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RAMBAM: LIBERTARIAN OR DETERMINIST? Rafi Farber

I. Rambam the Libertarian

To study a philosopher who appears to contradict himself requires a fine-toothed comb. The Rambam (Rabbi Moshe ben Maimon 1138-1204)¹ seems inconsistent numerous times, on many significant issues, between his *Guide of the Perplexed* and his earlier works the *Mishneh Torah* and the *Peirush Ha-Mishnayot*. Two general approaches may be taken toward explaining the apparent differences in outlook. One approach suggests that he simply changed his mind. Alternatively, the Rambam may have been well aware of the contradictions, yet left it to the reader to separate philosophical deception from his real opinions—essentially, to distinguish truth from decoy.

Depending on the method used to resolve these inconsistencies, the process of separating the Rambam's decoys from his truths may yield a variety of results. On one hand, the decoy may be scrapped entirely, labeled as nothing but a distraction for the simple-minded, intended to be ignored by the scholarly who are wise enough to identify it as simply a smokescreen. On the other hand, it may be a passage linguistically and contextually structured in such a way so as to make the reader think that it is saying what in fact it is not. In such a case, the decoy need not be scrapped, but simply reread and reinterpreted.

This essay will attempt to address the Rambam's true opinion concerning freedom of human will. While certain passages in his earlier works suggest he is a full libertarian, ascribing free will to every conceivable human action, others in the *Guide* suggest that he is a full-blown determinist. To discern what the Rambam actually thought, I will use the second method suggested—a critical reinterpretation of apparent inconsistencies in relevant texts—rather than simply scrapping what is believed to be the smokescreen in favor of a so-called esoteric opinion.

It is the seeming clash between statements found in both the *Shemoneh Perakim* (a work contained in the *Peirush Ha-Mishnayot* as an introduction to his commentary on *Masekhet Avot*) and the *Mishneh Torah* against his philosophical assessments of causality found mainly in parts II and III of the *Guide* that necessitate this rereading. As a rule of thumb, whenever the Rambam makes inconsistent statements between his earlier works, which principally include his

¹ Also referred to herein as “Maimonides.”

Peirush Ha-Mishnayot and the *Mishneh Torah*, and his later work the *Guide*, the latter is usually taken as his true, esoteric opinion. The inconsistencies contained in the Rambam's works regarding free will follow this understanding.

Scholar Lenn E. Goodman demonstrates this uncertainty forthright. In attempting to mesh the libertarian statements of both the *Shemoneh Perakim* and the *Mishneh Torah* with the deterministic statements of the *Guide*, Goodman tries to place the Rambam between libertarianism and determinism by entertaining the notion that he is a soft determinist, another term for a compatibilist. He writes that the Rambam "is a voluntarist within the context of his determinism. Is he a soft determinist?"² Whereas a hard determinist denies any possibility of freedom by saying that causality is the only deciding factor, a soft determinist concedes that causality alone is responsible for human action, however moral responsibility still exists. The compatibilist tries to argue this seemingly paradoxical position by distinguishing between external and internal persuasive force. If a man³ is forced, by factors external to himself, to do a certain thing, he is not free and therefore not morally responsible for its ensuing consequences. However, if he is forced by his internal nature as a causal being, he is, what can be called, "free," and therefore morally responsible, even though his internal causal nature determines his actions anyway.

Ultimately, though, Goodman rejects any possible soft determinism inherent in the Rambam's philosophy in that the libertariansque statements and his categorization of them as foundational to Torah and the commandments found in both the *Shemoneh Perakim* and the *Mishneh Torah* preclude any possible rejection of the human ability to freely choose, despite what may be implied otherwise in the *Guide*. Goodman, then, seems to avoid the problems that the *Guide* introduces for the Rambam as a libertarian, preferring to passively label them as something far too cryptic to deal with and almost "other worldly."

It is my contention that the *Guide* need not be passed up, and that a careful rereading of the Rambam's statements in both the *Mishneh Torah* and the *Shemoneh Perakim* will clear away much of the confusion surrounding the subject of free will as dealt with in the *Guide*. Further, this rereading will absolve any need to temper the tone of the statements found in those two works in light of others found in the *Guide*. But even if the inconsistencies can be resolved through a rereading, the question remains as to why the Rambam would shroud his language in confusion concerning such a pivotal topic as free will. Generally, it can be assumed that he is trying to hide something from the simpleton. Which aspect of free will is considered dangerous to the average mind, however, is a subject for further study and will be addressed later.

The earliest and one of the strongest statements the Rambam makes about

² Lenn Evan Goodman, "Determinism and Freedom in Spinoza, Maimonides, and Aristotle: a Retrospective Study," in *Responsibility, Character and the Emotions*, ed. Ferdinand Schoemam (New York: Cambridge University Press, 1987), 145.

³ Following the Rambam's formulation, the masculine is used throughout.

free will can be found in the eighth chapter of the *Shemoneh Perakim*, which is an introduction to his commentary on *Masekhet Avot*. *Avot*, unlike other *masekhtot* in the Mishnah, does not deal with halakha in terms of the permitted versus the forbidden. Rather, it deals with human character traits, behavioral patterns, and moral qualities that a person should have, and is written in the form of anecdotes, sayings, and aphorisms said by *Tanaim*. Written during the Rambam's youth in his early twenties, the *Shemoneh Perakim* serves the purpose of explaining to the reader why *Avot* is relevant to one's life in the first place. The Rambam, who largely dealt with commenting on the permitted and forbidden in Jewish law as delineated in the *Mishnah*, felt it appropriate to begin his commentary on *Avot* with a treatise on human nature and the composition of human character, being that *Avot* is a morality and character guide as opposed to a law code. As he says in the introduction to the *Shemoneh Perakim*:

I found it fitting to [compose an] introduction before I begin explaining each law individually with [a few] helpful chapters that will introduce to the reader the context [of *Avot*], and will also set for him the foundational axioms to what will be said explicitly later.⁴

Among the pivotal issues dealt with by the *Shemoneh Perakim* is the freedom of human will, seen by the Rambam as a necessary precursor to a study on human character, for such a study would be futile if one were not convinced of his very ability to improve himself morally. The ability for self-improvement is one of the axiomatic principles that the Rambam wishes to elucidate here as a precursor to a study of the actual *mishmayot*.

There are many passages relevant to free will in particular, which are located mostly in the final chapter. The most compelling and comprehensive is this:

But the doubtless truth is that all the actions of man are subject to his own power. If he wants to, he does [something] and if he wants to he doesn't [do that something] without force or coercion upon him in this matter. (*Shemoneh Perakim* Ch. 8)

A very similar passage can be seen in the *Mishneh Torah*, in *Hilkhot Teshuvah* [Laws of Repentance], where the Rambam talks explicitly about human will. He uses the phrase "deed among deeds," saying that a man is not forced to do "any deed" at all.⁵

Reading just these passages, one may be persuaded to believe that the Rambam holds that every activity in which a man may engage is subject to his own free will. Such a view would make the Rambam a full libertarian, and would imply that absolutely everything one may do in his life is subject to his choice, and his choice alone. However, to assess the Rambam as a full libertarian leads

⁴ This, as well as any other uncited translations to English in this article are my own.

⁵ Rambam, *Mishneh Torah*, *Hilkhot Teshuvah* 5:4

to a contradiction by implication with his moral philosophy as elucidated in the *Guide* and presented in the *Mishneh Torah*.

In the *Mishneh Torah*, *Hilkhot Teshuvah* 1:1, in explaining the verse “man has become like one of us to know good and evil” (Gen. 3:22), the Rambam says,

This species—man—is unique in the world, and there is no other species similar to him in this regard, namely, that he himself under [the power of] his own knowledge and thoughts, knows the good and the evil, and does whatever he desires.

This passage can be seen as a categorical denial of any similarity between animal and man in any essential quality, man being unique in the world in this respect. It follows then that this is also a denial of any possibility of free will in the animal. To assume that the Rambam is a full-blown libertarian in that he holds that every situation a man may find himself in is subject to his free will would conflict with this statement in the *Hilkhot Teshuvah*, for reasons that will soon be explained.

Scholar Marvin Fox in his interpretation of *Guide* I:1-2 explains as follows:

An animal is what it is at birth and becomes what it becomes by virtue of the natural realization of the potential present in it. Its line of development is predetermined, and it is either aided or obstructed by outside forces impinging upon the animal but over which it has no control. The young horse does not have the option of deciding that it wants to become the most perfect horse possible, and then striving toward that goal.⁶

According to the Rambam, then, animals do not have free will, nor do they have any possibility to achieve it. This deficiency is a natural consequence of the fact that the animal has no intellect.⁷ As the Rambam writes in the *Guide*, “That which was meant in the scriptural dictum, ‘let us make man in our image’ (Gen. 1:26), was the specific form, which is intellectual apprehension, not the shape and configuration. Nothing else was made in the image of God, and therefore nothing else can experience intellectual apprehension.”⁸

Animals, then, lacking an intellect, are forever stuck in the realm of physicality, and are forced to operate solely within that realm for their entire lives. It is

⁶ Marvin Fox, *Interpreting Maimonides* (Chicago: The University of Chicago Press, 1990), 183.

⁷ This is not to say that the intellect, or intellectual apprehension, is equivalent to free will. Rather, possession of an intellect is a necessary—though not sufficient—condition for the attainment of free will.

⁸ Rambam, *The Guide of the Perplexed*, Trans. by Shlomo Pines, (The University of Chicago Press: Chicago, 1963) I:1. Refers to man’s knowledge of good and evil, insofar as it detracts from the knowledge of God.

because of this that they have no ability to perfect themselves, and hence they have no free will, nor would they have any use for it. In logical form consequent here, the reasoning can be formulated as follows: Insofar as a being is operating solely within the realm of physicality, that being has no free will.

Man, though, has two realms within which to operate, the physical and the intellectual, but this does not mean that he must function in both of them always. There are inevitably situations in the life of man that do not require any intellectual processing. For example, assuming both are permitted by the Torah, one may choose what to drink when thirsty, Coke or Pepsi. If he likes Coke, he'll take the Coke. If he likes Pepsi, he'll take the Pepsi. There seems to be no room for the intellect to factor into the decision here, so it might as well not exist in this situation, and the outcome would be the same. Whatever he likes most, he'll drink, whether he be a man or an animal. Objections can be made by attempting to find differences between the products, say, whether one was processed ethically versus whether the other was processed in a sweatshop in the third world and wedge the intellect within that variable, but manipulating the variables does not change the fact that there are conceivably existing scenarios in which the intellect cannot possibly play any role. Thus in those instances in which the intellect by its nature can simply play no role, man is equivalent to animal.

The Rambam states this explicitly in his introduction to the *Peirush Ha-Mishnayot*:

That man, before he studies, is nothing more than an animal, since man is not separate from the rest of the animal kingdom except regarding *higayon* [intellect], that he lives as a *higayon* being, my intention with regard to the word *higayon* being conceptual understanding.

Now if, outside of “enlightened understanding”⁹ man is nothing more than an animal, then it follows that in those instances, man has no free will. If this is not so, then the Rambam is being inconsistent. He cannot at the same time deny any free will in animals and be a full libertarian. If man is using his free will in all circumstances but at the same time can be nothing more than an animal, then by implication, animals have free will. Yet this is what the Rambam categorically denies.¹⁰

Though there seems to be no instance in the Rambam's works where he explicitly states that humans can be strictly involved in the mundane and *not* be

⁹ *Peirush Ha-Mishnayot*, Introduction. Later in that passage the Rambam cites the example of knowledge of the unity of God being the highest level of such “enlightened understanding.”

¹⁰ The lack of free will in an animal would mean that its actions are determined, but “determined,” is not to say that God has any direct role in forcing an animal to do whatever it does, for as the Rambam says in numerous places throughout the *Guide*, animals have no divine providence. Rather, they are determined by their own natures.

subject to free will, a gathering of evidence implies this. First, there is evidence in the *Shemoneh Perakim* that would suggest that the libertarian statements have a more relatively limited scope. In Chapter Eight of *Shemoneh Perakim*, the Rambam writes:

[With regard to] all of the actions of man that are subject to his power [to do], it is concerning these that, without a doubt, are to be found [the phenomena of] obedience and rebelliousness, since we have already explained in the second chapter that the commandments and warnings of the Torah only concern those [actions] concerning which man has free choice to do or not to do. It is [with regard to] this part of the soul in which the fear of heaven is not in the hands of heaven, but rather is left up to the free choice of man as we have explained.

What the Rambam is saying here is that that which the Torah applies to concerns only that to which man has, or is regarded as having, a choice. What he has a choice about is whether or not he fears heaven. He continues on with this theme, explaining the rabbinic statement, “everything is in the hands of heaven save the fear of heaven.” The word “everything,” according to the Rambam, only applies to that which man has absolutely no control over, such as whether he will be short or tall, whether rain will fall or not, etc. Granted, these are not even under the control of man, whereas the so-called mundane decisions purported to be non-applicable to free will are. In other words, if “everything” does not include the so-called mundane decisions, then the exception to that “everything” has nothing to do with those decisions either. Now, if we were to reapply the Tanaitic statement with the Rambam’s interpretation in mind, we get the following:

That which cannot be controlled by man is controlled by heaven, yet the fear of heaven, which by all accounts should be in the control of heaven, is not controlled by heaven; it is controlled by man.

The fear of heaven, thus, is controlled by man—under the free will of man to choose. By implication, then, mundane matters are not.¹¹

What is important here is what the Rambam excludes in his interpretation of the Tanaitic statement. He does not say anything about (assuming the permitted and the forbidden do not play a role) choosing what food to eat, what game to play, or what clothes to wear. Apparently those “choices” are completely irrelevant to the saying, because they are of no concern to human perfection, and therefore are ignored under the subject of choice. The only thing applicable under the realm of choice is the specific realms of good and evil—fearing or not fearing heaven—concerning which the Rambam quotes

¹¹ This does not mean that the mundane is controlled directly by God, meaning that God is not forcing me to choose Coke over Pepsi. Rather, insofar as these mundane choices are inconsequential, they are determined by the Aristotelian imperative to pursue happiness.

a verse from Lamentations: “From the mouth of [He who sits] on high, good and evil are not sent out” (3:38).

More direct evidence that the mundane is not included in the subject of free will comes from the *Guide* III:51, where the Rambam deals with the case of a prophet engaged in mundane matters. Divine providence, he says, only applies to the prophet insofar as he is contemplating God. The prophet is still considered a perfect man, though he is not using his intellect to think about God at the moment.¹² Instead, he is thinking about business decisions, which he may have to do at times. Since the Rambam’s opinion is that divine providence watches over a man in proportion to his intellect, if divine providence is not extended over a prophet, he must not be using his intellect.¹³ If he is not using his intellect, he is, by implication, equivalent to an animal at that moment, where divine providence does not and cannot extend. And just as animals have no free will, neither does this prophet at the moment he is deciding upon a business matter.

Also important to keep in mind is that the Rambam never explicitly says that free will *does* apply to mundane situations. Objections can be raised that the superior man always applies himself and turns mundane choices into intellectual (meaning, spiritual) ones. That may be true, but it excludes the average man who doesn’t always spiritualize his decisions. Free will is not reserved for the superior alone.

One might still retort that the Rambam does make recommendations in *Hilkhot De’ot* [Laws of Character] in his *Mishneh Torah*, concerning what foods to eat and when, as well as what clothes to wear and when (such as in the clothes of the high priest). However, when he does make such recommendations and expound on such laws, he is transporting the mundane and nonintellectual realms of food and clothing into the realms of good and evil by introducing health issues and elucidating Torah laws. It is good to stay healthy and evil to harm one’s body unnecessarily. Therefore, certain foods are recommended at certain times. Yet, take away the variable of health, and the intellect vanishes once again. The same is true with clothing in situations where halakha plays no role. The point at stake here is that wherever free will resides, it must involve the intellect in some fashion, which limits its scope of applicability, and prevents the Rambam from being a full libertarian.

There are phrases the Rambam uses in the *Shemoneh Perakim* and the *Mishneh Torah*, however, that make it seem as if the functional realm of free will includes more than just good versus evil. For example, just a few lines before his explanation of the Tanaitic statement concerning the fear of heaven in Chapter Eight, the Rambam uses the phrase “all activities of man,” saying that man has power to freely choose all of these activities. There are two ways to explain this: either the sentences immediately following the phrase “all activities of man”

¹² *Guide* III:51.

¹³ *Guide* III:51 and III:17.

are speaking of a slightly different subject, or “all activities of man” actually only applies to the good versus the evil. For a number of reasons, the former, I believe, is a better answer.

The first reason is a passage in Section Three of the *Guide*, where in a rejection of determinism, the Rambam equates animal with man. Animals, he says, are not controlled by external forces any more than humans are, and he affirms that animals move by virtue of their wills alone:

It is a fundamental principle of the Law of Moses our Master, peace be on him, and of all those who follow it, that man has an absolute ability to act; I mean to say that in virtue of his nature, his choice, and his will, he may do everything within the capacity of man to do, and this without their being created for his benefit in any way any newly produced thing. Similarly, all the species of animals move in virtue of their own will and He has willed it so; I mean to say that it comes from His eternal volition in the eternity a parte ante that all animals should move in virtue of their will and that man should have the ability to do whatever he wills or chooses among the things concerning which he has the ability to act. (*Guide* III:17)

This statement which, at first, seems to affirm a free will in animals thereby contradicting the previously quoted passages, really serves to mark a crucial distinction between the will itself, and free will as a particular type of will. This passage further can be used as a template with which to interpret the statements of Chapter Eight in *Shemoneh Perakim* and *Hilkhot Teshuvah* in the *Mishneh Torah*, and can help remove the contradictory implications in those passages as well. Animals, according to the Rambam, indeed have control over their own wills, as it is God’s wish that they do. However, the fact that they can do what they want—what they *will*—does not mean that their will is at all *free*. It seems that when speaking of will alone, the Rambam is speaking to the effect of denying total external causality over one’s actions. Specifically, there is nothing external, God or proximate physical cause, that forces any animal to do any action. This, though, does not imply anything about internal realities within the animal. Their wills may be able to function on their own, but they are not free.

Libertarian passages concerning will as found in the *Shemoneh Perakim* and *Mishneh Torah*, are statements defining the nature of the physical world at large (or God, insofar as God created the physical world). In these cases, they are saying that nothing about the physical world forces either animal or human to do anything in particular. The passage in *Guide* III:17 is not a statement about the nature of will, meaning whether it is a free type of will or not. Rather it is simply a statement about the physical world, a statement that seeks to lay the groundwork for the possibility of a free will by affirming the very existence of

volition by virtue of the physical world that predicates its existence. Since the physical world does not impinge on its existence, it does, indeed, exist.

One other crucial factor concerning all of these statements is that the term “*behirah*” [“choice”] is rarely used. It is used, in fact, in the passage previously quoted from *Shemoneh Perakim* concerning “all activities of man.”¹⁴ The Rambam there says that free will only applies to that which “*behirah*” applies, which, as he had explained earlier,¹⁵ is that which man has sway over. He seemingly even further restricts it to that which is not in the hands of heaven—namely the fear of heaven. This kind of evidence supports the contention that when the Rambam makes these types of statements about will, saying that animals have it as well, he is not describing human nature as containing within it a certain *type* of will (in this case a free will); rather, he is explaining to the reader the nature of the physical world as not precluding the possibility of will or volition in the first place. In other words: these statements do not concern free will as a metaphysical reality, but merely provide the initial basis for it in affirming the possibility and existence of the will itself.

The division between volition as an existent phenomenon and free will as a certain type of volition can be seen in other passages in the *Guide*, and in some cases quite explicitly:

For inasmuch as the deity is, as has been established, He who arouses a particular volition in the irrational animal and who has necessitated this particular free choice in the rational animal and who has made the natural things pursue their course, chance being but an excess of what is natural, as has been made clear, and its largest part partakes of nature, free choice, and volition—it follows necessarily from all this that it may be said with what proceeds necessarily from these causes that God has commanded that something should be done in such and such a way or that He has said: Let this be thus. (*Guide* II:48)

Although this passage is difficult to understand, the distinction between free will and volition in general is clear. But a more difficult problem is introduced here: the Rambam seems to be affirming determinism! The Rambam as libertarian now seems a far-off possibility indeed! Why would a libertarian make such a deterministic statement as “necessitate this particular free choice”? It is undoubtedly passages such as these which drove scholars like Goodman to at least consider branding the Rambam a closet determinist. Indeed, Shlomo Pines and Alexander Altmann even interpreted this passage as a betrayal of the Rambam’s esoteric opinion as a determinist.¹⁶ Moshe Sokol has also advocated

¹⁴ *Shemoneh Perakim*, Ch. 8.

¹⁵ *Ibid.*, Ch. 2.

¹⁶ Altmann, “The Religion of the Thinkers: Free Will and Predestination in Saadia, Bahya and Maimonides,” *Religion in a Religious Age*, ed. S.D. Goitein (Cambridge, MA: Association for

this position,¹⁷ despite the fact that he writes in the same article that:

[I]t should not be particularly surprising if Maimonides adopts an esoteric view closer to religious orthodoxy in his more popular works and an esoteric view in the *Guide*. On the other hand, in a recent article, Shlomo Pines himself warns against such facile generalizing.¹⁸

This passage in *Guide* II:48 is the axis around which much of the confusion concerning the Rambam's actual position on the subject of free choice revolves and we will return to it later. For now, I will present two possible ways to understand this passage without necessitating the labeling of the Rambam as a determinist. First, the medieval commentator on the *Guide*, Shem Tov ben Joseph ibn Shem Tov (fifteenth century) attempted to answer this question by saying that the Rambam's intent in saying that God causes a particular free choice in the rational animal means that God, as the ultimate cause of everything, brings into being the proximate cause that brings a man into a certain situation in which he can, then, actually exercise his free choice. Insofar as God is only the general, ultimate cause of free choice, He does not determine it or force a particular free choice on the rational animal. He uses a parable to explain his meaning more clearly in this regard:

A fitting analogy for this: A certain king levies a tax that he commands be taken from the men of the city. Afterwards, the tax collector comes to collect the tax, and generated from this are fights and quarrels in the city, as well as many activities involving money and trade. It is said [regarding these activities] that the king caused all of them as he was the ultimate reason for them. When you understand this analogy, you will understand everything that the Rabbi said in this chapter and how he related all of these activities to God, may he be blessed.¹⁹

God, explains Shem Tov, like a king creating the effects of a tax collection by initially ordering it, only causes a free choice in the rational animal insofar as he is the ultimate cause of free choice in the first place. The Rambam is not advocating determinism here according to Shem Tov. Rather, he is merely identifying God as the ultimate cause of everything in the physical world, including the reality of free choice itself.

The obvious objection to Shem Tov's assessment is that the Rambam actu-

Jewish Studies, 1974), 25-51.

¹⁷ Sokol, "The Rambam on Freedom of the Will and Moral Responsibility," *Harvard Theological Review* 91, no.1 (January 1998), 25.

¹⁸ *Ibid.*

¹⁹ Shem Tov ben Yosef ibn Shem Tov. Commentary to *The Guide of the Perplexed* of Moshe ben Maimon, (Traditional edition, trans. to Hebrew by Shmuel ibn Tibon).

ally uses the word “particular” in his construction, saying that God “causes the *particular* free choice in the rational animal.”²⁰ Shem Tov cannot simply ignore the words of the sentence and say that the Rambam is labeling God as the ultimate general cause when the words themselves say that God is necessitating a particular free choice in the rational animal. The answer to this question is in the parable. Much as the king who levies the tax starts a process that causes particular things to happen, so too, does God. What is meant by the phrase “necessitates a particular free choice” is not that God causes someone to choose one particular thing over another; rather, that as a general cause, certain things stem from God’s initiation.

Jerome Gellman similarly interprets *Guide* II:48 by reversing the causal reasoning of the passage in question. He says that the passage asserts not that God is the cause of a human being’s choice but that what follows from that choice is ascribable to God, since what happens as a consequence of the choice follows natural law.²¹

Returning to our earlier point, these passages in the *Guide* have been used in order to facilitate a certain reading of the phrase “all the activities of man” in the *Shemoneh Perakim*, namely that the Rambam is not saying that everything a man does is subject to free will. Rather, insofar as the physical world does not preclude will, man has free will regarding whether or not to fear heaven. This meaning can be extracted from the text in *Shemoneh Perakim* itself, if read carefully:

But the doubtless truth is that all the activities of man are given over to his power. If he wants to do [an action] he does it, and if he wants to, he doesn’t do it, without force or coercion upon him in this matter. Therefore, the obligatory commandments were made, and [God] said, “See, I have given before you today the [path to] life and the good, the [path to] death and the evil, and you shall choose life” (Deut. 30:15), and He gave us the power to choose regarding these [paths]. (*Shemoneh Perakim* 8:1)

In the opening lines of this passage, the Rambam begins with a denial. Namely, that there is no external force compelling man to do anything he does not want to do. This is the general statement that, because it is a denial of external force, affirms the existence of the will in general. There are four things to note about the lines beginning with the word “therefore” that support the restricted reading, as opposed to the full libertarian one ascribing free will to all human action.

²⁰ *Guide*, II:48 (emphasis added).

²¹ Jerome I. (Yehudah) Gellman, “Freedom and Determinism in Maimonides’ Philosophy,” *Moses Maimonides and His Time*, ed. Eric L. Ornsby (Washington, DC: Catholic University Press of America, 1989), 139-150.

First, the verse he quotes from Deuteronomy as the source for free will itself restricts the realm of choice to two options—good and evil. This is much narrower than the aforementioned “all activities of man.” Second, is the phrase “and He gave.” If, as the Rambam had just previously mentioned, all the actions of man are already up to him without any external force compelling him, there would be no reason for the Torah, or God, to give man freedom of choice, or “*behirah*,” because it would already be an established fact concerning human nature in its own right. All the Torah would have to do is remind man of its existence rather than give something that is already given. If the first two lines are affirming the existence of *behirah* itself, then the words “and He gave” have no place in this passage. A more appropriate word in that case would be “and he mentioned” that free choice exists regarding these paths.

Third is the phrase “regarding these.” These words confirm the restrictions placed on the realm of *behirah* by specifying that it is indeed in this specific area of good and evil mentioned in the verse that *behirah* indeed applies. In other words, it is only “regarding these” that freedom of choice was “given” to man by the Torah, or God. Fourth is the word “therefore.” With that word as the transition between the denial of external compelling forces guiding man and the actual nature of freedom of choice given by God, the restricted reading advocated here becomes clear: the very nature of the physical world created by God, says the Rambam, necessitates that there be nothing inherently compelling man to commit any action whatsoever, whether that action be under the realm of *behirah* or not. It is because of this reality—“therefore”—that God was able to give his people freedom of choice, for if man’s actions were forced, then there would be no possibility of it. This freedom of choice given to man, though, is restricted to the realm of good and evil. It is only “regarding these” that man has true freedom. There still remains a question, however, of why God had to “give” this freedom to man, or whether it was natural in the first place as a result of man’s nature. This question, as well as the question of how this freedom is able to function given human nature, will be taken up in the next section.

II. Rambam the Determinist

The main conclusions reached at this point are: 1) that passages in the Rambam’s writings that refer to such things as “all activities of man” (including sections of the *Shemoneh Perakim*, as well as phrases in chapter five of *Hilkhot Teshuvah* in the *Mishneh Torah*) serve only to affirm the existence of volition as a general phenomenon and applicable to every voluntary deed, and 2) that the Rambam cannot possibly be advocating unrestricted free will in every situation for man, since this would affirm the existence of free will in animals as well. What remains to be seen is if the Rambam can advocate any type of free will in man without getting himself stuck in other philosophical conundrums.

One of the main objectives of the Rambam’s *Guide of the Perplexed* is to

resolve, or at least explore, difficulties between Greek philosophy—and in particular Aristotelian philosophy—and the Torah. The Rambam can rightfully be considered an Aristotelian, but he certainly did not agree with Aristotle on every issue. In fact, his disagreements with Aristotle can be found explicitly in the *Guide*. Most notable among them are disagreements over the possibility of divine creation of the universe and over the nature of divine providence. It is unclear whether the Rambam himself held that God actually created the universe from nothing or whether that is only one conceivable possibility. What is certain though, is that the Rambam does not hold, as Aristotle does, that divine creation is a metaphysical impossibility. Their differences of opinion concerning the realm and role of divine providence are equally as sharp, if not more so.

Aristotle's opinion regarding providence, as summed up by the Rambam, is that "God [...] takes care of the spheres and of what is in them and that for this reason their individuals remain permanently as they are" (*Guide* III:17). God's nature as the unmoved mover necessitates this result. The Rambam's opinion, on the other hand, is that:

[I]n this lowly world—I mean that which is beneath the sphere of the moon—divine providence watches only over the individuals belonging to the human species and that in this species alone all the circumstances of the individuals and the good and evil that befall them are consequent upon the deserts [...]. (*Guide* III:17)

Though Aristotle would deny the above sentiment, regarding everything else besides humanity the Rambam says he agrees with Aristotle in the realm of providence.

Since the Rambam is an Aristotelian, and since his disagreements with Aristotle are brought up in the *Guide*, it can be assumed that where he does not mention a disagreement there is none. On that note, there is a principle brought down in Book 1 Chapter 7 of the *Nicomachean Ethics* where Aristotle writes, "Happiness, then, is something final and self-sufficient, and is the end of action." In Book 10 Chapter 6, he continues on this theme:

Evidently happiness must be placed among those [activities] desirable in themselves, not among those desirable for the sake of something else; for happiness does not lack anything but is self-sufficient. Now those activities are desirable in themselves from which nothing is sought beyond the activity. And of this nature virtuous actions are thought to be; for to do noble and good deeds is a thing desirable for its own sake.

What this means is that happiness, because it is always necessarily sought for its own sake, is inescapable. When one decides whether or not to do something,

he is really doing it or abstaining from it in order to secure his own happiness. Succinctly, every decision made in the span of a human life can be considered to be selfish. A person may go shopping because he is running low on milk; which he wants his children to drink; because he wants their bones to be strong; because he wants them to be healthy; because he has an emotional investment in their well-being; which, if secured, will make him happy as a father. Let us consider two examples more apt to the discussion at hand:

1) A man may rob someone knowing that it is a sin, because he has estimated that the disadvantages inherent in defying the will of God and breaking the law pale in comparison to his suffering at the hands of abject poverty, and therefore doing this right now will make him happier than abstaining. Put simply: a man sins for whatever reason, ultimately because he wishes to secure his own happiness.

2) A man may abstain from committing adultery with a married woman because even though his desire is great, and even though he will attain some degree of happiness from the act, he estimates that the pleasure gained from the sin will not be worth the consequences of transgressing God's will (or his wife's), and in the end he will come out in the negative in terms of his own happiness.

No matter how many links there are in the chain, in the Aristotelian conception, the end always ultimately comes down to happiness and nothing else. This principle, if understood correctly, can be applied to any situation, including altruism and self-sacrifice. The only reason a man may help out another—even if there is no seeming benefit to himself—is that by doing so he feels happy, and coincidentally derives it from making someone else happy as well. Someone may sacrifice his life for the purpose of sanctifying the name of God because he has determined, ultimately, that allegiance to God will make him happier than any temporary extension of his physical life would.

There is little indication that the Rambam disagrees with this principle. In fact, there are various hints throughout his writings affirming it. For instance, in his introduction to the *Shemoneh Perakim*, he says that one of the reasons why he is writing the composition is that following the prescriptions of *Masekhet Avot* can bring one to “great fulfillment and true happiness.” It seems one purpose of *Masekhet Avot*, therefore, is to bring a person to true happiness. Even if one claims that the ultimate purpose is to enable a person to follow the will of God, it is still notable that the Rambam chose to specifically mention “true happiness” to the exclusion of other factors in his treatise focusing specifically on free will.

It is noteworthy as well to mention the opinion of Jehuda Melber on this issue, who considers man's purpose, for the Rambam, as other than happiness alone.²² Melber asserts that according to the Rambam, “all of man's conduct

²² Jehuda Melber, *The Universality of Maimonides* (Jonathan David Publishers: New York: 1968).

can therefore be summed up in the rabbinic saying: ‘Let all thy deeds be done for the sake of God,’” quoting Chapter 5 of the *Shemoneh Perakim* to this effect. Melber continues:

Maimonides has thus parted widely from the Aristotelian goal for man: the attainment of happiness [...]. While Aristotle sees the highest goal for man in the attainment of happiness, albeit a happiness that is not material or hedonistic, Maimonides sees the highest goal for man in the attainment of the knowledge of God.²³

With Melber’s position in mind, it is possible to say that the Rambam’s goal for man wasn’t formulated in the exact same way as Aristotle’s, but to say that the Rambam “parted widely” from the Aristotelian viewpoint is an overstatement. It is true that Aristotle’s formulation is to the effect that man should strive for ultimate happiness, and the Rambam’s formulation is that man should strive for knowledge of God, but the two formulations can be said to pick out the very same goal for man. The Rambam would not disagree that happiness is the end goal for man because he would essentially agree that knowledge of God will inevitably lead man to ultimate happiness. Aristotle may disagree with the Rambam’s religious specification of his formulation, but the two still agree on the general principle.

There is yet another challenge that can be put forth to the agreement between Aristotle and the Rambam on this issue. If, for the sake of argument, knowledge of God *didn’t* lead to the ultimate happiness of man, would the Rambam continue to insist that it is still the ultimate goal for man? If the answer is yes, then one can say they disagree. To resolve this question, let us delve into the Rambam’s writings where we find an unexpected source in *Hilkhot Geirushin*:

With regard to he whom the law prescribes that we [are permitted to] force him to divorce his wife and he doesn’t wish to divorce, a Jewish court, regardless of where or when, lashes him until he says, “I am willing [to grant a divorce].” When he writes the bill of divorce, it is valid. So, too, if gentiles beat him and said to him “do what the Jews are telling you,” and the Jews pressured him by the hands of the gentiles until he grants the divorce, it is valid. (*Hilkhot Geirushin* 2:20)²⁴

Here, the Rambam is saying that, contrary to any other conceivable case where physical force is used to seal a contract, beating a man until he agrees to give a *get*, a divorce contract, does not invalidate the contract. In the next law, he explains exactly why a *get* that is attained through physical force is

²³ *Ibid.*, 105-106.

²⁴ *Halakha* 17 in some editions.

considered valid:

And why is this bill of divorce not null and void? For behold, he is forced, whether by the hand of Jews or gentiles! [The reason is] that we don't consider [someone to be] forced except he who was pressured and pushed to do something that he was not under a biblical obligation to do. For example, someone who was beaten [into] selling [something] or giving [something away]. However, he whose evil inclination took hold of him, [persuading him to] ignore a commandment or to commit a sin, and he was beaten until he did whatever it was he was obligated to do, or until he distanced himself from that which was forbidden to do, [to force him by beating] is not considered forcing. Rather, he forced himself with his perverse opinions. (*Ibid.*, 2:21)

Apparently, even though the man is “forced” in this case to do what he seemingly doesn't want to do, he is not halakhically considered forced because he is being forced to conform to Torah law, a situation that does not recognize the “forced” category. The most crucial passage, though, is found shortly thereafter:

Therefore, he who doesn't wish to divorce, since he already wants to be considered of the Jewish people, [it can be assumed] that he wants to do all of the commandments and to distance himself from sin, and it is his inclination that has taken hold of him. (*Ibid.*, 2:23)

According to the Rambam, every Jew who accepts his status as a Jew, *by definition* wants to follow the commandments, and therefore forcing him to do something he already wants to do does not invalidate any contract he was forced to sign in the process. His “perverse opinions” forced him to not want to give the bill of divorce to his wife, and the physical beatings, rather than forcing the man *qua* man to write the contract, forced the perverse opinions to let go of the man so he could make the decision he, *qua* man, would want to make in the first place. If the Rambam can say that every Jew naturally wants to follow the commandments of the Torah and therefore forcing him to do so would not invalidate a contract insofar as everyone naturally does what they want to do, he is admitting that man, by nature, does what he wants, and not what he doesn't want. If man does what he wants by nature, he is forced by his nature into making specific decisions, those he wants. Saying that what man wants guides his decisions is synonymous with saying that happiness guides his decisions.

What would the Rambam say about the goal of man if knowledge of God *didn't* lead to ultimate happiness? It's simple: To not follow what one wants—what makes one happy—is *by nature impossible*. Insofar as forcing someone to

do what he really wants to do is basis enough to say that no contract can be invalidated by such force, the Rambam is saying that *every* man—by nature—does what he wants. If he didn't, then whether the *get* would be invalidated or not would have to be judged on a case by case basis according to whether the specific man—by his nature—does what he wants to or not. To separate knowledge of God from happiness for the Rambam is impossible. Therefore, the end goal for man is the same for both him and Aristotle.

One final question can still be asked concerning the equation of Aristotle to the Rambam on this issue. Ironically (or fittingly), it comes from Plato. In Plato's Euthyphro dialogue, Socrates challenges Euthyphro to give him the precise form which makes pious things pious. Eventually he comes to the conclusion that what makes pious things pious is the fact that all the gods love it. Socrates then asks the classic question, "Is the pious pious because it is beloved of the gods? Or is it beloved of the gods because it is pious?" As Socrates continues to make logical moves through the dialogue, the conclusion is reached that the latter is true. Piety is beloved of the gods because it is pious, and not the other way around. This being so, the precise form of piety itself has not been found. Rather, only a quality of it has been discovered—that it is beloved of the gods.

The same type of question can be applied here. Using knowledge of the Divine as our substitute for piety, we can formulate it this way: Aristotle clearly believes that knowledge of the Divine is the goal for man because it leads man to ultimate happiness. Does the Rambam reverse this causal structure and say that ultimate happiness is the goal for man because it leads him to the knowledge of the Divine? If so, then the Rambam does to a degree depart from Aristotle.

While this may be true, there are passages in the *Guide* that imply otherwise. The Rambam says that "when a perfect man is stricken in age and is near death, his knowledge [of God] mightily increases, his joy in that knowledge grows greater" (*Guide* III:51). When describing the kiss of death as experienced by Moses, Aaron, and Miriam, he says "these three died in the midst of the pleasure derived from the knowledge of God and their great love for Him" (*Ibid.*). Regardless, even if Aristotle and the Rambam can be split on the Euthyphro line, they would both still agree that happiness, in essence, is inescapable.

If this is so, where does free will reside in the Rambam's conception of humanity? If man already wants to follow the commandments as explained in *Hilkhot Geirushin*, what, if anything, is he choosing when he decides to actually follow through with what he already wants to do?

It has already been deduced that if free will resides anywhere, it must reside somewhere in the intellectual or spiritual part of man. Furthermore, all decisions involving following commandments certainly involve the intellect, as it has already been stated by the Rambam that the choice between good and evil (which, in the context of Deuteronomy means following or not following the commandments) is applicable to the realm of free choice.

But there are two philosophical issues that seem to block free will from functioning even in this situation, and seem to label the Rambam a determinist. First, according to the Rambam (as implied by *Hilkhot Gerushin* 2:22), it seems as if every intellectual decision is already decided upon. Man knows what he wants or what makes him happy, and by nature will do what he wants. Secondly, even if it isn't decided upon, since his perverse opinions can yet take hold of him in these situations, the ultimate deciding factor in these decisions is nevertheless what a man wants, whether he is correct about what he really wants and follows the Torah or makes a mistake and does not. Whether or not a man makes a mistake regarding his happiness, it does not mean he never intended to pursue it. In reality, he was forced to pursue it by his own nature. And if a man must inescapably choose what he wants, even in cases of altruism and self-sacrifice, then there really is no more room left for him to make a free choice. The Rambam, then, seems to be a determinist.

III. The Rambam's True Opinion on Free Will

There are two last, remaining issues that must be resolved. 1) If the Rambam affirms that not only volition, but free will as a specific *type* of volition that is given by God exists, *and* that man necessarily does what he wants, then how does the Rambam have room to fit free will into his conception of humanity? 2) If the Rambam does believe in a restricted free will, why would he shroud such a view in relatively amorphous language? After all, if the entire pillar of Torah and the commandments rests upon its reality, as he says it does in *Hilkhot Teshuvah* 5:5, why not state forthright what its exact nature is, what it applies to, and when it applies?

To tackle the first problem requires a fine reading and detailed analysis of chapter five of the *Hilkhot Teshuvah*. This chapter is where the Rambam makes his most detailed account of his opinion on free will in that work. The chapter begins:

The ability of every man [to act] is his own. If he wants to incline himself toward the path of good and become a righteous man, he has the ability. And if he wants to incline himself toward the path of evil and be a wicked man, he has the ability. This is what is written in the Torah, “Now man has become like one of us, knowing good and evil,” (Gen. 3:22).

First, as this is a treatise on repentance, the subject matter is *a priori* restricted to that which repentance applies to—following or not following the commandments of the Torah. So even before we start reading this chapter, we know that the Rambam here is not particularly concerned with volition itself. This chapter concerns itself almost entirely with the nature of free will as a metaphysical reality given by God to man specifically.

This is evident in the language the Rambam uses throughout the chapter. He

qualifies the specified domain of actions almost every time to good versus evil. For instance, in 5:1 he states, “that he is now, regarding his [Man’s] thoughts and opinions, essentially a knower of good and evil and a doer of anything he desires. There is nothing to hold him back from doing the good or the evil.” Even when he uses the language “anything he desires,” he immediately qualifies it back to good and evil.

In 5:3 he refers to “one of the two paths” again in the restrictive tone, and repeats the denial of divine compulsion for good or evil. Even when in 5:5 he uses the language “all that man desires to do among the actions of man,” he immediately qualifies it again with the words “whether good or evil.”

Returning to 5:1, one might be tempted to read the word “wants” as an affirmation of the Aristotelian principle supported by the Rambam’s statements in *Hilkhot Geirushin*. A man will do what he wants, and then the problem of man always doing what he wants without any other option comes into play again. However, if read carefully, the use of the word “wants” actually serves to use that very Aristotelian principle in order to necessitate the existence of free will in man.

There are many important nuances to note in 5:1. The first is the Rambam’s use of the word *le-hatot*, meaning, “to incline towards.” He chooses this word over something more concrete, such as *le-hablit*—“to decide.” Second is his use of the word “path.” He seems to be speaking of leaning toward a general path as opposed to executing a particular good or evil decision. Third are the words “to be a righteous person” which seem superfluous and out of place. Superfluous because the reader already knows that he is talking about being good when he says “to incline himself toward the path of good,” and out of place because it is impossible to simply decide to be a righteous person. Being a righteous person seems to be more a culmination of a lifetime of decisions, and not just a split-second choice made by one act of *behirah*. The same can be said about the Rambam’s use of the words “to incline toward” with regard to “path of evil” and “to be a wicked person.” Everything taken together, though, the Aristotelian conundrum is solved.

If one accepts the dualist conception of humanity that the Rambam maintains, namely, that man consists of a divine soul on one hand and an animal soul on the other, or an intellectual part and a physical part,²⁵ then there are three possibilities as to what type of decision-making process a man can undergo. The first possibility is that the particular decision needed to be made involves strictly physical factors such as what shirt to wear, what drink to drink, or what food to eat. (Again, this is assuming that no halakhic questions exist and all other factors remain equal.) In that case the Aristotelian principle kicks in and man will, by necessity of his own human nature, pick whichever path he wants. Though there is still no external force compelling him in either direction, the irresistibility of his internal nature (that which seeks happiness) does not allow

²⁵ *Guide* I:1-2.

his will to be free in such a case.

The second possibility is that the particular decision needed to be made involves strictly intellectual factors with no interference from the physical drive. In such a theoretical case, for instance, where there is no desire to transgress the commandments of the Torah, in essence a man will naturally choose what he wants, which is to follow the commandments in order to attain “true happiness.” The Aristotelian principle applies here as well, and free will is left with no room to operate.

The third possibility, however, is that the intellectual part of man comes into conflict with the physical part of man. In such a case, what a man decides he wants, or what will make him happy, becomes relatively more confusing. There is, though, already an example of such a conflict in the passage from *Hilkhot Geirushin* discussed earlier. In that case, the man in question was in conflict between what he *qua* man really wanted (to fulfill his obligation and give his wife the document of divorce), and what his inclination wanted (which was to keep his wife against her will). In such a case, the Rambam admits that the Aristotelian principle of happiness still applies, except that the man must struggle between which type of happiness he intends to fulfill, the true happiness which would be to obey the will of God by following the commandments, or the happiness of the inclination. In reality, he wants to do both, except that he must choose one over the other. His human nature is irresistible—he must choose what he wants over what he doesn’t want. However, deciding what is the *correct thing to want* in a specific situation is a different matter not subject to Aristotle’s rule. Perhaps this is why the Rambam uses the word “wants” in the first sentence of *Hilkhot Teshuvah* 5:1. He is admitting that whatever a man chooses, he will choose what he wants regardless. But he must in fact choose the thing he determines is best to want, which, according to the Rambam, is left up entirely to his free will.

It seems, in accordance with the Rambam’s language in the *Shemoneh Perakim* that was analyzed earlier on, and from chapter five of *Hilkhot Teshuvah* in the *Mishneh Torah*, that there are two possibilities as to when free will takes full effect. The first possibility is when the physical part of man is in conflict with the intellectual and he must decide whether or not to do a specific good versus a specific evil action. The second possibility is when man must make a general life decision concerning which path to happiness he will take for the remainder of his life. In my opinion, the correct interpretation of the Rambam is that both situations engender free will, though the latter is the primary free will scenario.

As is evident from the language of the *Hilkhot Teshuvah* 5:1, the Rambam is not referring to any one specific decision. His use of the words “to incline toward” and “path” belie the fact that he is referring to something more general and long-lasting. His reference to choosing to be a righteous or a wicked person contributes to this, in that choosing to be either righteous or wicked is

not anything concrete, but is rather a long-standing path for the future. And while it is true that man will choose what he wants, he must make a decision regarding which path to happiness he chooses to take. Deuteronomy gives two options: “life and good” on one hand, and “death and evil” on the other. (Deut. 30:15)

At the same time, the Rambam does not deny that free will can operate during any time when man must choose between good and evil. Though the primary case is where one must choose between the paths themselves, whenever the inclination conflicts with the path to true happiness, man must still make a choice. Chapter Two of *Shemoneh Perakim*, for example, speaks of deciding upon doing or transgressing any commandment in particular.

We can now return to Chapter Eight of *Shemoneh Perakim* and see how it fits into the recent interpretation of free will:

But the doubtless truth is that all the actions of man are given over to his power. If he wants to do [an action] he does it, and if he wants to, he doesn't do it, without force or coercion upon him in this matter. Therefore, the obligatory commandments were made, and [God] said, “See, I have given before you today the [path to] life and the good, the [path to] death and the evil, and you shall choose life,” and He has given us the power to choose regarding these [paths].

In accordance with the interpretation just given, the purpose of the word “given” makes more sense. Since the physical world allows for man to will his actions on his own, the Torah is able to command man to choose life and good over death and evil. This free choice, “*behira*,” was given to man in this regard alone in that the Torah clearly demarcated two separate paths towards living one's life. Now that those paths are known and set out by God, man has the ability to choose between them. Had they not been clarified by God through the Torah, man may never have discovered what good and evil actually are, and therefore may never have known the path to true happiness, and consequently never have been able to exercise free will at all. Insofar as God, through the Torah, gave man full knowledge of the good and the evil, it is as if he gave us access to free will.

Note that reading these passages of the *Shemoneh Perakim* as well as the *Mishneh Torah* under these interpretations eliminates the contradictions between the former works and the *Guide*. Whereas in the first two works the Rambam uses language that denies any type of determinism, in the *Guide* he affirms determinism of a certain type, in that nature functions on necessary causality, and everything goes back to God. On this topic, Goodman writes:

[A]ll events are ascribed to God, whether these are events of nature, acts of will, or outcomes of pure chance. All, in fact, are

causal. For nature is governed by causal law, wills are motivated by the ends they choose, and what we denominate as chance is a superfluity of causes; it is, as Aristotle explained, a mere confluence of normally unrelated causal streams.²⁶

Under the standard reading of the Rambam, the determinism of the type advocated by the *Guide* comes into direct conflict with his statements in *Shemoneh Perakim* and the *Mishneh Torah* because if one assumes that the earlier statements are completely libertarian, then any type of causal determinism undermines that thesis. However, under the reading advocated here, there is no contradiction. Wills are, as Goodman says, motivated by the ends they choose, but this need not contradict the Rambam's statements in his previous works because will, even though it must choose what it wants over anything else, is still man's, in that he is the one deciding what, indeed, he actually wants.

Whether read from the perspective of *Shemoneh Perakim*, the *Mishneh Torah*, or the *Guide*, free will as the choice between good and evil remains the same. The Rambam chooses to be more open about his views on deterministic causality in the *Guide* because it is a work of philosophy. Likewise, the Rambam uses language expressing the ability of man to exercise his *own* will in *Shemoneh Perakim* because it is primarily a treatise on human nature. Finally, he chooses to reveal the actual nature of free will in full in the *Mishneh Torah*, because *Hilkhot Teshuvah*, the Laws of Repentance, deal primarily with the realm of good versus evil, rather than human nature as a whole.

IV. Why the Rambam Chose to Subvert his Opinion

The Rambam's language on the subject of human freedom and determinism has led to much confusion throughout the centuries. With scholars trying to figure out the popular and the esoteric, the decoys and the truths, the contradictions and the inconsistencies, people begin to lose track of what the Rambam is trying to say to his readers. The question is, why would he try to confuse us? If human freedom is indeed the pillar of Torah and the commandments, how has all this disagreement concerning what the Rambam really believed on the subject cropped up so often? While I believe that the Rambam's true opinion can be teased out of his texts if read closely and correctly, he could have made the whole endeavor easier by explaining to us in clear language what exactly the nature of free will is versus what the nature of volition is, *in general*, and why determinism in the form of causality in the latter does not conflict with free will as a separate reality.

In *Guide* III:28, the Rambam says the following:

[I]n regard to the correct opinions through which the ultimate perfection may be obtained, the Law has communicated only their end and made a call to believe in them in a summary

²⁶ Goodman, "Determinism and Freedom in Spinoza, Maimonides, and Aristotle," 115.

way, that is, to believe in the existence of the deity, may He be exalted, his unity, his knowledge, his power, his will, and his eternity. All these points are ultimate ends, which can be made clear in detail and through definitions only after one knows many opinions. In the same way the Law also makes a call to adopt certain beliefs, belief in which is necessary for the sake of political welfare. Such, for instance, is our belief that He, may He be exalted, is violently angry with those who disobey Him and that it is therefore necessary to fear Him and to dread Him and to take care not to disobey.

This passage can be interpreted in a variety of ways. The thrust of it seems to differentiate between what the Rambam terms “true beliefs” versus “necessary beliefs”. The true beliefs are those of God’s existence, his knowledge, his power, his will, and his eternity. These have no secondary benefit to them other than that they are true in themselves, and must be believed because of their inherent character as truth. The necessary beliefs, though, are put forth by the Torah for secondary purposes of the political, religious, and ethical welfare of the populace. The central question is whether the Rambam held these so-called “necessary” beliefs as true in that they lead to behavioral truths and eventually ultimate truths, or whether he held that the Torah is in fact lying to us by telling us pure falsities with the intent of getting us to act in a certain ethically or religiously desirable way.

In his book on the Rambam’s principles of Jewish faith, Professor Marc Shapiro²⁷ gathers numerous rabbinic opinions that disagree with each of the Rambam’s thirteen principles. In the chapter on the Eighth Principle, namely, “that the Torah in our hands is exactly the same as the Torah that Moses presented to the Children of Israel,”²⁸ Shapiro gathers over twenty-five pages of evidence of rabbinic disagreements with the Rambam on this issue, including the Talmud itself, as well as textual realities of differences in versions of the Torah’s text that no one can deny. For Shapiro, it is evident that the Rambam did not himself believe in his own principle, as he writes:

[I]t is impossible to believe that Maimonides should be taken at his word when he writes that all are obligated to believe that our Torah scrolls are the same as the one given to Moses. Who better than Maimonides knew the problems implicit in such a statement? He was perfectly aware of the textual differences in various scrolls, and it was he who went to such great lengths to establish a correct pentateuchal text[...].²⁹

²⁷ Dr. Shapiro authored an article in the Hebrew section of this edition—Editor’s Note.

²⁸ Marc B. Shapiro, *The Limits of Orthodox Theology: Maimonides’ Thirteen Principles Reappraised* (Portland, OR: Littman Library of Jewish Civilization, 2004), 91.

²⁹ *Ibid.*, 115.

Furthermore, citing the Talmudic opinion that the last eight verses of the Torah were written by Joshua, Shapiro writes that:

For the Rambam to declare a Talmudic opinion heretical appears extremely unlikely, especially when one bears in mind his view on the impossibility of deciding authoritatively between rabbinic opinions in theoretical matters.³⁰

To explain how the Rambam could possibly brand as dogma something even he himself didn't believe, he turns to the *Guide* III:28 and the Rambam's own distinction between true and necessary beliefs. Principle Eight, he says, is a necessary—rather than a true—belief, in that, taken literally, it isn't exactly true, though belief in it enables the masses to retain their faith in the authenticity of the Torah. Shapiro writes:

In his time, Muslims were challenging the Jews, claiming that they had altered the text of the Torah [...] In the face of such an assault, it is not hard to see why Maimonides felt it was important for the masses to believe that their text was the exact equivalent of Moses' text. The masses then (and today) could not be expected to understand the problems relating to the biblical text. Exposing them to some of this knowledge could have undermined their unquestioned faith, especially in the face of Islamic polemics. It was thus necessary for the masses to affirm what, in reality, was not true [...].³¹

Here, Shapiro is taking the Rambam's coinage of "necessary belief" to mean an actual false belief used for advantageous purposes. Though many scholars dispute that this is what the Rambam meant, for it would suggest that parts of the Torah are lies, Shapiro has support in classical Maimonidean commentators like Shem Tov ben Joseph ibn Shem Tov:

And the Torah further commanded us to subscribe to a few beliefs, belief in which is necessary for the welfare of the state, just as it commanded us to believe that God has flaring anger against the transgressors of his will. This belief *is not true*, for He is not active and he doesn't get angry, as it is said, "I am the Lord, I change not." But the average man needs to believe this belief, [namely] that He is active [in his anger]. And *even though it is a lie*, it is necessary for the continued establishment of the state.³²

It is obvious that according to Shem Tov, necessary beliefs according to the

³⁰ *Ibid.*, 117.

³¹ *Ibid.*

³² Shem Tov, *Guide* III:28 (emphasis added).

Rambam are purely lies meant to further social and religious equilibrium. If by “necessary beliefs,” the Rambam did indeed mean “false beliefs,” and stuck one in as one of the thirteen principles of faith of Judaism itself, one could easily expect the Rambam to do something less radical, like convolute his language so as to make it appear that he is saying something that he actually is not. If he can lie about his beliefs in one of his most central and celebrated documents, the “Thirteen Principles of Faith,” he can certainly hide his beliefs through difficult language.

In the *Shemoneh Perakim*, the Rambam makes it a primary goal that the reader understand that he has the freedom to act on his own. Without this conviction, he will not take the advice of *Masekhet Avot* seriously, and moreover, he will not take the Torah or any of its commandments seriously. Therefore, he chose to speak in categorical terms: every single thing a man does is given over to his own power; that there is nothing that can prevent him from doing what he wants; and that man has free will. While true that if read carefully, he is really saying something slightly different by qualifying the functional nature of free will to a very restricted field, if he were to say that outright, it would be dangerous for his ends, and for the reader. For example, one cannot tell a five-year-old never to lie except in very special circumstances. While everybody lies at some point or another for a good reason, to try to explain forthright to a child that there are circumstances when it is appropriate, even encouraged to lie, will confuse him and he will inevitably misapply those special circumstances through rationalization to situations that do not match them.

Had the Rambam clearly explained his view as to the relatively restricted functionality of free will in the *Shemoneh Perakim*, a reader may come to think that in any given situation, he might not be under that realm of functionality for whatever reason. He may come to think that since free will is in reality as restricted as it is, he might as well do what he wants. If free will is explained to be a lifestyle choice, he may come to believe that he has already decided, and live his life deterministically. He may, like the five-year-old, misapply his own situation of free will and rationalize to himself that he, in truth, is not responsible for his actions.

The same is true for readers of the *Mishneh Torah*. If the Rambam is to be clear and precise as to his true opinion in *Hilkhot Teshuvah*, the same thing may occur. A reader may assume to himself that either he used his free will in choosing his path already, or that what he is doing at the present moment does not fit those definitions, and will abandon all responsibility for his actions. Better for man to know the ultimate reality—that he *has* free will—and mistakenly think that he uses it at all times (when in fact it is a rarity), than read the statement incorrectly and misapply it to his own situation.

The *Guide*, though, is a different story entirely. It is here that the conflict between the Rambam as a libertarian, occasionalist, and soft determinist engenders itself. Passages such as *Guide* II:48 and the later chapters of Part I

where he talks of divine causality and strikes a more deterministic tone have caught many off balance, creating a whirlwind of argument over the Rambam's position on the issue. This is because the affirmation of any type of causality whatsoever was unnecessarily seen as contrary to his libertarian statements in *Shemoneh Perakim* and the *Mishneh Torah*. But this need not be the case. To attempt to view the former works as a decoy, or frame them as the popular opinion, as set against the esoteric, true opinion in the *Guide* is to miss the point. To attempt to redefine and resettle the Rambam onto some kind of pseudo-deterministic ground is equally unnecessary, though this is a popular view in Maimonidean scholarship today. Moshe Sokol writes:

Maimonides' affirmation of a determinism flowing from his conception of divine causality and will is compatible with the ascription of moral responsibility, perhaps the most important consideration Maimonides advances in favor of human free will. The difference between the *Guide* and Maimonides' popular works is that in his popular works he stresses only his affirmation of free will, largely on the grounds that to deny it would be to deny the possibility of human responsibility. Only to the more elite audience of the *Guide* does he hint at his real view in [*Guide*] II:48, that human choice is determined.³³

This, in my view, is simplistic and wrong. Considering that free will is held by the Rambam to be "the pillar of the Torah and the commandments," this simply cannot be possible. The truth is that in the *Guide*, the Rambam could afford to reveal his true opinions on causality *of the will alone*, given the book's intended audience and philosophical structure.³⁴ But those opinions do not conflict at all with his statements in *Shemoneh Perakim* and the *Mishneh Torah*. They merely say in clearer language what was only implied in the former works: that causality of whatever nature does not interfere with man's actions being his own, because volition itself is caused by the necessary human pursuit of happiness anyway. Despite this causality, man will choose what he wants. This, in fact, *is* causality. It just isn't spelled out that way. Whatever layers of causality are above are only relevant to the philosophical speculation of the *Guide*, and make no difference in reality.

The Rambam, in consideration of the above, is a complete libertarian in terms of free will as a functional system. Man will choose what path he wants

³³ Sokol, "The Rambam on Freedom of the Will and Moral Responsibility," *Harvard Theological Review* 91, no.1 (January 1998).

³⁴ The determined nature of the will does not entail determination by God. The will is determined, rather, simply by the internal nature of man and animal as seekers of happiness. Man has the added ability to seek a qualitatively different kind of happiness, and thus has free will in the fullest sense regarding which happiness to pursue. Yet, when operating solely under physicality, his will becomes determined once again by that very nature.

to take, what happiness he wants to pursue, and what he really wants in life. In terms of volition in general, he may be labeled a determinist. But insofar as they are two separate subjects (though highly related), differing positions on volition versus free will need not be combined or seen as conflicting with each other. There are no contradictions, only seeming ones, so as not to confuse the populace about their nature as free choosers. Just as he did regarding his eighth principle of faith, so too the Rambam did here—not by lying to us however, just by selecting his language very carefully.

The answer to the question, “is the Rambam a libertarian or a determinist?” depends on what issue you are currently dealing with. Regarding volition in general the Rambam is a hard determinist, regardless of whether the causality is seen as stemming from God or from nature. If the issue is free will however, then the Rambam is a libertarian, and, well, the choice is up to you.