

**“... HASIDUT LEADS TO RUAH HAQODESH ...” –
A NEW READING OF THE CLOSING CHAPTERS
OF MAIMONIDES’ *GUIDE***

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Introduction

For generations of scholars, Maimonides’ assured and authoritative writing style has upheld the impression that his views did not evolve significantly during his literary and intellectual career. Such an impression has been reinforced by Maimonides’ continuous revisions and tweaks to essentially completed works, his relatively few explicit admissions about changing his texts, and a penchant for dissimulating genuine reversals in perspective. Recent research in Maimonides’ commentary on the *Mishnah* has challenged this understanding.¹ The current essay suggests that Maimonides’ philosophical works follow the pattern of his *halakhic* works which evolved during the course of his life. Gad Freudenthal puts it elegantly:

Research has so far almost totally avoided the genetic, or evolutionary approach to the study of Maimonides’ philosophy, presumably under the influence of the Straussian research program which a priori assumed that each and every contradiction in Maimonides’ writings points to some esoteric secret. It is time to attend to this task, both because the genetic perspective has proven its fecundity in research on so many thinkers, and

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¹ Zeivald lists eight categories of changes that Maimonides made in the various versions of the *Commentary on the Mishnah* in some of which he acknowledges to have made a mistake (see Yehudah Zeivald, “Mahadurot ha-Rambam le-Pirush ha-Mishnah,” *Qobetz Hitsei Gibborim* 9 [2016]: 435–438). Maimonides was also very skilled at covering earlier missteps. One way of doing so was to attribute an earlier opinion of his, which on closer examination proved incorrect, to other authoritative authors, primarily *geonim*. Zeivald cites one such case in *mKilaim* 9:48, 442. I found a similar such case in the *Sefer ha-Mitsvot*, Negative Commandment, 179; see Albert D. Friedberg, “Maimonides’s Long Journey from Greek to Jewish Ethics,” in *Accounting for the Commandments in Medieval Judaism: New Studies in Law, Philosophy, Pietism and Mysticism*, ed. Jeremy P. Brown (Leiden: Brill, forthcoming in 2019), n. 50. Effectively, Maimonides laid the earlier opinion on the laps of other authors giving the appearance that the older version was simply incomplete.

because we know with certainty that Maimonides often changed his views on halakhic matters.²

My earlier work has already taken up Freudenthal's challenge, as I have argued that the Maimonides of *Eight Chapters* wrote as a conventional Aristotelian, but that, as he matured, his views began to change.³ By the time Maimonides dealt with many of the same ethical issues in *Mishneh Torah* (up to 25 years later), his views had evolved, leading him to insert corrections in earlier formulations, and to elevate the virtues of piety over the Aristotelian virtue of middlingness. What led Maimonides to privilege the man who acts beyond the call of duty over the morally virtuous man, were a number of rabbinic traditions that, on further consideration, best accorded with an ethic based on *imitatio Dei* rather than one based on Aristotle's naturalistic theory.

In the current essay, I examine the closing chapters of the *Guide of the Perplexed*,⁴ in which Maimonides deals with the single most important question of ethics, namely, what is the best life for man. The current essay constitutes a sequel to the aforementioned essay in which I understood that the one who practices *hesed* (defined as over-abundant kindness) occupies a privileged position in the ethical ladder leading to perfection. Here, as well, I show that Maimonides abandoned Aristotelian commonplaces and forged a new and original path based on traditional Jewish sources.⁵ The *Guide's* last four chapters (3:51–3:54) revolve around human flourishing and perfection,⁶ and elaborate the means to attain these goods. This subject exercised Maimonides' mind for more than half a century – over which time his perspective, as I argue below, transformed.

² Gad Freudenthal, "Maimonides on the Scope of Metaphysics alias Ma'ase Merkava: The Evolution of His Views," in *Maimonides y su Epoca*, ed. Carlos del Valle et al. (Madrid: Sociedad Estatal de Commemoraciones Culturales, 2007), 221–230, here 221.

³ Friedberg, "Maimonides's Long Journey from Greek to Jewish Ethics."

⁴ In the following, *The Guide of the Perplexed* will be abbreviated by "Guide" and, unless otherwise noted, the edition used is Moses Maimonides, *The Guide of the Perplexed*, ed. and trans. Shlomo Pines (Chicago: The University of Chicago Press, 1963).

⁵ The reader may understand that part of my thesis was anticipated by S. Pines in his seminal 1979 paper, based on his intuition that Maimonides had abandoned the view that man can cognize divine beings. What I add to the discussion is the role Jewish sources played in Maimonides's dramatic reassessment and the important implications of his interpretative moves, absent in Pines' account. I also offer a *philosophical* alternative to Pines' position that pretends not to take sides in the great debate he engendered. See Shlomo Pines, "The Limitations of Human Knowledge According to Al-Farabi, ibn Bajja, and Maimonides," in *Studies in Medieval Jewish History and Literature*, ed. Isadore Twersky (Cambridge: Harvard University Press, 1979), 1–82.

⁶ When man flourishes, he can achieve perfection. While perfection is not always well defined, one can gather from scattered comments in both Alfarabi and his "student" Maimonides, that perfection relates directly to the degree of providence that man enjoys, as well as to the immortality of the soul. The extent to which a person attains such perfection is reflected in his capacity not to be troubled by misfortunes.

1. Human Perfection, a Life of Contemplation

There is almost no controversy about the theme of the first of the last four chapters of the *Guide*.⁷ In the *Nicomachean Ethics*, Aristotle considers only two candidates for the best life for man, the morally virtuous life or the contemplative or theoretical life, concluding that the latter is superior to the former.⁸ Maimonides, following Aristotle illustrates this perspective with a parable⁹ in which subjects surround the palace of a king, desiring to enter the inner habitation to be in his presence. Maimonides explains how the various groups, depending on their intellectual capabilities and knowledge of “true opinions,” come ever closer to the palace and to the king’s inner chamber, but concludes that only those few who have attained intellectual “perfection in the natural things and have understood divine science” are able to enter “the inner court” and dwell with the king. This, for Maimonides, “is the rank of the men of science,” who have knowledge of physics and metaphysics (3:51, p. 619 in Pines). Still, knowledge alone will not suffice an individual to achieve the highest human rank; contemplation is also necessary. Only those who have turned “wholly towards God,” renouncing “what is other than He,” and directing “all the acts of their intellect toward an examination of the beings with a view to drawing from them proof with regard to Him,” will know “His governance,” and thus find themselves in the ruler’s council and attain “the rank of the prophets.”¹⁰ The subject of this chapter, Maimonides writes, is “to confirm men in the intention to set their thoughts to work on God alone after they have achieved knowledge of Him” (3:51, p. 620 in Pines).¹¹

Maimonides goes on to prescribe a training course for such an individual, advising him to make use of some of the Law’s strictures in order to develop and maintain the focus of his attention. Beginning with the recitation of the *Shema*, and continuing with the reading or listening to the Torah, the discourses of the other prophets, and the reading of benedictions, the perfect individual directs his energies to reflection upon the sacred texts for the purpose of “meditating” upon them and considering their meanings (3:51, p. 622 in Pines). Such passages convey correct notions and beliefs, praise, and gratitude – all of which help maintain one’s attention on divine governance. Such practices, however, serve as meditative pegs, or even mantras, for habituating the

⁷ The problems begin when interpreters read the subsequent chapter(s) into this one, conflating two unrelated descriptions. See later discussion.

⁸ *Nicomachean Ethics* X: 7–8, 1177b26–1178a22.

⁹ An anonymous reader pointed out that 3:51 is not the only place where Maimonides argues that intellectual virtue takes precedence over moral virtue. See, too, 1:2 and 3:27. There is little question that this idea was well entrenched in Maimonides’ intellectual armour.

¹⁰ The prophet, who sits in the “ruler’s council” and presumably is privy to God’s decisions, brings to mind Psalms 25:14, Jeremiah 23:18–22, and, most notably, Amos 3:7.

¹¹ The number in brackets following a quote indicates the page number in Pines’s edition: Moses Maimonides, *The Guide of the Perplexed*, ed. and trans. Shlomo Pines (Chicago: The University of Chicago Press, 1963). Throughout this article, I am using Pines’ translation of the *Guide*, and Weiss/Butterworth’s translation of the *Eight Chapters* (both of which are translations from the Arabic). I translated myself the passage of the *Mishneh Torah*, from Hebrew to English.

individual to the art of contemplation and focusing his mind on God; they do not, however, convey essential knowledge.

[A]ll the practices of the worship such as reading the Torah, prayer, and the performance of the other commandments, *have only the end of training you to occupy yourself with His commandments ... rather than with matters pertaining to this world* (emphasis added; 3:51, p. 622 in Pines).

The “practice of worship” helps the individual attain a high degree of focus and concentration, while, at the same time, improving the quality of his worship, creating a *virtuous* circle: “this is the worship peculiar to those who have apprehended the true realities; the more they think of Him, and of being with Him, the more their worship increases.” Maimonides has in mind a post-contemplative worship which produces an intense, passionate, enrapturing love of God.¹² Maimonides does, within this framework, acknowledge the requirements of physical life, the necessary occupation “with *worldly things*,” – the times “while you eat or drink or bathe or talk with your wife or your small children, or while you talk with the common run of people.” As against these “long stretches of time in which you can think all that needs thinking regarding property, the governance of the household, and the welfare of the body,” Maimonides cautions that “while performing the actions imposed by the Law, you should occupy your thought only with what you are doing” (3:51, p. 623 in Pines).

Maimonides aims to have the student minimize the amount of time in which he is disconnected from contemplation of the divine. As intent is essential to divine service, Maimonides warns that without that proper intent, the faithful cannot be considered to have performed the commandment. The crucial implication is that the time taken to fulfill commandments is a necessary dispensation. Nowhere in 3:51, however, do we find that the performance of commandments is described as an obligation. A non-Jew, quite reasonably, would not be in need of this special dispensation of time to perform commandments. Indeed, in no way do the commandments contribute to the philosopher’s education or to his contemplative intensity since, as we have seen, he has already acquired, through his mastery of metaphysics, a knowledge

¹² This “mystical” experience is described in *Hilkhot Tesuvah* 10:3, as emerging from worshipping Him out of “proper love,” the contemplation of truth. See also Maimonides’ distinction between one who loves (Hebrew *ohav*) and one who loves passionately (Hebrew *hosheq*) in 3:51, in Pines, *Guide*, 627. See David Blumenthal, *Philosophic Mysticism: Studies in Rational Religion* (Ramat Gan: Bar Ilan University Press, 2006). See also Steven Harvey, “The Meaning of Terms Designating Love in Judaeo-Arabic Thought and Some Remarks on the Judaeo-Arabic Interpretation of Maimonides,” in: *Judaeo-Arabic Studies: Proceedings of the Founding Conference of the Society for Judaeo-Arabic Studies* (Amsterdam: Harwood Academic Publishers, 1997): 175–196, here in particular 184–88, who traces the unusual application of the Arabic term *‘ishq* to an intense form of religious love for God to Avicenna and Alghazali. I thank the editor for the latter reference.

of the divine beings that draws him to long for (i.e., love) God.¹³ In the light of this reading, one must reject Moshe Halbertal’s judgement that “the philosopher is obligated,” like everyone else, “to observe every detail of the *halakhah*” as well as his additional suggestions, that “as a philosopher, his fulfillment of the commandments has a special meaning that plays a central role in his spiritual journey.”¹⁴

Other than for those exceptional moments provided above, Maimonides asserts unequivocally that when the individual is alone and unburdened of all required activities, and while lying awake upon his bed, he should not set his thoughts on “anything other than that intellectual worship consisting in nearness to God and being in His presence” (3:51, p. 623 in Pines). The ideal philosopher is asocial, having only the barest amount of interaction with his fellow men. The contemplative life, driven by intellectual apprehension and permanent focus on the divine is mostly “achieved in solitude and isolation.” “Hence,” he continues, “every excellent man stays frequently in solitude and does not meet anyone unless it is necessary” (3:51, p. 621 in Pines).

In this regard, Maimonides also discusses the special status of the Patriarchs and Moses. Each of these unique prophets, he writes,

achieves a state in which he talks to people and is occupied with his bodily necessities while his intellect is wholly turned toward Him...so that, in his heart he is always in His presence...while outwardly he is with people.... (3:51, p. 623 in Pines).

The attainment of human perfection, however, does not require individuals to reach the rank of these exceptional prophets.¹⁵

In sum, Maimonides, in chapter 51, equates human perfection with a life of contemplation. Readers of the *Guide* have come to expect this Aristotelian model as it is consistent with much of what he says in the main body of his work, although some scholars, as we shall see, have expressed reservations about the possibility that man, in Maimonides’ opinion, can ever reach such an apprehension of the divine. It is a life lived in “solitude and isolation,” only interrupted by spurts of necessary human activities and the promptings of the Law (if he is a Jew). This is an individual who, after reaching an intellectual

¹³ See *Hilkhot Yesodei ha-Torah* 2:1–2 for a description of this longing/love.

¹⁴ Moshe Halbertal, *Maimonides: Life and Thought*, trans. Joel Linsider (Princeton: Princeton University Press, 2014), 349–353, correctly describes Maimonides’ characterization of the prophet in 3:51 as a philosopher possessing knowledge of divine matters (metaphysics) and engaged in contemplation.

¹⁵ Maimonides notes that these prophets had a historic mission, namely, “to bring into being a religious community that would know and worship God,” and “to spread the doctrine of *the unity of the Name in the world* and to guide people to love Him...therefore their rank befitted them...” (emphasis added; 3:51, p. 624 in Pines). I read him saying here that the mission was accomplished, and thus, there is no longer a need to attain this rank. Moreover, it is impossible to guide an individual to such a rank: “this rank is not a rank that, with a view to the attainment of which, someone like myself may aspire for guidance.” For a different reading, see Pines, *Guide*, 624, n. 32.

apprehension of the divine, turns his full attention on Him, and employs his intellectual faculties in “constantly loving Him.” It is an intellectual activity that leads to love and longing for the source of all being. This contemplative activity can be taught, as we saw, with the result that certain individuals can reach the rank of prophecy and attain human perfection. Maimonides gives no hint of abandoning this position in subsequent discussions; one would have to conclude, and most conventional scholars concur, that for him, as for Aristotle, the contemplative life, is the best life of man.

However, as we shall soon see, the matter is not so simple. Without explicitly turning back on 3:51, Maimonides offers, in chapters 52 and 54, two distinct modes of life, bearing no relation to intellectual contemplation of the divine, and yet carrying the promise of human perfection. Significantly, these chapters, and not chapter 51, constitute the literary end of the *Guide*.

2. Human Perfection, the Life of a Sage / *Hasid*

In chapter 52, Maimonides addresses an individual “who chooses to achieve human perfection and to be in true reality” a “man of God” (3:52, p. 629 in Pines). Here there is a significant distinction, a “man of God,” *not* a prophet. Although the epithet “man” of God is often used throughout *tanakh* to refer to a prophet, the use here in the place of “prophet” may serve as a literary device chosen by Maimonides to set 3:52 apart from 3:51. Alternatively, Maimonides may wish to convey a substantive idea: a prophet is *defined* as one who achieved nearness to God through his intellectual faculties. A man of God, by contrast, achieves nearness through his absolute subordination to God. From either perspective, 3:52 is distinct from 3:51. For in 3:52, Maimonides understands that an individual attains this exalted state not through a contemplative and intellectual life, but rather through the humble comportment that comes from awareness of being constantly in God’s presence,¹⁶ and through acting much as one would in the presence of a worldly king. When “perfect men understand this,” Maimonides writes,

they achieve such humility, such awe and fear of God, such reverence and such shame before Him...— and this in ways that pertain to true reality not to imagination — that their secret conduct with their wives and in latrines is like their public conduct with other people (3:52, p. 629 in Pines).

In this context, Maimonides cites rabbinic passages illustrative of extreme piety ascribed by him to the “greatest among the *Sages*.” Besides adopting modest sexual mores, these men avoid, for example, uncovering their heads “because man is covered about by the Indwelling” and, for the same reason, speak very little. Maimonides explains how the ways “of the most renowned Sages” can be achieved:

¹⁶ Or, to be more precise, the Agent Intellect. But this discussion is not relevant to our point.

For it is by all the particulars of the actions and through their repetition that some excellent men obtain such training that they achieve human perfection, so that they fear and are in dread and in awe of God, may He be exalted, and know who it is that is with them and as a result act subsequently as they ought to (3:52, p. 629 in Pines).

The role of the Law is essential in eliciting fear of God, and “this end is achieved through actions.” Of course, the Law and its purpose must be understood correctly, and one presumes that this understanding follows the purposes and rationale outlined by Maimonides in his lengthy exposition on the commandments (3:33–49).¹⁷

Just as fear of God is achieved through the actions prescribed by the Law, love of God is achieved through an understanding of the opinions taught by the Law, “which include the apprehension of His being as He, may He be exalted, is in truth” (3:52, p. 630 in Pines).¹⁸ The perfect individual is pious in the extreme and, crucially, he must have a refined conception of monotheism even if incapable of demonstrating it analytically, that is, even if he is not a philosopher.

The critical conflation of the worldviews informing chapters 51 and 52 of the *Guide* only persist by understanding Maimonides, even at this stage of his writing, as an unqualified Aristotelian. With an exclusively Aristotelian critical lens, one can fail to note the wide gulf that exists between chapters 51 and 52.¹⁹

¹⁷ Maimonides begins this section on the rationale for commandments by noting that that “the totality of purposes of the perfect Law there belong the abandonment, depreciation, and restraint of desires in so far as possible, so that these should be satisfied only in so far as this is necessary” – which reflects the extraordinary modesty shown by some sages in their sexual congress with their wives, noted by Maimonides in our chapter 52. This leads me to the incidental observation that chapter 52 may have stood originally as the conclusion of the section on commandments.

¹⁸ Though Maimonides does not explain for what “the apprehension of His being as He is in truth” stands, I suggest that he intends the pious sage who believes in the *sui generis* nature of the Deity and does so perhaps by subscribing to a form of negative theology.

¹⁹ Readings that conflate chapters 51 and 52 can be found in Eliezer Goldman, “Ha-Avodah ha-Meyuhedet be-Masigei Ha-‘Amitot — Hei’arot Parshniot LeMoreh HaNevukhim III 51–54” (Hebrew), in *Expositions and Inquiries: Jewish Thought in Past and Present*, ed. A. Sage and D. Statman (Jerusalem: Magnes Press, 1996), 60–86. See also David Schatz, “Worship, Corporeality and Human Perfection: A Reading of the Guide of the Perplexed, III:51–54,” in *The Thought of Moses Maimonides: Philosophical and Legal Studies*, ed. I. Robinson, L. Kaplan, and J. Baur (Lewiston: Lampeter/Mellen, 1991), 230–4. See also Alfred L. Ivry, *Maimonides’ “Guide of the Perplexed”: A Philosophical Guide* (Chicago: University of Chicago Press, 2016). According to Ivry, 3:52 reinforces “the point he made in his ‘call to attention’ in the previous chapter (Pines, *Guide*, 621), that an emanating intellect is the connection between man and God.” What Maimonides adds in 3:52, writes Ivry, is that “by virtue of this intellect, God is with us constantly, observing and supervising us” and that such recognition “humbles the ‘perfect man’ and leads them to fear God and to be in awe of Him.” In other words, 3:52 is simply an addendum to 3:51, describing the *effects* of recognizing God’s cleaving to a person via the emanating intellect. This reading, however, is implausible for a number of reasons. First, the “call to attention” in 3:51 is fully explained in that chapter,

The first of these chapters, as I have argued, demonstrates the path of the philosopher; while the second shows a different, rabbinically inflected conception of the ethical life. Indeed, the philosopher of 3:51 is in no need of the opinions of the Law; he apprehends the higher beings because of his knowledge of the physical and metaphysical sciences. The recitation of the *Shema* does not give him “an apprehension as He, may He be exalted, really is,” but instead serves as a way for him to train his contemplative abilities. Further, he is not instructed to “repeat” the actions commanded by the Law as a means to achieve fear of Heaven. Instead, he is given a dispensation to perform commandments just as he is given a dispensation to speak to his household. In short, the Law does not confer on the philosopher-prophet who is able to enter the inner court of the King, and find himself in one habitation with Him, greater understanding or reverence.

This is not so with respect to the sage. Here, the Law, through its repeated calls for action and its pithily phrased opinions, shapes his personality and teaches him correct opinions, turning him into a “man of God.” Maimonides does not demand of the pious sage special involvement with other human beings, but neither does he prescribe solitude as he does with regard to the contemplative type in 3:51. The pious sage goes about a normal day fulfilling the commands of the Law and likely engaging directly in worldly things as the need arises. He practices his piety anywhere and everywhere.

This description of the pious, Torah-abiding, sage and the possibility of his attaining human perfection marks an extraordinary departure from the model

indeed in the very same paragraph. The point Maimonides makes is that it is up to the person to strengthen or weaken the bond; one can “strengthen this bond by employing it in loving Him” and the bond is “made weaker and feebler” to the extent that one busies oneself with anything other than Him. Maimonides considers this an important theological principle, one which leads into his new thesis on Providence, “a most extraordinary speculation...through which doubts may be dispelled and divine secrets revealed” (Pines, p. 624). I do not see how 3:52 reinforces the theological point he made in his “call to attention.” Nor is it logical for Maimonides to tell us that someone who is “with Him in one habitation” feels humbled because He is constantly observing and supervising him. The individual, who has achieved the rank of prophet, has transcended the more primitive type of reverence, awe or fear, and is now attracted to the deity through an intense passion (love) to know Him, and it is through love that he can strengthen the bond. What role would fear/awe/reverence of God have in this relationship? Halbertal, *Maimonides*, misses Maimonides’ new characterization of human perfection discussed in 3:52, *one based entirely on rabbinic traditions and unmindful at best of the philosophical tradition*, and where this element of fulfilling the commandments becomes part of religious piety. The differences between 3:51 and 3:52 are simply too fundamental to even entertain the thought that Maimonides is speaking about the same individual.

For Joel L. Kraemer, chapter 52 has, apparently, no significance. In his summarized reading of the final chapters of the *Guide*, which he correctly labels as concerning the ideal of human perfection, Kraemer skips from the end of 3:51 to 3:54, and then goes on to treat these two chapters as one integrated whole. This too is an implausible reading, and results, in my opinion, from viewing Maimonides as purely an Aristotelian thinker. See Joel L. Kraemer, *Maimonides: The Life and World of One of Civilization’s Greatest Minds* (New York: Doubleday, 2008), particularly his discussion on human perfection, 399–406.

propounded by the Greek philosophers, at least as mediated by the Islamicate thinkers, Alfarabi in particular. What is the basis for this theory? I will return to this question after examining 3:54 in depth, the final chapter of the *Guide*,²⁰ presenting perhaps the most difficult interpretative challenge of the entire work.

3. Human Perfection, a Life Imitating God

Maimonides' thesis in chapter 54 is that human perfection lies in imitating God's so-called attributes of action, that is, as man perceives and projects them through His actions on earth. Maimonides grounds this thesis on a biblical proof-text (Jer 9:22–23), requiring an exegetical exercise to explain a term that appears in the passage in question, namely *hokhmah*. As Maimonides understands it, the term bears four meanings: knowledge of the rational virtues, of the moral virtues, of the practical arts, and an aptitude for stratagems and ruses in acquiring any of the above. Those who know the Law are said to be *wise* on account of the rational and moral qualities acquired through the study of the Law. However, adds Maimonides, there is a difference between the wisdom of the Law, where true statements are offered in apodictic fashion, and the wisdom required to provide rigorous demonstration of the truth of such statements. To signify the latter, the sages used the term *hokhmah* in an unrestricted sense. As a result, “they set up the knowledge of the Torah as one separate species and wisdom as another species.” This lexicographical insight allows Maimonides to offer an original interpretation of a rabbinic dictum that bears importantly, on his account, on the matter of human perfection. Through the often cited and apparently inconsequential statement of the order of the study of Torah, Maimonides offers an interpretation of far-reaching importance:

The *Sages*, *may their memory be blessed*, mention likewise that man is required first to obtain knowledge of the *Torah*, then to obtain wisdom, then to know what is incumbent upon him with regard to the legal science of the Law — I mean the drawing of inferences concerning what one ought to do (3:54; p. 633 in Pines).

This dictum appears to simply outline the proper order for studying Torah, outlining three fundamental steps. In this process, first, the serious student should adopt a simple, fixed routine for reading Torah texts; followed by a more detailed phase, one that leads to a deeper understanding; and in the third and final phase, the student should attempt to infer new laws (“to know what is incumbent upon him with regard to the science of the Law”). In his restatement of the dictum, however, and without warning or disclaimer of what he had already written, he moves away from the plain sense of the dictum and offers in its place a figurative and bold interpretation:

²⁰ Chapter 3:53 is primarily a lexical exposition of three biblical terms, an exposition that will bear relevance to our understanding of 3:54.

And this should be the order observed: The opinions in question should first be known as being received through tradition; then they should be demonstrated; then the actions through which one's way of life may be ennobled, should be precisely defined. This is what they, may their memory be blessed, literally say regarding man's being required to give an account with respect to these three matters in this order. They say: 'When man comes to judgement, he is first asked: have you fixed certain seasons for the study of the Torah? Have you ratiocinated concerning wisdom (*hokhmah*)? Have you inferred one thing from another?' It has thus become clear to you that, according to them, the science of the Torah is one species and wisdom is a different species, being the verification of the opinions of the Torah through correct speculation (3:54, p. 633–634 in Pines).

Opinions – and by opinions Maimonides means philosophical propositions – are transmitted by the Torah in the form of short, apodictic statements, and should be accepted on simple reading, as is, and without question or qualification. At a second stage, the student demonstrates these propositions by way of scientific/philosophical reasoning, in accordance with Maimonides' assertion that the sages treated Torah and *hokhmah* as separate domains. Once the student has managed to demonstrate *scientifically* these propositions, the student is urged to discover the actions and ways that will ennoble his life. That is, proper ethical behaviour depends on the correct apprehension of the intelligibles and God, the latter being the ultimate object of his philosophical ruminations. Maimonides, as I argue below, will find in a prophetic passage an allusion to the kind of desirable actions that depend on such apprehension. To highlight the programmatic aspect of this interpretation, Maimonides insists that these three steps should be taken "in this order." On his reading, therefore, the end of man does not lie with philosophical contemplation, as it might seem through the lens of chapter 51, but rather with defining "the actions through which one's way of life may be ennobled," i.e., ethics. Moreover, from this figurative reading, it is clear that Torah laws are not to be equated with this type of ethics, for if they were, there would be no need to first accept the philosophical propositions advanced by the Torah and then after to demonstrate them. Philosophical inquiry is the necessary prerequisite for the ethical life.

3.1 The Philosophical Schema of the Four Perfections

Maimonides turns his attention to a philosophical schema that categorizes human perfections. "Ancient" and "modern" philosophers thought, he tells us, that there were four perfections to which man ought to aspire, each greater than previous, but only one with the distinction as the true human perfection.

Alexander Altmann has already drawn attention to Ibn Bajja as Maimonides' likeliest and most immediate antecedent for the discussion of the four perfections, pointing out the very nuanced changes that Maimonides

imposes on his *Vorlage*.²¹ Below, I summarize Maimonides' presentation of the lowest two species of perfections (letting the interested reader consult Altmann's discussion) after which I examine the highest two in greater detail.

Maimonides names the perfection of possessions as the lowest in the scale. Between possessions and the soul there is no union, only a “certain relation,” expressed, for example, by statements of a king such as “my slave” or “this money is mine” expressing a simple proprietary relationship. These possessions produce only an imaginary sense of pleasure since they subsist independently of man's essential self. It follows that when this relation disappears, in the case of the king, he reverts to being someone no different “than the most contemptible of men, although nothing may have changed in any of the things that were attributed to him.”

The second kind of perfection, that of the body and health, stands a degree above the previous, but, it too, does not qualify as the highest perfection. In fact, it is not a perfection of man *qua* man, but rather of man *qua* animal. Even if man were to acquire superlative strength, he would still be weaker than the strongest of animals.

The third and higher perfection, unlike those previous, subsists to a greater extent within the individual's self:

The third species is a perfection that to a greater extent than the second species subsists in the individual's self. This is the perfection of the moral virtues. It consists in the individual's moral habits having attained their ultimate excellence. Most of the *commandments* serve no other end than the attainment of this species of perfection. But this species of perfection is likewise a preparation for something else and not an end in itself. For all moral habits are concerned with what occurs between a human individual and someone else. This perfection regarding moral habits is, as it were, only the disposition to be useful to people; consequently it is an instrument for someone else. For if you suppose a human individual is alone, acting on no one, you will find that all his moral virtues are in vain and without employment and unneeded, and that they do not perfect the individual in anything; for he only needs them and they again become useful to him in regards to someone else (3:54, p. 635 in Pines).

While Maimonides concedes that this third perfection is superior to the perfection of the healthy body, he also notes that the perfection of character is merely instrumental, not a perfection desired for its own sake. More specifically, moral virtues have a social purpose, namely, being useful for the greater social good.²² As a result, the moral virtues are not a perfection that

²¹ Alexander Altmann, “Maimonides' Four Perfections,” in *Essays in Jewish Intellectual History*, ed. Alexander Altmann (Hanover: Brandeis University Press, 1981), 65–76.

²² As Maimonides had already explained in 3:27, these moral virtues serve to construct an orderly society, falling, therefore, under the category of the welfare of the body. I already noted elsewhere (Friedberg, “Maimonides's Long Journey”) that a shift had occurred in

belongs to the individual alone, as is the final fourth intellectual perfection that he goes on to describe. Here again Maimonides follows Ibn Bajja who limits, according to Altmann, the usefulness of the “ethical function” to those imperfect political entities which need to improve the workings of their societies. In such states, Bajja claims, “men who have perfected their moral virtues will act like the guardians exercising authority over the people and perfecting the state since the ethical virtues improve sociability by which the state becomes perfect.”²³

By this logic, in a hypothetical perfect state, such ethical virtues would have no value. Maimonides offers his own acid test of the relative value of this perfection: Suppose, he asks, there are no inhabitants in this part of the world so that our individual is alone. Will possessing these ethical qualities be of any value? Will they perfect him? To these questions, Maimonides answers in the negative, thus showing that such ethical qualities do not represent an ultimate perfection.

In the process of his description, Maimonides offers an apparently superfluous observation: “Most of the *commandments* serve no other end than the attainment of this species of perfection” (3:54, p. 635 in Pines). A notion already developed at length in the *Eight Chapters*, Maimonides discusses the role of the Law with regards to acquiring moral virtues: “The Law forbids what it forbids and commands what it commands only for this reason, i.e., that we move away from one side as a means of discipline” (Chapter 4, p. 71 in Weiss/Butterworth). In connection, for example, with the laws regulating sexual practice, he continues, “the purpose of all this is that we move far away from the extreme of lust and go a little from the mean toward insensibility to pleasure so that the state of moderation be firmly established within our soul” (Chapter 4, p. 72 in Weiss/Butterworth). Considering most of the commandments in this way, Maimonides observes, “you will find that all of them discipline the powers of the soul” (Chapter 4, p. 72 in Weiss/Butterworth).²⁴

In the *Guide*, Maimonides appears to narrow the scope of this intention. In 3:35 and 3:38, he writes that the commandments of the *third* class, those included in *Hilkhot Deot* in his law compendium, are concerned with “improvement of the moral qualities” (3:35, p. 535 in Pines), or “concern moral qualities in virtue of which the association among people is in good condition” (3:38, p. 550 in Pines). When discussing the other classes of commandments,

Maimonides’ thinking. In the *Eight Chapters*, moral virtues represent a perfection of the individual, while in the later writings (and in one stray paragraph at end of *Eight Chapters* 4; see loc.cit.) they are simply a recipe for social order. The *Guide* confirms this shift. See Howard Kreisel, *Maimonides’ Political Thought: Studies in Ethics, Law, and the Human Ideal* (New York: SUNY Press, 1999), 169: “absent [in 3:27] is any explicit mention or even suggestion of the ethical perfection of the individual as part of the “perfection of the body.” This is of course not accidental, as Kreisel himself notes, but is part of Maimonides’ evolving thoughts on ethics.

²³ Cited by Altmann, “Maimonides’ Four Perfections,” 75 n. 22.

²⁴ Strangely, Maimonides does not return to this idea in the MT, where he tells us that moral virtues, the standard of the mean, are acquired via specialized exercises (*Hilkhot Deot* 1:6), not, as we might have expected, via the commandments.

however, he simply states that their usefulness is manifest, offering examples, without, however, mentioning that their goal is the attainment of the moral virtues. Nonetheless, for Maimonides, the common denominator of almost all the classes of commandments is their utilitarian nature, leading to the proper functioning of society.

Maimonides could have been satisfied, as was Ibn Bajja, by simply noting that the third perfection is not the ultimate perfection because it is a “preparation for something else and not an end in itself” (3:43, p. 635 in Pines), or even more specifically, that the third perfection represents “only the disposition to be useful to people; consequently it is an instrument for someone else.” His point would have been well understood without the added qualification that “most of the *commandments* serve no other end than the attainment of this species of perfection” (3:54, p. 635 in Pines). The reminder that most commandments serve the end of attaining this third perfection appears at first sight to be unnecessary in this discussion. I believe that this is not the case, but that, instead, the comment is designed to suggest that the higher perfection must be correlated to a behaviour that is superior to the performance of most commandments. This statement is addressed to a reader familiar with rabbinic legal categories. Only such a reader can recognize such a category and assent to its superiority. Before returning to this traditional frame of reference, let us consider the fourth perfection of which Maimonides writes,

consists in the acquisition of the rational virtues — I refer to the conception of intelligibles, which teach true opinions concerning the divine things. This is in true reality the ultimate end; this is what gives the individual true perfection, a perfection belonging to him alone; and it gives him permanent perdurance; through it man is man.... The ultimate perfection ... pertains to you alone, no one else being associated in it with you in any way: *They shall be only thine own, and so on* [Proverbs 5:17] (3:54, p. 635 in Pines).

For Maimonides this ultimate perfection, on its face, seems to be in accordance with the life of contemplation, as described in 3:51. The discussion that follows, however, moves away from this natural conclusion.

3.2 The Pivot From Philosophy: *Hesed*, *Tsedaqah* and *Mishpat*

Maimonides proceeds by adapting the passage from Jeremiah to this philosophical schema of perfections. “Thus saith the Lord,” the prophet writes:

Let not the wise man glory in his wisdom (*hokhmato*), neither let the mighty man glory in his might, let not the rich man glory in his riches; but let him that glorieth glory in this, that he understandeth and knoweth

Me that I am the Lord who exercises *hesed*, *tsedaqah* and *mishpat*,²⁵ in the earth. For in these things I delight, saith the Lord (Jer 9:22–23).

The perfections, Maimonides suggests, are listed in inverse order, in accordance with the importance attributed to them by the multitudes – riches, on the lowest level, are equated with the perfection of the possessions, and might, one step above, with the perfection of the body. *His wisdom*, the inflected form of *hokhmah*, is equated with the perfection of the moral virtues, as Maimonides explained in his lexicographic note.

Maimonides reads Jeremiah as agreeing with the philosophers to the effect that these three perfections are not to be taken as ends in themselves. When summarizing this discussion Maimonides singles out the third perfection, writing that “the various species of worship and also the moral habits that are useful to all people in their mutual dealings,” presumably, the commandments of the Torah, are “not to be compared with this ultimate end and does not equal it, being but preparation made for the sake of this end.” Maimonides completes the exposition by reading “the wondrous notions contained” in the passage:

For when explaining in this *verse* the noblest ends, he does not limit them only to the apprehension of Him, May He be exalted. For if this were his purpose, he would have said: *But let him that glorieth glory in this, that he understandeth and knoweth Me that I am One*; or he would have said: *that I have no figure, or there is none like Me*, or something similar. But he says that one should glory in the apprehension of Myself and in the knowledge of My attributes by which he means His actions, as we have made clear with reference to its dictum: *Show me now Thy ways, and so on*. In this *verse* he makes it clear to us that those actions that ought to be known and imitated are *loving-kindness, judgment, and righteousness* (3:54, p. 637 in Pines).²⁶

On Maimonides’ reading, the prophet reveals a practical way to achieve human happiness. Such an individual acquires an apprehension of God which is *not* presupposed upon mastery of the divine sciences. Rather, it requires him to observe and understand God’s attributes of action, specifically those actions driven by dispositions that, in humans, are characterized as *hesed*, *mishpat* and *tsedaqah*.

Maimonides indeed introduces an equivocal element in his discourse when he writes that Jeremiah “does not limit...the apprehension of Him” to those evidencing those characteristics, as if to say that the (philosophical-metaphysical) apprehension of Him can also achieve such an end. Maimonides appears here to neither affirm nor deny the approach outlined in 3:51, namely,

²⁵ These three terms are usually translated as loving-kindness, judgement, and righteousness. I have deliberately withheld the translation because Maimonides defines these terms and the translation does not fully capture *his* understanding.

²⁶ See below Maimonides’ understanding of the Hebrew terms *hesed*, *mishpat* and *tsedaqah* that Pines translated as “loving-kindness, judgement and righteousness.”

that to achieve perfection one must acquire metaphysical knowledge of the divine beings. Some scholars have come to believe that Maimonides gave up on the idea that humans can acquire such knowledge. I am inclined to suggest, however, that for Maimonides, with respect to this matter, a certain degree of doubt remained. Be that as it may, Maimonides does mine the prophet's message in order to elaborate a radically new approach to the best life of man.

The mere knowledge of God's attributes of action, however, is not a sufficient condition for attaining perfection. Continuing, Maimonides writes:

He means that it is My purpose that there should come from you *hesed*, *tsedaqah* and *mishpat* in the earth in the way we have explained with regard to the *thirteen attributes*: namely, that the purpose should be assimilation to them and that this should be our way of life. Thus the end that he sets forth in this *verse* may be stated as follows: It is clear that the perfection of man that may truly be gloried in is the one acquired by him who has achieved, in a measure corresponding to his capacity, apprehension of Him, May He be exalted, and who knows His providence extending over His creatures as manifested in the act of bringing them into being and in their governance as it is. The way of life of such an individual, after he has achieved this apprehension, will always have in view *hesed*, *tsedaqah* and *mishpat* through assimilation to His actions, may He be exalted, just as we have explained several times in this Treatise (3:54, p. 638 in Pines).

The three key terms – *hesed*, *tsedaqah* and *mishpat* – require further explication (provided below), but, clearly, a simple apprehension of the attributes is insufficient as Maimonides refers to the “way of life” of an individual pursuing such traits. The individual is urged to transform his knowledge of God into practical action, in effect, to engage in ethical action. On first sight puzzling, such a claim appears to contradict what Maimonides stated in relation to the third perfection, calling the ethical life “a preparation for something else and not an end in itself.” Given this earlier statement, how can the ultimate perfection of man lie in a life that “will always have in view *hesed*, *tsedaqah* and *mishpat*”?

Prominent Maimonidean scholars have offered solutions to this ostensible contradiction but, for the most part, their solutions embrace a logical fallacy, as I show in detail in the appendix.²⁷ I maintain that in fact there exists no contradiction, and that, on the contrary, Maimonides' programmatic conclusion is entirely consistent with his evolving ideas on ethics, which, as I show elsewhere,²⁸ took their final form in the later tractates of the *Mishneh Torah*.

To resolve this apparent contradiction, we must first examine Maimonides' presentations of these three ethical dispositions and the way they purportedly reflect the “Providence that is manifested in the act of bringing His creatures

²⁷ Unfortunately, space does not permit me to cite and comment on the many views offered by Maimonidean scholars in recent years, but see appendix below.

²⁸ Friedberg, “Maimonides' Long Journey.”

into being and in the way He governs them.” Maimonides dedicates all of the almost always overlooked chapter 53 to explicate these three terms. *Hesed*, Maimonides tells us, “is excess in whatever matter excess is practiced” and it is used in the prophetic books to denote “practicing beneficence toward one who has no right at all to claim this from you.” God’s act of “bringing creatures into being,” the first aspect of the providence that man must learn and know, is an act of *hesed*. Accordingly, *hesed* may best be translated as *undeserved and excessive kindness* (rather than simply *loving kindness* as in most translations).

The other two terms, *tsedeq* and *mishpat*, reflect the second aspect of knowing God, understanding His governance. In his explications of these two terms, Maimonides inverts the order in which they appear in the verse from Jeremiah, putting *tsedaqah* before *mishpat*, and dedicating a great deal more space to explaining the meaning of the former. The re-arrangement suggests that Maimonides had in mind a hierarchy of values in the new ethical doctrine that he was proposing. The first two terms he discusses represent the pillars of his ethical doctrine, with *hesed*, at the pinnacle, becoming the doctrine’s determinative value and *tsedaqah* its everyday practical guideline. Maimonides states that *tsedeq*, from whence *tsedaqah*, is used in the books of the prophets to denote acting out of goodness of character. While recognizing that *tsedeq*’s basic meaning is justice, Maimonides explains his novel reading by claiming that in acting out of goodness of character, a person does justice to his rational soul. In this inventive interpretation, Maimonides steers away from the conventional understanding of *tsedaqah* as an act bestowing upon someone that which he deserves, as an act of giving according to *merit* – justice, as we would normally render the term. Such would be the case, for example, when repaying debt. Instead, *tsedaqah* is to govern one’s subjects in a manner consistent with their capabilities, their endurance and their strengths — because those acts do justice to one’s soul. This trait translates into governing with mercy, as in “remedying the injuries of all those who are injured.”

Mishpat, Maimonides argues, is justice “necessitated by judgement that is consequent upon wisdom” in dispensing what humans perceive as “benefit” and “punishments.” Judgement dispensed with wisdom goes beyond the strictures of the Law, entailing an understanding of the wider and deeper ramifications of every legal decision. If the Law is blind, as the saying goes, wise judgement is not. As is the case with mercy, wise judgment relates to “governance as it is.”²⁹

²⁹ See 3:12 (Pines, *Guide*, 448) where Maimonides elaborates on this divine trait: “All His ways are *mishpat*” (Deut 32:4). This trait is a way of bringing out God’s *beneficence* and *mercifulness* in that “He brings into existence what is necessary according to its order of importance [air, in plentifulness, water a bit less so, food a bit less so, etc.] and in that He makes individuals of the same species equal at their creation [for the human species, for example, no one is born, essentially, with any advantage or disadvantage over others].” In Maimonides’ understanding, justice does not contradict beneficence and mercy. The paradoxical coexistence of these two contrasting attributes in the Godhead is a well-known trope in rabbinic literature. See for example Leviticus Rabbah 29:3, which employs the two

These three traits are characteristics of the *hasid*, who, as Maimonides notes in his earlier writings,³⁰ is a person who moves to the fuller and nobler extreme of all pairs of character traits. While the moral virtues reflect strict *law* – thus Maimonides’ repeated emphasis that they are the equivalent to commandments – a person who practices undeserved and excessive kindness as well as mercy is a person who acts *lifnim meshurat hadin*, that is, beyond the letter of the Law.

The difference between the third and the fourth perfections then is the difference between acting according to the strictures of the Law (*din*) and acting beyond the strictures of the Law, *lifnim meshurat hadin*. *Din*, as a utilitarian form of ethics, is constructed for the benefit of society. Designed to achieve the moral virtues, it consists of a system of middling ethics based on the workings of nature. Indeed, the system was first elaborated and proposed by Aristotle as an ideal way of life in his *Nicomachean Ethics*, and was later adapted by Maimonides to explain the purpose of commandments.³¹ *Lifnim meshurat hadin*, by contrast, is a system of ethics that transcends nature, solely impelled by a desire to imitate God. The practical differences between these two ethical systems are manifest and substantive.

A simple example of the practical distinction between *din* and *lifnim meshurat ha-din* can be observed in *Hilkhot Avadim* 9:8:

It is permissible to work a heathen slave relentlessly. Even though the law so stipulates it, the measure of supererogation (*middat hasidut*) and the ways of wisdom (*darkhei hokhmah*) that a person be merciful and strive after justice (*tsedeq*). One should not press his heavy yoke on his slave and torment him, but should give him to eat and drink of everything...similarly, in connection with the traits of God, which we were commanded to imitate, it says *he is compassionate with all His creatures* (my translation).

To imitate God is to act mercifully, Maimonides writes, invoking the trait of *tsedeq*, which, as we saw, is one of God’s attributes. *Din* stipulates that the master can treat the slave harshly. *Middat hasidut*, by way of contrast, requires the master to imitate God’s merciful ways and treat the slave *lifnim meshurat ha-din*, that is, to go beyond the line of duty. Similar rulings, going beyond the line of duty, are to be found in *Hilkhot Gezeilah* 11:7 and 11:17. In *Mishneh Torah*, Maimonides records only those instances mentioned specifically in the Talmud. There is little doubt, however, that *halakhic* decisors extrapolate from these examples many more instances in which to distinguish between *din* and *lifnim meshurat ha-din*. Without contradicting himself, Maimonides endorses as the highest human perfection an ethics based on *lifnim meshurat hadin* while treating an ethics based on *din* as a worthy but a still inferior perfection.

distinct divine names used in parallelism in Psalm 47 to describe His two, concurrent, attributes of Justice and Mercy.

³⁰ See *Hilkhot De’ot* 1:5, but see Friedberg, “Maimonides’s Long Journey.”

³¹ See above, quoting from *Eight Chapters*.

Let us now complete Maimonides' exposition in 3:54. Toward the end of the passage cited earlier, Maimonides has Jeremiah explain that it is His "purpose that there should come from you *hesed, tsedaqah* and *mishpat in the earth* in the way we have explained with regard to the *thirteen attributes*: namely, that the purpose should be assimilation to them and that this should be our way of life." The scholarly consensus is that Maimonides refers back here to his explanation in 1:54 provided in connection with the *thirteen attributes* shown to Moses.³²

Maimonides is indeed referring back to 1:54, but not simply to draw attention to the *thirteen characteristics* of Exod 34:6–7, but rather to the manner discussed there of imitating God, specifically, the inner psychological state one ought to experience while imitating God's actions. In deciding whether one ought to be overcome with compassion and mercy when displaying those characteristics, or to act in a dispassionate manner, Maimonides points to the ineluctable logic of the latter. Since God must be rationally understood to have no feelings, emotions or passions, so must man strive, as he writes, to act with as little passion as possible:

It behooves the governor of a city, if he is a prophet, to acquire similarity to these [God's] attributes, so that these actions may proceed from him according to a determined measure and according to the deserts of the people who are affected by them and not merely because of his following a passion...he should not let loose the reins of anger nor let passion get mastery over him, *for all passions are evil*; but, on the contrary, he should guard against them as far as this lies within the capacity of man...he should be *merciful and gracious*, not out of mere compassion and pity, but in accordance with what is fitting (emphasis added; 1:54, p. 126 in Pines).

This observation completes Maimonides' exposition. In striving to act *lifnim meshurat ha-din*, the *hasid* acts, in imitation of God, *dispassionately*: he is merciful and gracious, "not out of mere compassion and pity, but in accordance with what is fitting."

Some interpreters have determined that the link Maimonides draws between 3:54 and 1:54 and the political aspect of the latter strongly suggest, in the manner of Alfarabi, that political life represents the highest human perfection. I have shown, however, that the link back to 1:54 only serves the purpose of emphasizing the degree of emotion to be shown when imitating God's actions. This presumed ambiguity, however, can be tackled from a somewhat different angle. The immediate biblical context of the mentioning of God's attributes in 1:54 is the request of Moses that God teach him how to govern the Israelites. God responds (Exod 34:6–7) by offering a list of attributes of action, the *thirteen characteristics*. Maimonides notes that "Scripture has restricted itself to mentioning only those *thirteen*

³² *Moreh haNevukhim*, translated and annotated by Yosef Kafih (Jerusalem: Mossad Harav Kook, 1972), 416, n. 50; *The Guide of the Perplexed*, translated and annotated by Michael Friedlander (London: Routledge, 1903), 397; *The Guide*, Pines, 637, n. 38.

characteristics, although [Moses] apprehended...all His actions...in respect of giving existence to the Adamites and governing them” (1:54, p. 124–5 in Pines). Exod 34:6–7, then, is a select list of God’s attributes of action, knowledge which Moses, as leader of the Israelites, was required to master so that he could effectively govern his people.

In the final chapters of the *Guide*, Maimonides devotes an entire chapter to explain the meaning of the three characteristics mentioned by Jeremiah, but, pointedly, none of the *thirteen characteristics*. This omission appears to be consistent with the earlier assertion that, with but one exception, the *thirteen characteristics* are *characteristics of mercy* (1:54, p. 127 in Pines), the exception being the attribute of *visiting the iniquity of the fathers upon the children* for the sin of idolatry (Exod 34:7), since arguably the twelve characteristics of mercy are all subsumed under *hesed* and *tsedaqah*. Still, nowhere in 3:54 does Maimonides even hint that the perfection of man requires an individual to imitate God’s characteristic of *visiting the iniquity of the fathers upon the children*. The reason seems straightforward: statesmen and governors are enjoined to punish idolaters; ordinary individuals are not. I conclude therefore that 1:54 describes the *political* attributes that are required of statesmen and governors like Moses. In contrast, 3:54 describes the ethical attributes that must be sought by the ordinary citizens of a *polis* who aspire to human perfection. The political life is not the only domain that can offer human perfection. Of course, the highest perfection a governor of a city can attain – “if he is a prophet” – lies in the mastery of as many of these divine attributes as possible. By the same token, the highest perfection to which the ordinary, non-political man may aspire is the ethical life encapsulated in Jeremiah’s three terms, *hesed*, *tsedaqah* and *mishpat*.³³

To sum up, man may attain human perfection through an ethical life that seeks to imitate God. Such a life, which has in its purview, undeserved and infinite kindness, mercy and justice conditioned on wisdom, corresponds to the ethics of a *hasid*, that is, an ethics of excess rather than one of middlingness, an ethics that goes beyond what is required by the Law. Moreover, to be truly imitative of the divine, the *hasid* must act dispassionately in so far as he is able.

4. The *Hasid* as Model of Human Perfection: The Rabbinic Source

As discussed, chapters 52 and 53–4 present two models of human perfection, both focused on *hasidut*. In this section, I address the following questions:

³³ While I do not agree with his views that awe is seen by Maimonides as a necessary condition for his concept of “consummate intellectual knowledge,” arising in my opinion out of a mistaken conflation of 3:52 and 3:51, Warren Zev Harvey arrives at a similar conclusion with respect to Pines’ political interpretation: “Human perfection is reflected in political activity.” “He does not equate the two,” Harvey continues, indeed, “political activity for Maimonides is the by-product of consummate human knowledge, not the goal of human knowledge.” I argue quite simply that the imitation of God forms the basis for a political life, for a natural leader, *and* an ethical life, for a private individual. Warren Zev Harvey, “Maimonides on Human Perfection, Awe and Politics,” in *The Thought of Moses Maimonides: Philosophical and Legal Studies*, ed. Ira Robinson, Lawrence Kaplan, and Julien Baur (Lewiston: Lampeter/Mellen, 1991), 1–16, here 9.

What was Maimonides' warrant for this extraordinary departure from an Aristotelian model based on theoretical contemplation? And, how did he come to understand the term *hasidut*?

In what follows, I argue the epistemological basis for the *hasidut* model is found in the utterance of a Talmudic *tanna* of the second century of our era, well known for his extraordinary piety and honesty, R. Phinehas b. Jair. Maimonides cites and alludes to this *tanna* on more than one occasion, precisely in connection with the themes of human perfection and *imitatio Dei*. The utterance and the use to which Maimonides put it, however, have been overlooked by all his medieval and modern commentators. The implicit use of this utterance in the closing chapters of the *Guide*, is evidence, I show, of the profound influence this tradition had on him. In the absence of a strong, demonstrative case for the goodness — or as we shall see later, for the possibility — of a theoretical life, Maimonides turned to an ancient rabbinic tradition for guidance on how to attain the best life of man.

The first and most important citation of this rabbinic saying in the Maimonidean corpus is to be found in the *Preface* to a monograph on ethics that later came to be known as *Eight Chapters*.³⁴ In this preface Maimonides first explains his purpose in offering a commentary to tractate 'Avot.

Several times in earlier parts of the composition [that is, the Commentary to the *Mishnah*], we promised to speak about useful matters in this tractate and to do so at some length. For even though it is clear and easily understood on the surface, to carry out what it contains is not easy for all

³⁴ Although it is unlikely that the monograph was originally written for the purpose of serving as an introduction to Tractate 'Avot, the *Preface* which Maimonides appended to *Eight Chapters* effectively turned it into such an introduction. Militating against an organic relationship is the fact that the purpose and nature of 'Avot is described differently in the general introduction to the *Mishnah*, otherwise called Introduction to Seder Zeraim than it is in the *Eight Chapters*. See discussion in *The Eight Chapters: The Introduction to Maimonides' Commentary on Tractate 'Avot*, trans. Michael Schwarz, intro. Sarah Klein-Braslavy (Jerusalem: Ben Zvi Institute, 2013), 7–11. Also note that *Eight Chapters* is unaware of 'Avot 4:4, which recommends that one go to an *extreme* with respect to the trait of humility rather than follow the Aristotelian way of the middle or its variant, to tilt somewhat away from the middle, stances advocated by the *Eight Chapters*. See Maimonides' subtle attempt to deal with this problem in his commentary to that *mishnah* and Friedberg, "Maimonides's Long Journey." Moreover, the preface, discussing the merits of a *hasid* could not possibly have been written at the same time as *Eight Chapters*, a work that praises the *hakham* and treats the *hasid* only as a therapeutic or as a prophylactic to the ways of the mean. As to the composition of the *Eight Chapters*, there is no textual, literary, or manuscript evidence that it was ever an independent work. However, given the incongruity between *Eight Chapters* and Tractate 'Avot, as shown above, it is not unreasonable to suppose that *Eight Chapters* was indeed written independently in the manner of a *fusul* or private composition (as explained by Maimonides in the introduction to *Fusul Musa*, and described by Tzvi Langermann in "Fusul Mūsā, or on Maimonides' Method of Composition," *Maimonidean Studies* 5 (2008): 325–344, here 326–7). This practice appears to have been common in medical writings.

people, nor are all of its intentions understandable without a lucid explanation. However, *it leads to great perfection and true happiness*, and I therefore saw fit to discuss it in detail (emphasis added; Introduction, Weiss/Butterworth p. 60).

The Tractate’s language and message are “easily understood on the surface,” yet, he goes on to affirm, the advice is not easy to implement. Indeed, because the tractate is composed of foundational ideas in deceptively simple aphoristic style, its depth and complexity are not well understood. Above all else, *’Avot* teaches ethics – which, for Maimonides, is of no small consequence as ethics leads “to great perfection and true happiness.”³⁵ Here he links the ethical subject-matter of *’Avot* with human perfection, a worthwhile enough objective to justify a special introduction and a running commentary. In the paragraph that follows, Maimonides further elaborates on the importance of the tractate:

They [i.e., the sages], peace be upon them, said: *Whoever wants to become a pious man [hasid] should fulfill the words of ’Avot* (b.Baba Qamma 30a). According to us, there is no rank above piety [*hasidut*] except for prophecy, the one leading to the other. As they said: *Piety [hasidut] brings about the holy spirit* (b. Avodah Zarah 20b). Thus, from what they have said, it is clear that following the discipline described in this *tractate* leads to prophecy (Introduction, Weiss/Butterworth, p. 60).

By “according to us,” Maimonides refers to a statement, found in a number of Talmudic sources, that outlines in condensed form a gradual process of ascent for achieving perfection. Although the printed editions and manuscripts display significant variants, none of the versions appears to be exactly similar to the

³⁵ *Eudaimonia* in Greek writings, is variously translated as happiness, felicity, or flourishing. This state is reserved for those who attain true knowledge of God. Schwarz, *Eight Chapters*, 4, n.5, points the reader to Guide 3:23: “But when he [Job] knew God with a certain knowledge, he admitted that true happiness, which is knowledge of the deity, is guaranteed to all who know Him and that a human being cannot be troubled in it by all the misfortunes in question.” Maimonides appears to be saying that this happiness can be attained in this world. This view can also be found in Alfarabi, *Madinah*, ch. 19 in *Al-Farabi on the Perfect State: Abu Nasr al-Madinah al-Fadilah*, ed. and trans. Richard Waltzer (New York: Oxford University Press, 1985); see especially Waltzer’s comments on page 411. Alfarabi equates felicity with perfection, explained as the soul no longer needing the body to subsist (*Madinah* 204: 15–16). The coexistence of human perfection and true felicity seems to be reserved to those who attain prophecy. Referring to someone who has perfected theoretical and practical reason and to whom God grants revelation through the mediation of the Active Intellect and thus becomes a visionary prophet with the ability to see future events, Alfarabi, *Madinah*, writes “this man holds the most perfect rank of humanity and has reached the highest degree of felicity” (244, 7–16), exactly Maimonides’ expression here. For a comprehensive discussion of happiness in Alfarabi’s oeuvre, see Miriam Galston, *Politics and Excellence: The Political Philosophy of Alfarabi* (Princeton: Princeton University Press, 1990), 56–94.

text Maimonides had in front of him.³⁶ I have chosen one of the versions, the *MSotah*, *in finis*, that sees *hasidut* as the step in the ladder that leads directly to prophecy (literally *ruah haqodesh*, “Holy Spirit”) corresponding to Maimonides’ outline in his introduction to the tractate:

R. Phinehas b. Jair says: zeal (*zerizut*) leads to cleanliness (*neqiyut*), cleanliness leads to purity (*taharah*), purity leads to restraint (*perishut*),³⁷ restraint leads to holiness (*qedushah*), holiness leads to meekness (*anavah*), meekness leads to fear of sin (*yirat het*), fear of sin leads to piety (*hasidut*), *hasidut* leads to prophecy (*ruah haqodesh*), prophecy leads to resurrection (*tehyiyat hametim*), resurrection is brought about by Elijah the prophet, may he be remembered for good (own translation).

Maimonides seems to accept without reservation the authority of this tradition, one that assumes an immediate and inextricable cause-effect relationship between *hasidut* and prophecy. Equally of note, all the steps that precede *hasidut*, detailed by R. Phinehas b. Jair, demand an unusually exacting standard of moral and religious behaviour. For this canonical text of the rabbinic tradition, there is no suggestion of the validity of the Aristotelian notion that the prerequisite for attaining the highest good is the knowledge of metaphysics.³⁸

In the preface, Maimonides portrays *'Avot* as a tractate dealing almost exclusively with ways of becoming a *hasid*, quoting the rabbinic saying that “Whoever wants to become a *hasid* should fulfill the words of *'Avot*.” Parallel to this idea, we find *Eight Chapters* placing a strong emphasis on ethics and morals.³⁹ It is also clear, however, that *'Avot* does not view *hasidut* as merely an ethical enterprise, since it also demands behavioural and intellectual modesty as ways of attaining *religious piety*. It is to this wider meaning that Maimonides turned in his later writings.⁴⁰

³⁶ These versions can be found at *bAvodah Zarah* 20b (but with a number of variants: cf. Hakhi Garzinan site; *ySheqalim* 3:4; *MSotah*, end of 9th chapter).

³⁷ If we accept Maimonides’ partial quote at *Hilkhot Tumat Okhlin* 16:12 as a precise witness of his own text, then restraint would precede, not follow, purity.

³⁸ Despite the relatively straightforward *behavioural* (and ascetic?) connotations of these terms, a philosophical interpretation cannot be ruled out. In *Hilkhot Tumat Okhlin* 16:12, Maimonides does exactly that, suggesting that *qedushah* (holiness) bespeaks of a rejection of incorrect thoughts (!). The reader will no doubt agree, however, that this definition, couched in negative terms, is still a world apart from the idea of acquiring a positive knowledge of metaphysics.

³⁹ Though it should be noted that the *Eight Chapters* also covers other foundational matters, such as free will and prophecy.

⁴⁰ See for example his references in MT to the “early *Hasidim*.” *Hasidim* were called those who earn a livelihood from manual work (*Hilkhot Talmud Torah* 3:11); who prepare themselves for an hour before praying, clearing their minds and spirits from foreign thoughts; who do the same after finishing their prayers (*Hilkhot Tefillah* 4:16); who begin their mourning for the destruction of the Temple by eating, just prior to fasting, far less than was permissible, and by conducting their meager meal with weighty signs of affliction (*Hilkhot*

An example of modest behaviour leading to religious piety is found at 'Avot 1:17, a *mishnah* alluded in *Guide* 3:52 (“They also spoke little for this reason”). In his comments to this *mishnah*, Maimonides asserts that verbal utterances are categorized in five distinctive ways – as commanded, forbidden, ugly, desirable, and permissible.⁴¹ He then goes to great lengths to praise restraint and care in the use of speech, citing the *tanna* Simon who says, “whoever is profuse of words occasions sin,” advice clearly directed for attaining *religious* piety. Further, 'Avot 1:3, though not referenced in chapter 52, is nonetheless demonstrative of the type of teaching that relates *hasidut* to the fear of Heaven:

Antigonous of Socho...used to say...be not like servants that minister to the master on the condition of receiving a reward, but be like the servants that minister to the master without the condition of receiving a reward; *and let the fear of a heaven be upon you* (emphasis added).⁴²

In his comments to this *mishnah*, Maimonides calls Simon, the sage, a *hasid*. This teaching – and the examples can be multiplied – relates well to the theme of chapter 52: religious piety. A reading of 'Avot and Maimonides' commentary to 'Avot confirms that the term *hasidut* can refer to either religious piety or to supererogatory ethical behaviour. Since *hasidut* is said by an authoritative tradition to “bring about the Holy Spirit,” i.e., prophecy, one could assume that tradition is referring to one of these two modes, either religious piety or supererogatory ethical behaviour. *Guide* 3:52 and 3:54 purport to describe these two modes of *hasidut*.”

5. Athens and Jerusalem: Two Versions of Human Perfection

The end of the *Guide* offers three pathways to human perfection and ultimate happiness. Maimonides does not rank these pathways, but he does say in 3:51 that an individual attains the highest human rank, the rank of prophet, when he leads a life dedicated to philosophical contemplation. This conclusion is also consistent with the well-known schema of the four species of human perfection presented in 3:54; the philosophers are said to ascribe true human perfection to the acquisition of the rational virtues, allowing for a true conception of God and the intelligible beings. The individual described in 3:51 answers such a

Taaniyot 5:9); who never look at their own sexual organ or who never take (sexual) note of their wife's body (*Hilkhot Issure Biah* 21:24); who do not eat or drink with the multitudes, or touch them, so as not to mingle with, or be influenced by, their ideas and behaviour (*Hilkhot Tum'at Okhlin* 16:12); who make sure to clear or burn thorns and other obstacles in their fields lest they damage the farming equipment of their workers (*Hilkhot Nizke Mamon* 13:22).

⁴¹ See Joel Kraemer, “Hashpaat ha-Mishpat ha-Musalmi al ha-Rambam,” *Teudah* 10 (1996): 225–224; Binyamin De Vries, “Ha-Categoryot ha-Hilkhatiyot,” *Bar Ilan Annual*, Dedicated to the Memory of Professor Shmuel Bialoblotsky (1964). See the brief discussion in Friedberg, *Crafting the 613 Commandments*, 273, n. 1.

⁴² *Mishnayoth*, annotated and translated by Philip Blackman, Judaica Press, England, 1973.

description; therefore, such an individual can be said to have attained true human perfection.

The second and third non-philosophical pathways to human perfection designed for the everyman are those of the *hasid*.⁴³ Unlike what he asserts in 3:51, in connection with the individual who comes into the king's inner chamber and who, in effect, attains the rank of a prophet, in 3:52 and 3:54, Maimonides avoids any suggestion that the *hasid* attains such a rank. The *hasid* that practices religious piety, that of a Torah-abiding individual who is deeply filled with fear and love of God, "chooses to achieve human perfection and to be in true reality a man of God." Maimonides equates human perfection here with the epithet "man of God," a vague and undefined status that likely falls short of the rank of prophet.

As to the ethical *hasid*, the individual who through his deep knowledge of Nature can and does imitate God's ways — in this connection, too, Maimonides avoids any suggestion of such activity leading to attaining the rank of prophecy. As I have already shown, this type of *hasid* occupies the highest rank in Jeremiah's hierarchy of human perfection, a perfection that philosophers understand as belonging "to him alone." And yet, this perfection is nowhere said to equate with the rank of prophet.

Though the rabbinic dictum unequivocally asserts that *hasidut* leads to prophecy, Maimonides neglects to inform the reader how this ought to happen. From this silence we may infer three possibilities. The first, that Maimonides wants the reader to refer to what was already discussed in 3:51, namely, that the rank of prophecy is attained through the acquisition of metaphysical knowledge. From this perspective, and the synthesis of Greek and rabbinic conceptions, there would be no need to discuss this matter any further. The second, that Maimonides is no longer convinced that to achieve the rank of prophecy one must lead a life of intellect and contemplation. On this account, prophecy can somehow be attained in other ways, specifically by ascending the ladder of holiness and piety. Finally, that *hasidut*, not prophecy, is the zenith of happiness. Or, put in another way, that one need not attain the rank of prophecy to be said to have attained ultimate happiness.

The first possibility is easily dismissed as the accounts of the religious and/or ethical *hasid* add nothing of value to 3:51 since it is obvious that *hasidut* is not a prerequisite to philosophical apprehension and contemplation. Even if

⁴³ Reading Maimonides in this manner can more easily explain how his son Abraham Maimuni deliberately aimed at a wider audience than his father. Or, as Gerson D. Cohen put it, "the *Kifāya* reflects a departure from the father's technique...in its public appeal for a special way avowedly reserved for the few" ("The Soteriology of R. Abraham Maimuni (part two)," *Proceedings of the American Academy for Jewish Research* 36 (1968): 33–56, here 50. I thank the editor for referring me to the article). In fact, on my reading, in the last three chapters of the *Guide* Maimonides had opened the way for the everyman to achieve "perfection and true happiness," as stated in the preface of the *Eight Chapters*. Those who read Maimonides as insisting, to the very end, on a contemplative life, find Maimuni's radical change of direction inexplicable, other than by arguing that times had changed.

some form of piety were a prerequisite to an intellectual life,⁴⁴ why would 3:52 and 3:54 follow 3:51 rather than precede it?

The second and third possibilities, however, appear plausible. Let me begin with the second: That Maimonides had given up on the idea that prophecy is attained via a life of intellectual contemplation, can be maintained within the framework of the current scholarly consensus though not without some strong push back. As Josef Stern has noted, this is “the most contested question in recent Maimonidean scholarship: Did Maimonides believe it possible for humans to have knowledge of metaphysics and the celestial realm?”⁴⁵ Shlomo Pines, in the aforementioned essay published in 1979,⁴⁶ had reached the dramatic conclusion that Maimonides secretly rejects the possibility of metaphysical knowledge. This opinion was grounded on an unambiguous statement that Maimonides makes in *Guide* 3:9:

Matter is a strong veil preventing the apprehension of that which is separate from matter as it truly is.... Hence whenever our intellect aspires to apprehend the deity or one of the [separate] intellects, there subsists the great veil interposed between the two (3:9, p. 436–37 in Pines).

From this, Pines concludes that “man cannot cognize God because the human body is tied up with the intellect” and, “for the same reason man cannot cognize the separate intellects.”⁴⁷ Pines adds in subsequent publications that the latter conclusion would appear to mean that “man can only know material objects or objects connected with matter.”⁴⁸ Pines’ sceptical reading of Maimonides has

⁴⁴ Compare 2:32, where moral virtue is seen as a necessary requirement. But would asceticism or holiness be necessary?

⁴⁵ Josef Stern, *The Matter and Form of Maimonides’ Guide* (Cambridge: Harvard University Press, 2013), 132.

⁴⁶ Pines, “Limitations of Human Knowledge.”

⁴⁷ Pines, “Limitations of Human Knowledge,” 91–93.

⁴⁸ Shlomo Pines, “Les limites de la métaphysique selon al-Farabi, Ibn Bājja, et Maimonide: sources et antitheses de chez doctrine chez Alexandre d’Aphrodise et chez Themistius,” *Miscellanea Mediaevalia* 13.1 (1981): 211–225; *ibid.*, “The Philosophical Purport of Maimonides’ Halakhic Works and the Purport of the *Guide of the Perplexed*,” in *Maimonides and Philosophy*, ed. S. Pines and Y. Yovel (Dordrecht: Martinus Nijhoff, 1987), 1–14. Pines also argued that Moses’ status was determined by theological rather than philosophical considerations since even Moses could not overcome the physical impossibilities of cognizing immaterial beings “or to know for certain that they exist” (Pines, “Limitations of Human Knowledge,” 98).

been challenged on various grounds by a number of contemporary scholars⁴⁹ though others have been sympathetic to his views.⁵⁰

Pines' arguments hold weight. On this basis, it is this scepticism that may lie behind Maimonides' silence with respect to affirming or denying the postulates of 3:51. This scepticism also has him pivot away in 3:54 (p. 636 in Pines) *stealthily and without warning* from the philosophical and purely Aristotelian description of the fourth perfection to the type of naturalistic knowledge demanded by his close reading of Jeremiah's words. And finally, it is also this scepticism that constrains Maimonides from offering a pathway from religious and/or ethical *hasidut* to prophecy. In fact, the dictum only states that *hasidut* leads to *ruah haqodesh* which we have translated as prophecy. However, according to Maimonides, *ruah haqodesh* is technically a lower level of prophecy⁵¹ – a rank that does not require knowledge of metaphysics.

The third possibility is that Maimonides had a change of heart and now maintained that ultimate happiness should not be equated with the attainment of prophecy. As Pines already noted, the “internal contradiction,” that the *bios praktikos*⁵² is superior to the theoretical, “may be laid at the door of Plato, whose political philosophy had, mainly indirectly, through the intermediary of Al-Farabi, deeply influenced Maimonides.” The problem is that Plato's idea led to a logical absurdity:

The recommendation that the philosopher, considered as the highest type of man, should return to the cave or should engage in political action, must

⁴⁹ Among the scholars critical of Pines is Alexander Altmann, “Maimonides on the Intellect and the Scope of Metaphysics,” in *Von der mittelalterlichen zur modernen Aufklärung: Studien zur jüdischen Geistesgeschichte* (Tübingen: Mohr Siebeck, 1987), 60–129; and Alfred L. Ivry, “The Logical and Scientific Premises of Maimonides' Thought” in *Perspectives on Jewish Thought and Mysticism*, ed. Alfred L. Ivry et al. (Amsterdam: Harwood Academic Publishers, 1998), 63–97.

⁵⁰ Among those sympathetic to Pines is Kenneth Seeskin, *Searching for a Distant God: The Legacy of Maimonides* (Oxford: Oxford University Press, 2000); and Sarah Klein-Braslavy, “Maimonides' Interpretation of the verb *Bara* and the Problem of the Creation of the World” (Hebrew), *Da'at* 16 (1986): 39–55. While coming out solidly on the side of Pines' observation, Stern (*The Matter and Form*) has argued that “what is important is not only *what* is proven but the *drawing up* of the proofs, the activity of proving...the various activities and practices that manifest the regulative ideal of intellectual perfection are what counts,” an interesting twist to the sceptical view (7). While there is no explicit support *at least in chapters 3:52–3:54* that Maimonides upheld Stern's regulative ideal of intellectual perfection, this position, as he argues it, should not be dismissed out of hand.

⁵¹ See *Guide* 2:45, and in particular the first and second degrees: “Now, not everybody who is found in one of the degrees, which I call degrees of prophecy, is a prophet. For the first and second degrees are steppingstones towards prophecy, and someone who has attained one of them is not to be considered as a prophet belonging to the class of prophets discussed in the preceding chapters. And even though he may sometimes be called a prophet, this term is applied to him in a general sort of way, because he is very close to the prophets” (pp. 395–400).

⁵² This is the life of the *hasid*, not necessarily the definition that Pines wishes to offer.

if carried out, lead to a renouncement of the life of thought, that is, to his ceasing to be a philosopher.⁵³

As Maimonides himself argued, the prophet is *forced*, against his desire, to return to society (the Platonic “cave”) to teach and govern the people,⁵⁴ hardly an ideal life.⁵⁵ This profound ambiguity, I submit, may have lead Maimonides to privilege the *hasid* over the prophet. From the point of view of this reading, there is no longer any need to ask why Maimonides does not provide a pathway from *hasidut* to prophecy as the rabbinic dictum asserts. Since the closing chapters of the *Guide* are not concerned with explaining how one might come to attain the rank of a prophet — this is discussed at length in 2:32 — but rather on explaining what constitutes human perfection and how one goes about to attain it, Maimonides does not need to expatiate on how one transitions from *hasidut* to prophecy: *hasidut* that leads to *ruah haqodesh* is simply the best life for man. As discussed above, Maimonides understood *ruah haqodesh* literally, as a lower level of prophecy. And, for the same reason, *ruah haqodesh* does not carry the negative connotations associated with the higher ranks of prophecy.

What then, for Maimonides, represents the *summum bonum*, the life by means of which man can attain ultimate happiness? Aristotle’s theoretical life, idyllically portrayed by Maimonides in 3:51, appears at first sight to be the best candidate, consistent as it is with Maimonides’ well-known philosophic views and with the close affinity that his views have had with those of contemporary Arabic philosophers. Significantly, and incorrectly in my view, most modern commentators have accepted this verdict. By contrast, after showing that it had been reliably reported that Alfarabi, one of Maimonides’ most important “teachers,” had changed his mind with respect to the possibility of acquiring metaphysical knowledge, Pines offered persuasive evidence that Maimonides evidenced a similar skepticism. Along the same lines, I argued that a close reading and comparison of 3:52 and 3:54 with 3:51 shows that the first pair of

⁵³ Pines, “The Limitations of Human Knowledge,” 100.

⁵⁴ See 1:15 (Pines, 41).

⁵⁵ Steven Harvey similarly argued that the perfect man or philosopher does not and ought not want to be a ruler (quoting *Guide* 2:36 and MT Sanhedrin 3:10). “It diverts him from the straight path to intellectual perfection, consumes his time, and may even be dangerous. Nevertheless, just as in the account of the cave, he is obliged to help.” He adds that “the reluctance to help could hardly be explained if the activity of helping itself constituted the ultimate perfection and final end of man.” He concludes, therefore, that perfection resides in “yearning for contemplation and intellectual contemplation” carried out in those special moments of solitude, as spelled out in 3:51. See Steven Harvey, “Maimonides in the Sultan’s Palace,” in *Perspectives on Maimonides: Philosophical and Historical Studies*, ed. J.L. Kraemer (Oxford: Littman Library/ Oxford University Press, 1991), 47–75, esp. 71–72. Harvey’s solution does not address the call for action in 3:54, it actually ignores it, and is forced, by dint of his observation, to uphold the Aristotelian model of human perfection. I have, instead, offered a way out of the predicament: the final end of man is *not* the rank of the prophet, because of the torturous conditions and responsibilities that are imposed on him, but the life of the *hasid*.

chapters bear no relation to the latter, with the implication that Maimonides had indeed moved away from the Aristotelian scheme giving primacy to the theoretical life or that, at the very least, he no longer felt that prophecy is the highest good attainable by man. His earlier writings on ethics, surprisingly neglected by the more philosophically inclined commentators, have revealed Maimonides' high esteem for a rabbinic tradition that raised the *hasid* to very near the rank of prophecy *without a hint that such a status required the acquisition of metaphysics*. On this basis, Maimonides goes on to fashion the man who achieves human perfection, namely the *hasid*. The religious *hasid*, the subject of 3:52, lives in the presence of God and thus becomes a "man of God." The ethical *hasid*, the subject of 3:54, acquires a deep knowledge of God's actions and governance, and strives to imitate Him by going beyond the call of the Law in his relations with his fellow men. And he does so in the most dispassionate manner possible. From this perspective, the *summum bonum* according to Maimonides is undoubtedly the life of the *hasid*.

Appendix

Prominent scholars have offered solutions to the apparent contradiction lying at the heart of 3:54, where Maimonides states that the ultimate perfection of man lies in a life that “will always have in view *hesed*, *tsedaqah* and *mishpat*,” while maintaining that the ethical life is only “a preparation for something else and not an end in itself.” Below I briefly review and respond to some of the solutions offered.

Barry S. Cogan (“What Can We Know and When Can We Know It”? Maimonides on the Active Intelligence and Human Cognition,” in *Moses Maimonides and His Time*, ed. Eric L. Ormsby (Washington: Catholic University of America Press, 1989), 121–137) argues that it is neither the theoretical life nor the practical life exclusively, but rather, the theoretical life as it overflows, in the manner of God, into the practical sphere:

The final end is thus to be a certain kind of person. It is to be one who both apprehended God and His ways in Nature and who conducts himself in ways that conform to this apprehension.

As opposed to the conventional morality of the third perfection, the fourth perfection entails a philosophical morality. More specifically, Cogan argues, the theoretical life is incomplete precisely it belongs to the single person only; a greater perfection is “when it does something more — when it overflows and perfects others.”¹ Cogan does not, address, however, how this individual is different from the one who acts in a manner useful to others. Indeed, if it is because his overflow “perfects others,” would being useful to others not help perfect them? Moreover, in what way does God, whom he strives to imitate, perfect others? And where does Maimonides even allude to the existence of a divine attribute to perfect others?

In a similar vein, Altmann argues that

Maimonides distinguishes between the moral virtues (the acquisition of which is aided by fulfilling the divinely revealed Law, as he had pointed out before) on the one hand, and the imitation of divine attributes, which unlike the moral virtues, is not the result of practical reasoning but follows from theoretical metaphysical reasoning.²

For Altmann, *imitatio Dei* is but “the practical *consequence* of the intellectual love of God and is part and parcel of the ultimate perfection.” Here, too, Altmann draws a distinction that carries no practical difference.

Daniel H. Frank, (in “The End of the Guide: Maimonides on the Best Life of Man,” *Judaism* 34:4 (1985): 485–495) finds himself in agreement with Altmann but then tries to find a practical difference. He argues that “the deeds of justice and righteousness must be informed by a deep awareness that they

¹ Cogan, “What Can we Know,” 135–36.

² Altmann, “Maimonides’ Four Perfection,” 73.

are the sort of actions which the God of righteousness and justice Himself does.” “The mere ‘going through the motions,’ the doing of actions without an awareness of their divine foundation,” he argues, “is not sufficient.”¹ The difference of an ethical life inflected by the theoretical, he argues, lies in performing moral actions with an awareness of imitating God versus performing moral actions routinely/ mechanically/ unthinkingly. Frank, however, does not address Maimonides’ assertion that the “perfection regarding moral habits is, as it were, only the disposition to be useful to people.” Why should acts deriving from such a disposition, a kind of moral “perfection,” be described as “merely going through the motions”? And, why, if these acts derive from moral virtues inculcated by the Torah (“most of the commandments serve no other end than the attainment of this species of perfection”) would one think that the performance of such actions lack an awareness of their divine foundation?

Frank comes close to making a breakthrough in note 33 where he writes: “I would connect ‘pre’ and ‘post-theoretic’ morality with, respectively, the morality of the wise man and the morality of the *hasid*” (cf. *Hilkhot Deot* 1:4–5). The morality of the *hasid* is informed, Frank suggests, “by awareness of God and is done out of love for Him and His ways.” To be sure, Frank is correct in this assessment, but he fails to carry the distinction between the *hakham* and the *hasid* to its logical conclusion. The *hakham*, in imitating nature, acts in accordance with the ways of the mean, while the *hasid*, in imitating God, practices an ethic of excess. Therein lies a distinction *with* a difference. Because *any* moral action, irrespective of motivation, is not entirely one’s own (as Maimonides describes the fourth perfection before breaking away from the philosophical scheme), Frank is forced to fall back on a compromise. Only part of the intellectual activity leads to moral action, a consequence of the intellectual activity; the intellectual activity remains the principal activity. But this does not reflect the import of Maimonides’ message which clearly emphasizes moral action.

S. Schwarzschild (“Moral Radicalism and ‘Middlingness’ in the Ethics of Maimonides,” *Studies in Medieval Culture* XI (1977): 65–94) goes one better, and he seems at times, to have found the clue to this apparent crux:

Maimonides’ exegesis is clear: Man’s purpose is to ‘know’ God, but the God who is to be known is knowable only insofar as He practices grace, justice and righteousness in the world, and to know Him, is synonymous with imitating these practices of His in the world.

Arguably, one should invert this statement and say that, for Maimonides, imitating God is, in fact, synonymous with knowing Him. In a rambling and confusing essay, interspersed however with brilliant insights, Schwarzschild does arrive at a correct conclusion when he argues that Maimonides ends up espousing moral radicalism as opposed to his earlier middlingness.

¹ Frank, “The End of the Guide,” 487.

Schwarzschild, however, appears unaware of Maimonides' exposition at 3:53, but, to his credit, he reaches this conclusion through an insightful reading of Maimonides' gloss to positive commandment 8 in the *Sefer ha-Mitsvot*. However, he then mars this insight when he equates Torah with the higher ethics. In a statement typical of the sweeping but not always accurate generalizations he makes throughout the essay, he writes:

In summary, we can speak of lower, social, median ethics and of higher, philosophical, rational, radical ethics. On the level of the former Aristotle and the *vulgus* move; on the level of the latter Plato and Torah meet. The higher ethics are occasionally referred to explicitly as “philosophical ethics” or “philosophical moral habits.”¹

This is clearly incorrect; Maimonides writes that “most of the commandments of the Torah serve no other end than the attainment of this [the third] species of perfection.” It is clear that Maimonides does *not* equate philosophical ethics, the ethics of the fourth perfection, with Torah.

Josef Stern's wide-ranging discussion on this matter in chapter 8 of *The Matter and Form of Maimonides' Guide* requires a much fuller response than space permits. One senses, however, frustration and puzzlement when he asks, with regards to *hesed*, *tsedaqah* and *mishpat*, “are those dispositions indeed moral or something else? What role does the assimilation to God's actions play in their performance?” And finally, and overwhelmingly, “is being morally righteous through imitation of God's actions different from being morally righteous, simpliciter?”² Stern's solution is to argue that

the way of life advocated in the closing passage is...entirely shaped by Maimonides' concept of intellectual perfection, a condition that requires the de-corporealization of the human to the greatest extent possible, the maximal minimization of the human's material impulses, urges and emotions.³

Stern appears to offer a meaningful distinction, one with a difference:

[T]he intellectually perfected individual's actions are not moral in any of Maimonides' sense of the term. Because the individual has extirpated and eradicated his passions, desires and emotions in imitation of God, he has none of the inner psychological character-states, dispositions, or habits that are ... according to the Maimonides of *Eight Chapters* and *Hilkhot Deot* the proper bearers of moral virtue.⁴

¹ Schwarzschild, “Moral Radicalism,” 81.

² Stern, *Matter and Form*, 309.

³ *Ibid.*, 348–9.

⁴ *Ibid.*, 344–45.

However, if that's all there is to it, this psychological distinction, though largely true, is in and of itself, problematic, and Stern acknowledges it, asking, would

one who is godlike in this way...still be human? And, secondly, is his account of *imitatio Dei* coherent? That is, can Man act compassionately but not out of compassion, without feeling? Will one judge or recognize the action that is required? Using a sort of algorithm? But humans don't act that way, they develop a moral imagination...built out of sentiments, feelings, sense memories of our own reactions to analogous past situations, expectations based on our own experiences — everything Maimonides excludes from the de-corporealized intellectually perfected individual in the state of *imitatio Dei*.¹

Finally, Lawrence V. Berman argues that

In so far as Maimonides is concerned, action in imitation of God after intellectual perfection has been achieved is at least equal in dignity to the intellectual contemplation of the eternal verities. This action contrasts with moral perfection which is subordinate to and a prerequisite of intellectual perfection.²

“Equal in dignity” is an evaluative term that does not denote the goal oriented and all-encompassing sense that Maimonides infuses to the activity of *imitatio Dei*. Nor, for that matter, does it spell a different *praxis*. With Stern, we may ask, in response to Berman, “is being morally righteous through imitation of God's actions different from being morally righteous, simpliciter?”

¹ Ibid., 348.

² Lawrence V. Berman, “The Political Interpretation of the Maxim: The Purpose of Philosophy is the Imitation of God,” *Studia Islamica* 15 (1961): 53–61; 61 n.1.