

POLITICS, AUTHORITY AND PROPHECY IN MAIMONIDES

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I

Maimonides (1135-1204) was, apart from Spinoza who was his most incisive critic, the greatest of Jewish philosophers. He was also, naturally enough, one of the most significant theorists ever to deal with the problems that are the concern of this study. That he was a rather enigmatic thinker soon becomes apparent to anyone who embarks upon a study of his works. He is so elusive that, as Professor Pines remarked,¹ any coherent interpretation of his philosophy can be contradicted by evidence taken from some part of his writings. In addition to this difficulty inherent in his philosophical works there is also the further problem that Maimonides was not only a philosopher but also a great, perhaps the greatest, codifier of the halakha and a halakhic authority himself. Thus one cannot avoid the question as to how these two very different areas of his thinking are to be interrelated or, more precisely, to which of these two enterprises must primacy be accorded if one wants to understand Maimonides' true intentions.

It must be remembered that Maimonides was no armchair philosopher or cloistered Talmudist but the recognized leader of his community and a royal physician. It was in full consciousness of his own importance, as an exceptional individual, that he undertook to play, in addition to the pursuit of his theoretical interests, the political role that communal leadership and the assumption of halakhic authority entailed. He was inspired, in doing so, by the notion of the Platonic philosophizing,² an idea that had decisive influence on his thought in all matters pertaining to the topic of this chapter. A man who could sign his halakhic *responsa* with a laconic 'katav Moshe' ('thus wrote Moses') could not be said to have underestimated his own importance.

The central problem of this paper is a critical examination of Maimonides' philosophical justification of the foundations of the halakha. I want to explain how I see the relationship between Maimonides the philosopher and Maimonides the halakhist. My view is that Maimonides the halakhist takes precedence over Maimonides the philosopher. As already said, the philosopher was elusive. Whether this is a consequence of design or of the insolubility of the problems he dealt with, it is a fact that he offers contradictory answers to the same questions. This can be, and has been, taken to be a literary device, designed to make the work of the reader more difficult; it can also be held, as I am inclined to do, that Maimonides was genuinely wavering on many points of philosophical theory. But he was never ambiguous or wavering

about the absolute authority of the halakha. On this point his voice is always clear and authoritative.

Maimonides was too complex a character for it to be said of him that the sole motivation of his philosophical enquiries was to give philosophical support to the halakha. For it is quite obvious that he knew the delights of pure and rational speculation undertaken for its own sake. He was too much of a philosopher and a rationalist not to try to push ahead, as far as possible, towards the limits of human thought. He even attempted to find rational explanations for the halakhic commandments (*ta'amei mitsvoth*); in this enterprise he was singularly unsuccessful not so much in theory but in having his explanations accepted. Orthodoxy, which viewed his philosophizing with enough suspicion to denounce his book to the Inquisition, understood instinctively that obedience to commandments is not enhanced by making them appear rational. Orthodoxy also understood that even a very good philosophical justification of the halakha is an open invitation to be refuted. In the case of Maimonides, this danger has materialized with Spinoza's devastating criticism of Maimonides' prophetology, a subject that will occupy a substantial part of this paper. Yet, notwithstanding his philosophical temperament, Maimonides never made the observance of commandments contingent upon the acceptance of their rational explanation. The commandments, he held, were absolutely obligatory, independently of their being explained or not. Of course, he liked it better if he could explain them but he continued to hold them sacred even if he could not. As a halakhist, Maimonides was as rigorous as it is possible to be.

As a philosopher, perhaps not even paradoxically, he was a sceptic. In saying this I am, of course, laying myself open to the charge that I am adopting one particular reading of Maimonides' philosophy against other, equally possible, readings. It is not my purpose to argue this point here in philosophically satisfactory detail but rather to point to the striking contrast between the sceptical conclusions of the philosophy of Maimonides and his far from sceptical assertions that he needs for laying the foundations of halakhic authority. The centre-piece of Maimonides' philosophical speculation is his doctrine of attributes. What this doctrine amounts to is this: God is so completely different from us that we can have no knowledge of His nature, no concept of how He really is. At best, we can know of God what He is not. But even for this doctrine to make sense Maimonides needs to take for granted the truth of Scripture. For example, Scripture says that God is merciful. Now, we do not know the nature of divine mercy but we can at least assert, on the basis of this scriptural statement, that God is not vindictive. Obviously, from a

purely logical point of view there is no reason to pick and choose our predicates if all we can do with them is to deny that they are applicable to God. Any predicate would fit that bill; the resulting position would be that of Eastern mystics who say: 'not this, not that'. But, even with Scripture to aid the selection of predicates, the position remains unsatisfactory. If 'mercy' is incomprehensible to us because it is divine (mercy_d) then its negation must be a divine concept too ('vindicativeness_d'); we understand the latter concept no more than we understand the former. Aquinas who was well acquainted with this doctrine of Maimonides, criticized him on this point by noting that if Maimonides is right, then nothing whatever can be said of God. Hence the scepticism.³

What I consider important for our present purposes is that the same Maimonides who held that nothing can be positively asserted of God, could also assert not only that God revealed the Torah to Moses but also that it is absolutely certain that he will never appoint another prophet who will proclaim a Torah which is at variance with the one given on Sinai. Of course, this is not a philosophical but an institutional doctrine. More will be said of this later. But it is important that we note that institutional necessity makes Maimonides say things that he could not possibly say on his own philosophical assumptions.

It could be said, of course, that precisely because he had realized the limits of theoretical speculation, he was ready to augment, (or as I prefer to say: to set aside), the results of his speculation in favour of Scriptural authority. Leon Roth says that Maimonides' conception of Judaism rests 'not on metaphysics' but on history, namely the facts of creation, Abraham and the revelation on Sinai.⁴ But Maimonides, so interpreted, is open to two objections here. The one is that to accept creation, Abraham and Sinai as historical events is to accept things on faith alone. The other, and more serious, comment is that it is precisely here, on these points, that Maimonides deviates consciously from Aristotle whom he follows in all these things where his theories do not conflict with the demands of religion. It is not clear whether Maimonides denied the Aristotelian doctrine of the eternity of matter *because* it conflicted with the religious doctrine of creation *ex nihilo* or for some other reason. Maimonides, on this point, is exceptionally elusive. While he says that there is no difficulty in interpreting Scripture in a suitable way, yet he also says that on this issue he has no wish to avail himself of this interpretative facility.^{4a} Anyway, it is reasonable to assume that had there been no such religious motivation, Maimonides would have retained the original theory of Aristotle. As for Moses, we shall soon see what violence Maimonides was prepared to do to the Aristotelian doctrine of

wisdom in order to endow the official founder of halakhic Judaism with those philosophical virtues that Scripture certainly does not claim on his behalf. And it is significant that in his account of prophecy Maimonides does not deem it worthy even to discuss the views of Epicurus 'who does not believe in the existence of God and so, *a fortiori*, he does not believe in prophecy either'.⁵ In other words, the existence of prophecy is taken for granted while, from a philosophical point of view, the real question is whether prophecy is possible at all. In this quest, surely, Epicurus deserved at least a hearing. Maimonides' interpretation of Scripture with regard to prophecy, as in other matters, aimed at giving a rationally acceptable account of what is written; an objective that frequently took the form of rejecting the literal meaning in favour of some other reading favoured by Maimonides. But he never reached the conclusion that anything in Scripture, on any interpretation, is philosophically unacceptable.

Maimonides has the supreme merit of having spelt out, in more detail than anyone else, the assumptions that must be accepted if obedience to the halakha is to be vindicated. For this reason he occupies a central place in this study which aims at examining just these assumptions.

II

The Torah is intended to regulate life and, as such, its character can be described as political. At any rate, this is how quite a few commentators, including Strauss, understand Maimonides' meaning on the subject. The uniqueness of the Torah does not lie in its being political, in a sense yet to be determined, but in the contents of its prescriptions. Maimonides' own account of the function of the Torah places it firmly into the context of, though in contrast to, the *nomoi* of the Gentiles that have an equally political aim. What Maimonides claims for the Torah is unique superiority, something that befits a system of laws that comes from God. That superiority, in turn, is explicated in terms taken from the Greek philosophical tradition and it is claimed by Maimonides, as it was by Philo, that the ideal state of the philosophers is realized in the Torah.

What kind of state did Maimonides have in mind? Did he have in mind a state at all? Does not, perhaps, the literature on Maimonides that stresses the political nature of the Torah and of Maimonidean prophethood, rest on a mistake?⁶ These are some of the problems that we shall deal with now.

It is convenient to begin with a quotation from Leo Strauss' commentary on a passage in Maimonides' textbook on logic where political science is being dealt with.

What he suggests then is that of all genuinely philosophic books, only books on politics proper (and perhaps on economics) have been rendered superfluous by the Torah. This implies that the function of the Torah is emphatically political. This interpretation is confirmed by the *Guide for the Perplexed*. In that work, Maimonides says that the Torah gives only summary indications concerning theoretical subjects, whereas regarding the governance of the city, everything has been done to make it precise in details.⁷

If this were so, we should expect to find in the Torah detailed laws concerning government not only in respect of the historical circumstances in which Moses proclaimed his law but also for all future historical situations. This condition is essential for two reasons. One is that 'Torah' does not refer to Pentateuch only but, in the tradition that Maimonides lived, to the whole of the halakha; the second reason is that only if this condition is satisfied can it be claimed that the Torah is the realization of the Platonic ideal state i.e. that it is a political arrangement which is so perfect that it is independent of time and place. Alternatively, it is possible that 'the Torah is not sufficient for the guidance of the political community'⁸ and that, anyway, it is not needed by Jews in Exile. If this were the case then the *nomoi* of the Gentiles would be adequate to secure those political conditions that are necessary for the observance of the Torah.

The basic difference, according to Maimonides, between the Torah and the *nomoi* is that the former cares for the welfare of both soul and body while the latter is concerned only with the welfare of the body; correspondingly, the Torah subordinates government to religion while the *nomoi* subordinate religion to government.⁹ Given that the relationship between the welfare of the body and the welfare of the soul is that the former is a pre-condition of the latter, it would be natural to suppose that the welfare of the soul can be secured only in a political situation in which the welfare of the body is not the chief objective. In other words, the spiritual-religious intentions of the Torah could be realized only in a state which is itself governed by the Torah. In states governed by *nomoi* there would be no hope of observing the Torah and to realize its ends. Quite clearly, Maimonides does not go this far in explicating the implications of the distinction he draws between the Torah and the *nomoi*. If he did, all his exhortations to observe the Torah, in the condition of political subjection to the Gentiles, would be strictly meaningless. And it is no less clear that Maimonides did not regard these exhortations as meaningless. He does not hold that the existence of a policy based on the Torah is the precondition for the observance of the Torah; from a religious point of view it is not necessary for Jews to have a state of their

own. Thus, the Torah, as it exists, can co-exist with *nomoi* and, whether it contains or not all that is necessary for the 'governance of the city', its prescriptions about such governance need not be abided by for it to be possible to be said that the Torah is observed.

We are driven to the conclusion that there is an ambiguity in Maimonides' thought about the nature of the Torah. For, as shown by the previous argument, he must have held that the Torah can be observed even in states governed by *nomoi* and yet, in the *Guide*, he does present the Torah as the constitutional foundation of the perfect state and/or society. The role of the prophet is to be a founder of this ideal state.¹⁰ The claim that the Torah is the constitution of an ideal state is, at first sight, astonishing. What is ideal, we could ask, about the ideal state? What did Maimonides think the Torah has, which qualified it for the title 'ideal state'? Obviously enough, there is not much in common between the substantive laws of the Torah and those proposed for the Greek utopia. And yet, I want to argue, Maimonides had a point when he spoke as if they had in common something of great importance.

Strauss¹¹ and Rosenthal¹² both note that the political doctrines of Maimonides derive from Plato rather than from Aristotle. Moreover, the Plato who is most relevant here is not the Plato of the *Republic* but the Plato of the *Laws*. Yet, the similarity between the latter work and the *Guide* is not in the details. Just to give one example; Rosenthal notes¹³ that in Plato's *Laws* (709-710) the perfect ruler has seven attributes while in the *Guide* (I.54) he has thirteen; and they are very different kinds of lists anyway. But there is one element in the *Laws* which is to be found in the Torah more than in the *Republic*. The last mentioned work has a doctrine of the philosopher-king but the king there really is a philosopher. His authority rests on the superiority of his knowledge which has been, and can again be, tested by way of dialectic i.e. rational argument. Thus, his authority is based on reason. The ruler of the true state in the *Laws* is different.

For we do not appoint oxen to be lords of oxen, or goats of goats; but we ourselves are a superior race, and rule over them.

. . . the true state ought to be called by the name of God who rules over wise men.¹⁴

The ruler in the *Laws* is superior to the ruled in the same way as men are superior to oxen and goats; he rules on behalf of God, acquiring thereby the greatest possible authority. The inquisitorial nocturnal council represents divine truth and there can be no possible justification not to bow to its authority. Indeed, no one can aspire to belong to the ruling elite 'as a guardian of the law or . . . in the select order of virtue' who has

not mastered the knowledge of the Gods which is 'one of the noblest sorts of knowledge'.¹⁵ Even prior to the establishment of this ideal state, Plato shows a clear preference for tyrants; they are so efficient.¹⁶

It is this characteristic, then, I suggest, of the ideal state of Plato that must have appealed to Maimonides. Whether the Torah is the constitution of a state or not, it certainly claims to be a legal system based on divine will and revelation and, consequently, the administrators of the system are deemed to be doing God's will. In such a situation there can be no discussion, on equal terms, between supporters and opponents of a certain rule of action since one of the sides is a divinely sanctioned authority. The underlying assumption is that there is a law which is perfect because it issues from a perfect being who, naturally enough, cannot produce any law but a perfect one. The critic or objector is thus denied even the honour having rational grounds for his position; he stands revealed as a rebel. The person who is a subject in such a legal system must have only as much knowledge as is necessary to make him able to play his assigned role. For Maimonides, 'the best order of the soul consists in sound ideas for the masses according to their capacity'.¹⁷ The ideal state of Plato and the Torah of Maimonides are one in claiming absolute, because divine, authority. This, I suggest is the heart of the matter; it is this that is 'ideal' in both Plato and Maimonides. Correspondingly, the prophet needs to be made into the ideal ruler in order to become the visible depository of divine authority.

It is easy to see then why Maimonides preferred Plato to Aristotle on political matters. For Aristotle politics was an art, admittedly 'the master art',¹⁸ but being in art, Aristotle did not claim, on its behalf as he could not, the kind of absolute certainty that the authoritarianism of Plato and Maimonides required.

Having then made clear what is the 'ideal' that the ideal state of Plato and the Torah, as understood by Maimonides, have in common, we can now turn to the following question: what is 'political' about the Torah? In attempting to answer this question we must have a closer look at the notions of the welfare of the body and of the soul that were mentioned already. Maimonides says, obviously echoing Aristotle, that man is naturally political.¹⁹ What he means by this is that man needs the cooperation of others in order to satisfy his needs, notably that of food and shelter. If there were no others with whom man could co-operate, he would be forced to spend all his time in providing necessities for himself and, thus, he would never have the leisure necessary for occupying himself with the virtues of the soul. Liberation from necessity is a precondition of man being able to strive for his true destiny, the attainment of the virtues of the soul that are higher than those of the body.

The virtues of the soul come first in value while 'in time and in nature' the welfare of the body comes first; once the welfare of the body is attained man can aim at the virtues of the soul, knowledge among them.²⁰ Seeking the welfare of the body can be justified only to the extent that it is instrumental in securing the welfare of the soul. In other words, to seek the welfare of the body for its own sake is wrong; the justifiable limits of co-operation among men are determined by the criterion of utility from the point of view of spiritual welfare.

Does it follow from this that the political order, the sphere of the welfare of the body, must be of a particular kind? Is it the case that the political order, which is the precondition of being able to strive for the welfare of the soul, must be based on the Torah? Clearly, Maimonides thought that the welfare of the soul is the special domain of the Torah; did he think that its preconditions must also be organized according to the Torah? A brief glance at the kinds of needs that Maimonides mentions, as being satisfiable only by human co-operation, is sufficient to convince us that this is not so. Indeed, we can now see that what Maimonides really means is not that man is naturally political but that he is naturally social. For the needs that he speaks of are social needs and any political order whatever that secures the conditions in which they can be satisfied is perfectly in order. Maimonides speaks of social needs as mere necessities; there is no trace of a political ideal in his whole discussion on this point.

The view that I am taking here is eloquently supported by Aristotle's remarks about man being a 'political animal'. The expression occurs quite a few times in Aristotle's writings. One passage, which is rather general, simply says that 'man is a political creature and one whose nature is to live with others'.²¹ Maimonides may be taken to be in accord with this passage but only because here Aristotle does not spell out what is the mode of living with others that is fitting for man. In other passages, however, Aristotle is perfectly clear about it that man is not merely a social but, in the full sense, a political animal. 'Man is born for citizenship'.²² The progress from household and village to state is no less natural than the creation of households and villages in the first place.

Hence it is evident that the state is a creation of nature, and that man is by nature a political animal. And he who by nature and not by mere accident is without state, is either a bad man or above humanity.²³

Moreover, it is not the view of Aristotle that politics is simply an instrument of the satisfaction of man's material needs. For Aristotle, political life is a worthy end independently of its utility.

We have already said that man is by nature a political animal. And therefore, men, *even when they do not require one another's help*, desire to live together . . .²⁴

Significantly, while Maimonides usually emphasizes the great difference between the Torah and the *nomoi* of the Gentiles, in his explanation of the necessity of laws among humans he almost equates the two. Men are different, he says, and unless there were laws, the dissensions that would naturally arise among them would make life impossible. Thus, although the Torah is not natural, it pertains to what is natural, viz. the need of humans, who are naturally different, for each other. The Torah equalizes these differences by laying down rules of conduct. For this purpose a lawgiver is needed, and here Maimonides refers to, 'the prophet or he who lays down the *nomos*!²⁵ That is, in securing the basic conditions of the satisfactions of social needs, i.e. law and order, any system of law will do that is effective in this respect. That this is indeed the view of Maimonides does not rest merely on this reading of an 'or'. For let us suppose that his view is the opposite to the one outlined here. Then we would have to interpret Maimonides as saying that it is impossible to attain the welfare of the soul under the rule of *nomai* and so, consequently, in that condition it is pointless to strive for it. Clearly, Maimonides cannot mean anything like that. He could not hold that the existence of a political, as contrasted with a social, order based on the Torah is a necessary precondition of the pursuit of spiritual or religious ends. Of course, the satisfaction of these latter ends requires a degree of social cooperation but it is not necessary that it should encompass the whole state. On the contrary, these social arrangements, e.g. in the form of Jewish community organizations, can very well exist in a state of Gentiles governed by *nomoi*. To say otherwise is to declare the Torah as totally impracticable in Exile.

In terms of the Aristotelian doctrine of associations²⁶ we could say that the needs that Maimonides speaks of are those that are satisfied in the two lower forms of Aristotelian association, viz. the household and the union of several households in the village. There is no need in Maimonides that is satisfied only in the Aristotelian third stage, viz. the union of several villages in the state. There is a great deal in Maimonides about the welfare of the soul which notion could be taken to be akin to the Aristotelian notion of the good man and his virtues. But there is nothing in Maimonides to parallel Aristotle's discussion of the good citizen whose virtue is that 'he should know how to govern like a free man and how to obey like a free man'.²⁷ The Maimonidean person may be content to be the *subject* of any state that secures law and order but he need not think of himself as a *citizen* at all.

There are, of course, specific commandments in the Torah whose performance is required only in the Land of Israel. But even these commandments are politically neutral; they do not demand, as their precondition, Jewish political independence but only the satisfaction of the geographic criterion. The commandments are obligatory in the Land of Israel even under the political rule of Gentiles. They would not be obligatory anywhere else even under Jewish political sovereignty.²⁸ However, most of the prescriptions of the Torah are not only politically but also geographically neutral; they are obligatory everywhere and their performance presupposes no particular kind of political order except, of course, one that permits and does not make their observance impossible. We can conclude, therefore, that those commentators who read Maimonides as propounding a political doctrine misread his intentions. Maimonides entertained, as we shall see, a vision of Messianic restoration. He regarded Exile as a condition inferior to sovereignty. He also believed in certain ideals as worthy of humans; and yet, none of these ideals were, in any ordinary sense, political ideals. The rejection of political role is implicit in Maimonides; analysis was needed to bring it to light. It will become explicit in the political philosophy of Abravanel.

The distinction that has been made here between the social and the political has its origin in Hannah Arendt's discussion of the classical concept of politics.²⁹ In classical antiquity, she argues, the household was the social domain and its task was the satisfaction of necessity. It was an authoritarian and utilitarian arrangement; it was ruled by the head of the household as he saw fit. The political domain, by contrast, was the area of freedom where heads of households would meet on conditions of equality, dealing with political matters that have nothing to do with necessity. From all that has been said it is clear that when Maimonides says that man is social in nature he thinks in terms of the household and the village. When he refers to the welfare of the body his approach is utilitarian. He also thinks that authoritarian methods are the most efficient, creating the conditions for the satisfaction of necessities. Once these needs have been satisfied, the Maimonidean person is free to seek religious perfection in an individualistic way. The social virtues are merely instrumental.³⁰ So they were for classical antiquity too. But there, and the point is important enough to bear repetition, the sequel was in the seeking of political virtues, the free man playing a role among his peers. The Maimonidean sequel is not in citizenship but in seeking religious perfection, in a turning to God by way of turning inward. There is no turning to fellow humans as beings with whom co-operation is valuable in itself.

He who heeds Maimonides has no political ends. This is not surprising. He knew himself to be in Exile; he wrote for his brethren.

III

I have been arguing so far that the Torah, as understood by Maimonides in the *Guide*, does not presuppose a Jewish state. Now that we turn to the account given of prophecy in that work, it is necessary to defend this interpretation, as a preliminary step, against a possible objection. It is clear enough that Strauss³¹ and others have good grounds for describing the prophet as not only a teacher but also as a political leader. Further, Maimonides holds that prophets are legislators. These considerations, it could now be argued, make it unjustified to deny the Torah, as I have done, a fully fledged political significance. In defending my own reading of Maimonides, I offer the following explanation.

In essaying an account of prophecy Maimonides had a triple task. The first was to give a philosophically satisfactory explanation of prophecy; the second was to make this explanation fit the historical, i.e. scripturally recorded, phenomena of prophecy. In this context it must be remembered that prophecy flourished in the period of kingdom and, so, the prophets did, in fact, have a very definite political role. Thirdly, and most importantly, it was part of the task that Maimonides set himself that the account he is to give of historical prophecy must be not only philosophically adequate but it must also serve as a doctrine of legitimation of the Torah as halakhically interpreted. Thus, the non-political Torah 'of our time' is to be legitimated as a descendant of, and essentially identical with, the Torah of the political period. This is the reason why there is no outright rejection of the political claim and its virtual disappearance had to be discovered, in the previous section, by considering in detail the contents of the so-called political notions of Maimonides. In other words, I am suggesting that here, as on many other points, Maimonides is elusive. He does not come clean on the political issue. But there is no mistaking of his intention in the prophology. I take this meaning to be as follows:

The prophet is dead but his authority is alive; his exhortations are as valid in the 12th century (or in the 20th century) as they were when first spoken. Whatever changes occurred in the meantime, e.g. the collapse of Jewish political independence, are of no importance as far as the authoritativeness of the prophet is concerned. His words, originally meant for the ears of Jewish kings and their Jewish subjects, are still the source of the authority of religious leaders in charge of a stateless religious community. This authority is binding even in the absence of political independence. Indeed, it is binding quite independently of any

political contingency. Perhaps there is that much truth in the claim that the Torah is the constitution of an ideal state that it is certainly not the constitution of any possible state but that of religious community that can exist under any state and so, in a sense, is above all of them. These preliminary remarks should be kept in mind for the remainder of this paper.

It is manifest that the phenomenon of prophecy is an embarrassment to someone who is not only under a religious obligation to believe in the veracity of prophecy but who is also a philosopher. There would be no difficulty in accepting prophets as unusual individuals, blessed or cursed with a very strong imagination and great gifts of poetic expression, but without crediting their *dicta* with truth. Plato dealt with poets just in this way. He recognized that they were marvellous beings but, all the same, he would have them banished from the *Republic* precisely because they do not teach truth and, as such, are dangerous. But had Maimonides gone Plato's way, he could not have possibly used prophecy as a source of obligatory law. Maimonides' prophetology is the result of these conflicting clues.

Maimonides distinguishes, among unusually gifted people, between those having an exceptionally powerful intellect and those having a strong imagination; the former are philosophers while the latter are the rulers and politicians. Both characteristics are joined only in the prophet.³² The possession of these qualities is only a necessary but not a sufficient condition of prophecy. The prophet must teach truth and he must also be morally blameless.³³ In addition, it is necessary that he be chosen by God for the role of prophet. Thus, in the last resort, prophecy is an arbitrary gift of God. As for the question 'how is truth recognized?', we shall see presently that the test of that is a particular and pre-eminent prophecy.

Philosophically, of course, the intriguing problem lies in attributing to prophets intellectual perfection. Why Maimonides had to do this is clear enough. The practical domain is a subject-matter of theory and, as such, subject to theoretical criticism. Now, if the philosopher were assumed to be intellectually superior to the legislator whose strength lies in his imagination then the former could easily refute the *dicta* of the latter, whether on factual or on logical grounds. A man of mere imagination is as likely to get his facts wrong as he is likely to be confused in his thinking. In order to protect the prophet from this kind of treatment at the hand of philosophers, as exemplified in Plato's treatment of poets, Maimonides endowed the prophet with *perfect* theoretical wisdom; no philosopher can lay claim to greater perfection than that. It is important to emphasize that the theoretical wisdom of the prophet *is* perfect and

complete; no one else can attain the same degree of perfection.³⁴ As Shem Tov comments on this 'it is impossible that someone should be a prophet without being theoretically perfect'. The philosopher, who increases his theoretical competence by his own efforts, could never reach this highest level. How the prophet attains this level is slightly mysterious; on this point, according to Maimonides, there is a difference between Moses and the other prophets. The latter, who are our concern now, seem to attain by imagination what could have been arrived at from theoretical premisses.³⁵ Echoing this, Abravanel in his commentary³⁶ says that if the imaginative faculty is very strong in the prophet, he will imagine what he could have derived from the relevant premisses. I say that this is mysterious. For Maimonides, as a student of Plato, must have known that there is all the difference in the world between knowing a true proposition and knowing why it is true. A person who gets something or indeed everything right, has only true opinion; only he who knows the proof can be said to have knowledge. It would be neat if we could interpret Maimonides as saying that prophets had true opinions while Moses alone had complete knowledge. But, strangely enough, he does insist that all prophets were perfectly wise.³⁷

We could attempt to clear up the matter in Aristotelian terms. We could say that Maimonides operates with the two kinds of Aristotelian wisdom, the theoretical and the practical. One difficulty in this approach is that Aristotle himself has never cleared up the relationship between the two kinds of wisdom. Is it possible for someone to possess practical wisdom, which includes the capacity of choosing the right means to a given end, but not theoretical wisdom? Suppose he holds a false theory and, as a consequence, makes a mistake in fact. Will not this circumstance make it impossible for him to choose the right means given that the choice of the right means is dependent on knowing the facts? Aristotle's view seems to be that in the truly wise man both kinds of wisdom will be found. His statement on the matter is, from a theoretical point of view, far from satisfactory.

Now all the states we have considered converge, as might be expected, to the same point; for when we speak of judgement and understanding and practical wisdom and intuitive reason we credit the same people with possessing judgement and having reached years of reason and with having practical wisdom and understanding.³⁸

This is no account of the relationship; it simply says that, contingently, both kinds of wisdom are to be found in the same people. To the same degree? Is possession of one kind of wisdom a means of acquiring the other?

Given that Aristotle has no answer to these questions, it would not be difficult to attribute to prophets a high degree of practical wisdom. Since it is not clear how one comes by this kind of wisdom, there is no reason to assume that prophets could not come by it. The real problem is in the attribution of theoretical wisdom. For, even if Aristotle does not explain the fact of convergence of the two kinds of wisdom in the same people, he certainly has an account about how one acquires theoretical wisdom. This is a matter of learning not only the facts, as it were, but also the theories which explain them. Thus, if the prophet is said to be in possession of theoretical wisdom then it is implied that he knows not merely facts but the relevant theories and proofs. However, if this were so then he would not need imaginative leaps. To say here that the prophet might grasp, as Aristotle insisted is necessary, by intuition those basic truths which are to be the very basic premisses, is not much help. For Aristotle also insists that from these intuitively grasped premisses one proceeds to theoretical knowledge by finding ever new middle terms i.e. by inference. And the prophet does not seem to be engaged in inferences. Thus we are led to the same difficulty we encountered when we tried to read Maimonides in Plato's terms. And yet, the *Guide* attributes theoretical wisdom to prophets. As I said earlier, it is a philosophical embarrassment. The real extent of the discomfort that Maimonides must have felt on this score will be readily appreciated once we consider his account of the special prophetic status of Moses.

That Moses was quite different from all other prophets, whether they preceded or succeeded him, is central not only to the contents of Maimonides' prophetology but also to its function. That function, I maintain, is the key to the understanding of the doctrine and of much else besides. But first let me give a brief exposition of the grounds on the basis of which Maimonides attributes uniqueness to Moses. It seems to me that the special qualities of Moses could be listed under three headings. There are, first of all, those differences whose unique applicability to Moses is derived from Scripture. Secondly, there is a philosophical difference, it being rather unclear whether it is an inference from the propositions asserting the scriptural differences. Lastly, and most importantly, there is an institutional difference. It is my contention that the first two kinds of difference are in the service of the third and that their *rationale* rests in their being support for it. Let us take these now in turn.

The only characteristics that Maimonides lists explicitly as differences in kinds of prophecy, between Moses and all the other prophets, are the four scriptural attributes.³⁹ They are:

1. Other prophets prophesied in a dream or in swoon; Moses was wide awake.
2. Other prophets were spoken to by God through a messenger; with Moses He spoke face to face.
3. Other prophets faced God in fear and trembling; Moses spoke to Him as a man speaks to his fellow.
4. Other prophets spoke with inspiration only at intervals; Moses spoke as a prophet any time he wished.

The philosophical difference is that while in the case of all other prophets there was always a very strong element of imagination in their prophecies, with Moses 'the imaginative faculty did not enter his prophecy'; his prophecy came through the influence of the active intellect only i.e. without any mediation by the imaginative faculty.⁴⁰ Other prophets spoke in parables; Moses spoke clearly and literally. Whether these claims on behalf of Moses are borne out by Scripture is, to say the least, doubtful. Abravanel, commenting on this passage, rejects the view of Maimonides and argues that other prophets, notably the patriarchs and Isaiah, also spoke clearly and without making use of parables. What is at issue here is, of course, the attribution of perfect theoretical wisdom to Moses. As we have seen, this quality was attributed to other prophets too but only together with imagination. We recall that in our discussion of this point we had to leave as unsolved the question: what 'together', here, stands for? Be the solution to that problem whatever it may be, it is abundantly clear that whatever doubts Maimonides may have had about the nature of the theoretical wisdom possessed by other prophets, he expressed none concerning Moses. It is manifestly clear that he was committed to the view that Moses not only knew all true propositions but that he knew the proofs of every one of them as well. Moses, so Maimonides claims, was the most perfect philosopher possible.

The institutional difference is that Moses provides the defining characteristic of the Torah as such. The call to the Torah that Israel has been called is the call to the Torah *of* Moses. Other prophets can only repeat the message of Moses but they cannot deviate from it. The Torah of Moses is immutable. He brought it to earth and since then, in words already quoted and to be quoted again in this study, 'it is not in Heaven' (Deut. 30, 12).⁴¹ That is, the Torah of Moses cannot be changed even at the will of Heaven. The commentary of Shem Tov on this section is charmingly candid: other prophets can only exhort us to observe the Torah 'but *they do not make*, like Moses, Torah and religion (*dath*)'.⁴² This institutional difference is the core of the legitimation of the halakha.

Maimonides held, then, that there will never be anyone who will equal Moses either in understanding or in deeds.⁴³ Let us examine now a little further what Maimonides could have meant when he attributed to Moses perfect understanding. As said, there is no uncertainty in what Maimonides says. He endows Moses with theoretical knowledge of a kind that never has been nor will ever be surpassed by anyone else. Given that other prophets also knew everything, the superiority of Moses must be not in what he knew, since nothing can be added to everything, but in the way he knew. Moses knew what he knew purely intellectually i.e. without any help from imagination. It is sufficient merely to understand what claim Maimonides is making here in order to realize its complete absurdity. It is indeed strange to think that a Spinoza found it necessary to present a detailed refutation of this claim. For the claim is that Moses knew all that is ever possible to know in the theoretical sciences. These latter Maimonides understood in Aristotelian terms. Thus, theoretical science included, for example, physics. If the claim is true then Moses knew not only all of Aristotelian physics but also all of Newtonian and Einsteinian physics; indeed, Moses must have known the physical theory that will some day be accepted as the 'final truth' in physics. There is, of course, no reason for believing anything of this sort. The Pentateuch, traditionally attributed to the authorship of Moses, bears no evidence of any scientific expertise in the author. Interestingly enough, Maimonides himself, at many points of exegesis, needs all the ingenuity he can muster in order to give some Biblical passage an interpretation that is not, as the literal reading is, in manifest contradiction to the scientific truth that Maimonides believed in. It is quite incredible to me that Maimonides could have actually believed that Moses was that sort of super-scientist. Were it not for the fact that function of the doctrine of patently institutional, i.e. it is designed to vindicate the obligatoriness of the halakha that is associated with the name of Moses, there would be no way of avoiding the conclusion that Maimonides was plainly dishonest here. As it is, being the staunch halakist that he was, he must have felt at least very uncomfortable, when he thought of this doctrine in his philosophical moments.

We may well wonder why Maimonides needed all this. Why did he not follow the rabbinic tradition which, in the non-historical spirit typical of it, holds that the patriarchs already lived by Mosaic law since God privately revealed it to them in advance. That is, Maimonides could have asserted, and sometimes he seems to do so, that whatever pertains to conduct, the Aristotelian practical science, has been revealed by God while theoretical science has not. For to hold that God revealed theoretical truths to Moses is to hold either that God communicated

results and theorems or that He communicated proofs. The absorption of either takes time and effort and so, claiming theoretical perfection for Moses, Maimonides is actually suggesting that Moses was engaged in theoretical work demanding intellectual effort. Nothing needs to be said to show how absurd all this is.

We conclude, then, that there is no reason but the institutional to attribute theoretical perfection to Moses. In itself it is a mere dogmatic assertion without anything, even remotely plausible, to support it. As an institutional doctrine, however, it does make sense and it is not more false than many other myths of legitimation.

Consider again the four scriptural differences between Moses and other prophets. They do not refer to any excess knowledge in Moses but each of them indicates the *unique standing* of Moses in relation to God. This special standing is the guarantee of the absolute validity of the Torah 'made', as Shem Tov put it, by Moses. He is the founder; all others can never be more than mere followers. What is unique about Moses is not his knowledge but his standing. We can see now how deep is the gap between this, authentically Jewish, interpretation of Moses and prophecy and the Christian interpretation, as exemplified by J.G. Mueller. Mueller argues that the criterion that distinguishes the true prophet from the false one is not legal-political standing but the 'inspiring spirit'.⁴⁴ From a Maimonidean point of view, the determination of where the inspiring spirit resides is a matter of standing.

The attribution of perfect theoretical knowledge, then, has no independent philosophical significance. It is nothing but a consequence of the institutional need to attribute every possible kind of perfection to the Founder. Is it too far-fetched to assume that this doctrine, very much against the intentions of its author, contributed to the development of that obscurantist attitude that characterized, in centuries to come, the contemptuous rabbinic appraisal of all secular knowledge? It is commonly expressed in this way: 'there is no point in studying it since if it is true then it is already contained in the Torah and can be found there: if it is false it is harmful'.

This attitude goes back to the time when the Biblical canon was determined. At that time the sages said that anyone who brings into his house more than the twenty-four books of the Bible, (e.g. the book of Ben Sira and other apocrypha), brings confusion into his home. All orthodoxy is defensive; rabbinic orthodoxy, for historical reasons, more so than others. It is necessary for it, then, to have the best sort of protective shield. Moses, on whom the whole tradition depends, must, therefore have had perfect theoretical knowledge if his authority and the authority of his Torah is to remain forever beyond the reach of all possible challenge.

IV

It is obvious from what has been said that Maimonides did not go to all this trouble in order to establish some truths about the historical Moses. His aim was rather to lay as firm foundations as possible for the halakha that derives from Moses. In the pursuit of that aim Maimonides did not hesitate to depart from the plain meaning of the Bible — a point that is at the centre of Spinoza's criticism of the Maimonidean reading of Scripture. There is no doubt that, as far as prophecy is concerned, 'the view most remote from the simple one of the Bible is the rationalistic standpoint of Maimonides'.⁴⁵ What is not always realized that Maimonides did all this in order to establish rabbinic authority. For that purpose it is necessary not only that the historical phenomenon of prophecy be recruited to serve as a link in the succession to be legitimated but also to lay down clear boundaries to the validity of any possible prophecy whatever. We have seen already that it is part of the doctrine that any future prophecy that is in conflict with the Torah of Moses is false. Indeed it is central to the rabbinic doctrine of legitimation that, with the establishment of the authority of the sages, prophecy as such has ceased in Israel. Late-come would-be prophets, e.g. Jesus, are clearly illegitimate in the light of these criteria. Moreover, not only latter-day 'prophets' but canonical ones as well must yield to the authority of the sages who are, according to the same official doctrine, their legitimate successors. The opinion of Talmudic sages on the subject is clear though hardly surprising:

Who ranks higher, a prophet or a sage? It follows from Psalms XC, 12. ('So teach us to number our days that we may get us a heart of wisdom') that the sage ranks higher than the prophet.⁴⁶

The Torah of Moses is the basic norm and his unique prophecy its precondition. What it is that the Torah of Moses teaches in respect to any specific problem, is to be determined by the normative modes of interpretation. These modes, in their turn, are specified by reference to legitimate succession. Thus, whoever openly teaches that the Torah of Moses should be set aside is a false prophet and/or a rebel. A legitimate successor, however, may teach what is manifestly contrary to the Torah of Moses, provided his teaching is derived from the Torah of Moses according to accepted and, therefore, normative rules.⁴⁷ From this point of view whatever differences there are, on the question of immutability of Mosaic law, between Maimonides and others who stand within the rabbinic, as contrasted with the Karaite, tradition, are of little consequence. Crescas, for example, maintained against Maimonides that the Torah is not absolutely immutable but that it is continuously perfectable.⁴⁸ This

kind of difference of opinion is institutionally meaningless. For when does a change count as a change? Surely, when the rules of interpretation say so. But the fiction that underlies the rules of interpretation is precisely that their application can bring about no real change. Thus, what is obviously, as a matter of fact, a radical change, and in view of the needs of the time a step towards 'perfection', can still be represented as the 'immutable' Torah of Moses. What was wrong with Jesus was his standing not his intentions; the latter were pretty orthodox from a rabbinic point of view:

Think not that I am come to destroy the law or the prophets: I am not come to destroy, but to fulfil.⁴⁹

I have been arguing that the true function of Maimonides' prophetology is institutional and that, consequently, the philosophical parts of the doctrine must be read as subservient to the institutional and viz. the legitimation of the halakha. This reading is confirmed by Maimonides himself when he speaks with the voice of the halakhist. In the introduction to his commentary on the Mishna, Order *Zera'im*, he explicitly denies prophets any halakhic authority. A prophet who contradicts the Torah, as legitimately interpreted, is a false prophet and must be put to death. And here he quotes again *Deut.* 30, 12, 'it is not in heaven',⁵⁰ a verse we come to recognize by now as a kind of charter of rabbinic authority against which even God is powerless. That authority, though founded upon prophets, also supersedes them. Prophecy performed its historical role in having served as a foundation; it has now no further purpose. Moreover, it must also be treated with the sort of suspicion that is appropriate to subversive elements. What matters now is authority and stability. Organized religion is bound to issue in the subordination of God to His appointed servants. In a celebrated passage, much used to legitimate the authority of the Church, Jesus said to Peter:

And I will give unto thee the keys of the kingdom of heaven: and whatsoever thou shalt bind on earth shall be bound in heaven: and whatsoever thou shalt loose on earth shall be loosed in heaven.⁵¹

It is impossible not to hear in these words an echo of 'it is not in heaven'.

That subtle expositor of institutional logic, the Grand Inquisitor, has many incarnations in history. One of them was the philosopher Maimonides.⁵² He was also a theocrat; he appeared to be speaking of the state when, in fact, he was concerned with the justificatory theory and practice of the internal discipline of a religious community.

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Notes

1. 'Maimonides', *The Encyclopaedia of Philosophy* (ed. P. Edwards), Vol. V, p. 130.
2. *ibid.*
3. This problem is discussed in detail in my 'Beliefs and Attributes', *Philosophy*, Vol. XXXVI, (1961) pp. 196-210. While working on this paper I came to realize, with a shock, that the great religious philosopher was a sceptic. When I told Professor Pines of my 'discovery' he said immediately 'of course' and smiled. He knew this, like all things worth knowing of Maimonides, all along.
4. L. Roth: *Judaism*, (London, 1960), p. 177.
- 4a. *Guide of the Perplexed*, II, 25.
5. *Guide*, II, 32.
6. L. Strauss: 'Maimonides' Statement Political Science', *Proceedings of the American Academy for Jewish Research*, Vol. XXII (1953) pp. 115-130.
7. *op. cit.*, p. 117.
8. *ibid.*
9. *Guide* II, 39, cf. Strauss: 'Maimonides' Statement on Political Science', pp. 124-5.
10. L. Strauss: *Philosophie und Gesetz*, (Berlin, 1935) pp. 108ff, 115ff, 199ff.
11. L. Strauss: *Philosophie und Gesetz*, p. 115.
12. E. Rosenthal: 'Maimonides' Conception of State and Society'. In *Moses Maimonides 1135-1204; Anglo-Jewish Paper in connection with the Eighth Centenary of his birth*, ed. Rabbi Dr. I. Epstein (London, 1935) p. 194.
13. *op. cit.*, p. 198.
14. *Laws*, 713.
15. *Laws*, 966.
16. *Laws*, 711.
17. Rosenthal: 'Maimonides on State and Society', p. 200.
18. 'The most authoritative art and that which is truly the master art. And politics appears to be of this nature . . . since politics uses the rest of the sciences'. *Eth. Nic.* 1094a25-1094b5.
19. *Guide*, I, 46; II, 40.
20. *Guide*, III, 27.
21. *Eth. Nic.* II69b19.
22. *Eth. Nic.* 1097b11.
23. *Politics*, 1253a2. It is worth pondering here the implications of the expression 'kingdom of priests and holy nation!' (*Ex.* 19, 6).
24. *Politics*, 1278b20. Italics mine. G.W.
25. *Guide*, II, 40. The emphasis on 'or' is mine. G.W.
26. *Politics*, I, 2.
27. *Politics*, 1277b15.
28. c.g. the Khazar kingdom.
29. Hannah Arendt: *The Human Condition* (Chicago, 1958) Chapter II.

30. *Guide*, III, 54.
31. Strauss: *Philosophie und Gesetz*, p. 108.
32. *Guide*, II, 37.
33. *Guide*, II, 40.
34. *Guide*, II, 38.
35. *ibid.*
36. On *Guide*, II, 36.
37. cf. *Guide*, III, 54, where Maimonides lists four senses of the Hebrew word *hakham*. They are; possessor of (1) theoretical perfection, (2) moral perfection, (3) skill, (4) capacity for deception.
38. *Eth. Nic.*, 1143a25ff.
39. cf. *Guide*, II, 35.
40. *Guide*, II, 36.
41. *Guide*, II, 39.
42. My italics. G.W.
43. *Guide*, II, 35, cf. my 'Degrees of Knowledge', *The Philosophical Quarterly*, Vol. XV (1965), pp. 317-327.
44. cf. note 31 to Chapter I.
45. Dr. K. Kohler: *Jewish Theology, systematically and historically considered* (New York, 1981), p. 38.
46. *Baba batra* 12a and *Yalkut* ad loc. Quoted from Dr. S. Bernfeld: *The Foundations of Jewish Ethics*, (New York, 1929), pp. 228-9.
47. The genesis and nature of halakhic authority will be dealt with later.
48. Kohler: *Jewish Theology*, p. 26.
49. *Mat.* V, 17.
50. Quoted from Dr. I. Eisner, ed. *Haguth ve'Halakha* (Jerusalem, 1968) p. 165.
51. *Mat.* XVI, 19.
52. It is instructive to read, with the problems of this paper in mind, what Boussea says about 'civic religion' at the end of his *Social Contract*.