

The very law and obedience to the law *are* Israel's special providence—such was the lesson we drew already.

Rationalism has many faces, and escapes definitions. If I had to characterize dogmatic rationalism, medieval or modern, in one formula, I would say: a rationalist is a thinker who refuses to be surprised; nothing seems mysterious. Now even if we view the proposition that  $2 + 2 = 4$  as logically necessary, it is still a great wonder why nature behaves accordingly: why, when one adds two stones and one, a fourth is not created out of nothingness to make a set of four, or why is it universally true of birds no less than of stones. A rationalist has no such problems; he expects nature to be always consistent and "true to itself" (Newton). A mystic, by contrast, sees the world full of mysteries: *τὸν κόσμον μῦθον εἶπεῖν*, as Sallust once said.<sup>129</sup> Of all medieval Jewish philosophers of the first rank, Gersonides came closest to being a dogmatic rationalist. This was the source of his confidence as an astronomer, but also the source of the slight boredom which his commentary exudes. He saw at best riddles, but no mysteries, either in heaven, or on earth, or in the biblical text.

129. A. D. Nock (ed.), *Sallustius Concerning the Gods and the Universe* (Cambridge, Mass., 1926), p. 4, lines 9–11.

Receptions of Jewish History

## 5

### Law, Philosophy, and Historical Awareness

Amos Funkenstein,

Maimonides: Political Theory  
and Realistic Messianism

#### REALISTIC MESSIANISM

"Realism" is a vague term, and at least as an attribute of political theories it means little more than the rejection of utopian models. Giambattista Vico summed up the classical tradition of political realism in a succinct (though borrowed) phrase. Plato and Grotius, he said, construed their ideal constitution to fit "man as he should be." While sharing their aspirations, Vico nonetheless concurs with their adversaries from Aristotle through Tacitus to Machiavelli and Hobbes in the search for the best constitution to accommodate "man as he is, in order to turn him to good uses in human society. Out of ferocity, avarice and ambition . . . it makes civil happiness."<sup>1</sup> All varieties of

1. Giambattista Vico, *La Scienza Nuova* (1744), ed. E. Nicolini, *Opere* IV (Bari, 1928), vol. I, pp. 75–76; *Autobiography*, trans. T. G. Bergin and M. H. Fisch (Ithaca, New York, 1944), p. 138. Cf. "De Universo iuris uno principio et fine uno," *Opere*

political realism share the belief that no form of social organization is capable of changing the basic ingredients of human nature. No constitution, they maintain, could produce a better species of man. Campanella, a most interesting forerunner of the modern brand of secular-totalitarian utopianism, recognized better than others the continuity of the realistic attitude in its diverse manifestations: *exiit machiavellismus ex Peripatetismo*.<sup>2</sup> If neither the cosmos nor man can ever be changed, what else is left in politics but the despicable logic of *raison d'état*? And indeed, already Aristotle insists against Plato that even an imaginary constitution must not transgress the realm of human possibilities.<sup>3</sup> In response, the modern utopian will answer that a change to the better of the human condition is possible or even an inevitable historical necessity; and that he, the utopian, is in fact the true realist. He foresees the inevitable outcome of history. Such are the contours of a dialogue which dominates a good portion of the classical history of political theories in the West.

The Jewish occupation with designs for the best constitution or with discussions concerning the relative merit of forms of government—the core of political theories until the nineteenth century—was very modest indeed. While the Christian reception of Aristotle secured for his politics an influence even stronger and longer than the profound influence of his metaphysics or natural philosophy, Jewish medieval thought knew Aristotle—the philosopher—mainly in the nonpolitical portions of his doctrine. Being without a sovereign state, what little of political theory may be found in the Jewish tradition is linked to the mythical past or to the eschatological future. *In illo tempore* Israel had a state and believed that it would have one again. But with or without a political theory Judaism did not miss the fruitful confrontation between the uto-

II, 1 (ed. Nicolini, Bari, 1936), p. 32, and my essay "Natural Science and Social Theory: Hobbes, Spinoza and Vico," in *Giambattista Vico*, ed. G. Tagliacozzo (Baltimore, 1975). The phrase "man as he is" etc., is taken from Machiavelli or Hobbes or Spinoza.

2. T. Campanella, *Atheismus triumphatus* (Paris, 1636), p. 20; cf. *Metaphisica* ed. G. Napoli (Bologna, 1967), vol. I, p. 22; vol. III, p. 114; F. Meinecke, *Die Idee der Staatsraison*, Werke I 2nd ed. (München, 1960), pp. 115–29; and recently G. Bock, *Thomas Campanella, politisches Interesse und philosophische Spekulation* (Tübingen, 1974), pp. 229–98, esp. pp. 265 ff.

3. E.g. Aristotle, *Politics*, I 1288b 25–40; II 129a 25–30; H, 4.1324b 34–40; even the imaginary constitution must still be possible. The best study of utopian designs in antiquity is still R. v. Poehlmann, *Geschichte der sozialen Fragen u. des Sozialismus in der antiken Welt*, 2 vol. (München, 1912).

pian and the realistic mentality. Both found their expression in the very domain of utopian images, in the difference between the utopian and the realistic Messianism.

Maimonides was the first theoretician of a "realistic Messianism"; but he only gave a systematic expression to a deep-rooted, yet hitherto ill-articulated tradition of attitudes towards messianic images. Vis-à-vis the professional optimists in the last decades of Jehuda and Israel, the prophets did not deny the coming of the "day of *Jahwe*,"<sup>4</sup> but insisted that it will be a time of "darkness, not light" (Amos 5:18) which will precede the future redemption. Vis-à-vis the apocalyptic expectations that the new *aiôn* would bring both a cosmic and social revolution, the famous dictum of Shmuel (Babylon, third century) insists that "nothing distinguishes this world from the messianic days except for the subjugation under Kingdoms."<sup>5</sup> Wherever the dictum appears, it includes the reference to Deut. 15:11 "for the poor will not vanish from the land." The long array of so-called calculation of the end (*shibshuvei hakitsin*) in *Sanhedrin* XI (Chelek), if it is not a mere presentation of various traditions, seems to have been gathered merely to prove their extreme divergence and unreliability; it concludes with the curse: "Let the spirit of those who calculate ends expire." Among the famous three oaths inferred from the triple repetition of the verse "I bequeath you the daughters of Jerusalem . . . not to awaken love until it desires" (Song of Songs 2:7) one oath construes the obligation not to push for the end (*shelo lidchok et hakets*).<sup>6</sup> Indeed, these and simi-

4. Whether or not one agrees with the deemphasis of Amos 5:18, it certainly is directed against the *vilgai opinio*. Cf. G. v. Rad, *The Message of the Prophets* (New York, 1962), pp. 95–99. See chapter 3, "The Christian Tradition."

5. B. T. *Sanhedrin* 91b, 99a; *Sabat* 63a, 151b; *Berakhot* 34b. It is interesting to note that while the intrinsic reference is to a change of social order, the extrinsic reference to the dictum by later Amora'im is in relation to changes of cosmic order. On the tana'itic and amora'itic messianic attitudes in general see E. E. Urbach, *Chazal: Pirke emunot vedot* (Jerusalem, 1969), pp. 585–623; here also the expression "realistic conception of redemption"—an equivalent to G. Scholem's "restorative" type of messianism (n. 19).

6. B. T. *Ketubot* 111a; *Cant. Rabba* 2, 7. It is not necessarily an admonition against calculation of the end, but against political activity which aims to precipitate the end, without, of course, casting any doubt of its eventual (or even immediate) coming. Literally the formula is not an oath, but a playful imitation of one; wherefore the invocation of God (*el shadat*) is replaced by a phonetic simile (*aylot ha'sade*). Cf. R. Gordis, "The Song of Songs," *Mordechai M. Kaplan Jubilee Vol.* (JIS, New York, 1953), pp. 281–397, esp. 307–309. No study of the history of the topos exists, yet it is the main reference for all protagonists of a strictly passive messianism. A review of the tradition, with a strong polemical-ideological intent, can be found in the polemical tract of J. Taitelbaum, *Unwel Mahe* (New York, 1952). See chapter 9, below (Taitelbaum).

lar traditions do not yet constitute a theory or even a doctrine. They amount to the admonition not to expect too much and not to expect it too soon.

The lack of a theory is all the more astonishing in view of the natural suspicion extended by the legal establishment (or, if you wish, the rabbinical leadership) towards messianic eruptions. It was a well-grounded suspicion. Christianity grew out of a messianic heresy. The Bar Kokhba revolt was a catastrophe greater than the big revolt of A.D. 66–67: it left Judea depopulated.<sup>7</sup> The Abu-Issa movement was, or grew into, a syncretistic heresy.<sup>8</sup> Messianism was often the hotbed of antinomian trends. Yet precisely this very suspicion may in part explain the lack of a normative messianic doctrine. Whenever definite characteristics of the Messiah and the messianic age were given, no matter how restrictive, a generation pregnant with acute messianic hopes found it all the easier to recognize such criteria in the present age and in some present contender. The more vague the criteria, the less room there is for an actualizing interpretation. The archetype of actualizing interpretation, the apocalyptic *pesher* or “decoding” of old prophecies which we know from the Qumran documents, is based on the systematic exploitation of such concrete suggestive identifications.<sup>9</sup> The rabbinical establishment may have felt instinctively that the best messianic doctrine is no doctrine at all. Yet in response to repeated messianic eruptions, a position had repeatedly to be taken.

#### MAIMONIDES AS A REALIST

Maimonides raised this very desire to refrain from detailed doctrines to the level of a theory. The influence of his theory on

7. M. Avi-Yonah, *Byzantine Rome and the East* (Jerusalem, 1946), pp. 1–4. Maimonides himself invokes, in the *Iggeret Teman*, a long list of heresies and tribulations which resulted from messianic contentions: *Iggeret Teman* (henceforth IT) ed. J. Kapah (Jerusalem, 1952), pp. 21 f. 53–56.

8. A. Z. Eshkoli, *Jewish Messianic Movements* (Hebrew) (Jerusalem, 1956), pp. 117–28 (Sources); S. Baron, *A Social and Religious History of the Jews* (New York, 1952–), vol. V, pp. 193–94. We must, here as in other applications of the term, distinguish between conscious and unconscious “syncretism.” The latter is, in several degrees, the mark of all creeds; the former is a particular attitude towards other religions which is in itself a part of a religion. Such attitudes characterize, since antiquity, a good many religious communities, among them Manichaeism and Islam. It is based on the assumption that one’s own religion received the best from, or is the crowning and the ideal of, many true elements in former or other religions. Abu Issa commanded his followers to stay in their respective religions, and recognized Mohammed and Jesus as true prophets.

9. See above, pp. 74–78.

Jewish life and thought was considerable indeed. In his letter to the Yemenite community, recently afflicted by a messianic contender, he clarifies first and foremost the duty of the rabbinical leadership when confronted with messianic aspirations.<sup>10</sup>

But regarding what you [Jakob ben Nathan] said in the matter of this man claiming to be the messiah, the truth is that I was not astonished about him or his followers. Not about him, for he is undoubtedly a madman, and the sick do not bear guilt . . . nor about his followers, for due to the hardship of the situation and their ignorance in the subject of the Messiah and his high status they imagined what they did. . . . But I was astonished at *your* words—for you are the sons of the *torah*, and have learnt the dicta of the sages—(in that you said) “perhaps this is true”. . . . *What proof* did he advance for his lies?

Skepticism is not a mark of disbelief in the coming of the Messiah, but rather the foremost duty of the learned. He should not give in to the natural inclination of hoping “perhaps it is true.” The normative leadership can never afford the luxury of a protracted illusion.<sup>11</sup> Its very function in the midst of a messianic eruption is to voice extreme criticism. The rabbinical authority is, by nature, anticharismatic both *in foro interno* and *in foro externo*, or at least opposed to any charisma which is not derived from law and learning. The critical duty of the learned legal expert is, paradoxically, his very eschatological function. Maimonides sincerely believed that his age was close to redemption. The rapid increase of false messiahs is in itself a sign of the end.<sup>12</sup> By suppressing

10. Moshe ben Maimon, *Iggeret Teman* (IT), chapter 4, p. 50. Cf. also Eshkoli, pp. 178–82. Our following remarks do not yet distinguish the style and content of the Yemenite letter from the other instances in which Maimonides expounded his Messianic doctrines, i.e., *Mishne Torah*, *Hilkhot Teshuva* (HT); *ibid.*, *Hilkhot Melakhim* (HM); *Ma'amar Techiat Hametim* (Ma'amar); *Perush Hamishna* (PH). We shall rather treat all of Maimonides's assertions in the matter as part of one comprehensive theory, and we shall discuss the possible evolution of these doctrines below.

11. Maimonides succeeded here in identifying a pattern of reaction of the rabbinical leadership which will occur time and again in similar situations. During the height of the Sabbatai Zvi Movement, Rabbi Jacob Sasportas was particularly enraged by letters from colleagues in Italy who urged him to keep his opposition silent, for one should wait and see the outcome of the movement and, besides, an opposition too harsh will damage the positive trend of *teshuvah* which came in the wake of the movement. Rabbi Jacob Sasportas, *Sefer tsitsit novel tsri* (Jerusalem, 1954), pp. 58–60; G. Scholem, *Sabbatai Sevi: The Mystical Messiah*, trans. S. Werblowsky (Princeton, 1973), p. 498.

12. IT, chapter 4 (ed. Kafih p. 55): “And in this matter a prophetic stipulation preceded . . . that when days of the true Messiah will draw close, claimers and imitators of Messiah will multiply.” On the other hand, Maimonides refers to a well guarded tradition in his family for eschatological renewal of prophecy to come in the year 1210, a tradition to which he gives some credence (*ibid.* chapter 3, pp. 48–49). But he quotes this tradition only as a possibility, and warns against its publication.

false messiahs, the rabbinical authorities perform, so to say, an eschatological role, their role at the end of tribulations.

Maimonides establishes three categories of signs for the veracity of the Messiah. The first category is a negative one. The Messiah will not change an iota of the law. An antinomian attitude is the clearest indication of an imposter. The second category includes a few positive specific signs. The Messiah cannot but arise in the land of Israel, the forum of his actions.<sup>13</sup> He will emerge out of obscurity, but must be nonetheless most learned in the law, the utmost synthesis of charisma and legal expertise. The third category is the most decisive of all. His main and only proof will be his ultimate success; success in the restitution of the sovereign kingdom: "If he acted successfully and built the temple at its place and gathered the dispersed of Israel, he is in certainty a Messiah."<sup>14</sup>

The transition to the messianic age will be revolutionary. But will it also be miraculous? The Messiah, Maimonides admonishes, does not have to perform miracles to prove his messianity.<sup>15</sup> But he must accomplish extraordinary things indeed. The restoration of sovereignty and the gathering of the exiles are but the beginnings of his deeds. The Messiah will establish, through fame of invincibility, the hegemony of Israel over the nations, a *pax aeterna* in which all nations have embraced monotheism as the only religion and look up to Israel for law and arbitration.<sup>16</sup> It is true that Maimonides warns against the apocalyptic ornamentation of *yemot hamashiach*. The messianic days will neither bring a change in the cosmic order nor an egalitarian society. "And the wolf shall dwell with the lamb" should be understood allegorically.<sup>17</sup>

13. IT, chapter 4, p. 52; not repeated in the HM, in which Maimonides refrains, as much as possible, from the dogmatic assertions.

14. HM, chapter 11, p. 4. Whereas if the future Davidic king only achieves sovereignty and leads the state within the rule of the law ("tora"), he is yet only a *potential* Messiah (*bebezgat mashiach*). On the revolutionary character of the "first phase" of the messianic days, below, pp. 101 ff. (This, also, against Scholem, below n. 19.)

15. Ma'amar chapter 6, p. 76; HM chapter 11, p. 3.

16. IT chapter 4, p. 52; HM chapter 11, p. 4. Even an ultimate political hegemony of Israel is not invoked directly except for the *Prins Hamishua* (Sanhedrin, Helek): "and all the nations will make peace with him and all the lands will serve him in his abounding righteousness."

17. HM chapter 12, p. 1. In his critical notes (*basagot*), the Raabad of Posquieres objected that the extermination of predatory animals is, after all, mentioned in the Pentateuch itself; that is, one may allegorize, if at all, only prophetic passages. Cf. Abraham ben haRambam, *Milchamot Hashem*, ed. R. Margalit (Jerusalem, 1953), p. 65, and the editor's note (n. 79).

But is not a perpetual peace of the kind Maimonides envisages in itself a miracle, a change in human nature?<sup>18</sup> And even if we agree with G. Scholem that the messianic age of Maimonides only actualizes man's natural potentialities, we cannot fully agree with Scholem's following characterization of the messianic age as being merely restorative.<sup>19</sup> The messianic days are at least a *reformatio in melius* and they exceed in perfection any age known before. It seems, then, as if we face an ambiguity in Maimonides's messianic images. But we ought to study them within the context of his social theories as a whole, and pay specific attention to the meaning and role of miracles in history. We shall see how and why Maimonides regarded the laws of nature, the laws of society and the course of history as successive instances of divine *accommodation* to an ultimately contingent world.

#### HISTORY AND NATURE: THE REASONS FOR THE COMMANDMENTS

In the *More Nevukhim* III, 26–56, Maimonides unfolds his philosophy of law, the doctrine of "reasons for the commandments."<sup>20</sup> Against the Sa'adianic disjunction between commandments of obedience (*mitsvot shim'iyot*) and of reason (*sikhliyot*), a disjunction which combined the Kalam terminology with Midrashic reminiscences,<sup>21</sup> Maimonides holds that every single precept has a dual structure and may be seen as both a commandment of reason and a commandment of obedience. Every commandment serves a rational design: "The law of God is perfect" (*torat hashem temima*). But the right obedience to every commandment should not be dictated by insight into

18. A contemporary of Maimonides, R. Eliezer of Beaugency, went even further, and assumed the perpetuation of national tensions even in the messianic age, in which Israel will be assigned the role of an arbiter. H. H. Ben-Sasson, "Yichud am yisrael leda'at bne hame'a hashtem esre," *Peraqim le'elqer toldot yisrael* II (HUCA 1971), pp. 212–14.

19. G. Scholem, *The Messianic Idea in Judaism* (New York, 1971), pp. 24–32.

20. Henceforth MN. We use the edition of S. Munk, Moise ben Maimon, *Dalalat al-Hayim* (3 vol., 1856–1866) and the translation of S. Pines, *The Guide of the Perplexed* (Chicago, 1963). The following pages are in part a summary, in part a modification of my earlier article "Gesetz und Geschichte. Zur historisierenden Hermeneutik bei Moses Maimonides und Thomas von Aquin," *Vierteljahrsschrift* (1970), pp. 147–78.

21. The Midrash furnished the name for the discipline (*ta'ame hamitsvot*, e.g., *Numeri Rabba* 16:1, 149a; and some of the paradigms (the red heifer). Cf. I. Heinemann, *Ta'ame hamitsvot beifrut Yisrael* (Jerusalem, 1959), vol. I, pp. 22–35; E. F. Urbach, op. cit. (above n. 5), pp. 320–47.



its purpose: it must be based on the *potestas coactiva* of the law, the fact that it is the will of the sovereign.<sup>22</sup> Maimonides is thus forced to look for a specific rationalization of those commandments—the ceremonial and dietary laws—to which Sa'adia assigned only a generic rationale. A perfect constitution, Sa'adia held, must include some irrational commandment as an opportunity for the subjects to profess blind loyalty; and Sa'adia, in the endeavor to demonstrate that the written and oral law form a perfect constitution, valid for all societies and all times, had to limit the number of such pure "commandments of obedience" to a minimum. Maimonides, who questioned this very axiom of Sa'adia's legal philosophy, needed a new starting point. He started, as so often, by trying to define anew the meaning of old questions.

What do we really look for when we ask for the *reason* of a commandment? Must a rationale for a specific law cover every part and detail of that law? In a preliminary answer, Maimonides draws a strict analogy between laws of nature and social laws.<sup>23</sup> In the second part of the *Guide*, Maimonides developed one of the most original philosophies of science in the Middle Ages. There he proved that not only are laws of nature (the ordering structures of nature) in themselves contingent upon God's will; but that each of them must include, by definition, a residue of contingency, an element of indeterminacy. No law of nature is completely determining, and no natural phenomenon completely determined (*omnimodo determinatum*), not even in God's mind.<sup>24</sup> To illustrate the matter, allow me to invent an example. Assume that tables

22. Even in the domain of obligations pertaining to non-Jews (*sheva mitsvat bene Noah*) Maimonides insists that insight into their rationality (*hekhya bada'at*) does not suffice to characterize an obedient gentile, a "pious from among the nations," but only the fulfillment of these commandments because they are the will of God (HIM VIII, 11). Cf. also I. Levinger, *Maimonides' Techniques of Codification* (Hebrew) (Jerusalem, 1965), esp. pp. 37 ff.; I. Paur, "The Basis for the Authority of the Law According to Maimonides," *Tarbiz* 38, 1 (1969): pp. 43 ff. (Hebrew). I disagree with Paur's assumption that, contrary to Sa'adia, Maimonides could not have developed an equivalent to the concept of a *lex naturalis*. The classical theories of the *lex naturalis* separate between the rationality and the *potestas coactiva* even of natural law.

23. MN III, 26, trans. Pines, p. 509: "This resembles the nature of the possible for it is certain that one of the possibilities will come to pass," that is, which necessitates the actualization of one of the possibles within a material substrate. Cf. MN II, 25, as well as the following notes.

24. Maimonides does not say so explicitly, but it follows clearly from his discussion of the particularization of precepts and of natural phenomena. The Maimonidean theory of nature, and in particular his doctrine of contingency, have not yet received due emphasis. But cf. J. Guttman, "Das Problem der Kontingenz in der Philosophie des Maimonides," *MGWJ* 83 (1939), pp. 406 ff.

should all be made out of wood; assume that the kind of wood most suitable to make tables from is mahogany, and that the best mahogany can be found only in a remote forest in Indonesia. A carpenter who wishes to make a perfect table has good reasons to choose mahogany and to travel all the way to the said forest. But there and then he will ultimately be confronted with two or more equally reasonable possibilities. Should he choose the tree to his right or to his left? He must choose one, and both are equally suitable. The purpose can never determine the material actualization in all respects, down to the last particular; a "thoroughgoing determination" is ruled out by the very material structure of our world. In the very same way, there may (indeed must) be a purpose to the universe; but it does not govern all particulars. The purpose of the universe may require the circular orbit of the celestial bodies. But it does not account necessarily for the different velocities or colors of the planets.<sup>25</sup>

Technically, Maimonides seems to have recognized<sup>26</sup> that the Aristotelian concept of matter (*ὑποκείμενον*, *ύλη*) carried two different explanatory burdens. It was both a principle of potentiality and a *principium individuationis*. Maimonides abandons the second connotation of matter; matter becomes for him the source of contingency throughout the universe, and not only in the sublunar realm. Between essential forms (laws, necessities) and matter *qua* mere potentiality (contingency, possibility) lies a hierarchy of contingent structures—*causae finales*—which account for the individuation (i.e., particularization) of all singulars. The natural world is thus a continuum of instances of the accommodation of divine planning to indifferent if not resilient substrates. The influence of parts of this doctrine on scholastic philosophy was considerable. One may or may not agree that Maimonides prepared the way for the Scotistic suggestion of individual forms no less than Ibn Gebirol. Certain and more important is the impact of his view

25. MN II, 19 (Pines, pp. 302–14). On similar examples in the Kalam, H. Davidson, "Arguments from the Concept of Particularization," *Philosophy East and West* 18 (1968), pp. 299 ff., esp. 311 ff., 313, n. 50 (Maimonides). On the Aristotelian concept of contingency (e.g., *De generatione animalium*, 3.7–8), pp. 16–18), cf. J. Hintikka, *Time and Necessity: Studies in Aristotle's Theory of Modality* (Oxford, 1973), pp. 27–40, 93–113, 147–75.

26. MN II, 19, discusses Aristotle's failure to account for the particularization of terrestrial as well as celestial bodies; the failure is then converted into a virtue—namely that matter can never be *omnimodo determinatum*, because it is, by definition, a principle of potentiality (cf. n. 22). Of prime importance for the understanding of this chapter is the distinction between necessity and purpose.

of physical (or contingent) necessities on the confrontation of the *potentia dei absoluta et ordinata*, a backbone issue of later scholasticism. I have shown elsewhere how the Thomistic interpretation of the *potentia dei ordinata* mirrors the Maimonidean theory of contingency and at times relies on it explicitly.<sup>27</sup> In a sense, Maimonides's principle of indeterminacy is closer to modern physics than to the Newtonian: modern physics likewise assumes a principle of indeterminacy not as a limit to our knowledge, but as an objective indeterminacy within nature itself.<sup>28</sup>

His principle of indeterminacy and the corresponding principle of accommodation allowed Maimonides to rephrase that which Kant later was to call the "physico-theological argument," the proof for God's existence from the order of the universe. If the universe were to be well-ordered throughout, it would be of itself necessary and would not imply an ordering hand. The physico-theological argument assumes neither that the universe is completely ordered nor that it is com-

27. E.g., Thomas Aquinas, *De potentia* q.3 a.17 (ed. Marietti, p. 103): "Cum autem de toto universo loquimur educendo in esse, non possumus ulterius aliquid creatum invenire ex quo possit sumi ratio quare sit tale vel tale; unde cum nec etiam ex parte divinae potentiae quae est infinita, nec divinae bonitatis, quae rebus non indiget, ratione determinatae dispositionis universi sumi possit, oportet quod eius ratio summatur ex simplici voluntate producentis, ut si quaeratur, quare quantitas caeli sit tanta et non major (cf. Maimonides, MN III, p. 26: 'veheyot misparo echad') non potest huius ratio reddi nisi ex voluntate producentis. Et propter hoc etiam, ut Rabbi Moyses dicit, divina Scriptura inducit homines ad considerationem caelestium corporum (cf. Maimonides, MN II, 19:24), per quorum dispositionem maxime ostenditur quod omnia subjacent voluntati et providentiae creatoris. Non enim potest assignari ratio quare talis stella tantum a tali distet, vel aliqua huiusmodi quae in dispositione caeli considerata occurrunt, nisi ex ordine sapientiae dei." From these and similar references (e.g., *Summa Theologica* 9.25 a 5 resp. 3), we obtain the following structure of the "Potentia-ordinata" relation: whatever is not self-contradictory ("per se impossibile") falls under *potentia absoluta* even if it is not well ordered. Under the *potentia ordinata* falls not only our world, but also every other well-ordered possible universe, and it is futile to ask why this or that universe has been chosen to be created—for the questions could be repeated ad infinitum: it is a voluntary act. From here, the road to Scotus's proof of contingency is not very long; cf. Duns Scotus, *Opus Oxoniense* dist. 8 q. 5. (ed. Quaracchi, I, 665) and id. 39. 3n. 14 (ibid., I, 1215); and E. Gilson, *Johnnes Duns Scotus* (Düsseldorf, 1959), pp. 280 ff. On the influence of Maimonides in the West, and in particular on Thomas, cf. J. Guttman, *Das Verhältnis des Thomas von Aquino zum Judentum und zur jüdischen Literatur* (Göttingen, 1891); W. Kluxen, "Literaturgeschichtliches zum lateinischen Moses Maimonides," *Rech. theol. anc. et méd.* xxi (1954), pp. 23–50.

28. Niels Bohr, "Discussion with Einstein on Epistemological Problems in Atomic Physics," in *Albert Einstein: Philosopher Scientist*, ed. P. A. Schilpp, 3rd ed. (London, 1949), vol. I, pp. 199–241. Here and there, "indeterminacy" is not a limit to our understanding, but a limit within nature itself.

pletely disconnected (in the manner of the extreme nominalism of the *Isharia*), but that its order is imposed on the heterogeneous elements which of themselves do not demand or imply this particular order.<sup>29</sup> The argument from particularization has been used already by the Kalam; Maimonides gave it the balanced form in which it was to remain effective until Kant.

#### CONTINGENT HISTORICAL REASONS: THE CUNNING OF GOD

The principle of indeterminacy allowed likewise to introduce most miracles—or, more generally, instances of special providence—without violating laws of nature.<sup>30</sup> Miracles are mostly, but not always, taken from the reservoir of the remainder of contingency on all levels of nature. Maimonides calls such miracles "miracles of the category of the possible (*moftim . . . misiq ba'efshavi*)."<sup>31</sup>

And precisely the same figure of thought is used by Maimonides to clarify what we look after in the search for "reasons of the commandments" (*ta'ame hamitsvot*). Take, for example, the sacrifices. We may be able to explain, in view of their purpose, why sacrifices should have been instituted in the first place; "but the fact that one sacrifice is a lamb and another a ram; and the fact that their number is determined—to this one can give no reason at all, and whoever tries to assign a rationale enters a protracted madness."<sup>32</sup> Rather than look for an always determining principle for each law, we should look for a contingent rationale. Maimonides found such a contingent rationale in the concrete historical circumstances under which these laws were given to the nascent Israel. Sacrifices and the bulk of the dietary laws are not in them-

29. I. Kant, *Kritik der Reinen Vernunft*, ed. W. Weischedel, *Werke* (Wiesbaden, 1956), vol. IV, p. 552 (B654 A626): "Den Dingen der Welt ist diese zweckmäßige Anordnung ganz fremd und hängt ihnen nur zufällig an, d. i. die Natur verschiedener Dinge konnte von selbst, durch so vielerlei sich vereinigende Mittel, zu bestimmten Endzwecken nicht zusammenzustimmen, wären sie nicht durch ein anordnendes vernünftiges Prinzip . . . dazu ganz eigentlich gewählt und angelegt worden."

30. MN II, 48 and Ma'amar 10 ed. Kafih pp. 98–101. The words "Shekol ze taluv bechivuv chokhma sheen anu yod'im ba me'uma, velo od ela she'anu hizkarnu kevar ofen hachokhma bekhakh," whose meaning eluded the translator and editor, may be taken as reference to the divine "cunning," that is, to purpose rather than necessity.

31. Maimonides, *Ma'amar*, ibid., p. 98.

32. Maimonides, MN III, p. 26. (Pines, p. 509; ours is a translation from the Hebrew).

selves beneficial for every society at every time. The former are in particular suspicious, because they invoke anthropomorphic associations of a smelling or an eating deity. Considering the vigor with which Maimonides eradicated even the most abstract positive attributes of essence from the concept of God,<sup>33</sup> the institution of sacrifice must have been to him unworthy of a truly monotheistic community. And indeed he interprets it as a remnant of the universal polytheistic culture of the Sa'aba which prevailed in the times of Abraham and Moses. So deep-rooted and pervasive<sup>34</sup> were its abominable creeds that they could not be eradicated altogether in one sweeping act of revelation and legislation. Human nature does not change from one extreme to another suddenly (*Lo yishtnuc tera ba'adam min babefekh el babefekh pit'mu; natura non facit saltus*). Had anyone demanded of the nascent Israel to cease the practice of the sacrifices, it would be just as impossible a demand as if "someone demanded today (of a religious community) to abandon prayer for the sake of pure meditation." Only a miracle could have transformed the polytheistic mentality immediately into an altogether monotheistic one: but God does not wish to act *contra naturam*. He rather prefers to act with the aid of nature, to accommodate his plans to existing, contingent circumstances, to use contingent elements within nature in order to change it. Rather than eradicating all polytheistic inclinations among the emerging monotheistic community from the outset in a miraculous act, he preferred to use elements of the polytheistic mentality and culture in order to transform this very mentality

33. The doctrine of negative attributes, as we wish to prove on another occasion, should not be taken as a mechanical, indefinite enumeration of negations, but rather as the constructive generation of one "negative attribute" from another until we reach the ultimate, transcendental "unity" of God (i.e., the negation of multiplicity). This movement, described in MN I, 58, is a dialectical one, and employs the negation of privations rather than simple negations. Without explicitly saying so, Maimonides commits himself to the exemption of the divine attributes from the principle of excluded middle; to say that God is "not unjust" is not the same as saying that he is just—or, if "z" stands for privation, we may write:

$$\exists(x, y)[\sim \sim A(x) \equiv A(x) \vee \sim \sim zA(x) \equiv A(x)]$$

But once we have established such a negation, we try to invest it with meaning, and produce a more precise "negative attribute," aided by our knowledge of science. The most convincing interpretation of this doctrine was therefore given by Hermann Cohen, precisely because he relied on his theory of "infinite judgment" as a generative logic.

34. Maimonides calls these practices and beliefs "an abomination (*to'eva*) to human nature" (*al-taba' al-anasut*) (MN III, 29); "against nature" (MN III, 37). On the other hand, he described how mankind lapsed gradually, almost naturally, into such a universal error.

by degrees.<sup>35</sup> Sacrifices were conceded with maximal restrictions and changed intents. They are turned into a fruitful error.<sup>36</sup>

Just as Hegel's *objektiver Geist* uses the subjective, egotistic freedom of man to further the objective goals of history (for otherwise, history would cease to be "Fortschritt im Bewußtsein der Freiheit"),<sup>37</sup> so also Maimonides's God fights polytheism with its own weapons and uses elements of its worship as a fruitful deceit. Maimonides spoke of the "cunning of God" (*ormat hashem utcrumato, talattuf fi'allahu*)<sup>38</sup> where

35. It seems as if Maimonides implies a somewhat similar structure of understanding to explain the polytheistic residues within Islam. In his famous letter to Obadiah the Proselyte he remarks, "Those Ismaelites are not all idolators, of long [idolatory] has been eradicated from their mouth and heart and they unite the exalted God properly . . . And should one say that the house they worship [the Qa'aba] is a house of idolatry and contains idolatry which their fathers used to worship, so what. Those who kneel against it today have no other intention but towards God [*en liham el lathanaynu*] . . . indeed, the Ismaelites once held in their places three kinds of idolatry, 'pe'or,' 'marqolis' [= Mercurius] and 'kemos,' they admit it today and give them Arabic names. . . . And these matters were clearly known to us long before the emergence of Islam, but the Ismaelites of today say that the fact that we unite our han and refrain from sewn clothes is so as to submit oneself to God, be he blessed. . . . And some of their sages [*paqachchem*] give a reason and say there were idols there, and we throw stones on the place of idols; that is: we do not believe in the idols which were there and in a manner of despising we throw stones on them; and others say: it is a custom." Here as in the outset of Israel, pagan cults are reinterpreted. R. Moses b. Maimon, *Responsa*, ed. J. Blau (Jerusalem, 1960), vol. II, pp. 726–727. A different but explicit usage of the principle of accommodation to explain the origins of Islam can be found in Petrus Alfonsi, *Dialogi* V, Migne, PL 157, 605 B; cf. below, pp. 187–188.

36. Comparable, perhaps, to Ambrosius's "felix culpa" – except that it lacks the background of a doctrine of original sin. Ambrosius, *De Jacobo* I, 6, 21, CSEL 32, 2, p. 18.

37. This, of course, is a historiosophical projection of the Kantian ethical prescription never to use man as means but only as an end unto itself. Hegel's objective Spirit does not directly use man as means; its "cunning" allows history in its totality to remain ethical without infringing on the "limitless right" of the individual to pursue his goal.

38. Maimonides, MN III, 32, ed. Munk, p. 69. *talattuf alallah wabakumatala* (cf. m. 54 where *talattuf* stands for "practical reason" as against wisdom or *choqlmat*), Hegel, *Philosophie der Geschichte*, ed. F. Brunstadt (Reclam, 1961), pp. 78ff. On the further history of this "tropos" in early modern historical reasoning, cf. my article "Periodization and Self-Understanding in the Middle Ages and Early Modern Times," *Medievalia et Humanistica* V (1975): pp. 3–23. The resemblance of the Maimonidean to the Hegelian metaphor was noted by S. Pines in the introduction to his translation of the *Guide*. Pines draws attention to Maimonides's use of Alexander of Aphrodisias. But in a sense, one should trace the origin of this historiosophical figure of thought not so much to the Greek notion of harmony – for the Greek harmony is a throughout transparent harmony – but to the prophetic dialectical demonstration of God's omnipotence through the very misery of the people he chose to protect. The prophets introduced a revolutionary theodicy, an inversion of the common belief that the measure of the power of a deity is the success of the community obliged to it in the bonds of a *religio*. God's power manifests itself by using the greatest empires as "rod of his wrath" to purify Israel while



Hegel will speak of the "cunning of reason" ("List der Vernunft")—their point of agreement is at one and the same time the point of their difference. Hegel's "List der Vernunft," much as its forerunners—Mandeville's "private vices, publick benefits" or Vico's "providence" or again the "invisible hand" of Adam Smith and lastly Kant's "geheimer Plan der Natur"—articulate a sense of the absolute autonomy of human history and its self-regulating mechanisms. Maimonides, as all other medieval versions of the divine economy, allows at best a relative autonomy to the collective evolution of man.

Maimonides demonstrates with considerable detail how every single allegedly "irrational" precept is a countermeasure to this or that Sabeian practice. Now it matters little that the Sabeians, of whom Maimonides speaks with the genuine enthusiasm of a discoverer, were actually a small remnant of a gnostic sect of the second or third century A.D. rather than a polytheistic universal community<sup>39</sup>—note that Maimonides uses for it the Moslem self-denomination "umma." The mistake in the identification of the background of the Mosaic law led Graetz to discard the Maimonidean explanations as "flat."<sup>40</sup> But it is still possible that the argument of Maimonides is new and reliable in its method rather than in the actual validity of his historical reconstruction.

#### PRECEDENTS AND ORIGINALITY

Yet the interpretation of sacrifices as a divine concession to polytheistic usages in order to eradicate idolatry all the more forcefully was not altogether new. Vajiqra Rabba (22:6) attributes it to Pinhas ben Levi: "[a simile to] a prince whose heart has forsaken him and who was used to eating carcasses and forbidden meat. Said the king, let these dishes be always on my table, and of himself he will get weaned. So also: since Israel were eagerly attracted to idolatry and its sacrifices in Egypt . . . God said: let them always bring their sacrifices before me in the tabernacle and thus they will separate themselves from idolatry and be saved."<sup>41</sup> The Middle Ages, both Christian and Jewish, gave

they are unaware (*rehema lo yada'u*). Cf. chapter 3, "The Leading Images of the Historical Narrative."

39. Pines, *Introduction* (above n. 20); pp. cxxiii–iv.

40. H. Graetz, *Die Konstruktion der jüdischen Geschichte* (Berlin, 1936), pp. 85–86 and the note.

41. *Leviticus Rabba* 22: 6. It seems that a similar Jewish tradition is the source of Theodore of Cyrhus, *Questions in Leviticum*, PG LXXX, 300. Cf. my "Gesetz und Ge-

the broadest meaning to the originally merely legal principle *dibra tora ki'lishon bene'adam* (*Scriptura humane loquitur*). From Theodore of Cyrhus and Augustine, through Walafrid Strabo, to William of Auvergne and Thomas Aquinas, some Christian exegetes interpreted the sacrifices as well as the whole of the *retus lex* (except the Decalog) not as a mere "burden" but rather as the accommodation of God to the phase of understanding of humanity at that time. "Aptum fuit primis temporibus sacrificium, quod praeceperat deus, nunc vero non ita est, aliud enim praecepit, qui multo magis quam homo novit, quid cuique tempori accommodare adhibeatur" (Augustine).<sup>42</sup> The sacrifices were but "bona in sua tempore" (Hugh of St. Victor), a concession to a primitive mentality, and antidote to Egyptian idolatry. Maimonides himself may have drawn his version of the principle of accommodation from Kirkasani.<sup>43</sup> Paradoxically, a similar figure of thought was exploited earlier by Graeco-Roman anti-Jewish polemicists. The Jewish cult and law—this was the essence of Manetho's counterbiblical reconstruction of Jewish history—were nothing but an inverted mirror of the Egyptian cult and laws.<sup>44</sup>

It seems as if Maimonides's theory is just another variation of the principle of accommodation. Yet consider the following. None of these traditions is actually concerned with the reconstruction of the original meaning of biblical legal and ritual institutions out of their forgotten historical background. Maimonides raised such a reconstruction to a methodical level. His theory not only explains, in detail, how the "forgotten" culture of the Sa'aba accounts for opaque parts of the law. It explains at one and the same time why these original "reasons for the commandments" were forgotten and must now be reconstructed so painfully. The very intention of the lawgiver was to eradicate all the reminiscences of the abominable rites and opinions of the Sabeian 'umma. The fact that the reasons for certain commandments were forgotten is in itself a testimony to the success of the divine "cunning" or pedagogy. Not only among the Jews: the whole inhabited world, Maimonides believes, is by now monotheistic.<sup>45</sup>

schichte," (above n. 20), p. 165 and n. 71. For the further references to Christian exegesis cf. my *Periodization and Self-Understanding*, pp. 10–14.

42. Augustine, *Ep.* 138 I, 5, ed. Rademacher, CSEL 44, 130.

43. Kirkasani, *Kitab al Anwar*, ed. L. Nemow (New York, 1939), I, 44; TT, 214; index (s. v. Sabians).

44. See above, pp. 36–38.

45. MN III, 52; Cf. below pp. 97 ff. and nn. 57–67, above n. 35.



In the last few decades, we have learned to pay attention to the "historical revolution" of the sixteenth and seventeenth centuries, the transformation of historical understanding into a genuinely *contextual reasoning*.<sup>46</sup> Among the humanistic commentators of the *Corpus Iuris Civilis* (the so-called *mas Gallicus*) as well as biblical critics we notice a growing awareness to the demand that in order to understand the meaning of ancient institutions, texts or monuments, they ought to be *alienated* from any present connotation and placed in their original context. No historical fact is in itself meaningful unless it obtains meaning from its proper context. This method of "understanding through alienation and reconstruction" matured<sup>47</sup> long before it found its way into historiography proper. Maimonides's reconstruction of the *ta'ame hamitsrot* was a genuine medieval precursor of the revolution of historical reasoning.

A lesson in political theory was closely linked to the new historical reasoning starting with the sixteenth century: that no ideal state can be conceived in a historical vacuum. Even the best of all constitutions must bear the marks of its historical origins. This was the modern contribution to the old tradition of political realism. The political realism of Maimonides seems to be grounded on a similar historical perspective. Even the Mosaic legislation is not an ideal which can be abstracted from its origin to fit all societies at all times. Sa'adia's fault, so Maimonides seems to imply, was his endeavor to uncover an absolutely rational social structure, while he, Maimonides, established methods of contingent rationalization.

Of course, the new perspective was apt to be challenged as dangerous. Did not Maimonides relativize the validity of those precepts which he interpreted against the background of a concrete and now bygone historical situation? Maimonides himself never addressed this problem directly, and the problem was to become one of the main issues in the anti-Maimonidean controversy.<sup>48</sup> Should laws be changed? Maimon-

46. For the following, see chapter 2, and nn. 10–12.

47. By the beginning of the eighteenth century, it was already a truism to warn against those who *de rebus antiquissimis secundum sui temporis conditionem notiones formant*; Franz Budde, *Historia Ecclesiastica*, 3rd ed. (Jena, 1726), Praef.; I. Diestel, *Geschichte des Alten Testaments in der christlichen Kirche* (Jena, 1869), p. 463. It is not our contention that Maimonides refrained from anachronisms. To the contrary: his historical remarks are usually full of them, as when he lets Jacob make Levi a *nesh yeshiva*: MT, *hilchot 'Avodat Kobbarim* 1, 3. But his interpretation of the sacrifices is free from them.

48. D. I. Silver, *Maimonides' Criticism and the Maimonidean Controversy*, pp. 1180–1240 (I edn, 1965), 148 ff., 157 ff.; for criticism of the Book, H. Davidson, *Jewish Social Studies* 30, 1 (1968): pp. 46–47. It was, of course, part of the controversy over the *hagama*

ides, we have seen, insists on the validity of every iota of the law even in the messianic age. He includes explicitly the restoration of the Temple and its sacrifices in the schedule of messianic deeds. Then, as once, the law will save the masses from a relapse to the superstition to which they are and will remain prone. Maimonides was no "Aufklärer," and he did not believe in an essential "Erziehung des Menschenges-chlechts," the capability of the masses to rise to the level of the philosopher.<sup>49</sup> The respect of the masses before the law is founded on their belief in the law's immutability. Which is not to say that the law cannot be modified at all. Again we have to resort to his doctrine of contingency; a good law, this was already the essence of the Aristotelian doctrine of equity (*ἐπιχειρίαια*),<sup>50</sup> and must be formulated so as to remain flexible enough to meet changed conditions. It must be precise in its "core" and allow for a "penumbra" for indeterminacy. The absolute immutability of the law may be a necessary fiction for the masses, but the legal experts of every generation have the right and the duty to adjust the law *in casu necessitatis*.<sup>51</sup>

## MESSIANISM AND HISTORY

The messianic doctrines of Maimonides are therefore only the tip of the iceberg, a part and a consequence of his historical perspective and of his political realism in the sense of our introductory remarks. The emergence of that "eternal peace" which Maimonides envisages should be seen in analogy to the emergence of the Israelite monotheistic community out of an all-pervasive polytheistic environment. Every order, physical or social, contains a residue of contingency. Direct providence operates with this residue of indeterminacy in nature

49. Against Leo Strauss, cf. our remarks in "Gesetz und Geschichte: Zur historisierenden Hermeneutik bei Moses Maimonides und Thomas von Aquin," *Viator* 1 (1970), pp. 147–78, 162, n. 60. Maimonides, we argue there, depicts, e.g., Abraham as already on the height of wisdom; if there is a relative progress, it consists in the taming of superstitions among the masses. For a similar view of the question *an secundum mutationes temporum mutata sit fides* in the Christian horizon (Hugh of St. Victor) see my *Heilsplan und Natürliche Entwicklung*, pp. 52–53.

50. Cf. Guido Kisch, *Erasmus und die Jurisprudenz seiner Zeit* (Basel, 1960), pp. 18–26, for the Aristotelian origin of the demand to complement law through equity (to cover the necessary residue of indeterminacy in any legislation). My knowledge of the Arabic sources does not suffice to trace the possible vehicles through which Maimonides might have received the doctrine.

51. This interpretation is given by Jacob Levinger, "Hamachshava hahalakhtit shel haRambam," *Tarbiz* 37,3 (1968): pp. 282 ff.

and society; at times man calls such acts miraculous. God used polytheistic images in order to eradicate polytheism in a slow and imperceptible process of "purification," rather than change human nature all of a sudden. Similarly, human nature will not have to change when the entire world will be transformed into a peaceful community.

Again God will first combat the present state of things with its own elements, antagonism and war. "But the removal of strife and war from east to west will not come in the beginning of his [the Messiah's] appearance, but only after the war of Gog."<sup>52</sup> The king Messiah will establish the hegemony of Israel by force and fear. "When he will appear God will frighten the kingdoms of the earth by his fame, their dominion will weaken, they will cease to rebel against him."<sup>53</sup> Only afterwards, when recognized and established, the political dominion of Israel will become an ideological hegemony. While fear secured the establishment of the *pax Iudaica*, the paradigm of the kingdom of Israel and its very preoccupation with the true knowledge of God—the purpose of the utopian society—will secure the conditions for the perpetuation of that peace. The durability of the eschatological body politic is explainable in natural terms: "And there is no cause to be astonished that his kingdom will endure thousands of years, for the philosophers (*chakhamim*) say that once a good body politic is constituted, it does not dissolve easily."<sup>54</sup>

The analogy we drew between the time of Israel's birth and the time to come of its rebirth became under our hand more than a mere analogy. The latter does not only resemble the former, but complements it. The messianic age crowns a didactic and dialectic process which began with the modest establishment of a monotheistic community by Abraham, continued with the fortification through laws of this community after its relapse, advanced with the growing hold of the monotheistic imagery in Israel, and made a decisive progress even in the time of the Diaspora. Even if Maimonides does not go as far as Philo or Jehuda Halevi in seeing the function of the Diaspora as a missionary one—the

52. IT chapter 4, pp. 52–53; less definitive HM, chapter 12.

53. IT *ibid.* Scholem (above n. 19) denies the revolutionary character of Maimonides's messianic days, and does so by equating revolutions to apocalyptic-cosmical catastrophes only. True, Maimonides deapocalypticized his eschatology; but envisaged nonetheless, in the first phase, the messianic age, a rapid radical change, utmost tribulations and a world war.

54. *Perush hamishna, Sanhedrin* (chelek). In a similar reference to rational causes Maimonides explains there the longevity of life in the messianic days; security and abundance prolong the life expectation of the individual.

Jews carrying the seeds of the logos among the nations<sup>55</sup>—he nonetheless recognizes a growing process of monotheization of the entire world. Christianity and Islam are for him "of the nature of a religion," even though the one was founded by a heretic and the other by a lunatic.<sup>56</sup> It is from the phrase of Maimonides that Hame'iri later borrowed the somewhat similar phrase *'umot haqdumat bedarkhe hadatot*.<sup>57</sup> Still in another context Maimonides distinguishes between those nations of the world which obey the seven Noachidic laws and should be tolerated, as against those who do not conform to this Jewish counterpart of the *ius naturale* (or rather *ius gentium*) and could be killed.<sup>58</sup> The distinction calls in mind the Moslem distinction between the *ahl al kitab* and the *ahl al mant*, all the more so since Maimonides does not envisage the proselytization of the world even in the messianic days. All he wants is to make the world a safe place to obey God's laws and increase the knowledge of him.<sup>59</sup> And finally: in yet another allusion to the divine cunning, Maimonides calls Christianity and Islam outright "road-pavers for the king Messiah"—*Meyashve derekh lamelekh hamashiah*.<sup>60</sup>

These and other scattered passages add up to a distinct view of the course and phases of human history seen as a history of monotheization. It is a gradual process, which shall be succeeded by an indefinite period of unchallenged, universal monotheism, and was preceded by a likewise gradual process of polytheization. From Enosh to Abraham, the original monotheism of Adam degenerated through polyatrism into polytheism, which then enabled a priestly class to exploit and terrorize a superstitious mass.<sup>61</sup> If this sounds as an outright inversion of the evolutionary models of anthropologists since the nineteenth century, it is due to one basic agreement and another basic disagreement.

55. Jehuda Halevi, *Kuzari* (ed. Zifroni) 4.23; I. Baer, *Galut* (New York, 1947), p. 32; below n. 67.

56. IT, chapter 1, p. 12.

57. Cf. J. Katz, *Ben Yehudim Iqovim* (Jerusalem, 1960), pp. 116–28. Katz emphasizes rightly the halakhic differences between Maimonides and Hame'iri in their treatment of Christianity. But the expression itself belongs first and foremost to the philosophical tradition and is the medieval version of the "natural religion."

58. MT, HM chapter 6, 1.

59. HM chapter 12, 4: "The sages and prophets did not desire the days of the Messiah in order to rule the entire world, nor in order to tyrannize the nations, nor again so that they be elevated by all people, nor in order to eat, drink and be merry—but in order to be free for the to'ra and its wisdom, and so that there be no tyranny over them to cause distraction." Cf. *Perush hamishna*, loc. cit., and IT chapter 9, 2.

60. Cf. below p. 151.

61. MT, *Sefer hamada, Hilkhot avodat kohanim*, chapter 1, pp. 1–3.

The medieval and modern rationalistic views of the development of (true or false) religions share the dislike of radical mutations; they only disagree as to the starting point of the evolutionary process. To the Middle Ages, the knowledge of God's unity was part of the *lumen naturale*. Not its presence, but any deviation from it called for a historical explanation: all the more so since Adam, as it were, encountered the Almighty frequently and directly, if not always on friendly terms. Schmidt's anthropological arguments for the primacy of the "Ur-monotheismus" are but a modern guise of old theologoumena, for example, Eusebius of Caesarea's description of the gradual corruption of man's "kingly nature" through polytheism and polyarchy and its restitution through universal monarchy and monotheism.<sup>62</sup> Similar questions bothered already the author of the *Wisdom of Solomon*;<sup>63</sup> and of similar scope is also the Maimonidean attempt to reconstruct the pre-history of monotheism.

The second period in the essential history of mankind begins with the establishment of a monotheistic community. The "feeble preaching" of Abraham<sup>64</sup> did not suffice to guard against a relapse of his followers: the masses were, and still are, prone to superstition, and can be held in the boundaries of religion by laws only. These laws, we have seen, were construed by the "cunning of God" so as to utilize polytheistic images and rites with the intent to abolish them. The emergence of a monotheistic mentality was slow and difficult: *tanta molis erat Romanam condere gentem*. Graduality and slowness, we noted already, are the formal marks of natural change—here as in the Christian versions of the principle of accommodation since Irenaeus of Lyons.

If already the transformation of a small nation into a monotheistic community was a slow and difficult process, all the more so the monotheization of the entire oikoumene. This is a dialectical and highly dramatic process, guided again by the operation of the divine ruse. Time and again "the nations of the world" wish to destroy the people of Israel, whose election they envy (even if, one may add, they deny it).<sup>65</sup> They generate successively destructive ideologies—Maimonides calls

62. Eusebius of Caesarea, *Historia Ecclesiastica* 1, 2, 19, ed. E. Schwarz (Berlin, 1952), pp. 8–9. On the "political theology" of Eusebius, see E. Peterson, "Der Monotheismus als politisches problem," *Theologische Traktate* (München, 1951), pp. 44 ff., 89.

63. *Sap. Solomonis* 14: 12–17, a euhemeristic interpretation.

64. MN III, 32. In his placing of the role of Moses above that of Abraham's Maimonides may also have intended to invest the Moslem historical scale of values, which placed Abraham way above Moses.

65. IT chapter 1, p. 21.

them "sects"—each of greater sophistication than the former, though all of them exist at present, wherefore they correspond only loosely to the "four monarchies" of the Book of Daniel.<sup>66</sup> Having failed in their attempt to extinguish the true religion by force or argumentative persuasion (Hellenization), the nations of the world resort to a ruse. A third sect emerges that imitates the basic idiom of the monotheistic, revelatory religion in order to assert a contradictory law, so as to confuse the mind and thus cause the extinction of both the original and its imitation. "And this is of the category of ruses which a most vindictive man would devise, who intends to kill his enemy and survive, but if this is beyond his reach will seek a circumstance in which both he and his enemy will be killed." Yet inasmuch as this latter sect and those similar to it—Christianity and Islam—do imitate a monotheistic mentality, they help to propagate and prepare the acceptance of the true religion against their will: their stratagem turns, by a divine ruse, against them; or better: their ruse turns out to have been a divine ruse from the outset. The effect of their resistance to the truth is a negative *preparatio messianica* (or, in the fortunate phrase of H. H. Ben Sasson, *preparatio legis*): in this sense, I believe, one has to interpret the phrase that Christianity and Islam are "roadpavers for the king Messiah."<sup>67</sup>

Our attention was drawn repeatedly to some analogies between Maimonides's historical employment of the principle of accommodation and its Christian counterparts. The broad role which Maimonides assigned to the divine (as against the polytheistic adversary) "ruse" also reminds us of one of the most original pieces of historical speculation in the twelfth century, Anselm of Havelberg's *Dialogi*.<sup>68</sup> The *spiritus sanctus* accommodates its historical operations not only to the degree of perception of man, but also to the ever more refined stratagems of Satan: each of the seven successive *status ecclesiae* is characterized by a less obvious and therefore more dangerous opposition of the adversary; in his own, fourth, *status ecclesiae* Anselm sees Satan penetrating the

66. IT, *ibid.* Maimonides, unlike some Jewish and most Christian philosophers of history, did not pay specific attention to detailed periodizations. Nor was he interested in history as such. Cf. S. Baron, "The Historical Outlook of Maimonides," *History and Jewish Historians* (Philadelphia, 1964), pp. 109–63, esp. 110–13.

67. H. H. Ben-Sasson, *op. cit.* (above n. 18).

68. Anselm of Havelberg, *Dialogi* I, 10 Migne, PL 188, 1152B. Cf. W. Kamlah, *Apokalypse und Geschichtstheologie* (Berlin, 1935), p. 64; W. Berges, "Anselm von Havelberg in der Geistesgeschichte des 12. Jahrhunderts," *Jahrbuch für die Geschichte Mittel- und Ostdeutschlands*, 5 (1956): pp. 38 ff., esp. 52 (reference to Hegel's "Last der Vernunft"); Funkenstein, *Heilsplan*, pp. 60–67, esp. 66.



church with pretention and imitation, *sub praetextu religionis*, through *falsi fratres*—a move that the Holy Spirit counters by a variety of new, fresh turns of religiosity. Needless to say that such analogies do not suggest direct mutual influence; their interest lies precisely in the circumstance that these figures of thought belong to such disparate cultural horizons. The search for the theological meaning of history was much more a part of Judaism and Christianity than of Islam. A similarity of the problem-situation led, at times, to somewhat similar patterns of answers.

Returning to Maimonides, we note that even though the scheme of each of the "sects" is doomed to failure, they still inflict on Israel severe physical and mental blows. It is the lot of Israel to endure in spite of dispersion and deflection. Among the current types of historical theodicies—attempts to invest meaning into the discrepancy between being the people of God's choice and the present humiliation in dispersion—Maimonides occupies a unique position. His explanation is neither of the cathartic, nor of the missionary, nor again of the soteriological type.<sup>69</sup> Not the purification and punishment for old sins, nor the propagation of the seeds of the logos, nor again suffering for the sins of nations so as to redeem the world, are for Maimonides the essential rationale of the *galut*. His language is rather sacrificial-martyrological. Israel is constantly called to bear witness. Time and again it brings itself as sacrifice, *korban kalil*<sup>70</sup> throughout this long phase of world history.

The last period, namely the messianic age, will finally transform the hostile and implicit recognition of the spiritual primacy of Israel, which most nations share already now against their will and word, into a more or less voluntarily explicit recognition of the community of Israel as a most perfect and paradigmatic society. It will be a time of material affluence and security,<sup>71</sup> but not of total egalitarianism either among men or nations. The messianic age of Maimonides is in all its aspects a part of history, the concluding chapter in the long history of the monotheization of the world. In the Christian medieval horizon there is only one eschatological doctrine which seems to come nearer to Maimonides in this respect—Joachim of Fiore's version of the *tempus spiritus sancti*. But the similarities are only superficial. Joachim's millennium, even though

69. I have explained this classification in "Patterns of Christian-Jewish Polemics in the Middle Ages," *Uinter* 2 (1971), p. 376. Cf. chapter 6, below.

70. IT, chapter 1, p. 30.

71. Above, n. 59.

it is within the boundaries of history, is of an order which altogether transcends historical processes.<sup>72</sup>

## IMPLICATIONS

With the impact of Maimonides's theory, practical and theoretical, we shall deal elsewhere. One instance of the later discussions must be mentioned here, for it touches on the very texture of the theory. Did Maimonides envisage, in accord with his messianic views, any practical measures to be taken by those generations which are close to the *eschaton* to precipitate the coming of the Messiah, measures that are in the natural domain of possibilities? We spoke earlier<sup>73</sup> of the negative, critical eschatological task of the legal experts of the last generations—the duty to unmask false contenders, of which the time close to the end will be particularly pregnant. But later admirers of Maimonides took some of his enigmatic remarks concerning the possible renewal of the institution of ordination to mean a positive eschatological task for the legal experts in the preparation for the Messiah. When Jacob Berab attempted the renewal of the *semikha* (1538), he relied on a messianic interpretation of a view which Maimonides expounded first in his *Exegesis of the Mishna* and reiterated later in the *Mishne tora*.<sup>74</sup> With an indication that it is but his personal view, Maimonides considers in both his earlier and later work the possible renewal of the authentic courts through an initial act of ordination by consent of the sages in the land of Israel only. As is well known, the attempt of Jacob Berab failed mainly due to the opposition of the Jerusalemian Rabbis, led by Levi ben Habib.<sup>75</sup>

But Levi ben Habib, out of deference to the authority of "the Rav," had to explain away if not the remark of Maimonides as such, then at least the eschatological implications drawn by Jacob Berab. He did so by introducing an evolution into Maimonides's thought. Eschatological implications, he admits, are present in the *Perush hamishna*: there the renewal of ordination prepares the renewal of the full Sanhedrin of

72. See H. Grundmann, *Studien über Joachim von Fiore*, pp. 56–118.

73. Grundmann, p. 85.

74. *Perush hamishna* to Sanhedrin XI (Heleq); MT, *Hilkhot Sanhedrin* 4, 11.

75. On the ideological background of the Controversy cf. J. Katz, "Machloget hasemikha ben Rabbi Jacob Berab v'haRabbah," *Zion* 17 (1951): pp. 34 ff. In the meantime, some new material has been discovered: H. Z. Dimitrowski, "New Documents Regarding the Semikha Controversy in Safed," *Sefunot* 10 (1966): pp. 115–92.



seventy-one members, which again will precede the first acts of the Messiah. But later, in his code, Maimonides drops both references to the full court and to the coming of the Messiah. He speaks of the renewal of the minimal civil courts only.<sup>76</sup> In other words, Levi ben Habib makes him retract the view allowing for practical, active preparations for the Messianic era.

This is by no means an altogether impossible interpretation. Maimonides of the code is much more cautious, in his assertions concerning the messianic era, than Maimonides of either the *Perush hamishna* or *Iggeret*.<sup>77</sup> And so it may well be that he refrained, in the Code, from making an all too radical judgment pertaining to the renewal of the courts. But there is no reason to assume that he actually gave up the messianic connotation of the renewal of some elements of the pristine judicial system. He just may have chosen not to invoke them as a definite, binding part of the messianic doctrine.

To sum up, it would be wrong to deny a this-worldly character to the processes and even actions of the messianic era, for which the entire history of the dispersion is a preparation of sorts. But it would be equally wrong to relegate the messianic era to the realm of ordinary political processes. The contradistinction of Maimonides's theory to the rationalistic consequences which Josef Ibn Caspi drew from it makes it very clear. S. Pines has shown<sup>78</sup> how Ibn Caspi derived his assertions (which were to be repeated, in another context, by Spinoza) from the

76. *Responsa* (Venice, 1565), p. 283a: וכפי הנראה שהרב חזר בו בוקנותו ממה שכתב במשנה בשני דברים. Ralbach's feigned deference comes to the fore where he pretends that, of course, Maimonides must have had sources (books) for his opinion, and unless these are recovered, no one can really know what Maimonides meant. But, of course, Maimonides makes it clear that it is his opinion only. Cf. also Dimitrowski, *ibid.*, p. 149.

77. Above n. 13, n. 16.

78. Shlomo Pines, "Joseph Ibn Kaspi's and Spinoza's opinions on the probability of a Restoration of the Jewish State" *Iyyun* 14–15 (1963–64): pp. 289 ff. In a more recent article, the late Sh. Pines objected to some of my interpretations of Maimonides's messianic conceptions. Maimonides spoke of Christianity and Islam as "roadpavers" to the king Messiah, but these are only occasional, insignificant remarks, inspired by similar remarks of Jehuda Halevi (*Kuzari* IV). See "Al hamunach ruchaniyut ve'al mishnato shel Yehuda Halevi," *Zion* 57:4 (1990), pp. 511–540. But my interpretation (of the messianic days as a period which is not merely restorative, as a climax to the process of slow monotheization of the world) does not depend merely or even mainly on this passage in Maimonides to which Pines referred. Closer to my views is the recent article of Isadore Twersky, "Ha Rambam ve'erets visrael," in: *Tarbut veheset betoldot Yisrael biyume habaneyim* (Jerusalem, 1989), pp. 353–381. Relevant and important are also Aviezer Ravitsky, "Lefi koach ha'adam – vemot hamashiach bemishnat ha Rambam," in *Messianism and Eschatology*, ed. Z. Baras (Jerusalem, 1984), pp. 191–221; Jacob Blidstein, *Ekrivot mediniyim bemishnat haRambam* (Ramat Gan, 1983).

peripatetic belief in the recapitulation of similar states of affairs. Just as a political constellation once existed in which a Jewish sovereignty was an actualized possibility, it is probable to assume that again such a constellation will exist in which it may even be in the interest of the nations of the world to have a Jewish monarchy exist. How far from this is the Maimonidean doctrine! True, the messianic age is in the realm of the possible by nature; but it also exceeds every previous historical period by leaps.

Maimonides does not deny the occurrence of genuine miracles, simple violations of the order of nature. They occurred at the birth of Israel and will occur again biymot hamashiach. But he distinguished them from miracles taken from the domain of the possible. And he regards the Messianic period itself, much as the transformation of Israel from an idolatrous into a monotheistic community, as a miracle in the second sense, miracles taken from the vast residue of contingencies. He is mute concerning genuine miracles. Indeed, there will be a resurrection of the dead—but when and where, whether in the days of the Messiahs or thereafter, he does not know nor, it seems, care too much.<sup>79</sup> Genuine miracles are isolated events of no lasting significance. But their counterpart, "the miracles of the category of the possible" (*moftim misug ha'efshari*) are the inner driving force of human history from each phase to a higher one.

Realistic utopianism is not a contradiction in terms. The modern history of political thought from Vico to Marx differs from the classical or medieval tradition precisely in that it sought to overcome the abyss between "man as he is" and "man as he should be" through possible if not even necessary historical processes. The Jewish utopian tradition knew a meditation between the ideal and the possible earlier. For it was committed to a messianic ideal, but had always to sharpen its critical faculties against it.

## The Image of the Ruler in Jewish Sources

### THE LEGAL DISCOURSE

I wish to discuss the meaning of absolutism as it is reflected in Jewish medieval and early modern sources. How did the tran-

79. *Ma'amar*, chapter 7, pp. 98–99.