Vol. 4 No. 1 Spring 2025

PIETAS

A Journal of Tradition, Place, and Things Divine

Feature Articles

Book Reviews

Love and Fear in Maimonides's *Guide of the Perplexed*

Lewis Fallis

In book three of The Guide of the Perplexed*, Maimonides presents his account of the aims, presuppositions, and reasonableness of the Jewish Law, and thereby his account of the harmony between reason and revelation. To understand the twists and turns of his account, and its implications for religious and political law more broadly, we need to analyze Maimonides's shifting rhetorical strategies and didactic goals, since the discussion is undertaken with a view to the education of Joseph, his primary student or interlocutor. Such an analysis can help us understand Maimonides's only apparently contradictory teaching and its ultimate degree of congruence with the teaching of the Jewish tradition.*

Among the philosophic disagreements contributing to political discord, few if any match the intransigence, intensity, and significance of the perennial debate between reason and revelation. And among the attempts to synthesize or demonstrate an ultimate harmony between reason and revelation, few if any match the nuance and depth of Maimonides's attempt in *The Guide of the Perplexed*. Although the third and final book of *The Guide* begins with a somewhat anticlimactic exposition of Maimonides's long-promised "Account of the Chariot" (an exegesis of Ezekiel's epiphanic vision in the Bible), the remainder of book three presents *The Guide*'s teaching about law, providence, immortality, the life of reason, and the correct relationship to the divine. The sections on providence and law, in book three, must be read as a single strategic unit. Maimonides's discussion of providence sets up his discussion of Law by tethering hopes for immortality to the Law as the vehicle of intellectual apprehension and providential protection. By bookending the discussion of Law with discussions of love and fear as the twin aims of Law, Maimonides puts in clear terms the decision incumbent upon Joseph (his primary reader or interlocutor), or upon any reader caught between the comforts of piety and the agonies of perplexity.

Animals and Death

Maimonides's discussion of providence in book three opens with frequent references to matter. Matter is a difficulty for providence in that it is an evil (431[1]) and causes an incapacity

[1] Moses Maimonides, *The Guide of the Perplexed*, trans. Shlomo Pines (Chicago: University of Chicago Press, 1974).

to apprehend God (436–37); given that God created matter, these facts might seem to call into question the existence of a divine and benevolent plan for us. But matter is also a difficulty for providence in that it would seem that the body would have to be transcended in order to receive providence's greatest gift, immortality. It is this second theme which is the focus of chapter eight and at least a tacit theme of the entire section on providence.

Throughout chapter eight, Maimonides inflates the reader's hopes for immortality. Matter is labeled the cause of corruption and passing-away (430–31). Matter is "in no way found without form" (431), and none of "the forms in question" can exist without matter (431); but it is unclear which forms are in question. Perhaps man's form is so noble that it can deserve independent existence. A living being's death occurs "solely because of matter and not because of its form" (431). The first virtue consequent upon man's form is "the apprehension of his Creator" (431). Man's form is noble, "the *image of God and His likeness*" (431). Some individuals "aspire always to prefer that which is most noble and to seek a state of perpetual permanence according to what is required by their noble form" (432). The bodily and the vulgar are disparaged to a great and even ridiculous extent—a slave would rejoice in being ordered to carry dung, clapping his hands and joyfully soiling his face with it (432, cf. 434)—so as to exalt, by implicit contrast, apprehension and the elite. This exaltation inflates the reader's hopes that he, as an excellent man, can transcend the despicable level of the many.

Disobedience is linked with filth and bestiality (432, 434), whereas "union with the divine intellect" seems to be possible for those who become least animal and most form-like. Contemplation of the divine "is what is required of man; I mean to say that this is his end" (433). Whether such contemplation is a duty or simply a fulfillment remains ambiguous.[2] In

[2] Throughout this article, I side with the mode of interpretation endorsed by Lerner in his compelling critique of Marvin Fox; see Ralph Lerner, "Review of *Interpreting Maimonides: Studies in Methodology, Metaphysics, and Moral Philosophy* by Marvin Fox," *The Journal of Religion* 71, no. 4 (October 1991): 627-28. The apparently "syncretistic" claims of Maimonides must be understood in the light of his rhetorical strategies. Compare Leo Strauss, "How to Begin to Study *The Guide of the Perplexed*," in *Leo Strauss on Maimonides: The Complete Writings*, ed. Kenneth Green, (Chicago: University of Chicago Press, 2013), 543–45, and Joshua Parens, *Maimonides and Spinoza: Their Conflicting Views of Human Nature* (Chicago: University of Chicago Press, 2012), 10. Consider also Strauss's helpful reorienting of Maimonides scholarship in "The Literary Character of *The Guide of the Perplexed*," in *Leo Strauss on Maimonides*, 347–48: "It is not an exaggeration to say that for [Maimonides] philosophy is practically identical with the teaching as well as the methods of Aristotle, 'the prince of the philosophers,' and of the Aristotelians. And he is an adversary of philosophy thus understood. It is against the opinions of '*the* philosophers' that he defends the Jewish creed. And what he opposes to the wrong opinions of *the* philosophers is not a true philosophy, and in particular not a religious philosophy, or a philosophy of religion, but 'our opinion, i.e., the opinion of our law,' or the opinion of 'us, the

any event, the Law is held out as an avenue to intellectual union with the divine and to immortality: "the commandments and prohibitions of the Law are only intended to quell all the impulses of matter. It behooves him who prefers to be a human being in truth, not a beast having the shape and configuration of a human being, to endeavor to diminish all the impulses of matter" (433–34). Such a transcendence of animality, darkness, confusion, and matter promises to the reader a transcendence of death.

The next three chapters continue the same theme. Human matter is "dark and turbid," preventing the apprehension of God (436). Chapter ten's offhand examples of privations link blindness to death and sight to life: Maimonides refers to "every privation and the corresponding habitus—as, for instance, blindness and sight, death and life" (438). Darkness is linked to evil (438), and death is mentioned six times in just a few pages, during what might have been a purely theoretical discussion of privation. Chapter eleven offhandedly links ignorance to blindness and wounds—"Just as a blind man, because of absence of sight, does not cease stumbling..." (440)—and knowledge to sight and the absence of harms (441). Through his carefully chosen examples in these chapters, Maimonides creates a half-conscious web of associations in the reader's mind. If sight means life, and knowledge is sight, then by a subconscious transitive equation the reader will begin to hope that intellectual apprehension might lead to immortality.

Chapter twelve abruptly squashes these hopes. To rebut the argument that the existence of evil disproves providence, Maimonides claims that these evils mean nothing because man is insignificant; "all the existent individuals of the human species and, all the more, those of the other species of the animals are things of no value at all in comparison with the whole that exists and endures" (442). Human worth is still ambiguous here—how can we be worth nothing, if the animals are worth still less than we?—but it is clear that we are not a matter of divine concern or intervention, nor capable of existence and endurance beyond our deaths. Man's insignificance is a "grave" subject (442). The reader's hopes for immortality, which Maimonides himself had built up, are suddenly not only dashed but depicted as brash,

community of the adherents of the law,' or the opinion of the 'followers of the law of our teacher Moses.' He obviously assumes that the philosophers form a group distinguished from the group of adherents of the law and that both groups are mutually exclusive" (compare 372–73, 387). For a discussion of the complexity of Maimonides's motives in writing the *Guide*, consider also Lerner, *Maimonides' Empire of Light: Popular Enlightenment in an Age of Belief* (Chicago: University of Chicago Press, 2000), 75–76.

narcissistic, and stupid. "Every ignoramus imagines that all that exists exists with a view to his individual sake" (442). As the Bible makes clear, man is a worm. In his "vain thought" that he might not be a "mortal being" (444), the reader was implicitly putting himself above all of humanity, for only the death of individuals makes possible "the coming-to-be relating to the species" (443). Suddenly the soul is only a "corporeal faculty" (445), certainly incapable of permanence. Suddenly the elitism of chapter eight, which had there been paired with the possibility of rising above the vulgar and the bodily, is inverted, and Maimonides poses as a radical egalitarian. God established a "very evident" equality between human beings. No example of this "weak living creature" or any other animal "is distinguished from another individual of the same species by having a special faculty possessed only by him" (447). Suddenly the reader feels himself placed on a par with the vulgar, who were said to enjoy smearing dung on their faces. There may exist, accidentally, a deficiency in an individual, but if there are any superiorities, those follow "necessarily from the differences in the disposition of the various kinds of matter," and are thus no grounds for lofty claims of greater desert for the transcendence of matter. Only the majority of cases matter. "As we have made clear," Maimonides notes, "no attention should be paid to anomalies" (448). The escape hatch of elitism is abruptly closed.

This sudden deflation of the reader's hopes must put him on edge, and in searching for other escape hatches he may catch sight of two. After discussing the evils consequent upon the transient nature of matter or material bodies, Maimonides moves on to a second type of evil (inflicted by men) and states that these "also come from us. *However*, the wronged man has no device against them" (444, emphasis added). To the desperate reader this may imply that there *is* a device against the first class of evil. Also, in reference to Maimonides's sudden radical egalitarianism, the slight qualification that all individuals of the same species are "equal *at their creation*" (448, emphasis added) may provide hope that self-improvement could warrant transcendence. These slivers of light are slim, but perhaps Maimonides leaves them open in order not to completely debunk but rather to pressurize the reader's hopes. This pendulum of hope and despair must intensify longing acutely.

But chapters thirteen through sixteen, despite a few beacons of light, continue the generally downward trajectory. The philosophers, though they assert man's importance to some extent, also close the door on providence, it being "impossible that the individuals

composed out of [our inferior matter] should endure" (450). What exists is good by reference to God's purpose, not to "our purpose," or if to ours then only "for a time" (453). The Bible and philosophy combine to form a one-two punch against man's significance; though man is "the most perfect and most noble thing that has been generated from this [inferior] matter ... if his being is compared to that of the spheres and all the more to that of the separate beings, it is very, very contemptible" (455). Chapter fourteen emphasizes the "great and terrifying distance" between man and the spheres, terrifying because of the implied "remoteness of the apprehension of the deity" (456). The vast distances of the cosmos are used to prove the absurdity of man's thinking that the created things "exist for his sake" (457). The philosopher joins the argument only to further quell hopes with the anti-providential paradox that "it would have been most disgraceful if what is nobler served as an instrument for the existence of what is most base and vile" (458). Chapter fifteen reveals a glimmer of light in that Maimonides is unsure what is possible and impossible regarding the nature of matter (460). Perhaps permanence is possible. Chapter sixteen reintroduces the theme of animals, once again as code for the wretched unprotected: God might neglect all human beings just as a man, "for instance, neglects the governance of the cats in his house or of even more contemptible beings" (462). This suggestion is never entirely refuted, except on the assumption that such disdain "would create in Him evil" (462)—even though Maimonides has refuted (442, 457–58) and is about to refute (462–63) the error of "considering what exists from the point of view of the circumstances of human individuals" (462–63). If we must abandon the strictly human perspective to understand the truth, then perhaps God's indifference or disdain for us would be not evil but simply a fact.

Five (or Six) Views on Providence

Chapter seventeen represents the peak of the discussion of providence. Five views are presented. The Epicurean view ascribes all events to chance, holding out no hope for intervention or immortality. The Aristotelian view holds that providence[3] "ends at the sphere of the moon" and that while the species' endurance is assured, the endurance of individuals

[3] If it is correctly so labeled; Maimonides's use of terms here is slippery. Things that endure or observe "a certain orderly course" are said by Aristotle "to subsist through governance; *I mean to say* that divine providence accompanied it" (466, emphasis added). Aristotle claims that impermanent things exist by chance "and not through the governance of one who governs; *he means thereby* that they are not accompanied by divine providence" (466, emphasis added).

is impossible (465). Maimonides claims that, according to Aristotle, neither the death of "people at their prayers" nor the death of a prophet is any different from the deaths of ants, mice, and flies (466). Neither devotion nor virtue, then, allows man to overcome his bestial insignificance and transience. The third opinion, that of the Ash'arites, denies chance entirely, claiming constant divine intervention. Problems arise, in that absolute divine control denies human agency and might seem to undermine the coherence of Law as commanding and prohibiting, rewarding and punishing (467). To say that everything depends upon the divine will also goes against the "inborn disposition" (468, 470) that prohibits belief in a God not bound by intuitive standards of justice (467). The fourth position on providence begins with the inexplicability of God's justice and ends up claiming that all suffering and merit will be compensated and rewarded in the afterlife. This opinion unacceptably equates the human and the animal. The Jewish view on providence differs from the fourth opinion in that it stresses both human and animal agency, binds God by the standard of justice without being explicit about the afterlife, and restricts divine justice and providence to human beings rather than also to animals (469). It is unclear exactly how the Jewish Law can answer the objections that "impelled" each proponent of the other opinions "by strong necessity to say what he did" (468), except by recourse to the inexplicability of God's justice: "we are ignorant of the various modes of deserts" (469).

Maimonides then begins to explicate his *own* opinion on providence. His first departure from the opinion of the Jewish Law seems to be that Maimonides does not mention free will. But an even greater departure comes to sight as Maimonides, "impelled" to explain why God would watch over man but not the other insignificant animals, claims that providence is graded according to the degree of one's receiving the divine intellectual overflow (472). Providence "can only come from an intelligent being"; it is logical to assume that the degree of one's protection would be consequent on the degree to which one is similar to this being. But if "providence is consequent upon the intellect" and if "everyone ... will be reached by providence to the extent to which he is reached by the intellect" (474), then providence is not at all egalitarian. In fact, such a criterion of providential protection, by giving a *why* to providence, casts doubt on the category "human" as a determining factor. Providence becomes individually "graded," as chapter eighteen makes clear, the radical implication being that it is a "light thing" (475) to kill ignorant human beings, while God protects only those

with excellent intellects. In searching for a reason that God might protect human beings and not animals, Maimonides finds a reason for the Jewish outlook on providence by borrowing from a philosophic outlook which gets further and further from Judaism itself. Maimonides subtly points to the fact that the Bible may not mean by righteousness intellectual perfection and the "capacity of making [one's] soul pass from one moral quality to another" (476). But by this point, the reader may be too much invested in the subject to rebel; his hopes of overcoming animal mortality will have to be abandoned if he returns to an unreasoned embrace of categorical human providence. The options seem to be either to follow Maimonides, or to take a principled stand identifying with the majority of human beings.

Two Versions of Virtue

Chapters nineteen through twenty-one function to push the reader further from the standard theological view and toward the philosophic outlook. God's knowledge has nothing in common with our knowledge (483); this cuts against the hope for intellectual union with God. Similarly, His purpose and His providence have nothing in common with the way we use these terms, casting some doubt on our ability to believe in them (cf. I.50). Lingering doubts surface about the standard Jewish view's ability to deal (any better than the Ash'arite view) with the question of free will (482, 485). The remaining avenue for intellectual progress and thus providential protection seems to be philosophy or science: "we know all that we know only through looking at the beings" (485).

Chapter twenty-two begins the discussion of Job. Here Maimonides calls attention to the distance between *his* version of the virtue which warrants providential protection and the Bible's. Job is called a righteous and perfect man by the Bible, but "knowledge is not attributed" to Job. In an uncharacteristic move, Maimonides calls this fact "marvelous and extraordinary" (487). Quite explicitly, then, he emphasizes a gap between his understanding and the Bible's. This awakens the reader to a big problem: if the Jewish view on providence has been provided with a foundation borrowed from a more philosophic outlook (explaining why God would care for men but not for animals, the reason being reason itself, or the intellect), but if that philosophic outlook *opposes* the Jewish conception of virtue, then can such a structure stably stand? We are confronted here with a problem similar to that plaguing the proof of God in Book Two. If one provides a foundational proof of the Jewish God on

the terms or grounds of philosophy, is this not more of a wrestling match than a coherent structure? And if one provides the Jewish view of providence with foundational logic that happens to be a philosophic understanding of virtue, do we not have the same problem?

If the reader now wants to abandon the philosophic conception of virtue (as intellectual apprehension), he will be abandoning the reasoning that was used to make sense of the Jewish view of providence, an avenue particularly unappealing given Maimonides's newly-revived and constant emphasis on immortality: "the sons of God are more permanent and lasting" than Satan; "the term soul is applied to the thing that remains of man after death" (488); "Satan, the evil inclination, and the angel of death are one and the same" (489). Sin is linked to death, error to perishing (489), and (by implication) truth to life and virtue to the transcendence of mortality. But "good inclination is only found in man when his intellect is perfected" (490). The tension between the philosophic and the Jewish conceptions of virtue becomes more acute: exactly what *is* the virtue that delivers proximity to and protection by God?

In chapter 23, the ambiguity as to Job's perfection or lack thereof grows. Job is, in his friends' opinion, "the most perfect individual, who was the most unblemished of them in righteousness" (491). And yet Job at first misunderstands God completely, taking the Aristotelian position on providence and only later progressing into the understanding that he cannot be troubled in any way by death (492–93). Then Maimonides reveals that it is, in fact, *Elihu* who is "considered by them as superior ... the most perfect among them in knowledge" (494). Job is suddenly demoted, as are his other three friends. *Their* opinions—even that of Eliphaz, an opinion which was "in keeping with the opinion of our Law"—are now called by the wise and superior Elihu "senile drivel" (494).

Here, for the second time, Maimonides reminds us that he is twisting the biblical story to fit his earlier categorization of the views on providence: if one reads the story, one "wonders" and thinks the speeches are repetitious, neither intellectual nor much differentiated from each other (495, cf. 491). But this is not the case, Maimonides assures us. In fact, Elihu adds the notion of the resurrection of the dead based on virtue. A man may be "raised from his fall ... saved and restored to the best of states ... two or three times" (495). Maimonides alters the biblical citation of Job 42:6 to better emphasize the transcendence of mortality. He also twists Elihu's reference to the death of kings and nobles and wealthy men,

calling this one of many "subjects belonging to the circumstances of animals" (495). The hope to overcome animality lingers.

By the end of the chapter, it becomes clear that the upshot of—even the "foundation" for—the faith in providence is the claim that the use of the words *providence*, *governance*, *act*, and *purpose* are purely equivocal when it comes to God. His providence has nothing in common with our notion of the term. We can understand nothing about it, and it is "obligatory to stop at this point and to believe that nothing is hidden from Him" (496). One must not seek reasons or understanding here, but merely believe. If man knows that God's providence has nothing in common with our notion of providence, and is thus radically inexplicable, "every misfortune will be borne lightly by him. And misfortunes will not *add* to his doubts regarding the deity ... but will, on the contrary, add to his *love*" (497, emphases added). The character of this love is left ambiguous: is it fiery? Cool? Directed toward the deity, or toward the beings, which are the only source of knowledge? Perhaps the "inference to be drawn from natural matters" is the same inference Aristotle drew (against a certain type of divine intervention, cf. 466). Perhaps some principles of the Law become "safe" (476) not by becoming certain but by becoming in a sense non-threatening.

LOVE AND FEAR

Maimonides ends the section on providence, and sets up the section on Law, with the enigmatic chapter 24, which introduces a sudden host of questions with its paragraph on the fear and love of the Lord.

As a whole, chapter 24 offers an explanation of the subject of Trial, attempting to explain away the tension between an omniscient God to Whom no new knowledge ever comes (480) and the Bible's ostensible claim that certain hardships were necessary in order that God *discover* human beings' love or fear of Him. "Now I will resolve all these difficulties for you," says Maimonides; he then claims that the aim of each of the "trials" referenced in the Bible was simply to publicize proper action or belief for the masses, and "not: in order that God should know that, for He already knew it" (498). Maimonides makes good on his promise to resolve all difficulties, but his interpretation is, to say the least, tenuous.

The story of Abraham's near-sacrifice of Isaac serves to publicize a special lesson: "the limit of *love* for God, may He be exalted, and *fear* of Him—that is, up to what limit they must

reach" (500). Abraham proved his righteousness by overcoming his love for his son because of the strength of "his fear of [God], who should be exalted, and because of his love to carry out His command" (500–501).[4] But already Maimonides has slipped or shied away from claiming that love *of God* motivated Abraham; it was fear of God, but love *to carry out His command*. Maimonides next emphasizes Abraham's cool calculation and lack of passion, before reaffirming that one of his motives was love of God (501). Maimonides claims that Abraham was not motivated by fear of punishment or personal harm; yet we must wonder what other shape the fear of God might take. Is not all fear in some way specific and personal?

Abraham attempted to kill Isaac "solely because of what is incumbent on the Adamites—namely, to love Him and fear Him" (501). If we set aside the odd character of a love emerging out of duty, the end of this paragraph leaves us with two questions. First, why was it so necessary that Abraham actually attempt to kill his son? The angel tells him, "*For now I know that thou fearest* God: meaning that through the act because of which the term *fearing God* is applied to you, all the Adamites will know what the limits of *the fear of the Lord* are" (501). But the main problem of the chapter re-emerges: why was the *act* required for the angels or for God to understand Abraham's inner character? And if the act was solely important for publicity, in order that the Adamites learn something, then why was that aim so important? Isn't true virtue simply the self-sufficient apprehension of God, an apprehension perhaps understood as (or at least evidenced by) love and fear of Him?

The second problem appears when the word love drops out altogether: the Torah itself mentions that "the final end of the whole of the *Torah*, including its commandments, prohibitions, promises, and narratives, is *one* thing only—namely, fear of Him" (501, emphasis added). What has happened to love? Is the love of God somehow a subset or byproduct of fear? Or does the Law not aim at love? Can a Law that aims only at fear be a Law that helps one overcome animality and matter, by obtaining what had seemed to be the one truly human virtue—the intellectual apprehension which provides providential protection? Isn't fear a passion of *embodied* beings? How can becoming extremely fearful

[4] Maimonides imports love into the story of the binding; the Bible speaks only of fear. The only love mentioned is Abraham's love for Isaac, which must be righteously overcome. Regarding the solidity of Maimonides's case in favor of the biblical emphasis on love, consider also Lerner, *Maimonides' Empire of Light*, 74.

make a man the *likeness* of God (434, 471) and enable him to achieve intellectual union with the divine? Can love and fear truly coincide? All these questions must weigh on Joseph as Maimonides turns to the section on the Law.

APPREHENSION AND LAW

Chapter 25 divides actions into four classes and asserts that the actions of God must all be noble, defined for the purposes of Law as "useful." Those who would forbid the ascription of reasons to God's actions (in favor of sheer willfulness) are dismissed. The latter half of the chapter claims a great kinship or even equivalence between the philosophic view and the Jewish view. Both views claim that God wills only what is possible, wills only what is wise, and acts in an unimpeded way: "This is the opinion of all those that adhere to the Law and also the opinion of the philosophers, and it is also our own opinion" (505). Maimonides here seems to separate himself from both the first and the second group. Further, it becomes clear that the philosophic view and the view of the Law are not, in fact, quite so compatible. The prophets "explicitly stated" that "the particulars of natural acts are all well arranged and ordered and bound up with one another, all of them being causes and effects." Maimonides's evidence for this is simply the line, "How manifold are Thy works, O Lord! In wisdom hast Thou made them all" (505). Yet is such an amalgamation of views tenable? We find that the whole of the Torah is "founded" upon the belief in God's wisdom, but perhaps especially upon the inscrutability of that wisdom: "We are ignorant of many of the ways in which wisdom is found in His works" (506). It is not clear that the philosophers would assume—without making an effort to challenge—the unintelligibility of nature.

Neither is it clear that the believer himself can hold such a stance when it comes to a specific subset of God's works, namely the Law. Accordingly, chapter 26 shifts its language: "all the Laws have a cause, though we ignore the causes for *some* of them and we do not know the manner in which they conform to wisdom" (507, emphasis added). Many of God's works were inexplicable, but only some of His laws. The laws cannot be quite so mysterious, for they must guide us in life.[5] Though the objections to a rationalist inquiry into the Law

[5] Late in the section on the Law, we find that this distinction between *many* inscrutable works and *some* inscrutable laws has at some point broken down: "what is hidden from us in both classes [both the created things and the commandments] is much more considerable than what is manifest" (605–606).

grow more vocal in this chapter, Maimonides presses onward. The proper playing field for a conversation between piety and philosophy seems to be the Law rather than the world of events, for every event can be understood, through reinterpretation or creative pairing with other events, as providentially designed or guided. Providence may be non-falsifiable, especially with the escape hatch of inscrutability; but that escape hatch is much smaller in the case of the Law, which must claim to direct human life in a wise and somewhat intelligible manner.

Man and Society

Chapter 27 announces the aims of the Law. The chapter's focal point, however, shifts like a pendulum from society, to the individual, then back to society, along the way crystallizing certain problems for the Law.

The Law aims at both the welfare of the soul and the welfare of the body. But the welfare of the soul consists in the *multitude's* "acquiring correct opinions according to their respective capacity." If the multitude's nature does not suffice for "apprehending that subject matter as it is," will the opinions still be correct? Will not the apprehension of the elite, especially, be poorly led—or even misled—by parables directed at the multitude?

The welfare of the body consists in (1) the abolition of mutual wrongdoing, and (2) the acquisition of moral qualities useful for life in society. One might guess that the first aim is more negative (centered on avoidance of the bad), while the second aim is more positive (seeking a good)—and yet the *first* aim is "tantamount to every individual among the people not being permitted to act according to his will and up to the limits of his power, but *being forced to do that which is useful to the whole*" (510, emphasis added). Does the abolition of mutual wrongdoing itself include devotion to the common good? Or is it simply that, from the perspective of the Law, the absence of an effort devoted to the common good is in itself a wrong? If the aim of abolishing mutual wrongdoing is more positively-directed than it might first appear, then perhaps the aim of encouraging moral qualities is more negatively-directed than it might first appear. In any event, the moral qualities are a subset of the welfare of the body. And if the opinions useful to society are not correct but rather necessary for the welfare of the body, does the Law put the higher (thought) in service of the lower (bodily welfare) (cf. 275, 458)?

Here Maimonides begins to shift to the individual's good as a focal point. The soul's welfare is now said to be "the procuring of correct opinions" simply. And yet the welfare of the body is "prior in nature and in time"; the welfare of the soul can only be achieved *after* the achievement of the welfare of the body, which is more "certain." One wonders if the welfare of the body (which requires that *every* individual—even every child constantly arriving on the scene—should be made tame and/or moral) will ever be accomplished fully, so that the Law can finally move on to the second and less certain aim. The shift into a focus on the individual gathers steam. Health and necessities, such as food, become the primary meaning of the bodily "perfection" (née welfare). The multitude are left behind, and the individual *uses* the political community for the procuring of *necessities* as a mere stepping stone in order to obtain his "ultimate perfection," to which "there do not belong either actions or moral qualities" (511). It is clear that, in Maimonides's view, although the first perfection must be achieved before the second, many aspects of the first are in fact cast off by the perfect individual after (or in) his quest to achieve the second. At this stage, the aspects of bodily perfection are reduced to a bare minimum: the avoidance of pain, hunger, thirst, heat, and cold. This intellectual perfection is "the only cause of permanent preservation" (511). Abruptly, Joseph's hopes for immortality are rekindled. But how to get there? How exactly can one become perfect?

Just as one begins to wonder how this account of the true perfection, which involves no actions, can apply to a lawgiving prophet, Maimonides pointedly mentions Moses and descends back into the social perspective. The Law of Moses brings us both perfections, assumedly those of the soul and the body, but these perfections are relabeled or redefined as the abolition of reciprocal wrongdoing (moral qualities drop out) and the "acquisition of a noble and excellent character." No mention is made of correct opinions. In a moment "sound beliefs" and "the giving of correct opinions" will be lumped in with the first perfection; again, the higher appears to serve the lower.

Here an ambiguity arises: through the abolition of reciprocal wrongdoing and the inculcation of noble character, "the preservation of the *population of the country* and *their* permanent existence in the same order become possible" (511). At this, the reader must be taken aback. Whose "permanent preservation" were we talking about just a moment ago? Was it not the perfect individual's? Or was his intellectual perfection merely "the cause of"

the multitude's permanent preservation, through proper lawgiving? Does intellectual perfection not provide the thinker himself with immortality? The ambiguity grows, as fear of the Lord (and not love) is emphasized: we are commanded to follow the statutes and to fear the Lord "for our good always, that He might preserve us alive" (511). This sounds once again like personal immortality, but the first-person plural pronouns are ambiguous: *our* good as a community, or *our* good as individuals? Maimonides quickly quotes the sages, who shift the focus slightly to the preservation of the world; he then shifts the quotation even further in this direction. His own interpretation seems to take "for our good always" to mean "the attainment of *a world in which everything is well and [the whole of which is] long.* And this is lasting life" (512). Corporeal preservation, meanwhile, only lasts a "certain duration." Maimonides thus renders extremely ambiguous the promise of personal immortality. And yet chapters 17 and 18 had claimed that providential protection and immortality were only warranted by intellectual perfection, a perfection that (as the beginning of chapter 27 claimed) is unattainable for the multitude. How can the preservation of society be warranted by the intellectual perfection of a single man? Does he devote himself to the common good without any personal reward? Wouldn't Maimonides call that a case of the high serving the low? Does society in a sense take advantage of this perfect man? At this point the reader must be disoriented, given the arc of the chapter. After beginning with a focus on society and the multitude, Maimonides swung the pendulum toward a promise of individual perfection and immortality, only to swing back in the other direction.

Necessary and Correct Opinions

Chapter 28 lowers the reader's expectations further. At first, a clean differentiation is made between correct and necessary opinions. The Law only communicates the former in a "summary way." It "also" communicates necessary opinions, which are assumedly incorrect; among them is listed the fear of God. The love of God, on the other hand, is a preserve of the very tiny philosophic elite who are capable of grasping "the whole of being as it is" (512). The love the many feel for God is not "valid," for it is not founded upon this apprehension.

As a whole, chapter 28 pendulums back and forth between differentiating and conflating necessary and correct beliefs. After the strong initial differentiation, we then find the phrase "*other* correct opinions" immediately after what seemed to be necessary yet false opinions—

implying that those opinions were not false after all (512). Eventually, the necessary opinions come to be labeled correct, though some of them (fishily) ought not to be believed on account of themselves but on account of their usefulness in abolishing reciprocal wrongdoing or inculcating morality (513). The necessary and the useful are conflated twice more—Maimonides references "an opinion" and "a belief" without mentioning the multiple classes within these general terms—before they are strongly differentiated once more at the chapter's close: the commandments are indubitably related "*either* to the welfare of a belief *or* to the welfare of the conditions of the city" (513, emphases added); *"In some cases* a commandment communicates a correct belief, which is the one and only thing aimed at ... *In other cases* the belief is necessary" (514, emphases added). By swinging the pendulum in this way, from differentiation to conflation and back, Maimonides (1) mirrors and inverts the movement of the preceding chapter, which moved from the perspective of the multitude to that of the elite and back, and (2) perhaps mirrors the ambiguity of Law itself, which is less sure (yet must always claim to be sure) about the truth of the opinions it teaches than about their necessity.

Chapter 29 depicts the origins of the Jewish Law as a reaction against ancient Sabian ways. Midway through the chapter, Maimonides reminds the reader that "to come near to this true deity and to obtain His good will ... the only [things needed are] *love of Him and fear of Him* and nothing else" (518). If only the Law can guide the reader toward these passions, intellectual proximity to or union with God (which enable providential protection and immortality) can be achieved. And yet the previous chapter had implied that the fear of God, or at least fear consequent upon the belief in God's anger, was one of the necessary yet *false* beliefs. Can the Law simultaneously direct one toward false and true beliefs? Does the Law aim at love as much as it aims at fear?

In this chapter, Maimonides begins to use the tactic of elitism in a new way. In previous chapters, he had used elitism as a controllable valve allowing in greater or lesser hope for eternal life. In this chapter, he uses elitism to turn the reader against aspects of his own tradition. First, he insults the reader, by warning him that he must "take great care not to be confused" by believing the story the Sabians tell about Adam—even though it turns out that it takes "very little reflection" to see that this story is "absurd" (520). After wounding the reader's pride for a moment, Maimonides flatters him: "a man like you does not have to

have his attention drawn to this point." Warnings are only necessary for "inexperienced people" or "the multitude" who "frequently incline to regarding fables as the truth" (520). With this one-two punch of insult and flattery, Maimonides wounds (so as to spring-load) then boosts the reader's ego in the direction of elitism. But this elitism is itself a twofold trap.

First, if an elite man like the reader needs no warnings to avoid believing in Sabian "ravings," then the Law, being a contrarian effort to wipe out those beliefs (521), is emphatically not directed toward the reader. The stories of the Torah are designed for the sake of the multitude, people apparently foolish enough to believe in easily recognized absurdities. Can such a contrarian Law aim at correct apprehension and love, or must it mislead the elite in its efforts to guide, or prevent the slippage of, the multitude?

Second, elitism becomes a trap in that it forces Joseph to see his own law through the lens of contemptuous skepticism. By hinting repeatedly that the Sabian beliefs are not so different from those of the Jews—they believed, for instance, in a branch that writhed like a snake when thrown to the ground (519), and in a tree so unnatural that fire could not burn it (516)—Maimonides forces upon the reader a certain skepticism about his own tradition. The Sabians could believe in "notions to which the souls of the vulgar incline and by which they are captivated," "extraordinary ravings laughed at by the intelligent" (519), because "these were the religious beliefs upon which they were brought up" (519). Once appearing in a foreign guise, unprotected by the love of one's own, traditional beliefs may seem less credible. The reader is prevented from re-embracing his own beliefs by his new attachment to the elitism Maimonides has foisted upon him. Once again, the stakes are high: either follow Maimonides toward providential protection or become one of the rabble.

Law as a Mere Means

But in chapters 31 and 32, the reader rebels. Thinking of the Law as a mere means has created a "sickness in his soul," for multiple reasons. First, to think of the Law merely as something "useful in this existence" (524) denies the possibility that the very inexplicability of the Law points to a life beyond this one. Second, if seeking reasons for the Law culminates in the view that the Law was designed for the multitude, rather than for correct apprehension, the reader would rather claim that the Law has no reasons at all or is entirely inexplicable than come to see the Law as bad for him personally. Third, as Maimonides makes clear

repeatedly, much of the Law was only useful "in those times" when Sabian ways existed. Now that the Law has "effaced" even the memory of idolatry and "firmly established" the foundations of the Jewish faith, much of the Law is no longer necessary. Maimonides's claim that the Law is a wily and gracious ruse "similar" to the wily design of our anatomy points to the problem: the Law is similar, but not the same, for the useful features and habits of our bodies either remain useful or are in most cases discarded. Tendons continue to move limbs, and effectively so; but babies only breastfeed "*until* their limbs gradually and little by little become dry and solid" (525, emphasis added). In the context of this analogy, the thought of *permanent* attachment—of continued adherence to a Law designed to conquer problems conquered long ago—must create an image in the reader's mind partly responsible for his "feeling of repugnance toward this notion" (527). Fourth, why would God give us a Law meant to *wean* us off Sabian practices rather than "procuring in us the capacity to accept" his first intention? But Maimonides takes this objection by the reader and expands it into a critique of law as such. Law itself is a ruse (528). Why would God not simply intervene, giving us the capacity to believe in the correct opinions and to perform the proper actions? Why does He need a Law (with rewards and punishments) at all?

Maimonides's answer to his own broadened version of the objection is unsatisfying. First of all, the answer—that God "does not change at all the nature of human individuals by means of miracles" (529)—is circular, for the only reason God "has never willed to do [this], nor shall He ever will it," is that such an intervention would render Law useless. In other words, Maimonides grounds the necessity for the Law on a principle itself grounded upon the assumed necessity of the Law. Second of all, the answer is false, as is pointed to by Maimonides's reference to Exodus merely a paragraph before. God *does* in fact change the nature of human individuals, as He did when He hardened the hearts of Pharaoh and the other Egyptians (Exodus 14).[6]

The reader must be confused by this lack of a real response as to why God would need a ruse to carry out His first intention. Also confusing, however, is the lack of clarity as to what

[6] Compare the Book of Mormon's version of the relevant passages: "The Joseph Smith Translation reports 'And Pharaoh hardened his heart, that he hearkened not unto them.' (JST, Ex. 7:13.) In fact, the translation is corrected systematically in all nine occurrences in this particular context. (See JST, Ex. 4:21; JST, Ex. 7:13; JST, Ex. 9:12; JST, Ex. 10:1, 20, 27; JST, Ex. 11:10; JST, Ex. 14:8, 17)" (George Horton, "Insights into Exodus, Leviticus, Numbers, and Deuteronomy," *BYU Religious Studies Center*).

the first intention *is*—especially since ignorance regarding the first intention, and inability to distinguish it from the second intention, are worthy of blame (531). Initially, the first intention is "the apprehension of Him, may He be exalted, and the rejection of *idolatry*" (527). Then the first intention becomes "proper belief" which arises out of practices (528). Then suddenly practices become *part of* the first intention, which is: "that we should believe in this Law and that we should perform the actions prescribed by it" (528). Then, just after actions have seeped into the first intention rather than being merely a means to it, they quietly go away again: the sacrifices "pertain to a second intention, whereas invocation, prayer, and similar practices and modes of worship *come closer* to the first intention and are *necessary for its achievement*" (529, emphases added). Here, the practices are apparently not a part of the first intention. The first intention "consists only in your apprehending Me and not worshipping someone other than Me" (530). The negative goal (from the first definition, which was twofold) comes back in, but correct apprehension seems once again primary.

But only a paragraph later, the focus on actions returns, only to dissolve into its surroundings: suddenly, the *abolition of mutual wrongdoing* "is, as we have explained, the first intention: I mean the belief in correct opinions, namely, in the creation of the world in time" (531). Proper action is equated with or turned into correct opinion, and then correct opinion is limited to the belief in the creation of the world in time. But immediately the actions come back in, persistent as ever: "Besides the correctness of the beliefs, the intention also included the abolition of mutual wrongdoing among men" (531).

By wavering so frequently, Maimonides points to a tension between the Law's claims and its true focus. The Law claims to convey correct opinions, and yet it must perhaps focus on actions, harm, and wrongdoing above all else: even when the most effective way to control actions, harm, and wrongdoing involves the propagation of false yet necessary opinions. The reader must long for a Law that aims solely at correct apprehension, as this is his ticket to providential protection; but the focus on actions continually returns. Earlier in the chapter, Maimonides had referenced "a prophet in these times who, calling upon the people to worship God, would say: 'God has given you a Law forbidding you to pray to Him, to fast, to call upon Him for help in misfortune. Your worship should consist solely in meditation without any works at all'" (526). Given the fact that Maimonides (1) has refuted the (instantaneous) response of God to the prayers of the wronged (514), (2) has claimed that

true perfection involves no actions (511), and (3) has claimed that he himself has, at times, gained access to "something similar" to prophetic revelation (488), we might assume that the mention of this hypothetical modern-day prophet is in fact a subtle cameo by Maimonides himself. But if it is true that the Law inevitably focuses on actions in addition to, at the expense of, or instead of correct apprehension, how can it lead to intellectual union with God? Is Maimonides himself employing a gracious ruse, causing Joseph to wander in the desert of perplexity until his soul becomes courageous (528) enough for the truth?[7]

Chapter 33 drops the subject of courage in favor of the Law's perspective, which seems to favor "gentleness and docility; man should not be hard and rough, but responsive, obedient, acquiescent, and docile" (532). We are led to wonder if the Law must focus on the lowest common denominator. For in the first place, the Law must use extreme measures to combat the unrestrained nature of the multitude. "The ignorant" follow their desires, and "the ignoramus regards pleasure alone as the end to be sought for its own sake. *Therefore* God [gave us laws that] *destroy* this end and turn thought away from it in *every* way. He forbids *everything* that leads to lusts and to mere pleasure" (532, emphases added). Such measures, which respond to the deficiencies of the vulgar, may be unnecessarily and even harmfully extreme for the naturally moderate. As chapter 34 will state more plainly, the pursuit of general utility may produce damages to individuals: "only the universal interests, those of the majority," are considered in statutes. Unlike medical treatment, the Law is not particularized for different individuals (534). And in the second place, the Law in Maimonides's presentation seems to do even its self-appointed task somewhat crudely. Although the Law claims to purify the inner before the outer, the Law's "first purpose is to

[7] Why would a writer deliberately choose as his addressee a person with significant limitations? As Strauss suggests, Maimonides's choice of Joseph as his primary addressee functions as a kind of formal constraint forcing or enabling him to write in a moderate manner, while allowing other possible addressees to "overhear" and ponder his words (see Strauss, "How to Begin to Study *The Guide of the Perplexed*," 502, 508–509). See also "The Literary Character of *The Guide of the Perplexed*," where Strauss writes that "the method employed by Maimonides in the *Guide* may come as near as is humanly possible to the method of oral teaching" (353), as well as Lerner: "One is well advised to think and speak of Maimonides' audiences in the plural. Only rarely does Maimonides limit his concern to the one whom he is ostensibly addressing" (*Maimonides' Empire of Light*, 5). See Lerner, "Averroes and Maimonides in Defense of Philosophizing," in *The Trias of Maimonides*, ed. Georges Tamer (Berlin: De Gruyter, 2005), 230–31, as well as Lerner, *Naïve Readings: Reveilles Political and Philosophic* (Chicago: University of Chicago Press), 2016, 184. Given this complex method of writing or teaching, interpretation of the text becomes more complicated; if the *Guide* is somehow "a substitute for conversations or speeches," then "producing a clear statement of the author … is tantamount to raising a question; his answer can be ascertained only by a lengthy discussion, the result of which may again be open, and is intended to be open, to new 'difficulties'" (Strauss, "The Literary Character of *The Guide*," 352–53). For a further description of Maimonides's goals with Joseph, consider Parens, *Maimonides and Spinoza*, 25, 187.

restrain desire" (533). Can mere restraint truly be said to be a "purification of the inner" (533)? Or is the Law again primarily concerned with outward actions rather than inner opinions or dispositions?

The First Inversion of Causality: Action and Thought

Chapter 34 represents a low-water mark for the reader; the Law seems a poor guide toward knowledge. But chapter 35 revives the reader's optimism. By dividing the commandments into fourteen categories, Maimonides gives the reader hope that he can at least retain devotion to the Law on a class-by-class basis. He might focus less on those classes that are useful mainly for the restraint of harmful actions and more on the classes that aim at an elite relationship between man and God. By carving up the commandments, Maimonides himself may help the Law overcome its problematic one-size-fits-all character. More hopeful still, it turns out that only classes five, six, seven, and "a portion of the third" are directed at relations between men, while "all the other classes deal with the relation between man and God" (538). One wonders if Maimonides is not exaggerating here—how is it that even the fourth class, which "comprises the commandments concerned with giving alms, lending, bestowal of gifts, ... [commandments] equally useful in turn to all men" (536), is in fact exclusively concerned with the relationship between man and God, and has a bearing on the relations between man and man "only after many intermediate steps and through comprehensive considerations" (538)? By downplaying the social utility of Law, Maimonides spurs the reader to believe that the Law can direct him toward something noble and exalted.

Accordingly, chapter 36 begins on a hopeful note. The Law seems to understand that "if knowledge is not achieved, no right action and no correct opinion can be achieved" (539). The commandments comprised in the first class "are the opinions that we have enumerated in *Laws of the Foundations of the Torah"* (539). If the commandments are the correct opinions, this class aims directly at intellectual apprehension. But how can commandments *be* opinions? In a moment Maimonides alters the verb: the commandments in this class demand actions, which in turn "necessitate" beliefs. This is still fairly reassuring (though the terms "knowledge" and "opinion" seem to have dropped out, in favor of "beliefs"). Yet how exactly do actions necessitate beliefs? How does fasting, for instance, or the avoidance of swearing in vain, implant proper and specific knowledge into minds? The verb then changes

again: actions "firmly establish" correct opinions. But how? By the end of the chapter, the claim is that a set of commanded actions "are meant to establish this correct and very useful opinion" (540).

This gradual slippage of certainty brings slowly into focus the ambiguous relation between action and thought. The Law hopes to regulate not only the outer, but also the inner. But it has control over only the outer. It can only mandate and punish what is visible. So it must claim to control and implant thoughts through the control of actions. But actions cannot truly cause thoughts with any great certainty. (At best, habitual actions can create prejudices in favor of the general assumptions that underlie them; at worst, the actions will be rote and meaningless.) In fact, the certainty or necessity may be much greater going the *opposite* direction: from thoughts to actions, rather than from actions to thoughts. Accordingly, Maimonides mentions that the belief that events occur by chance "contributes to *necessitating* their persistence in their corrupt opinions and unrighteous actions" (540, emphasis added). And later: "an individual cannot but sin and err, either through *ignorance*—by professing an opinion or a moral quality that is not preferable in truth—or else because he is *overcome* by desire or anger" (540, emphases added). The connection between ignorance and being overcome, between opinion and desire, may be closer than Maimonides lets on. But the Law must not give credence to this direction of necessitation. In fact, it replies to those with incorrect opinions about chance, "I shall add for you unto this supposed chance its most grievous and cruel portion" (539). To admit that opinions cause actions with greater necessity than actions cause opinions—to admit what is perhaps the natural direction of causality—might cast into some doubt the effectiveness or the premises of the Law.

These would seem to be enough sources of perplexity for one chapter, but Maimonides adds another: by stressing the "utility" of veneration (539), and by later mentioning how "very useful" is the opinion that one may repent and thus be divested of sins (540), Maimonides calls the truth of these opinions into question. This is especially true given the fact that he has shown himself to be in the habit of, at times, conflating utility with truth, and, at other times, associating utility with falsehood. To stress the usefulness of veneration and repentance is to unnerve the reader. If they are so useful, can we be sure they are true? This effect, in fact, may begin to call Maimonides's enterprise here into question. Is it not a bit impious from the outset to attempt such a *dissection* of the Law? Is there not a tension

between reverence and utility-seeking? In other words, can a Law still be exalted once its usefulness (or, worse still, ineffectiveness) is unveiled? Perhaps Maimonides casts doubt on the Law precisely by attempting a sincerely rationalist defense of it. Perhaps those who sought to leave undisturbed a thick barrier of inexplicability around the Law were not as dismissible as Maimonides earlier implied.

Chapter 37 continues the theme of the Law's apparent inversion of natural causality, as seen when one Law confronts another. The Jewish Law, confronting the customs of the Sabians, forbids the grafting of one tree upon another "so that we shall keep far away from the causes of idolatry" (548). At first, then, the Law seems to understand that the causes of idolatry are beliefs—i.e., that opinions are primary, and lead to the actions of star worship—but that it must attempt, somewhat crudely, to legislate belief by forbidding certain associated actions. But soon the Law appears to slip into the error of the multitude, who "often believe that accidental matters are essential causes" (545). By the end of the chapter, the Law is forbidding Amorite usages "because of their *leading* to idolatry" (549), i.e., forbidding customs "because they *lead to* idolatry, as we have explained" (550, emphasis added). The Law, not content with admitting that it must support true belief or inner virtue only roughly, through the legislation of actions, instead begins to claim that the outward actions it can legislate are themselves the *causes* of inner virtues, vices, and beliefs. Two new problems emerge here.

First, the Law seems to overreach, banning *all* actions even remotely associated with the beliefs it seeks to negate. In seeking to turn people "to another direction far away" from the idolaters, the Law commands burning *all* things related to the sowing of barley with grapes: "For all the customs of the nations that were thought to have occult properties were prohibited, even if they did not at all smack of idolatry" (549). The Law commands that "everything produced by a tree in this course of three years whose fruits are edible should be burnt" (547). The Law forbids mingling of *all* diverse species, "*I mean* the grafting of one tree upon another" (548, emphasis added). By combating specific practices with general and eternal prohibitions, the Law threatens to become outdated as associations change. New actions may come to be associated with impious beliefs, while the old actions become

innocent, and yet the Law is still categorically forbidding the eating of certain edible fruits; thus the ancestral Law becomes "*chains about thy neck*" (544; Proverbs 1:9).[8]

Second, the Law ultimately conveys the idea that actions, and not thoughts, are the locus of good and bad. Although thoughts may be the real or deeper problem, the Law, since it can only legislate the outer, tends to claim that the outer is more important, and is even a cause of the inner. Can the Law then succeed in guiding one to correct intellectual apprehension? Can it avoid misleading the elite?

The Second Inversion of Causality: Damage and Character

Chapters 40 and 41 depict a new facet of the Law's inversion of natural causality: that which emerges with the Law's effort to punish. Chapter 40 begins by differentiating "acts of injustice" and "acts causing damage" (555). Which is the Law's top priority? At first, the Law seems mainly concerned with preventing damage, i.e., harm or injury, but Maimonides promises that these laws also "*contain* considerations of justice to which I *will* draw attention" (555, emphases added). But the Law's method of preventing injury is somewhat troubling: we are "held" responsible "so that" we will change our actions. It becomes clear that in this chapter, Maimonides is presenting a utilitarian and rationalist account of the Law. The Law's priority does not seem to be justice, if justice is understood as the punishment and prevention of vice in the soul, but only social utility. Men may be considered "free from responsibility" solely because an act happens to be one that "seldom" causes damage. But why would the culprit's guilt increase with the harm of the negligence, or with the typical frequency of such acts? A perfectly virtuous man may be responsible for half the damage caused by an animal he owns (555), and yet certain vices may be largely overlooked because they "concern only thoughts" (556). Returning lost things is "useful because there is reciprocity" (556). Rather than aiming at correction or virtue, the Law acquiesces to and "works with" the passions of the multitude, such as anger and schadenfreude, aiming at "calming the soul of the revenger of blood" (556) and assuming that it is human nature that men find "consolation in the fact that someone else has been stricken by a similar misfortune or by one that is greater" (557).

[8] See Strauss, "How to Begin to Study *The Guide of the Perplexed*," 506, 506n13, on Maimonides's view of rational commandments or prohibitions.

Chapter 41 intensifies the tension between a concern with injustice and a concern with harm. It begins with a glimmer of hope for the reader: in the case of murder, "necessarily there must be a soul for a soul ... For among the crimes of man there is none greater than this" (558). Here the Law seems to be responding to some natural and eternal truth about desert. But then the Law seems to leave behind a concern for true justice (understood as giving what is deserved) or virtue to focus on social utility. The "more frequent the crime is and the easier it is to commit, the greater the penalty for it must be, *so that* one should refrain from it. On the other hand, the penalty for a thing that happens seldom is lighter" (559, emphasis added). But these concerns are extrinsic to the wrongdoer's character. For a moment the law seems to care about wish or intent (559), but it quickly veers back into a focus on harm: penalties must increase in direct correlation with the greatness of the crime (understood only as "harm"), the frequency of the crime's occurrence, the strength of the incitement, and the "ease with which the action can be committed in secret" (560). To punish vices which consist in "words only" or that "result in little damage" would be crazy: "people would have their backs flogged all the time" (561). The Law does not care about those vices. For a moment, again, the Law seems concerned with intent or virtue of soul (when it comes to errors by decision-makers on points of Law), but it turns out that this focus, too, is determined by social utility. Members of the Great Court of Law must be "held" to have been mistaken inadvertently (564), presumably to enshrine their authority.

But abruptly the Law begins to attempt a true focus on souls rather than harms. Suddenly, its old criteria are inverted. Now, punishments must *decrease* in severity when it comes to crimes committed easily or frequently (564–65). Sex with a betrothed bondmaid "is regarded as a light matter because it occurs often" (565). Great temptations now call for leniency rather than severity.

It seems that the Law has two concerns: a concern for social utility (and damage), and a concern for individual virtues and vices of soul. One might think the latter emerged out of the former, and that, since vices often lead to harms, virtue and vice cannot be ignored. Yet this concern for souls cannot be fully embraced either, as the Law has neither the ability nor the inclination to concern itself with vices that do not cause harms.

The Law claims to assimilate itself to, or to perfect, what is natural (571). Yet does the severity of a given punishment in fact match properly the intrinsic guilt of a given crime, or

is that severity the result of the Law's seeking social utility and codifying what brings it about? The degree to which individuals are "held responsible"—Maimonides's new favorite refrain—for their crimes, and punished, seems to be determined by the damage and typical frequency of those crimes. A Law concerned with souls would, Maimonides implies, be more lenient toward crimes with strong incitements. But the Law, insofar as it is primarily concerned with social utility, must at times take the opposite tack. Harmful deeds flow from dispositions, and yet the law must claim that the character of a person's soul is *determined by* the harm (or benefit) their actions cause. It must call the effect (deed) the cause, and the cause (disposition) the effect. The unveiling of the usefulness of the punishments enforced by the law may shed light on the question of their origin, as divine or conventional (cf. 590 with 566 on the "divine estimation of penalties ... as He, may He be exalted, has made clear: *According to his wickedness*").

In these two chapters, Maimonides presents (for the most part) a rationalist vision of Law as concerned primarily with social utility. To do so, he must in fact twist the Bible, reinterpreting the explicit punishment of beasts (556, 557) and whitewashing the concepts of bloodguiltiness (557), pollution (558), and 'movable' as well as inadvertent sin (563, cf. 591 with 597). For instance, the breaking of a heifer's neck to atone for the "bloodguiltiness" of an unsolved murder is explained by Maimonides as an effort to discover the identity of the real killer by gathering people together. In reinterpreting every commandment as strictly rational and utilitarian, Maimonides raises the question whether the Law aims at the good of individuals, particularly individuals like Joseph. Are its precepts dictated by social utility, rather than by individual virtue? But if Joseph seeks to disagree with Maimonides's rationalist utilitarian account—if he seeks to embrace the traditional law as good for him, as aiming at virtue and justice—he must embrace, on their original grounds, all the precepts Maimonides has reinterpreted as rational and utilitarian. In other words, he must accept as correct and exalted the "absurd" punishment of beasts (556) and the idea that a raped woman has "no sin *worthy of death*"—rather than, as Maimonides would have it, "no sin whatever" (563). But this re-embrace of tradition has been blocked by the lens of skepticism Maimonides put over the reader's eyes in chapter 29. In other words, the reader has only two choices: either embrace Maimonides's new account of a rational and utilitarian Law that will not be good for the reader personally but only for the welfare of the many; or, embracing tradition on its

own terms, believe in ideas akin to the Sabian notion that a wind passing over a menstruating woman can make a second individual unclean (595).

The Love of One's Own and the Problem of Justice

Chapter 42 seems to contradict part of the Jewish Law's claim to unbiased righteousness. Chapter 39 had claimed that the Law's "righteous statutes and judgments" promoted moral qualities that are "not moral qualities pertaining to the Pagans who considered pride and partisanship with regard to any chance individual, irrespective of his being the wrongdoer or the wronged, as praiseworthy virtues" (554). The Jewish Law is the embodiment of true and divine justice, which is post-partisan and objective.

And yet in chapter 42 we discover that this Law is still, emphatically, the *Jewish* Law: "man ought to take care of his relative and grant very strong preference to the bond of the womb. Even if his relative should do him an injustice and a wrong and should be extremely corrupt, he must nevertheless regard his kinsman with a protective eye" (569, cf. 601–602). The Law seems to allow inhumanity to foreigners; at the end of the previous chapter, the Law showed its "pity" and compassion for the women of enemy nations by allowing them the solace of weeping after being kidnapped and raped. The Law is presented as being concerned with virtue not for its own sake but rather as a means to social utility—understood emphatically (and necessarily) as the utility of *this* society.

A second yet related difficulty is revealed in chapter 43. One of the "pivots of the Law" is that merit, even the merit of the fathers, is rewarded, especially with prosperity and ease: the Jews go over "to dwell in richly ornamented houses in the best and most fertile place on earth, thanks to the benefaction of God and His promises to our fathers, inasmuch as they were perfect people in their opinions and in their moral character" (572). And yet Maimonides has stressed repeatedly, in previous chapters, that such a reward may undermine virtue. Previously, God's beneficence consisted in the granting of *hardship* as a means to courage, for it is well known that "life in the desert and lack of comforts for the body necessarily develop courage whereas the opposite circumstances necessarily develop cowardice" (528). And earlier: "prosperity does away with courage, whereas a hard life and fatigue necessarily produce courage—this being the *good* that, according to the story in question, will come *at their latter end"* (500, underlining added). The strange phrasing here

epitomizes the problem. Is courage a good, an end in itself? But then what about its reward? If the reward does away with courage, it destroys the greatest perfection or flourishing and is in fact a punishment. And yet, for the reward (not to exist, or) *not* to do away with courage may also seem objectionable. What is pointed to here by Maimonides is the difficult question of whether virtue is a means or rather an end in itself.

The Third Inversion of Causality: Action and Veneration

Chapters 45, 46, and 47 are three of the most far-reaching chapters in the *Guide*. In chapter 45's discussion of the temple and the sacrifices, Maimonides unveils "to what extent the Law fortifies the belief in the greatness of the *Sanctuary* and the awe felt for it" (577). What is aimed at "is that the Temple and its servants should be regarded as great by all" (579). The consistent refrain in chapters 45 and 46 becomes "in order that [X] be held in great esteem." Every action is undertaken in order to "induc[e] the belief that the anointed object is great, sanctified, and distinguished beyond other things" (580). Without the burning of incense in the sanctuary, the place would have smelled like a slaughterhouse (579). Without the washing of its intestines, the sacrifice would have been "regarded as repugnant and disgusting" (583).

Of course, all of this focus on the utility of causing things to be "held in great esteem" must stir in the reader an uncertain feeling that these actions (and the feelings in which they result) are in fact not natural but rather "imposed conventions" (590), i.e., that the sentiment of an uninitiated outside observer would in fact be closer to the truth. Maimonides's phrasing suggests another inversion of causality: Normally one treats something with veneration as a result of the opinion that it is venerable. The Law, inverting this, first demands the actions of veneration to *create* the belief that the revered thing is venerable. The Law seems in a sense to use the rational faculty against knowledge. The doer of commanded deeds, or the witness of the sanctuary's exalted treatment, assumes that there *must* be a reason that he and others treat this place with such respect. His rational faculty, seeking a cause, backfills a belief necessary for the legitimation or justification of the actions that he and others are already committing. This occurs on the basic assumption that the Law, which initially created reverence for itself, would not command something without grounds.

What applies to veneration and purity applies also to dirtiness and pollution. In chapter 47, it becomes clear that the Law uses what might be called "malleable uncleanness" in order

to ease or intensify feelings of sin whenever those feelings are less or more useful for society. Sacrifices of atonement "were commanded *so that* the deliberate transgressor should not think that he has not committed a great sin in rendering the Sanctuary of the Lord unclean; but on the other hand he will know that his sin has been atoned for by means of the he-goat" (596, emphasis added). As he did at the end of chapter 46, Maimonides here (at the end of chapter 47) intentionally allows his analysis to break down in order to call attention to certain features of the Law. He now claims to find certain practices inexplicable (597). The Law claims to respond to and assimilate itself to what is naturally or supernaturally true. It claims to enforce pre-existing, eternal truths about what is pure and venerable, polluted and unclean. And yet Maimonides's account raises questions about whether the Law's prescriptions are responses to nature or rather inventions based on social utility, and about whether the Law, which appears to be an effect of certain truths about the natural or supernatural world, is in fact the cause of those opinions.

Chapter 50, along with the end of chapter 49, summarizes what has been a questioning of the Law's ability to contribute to intellectual apprehension. The Law is in certain ways hidebound, caught up with curing "diseases, which today—thank God—we do not know anymore" (612). Through its allegiance to the multitude over the elite, the necessary over the correct, the Law falls short of guiding men to correct apprehension on account of its treatment of (1) mere means as ends in themselves, (2) action, harm, and benefit as the focal points of virtue, (3) partisanship as justice, and (4) veneration, purity, pollution, and guilt as intrinsic to the world rather than "imposed conventions" (590). Maimonides has cast doubt on the view that simply through Law man might become virtuous in a uniquely human way. Thus he concludes that the stories in the Torah are of necessary utility, either for minimizing social harm or for giving "a correct notion of an opinion that is a pillar of the Law" (613).

LOVE AND FEAR REVISITED

Chapter 51 serves as a culmination to Maimonides's depiction of providence. The chapter opens with a claim that it will not present anything new, but Maimonides subverts that claim even in the summary of the chapter's contents. This chapter will guide the reader toward the worship that is the end of man and make known to him "how providence watches over him

in this habitation until he is brought over to the *bundle of life*" (618), i.e., eternal life. Finally, the reader will gain direct access to immortality, or at least the road toward it.

Maimonides dives into his 'parable of the palace.' Furthest from God and providence are those with no doctrinal belief: "the status of those is like that of irrational animals" (618). Separation from God warrants being abandoned to chance and "devoured like the beasts" (626). Maimonides warns several times against the reliance on traditional authority, which will not lead into the palace of God. The multitude are merely "ignoramuses who observe the commandments" (619). The revealing of some new key to providence, beyond the Law, must be imminent.

At first it seems that through a certain sequence, we have reached the ruler's inner chambers. But then Maimonides pulls back, addressing the reader directly and with affection, and after returning inexplicably beyond the walls of the house, takes a *new* sequence or path inside. The old sequence was from believing true opinions based on traditional authority and studying the law (outside the habitation), to speculating "concerning the fundamental principles of religion" (in the antechambers), to achieving demonstration "to the extent that that is possible, of everything that may be demonstrated" and ascertaining "in divine matters, to the extent that that is possible, everything that may be ascertained" and coming "close to certainty in those matters in which one can only come close to it" ("in the inner part" of the habitation, with the ruler). The *new* sequence is from studying the mathematical sciences and the art of logic (outside the house searching for the gate) to understanding the natural things (in the antechambers) to having "achieved perfection in the natural things and [having] understood divine science" (with the ruler in one habitation, having entered "in the ruler's place *into the inner court*"). It seems there are not one but *two* paths into the ruler's chambers. The account presenting the second path is more personally directed toward Joseph. In the second path, mathematics and logic and science seem to replace the study of the law and the speculation concerning the principles of religion. The second path leads to greater apparent certainty regarding its final conclusions, while the first path culminates in a qualified (yet in some sense complete?) knowledge or understanding.[9]

[9] Compare Lerner, *Naïve Readings*, 215, on the possibility of "alternative paths toward perfection or, arguably, an identification of the two."

The first few sentences of the next paragraph introduce two ambiguities which endure throughout the rest of the chapter.

> There are those who set their thought to work after having attained perfection in the divine science, turn wholly toward God, may He be cherished and held sublime, renounce what is other than He, and direct all the acts of their intellect toward an examination of the beings with a view to drawing from them proof with regard to Him, so as to know His governance of them in whatever way it is possible. These people are those who are present in the ruler's council. This is the rank of the prophets (620).

First, why is it that after having renounced what is other than God, and having turned "wholly toward Him," these men direct their attention toward the beings? And why do they still need "proof with regard to Him" if they have attained perfection in the divine science? The same ambiguity continues throughout this paragraph and the next. Even "after they have achieved knowledge of Him," men "think of Him and of being with Him," as if they are not with Him or even close. David exhorted Solomon in his *endeavors* to apprehend and worship God *after* apprehension had been achieved (621). The bond between man and God is "made weaker and feebler if you busy your thought with what is other than He" (621). So why turn one's mind to the beings?

The explanation of this paradox perhaps comes into focus as Maimonides elaborates two contradictory types of worship as if they were merely two stages along the same path. The first and more perfect type considers the commandments to be "training," regards with scorn the rote and thoughtless mumbling of prayers without "reflecting either upon the meaning of that action or upon Him," and culminates in being always in the presence of God, but only through a conscious and rational effort to understand the beings, which are our only access to knowledge (485). The second path involves years of mechanical repetition of prayers—"you should empty your mind of everything"—and seems to culminate only in brief bedtime musings after days filled with preoccupation with worldly things (623). A dual message may in part explain the tension between a seemingly fruitless obsession with God and a rational inquiry into the beings. The former message is for the many: the subject of the chapter is "to confirm men in the intention to set their thought to work on God alone after they have achieved knowledge of Him" (620). The latter and quieter message involves a suggestion that

attempts to contemplate God directly are not promising or are merely imaginative, and that true knowledge will come only through contemplation of the beings.

The second problem of the cited passage is more difficult to resolve. How is it that men who renounce all that is other than God and turn their attention solely to the beings still have the time and desire to become prophets and legislators for the many? Does God still protect them when they turn their intellectual apprehension away from Him? After waffling a bit, Maimonides sticks with his original stance on providence: God in fact does abandon prophets to chance to whatever extent they empty their minds of Him and turn to legislation (625).

Here a final facet of Maimonides's use of elitism as a tactic becomes clear. By emphasizing the vulgarity of the masses throughout the *Guide*, Maimonides clarifies the problem of virtue. How can the high or most virtuous be put in the service of the low? Providential protection decreases "proportionate to the duration of the period of distraction or to the vileness of the matter with which he was occupied" (625). To call the many vile is to point toward the suggestion that the "disposition to be useful to people" (635) cannot be the aim or greatest fulfillment of life, especially if that activity makes the high "an instrument" for the welfare of the low. From the perspective of Maimonides's God, action and legislation are deficiencies when compared to contemplation, as we can see from the example of the withdrawal of providential protection from the prophets. The apprehension of God or the beings is an end in itself, and the commandments are training. Moses should have been "putting questions" to and "receiving answers" from God (620). But the Bible makes clear that Moses's apprehension was a *means* to legislation: "stand here by me, *that I may speak to you all the commandments"; "For I have known him, to the end that he may command"* (624; Genesis 18:19). For the Bible, apprehension is a means to Law. For Maimonides, Law is a stepping stone to apprehension, which is an end in itself.

By the end of chapter 51, the first problem of the cited passage, which had seemed resolvable, re-emerges with greater force. It becomes clear that we are dealing not only with two types of perfection or virtue, but with two types of love. The biblical love of God is in fact not, as Maimonides claims love must be (512, 621), consequent upon apprehension, but is rather passionate and even mindless, such that "no thought remains that is directed toward a thing other than the Beloved" (627). Under the spell of such passionate love, the soul leaves

the body and becomes eternal. At last, "salvation from death" is explicitly elaborated. And yet, to the disappointment of Joseph, such salvation has been reserved to three human beings in all of history, none of whom seems any longer philosophic.

Chapter 52 returns to the dichotomy of love and fear. Now that we have come to see that biblical love (as the passionate emptying of mind) and philosophic love (as apprehension of the beings grounded in wonder) are different, the king who always accompanies man is "the intellect" itself (629, cf. a foreshadowing of this at 620 bottom). The "end of the actions prescribed by the whole Law" is to bring about a single passion: fear. The end of the *opinions* taught by the Law is, on the contrary, love. But if the Law can only impart general opinions (through commanding habitual actions), and if the fear of God primarily takes the form of obedience to commandments which in certain ways impede love understood as apprehension, then one is led to consider the possibility of going beyond the Law and aiming directly at intellectual virtue, love as philosophic apprehension of the beings. The final chapter of the *Guide* reinforces this teaching. Most of the commandments serve no other end than the attainment of moral virtues, "but this species of perfection is likewise a preparation for something else and not an end in itself" (635). The true human perfection is "the acquisition of the rational virtues." The final pages of the *Guide* present us with a contradiction: (1) morality is the disposition to be useful to people, (2) what is truly great is intellectual apprehension, (3) namely, intellectual apprehension of God, (4) namely, of God's actions, (5) namely, of God's *moral* actions, His "judgment and righteousness"[10] (637).

The incoherence of this exoteric conclusion points us back two paragraphs, to the true final message of the *Guide.* The emulation of the one true God, and intellectual union with Him, cannot take place through moral actions. Given Maimonides's understanding of morality, God would not seek to be useful to, nor would He have obligations to, His inferiors. The acquisition of the rational virtues 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" (635, compare 432 and 488). The overcoming of material or animal nature—the ascent longed for by Joseph and other readers of the *Guide*—is achievable insofar as man perfects his rational faculty and focuses on

[10] Toward His inferiors.

intellectual apprehension of the beings. But only perdurance, not permanence in the strict sense, is ultimately possible. Maimonides, like Socrates before him, was intentionally deceptive when he tethered what we could call the erotic hopes of youths to philosophy. He strung the reader along, on an often painful journey, with the hope for immortality as bait. But by the end of this journey, the prize of a greater understanding of death, of the beings, of morality, of divinity, of the providential plan, and of one's place in the world, proves more than enough to ascribe to Maimonides, not injustice or cruelty, but the divine virtue of beneficence, or loving-kindness.