

An Introduction To Maimonides’ “Eight Chapters”

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Abstract: Maimonides' Introduction to his Commentary on *Avot*, known as "The Eight Chapters" (EC), has been lauded as the best introduction to Maimonides' philosophy—perhaps the best introduction to all medieval Jewish philosophy. This paper offers an overview of EC and presents the central theme of the work, seeking to show that Maimonides' fundamental claim throughout EC and Commentary on *Avot* is that the path to soul's perfection is through acquiring the moral and the rational virtues. Obedience to the commands of divine law possesses only instrumental, not intrinsic, value. Throughout EC it is subordinated to the acquisition of the virtues. Maimonides attempts to develop a virtue ethics, in the light of which the authority of law and the necessity of obedience are upheld. This thesis renders EC a unified whole and unravels its many enigmas.



An Introduction To Maimonides' "Eight Chapters"

Lawrence Kaplan

Maimonides' Introduction to his *Commentary on Avot*, the *Eight Chapters (EC)*,¹ has long been lauded as the best introduction to Maimonides' philosophy, perhaps the best introduction to medieval Jewish philosophy as a whole.²

Yet, despite both its popularity and undoubted importance, the eminent scholars who have analysed the work, with all the important contributions they have made to its understanding, have not succeeded, in my view, in penetrating to its heart.³

This paper will offer an overview of *EC* and present what I believe to be the central theme of the work. I will attempt to show how viewing *EC* through the prism of this theme enables us to perceive it as a unified whole and helps us to unravel its many enigmas.

As an introduction to his *Commentary on Avot*, *EC* forms an integral part of Maimonides' first major work, the

Commentary on the Mishnah. The name "*EC*" is not Maimonides' own, and indeed he never gave the work a fixed title. Rather, he refers to it sometimes as the "Chapters on *Avot*," sometimes as the "Introduction to *Avot*," and sometimes simply as the "Commentary on *Avot*."⁴

Maimonides offers a preliminary idea of the content of *EC* in the introduction to the work. First he speaks about the "great utility" of the tractate *Avot* itself.

This tractate ... leads to great perfection and true happiness.... The Sages... said: "Whoever wishes to become a pious man should fulfil the word of *Avot*." According to us, there is no rank above piety except for prophecy. As they said: "Piety brings about the holy spirit." Thus from what they have said, it is clear that following the discipline described in this tractate leads to prophecy. (p. 60)

¹ The Arabic original and a Hebrew translation may be found in Yitzhak Shailat, *Hakdamot ha-Rambam le-Mishnah* (Ma'aleh Adumim, Israel: Ma'aliyyot Press, 1992), pp. 375-399 (Arabic original); and 227-256 (Hebrew translation). The best English translation is that of Raymond Weiss in *Ethical Writings of Maimonides*, by Raymond Weiss with Charles Butterworth (New York: New York University Press, 1975). (All page references in parentheses in the text are to this edition.)

² See, for example, Eliezer Schweid, *Studies in Maimonides' Eight Chapters* [Hebrew], 2nd ed. (Jerusalem: Academon, 1989), pp. 9-10.

³ See the studies of Macey, Twersky, Schweid, Leibowitz, and Weiss referred to in nn. 10,12-15.

⁴ For references, see Weiss, *Ethical Writings of Maimonides*, p. 96, n. 1.

He then continues:

Before taking up the explanation of each particular law [in the tractate, i.e., the *Commentary on Avot* proper] I saw fit to begin with some useful chapters from which a man can acquire principles and which will also be like a key for him to what we shall present in the commentary. (p. 60)

Maimonides further informs his readers that many of the matters contained in *EC* were "gathered from ... the discourse of both the ancient [Greek] and modern [Arabic] philosophers," (p. 60) and in a justifiably famous adjuration calls upon them to "hear the truth from whoever says it" (p. 60). He then makes the following remark:

Sometimes I have taken a complete passage from the text of a famous book. Now there is nothing wrong with that, for I do not attribute to myself what someone who preceded me said. We hereby acknowledge this, and shall not indicate that "so-and-so said" or "so-and-so said," since that would be useless prolixity. Moreover, [identifying] the name of such a person might make the passage offensive to someone without experience and make him think it has an inner evil meaning of which he is not aware. Consequently I saw fit to omit the author's

name, since my goal is to be useful to the reader. (pp. 60-61)

As Herbert Davidson indicates:

Maimonides is being deliberately indefinite here. The "person" or "author"... may simply be whoever happens to be the author of each particular passage that he quotes. However, it is also possible to understand him as saying that there is just one definite author whom he quotes extensively and whose name he hesitates to mention.⁵

Maimonides informs his readers that many of the matters contained in EC were "gathered from ... the discourse of both the ancient [Greek] and modern [Arabic] philosophers,"

As Davidson demonstrates in the important and pioneering article⁶ from which the foregoing passage is cited, *EC* draws heavily upon and at times even cites extensive excerpts verbatim from Farabi's *Chapters of the Statesman* (Henceforth: *CS*).⁷ Thus, as Davidson goes on to point out, it can no longer be doubted that the second possibility is the correct one, and that Maimonides primarily had one author and one famous book in mind, namely, Farabi and his *CS*. Indeed, as Davidson's close comparison of *EC* and *CS* shows, "about five percent of [*EC*] is taken directly from [*CS*], and ... well over half of the strictly philo-

⁵ Herbert Davidson, "Maimonides' Eight Chapters and Alfarabi's *Fusul al-Madani*," *PAAJR* XXXI (1963):34.

⁶ *Ibid.*, pp. 33-50.

⁷ The *Fusul al-Madani* (*Aphorisms of the Statesman*) of Al-Farabi, ed. with an English translation, introduction, and notes by D. M. Dunlop (Cambridge, England: Cambridge University Press, 1961.) (All paragraph references in brackets in the text are to this edition.) While Dunlop translates *Fusul al-Madani* as *Aphorisms of the Statesman*, I have chosen to translate it as *Chapters of the Statesman* in order to bring out the verbal parallel between the book's title and Maimonides' reference to *Chapters on Avot* (*Fusul Avot*) in his *Commentary on Kelim* 30:2, (In truth, given the general brevity of most of Farabi's units, were it not for the above mentioned verbal parallel, it might be better to translate Farabi's title as *Paragraphs of the Statesman*.) Since Dunlop's edition of the text, a complete critical edition has appeared, ed. by Fauzi M. Najjar, *Al-Fusul al-Muntaza'ah* (Beirut: Dar al-Mashriq, 1971), that is, *Selected Chapters*. Those chapters of Farabi not found in Dunlop's edition but found in Najjar's have been translated into English by Jeffrey Macey in *A Study in Medieval Jewish and Arabic Political Philosophy: Maimonides' Shemonah Peraqim and Al-Farabi's Fusul al-Madani (or Fusul Muntaza'ah)*, (Ph.D. diss., Hebrew University, 1982), pp. 195-197.

sophic sections in [EC] are built around direct quotations from that book."⁸

While Maimonides did not give a title to *EC* as a whole, he did give titles to each of the individual chapters, the only instance, to the best of my knowledge, where, in his legal and philosophical writings, he does such a thing.⁹

The titles are:

Chapter 1: On the Soul of Man and Its Powers (pp. 61-64)

Chapter 2: On the Disobedience of the Soul's Powers and on Knowledge of the Parts in which the Virtues and Vices are Primarily Found (pp. 64-65)

Chapter 3: On the Diseases of the Soul (pp. 65-67)

Chapter 4: On Medical Treatment for the Diseases of the Soul (pp. 67-74)

Chapter 5: On Directing all the Powers of the Soul toward a Single Goal (pp. 74-78)

Chapter 6: On the Difference between the Virtuous Man and the Continent Man (pp. 78-80)

Chapter 7: On the Veils and their Meaning (pp. 80-83)

Chapter 8: On Man's Inborn Disposition (pp. 83-95)

Maimonides begins *EC* 1 by affirming "that the soul of man is a single soul, [which] has many different actions" (p. 61). Since, as Maimonides contends, "the improvement of the moral habits is the same as the cure of the soul and its powers" (p. 61), it is incumbent on "the one who treats the soul and wishes to purify moral habits to know the soul in its entirety" (p. 61). Maimonides therefore proceeds to list the five parts of the human soul—the nutritive, sentient, imaginative, appetitive, and rational parts—and to briefly describe their powers (pp. 61-64). He concludes the chapter by asserting that the ultimate goal of the powers of the soul is to attain the form of the intellect (p. 64).

EC 2 introduces two fundamental pairs of opposites: obedience and disobedience; and virtue and vice. Obedience and disobedience refer to the actions whereby a person either obeys or disobeys the commandments and involve the sentient and appetitive parts of the soul (pp. 64-65). Virtue and vice refer to dispositions of the soul, the rational virtues being found in the rational part and the moral virtues in the appetitive part (p. 65). Maimonides points to a fundamental difference between the rational virtues and vices and the moral virtues and vices. The rational vices are simply the contrary or opposite of the

⁸ Davidson, pp. 40-41.

⁹ I have inserted the qualifying clause "in his legal and philosophical writings," since, as the anonymous reviewer for *The Edah Journal* pointed out to me, in some of his medical writings Maimonides does give titles to his chapters. See, for example, *The Medical Aphorisms of Moses Maimonides*, ed. Fred Rosner and Suessman Muntner (New York: Yeshiva University, 1970), where each treatise begins "Containing aphorisms pertaining to...." The anonymous reviewer further suggests that in light of this it is not so surprising that *EC* also has chapter titles, for the healing of the soul is not that far removed from the healing of the body. I am not able to agree with this point. The healing of the soul or the acquisition of the moral virtues is part of the Law, while the healing of the body or the science of medicine, for Maimonides, is definitely not part of the Law. See, for example, Guide 3:34. And see my remarks in "'I Sleep But My Heart Waketh': Maimonides' Conception of Human Perfection," in *The Thought of Moses Maimonides: Philosophical and Legal Studies*, ed. I. Robinson, L. Kaplan, and J. Bauer (Lewiston: Edwin Mellen, 1991), n. 20 (pp. 155-156).

rational virtues, while the moral vices "consist in being deficient or excessive with regard to these virtues" (p. 65). Here Maimonides adumbrates his discussion of the mean, which follows in *EC* 4.

EC 3 contrasts the health and sickness of the soul. "The health of the soul consists in its condition and that of its parts being such that it always does good and fine things.... Its sickness consists in its condition and that of its parts being such that it always does bad and ugly things" (pp. 65-66). The primary focus of the chapter, however, as its title suggests, is on the diseases of the soul. Bad men, who have sick souls, imagine the bad ends they desire to be good (p. 66). They need to seek out "the wise men, who are the physicians of the soul," who will "treat them by means of the art that treats the moral habits of the soul" (p. 66).

The ideal, which is the goal of the "perfect Law," is "for man to be natural by following the middle way"

EC 4, picking up on the difference between the moral virtues and vices and the rational virtues and vices briefly set forth in *EC* 2, begins by defining the good and bad actions and the moral virtues and vices. Here Maimonides, as is well known, adopts Aristotle's and Farabi's theory of the mean. "The good actions are those that are balanced in the mean between two extremes, both of which are bad; one of them is an excess, the other a deficiency. The [moral] virtues are states of the soul and settled dispositions between two bad states, one of which is excessive, the other deficient" (p. 67). Interestingly enough, Maimonides' focus in this chapter, as in the previous one, is on the diseases of the soul and the medical treatment for those diseases. The mean is always the ideal. He begins by noting that people often err and consider one of the extremes of a particular character trait to be a virtue. Thus, for example, they will praise the rash man and call him courageous (pp. 67-68). If a person's soul becomes sick and he inclines to one of the extremes, he must be cured by performing actions associated with the opposite extreme until he returns to the mean (p. 68). But

since people's souls incline toward one of the extremes, always the one associated with self-preservation and self-aggrandizement, the virtuous would, as a caution, incline slightly toward the other extreme (pp. 68-69). Again, the mean is the ideal, and the deviation is a deviation in one direction to counterbalance the natural deviation toward the other direction.

In this context Maimonides launches into a critique of asceticism. The ascetics are mistaken in believing that "by afflicting their bodies ... they ... thereby come near to God" (pp. 68-69). If virtuous men sometimes adapted ascetic norms, this was only as a temporary moral treatment for a disease of the soul or because the societies in which they lived were corrupt. But the ideal, which is the goal of the "perfect Law," is "for man to be natural by following the middle way" (p. 70). Nor is there any need for a person to deprive himself of the bodily pleasures that the Law permits. If he claims he is doing so as a precaution, inclining slightly to the side of self-deprivation to counterbalance the natural tendency to self-indulgence, he is in error. "For the Law forbids what it forbids and commands what it commands ... [so] that we move away from one side as a means of discipline" (p. 71). Thus, the purpose of laws of forbidden foods and forbidden sexual relationships is "that we move very far away from the extreme of lust and go a little from the mean toward insensibility to pleasure" (p. 72). But it is the mean that is the ideal, and the purpose of the laws requiring abstinence from forbidden foods and forbidden sexual relationships is "that the state of moderation should be firmly established in our souls" (p. 72). By acquiring this virtue, a person "will adhere to the mean [in terms of action] when he eats what is his to eat ... and when he has sexual intercourse with whomever it is his to have sexual intercourse with" (p. 70).

"The perfect man needs to inspect his moral habits... every day..." Maimonides continues. "Whenever he sees his soul inclining to one of the sides he should rush to cure it" (p. 73). For no one is completely free of moral vice. Even Moses, "the master of the first and last men," succumbed to the vice of irascibility when he rebuked the

people and said to them, "Hear now you rebels" (Num. 20:10) (pp. 73-74). But precisely because it is so difficult to adhere to the mean, "if a person continually weighs his actions and aims at the mean, he is in the highest of human ranks ... [and] will come close to God..." (p. 74).

EC 5 begins with the ringing declaration that "Man needs to subordinate all his soul's powers to thought ... and to set his sight on a single goal: the ... knowledge of [God]" (p. 75). After describing at some length what is involved in following such a path and its extreme difficulty, Maimonides concludes by affirming that "if a man happens to exist in this condition, I would not say that he is inferior to the prophets. I refer to a man who directs the powers of his soul solely toward God" (pp. 77-78). In this connection, he cites a number of statements from the Bible and the Sages implying that knowledge of God is the ultimate goal for man. Of particular interest, he cites the exhortation of Solomon, "In all your ways know Him" (Prov. 3:6), and the comment of the Sages thereupon, "Even with a transgression" (*Berakhot* 63a), which he somewhat obscurely explains to mean: "You should make your goal the truth when doing such a thing, even if from a certain point of view you commit a transgression" (p. 78).

EC 6 appears to be a digression. Maimonides raises an apparent contradiction between the view of the philosophers and the Bible on the one hand and the view of the Sages on the other regarding the respective merits of the virtuous man in contrast to the continent man. "The philosophers said that even though the continent man performs virtuous actions, he does good things while ... strongly desiring to perform bad actions.... The virtuous man, however, ... does good things while... strongly desiring them. There is agreement among the philosophers that the virtuous man is ... more perfect than the continent man" (p. 78). Maimonides then cites several statements of Solomon to the same effect (p. 79). He takes note, however, of several statements of the Sages that place the continent man on a higher level than the virtuous man (p. 79). He resolves this apparent contradiction by arguing that the continent man about whom the

philosophers are speaking is the man who desires to perform bad things "generally accepted by all the people as bad, such as murder, theft, robbery, fraud.... and things like these" (p. 79). The Sages, on the other hand, were speaking of the continent man who is attracted to performing actions forbidden by "the traditional laws," e.g., the laws of forbidden foods or forbidden sexual relationships. For were these actions not forbidden "by the Law, they would not be bad at all" (p. 80).

EC 7 picks up on *EC 5* and speaks about prophets and prophecy. "No prophet prophesies until after he acquires all the rational virtues and most of the moral virtues" (p. 81). Prophecy is not conditioned on the prophet "not [being] impaired by any [moral] vice at all" (p. 81). But the moral vices, i.e., "moral habits not in the mean," possessed by a prophet are like veils separating him from God (p. 82). In support of this claim, Maimonides cites the verse: "Only your sins have separated you from God" (Isa. 59:2) (p. 81).

EC 8 argues that man does not "possess virtue and vice by nature, from the beginning of his life" (p. 83). To be sure, "it is possible to be naturally disposed toward a virtue or a vice" (p. 84). Here there appears to be a difference, according to Maimonides, between the rational virtues and the moral virtues. Maimonides states that even though a person who is a "natural dolt" can be "instructed and made to understand," it will only be "with difficulty and hard work" (p. 84). But Maimonides in *EC 2* lists as one of the rational virtues the "excellent grasp of a thing quickly..." (p. 65). It would appear to follow that while the "natural dolt," if properly taught, may acquire knowledge, he can never acquire the rational virtue of "excellent comprehension" (p. 65). On the other hand, Maimonides states a person who is by natural temperament "disposed to cowardice" can acquire the moral virtue of courage, albeit with difficulty, "if he is habituated to it" (p. 84). One thing, however, is certain. "All of man's actions are given over to him" (pp. 84, 85). Or, to cite a somewhat different formulation: "Obedience and disobedience are in man's hands, and ... he is a free agent in his actions" (p. 93). On this point, "our Law and

Greek philosophy agree" (p. 84). Indeed, it is the presupposition of all "the commandments and prohibitions of the Law" and all "instruction and education" (pp. 84-85).

The bulk of *EC* 8 is devoted to defending this position against attacks from various quarters. Thus, Maimonides refutes the view of the astrologers who "claim that an individual's time of birth determines whether he possesses virtue or vice and that he is necessarily compelled to perform certain actions" (p. 84). He spends much effort in seeking to show that various statements of the Sages and various biblical verses that are popularly understood to mean "that a person is compelled to perform some actions" (p. 86) or that "God preordains and compels disobedience [to the Law]" (pp. 88, 93), if properly understood mean no such thing (pp. 85-93). He finally sharply distinguishes between divine and human knowledge in order to refute the view that God's knowledge compels man to obedience and disobedience (pp. 93-95).

This overview suffices to show that the contents of *EC* are very variegated and heterogeneous, and it is difficult to find a central, unifying theme in the work. Jeffrey Macey correctly criticizes the view that *EC* is "primarily concerned with ethics" for having too narrow a focus.¹⁰ Macey himself suggests "that the fundamental distinction which serves as the basic framework for the discussion of issues in [*EC*] is the division of mankind ... into two groups, the 'wise physicians of the soul' and what might loosely be called the 'sick of the soul' or the 'mass of men.'"¹¹

While the distinction itself is valid, Macey's attempt to view it as "the basic framework for the discussion of issues in [*EC*]" appears forced, and is subject to the criticism of being too narrowly focused that he himself directs against the ethical view.

Isadore Twersky proposes a broader focus, arguing that *EC* is "a psychological and philosophical essay dealing with the soul and its powers and the general principles of ethics."¹²

The goal of EC is to adapt philosophic ethics to the needs of the Jewish community.

Thus *EC* is a psychologico-ethical work in the broad sense of the term, in the same way that Aristotle's *Nicomachean Ethics* — itself not the most homogeneous of books — is a psychologico-ethical work. But we need to be more specific, particularly as regards the telos of Maimonides' "general principles of ethics."

Both Yeshayahu Leibowitz and Eliezer Schweid identify the end point of Maimonides' "general principles of ethics" as the person of the prophet. To cite Leibowitz: "the primary goal of *EC* is to teach man to walk on the path that leads to the level of prophecy."¹³ Or as Schweid puts it: "The discussion in *EC* leads the student from an ethical theory to a theory of prophecy as exemplifying the ideal of human perfection."¹⁴ Combining Leibowitz, Schweid, and Twersky, we may say that *EC* is a psychological and philosophical essay that sets forth, on the basis of a theory of the soul and its powers, general principles

¹⁰ Jeffrey Macey, "The Theological-Political Teaching of the Shemonah Peraqim: A Reappraisal of the Text and its Arabic Sources," *Proceedings of the Eighth World Congress of Jewish Studies, Division C* (Jerusalem, 1982), p. 31.

¹¹ *Ibid.*, p. 32.

¹² Isadore Twersky (with Michael Shmidman), *Law and Philosophy: Perspectives on Maimonides' Teaching* (Hebrew), Vol. 2 (Jerusalem: Open University, 1995), p. 255.

¹³ Yeshayahu Leibowitz, *Conversations on the Eight Chapters of Maimonides* (Hebrew) (Jerusalem: Keter, 1986), p. 10. Leibowitz prefaces this remark by indicating that it is "a daring generalization."

¹⁴ Schweid, *Studies in Maimonides' Eight Chapters* (above, note 2), p. 27.

¹⁵ Raymond Weiss, *Maimonides' Ethics* (Chicago and London: University of Chicago Press, 1991), p. 10.

of ethics designed to lead the student to walk on the path that leads to the to the level of the perfection of one's soul, as particularly exemplified in the person of the prophet.

This identification of the biblical concept of prophecy with the Aristotelian concept of human perfection leads us to another central theme in *EC* noted by both Schweid and Raymond Weiss, namely, the confrontation or, perhaps even sharper, the tension between philosophy and the Jewish tradition. As Weiss states, the goal of *EC* is to "adapt 'philosophic ethics' to the needs of the Jewish community."¹⁵ This goal, Weiss argues, leads Maimonides at times "to minimize the conflict between philosophy and his Jewish sources" and at times "to conceal the conflict where he deems that to be necessary."¹⁶

Or, as Schweid maintains, "Maimonides here [in *EC*] seeks to demonstrate the compatibility between Aristotelian ethical teaching and the ethical teaching of the Sages."¹⁷

All the above themes as formulated by Twersky, Leibowitz, Schweid, and Weiss are undoubtedly correct. Nevertheless, they are still too general and vague, and do not help us in solving the many enigmas of the book. How, for example, are we to account for the book's digressions—for example, the discussion of the sin of Moses at the end of *EC* 4, and, even more problematic, the whole of *EC* 6? And in connection with *EC* 6, what exactly is the significance of Maimonides' distinction between those bad things "generally accepted by all the people as bad," and those bad things which are bad only because they are forbidden by "the traditional laws," but otherwise "would not be bad at all"? And how does this distinction, beyond the simply technical level, enable us to resolve the apparent dispute between the philosophers and the Sages regarding the respective merits of the virtu-

ous man and the continent man? What does Maimonides mean when he explains, at the end of *EC* 5, that the Sages' comment "even with a transgression" means "You should make your goal the truth when doing such a thing, even if from a certain point of view you commit a transgression"? If the main theme of *EC* 7 is prophets and prophecy, why does Maimonides entitle the chapter, "On the Veils and their Meaning"? And if the main theme of *EC* 8 is man's choice, why does Maimonides entitle that chapter, "On Man's Inborn Disposition"?

Certainly Twersky's claim that *EC* is a psychological and philosophical essay dealing with the soul and its powers and the general principles of ethics is correct. And similarly, the view of Leibowitz and Schweid that Maimonides is concerned in the work with the path to human perfection as exemplified in the person of the prophet is also correct, as is the view of Schweid and Weiss that Maimonides is concerned with the apparent disagreement between philosophy and the Law as to the nature of that path. But, I would contend, the key categories of *EC* that enable us both to unify these important concerns and to resolve the many enigmas set forth above are the two pairs of opposites: virtue and vice, and obedience and disobedience. That is, to bring the pieces together, it might seem at first glance that philosophy and the Law are in disagreement with one another regarding the path to human perfection, inasmuch as it would seem the Law maintains that the path to perfection and closeness to God is through obedience to its commands, while philosophy maintains that the path to perfection is through acquiring the moral and rational virtues. Maimonides' fundamental claim throughout *EC* and, indeed, throughout the *Commentary on Avot* proper, based upon his theory of the soul and its powers, is that the path to the perfection of that soul is precisely through acquiring the moral and rational virtues, and, contrary to what seems to be the

¹⁶ *Ibid.*, p. 11.

¹⁷ Schweid, *Studies in Maimonides' Eight Chapters*, p. 26.

¹⁸ Actually, as the anonymous reviewer pointed out to me, Maimonides states, "you shall make your goal *al-haqq*," which as

case at first glance, *philosophy and the Law are in agreement on this point*. As he states explicitly in his *Commentary on Avot 5:2*, "the goal of this tractate is to urge a person to perfect his soul through [acquiring] the moral virtues and the rational virtues." For it is precisely by acquiring these virtues that one can direct the powers of one's soul solely toward man's ultimate goal in life, the knowledge of God. Indeed, the knowledge of God itself is the highest expression of the rational virtues.

To further understand this point, we should combine what Maimonides says at the end of *EC 1* with what he says at the beginning of *EC 5*. If the goal of all the powers of the soul, as Maimonides states at the end of *EC 1*, is to attain the form of the intellect (p. 64), and if, at the same time, the goal of all the powers of the soul, as Maimonides states at the beginning of *EC 5*, is the "knowledge of [God]" (p. 75), it follows that knowledge of God is intellectual knowledge, and can be attained only through attaining the form of the intellect, that is, only by attaining one of the rational virtues. This is further substantiated by the fact that while throughout *EC 5* Maimonides identifies man's ultimate goal with the knowledge of God, on one occasion in that chapter he identifies that ultimate goal with "the truth"—"you shall make your goal the truth" (p. 78).¹⁸ But, as he says in *EC 4*, "truth refers to the rational virtues because they are immutably true" (p. 71).

It follows from the above that the categories of obedience and disobedience, important as they are, must always be subordinated to the categories of virtue and vice. Maimonides, throughout *EC*, accomplishes this subordination in many ways. First, and most important, he seeks to show that the Law requires obedience to its commands

and forbids disobedience because obedience is conducive to moral virtue, while disobedience is conducive to moral vice.¹⁹ That is, obedience to the Law's commands, as necessary as it is, possesses only instrumental, not intrinsic value. This leads to the second point. If, on the very rare occasion, disobedience of a command is necessary for acquiring a moral virtue, the Law, in Maimonides' view, will tacitly allow for such disobedience. Third, since the categories of virtue and vice have priority over the categories of obedience and disobedience, Maimonides, whenever possible, translates Scriptural and rabbinic language of obedience and disobedience into language of virtue and vice. Finally, along the same lines, Maimonides in discussing certain religious issues involving both the categories of virtue and vice and the categories of obedience and disobedience accords pride of place to the former.

The categories of obedience and disobedience, important as they are, must always be subordinated to the categories of virtue and vice.

It is, of course, not surprising that Maimonides does not wish to call attention to his systematic subordination of the categories of obedience and disobedience to the categories of virtue and vice on the path leading to human perfection. But only in light of this fundamental and central theme, I would contend, are we able to make sense of *EC* and answer the enigmas posed above.

The first mode of subordination, namely, Maimonides' contention that obedience to the Law's commands does not possess any intrinsic value but only instrumental value, is clearly the most important and lies of the heart of the book. That is to say, the reason the Law requires

Shailat notes, p. 244, note 20, is often used in Arabic as an epithet of God, Who, of course, is the Truth. And see Maimonides, *Mishneh Torah, Laws of the Foundations of the Torah 1:4*

¹⁹ I am speaking here solely about the purpose of the commandments as seen from within the individualist, psychological-ethical perspective of *EC*. Obviously, from the heavily political perspectives of the *Mishneh Torah* and, even more so, of the *Guide*, the commandments serve many other purposes as well.

²⁰ Nichomachean Ethics [Henceforth: EN] 1106a28-b7. The English translation is that of Terence Irwin, *Nichomachean Ethics*,

obedience to its commands and forbids disobedience is, in Maimonides' view, that obedience will lead to moral virtue, while disobedience will lead to moral vice. As Maimonides states in *EC* 8, "It is necessary for [man] to accustom his soul to good actions until he acquires the virtues, and to avoid bad actions until the vices disappear from him, if he has acquired any." (p. 88). How so?

In order to answer this, we must first examine Maimonides' definition of the concept of virtue in terms of the mean. As we saw, Maimonides begins *EC* 4 with the declaration that "The good actions are those that are balanced in the mean between two extremes, both of which are bad; one of them is an excess, the other a deficiency. The [moral] virtues are states of the soul and settled dispositions between two bad states, one of which is excessive, the other deficient" (p. 67).

Though Maimonides in *EC* 4 does not elaborate on how exactly he understands the concept of the mean, it nevertheless seems to me that Maimonides in this matter follows in the path of Farabi, who, in turn, follows in the footsteps of Aristotle.

Farabi, taking a leaf from Aristotle,²⁰ distinguishes between two types of the mean: "(a) the mean in itself; and (b) the mean compared and related to something else." The first type of mean is the arithmetical mean and is always fixed, e.g., six is the fixed arithmetic mean between two and ten. The second type of mean is the relative mean. Unlike the arithmetic mean, it is not fixed, but "increases and decreases at different times and with reference of the things to which it is related, e.g., moderate food for a boy and moderate food for an adult, labouring man, which differs with reference to the difference of the conditions of their two bodies." Farabi's key point, again in accordance with Aristotle, is that it the relative

mean "which is employed in actions and morals." That is, "the mean in every action is what is measured with reference to the circumstances of the actions" [17].

Ehud Benor has correctly recognized that when Maimonides in *Mishneh Torah, Laws Concerning Moral Dispositions* (Henceforth: *LMD*) speaks of the mean he has the relative mean in mind.²¹

Thus Maimonides states that the wise man who follows the "middle" with reference to the desire for physical needs will "desire only things the body needs and cannot be without" (*LMD* 1:4) The wise man, in this respect, is to be contrasted both with the unhealthy person possessed of a deficient desire, "who does not even desire the few things the body needs" (1:1), and the unhealthy person possessed of an excessive desire, whose "soul is not sated with all the money in the world" (1:1). Certainly Maimonides is not referring here to an arithmetic mean! Similarly, the other examples of the "middle" that Maimonides offers in *LMD* all lead to the conclusion that Maimonides is operating with the concept of a shifting relative mean, i.e., the wise man possesses the proper moral virtue that leads him to act in the particular situation in a manner appropriate to that situation, avoiding both deficiency and excess.

As I stated earlier, I would argue that Maimonides in *EC* 4 is also operating with the concept of the relative mean. To be sure, that is not so clearly the case in *EC* as it is in *LMD*. Nevertheless, I believe that Maimonides has in mind the relative mean and not the arithmetic mean when he states in *EC* 4 that

This perfect Law[']s ... goal is for a man to be natural by following the middle way. He shall adhere to the mean when he eats whatever is his

translated with introduction and notes (Indianapolis: Hackett, 1985).

²¹ Benor, "Moral Extremism and Intellectual Virtue," unpublished paper.

²² David Hutchinson, "Ethics," in Jonathan Barnes, ed., *The Cambridge Companion to Aristotle* (Cambridge: Cambridge

to eat, when he drinks whatever is his to drink, and when he has sexual intercourse with whomever is his to have sexual intercourse with. He shall dwell in a city and follow justice and equity. (p. 70)

But if this is so, how does the wise man, operating with the relative mean, know in fact what is the appropriate action to take in the particular circumstance? Granted, through habituation the wise man may have trained himself, say, not to desire to eat more or less than is appropriate for him to eat in this particular circumstance, but how does he know what that appropriate amount is? In this matter as well, I believe that though Maimonides does not say so explicitly, he is once again following in the path of Farabi, who, in turn, follows in the footsteps of Aristotle. Thus, both Farabi and Aristotle maintain that acting in accordance with the relative mean requires not just the proper disposition acquired by habituation, but practical wisdom, that is, the intuitive judgment about the appropriate way to act in the particular circumstance, avoiding both deficiency and excess.

The relative mean cannot be determined by the Law.

Thus David Hutchinson, in discussing Aristotle's ethical teaching, states: "Practical wisdom is the intellectual virtue which mainly interests Aristotle.... A proper function of practical wisdom is to put into practice the correct orientation of values, which the moral virtues provide."²²

Or as John Cooper, summarizing Aristotle's position on this issue, succinctly puts it: "It is not possible to have a virtuous character without having practical knowledge, nor to have practical knowledge without having a virtuous character."²³ And as Farabi, following Aristotle on this point, states:

Practical wisdom is the power of excellence of deliberation and production of things that are the most excellent and best in what is done to procure for a man a really great good and an excellent noble end.... Therefore the man of practical wisdom must be virtuous with regard to the ethical virtues ... in order that [he] may get the end right by the virtue that is in him, and get right what leads to the end by excellence of deliberation. [37-38]²⁴

But why, one may ask, if Maimonides is in fact operating in *EC* with the Farabian and Aristotelian notions of both the relative mean and practical wisdom, is he not open about this? Perhaps the reason for Maimonides' reticence about his true position lies in its crucial negative implication. For the negative implication of the need to determine the relative mean through practical judgment is that *the relative mean cannot be determined by the Law*, the decrees of which "ought to be absolute and universal" (*Guide* 3:34). In this respect, I must disagree with Marvin Fox, who argues that "According to [Maimonides'] view the commandments of the Torah are, in fact, the specification of the ideal behavior in accordance with the mean."²⁵ And again, "Maimonides is absolutely consistent in his adherence to this principle that the rule of the

University Press, 1995), p. 208.

²³ John Cooper, "Aristotle's Moral Psychology," in *Reason and Emotion: Essays on Ancient Moral Psychology and Ethical Theory* (Princeton: Princeton University Press, 1999), p. 251. This statement, according to Cooper, is one of "seven central claims that Aristotle makes ... about virtues of character" (p. 238), neatly summarized in Cooper's appendix to his article on p. 251. This appendix, in my view, very strikingly serves to drive home the similarity between Maimonides' moral psychology and that of Aristotle.

²⁴ The similarity between the conclusion of this citation from *CS* and Hutchinson's summary of the "proper function of practical wisdom" according to Aristotle (above, note 22) is striking.

²⁵ Marvin Fox, "The Doctrine of the Mean in Aristotle and Maimonides: A Comparative Study," in *Interpreting Maimonides* (Chicago and London: University of Chicago Press, 1990), p. 115.

Torah is, in actual fact, the rule of the mean—that is, whatever the Torah commands is the middle way."²⁶

If my analysis is correct, Fox's contention must be rejected.

But if "the commandments of the Torah are, in fact" *not* "the specification of the ideal behavior in accordance with the mean," what then, is their function in *EC 4*? In order to answer this question, we must look at the title of the chapter: "On Medical Treatment for the Diseases of the Soul." That is, though *EC 4* begins by defining both the good actions and the virtues in terms of the mean, the bulk of the chapter is concerned with the justified deviations from the mean as a mode of "medical treatment for the diseases of the soul." And it is in this connection that Maimonides very carefully and skilfully introduces his explanation of why "the Law forbids what it forbids and commands what it commands" (p. 71). But it should be emphasized, as I already suggested in my summary of the chapter, that these deviations from the mean are always in service of attaining the mean, which never loses the function allotted to it at the chapter's beginning as the defining criterion for both the good actions and the virtues.

There are, in Maimonides' view, two very different justified deviations from the mean. It should be noted that in his discussion of both, Maimonides relies not on Farabi, who strikingly never *once* throughout *CS* indicates that there is any justification for deviating from the mean, but on Aristotle.²⁷

First, Maimonides says that if a person's soul becomes

sick and he inclines to one of the extremes, he must be cured by performing actions associated with the opposite extreme until he returns to the mean (pp. 68-69). This would appear to be based on Aristotle's advice that if we find ourselves drifting to an extreme, "we must drag ourselves off in a contrary direction; for if we pull far away from error, as they do in straightening bent wood, we shall reach the intermediate position" (*EN* 1109b5-8). This mode of deviation from the mean, as Maimonides makes clear, is a purely temporary emergency measure.

But Maimonides also follows Aristotle in the belief that one of the extremes is more opposed to the mean than the other. Thus Aristotle argues that "it is cowardice, the deficiency, not rashness, the excess, that is more opposed to bravery; on the other hand, it is intemperance, the excess, not insensibility, the deficiency, that is more opposed to temperance" (*EN* 1109a2-4). Aristotle offers two reasons for this. First, "since sometimes one extreme is closer and more similar to the intermediate condition, we oppose the contrary extreme, more than this closer one, to the intermediate condition" (1109a6-8). Second, "when we ourselves have some natural tendency to one extreme more than the other, this extreme appears more opposed to the intermediate condition" (1109a11-13). In short, as I stated earlier, it is always the extreme associated with self-preservation and self-aggrandizement that we view as being more opposed to the mean. It is this Aristotelian notion, I believe, that Maimonides has in mind when he states, with regard to curing the sick soul, that "a man can more easily turn from extravagance to liberality than from miserliness to liberality. Likewise, it is easier to turn from being insensible to pleasure to being moderate than from

²⁶ *Ibid.*, p. 115.

²⁷ This would tend to argue against the view of Davidson, "Maimonides' *Eight Chapters* and Alfarabi's *Fusul al-Madani*," p. 41, that "it is extremely unlikely that Maimonides had before him either a translation or a reworking of [the *Nichomachean Ethics*] when he was writing the [*EC*]." At the very least, Maimonides somehow had access to Aristotle's doctrine about the ethical necessity of deviating from the mean in certain circumstances, and he didn't get that from the *Fusul al-Madani*.

²⁸ I would also suggest that when Maimonides states at the beginning of *EC 4* that "people often err ... and think that one of the

being lustful to being moderate" (p. 69).²⁸

Precisely the fact that all people, to cite Aristotle, "have some natural tendency to one extreme more than the other," leads to the second and more significant justified deviation from the mean offered by Maimonides. Thus he states:

Because of this teaching, the virtuous men would not let a disposition of their souls remain in the mean, but would incline a little toward the excess or defect as a precaution. I mean they would, for example, incline from moderation a little toward insensibility to pleasure, from courage a little toward rashness, [and] from generosity a little toward prodigality. (p. 69)

Far from specifying "the ideal behavior in accordance with the mean," the Law deliberately deviates from the mean.

While the first type of deviation was a temporary radical deviation from the mean performed by those whose souls were sick, this second type is a permanent slight deviation from the mean performed by the virtuous. But this second type of deviation, like the first, is in the service of the mean. For it is only through this slight deviation from the mean in the direction of one extreme, "the extreme closer ... to the intermediate condition," that the virtuous can correct the natural drift in the direction of the opposite extreme, "the extreme ... more opposed to the intermedi-

ate condition," and thereby arrive at the mean or at least as close to the mean as possible. It is, I believe, this type of slight permanent deviation from the mean that Aristotle has in mind—or at least that Maimonides believes that Aristotle has in mind—when he states that:

If we aim at the intermediate condition we must first of all steer clear of the more contrary extreme.... For since one extreme is more in error, the other less, and since it is hard to hit the intermediate condition accurately, the second-best tack, as they say, is to take the lesser of the evils. (*EN* 1109a31-35)

Precisely in this connection we arrive at the main way Maimonides subordinates obedience to virtue. In his view, the virtuous Jew who obeys the Law need not on his own "incline a little toward the excess or defect as a precaution" (p. 69), since that precaution is built into the very commands of the Law. "For the Law forbids what it forbids and commands what it commands ... [so] that we move away from one side as a means of discipline" (p. 71). The Law, to repeat, far from specifying "the ideal behavior in accordance with the mean,"²⁹ deliberately deviates from the mean. Thus, as we have already seen, the purpose of the laws of forbidden foods and forbidden sexual relationships is "that we move very far away from the extreme of lust and go a little from the mean toward insensibility to pleasure" (pp. 71-72). Similarly, the purpose of the various laws of charity, such as the tithes and the like, is "that we move very far away from the extreme of stinginess and approach the extreme of prodigality" (p.

two extremes is good and virtue of the soul" (p. 67), the extreme they praise, as is borne out by Maimonides' examples, is the Aristotelian "extreme ... closer and more similar to the intermediate condition." On the other hand, I would more tentatively suggest that when Maimonides in *EC* 3, here following Farabi [*CS* 37], says that,

The bad man always has a desire for ends that are in truth bad. Because of the sickness of his soul, he imagines them to be good. (p. 66)

The bad ends he desires and imagines to be good are the Aristotelian "extremes ... more opposed to the intermediate condition."

²⁹ Fox, "The Doctrine of the Mean in Aristotle and Maimonides," p. 115.

³⁰ It is not necessary for the purposes of this paper to enter into the vexed issue of Maimonides' ostensibly contradictory posi-

72). But it is the mean which is the ideal, and thus the purpose of the laws requiring abstention from forbidden foods and forbidden sexual relationships is "that the state of moderation should be firmly established in our souls" (p. 72), while the purpose of the laws of charity is "to establish generosity firmly within us" (p. 72).

Thus, the commands of the Law regarding forbidden foods and forbidden sexual relationships and regarding charity are "absolute and universal" (*Guide* 3:34), for the Law uniformly forbids for all entire categories of food or sexual relationships or demands that certain fixed modes of charity be distributed by all. But, again, the purpose of obeying these "absolute and universal" commands is the acquisition of virtue and the performance of virtuous actions in accordance with the mean in situations *not* covered by the Law. Thus, as Maimonides says, the person who has acquired by means of obedience to the commands of the Law the virtue of moderation "will adhere to the mean [in terms of action] when he eats what is his [according to the Law] to eat ... and when he has sexual intercourse with whomever it is his [according to the Law] to have sexual intercourse with" (p. 70). But it is not the commands of the Law that can tell this virtuous person how to "adhere to the mean when he eats what is his to eat ... and when he has sexual intercourse with whomever it is his to have sexual intercourse with," but only his practical judgment. In sum, one deviates slightly from the mean by obeying the "absolute and universal" commands of the Law in order to become the virtuous man who will do "good things," that is, perform actions in accordance with the mean, "while craving and strong-

ly desiring them" (p. 78). Again, obedience is in service of virtue.

In light of the above, one may suggest a deeper reason for Maimonides' opposition to asceticism and the prominent place such opposition occupies in *EC* 4. The ascetics apparently believe that one "come[s] near to God" (p. 70) first and foremost through obedience to His commands. And what better way of demonstrating one's obedience to God then by undergoing suffering and deprivation through such obedience? The ascetics, then, rather than subordinating obedience to virtue, tend to confuse the two.³⁰

On the very rare occasion where disobedience to a command is necessary for acquiring a moral virtue, the Law, in his view, will tacitly allow for such disobedience.

EC 4, with its emphasis on the role of obedience to the commands of the Law as a means of firmly establishing the moral virtues in one's soul, leads directly to *EC* 6, where, as we have seen, Maimonides contrasts the virtuous man with the continent man. But one may then ask why Maimonides puts *EC* 6 after rather than before *EC* 5? The answer would seem to be that Maimonides' claim that the virtuous man is superior to the continent man³¹ can be understood only in light of the fundamental thesis set forth in *EC* 5 that "man needs to subordinate all his soul's powers to thought ... and to set his sight on a single goal: the ... knowledge of [God]" (p. 75). For example, Maimonides says, a person when eating "should not

tions on asceticism to be found in his various works. Here I have sought only to offer a reason for Maimonides' critique of asceticism in *EC* in line with what I perceive to be the central thesis of the work. For a very insightful recent suggestion of how these ostensibly contradictory positions may result from "Maimonides' alternating perspectives for viewing ethics," see Howard Kreisel, "The Problem of Contradictions in Maimonides' Approach to Ethics," in *Maimonides' Political Thought* (Albany: SUNY Press, 1999), pp. 175-182.

³¹ I will return at the end of this paper to Maimonides' explanation of the apparent claim of the Sages that the continent man is superior to the virtuous man.

³² Note that in *LMD* Maimonides' critique of asceticism (3:1) immediately precedes his adjuration that "man needs to direct every single one of his deeds solely towards attaining knowledge of the Name" (3:2).

aim at pleasure alone, choosing the most pleasant food and drink, ... but should aim at what is most useful.... He should aim at making his body healthy, the goal of his body's health being that he attain knowledge" (p. 75). Now the man who has acquired the virtue of moderation will eat the proper types and proper amounts of food without any effort. But the continent man who is subject to the vice of gluttony "strongly desires to perform bad actions" (p. 78), that is, to eat too much food or unhealthy food. He will eat the proper types and proper amounts of food, but only by exerting great effort to override his bad desires. But one can very well imagine that all this psychic energy exerted to do the right thing, despite desiring to do the wrong thing, is only so much energy taken away from the soul's effort to know God.

Indeed, this very same point may help explain Maimonides' unyielding opposition to asceticism. For since "a man [is] natural by following the middle way" (p. 70), an ascetic regime goes radically against the grain of human nature. And once again the psychic energy involved in adhering to such an unnatural regime is only so much energy taken away from the soul's effort to know God.³² As we have just seen at some length, Maimonides takes the view that the Law requires obedience to its commands and forbids disobedience because obedience will lead to moral virtue while disobedience will lead to moral vice. It therefore would follow that on the very rare occasion where disobedience to a command is necessary for acquiring a moral virtue, the Law, in his view, will tacitly allow for such disobedience. This second mode of subordination, in my view, is what Maimonides is referring to when, at the end of *EC 5*, he states that the comment of the Sages "even with a transgression" on the verse "In all

your ways know Him" (Prov. 3:6) means "you should make your goal the truth when doing such a thing, even if from a certain point of view you commit a transgression" (p. 78). This statement of Maimonides is, not surprisingly, particularly obscure, and a number of suggestions have been put forward as to what he may have had in mind.³³

Without entering into a detailed exposition and critique of either explanation, it may be noted that Leibowitz's explanation forces him to argue unconvincingly that, for Maimonides, the commission of a transgression (*`aveirah*) being referred to by the Sages here does not involve the violation of a law—this despite the fact the Maimonides in *EC 2* explicitly links transgressions (*`aveirot*) to "disobedience ... of the Law" (p. 64)—while Shailat's explanation ignores the context of *EC 5*.

In my opinion, Raymond Weiss's analysis of some key issues in this chapter provides the key to understanding Maimonides' meaning, though Weiss, surprisingly, neglects to cite this important Maimonidean statement.³⁴

Weiss notes that at the beginning of *EC 5* Maimonides, in discussing how man "should direct all his actions toward this goal [of knowledge of God]" (p. 75), offers the following example:

If the humour of black bile [melancholy] agitates him, he should make it cease by listening to songs and various melodies, by walking in gardens and fine buildings, by sitting before beautiful forms, and by things like this which delight the soul and make the disturbance of

³³ See, for example, Leibowitz, *Conversations on the Eight Chapters of Maimonides*, pp. 188-189; and Yitzhak Shailat, *Hakdamot ha-Rambam le-Mishnah* (Ma'aaleh Adumim, Israel: Ma'aliyyot Press, 1992), pp. 298-299.

³⁴ Weiss, *Maimonides' Ethics*, pp. 78-81.

³⁵ *Ibid.*, pp. 79-80.

³⁶ See *Laws of Idolatry 2:2*.

³⁷ See Maimonides' responsum concerning the Songs of the Ishmaelites in *Iggerot ha-Rambam*, Vol. 1, ed. Y. Shailat (Jerusalem:

black bile disappear from it. In all this he should aim at making his body healthy, the goal of his body's health being that he attain knowledge. (p. 75)

Later in the chapter Maimonides states that a person "needs to give delight to his soul ...so that it will be clear and pure to receive the sciences" (p. 77). This at times may require "looking at beautiful decorations and objects" (p. 77) or "decorating and adorning buildings, vessels, and garments" (p. 77).

But, as Weiss goes on to note, this "aesthetic" therapy for the body and soul is halakhically problematic.³⁵ For what if, say, one of the "beautiful objects" available "to drive sickness from [the soul]" is a statue of a god?³⁶

Even more problematic is Maimonides' comment about the need to "listen to songs and various kinds of melodies" (p. 75). For, as Weiss points out, in a well-known responsum, Maimonides states that the Law clearly and unqualifiedly forbids listening to songs and melodies. This reason for this prohibition, Maimonides explains, is to restrain the appetitive power. Nor, Maimonides continues, does the Law, in formulating this prohibition, take into account the rare individual whose soul would be "protected" or whose passion "for apprehending an intelligible or for obedience to the commandments" would be quickened through listening to these melodies. For, Maimonides notes, "The Law is directed only in accordance with what happens in the majority of cases."³⁷ As Maimonides states in the *Guide* 3:34, "The Law ... pays no attention to what happens rarely or to the damage occurring to the unique human being because of

this way of determination."³⁸

It is, I suggest, precisely this dilemma that Maimonides is tacitly addressing when he states that the comment of the Sages "Even with a transgression" means "You should make your goal the truth when doing such a thing, even if from a certain point of view you commit a transgression." Consider the exceptionally rare person—not inferior to the prophets—"who directs all the powers of his soul solely toward God, ... and who does not perform an ... action ... unless that action ... leads to that goal" (pp. 77-78). And consider the rare situation where this exceptionally rare person is, say, afflicted "with the humour of black bile," and in order to "make the disturbance of black bile disappear from [his soul]" needs to "listen to songs and various kinds of melodies." He listens to these songs and melodies solely with the aim of "giv[ing] delight to his soul... so that it will be clear and pure to receive the sciences," that is, when engaging in this activity, he is making his goal "the truth." But "from a certain point of view," that is, from the point of view of the Law, by listening to these songs and melodies he is "commit[ting] a transgression." What is he to do? The Law itself, cannot take his dilemma into account—that is, cannot explicitly take it into account—since, as we saw earlier, "the Law is directed only in accordance with what happens in the majority of cases ... [and] pays no attention to what happens rarely or to the damage occurring to the unique human being because of this way of determination." As Maimonides explains in the *Guide* 3:34, "for were it made to fit individuals, the whole would be corrupted and you would make of it something that varies."

Nevertheless, Maimonides contends, the Sages urge this

Ma'aliyyot Press, 1987), pp. 428-429. An English translation of the responsum, complete with discussion, is to be found in Boaz Cohen, "The Responsum of Maimonides Concerning Music," in *Law and Tradition in Judaism* (New York: Ktav, 1969), pp. 167-181.

³⁸ There is an extensive secondary literature on this subject. The reader may wish to begin with I. England, "The Problem of Equity in Maimonides," *Israel Law Review* XXI (1986):296-332, and use the references there to work his or her way backward.

³⁹ In truth, as Maimonides goes on to say, this moral vice of anger on Moses' part misled the Israelites into thinking that Moses

"unique human being," that is, this human being "who directs all the powers of his soul solely toward God," who finds himself in this rare situation to listen to the songs and melodies even though he is thereby "from a certain point of view ... commit[ting] a transgression," since he is acting "for the sake of Heaven," inasmuch as his sole goal in engaging in this activity is "the truth."

Once again, Maimonides translates language of disobedience to God's commands into language of moral vice.

We thus see manifested here the subordination of obedience to virtue. To restrain the appetitive power, the Law forbids listening to songs and melodies. That is, disobeying this command will lead to moral vice. But what of the admittedly exceptionally rare case where disobeying this command will lead to the acquisition of moral and rational virtue? In such a case, in Maimonides' view, assuming I have understood him properly on this point, obedience to the Law must give way to the unique urgent need on the part of this unique human being for the attainment of the virtues, since the goal of this individual is the truth, that is to say, the knowledge of God.

I have noted that since the categories of virtue and vice have priority over the categories of obedience and disobedience, Maimonides, throughout *EC*, translates Scriptural and rabbinic language of obedience and disobedience into language of virtue and vice. This enables

us to account for the digression about Moses at the end of *EC* 4. The immediate point of the digression is to show that no person is free from sin. Its deeper point, however, is to show that the true sin of Moses was not his *disobeying* God's command to speak to the rock, as might appear from the text of Scripture, but was the *moral vice* of anger, which he displayed while chastising the Israelites.³⁹

A similar act of translation also enables us to understand the significance of the title of *EC* 7, "On the Veils and their Meaning." The theme of this chapter is prophecy. Maimonides begins the chapter by noting that "the *midrash* and the *haggadah* as well as ... the Talmud [state] that ... the prophets saw God from behind ... veils" (pp. 80-81). He explains that the veils separating us from God are, as the prophet states, our sins. But his point is not just that the dicta in the *midrash*, *haggadah*, and Talmud speaking about veils should not to be understood anthropomorphically. Rather, his main point is that the sins serving as veils between the prophets and God are not the sins of disobedience, but the moral vices (p. 81). Thus, in Maimonides' view, the verse, "Only your sins have separated you from God" (Isa. 59:2) refers not to sins of disobedience, but to the moral vices.⁴⁰ Once again, Maimonides translates language of disobedience to God's commands into language of moral vice.

Maimonides translates Scriptural and rabbinic language of obedience and disobedience into language of virtue and vice not only in *EC*, but throughout the entire

was angry at them because God was angry at them on account of their request, which, in fact, was not the case. This comment raises some very interesting issues that I cannot enter into here. Perhaps we have here a slight allusion to the notion of *Imitatio Dei*, which, as is well known, Maimonides avoids discussing in *EC*. (I would like to thank my former student, Micha Gottlieb, for drawing my attention to the significance of this comment.)

⁴⁰ I believe that when Maimonides cites this verse in *Laws of Repentance* 7:7, he is similarly referring not to sins of disobedience, but to the moral vices. This sheds very important light on the entire chapter, which I cannot enter into now. But see below, note 47.

⁴¹ Weiss, *Maimonides' Ethics*, p. 33, oversimplifies when he states that Maimonides "identifies the Hasidim as virtuous men." To be sure, for Maimonides both the wise men and the pious men are virtuous, but what is significant here is not only what they share in common, but what differentiates them. Once again, for the purposes of this paper, it is—thankfully!—not necessary to enter into the thicket of the relationship between the *hakham* and the *hasid* in Maimonides' ethical thought, specifically the ques-

Commentary on Avot itself. To examine this with the fullness it deserves would go beyond the bounds of this essay. But let us take a brief look at perhaps the most striking example of such an act of translation in the *Commentary* itself, particularly since it picks up on a theme that Maimonides already adumbrates in *EC*.

As we saw, in the Introduction to *EC* Maimonides writes that "the discipline described in this tractate" (p. 60) is that of piety. But when he finally defines piety in the *Commentary on Avot* 5:6, it is not in terms of supererogatory obedience to the Law, but primarily in terms of virtue. Thus, the pious person (*hasid*), like the wise person (*hakham*), has acquired both the moral and the rational virtues in a perfect and fitting manner. The only difference between them is that with regard to the moral virtues, the pious person, unlike the wise person, deviates slightly from the mean in the direction of one of the extremes—and in this connection Maimonides refers to his discussion in *EC* 4. Now in that chapter Maimonides, as noted above, points out that, "the Law forbids what it forbids and commands what it commands ... [so] that we move away from one side as a means of discipline" (p. 71). We may then say that the pious person deviates slightly from the mean in the direction of one of the extremes through obedience to the Law's commands. Thus piety, unlike wisdom, is not defined solely in terms of the acquisition of the moral and rational virtues, but the element of obedience to the Law also enters into the picture. But since, again as seen above, Maimonides goes on to say in *EC* 4 that the purpose of obeying those commands that demand slight movement from the mean in the direction of the extreme of self-denial is so "that the state of moderation should be firmly established in our souls" (p. 72), the subordination of obedience to virtue is

still maintained.⁴¹

A further mode of Maimonides' subordination of obedience to virtue is that whenever he discusses certain religious issues involving both the categories of virtue and vice and the categories of obedience and disobedience, he accords pride of place to the former. That is, the categories of virtue and vice are accorded intellectual and axiological priority, even if the quantitative bulk of the discussion may be allotted to the categories of obedience and disobedience.⁴²

This mode of subordination can account for the title of *EC* 8, "On Man's Inborn Disposition" (p. 83). As we saw, the main theme of the chapter is man's choice. But this choice expresses itself on two levels. Maimonides devotes the bulk of the chapter to defending the position that "all of man's actions are given over to him" (pp. 84, 85). But, as Maimonides clearly suggests, saying that "man's actions are given over to him" is just another way of saying that "obedience and disobedience are in man's hands" (p. 93). And this is precisely what we ought to expect, since, as Maimonides states in *EC* 2 and reiterates in *EC* 8, transgressions and commandments apply to acts (pp. 65, 86). Still, Maimonides devotes the beginning of *EC* 8 to man's ability to acquire the virtues, and it is in connection with man's ability to acquire the virtues and not in connection with man's actions being given over to him that Maimonides speaks of "man's inborn disposition" (pp. 83-84). As we saw, man's inborn disposition may be such that even with instruction he cannot acquire all the rational virtues. Thus, the "natural dolt" (p. 84) can never acquire the rational virtue of "excellent comprehension" (p. 65). On the other hand, Maimonides argues that though a person's inborn temperament may make it dif-

tions as to whether his positions regarding this issue in the *EC* and *LMD* differ from one another, and, if they do differ, exactly how. For some representative studies, see Norman Lamm, "The *Hakham* and the *Hasid* in the Thought of the Rambam" (Hebrew) Moshe Carmill and Hayyim Leaf (eds.) *Samuel Belkin Memorial Volume* (New York: Ktav, 1981), pp. 11-28; Barry Kogan, "The Ideal of Human Perfection in the Thought of the Rambam: *Hakham* or *Hasid*" (Hebrew), *Jerusalem Studies in Jewish Thought* 9 (1990): 177-191; and Ehud Benor, "Moral Extremism and Intellectual Virtue." Note also how Maimonides' interpretation of "*ha-kol lefi rov ha-ma`aseh*" (*Avot* 3:15) similarly translates language of obedience into language of virtue.

difficult for him to acquire a particular moral virtue, he can acquire it "if he is educated and habituated accordingly" (p. 84).

It should be emphasized that Maimonides' discussion of man's inborn disposition refers only to his acquisition of the virtues and not to his being "a free agent in his actions" (p. 93). Nor should this be surprising. For imagine that Maimonides were to concede for argument's sake that man's inborn disposition was such that he could not acquire a particular moral virtue. This would mean only that such a person could not be a virtuous man who "does good things while ... strongly desiring them" (p. 78). But he could still be a "continent man [who] ... does good things while ... strongly desiring to perform bad actions" (p. 78). So his actions would still be "given over to him" (pp. 84, 85). Indeed, the foregoing theoretical argument is in fact made by Farabi, who in *CS* writes that "of the states and natural dispositions towards a [moral] virtue and vice some... cannot be made to disappear and be altered, nor to have their strength impaired, but may be opposed by resisting and restraining the soul from their [the vices'] actions and by contending and striving, so

that the man always does the opposite of their actions"

That Maimonides' discussion of man's inborn disposition refers only to his acquisition of the virtues and not to his being "a free agent in his actions" emerges from his reply to the astrologers:

The astrologers ... claim that an individual's time of birth determines whether he possesses virtue or vice and that he is necessarily compelled to perform certain actions. You should however know that our Law and Greek philosophy agree that all man's actions are given over to him.... There is no compulsion on him [to perform certain actions] nor is there any external cause which makes him incline toward a virtue or a vice *except for his being disposed by temperament so that something is easy or difficult for him.* (p. 84; emphasis added)

Note how Maimonides in this passage very carefully moves back and forth between speaking about actions and speaking about the virtues. Thus the statement "that

⁴² In a similar manner, Maimonides in the *Guide* 3:27 states that the first aim of the Law, the welfare of the soul, is "indubitably greater in nobility" than the second aim of the Law, the welfare of the body. Nevertheless, "this second aim ... is the one regarding which every effort has been made precisely to expound it and all its particulars."

⁴³ With reference to the effect of inborn dispositions on acquiring the moral virtues, Maimonides appears to adopt different positions in *EC*, the *Mishneh Torah*, and the *Guide*. In *EC*, as we saw in the text, Maimonides argues that though a person's inborn temperament may make it difficult for him to acquire a particular moral virtue, he can acquire it "if he is educated and habituated accordingly" (p. 84). In the *Mishneh Torah* (*Laws of Repentance* 3:1-4) Maimonides gives no indication that one's inborn disposition may make it difficult for him to acquire a particular moral virtue, though a careful reading of the text suggests that he does not rule out that possibility. (Note, as well, *LMD* 1:2.) Finally, in *Guide* 1:34 Maimonides appears to adopt Farabi's position that certain people on account of their natural dispositions cannot in fact acquire particular moral virtues, even if "educated and habituated accordingly." Maimonides there writes, in connection with acquiring the moral virtues that "there are, moreover, many people who have received from their first natural disposition a complexion of temperament with which perfection is in no way compatible. Such is the case of one whose heart is naturally exceedingly hot; for he cannot refrain from anger, even if he subject his soul to very stringent training. This is also the case of one whose testicles have a hot and humid temperament.... For it is unlikely that such a man, even if he subject his soul to the most severe training, be chaste." I should add that Maimonides, in my view, in adopting this position does not wish to deny that such individuals can reach the level of continent men who "perform virtuous actions ... while ... strongly desiring to perform bad actions," that is, they would be able to control their bad cravings and perform the virtuous actions associated with that moral virtue. Thus, the man whose heart is "exceedingly hot," will experience, say, "road rage," "even if he subject his soul to very stringent training," but, through a great act of self-control, will be able to refrain from screaming at and cursing the fellow in the car who just cut him off. Similarly, when Maimonides says that the person "whose testicles have a hot and humid temperament" cannot be chaste, he means that the soul of such a person will

our Law and Greek philosophy agree that all man's actions are given over to him" refers only to the performance of actions and not to the acquisition of the virtues, since, as we just saw, Farabi, who for Maimonides in the *EC* serves as the spokesman of Greek philosophy, believes that certain people on account of their natural dispositions cannot in fact acquire all the moral virtues. On the other hand, it is only when speaking of man's inclination "toward a virtue or a vice" that Maimonides introduces the consideration of man's inborn temperament. To return, then, to the title of *EC* 8: We saw that the affirmation of man's choice involves two contentions: first, that a person has the ability to acquire the virtues through proper education and habituation; and, second, that "obedience and disobedience are in man's hands." I therefore suggest that Maimonides, by entitling *EC* 8 "On Man's Inborn Disposition" intends to convey to the reader that priority should be accorded to his discussion regarding the first contention, for it is only with regard to an individual's acquisition of the virtues that his inborn disposition is of relevance.⁴³

I have completed the examination of the various ways whereby Maimonides throughout *EC* subordinates the categories of obedience and disobedience, important as they are, to the categories of virtue and vice. But this fundamental Maimonidean contention that obedience is subordinate to virtue would appear to encounter a serious problem to the resolution of which he devotes *EC* 6. For while both the philosophers and Solomon maintain "that the virtuous man is ... more perfect than the continent man" (pp. 78-79), the rabbis appear to maintain that the continent man is on a higher level than the virtuous man (p. 79). As we have seen, Maimonides resolves this appar-

ent contradiction by arguing that the continent man about whom the philosophers are speaking is the man who desires to perform bad things "generally accepted by all the people as bad, such as murder, theft, robbery, fraud.... and things like these" (p. 79), while the Sages were speaking of the continent man who is attracted to performing actions forbidden by "the traditional laws" (p. 80), e.g., the laws of forbidden foods or forbidden sexual relationships. For were these actions not forbidden "by the Law, they would not be bad at all" (p. 80).

Certainly when Maimonides says that the actions forbidden by "the traditional laws ... would not be bad at all" were it not for those laws, he does not mean that the Law has no purpose in forbidding those actions.

What exactly is the problem Maimonides is confronting? and exactly how does his differentiation between these two types of action enable him to resolve this problem? In light of my analysis, the answers to both these questions are not hard to find. We have seen that the central theme of *EC* is that obedience is in the service of and should be subordinated to virtue. But a statement like that of the Sages:

Let not a man say, "I do not want to eat meat with milk, I do not want to wear mixed fabric, I do not want to have illicit sexual relations, but [let him say] "I want to, but what shall I do — my Father in heaven has forbidden me."

would at first glance seem to suggest that for the rabbis,

always incline to the extreme of lust, but again, such a person will be able, through a great act of self-control, to refrain from engaging in forbidden or excessive sexual behavior. Maimonides' position here thus does not contradict his view that "all man's actions are given over to him."

⁴⁴ The similarity between the ascetic view criticized in *EC* 4, the point apparently being propounded by the rabbis discussed in *EC* 6 was already noted by Schweid in *Studies in Maimonides' Eight Chapters*, p. 85.

⁴⁵ See, for example, Josef Stern, "Problematic Commandments II: Maimonides on Decrees of Scripture," in *Problems and Parables of the Law* (Albany, New York: SUNY Press, 1998), p. 53 ("In *EC*, Chapter 6 Maimonides agrees with Saadiah's view

as for the ascetics, obedience to the divine command is a value in its own right; indeed, that it is the highest religious value. For why should a person desire to eat pig but refrain from eating it, if not to overcome his desire both as a result of and in order to display his obedience to the command of God. Thus — so it would seem — for both the ascetics and the rabbis service of God ought to involve hardship, the only difference being that the ascetics emphasize physical hardship, while the rabbis emphasize psychological hardship.⁴⁴

Moreover, we can now understand the point of Maimonides' resolution. Certainly when Maimonides says that the actions forbidden by "the traditional laws ... would not be bad at all" were it not for those laws, he does not mean, as some scholars suggest, that the Law has no purpose in forbidding those actions or that the only purpose of these laws is for people to display obedience to God.⁴⁵

For has not Maimonides said earlier in *EC 4* that the purpose of the traditional laws of forbidden foods and forbidden sexual relationships is "that we move very far away from the extreme of lust and go a little from the mean toward insensibility to pleasure" (p. 72)? What those scholars fail to recognize when they suggest that the traditional laws serve no purpose in forbidding the actions they forbid is that when Maimonides says that the actions forbidden by the traditional laws "would not be bad at all" were they not forbidden by them, he does not mean to say that the Law had no reason for forbidding these actions. Again, the criteria are the mean and practical

judgment. That is, had the Law not forbidden outright the eating of pig, there would, indeed, be nothing wrong from the standpoint of the virtue of moderation in the virtuous man's eating an appropriate amount of pig as determined by his practical judgment, given the specifics of the particular situation. But, of course, the Law forbids the eating of pig as a precaution, that is, as a deviation from the mean, precisely so that "that the state of moderation should be firmly established within our souls" (p. 72). These bad actions are to be distinguished from those bad actions "generally accepted by all the people as bad, such as murder, theft, robbery, fraud.... and things like these" (p. 79). For those bad actions are bad in terms of the mean and as determined by practical judgment, and a virtuous person would not wish to perform them. As Aristotle argues:

But not every action or feeling admits of the mean. For the names of some automatically include baseness, e.g. spite, shamelessness, and envy [among feelings], and adultery, theft, murder, among actions. All of these and similar things are called by these names because they themselves, not their excesses and deficiencies, are base. (*EN 1107a 9-14*)

And, indeed, why would the continent individual who knows that stealing is wrong and successfully abstains from it, nevertheless desire to steal, if not that he is still subject to the moral vice of greed? Or why would the continent individual who knows that murder is wrong and successfully abstains from it nevertheless desire to kill

that the *hugqim* are commandments that (metaphysically) have no reason for their legislation independent of the fact that they are commanded by God"); and Isadore Twersky, *Introduction to the Code of Maimonides (Mishneh Torah)* (New Haven and London: Yale University Press, 1980), p. 415, n. 145 ("The *hugqim* ... (which are beyond reason) are observed because one submits to the divine will and recognizes the heteronomous character of the law").

⁴⁶ Thus Maimonides in his *Commentary on Avot 5:9* ("He who says 'What is yours is mine and what is mine is mine' is a wicked person") observes, "for the person who wishes to possess both his own money and the money of his friend is a grasping individual, and he is therefore termed wicked." Of course, the morally continent individual who may wish to take possession of his fellow's money but restrains himself from doing so because he knows that it is wrong cannot be called wicked, but he is still subject to the same moral vice of greed as is the wicked individual, whether the latter be incontinent or vicious. See, as well, *Laws of*

someone, if not that he is still subject to the moral vice of anger?⁴⁶

We can similarly now understand why, in Maimonides' view, the Sages insist that when it comes to such traditional laws as the laws of forbidden foods or forbidden sexual relationships, a person should not say, "I do not want to eat meat with milk, ... I do not want to have illicit sexual relations," but should say "I want to, but what shall I do—my Father in heaven has forbidden me." For these laws are to serve "as a means of discipline" (p. 71), and it is only by our observing this discipline—that is, only by our deliberately "mov[ing] very far away from the extreme of lust and go[ing] a little from the mean toward insensibility to pleasure"—that "the state of moderation [can] be firmly established within our souls" (p.72). So it is no surprise that a person who says "I do not want to eat meat with milk" has missed the whole point of the traditional laws. Rather, let him say: "In terms of the virtue of moderation there would be nothing wrong with my eat-

ing an appropriate amount of meat and milk as determined by practical judgment. Therefore, I will let my soul be attracted to this action. But I will not eat this food because my Father in heaven has forbidden me—forbidden me not in order to have me demonstrate my obedience to His inscrutable command, but forbidden me precisely as a means of discipline so that the state of moderation be firmly established in my soul." Thus, through this truly brilliant interpretation by Maimonides, the rabbinic statement which on its face appears to exalt obedience over virtue turns out on closer examination to require that one obediently submit to the divine command *precisely in order to acquire thereby moral virtue*.

Maimonides has thus successfully defended his subordination of obedience to virtue against its most serious challenge.⁴⁷

To conclude: for Maimonides, obedience to the Law's commands, while necessary, possesses only instrumental,

Repentance 7:3, which a close analysis reveals is referring to the morally continent man referred to by the philosophers as described in *EC 6*. Note there the connection between bad actions like theft and robbery and such moral vices as anger, hatred, jealousy, and the like.

⁴⁷ Twersky, *Introduction to the Code of Maimonides*, pp. 415 (n. 145) and 453-454, sees the apparent conflict discussed in *EC 6* between philosophical (and biblical) morality and the morality of the rabbis as an apparent conflict between autonomy and heteronomy. This interpretation was subjected to a searching and, in my view, cogent critique by Shubert Spero in *Morality, Halakha and the Jewish Tradition* (New York: Ktav, 1983), p. 343, note 37. Despite Spero's critique, Twersky reiterates his interpretation in *Law and Philosophy: Perspectives on Maimonides' Teaching*, Vol. 2 (above, note 12), p. 260. Schweid presents an approach close to my understanding in *Studies in Maimonides' Eight Chapters*, pp. 85-86. Schweid (pp. 86-88), however, assumes that Maimonides in his resolution of the apparent conflict between philosophical morality and the morality of the rabbis concludes that an ethic of obedience is appropriate for the traditional laws, whose only purpose supposedly is to demonstrate, in Saadyanic fashion, "the acceptance of the yoke of the Kingdom of Heaven." Similarly, David Hartman, *Maimonides: Torah and Philosophic Quest* (Philadelphia: Jewish Publication Society, 1976), p. 147, understands Maimonides' resolution in *EC 6* to mean that "there remains a realm of halakhic observance, *hukkim*, which has no connection with the nature of man and thus requires a highly developed sense of obedience to authority." On the other hand, Spero's observation in *Morality, Halakha and the Jewish Tradition*, p. 55, that Maimonides' "ritual-morality distinction ... can be rendered intelligible only on the view that ... the ritual commandments are only of instrumental value" is in keeping with our approach. Further discussion of the various problems associated with *EC 6* as well as the issue, raised by many scholars, of the relationship between *EC 6* and *Laws of Repentance 7:4* must be reserved for a future date. For the meanwhile, I will just cryptically put forth my view that there is no contradiction between *EC 6* and *Laws of Repentance 7:4*; for in light of *Laws of Repentance 7:3* it should be clear that the view of some scholars that the penitent man of *Laws of Repentance 7:4* should be identified with the morally continent man of *EC 6*, while the completely righteous individual mentioned in that law should be identified with the morally virtuous man of that chapter, is unfounded. Rather, both the penitent man and the completely righteous individual mentioned in *Laws of Repentance 7:4* are to be identified with the morally virtuous man described in *EC 6*. But, again, this is not the place to elaborate. And see above, note 40.

not intrinsic value. For, in his view, both philosophy and the Law agree that the path to the perfection of the soul is through acquiring the moral and rational virtues. Indeed, even the possession of moral virtues turns out to possess only instrumental value, in so far as it leads to possession of rational virtues, in particular to the possession of the rational virtue par excellence, the knowledge of God—the only thing in the life of man that possess any intrinsic value. Yet, just as possession of moral virtues is necessary on account of its instrumental value, so obedi-

ence to the Law's commands is similarly necessary on account of its instrumental value, insofar as obedience to those commands is conducive to moral virtue, while disobedience is conducive to moral vice. In sum, *EC* should be understood as an attempt on Maimonides' part to uphold the authority of the Law and the necessity of obeying its commands within the framework of a virtue ethic, or, perhaps better, as an attempt to develop a virtue ethic, precisely in light of which the authority of the Law and the necessity of obeying its commands are upheld.