

BOOK REVIEW

MAIMONIDES AS HALAKHIST AND PASTOR

by *DOV RAPPEL*

Crisis and Leadership; Epistles of Maimonides. Texts translated and notes by Abraham Halkin, Discussion by David Hartman. Philadelphia: Jewish Publication Society of America, 1985. 292 p.

Imagine the following, not entirely improbable situation: A friend of yours is in trouble; in fact, his life is in danger. He confronts three alternatives: certain death; a life so full of hardship that it may terminate in death in a short time; or a life of utter debasement and loss of self-respect. Being obliged to choose, he is both perplexed and troubled. Which course of action is the least evil in itself, and which is most commendable in the given circumstances?

You are expected to know the answer, but there is another difficulty: you cannot visit him, discuss things and show him the right way. You can only write him a letter – one letter, and no more. If this letter fails to convince him, your only chance to help him has been lost. You know this, and you moreover know that you cannot address him now as you did when you conversed at ease in the quiet of the academy.

Dov Rappel is Professor Emeritus at Bar-Ilan University's School of Education and a member of Kibbutz Yavneh.

Substituting a real community for your imaginary friend, we find the situation which confronted Moses Maimonides when he contemplated the writing of the first two of the three epistles published in this volume. The three epistles are the Epistle on Martyrdom (*Iggeret ha-Shemad* or *Ma'amar Kiddush ha-Shem*), the Epistle to Yemen (*Iggeret Teman*) and the Essay on Resurrection (*Ma'amar Tehiyat ha-Metim*).

I

The first epistle was addressed to the Jewish community of Fez, in Morocco, whose ruler had ordered all the Jews in the realm to convert to Islam, under penalty of death. Conversion consisted in the recitation of the Moslem credo, the *Shahada*, and in abstaining from public performance of Jewish observances. If the Jews continued to observe the Sabbath or to pray in the privacy of their homes, they would not be molested. Some Jews refused to recite the credo and died a martyr's death; others converted completely. The majority led a double life — Moslem in public, Jewish in private.

One of these marranos sent a letter to a rabbinical authority inquiring as to their status according to Jewish law. The answer was unequivocal: the rabbi, whose identity is unknown, and whose response is known only from Maimonides' citations from it in the epistle, left no doubt in the minds of his correspondents that they had taken an inexcusable course of action. Their situation demanded *Kiddush ha-Shem* (Sanctification of the Divine Name) — that is, they had to sacrifice their lives rather than recite the Islamic credo. Every day that they lived as Moslems, even if only as a mask, and even if they made serious efforts to observe Jewish ritual privately, they were committing a mortal sin.

The effect of this responsum was devastating. Most of the Jews in Fez, knowing that a change of ruler could bring about a change in the attitude of the authorities, had decided to weather out the storm. Now they were told that they were sinners of the worst kind and that all their efforts to preserve Judaism in secret was of no merit. The logical conclusion was that those who were not of heroic mettle would do better to abandon Judaism altogether. Thus, the danger of apostasy hung over an old, faithful community. Moreover, the case of Fez might serve as a precedent, encouraging local rulers to persecute their Jewish subjects and destroying the will of the Jews to resist and to survive.

At this point, Maimonides entered into the picture. It is worth noting that he was not yet thirty years old¹; officially, he was merely a private citizen, fleeing from Morocco and drifting along the south-eastern Mediterranean littoral and hoping to

1. Until recently, 1135 was considered the year of Maimonides' birth. It is now almost certain that he was born in 1138, and was thus 27 years old when he wrote the epistle to Fez.

settle in Egypt and earn his living as a physician. He had not yet completed the first of his great books, the *Commentary to the Mishnah*, and was not yet famous. But he was already great, with that intrinsic greatness which needs no external confirmation.

In order to better understand the Maimonidean way of thinking, we need to remember two facts. First, that no one had asked Maimonides for his opinion of this issue. Second – and this is a most important detail – the rabbi who declared that a Jew reciting the Moslem credo is an apostate was legally correct. No one knew this better than Maimonides, the unequalled master of Jewish law. Why, then, did Maimonides volunteer an opinion, knowing full well that his adversary was right?

The answer lies, it seems to me, in a peculiar trait of Maimonides' character: the combination of dogmatic intransigence with a practical spirit of conciliation. This trait is so deeply imbedded in his character that in more than one case, when at the peak of his fame, his rulings *in concreto* differed from his rulings *in abstracto* as given in his monumental *Code*, the *Mishneh Torah*. For example, his attitude toward Karaism, as expressed in several places in the *Code*, is invariably hostile, while in his responsa he is emphatically conciliatory.² The same may be said about his attitude to the employment of women as teachers. In the *Code* he forbids it, while in a practical case he permits it.³ The Epistle on Martyrdom itself, which Rabbi Shimeon ben Zemah Duran (1361-1444), a rabbinic authority and well-versed in philosophy, considered as a legally valid responsum, is a further case in point.

The epistle begins with a general repudiation of the authority of the rabbi who condemned the marranos. Maimonides then moves on to the psychologically most important part – consolation. He assures his readers that, despite all they have done, they remain Jews and beloved children of God. Only after calming them and winning their confidence does he move on to the third part of the epistle – the legal discussion of the situation. Maimonides would certainly be the first to admit that his opponent's argument was irrefutable. He extols the heroism of those who died the martyr's death, clearly indicating that in Maimonidean legal terms this was the right path; otherwise, that same act would have been condemned as suicide. But if one is not of a hero's mettle, he is not yet an apostate. He is still a Jew, and to preserve his Jewishness let him flee the oppression. He ends the epistle with the verse from Jeremiah 50:20, assuring them of Divine forgiveness.

2. See Isadore Twersky, *Introduction to the Code of Maimonides (Mishneh Torah)* (New Haven, 1980), p. 85, n. 159.

3. Compare *MT; Issurei Bi'ah* xxii:13 with *Teshuvot ha-Rambam*, ed. Blau, p. 53.

The second epistle, the Epistle to Yemen, was written in 1172, some seven years after the first. These were years of meteoric rise of Maimonides' fame. It was thus only natural for the Jewish community in Yemen to turn to Maimonides for guidance in their predicament.

As in Morocco, there arose in Yemen a ruler who tried to force all his non-Muslim subjects to convert to Islam. This demand, accompanied by threats of death, threw the Jewish community into confusion, which elicited two diametrically opposed responses. On the one hand, a Jew who had converted to Islam, and was apparently a man of some knowledge, tried to prove to his former coreligionists that the Bible foretold the triumph of Muhammed and sanctioned the abrogation of the commandments. On the other hand, a deluded Jew declared himself the Messiah and found some followers among the distressed Jews, torn between despair and hope. One of the latter, Jacob ben Nethanael, wrote to Maimonides for his opinion concerning the contradictory claims of the apostate and the false Messiah, and seeking advice about the forced conversion.

The very formulation of the question indicated to Maimonides that the questioner had no philosophical or theological training, and that a letter based upon Maimonides' real opinion would be misunderstood and its advice rejected. Maimonides first needed to strengthen Jacob's confidence in him, and then write in such a manner as to be both intelligible and acceptable to everyone. It speaks a great deal for Maimonides as a leader, as it shows his ability to adapt himself to the mentality of his audience and to win them over to his opinion even at the price of partly sacrificing or hiding what he really thought.

Maimonides begins the argument of the epistle in a manner which must appear strange to the modern reader: he asserts that anti-semitism is a result of the Jews being the chosen people, the only bearers of the true faith. Therefore others envy them; they try to establish religions like ours, but they do not attain the level of Divine revelation to an entire nation. Although anti-semitism has a long history, the anti-semitic nations and their rulers will ultimately perish one after the other. Many generations ago, the prophets foretold both the tribulations which we shall suffer and the ultimate downfall of our enemies; just as the prophecies of wrath came true, so will the prophecies of comfort.

Having thus comforted his coreligionists, Maimonides takes issue with the apostate. Maimonides' argument is on two levels. On the lower level, he ridicules the claim of Muhammed — "the madman" — to prophecy. On a higher level, he explains the basic characteristics of a prophet, whose intellectualism is diametrically opposed to Muhammed's impulsiveness; the difference between the prophecy of Moses the Lawgiver and of all the other prophets; and the limits of the authority of a prophet in the interpretation and promulgation of laws. Yet even this higher level is on a considerably lower level of argumentation than that found in Maimonides' other works — i.e., the *Commentary to the Mishnah*, the *Code* and the *Guide for the*

Perplexed. In all these works, the prophet's ability to foretell future events is presented as a minor corollary of his intellectual eminence. In the Epistle, on the other hand, Maimonides writes according to the popular view which sees the prophet as a kind of fortune-teller or soothsayer on a grand scale.

From his refutation of the prophecy of Muhammed, Maimonides goes on to what was psychologically and socially far more important – the messianic claims of the false Messiah. This was psychologically important, because the belief in the imminent triumphant coming of the Redeemer was one of the strongest forces sustaining the Jews, particularly the unsophisticated, in the face of persecution. Its social importance lay in the fact that far more people were attracted by the false Messiah than by the apostate. Thus, Maimonides set about to discredit the man but not the hope, which he accomplishes with great skill and no little self-contradiction.

He begins by separating the three strands of messianism – the biblical calculations based on Chapter 12 of Daniel, the astrological calculations, and the personal appeal of the would-be Messiah. Philosophical considerations had led Maimonides to the conclusion that the Messiah, rather than a political redeemer from oppression, would be a peaceful philosopher-king (see *Teshuvah* Ch. ix). Other philosophical considerations convinced him that, contrary to both popular and scholarly opinion, astrology was but a sham. But, as he knew that his audience had not much respect for philosophy, he preferred to remind the Yemenite Jews that the Talmud forbade all calculations of the time of the Messiah's coming, and that more than one commandment would be meaningless were astrology true. He then compares the personality of the deluded dreamer with the prophetic vision of Messiah, finding the former wanting. In other words, it is easy to see that the pretender is not the true Messiah, but it is impossible to know the real time of his coming. At this point, Maimonides feels that he may have said too much, and that his words have extinguished the hope of redemption "in our time." Thus, he goes on to relate an oral tradition preserved in his family according to which the Messiah is to come within a generation. To this day, it is not clear whether there actually was such a tradition or whether it was invented by Maimonides ad hoc. In any event, it served its purpose – the hope was not extinguished, but for the time being the Jews could go about their everyday business. Maimonides concludes the Epistle with the request that it be publicly read and its contents made known to everybody – man and woman, young and old.

In a letter written to the Jews of Marseilles 22 years later,⁴ Maimonides told the end of the story. The pretender was so convinced of his being a superman that when he was apprehended by the Moslems he told them that his body was immune to injury, and he allowed them to attempt to behead him. He was tested as suggested, and the test put an end both to his life and to his messianic movement.

4. "Letter on Astrology," published by Alexander Marx in *HUCA* iii (1926), 357.

The third epistle in the book under review, the Essay on Resurrection, was written in 1191. Some students of the *Code*, reading the section on eschatology in its final chapters, wondered why Maimonides did not mention resurrection as a part of the eschaton. This, combined with envy of his exalted position, brought Samuel ben Ali, the head of the Talmudic Academy in Baghdad, to accuse him of heresy. This essay is Maimonides' defense.

The problem is not one of texts, and is not resolved by enumerating the places in Maimonides' writings in which he does mention resurrection, but is first and foremost theological. Jewish theology deals both with the immortality of the soul and the corporeal resurrection. According to most descriptions, one enters the state of incorporeal existence immediately following death, wherein the soul, unencumbered by bodily needs, can enter the state of Aristotelian bliss, namely, eternal rational contemplation of Godhead. This was the Maimonidean Paradise. From this perspective, the reentry of the soul into a body would be a degradation.

On the other hand, Maimonides included the belief in bodily resurrection among his 13 foundations of Judaism. Nowhere in the Bible or the Talmud are the articles of Jewish faith formulated as such. Maimonides was the first to formulate them, designating them by the name "foundations" (*yesodot*). Had he held any doubts about resurrection, he could have simply omitted it (over eighty years ago, the Hebrew essayist, Ahad Haam, remarked that the messianic principle and the idea of resurrection seemed out of place in the Maimonidean creed). It therefore seems that he genuinely believed in resurrection and that the accusations were unjustified.

The crux of Maimonides' answer is that resurrection is not important in itself and surely not an end (*telos*) in itself. The significance of resurrection is that God will work a miracle in the future as he did in the past. Thus, to believe in resurrection is no more nor less than to believe that God can and will work miracles. This being so, the final lot of the resurrected is of little importance. All that Maimonides has to say about them is that they will probably enjoy longevity, as will other people in the messianic era, and will then die like other men.

Maimonides admits that numerous passages in the Bible seem to refute resurrection, the only irrefutable reference to resurrection in the Bible being Daniel 12:2, from which verse it is inferred that resurrection incorporates both reward for the just and an everlasting punishment for the wicked. Maimonides does not discuss the specific merits or transgressions which will bring about resurrection, which seems to contradict Maimonides' theory of retribution as presented in the *Code* (*Teshuvah* Ch. v). In other words, there is no doubt that the re-individuation of a dead person's soul and its reunion with his long decomposed body so as to form the same living human entity that existed before death will be a miracle, bearing witness to

the existence of a power stronger than the laws of nature.

Paradoxically, it is not the fact of resurrection which is of religious importance. This fact, after a while, will not convince sceptics who do not now believe in the revelation on Mount Sinai, which happened some three thousand years ago. What is of importance is the belief in the possibility of resurrection by Divine decree. The belief that it is going to take place, sooner or later, is only the expression of our unshakable belief in this possibility.

The Essay on Resurrection, although from time to time sounding a polemical note, is on a higher philosophical level than the other two epistles. While the Epistle to Yemen adds nothing to the theory of prophecy as discussed in the *Guide* or to the description of the Messiah as in the *Code*, the Essay on Resurrection is an important contribution to Maimonides' theory of miracles, their nature and function within the framework of revealed religion which postulates creation ex nihilo. A further philosophic contribution of the same epistle is Maimonides' explanation of the permissibility and necessity of non-literal exposition of Biblical texts.

IV

The volume under review is enriched by the explanatory notes of Dr. Abraham S. Halkin and by Dr. David Hartman's discussion of each epistle. Halkin and Hartman both grew up in America, where they won their respective academic reputations — Dr. Halkin as an Orientalist, specializing in medieval Arabic-Judaic works, and Dr. Hartman as pulpit rabbi and Jewish philosopher. Today they both live in Jerusalem, Halkin as the head of the Schocken Institute of the Jerusalem branch of the Jewish Theological Seminary, Hartman as founder and head of the Shalom Hartman Institute, in which very significant and unconventional programs of study in Judaism are conducted. Both are lifelong students of Maimonides. Dr. Halkin's edition of the Epistle to Yemen is a model of scholarly editorship,⁵ while Dr. Hartman's previous book⁶ is an important contribution to the age-old discussion as to whether the concept of law (Torah) in Maimonides embraces philosophy or vice versa, or whether they are mutually independent.

Whereas most scholars who examined the relationship of Torah to philosophy in Maimonides' system dealt with the influence of philosophy on certain particular law, or with the attempt to present Aristotelian philosophy as part of the fundamentals of Torah (*Yesodei ha-Torah* i-iv), Hartman deals with the relationship

5. *Epistle to Yemen*, Edited from Manuscripts with Introduction and Notes by Abraham S. Halkin, Translated by Boaz Cohen (New York: American Academy for Jewish Research, 1952).

6. D. Hartman, *Maimonides: Torah and Philosophic Quest* (Philadelphia, 1976).

between Torah and philosophy *in toto*. The above book may be read as an extended commentary on Chapters 27 and 28 of the third book of the *Guide*. He thinks that, while man's material and social needs explain the individual commandments, the general purpose of the Torah, which is identical with the general purpose of human life, may only be grasped with the help of philosophy.⁷

In his discussion of the Epistle on Martyrdom, Hartman deals primarily with the question of whether Maimonides' opinion was legally correct. For a reader unacquainted with the niceties of Jewish legal thought, particularly with such concepts as actions which are permitted, tolerated but not permitted, and forbidden but not culpable, the polemic of Dr. Hartman with Dr. H. Soloveitchik will be highly instructive.⁸

Both Halkin's and Hartman's treatment of the Epistle to Yemen are the best part of the work. Dr. Halkin presents only a fraction of the vast material which he gathered for his own edition of the epistle. Dr. Hartman touches, and more than touches, on every subject dealt with in the epistle except astrology. At times his discussion seems rather removed from the point, as for example the discussion of political power in Maimonides, but there is hardly a dull page in all that he writes, and there is nothing non-Maimonidean.

Compared with the treatment accorded to the Epistle to Yemen, the Essay on Resurrection is a bit neglected. The translator's work is not as careful as in the other epistles. To give but one example from the translation: on page 288, the same Arabic root is at one point translated as "creation" and elsewhere in the same sentence as "production." An example from the notes: in note 92 the translator states that Maimonides refers to Joseph Gikatilla, who was in fact born 40 years after Maimonides' death. Evidently, *quandoque bonus dormitat Homerus*.

Hartman's discussion of the Essay touches on the major points – Maimonides' personal apologetic, the interpretation of Scriptural passages, and the problem of miracles. This last point, which is philosophically most important, is dealt with

7. It would be instructive to compare Hartman's arguments concerning the relationship between practical action and philosophy with W. Jaeger's "Greek Medicine as Paideia" in his *Paideia* (Oxford, 1944-45), III:3-45.

8. For the latter's interpretation of this Maimonidean epistle, see Haym Soloveitchik, "Maimonides' *Iggeret Ha-Shemad*: Law and Rhetoric," in *Rabbi Joseph H. Lookstein Memorial Volume* (New York, 1980), 281-319; and, more recently, Hartman's article in *Mehkerei Yerushalayim be-Mahshevet Yisra'el*, II (1983), 362-403 and Soloveitchik's response in *ibid.*, III (1984), 683-687. [One way of viewing this polemic is as a debate on the nature of halakhah, and on the relationship between predetermined legal categories and the halakhic interpreter's sense of the needs of the times in the crystallization of the final decision.]

insufficiently. Maimonides writes that resurrection will be a miracle, and as such will evidence to *creatio ex nihilo*. But in another famous passage he is sceptical about the power of miracles to prove anything Divine. What the credulous believe to be a miracle may simply be the result of the technological advantage of the miracle worker over his spectators (*Yesodei ha-Torah* viii:1). As science is by definition inductive, one can prove by the laws of nature that something is possible, whereas to prove that something is impossible, one must use logic. So, strictly speaking, there are no miracles, and perhaps in the course of time resurrection will be a routine feature of every respectable funeral parlor. This last sentence cannot be disproved. Even if there will be miraculous resurrection, no one will be able to distinguish it from the non-miraculous, scientific one. Thus, resurrection is not a means to convince anyone of God's power. There is but one way to achieve that, according to Maimonides – revelation. And, despite Isaiah 40:5, this is not a part of Jewish eschatology. This is but one indication of the complexity of the problem of miracles in the theology of Maimonides.

The above critical remarks are not intended to belittle the value and importance of Dr. Halkin's and Dr. Hartman's work, in which two of the three epistles – the Epistle on Martyrdom and the Essay on Resurrection – are presented to the English-reading public for the first time. The present writer would hope to see the continuation of their cooperation in fulfilling another Maimonidean desideratum: the translation and discussion of the three famous introductions from his *Commentary to the Mishnah* – the *Shemonah Perakim* (“Eight Chapters” introducing Avot, discussing ethical philosophy), the Introduction to *Perek H'alek* (on the fundamentals of Jewish faith, the nature of *aggadah*, etc.), and the *Hakdamah le-Seder Zera'im* (General Introduction dealing with the nature of Oral Law).

Immanuel 21 (Summer 1987)