringing the Law to the community and engaging it in a Covenant with God that is henceforth the way for the people to bind with one another through their relationship with God. This theme is often reiterated in the writings of Maimonides.<sup>37</sup>

You need to know the following: everything that we are warned against or observe today we are obligated to observe because God commanded Moses [at Sinai] and not because God commanded the prophets that preceded Moses. For example we do not eat *ever min ha-hai* [meat that was ripped off a live animal] because God prohibited the descendants of Noah, but rather because Moses legislated this law according to the word of God at Sinai. Similarly we do not perform circumcision because God commanded Abraham to circumcise himself and his household but rather because God commanded us through Moses to circumcise our male children like Abraham did. Similarly we must observe the prohibition of eating the sciatic nerve (of an animal) not because it was commanded to Jacob our forefather but rather because it was among the 613 commandments given to Moses at Sinai.<sup>38</sup>

*Halakhah* became authoritative only after the acceptance of the Covenant at Mount Sinai.<sup>39</sup> To be effective in the formation of a community or a nation, the people must collectively and willingly accept the law as proposed by God, presented by Moses and legislated by future Jewish courts of law. The Covenant is then the guide to a just society for a people living in their own land, and *halakhah* gives the individual a meaningful place within that society.

For Maimonides, *halakhah* is best fulfilled through observance within the context of an organized community. The individual should not pursue private contemplation outside of the community, but rather find personal realization through participation in building a community while erecting it upon the Covenant and *halakhah*. Through the Torah and its law, God presents Man with a guide or road map for perfecting himself. While God could, of course, do this instantaneously through a miraculous transformation of the human being, the method of choice was the long and patient process where man will exercise his free will and transform himself. Maimonides presents a model for a Halakhic community developed through stages of education and a process that leads to transformation.

As for your question: What was there to prevent God from giving us a Law in accordance with His first intention and from

procuring us the capacity to accept this?—you lay yourself open to an inference from this second question. For one may say to you: What was there to prevent God from making them march “by the way of the land of the Philistines” and procuring them the capacity to engage in wars so that there should be no need for this roundabout way with “the pillar of cloud by day and the pillar of fire by night?” (Ex.13:22).

Also you lay yourself open to a third question as an inference, a question regarding the reason for the detailing of promises and threats with regard to the whole Law. One may say to you: Inasmuch as God’s first intention and His will are that we should believe in this Law and that we should perform the actions prescribed by it, why did He not procure us the capacity always to accept this intention and to act in accordance with it, instead of using a ruse with regard to us, declaring that He will procure us benefits if we obey Him and will take vengeance on us if we disobey Him and performing in deed all these acts of benefiting all these acts of vengeance? For this too is a ruse used by Him with regard to us in order to achieve His first intention with respect to us. What was there to prevent Him from causing the inclination to accomplish the acts of obedience willed by Him and to avoid the acts of disobedience abhorred by Him, to be natural disposition fixed in us?...

There is one and the same general answer to all these three questions and to all the others that belong to the same class: Though all miracles change the nature of some individual being, God does not change at all the nature of human individuals by means of miracles. Because of this great principle it says: “O that they had such an heart as this” (Deut. 5:26), and so on. It is because of this that there are commandments and prohibitions, rewards and punishments.

We have already explained this fundamental principle by giving its proofs in a number of passages in our compilations. We do not say this because we believe that the changing of the nature of any human individual is difficult for Him, may He be exalted. Rather, is it possible and fully within the capacity of God. But according to the foundations of the Law, of the Torah, He has never willed to do it, nor shall He ever will it. For if it were His will that the nature of any human individual should be changed because of what He, may He be exalted, wills from that individual, sending of prophets and all giving of a Law would have been useless.<sup>40</sup>

Maimonides presents God as a Teacher, constructing a Halakhic community with the people of Israel as the students. The classroom is

Mount Sinai, at the historical moment of the revelation of the Law. The purpose of the lesson is to transform the student into a “*mentsch*.”

Many things in our Law are due to something similar to this very governance on the part of Him who governs, may He be glorified and exalted. For a sudden transition from one opposite to another is impossible. And therefore man, according to his nature, is not capable of abandoning suddenly all to which he was accustomed. As therefore God sent Moses our Teacher to make out of us “a kingdom of priests and a holy nation” (Ex. 19:6)—through the knowledge of Him, may He be exalted, accordingly to what He has explained, saying: “To you it was shown that you might know” (Deut. 4:35), and so on; “Know this day, and lay it to your heart” (Deut. 4:39), and so on—so that we should devote ourselves to His worship according to what He said: “

And to serve Him with all your heart” (Deut. 11:13), and: “and you shall serve the Lord your God” (Ex. 23:25), and: “And Him shall you serve” (Deut. 13:5); and as at that time the way of life generally accepted and customary in the whole world and the universal service upon which we were brought up consisted in offering various species of living beings in the temples in which images were set up, in worshiping the latter, and in burning incense before them – the pious ones and the ascetics being at that time, as we have explained, the people who were devoted to the service of the temples consecrated to the stars:

His wisdom, may He be exalted, and His gracious ruse, which is manifest in regard to all His creatures, did not require that He give us a Law prescribing the rejection, abandonment, and abolition of all these kinds of worship. For one could not then conceive the acceptance of (such a Law), considering the nature of man, which always likes that to which it is accustomed. At that time this would have been similar to the appearance of a prophet in these times who, calling upon the people to worship God, would say: “God has given you a Law forbidding you to pray to Him, to fast, to call upon Him for help in misfortune. Your worship should consist solely in meditation without any works at all.” Therefore He, may He be exalted, suffered the above-mentioned kinds of worship to remain, but transferred them from created or imaginary and unreal things to His own name, may He be exalted, commanding us to practice them with regard to Him, may He be exalted.

Thus He commanded us to build a Temple for Him: “And let them make Me a Sanctuary” (Ex. 25:8); to have an altar for His name: “An altar of earth you shall make to Me” (Ex. 20:24); to have the sacrifice offered up to Him: “When any man of you

brings an offering to the Lord” (Lev. 1:2); to bow down in worship before Him; and to burn incense before Him. And He forbade the performance of any of these actions with a view to someone else: “He that sacrifices to the gods shall be utterly destroyed” (Ex. 22:19), and so on; “For you shall bow down to no other god” (ibid, 34:14). And He singled out priests for the service of the Sanctuary saying “That they may minister to Me in the priest’s office” (Ex. 28:14).

And because of their employment in the Temple and the sacrifices in it, it was necessary to fix for them dues that would be sufficient for them; namely, the dues of the Levites and the priests. Through this Divine ruse it came about that the memory of idolatry was effaced and that the grandest and true foundation of our belief – namely, the existence and oneness of the Deity – was firmly established, while at the same time the souls had no feeling of repugnance and were not repelled because of the abolition of modes of worship to which they were accustomed and than which no other mode of worship was known at that time<sup>41</sup>.

Here, Maimonides shows the Divine Teacher who with loving patience places the students at the center of His task, with *halakhah* as the curriculum. He takes His students along a spiritual journey, whose starting point is where the students at that moment stand in their development. He accepts their regulations, and that the progress will take time. He addresses them in a language they can grasp: *Dibra Torah bi-leshon benei adam*.

To build community through *halakhah*, there must be mutual acceptance among the various groups within that community. To that end, one who has absorbed the Halakhic way of life and acquired knowledge of the Torah should imitate the love and patience exemplified by the Divine Teacher of Maimonides’ exposition.

## Unity

Maimonides chose the road that is less traveled and that presents the most dangers. To introduce impressionable minds to ideas and practices outside of *halakhah* and to encourage intellectual openness is to put commitment to our tradition in jeopardy.<sup>42</sup> It takes a special strength to withstand the challenges and temptations of the outside world. In the introduction to his *Guide*, he warns the reader of the risks of exposure to a range of intellectual disciplines. The encounter with the world outside

transforms the student's world, and even his relationship with the familiar texts of Jewish tradition will take on a new dimension.

The human intellect having drawn him on and led him to dwell within his province, he must have felt distressed by the externals of the law and by the meanings of the above-mentioned equivocal derivative or amphiboles terms, as he continued to understand them by himself or was made to understand them by others. Hence he would remain in a state of perplexity and confusion as to whether he should follow his intellect, renounce what he knew concerning the terms in question and consequently consider that he had renounced the foundations of the law. Or he should hold fast to his understanding of these terms and not let himself be drawn on together with his intellect, rather turning his back on it and moving away from it, while at the same time perceiving that he had brought loss to himself and harm to his religion.<sup>43</sup>

In an ideal world made up of intellectually sophisticated people, Maimonides would have us not only confront differing traditions, ways of life, and outlooks but also welcome them. The nature of such an outlook would force us to rethink our own beliefs and practices, which entails tension between continuity and change, between relegating some things to the past and adopting others. We do not live in an ideal world, and for most such activity is remote at best. Yet in the epistemology of Talmudic thought, while there is an implicit high regard for past and precedent, it is presented along with exploration of new insights in the light of emerging ideas. For this, the student/teacher is one who struggles and agonizes over religious issues and, having experienced the pangs of doubt, can go on to inspire others.<sup>44</sup> This is undoubtedly a process that involves continuous self-scrutiny and humility. The more love we show others, the greater, more intense and passionate our own fear of heaven must grow. Indeed the risks are worth the cause.

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<sup>1</sup> Norman Lamm, *Seventy Faces: Articles of Faith*, Volume 1 (Hoboken, N.J., 2002), 125

<sup>2</sup> I use the term community both in its colloquial sense and in a figurative sense suggesting a combination of religious, cultural, political and geographical purpose.

<sup>3</sup> Jonathan Woocher, *Sacred Survival: The Civil Religion of American Jews* (Bloomington, I.N., 1986), 67-71.

<sup>4</sup> Urbach Ephraim, *Sages*, 528-529. See also, Solomon Schechter, *Some Aspects of Rabbinic Theology* (New York, 1936), 59-60. Two other important compilation of essays on the subject include *Ra'ayon ha-Behirah* ed. Shemuel Almog and Michal Had (Jerusalem) especially Gerald Blidstein's article, as well as Michal Had's article. See also *A People*

*Apart: Chosenness and Ritual in Jewish Philosophical Thought*, ed. Daniel H. Frank, (New York, 1993) especially the articles by David Novak and Menachem Kellner.

<sup>5</sup> *Avot* 3:14.

<sup>6</sup> Urbach notes the Hellenistic precedent to this idea in *Hazal*, p. 469, citing Ezra 6:56-59. See also, H.A. Wolfson, *Philo*, 2 Vols. (Cambridge, M.A., 1947) I:18; Louis Ginzberg, *The Legends of the Jews* (Philadelphia, 1938) 6:30, note 177.

<sup>7</sup> *Hagigah* 3a and *Berakhot* 6a.

<sup>8</sup> *Mekhilta de-R. Ishmael*, *Mishpatim* 20; also *Sifre Deut.* 26.

<sup>9</sup> One should note that the absolutist attitude toward *Behirah* has elicited comments like Arnold Toynbee's suggestion that *Behirah* is an example of Jewish arrogance: "The most notorious historical example of idolization of an ephemeral self is the error of the Jews ... they persuaded themselves that Israel's discovery of one true God had revealed Israel itself to be God's chosen people." *Study of History*, Volume 4 (1961), 262.

<sup>10</sup> Menachem Kellner, *Maimonides on Judaism and the Jewish People* (Albany, N.Y., 1991).

<sup>11</sup> See for example *Mishneh Torah Tefillah*, 7:10, 12:5; *Shabbat* 29:2.

<sup>12</sup> In a number of places Maimonides defines human perfection in terms of intellectual perfection. See for example *Hilkhot De'ot* 3:2, *Teffilin* 6:13, *Guide* 1:2 1:30, 3:8, 3:27, 28, 51, 54. See also Kellner's book *Maimonides on Human Perfection* as well as David Shatz's article published in this volume. See also Ya'acov Levinger, "Human Among The Gentiles According To Maimonides," *Hagut II: Bein Yisrael li-Amim* (Jerusalem, 1978): 27-36. On Providence and prophecy see *Hilkhot Yesodei ha-Torah* 7:1, which opens with a statement that God causes Man, in the generic sense, to prophesize. See also *Guide* 2:32-38; 3:17, 18. An important work on Maimonides' view on Providence is Zvi Diesendruck, "Samuel and Moses Inb Tibbon on Maimonides' Theory of Providence," *HUCA* 11 (1936): 341-366; and Avraham Nuriel, "Providence and Guidance in the Guide of the Perplexed," *Tarbiz* 49 (1980): 346-355. See also Rabbi Joseph B. Soloveitchik's *Ish ha-Halakhah* and especially Shalom Carmy's "Tell Them I've Had A Good Enough Life," in *Jewish Perspectives on the Experience of Suffering*, ed. Shalom Carmy, (New York, 1999).

<sup>13</sup> See Maimonides' letters to Obadia the Proselyte found in Y. Shilat, *Iggerot ha-Rambam*, Volume 1, 231-241. It is also found in Blau's edition of *Teshuvot ha-Rambam* (Jerusalem, 1958) nos. 293, 436, and 448. English translations may be found in Franz Kobler, *Letters Through The Ages* 1 (London, 1952): 194-197. Also Isadore Twersky, *A Maimonides Reader* (New York, 1972) 475-476. Other texts include *Hilkhot De'ot* 6:4; *Shabbat* 20:14; *Isurei Bi'ah* 13:1-4; *Bikkurim* 4:3; *Melakhim* 8:10.

<sup>14</sup> Maimonides' position on converts is dramatically opposed to that of Yehuda Halevi and the *Zohar*. For Maimonides position of the ultimate conversion of the gentiles in the messianic era, see *Hilkhot Melakhim* 11:1.

<sup>15</sup> *Guide* 3:26 also 3:28, 31, 49. For an excellent study on Maimonides' approach to *ta'amei ha-mizvot* see Isadore Twersky's *Introduction to the Code of Maimonides (Mishneh Torah)* (New Haven, 1980), 374-430.

<sup>16</sup> *Guide* 3:27.

<sup>17</sup> See note 35.

<sup>18</sup> *Guide* 3:27.

<sup>19</sup> *Guide* 3:31. All translation of the *Guide* are from Shlomo Pines edition and translation (Chicago, 1963).

<sup>20</sup> The noted scholar Gershom Scholem, in his seminal work, *Major Trends in Jewish Mysticism*, 28-29, draws a completely different conclusion. He wonders how Maimonides expected anyone to remain religious and observant of the law if he demanded that the law to be philosophically scrutinized. Maimonides viewed Jewish law in the highest regard and proved that it can and should be scrutinized by all disciplines. Indeed, Jewish Law according to Maimonides is most fully exercised in a context of disciplines that go beyond the scope of *halakhah*.

<sup>21</sup> For Maimonides, being a part of the covenantal-community is essential to the spiritual life of the believing Jew. A Jew's daily relationship with God is structured by communal participation. Heresy is not only a denial of God but a denial of the historical and political realities of ones community. The holidays are all based on a relationship between God and a particular people. A convert to Israel must identify himself with the national destiny of the Jewish people. *Hilkhot Issurei Bi'ah* 14:1-5. See also *Hilkhot Teshuvah* 2:8 and *Iggeret Teiman* on his being prepared to endanger one's own well-being for the welfare of the community.

<sup>22</sup> Isadore Twersky, *A Maimonides Reader* (New York, 1972), 407.

<sup>23</sup> Yeshayahu Leibowitz, *The Faith of Maimonides*, trans. John Glucker (1989), 15 –25. See Maimonides *Mishneh Torah*, *Hilkhot Me'ilah* 8:8 and Twersky's essay on this law in *Introduction to the Mishneh Torah*, 407-408.

<sup>24</sup> *Hilkhot Yesodei ha-Torah* 2:1; see also *Guide* 1:26, 33, 46.

<sup>25</sup> *Hilkhot Teshuvah* 10:6; see also Norman Lamm in this issue.

<sup>26</sup> See *Hilkhot Kiddush ha-Hodesh* 18:25 and *Guide* 1:71; 2:11. Maimonides argues that there was always a philosophic tradition that was transmitted orally. See also Maimonides commentary on *Avot* 5:7 and his understanding of Elisha Ben Abuya's apostasy in *Guide* 1:32. This is a theme that David Hartman develops extensively in his book, *Maimonides: Torah and Philosophic Quest* (1976).

<sup>27</sup> For Maimonides, truth was the ultimate criteria. Loyalty was to reason, not to authority. See Pines, "The Philosophic Sources," 57-59.

<sup>28</sup> Jacob Katz, *Exclusiveness and Tolerance* (New York, 1962). For a more recent discussion on the issue, see Aviezer Ravitsky in *Hazon Nahum*, ed. Jeffrey Gurok and Yaakov Elman, (New York,, 1997), 359-391.

<sup>29</sup> See Jose Faur, *In the Shadow of History: Jews and Conversos at the Dawn of Modernity* (Albany,1992), especially introduction. This essay is not about patrimonial descent or the validity of a certain marriage or divorce documents. I am interested in the opportunities presented for dialogue in the way Maimonides formulates his Halakhic and theological philosophy.

<sup>30</sup> For a discussion on the differences between Aristotelian and Maimonidean ethics, see Eliezer Schweid, *Iyunnim be-Shemonah Perakim* (Jerusalem, 1969), 63. See also Leo Strauss, "Notes on the book of Knowledge," in *Studies in Mysticism and Religion* (Jerusalem,

1967), 277-278.

<sup>31</sup> Twersky, *Reader*, 367-376.

<sup>32</sup> *Hilkhot De'ot* 1:3-4.

<sup>33</sup> *Ibid.* 2:5-7.

<sup>34</sup> I emphasize that this point only applies to a non-Jew because a Jew is bound by a bilateral covenant entered into by God and the Jewish people at Sinai and Arvat Moab.

<sup>35</sup> See *Guide* 1:54; 11:36-40; 3:34, 41. Also the introductory comments of Shlomo Pines to his translation of the *Guide*, lxxxvii-xcii; Leo Strauss, *Persecutions and the Art of Writing*, 7-21; Julius Guttman, *Philosophies of Judaism*, trans. David Silverman (New York, 1966), 203-205; Guttman "Philosophia Shel ha-Da'at o Philosophia Shel ha-Hok," *Proceedings of the Israel Academy of Sciences and Humanities*, Vol. 5:9 (1975): 188-207; Twersky, *Introduction to Mishneh Torah*, 455, n. 239.

<sup>36</sup> *Hilkhot Avodah Zarah*, Chapter 1.

<sup>37</sup> See *Hilkhot Avodah Zara* 1:1, *De'ot* 1:7, *Guide* I:63; 2:39.

<sup>38</sup> *Commentary on Mishnah*, *Hullin* 7:6.

<sup>39</sup> Leibowitz, *ibid.*, also Faur, "Understanding the Covenant," *Tradition* 9 (1968).

<sup>40</sup> *Guide* 3:23.

<sup>41</sup> *Ibid.*

<sup>42</sup> The fact that Maimonides did not believe that one must first master the entire Torah before engaging in other disciplines is a subject that is beyond the scope of this essay. Relevant passages include *Hilkhot Yesodei ha-Torah* 4:13, the comments of the *Kessef Mishneh*, and *Hilkhot Talmud Torah* 1:12.

<sup>43</sup> *Guide*, Introduction, pages 5-6.

<sup>44</sup> Works like the *Guide*, the *Mishneh Torah*, and countless letters of significant theological import were clearly written by an individual who was spiritually sensitive and understood the nature of religious and theological struggles. We have been jaded by the countless "Gadol Hagiographies" published by popular Jewish presses intended on inspiring their readers with "cookie cutter stories" that describe the lives of *gedolim* in perfect and shining terms and do not reveal their human side. For an excellent short editorial on this see Emanuel Feldman's piece in *Jewish Action* (Summer 2002): 72-73.