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Good and Evil, Truth and Falsity

Maimonides and Moral Cognitivism

Maimonides' interpretation of the fall of man in only the second chapter of the *Guide of the Perplexed* is not only of intrinsic interest,¹ but affords us an early window onto a whole cluster of issues that have subsequently taken centre stage in Maimonidean scholarship. Maimonides tells us that Adam had been created in a state of intellectual perfection, through which he was able to distinguish truth from falsity and thus devote his life to contemplation of the eternal verities of philosophy. Indeed, that such intellectual perfection was the essential and defining mark of man had already been established in the very opening chapter of the *Guide*. After his sin though, Adam was 'deprived of that intellectual apprehension,' (GP, I: 2, 25)² and acquired the 'faculty of apprehending generally accepted things,' (ibid.). Adam's punishment therefore was to be diverted away from the contemplative ideal by his passions and captivated instead by the faculty for apprehending 'fine and bad' which distinction belongs to the category of 'things generally accepted as known, not to those cognised by the intellect' (GP, I: 2, 24).³

Three central (and overlapping) foci of Maimonidean scholarship are deeply implicated in this discussion:

- 1 Intellectual apprehension is here referred to as the ultimate perfection, to which we are later told (at GP III:27) that actions do not belong. Thus the vexed question of whether the ultimate perfection for man is intellectual, practical or some combination of the two arises in this passage with Maimonides apparently coming down firmly on the side of intellectual perfection.
- 2 An issue closely related to the first is that of the relationship between Maimonides' thought and that of Aristotle, or medieval Aristotelianism. Aristotle's view on 'the ends of man' is in fact disputed in Aristotelian scholarship almost as much as it is in Maimonidean scholarship.⁴ However, the idea that intellectu-

¹ The place of Maimonides' interpretation of 'the fall' in the history of its exegesis is well documented in Shlomo Pines, *Truth and Falsehood Versus Good and Evil: A Study in Jewish and General Philosophy in Connection with the Guide of the Perplexed*, I, 2, in: Isadore Twersky, *Studies in Maimonides*, Cambridge, Mass. 1991, pp. 95-157.

² All quotations from the *Guide* are taken from *The Guide of the Perplexed*, 2 volumes, trans. Shlomo Pines, Chicago/London 1963 and will refer to it as GP followed by part, chapter and page.

³ Though we disagree on certain issues central to this article, a good summary of *Guide* I: 2 can be found in Lawrence V. Berman, *Maimonides on the Fall of Man*, in: *AJS Review*, vol. 5, 1980, pp. 1-15.

⁴ See for example the essays by Thomas Nagel, J.L. Ackrill, Katherine Wilkes, John McDowell and Amelie Oksenberg Rorty in: Amelie Oksenberg Rorty, *Essays on Aristotle's Ethics*, Berkeley 1980.

al perfection trumps the practical is often portrayed as 'the' Aristotelian standpoint and one that, should Maimonides have held it, calls into question his adherence to the Jewish tradition's emphasis on the practical performance of the commandments as the primary route to salvation. Thus, the interpretation of *Guide* I: 2 takes its place amongst the plethora of issues around which argument rages concerning the extent to which Maimonides traditionalism was 'compromised' by his Aristotelianism (or indeed *vice versa*).

- 3 The apparent implication of *Guide* I: 2 is that issues to do with 'fine and bad', do not have truth-values. They are not objects of intellectual apprehension and as such we cannot have moral knowledge. The fundamental question here therefore is whether or not Maimonides thought that the moral sphere was cognitive. Marvin Fox, for example, takes the view that he did not.

Maimonides has shown us that since moral rules are non-cognitive, they cannot be true or false and therefore cannot be the concern of the intellect.⁵

In opposition to this, Hermann Cohen famously argued as part of his general argument for a more Platonic reading of Maimonides, that like Plato, Maimonides held that ethics should be seen as a science and therefore by implication as cognitive; for Marburg neo-Kantians' science was the highest form of knowledge. Thus, for Cohen since according to Maimonides we cannot know God's essence but only His ethical actions, this 'scientific' ethical knowledge becomes the highest form of knowledge, identified as it is with knowledge of God.⁶

It is this third problem that is the driving concern of this paper. My argument will be that in fact Maimonides did believe that we could gain knowledge in one specific practical realm despite appearances to the contrary in *Guide* I: 2.

In order to establish this conclusion we will in section one address the idea that is central to *Guide* I: 2 – that practical statements cannot be objects of intellectual cognition – via a discussion of the first issue mentioned above, that of the purpose of man. In section two we will address Maimonides' system of *ta'amei ha-mitzvot* as presented in part III of the *Guide*. Here, I will argue, he presents a scientific model of rationalisation that implies that we can have knowledge of the commandments, a contention that is apparently in tension with the degenerate status of the practical realm established in section one. My argument therefore in section three will be that while Maimonides does not necessarily hold that practical knowledge is equivalent to knowledge of primary intelligibles, he does not thereby rule out the possibility of gaining knowledge in the practical sphere. Finally, in section four we will briefly look at how, in the light of our argument, one might resolve difficulties raised by the question of the purpose of man and texts such as *Guide* I: 2.

⁵ Marvin Fox, *Interpreting Maimonides*, Chicago/London 1990, p. 190.

⁶ Hermann Cohen, 'Charakteristik der Ethik Maimunis', translated into Hebrew by Zvi Wierslowsky as 'Ofyah shel Torat ha-Middot le-ha-Rambam', in: Hermann Cohen, *Iyyunim be-Yahadut uve-Be'ayot ha-Dor*, Jerusalem 1978, pp. 17–59.

1. The practical realm as non-cognitive: Maimonides on the purpose of man

The question of what for Maimonides constitutes man's perfection continues to be an area of vigorous debate, necessitating a brief survey of this (well-trodden) ground.⁷ The debate focuses on the relative importance Maimonides assigns to the intellectual and practical perfections available to man, whether it is the *bios theôrêtikos* or the *bios praktikos* that is the best life for man. The primary thrust of the *Guide*, as already noted with respect to the opening two chapters certainly seems to be in favour of the former.

Any number of further statements in the *Guide* could be cited that seem to place Maimonides squarely within this intellectualist camp. One of the clearest such statements is reserved for the final chapter in which he states:

The fourth species is the true human perfection; it consists in the acquisition of the rational virtues – I refer to the conception of intelligibles, which teach the true opinions concerning the divine things. This is in true reality the ultimate end; this is what gives the individual true perfection, a perfection belonging to him alone; and it gives him permanent perdurance; through it man is man. (*GP*, III: 54, 635).

Moreover, this ultimate intellectual perfection is one to which, we are told elsewhere, 'there do not belong either actions or moral qualities ... it consists only of ideas towards which speculation has led and that investigation has rendered compulsory.' (*GP*, III: 27, 511).

This of course follows good Aristotelian practice, at least as set out in Book X of the *Nichomachean Ethics*⁸ where we find that an exclusively contemplative ideal for man is that which meets the various standards deemed necessary for a life of *Eudaimonia*.

So if among excellent actions political and military actions are distinguished by nobility and greatness, and these are unlesurely and aim at an end and are not desirable for their own sake, but the activity of intellect, which is contemplative, seems both to be superior in worth and to aim at no end beyond itself, and to have its pleasure proper to itself (and this augments the activity), and the self-sufficiency, leisureliness, unweariedness (so far as this is possible for man), and all the other attributes ascribed to the blessed man are evidently those connected with this activity, it follows that this will be the complete happiness of man...

For man, therefore, the life according to the intellect is best and pleasantest, since intellect more than anything else is man. This life therefore is also the happiest.⁹

That is not to say that a life of practical virtue is worthless for Aristotle. It is just that it is happiness 'in a secondary degree'. Thus, Aristotle notes the contemplati-

⁷ An excellent survey of the discussion and relevant bibliographical references can be found in Menachem Kellner, *Maimonides on Human Perfection*, Atlanta 1990. See also the articles by Lawrence V. Berman, Ralph Lerner and Steven Harvey in: J.L. Kraemer, *Perspectives on Maimonides*, Oxford 1991.

⁸ Though signalled much earlier, for example in Book VI (1143b33–35): 'it would be thought strange if practical wisdom, being inferior to wisdom, is to be put in authority over it.' Aristotle, *Nichomachean Ethics*, trans. W.D. Ross, revised by J.O. Urmson, in: Jonathan Barnes, *The Complete Works of Aristotle: The Revised Oxford Translation*, vol. 1, Princeton, NJ. 1984, pp. 1729–1867; p. 1806. Subsequent translations are taken from this edition.

⁹ *Ibid.*, p. 1861.

ve individual's need for 'external equipment' and 'insofar as he is a man and lives with a number of people, he chooses to do excellent acts; he will therefore need such aids to living a human life.'¹⁰

Maimonides actually spells out the nature of the relationship between the two perfections in the *Guide* rather more explicitly. Maimonides states clearly the necessity of moral perfection for intellectual perfection in a relationship that appears to be straightforwardly hierarchical.

For it has been explained, or rather demonstrated, that the moral virtues are a preparation for the rational virtues, it being impossible to achieve true, rational acts – I mean perfect rationality – unless it be by a man thoroughly trained with respect to his morals and endowed with the qualities of tranquillity and quiet. (*GP*, I: 34, 76-7).

Thus practical perfection, both at an individual and collective level, is necessary to provide a person with a suitable environment for contemplation.¹¹ Nonetheless, such perfections do not appear to form part of the final intellectual perfection itself. Indeed, what is so significant about taking the intellectualist view is the concomitant disparagement of practical activity that generally comes with it.

Aristotle himself makes the point that the practical sciences do not admit of the same degree of precision as the theoretical sciences and he warns us explicitly not to expect more precision in a certain subject than the subject matter allows, a stricture that limits the degree of knowledge that we can attain in the practical sphere. The main problem for ethics according to Aristotle is that 'we must be content then, in speaking of such subjects and with such premises to indicate the truth roughly and in outline and in speaking about things which are only for the most part true and with premises of the same kind to reach conclusions that are no better.'¹²

The fundamental problem with practical activity however is that it is therefore often thought not to be concerned with truth at all. The ultimate intellectual perfection is one whose aim is truth while the ultimate practical perfection is the business of political science and aims at 'the good'. Thus, fundamentally, as Pines puts it 'it would not be a gross oversimplification of Aristotle's position to state that in his opinion the notion of truth pertains to theoretical thinking in a more fundamental sense than it does to practical or poetic activity.'¹³ With reference to *Guide* I: 2, this leads us directly to the Maimonidean assumption there 'that truth has a greater value or validity than the good,'¹⁴ an assumption that does seem to rob the practical sphere of its cognitive value.

There are, though, those who argue that Maimonides, far from disparaging the value of practice, in fact believed that practical perfection is itself the ultimate

¹⁰ Ibid., p. 1862.

¹¹ A view that also, as Pines notes, was at times affirmed by al-Farabi: 'Wisdom then acquaints one with true happiness, and practical wisdom acquaints one with what must be done to attain happiness.' Shlomo Pines, *Truth and Falsehood Versus Good and Evil*,... p. 117 (see above, n.1).

¹² Aristotle, *Nicomachean Ethics* (1094b19-22), p. 1730 (see above, n. 7). As we will see, this is not necessarily to say that we cannot gain knowledge in ethics according to Aristotle, but it does at least mean that such knowledge would be of a different order to the theoretical knowledge that is the perfection of the intellect.

¹³ Shlomo Pines, *Truth and Falsehood Versus Good and Evil*, (see above, n.1), p. 106.

¹⁴ Ibid., p. 101.

perfection. The central textual basis for this is the apparent practical sting in the tail of the very final passages of the *Guide*.

It is clear that the perfection of man that may truly be gloried in is the one acquired by him who has achieved, in a measure corresponding to his capacity, apprehension of Him, may He be exalted, and who knows His providence extending over his creatures as manifested in the act of bringing them into being and their governance as it is. The way of life of such an individual, after he has achieved this apprehension, will always have in view, loving-kindness, righteousness and judgement, through assimilation to His actions, may he be exalted, just as we have explained several times in this Treatise. (*GP*, III: 54, 638)

Maimonides is apparently saying here that the true perfection is in fact practical assimilation to and imitation of God's attributes of action rather than intellectual apprehension of primary intelligibles. Thus, according to Kenneth Seeskin, for example, the intellectual perfection that Maimonides refers to throughout the *Guide* is in fact the Socratic ideal of knowing the limits of our intellectual capacities, specifically for Maimonides regarding our knowledge of the nature of God. This critical level of knowledge then leads us 'to contemplation of God's moral attributes and thus to the 613 commandments.'¹⁵ As mentioned above Hermann Cohen advocates a similar view, whilst others such as Shlomo Pines and Lawrence Berman, prefer a more al-Farabian political interpretation of this practical end.

The only positive knowledge of God of which man is capable is knowledge of the attributes of action, and this leads and ought to lead to a sort of political activity which is the highest perfection of man.¹⁶

The practical reading it seems to me, is difficult to maintain for reasons that are mainly textual, though they also touch upon 'strategic' issues. Textually, the sheer weight of evidence just seems to militate against the practical interpretation. The predominant theme is that of intellectual perfection to which as quoted above 'there *do not belong* actions or moral qualities' (emphasis added). Now Maimonides is, of course, notorious in some circles for the lengths to which he would go in order to hide his true views. However, citing such esotericism in order to overthrow the apparent prevalence of the intellectualistic approach in the *Guide*¹⁷ seems to me to be self-defeating. Surely if the practical interpretation were correct Maimonides would, so to speak, be shouting it from the rooftops. To spend the entire work extolling the virtues of the contemplative life when in fact he truly believes in a form of practical perfection as the end of man would seem to run entirely counter to the reasons for the esoteric strategy. Surely if any view needs concealing from the masses it would be the view that the ultimate perfection for man is intellectual. A practical reading would, on the other hand, be far more amenable to the traditionalist and would surely have been made far more explicit

¹⁵ Kenneth Seeskin, *Jewish Philosophy in a Secular Age*, Albany 1990, p. 49.

¹⁶ Shlomo Pines, *The Limitations of Human Knowledge According to Al-Farabi, ibn Bajja, and Maimonides*, in: Isadore Twersky, *Studies in Medieval Jewish History and Literature*, Cambridge, Mass. 1979, pp. 82-109; p. 100.

¹⁷ Something, we should note, that Seeskin specifically wishes to avoid. He argues that one of the merits of his view is that it avoids the need for appealing to esoteric layers of meaning in the text. See Kenneth Seeskin, *Jewish Philosophy in a Secular Age*, (see above, n.14), p. 49.

throughout the work were it indeed believed by Maimonides to be the best life for man.

Interestingly then, the practical interpretation is thought to be far more 'traditionally Jewish' than the intellectual alternative. However, as a general rule I find appeals to such 'arguments from tradition' highly speculative – Maimonides said a lot of things that would shock the traditionalist – and would be at best extremely reluctant to use them in order to establish what it was that Maimonides was really saying. Thus, my attempt to rehabilitate the practical realm and my claim that it is indeed cognitive grows out of considerations internal to Maimonides' system rather than out of the scholarly quagmire surrounding the nature and extent of his esotericism. Moreover, as we shall see, this rehabilitation does not actually extend to agreement with the practical interpretations of human perfection so far discussed.

2. The practical realm as cognitive: Maimonides on *Ta'amei ha-mitzvot*

The first step in our argument requires us to pay some attention to Maimonides' attempts to rationalise the commandments. His intellectualism regarding the issue of whether or not there is rational warrant for the commandments of the Torah other than the mere fact that God has commanded them is stated very clearly. But what is particularly significant about his lengthy discussion of *ta'amei ha-mitzvot* in the third part of the *Guide* is the constant emphasis he puts on the parallels between the realms of nature and law. As Josef Stern has argued, Maimonides saw no discontinuity at all between these two domains.

The parallel Maimonides constantly emphasises between the Law and divine (i.e. natural) acts is not a parallel between two different domains but within one domain... Maimonides' presentation of *ta'amei ha-mitzvot* in Part III of the *Guide* might, in short, be described as the natural science of the Law, on a par with Aristotelian natural science of the physical world.¹⁸

This parallelism is certainly at the forefront of the entire discussion in part III of the *Guide*. Indeed, the section on rationalisation begins with a discussion of God's actions in nature, all of which are identified as 'good and excellent' in being effectively directed at noble ends. However, what the Torah means when it ascribes such acts to God, according to Maimonides, is simply that he is the First Cause of such 'action'.

It is very clear that everything that is produced in time must necessarily have a proximate cause, which has produced it. In its turn that cause has a cause and so forth till finally one comes to the First Cause of all things. I mean God's will and free choice. For this reason all those intermediate causes are sometimes omitted in the dicta of the prophets, and an individual act produced in time is ascribed to God... We and other men from among those

who study true reality have spoken about it, and this is the opinion of all the people adhering to our Law. (*GP*, II: 48, 410).

This point about nature is then immediately extended to God's laws, which are simply a subset of His actions. As a result, Maimonides' approach to rationalising the commandments has it similarly that God's commandments are the end result of which God, or rather God's will, is the original efficient cause.

The term 'command' is figuratively used of God with reference to the coming to be of that which He has willed. (*GP*, I: 65, 159).

As in nature therefore, God is seen as the first cause of the commandments, which can subsequently be rationalised through the study of the scheme of natural causation that mediates between God as first cause and commandment as final effect. As such, the whole approach to rationalising the commandments is 'scientific' inasmuch as it looks to the natural scheme of causation at work in nature in order to rationalise the commandments.

However, the scientific nature of the rationalisation goes rather deeper than this. Scholars¹⁹ have noted that Maimonides uses 'purpose' and 'cause', along with a number of other terms interchangeably in his discussion of rationalising the commandments.

There is a group of human beings who consider it a grievous thing that *causes* should be given for any law; what would please them most is that the intellect would not find a *meaning* for the commandments and prohibitions. What compels them to feel thus is a sickness that they find in their souls... For they think that if those laws were *useful* in this existence and had been given to us for this or that *reason*, it would be as if they derived from the reflection of some intelligent being. If, however, there is a thing for which the intellect could not find any *meaning* at all and that does not lead to something *useful*, it indubitably derives from God; for the reflection of man would not lead to such a thing. It is as if, according to these people of weak intellects, man were more perfect than his Maker; for man speaks and acts in a manner that leads to some intended *end*, whereas the deity does not act thus, but commands us to do things that are not useful to us and forbids us to do things that are not harmful to us. (*GP*, II: 31, 523-4, emphasis added).

There are also people who say that every commandment and prohibition in these Laws is consequent upon *wisdom* and aims at some *end*, and that all Laws have *causes* and were given in view of some *utility* (*GP*, III: 26, 507, emphasis added).

This Maimonidean equation between uncovering the wisdom of the commandments and uncovering their causes, utility and end (as well as with explaining their meaning) is a result of the Aristotelian concept of scientific explanation that Maimonides utilises throughout his rationalisation. More significantly, it is this Aristotelian approach that opens up an avenue for arguing that the sphere of the commandments is a cognitive one.

While a detailed account of the Aristotelian account of explanation is beyond the scope of this article, the basic outline of the argument is simply stated. As we have already noted, the commandments are 'good and excellent' in virtue of being

¹⁸ Josef Stern, *Problems and Parables of Law*, Albany 1998, p. 20. Similarly, David Hartman writes that Maimonides' rationalisation of the commandments was an attempt to 'achieve a unified understanding of nature and Torah revelation.' David Hartman, *Maimonides: Torah and Philosophic Quest*, Philadelphia 1976, p. 143.

¹⁹ For example Lawrence Kaplan in his article Rabbi Soloveitchik's Philosophy of Halakhah, in: *Jewish Law Annual*, vol. 7, 1988, pp. 139-197.

effectively directed at noble ends. What we find Maimonides using here is the Aristotelian notion of a final cause that explains something by being the end for which it is undertaken – that for the sake of which it is done or exists.²⁰ And again emphasising the parallel with nature, just as God has arranged nature so that things have been created such that they realise certain ends or structures, the laws that God has commanded are similarly to be explained in terms of what they are ‘for the sake of.’

What is central to Maimonides’ use of this conception of explanation though is the link it has with Aristotle’s view of scientific knowledge or *episteme*. For Aristotle, we only truly know something in the full sense of the term if we know ‘the why’ of it (*to dia ti*), the explanation that tells us what it is and how it has come to be such as it is. And understanding ‘the why’ of something in this manner is to grasp its primary cause (*he prote aitia*).

Knowledge is the object of our inquiry, and men do not think they know a thing till they have grasped the ‘why’ of it (which is to grasp its primary cause).²¹

To have scientific knowledge of something for Aristotle therefore requires that one have an explanation for it, which is a matter of having causal knowledge, at least in the broad sense of explaining *why* something is so.²²

Maimonides, as Pines points out, shares Alexander of Aphrodisias’ Aristotelian idea that science should aim to ‘set forth the causes of the physical phenomena and disclose their natural order.’²³ What this means for the Maimonidean method of rationalisation is that if Maimonides wishes us to be able to claim that we really understand the commandments, we will need to show that we have an explanation for them, which involves grasping their ‘causes’. And indeed, it is precisely this that Maimonides gives us with his teleological approach to the commandments that allows us to account for his use of ‘explanation’, ‘causation’ and ‘purpose’ as virtual synonyms. It is the final cause that explains the commandments since it is for the sake of this final cause that they were given and thus this is their reason and purpose.

However, having an explanation for something is not in itself sufficient to produce scientific knowledge of it or *episteme* in the Aristotelian sense. For this there are a number of further constraints that have to be met:

Whether there is also another type of understanding we shall say later: here we assert that we do know things through demonstrations. By a demonstration I mean a scientific deduction; and by scientific I mean a deduction by possessing which we understand something.

If to understand something is what we have posited it to be, then demonstrative understanding in particular must proceed from items which are true and primitive and immediate and more familiar than and prior to and explanatory of the conclusions. (In this way the princip-

²⁰ While Aristotle of course discussed four explanatory ‘causes’, for the purposes of our Maimonidean exposition it is only the concept of the final cause that we need attend to.

²¹ Aristotle, *Physics* (194b18–21), trans., R. P. Hardie and R. K. Faye in: Jonathan Barnes, *The Complete Works of Aristotle*, pp. 315–446; p. 332. (see above, n. 7).

²² The precise relationship between Aristotle’s use of the term ‘cause’ and our modern day notions of causation need not detain us here. For a good introductory discussion of this relationship though see Jonathan Lear, *Aristotle: The Desire to Understand*, Cambridge 1988, pp. 28–42.

²³ Shlomo Pines, *The Philosophical sources of the Guide of the Perplexed*, in: Moses Maimonides, *Guide of the Perplexed*, pp. lvii–cxxxiv; p. lxx (see above, n. 2).

les will also be appropriate to what is being proved). There can be a deduction even if these conditions are not met, but there cannot be a demonstration – for it will not bring about understanding.²⁴

In addition to knowing the explanation for something we must also know that the conclusion cannot be otherwise and in order for this to be the case we must be in possession of a demonstration of the object in question. Thus a scientific explanation must be the result of a deduction in which the premises are true, primitive, immediate, more familiar than, prior to, and explanatory of the *explanandum*.

Generally Aristotle is understood to be appealing here to the idea that a scientific body of knowledge must form an axiomatic system such as that of Euclidean geometry in which a few true and certain axioms are taken as primary truths from which the rest of the system follows deductively. The primary truths themselves, though not demonstrable and thus ‘primitive and immediate’, are acquired by induction, or the repeated perception of particulars through the intellectual virtue of *nous*. The eventual system of scientific knowledge therefore takes the form of a stack of demonstrative syllogisms that can be traced back in the first instance to these true and non-demonstrable first principles.

What though is the nature of the first principles of such an Aristotelian science? The concept that does the necessary work here for Aristotle is that of form, the fundamental explanatory concept in Aristotelian science. These forms, as the essential natures of substances that account for their being what they are, are the definition-stating starting points that conform to the standards required of a scientific explanation. Thus, the fundamental explanatory premises of a science are definitions stating what the forms of the various substances are from which one can deduce all the other characteristics of that substance. Moreover, the concept of form holds the same fundamental position in Maimonides’ thought as we see in the very first chapter of the *Guide* where he writes in his explanation of the term ‘image’ as predicated of God:

The term image is applied to the natural form, I mean the notion in virtue of which a thing is constituted as a substance and becomes what it is. (*GP*, I: 1, 22, emphasis added).

Evidently therefore, in order to give a teleological explanation of the commandments that satisfies the standards of a demonstration, Maimonides must introduce the concept of form into his explanation and posit a causal connection between the commandments and this form. Should he manage to do this, Maimonides would, it seems, be able to give a scientific explanation of the rationality of the commandments.

Maimonides does indeed posit just such a connection between the commandments and the form of man in his discussion at *Guide* III: 27. Here, he initially discusses the purpose of the ‘Law as a whole’ writing:

The Law as a whole aims at two things: the welfare of the soul and the welfare of the body. As for the welfare of the soul, it consists in the multitudes acquiring correct opinions corre-

²⁴ Aristotle, *Posterior Analytics* (71b16–21), trans., Jonathan Barnes, Oxford 1993, pp. 2–3.

sponding to their respective capacity... As for the welfare of the body, it comes about by the improvement of their ways of living with one another. (*GP*, III: 27, 510)

Maimonides then goes on to discuss two corresponding *perfections*:

For it has already been demonstrated that man has two perfections: a first perfection, which is the perfection of the body, and an ultimate perfection, which is the perfection of the soul. The first perfection consists in being healthy and in the very best bodily state... His ultimate perfection is to become rational in actu, I mean to have an intellect in actu;... It is clear that to this ultimate perfection there do not belong either actions or moral qualities and that it consists only of opinions towards which speculation has led and that investigation has rendered compulsory. (*Ibid.*, 511).

It appears as if the *welfare* of the body is a function of social order and a necessary pre-requisite for the *welfare* of the soul, which consists in the multitude gaining correct opinions in speculative matters. The *perfections* of body and soul on the other hand consist respectively of the physical health of the individual and the acquisition of correct opinions 'that investigation has rendered compulsory'. Given our brief Aristotelian excursus, we can readily understand this as referring to such opinions that have actually been demonstrated rather than simply accepted on some other basis such as the authority of tradition. As noted in the previous section, this is the true perfection for which the perfection of the body is again a pre-requisite.

The commandments we are told aim therefore at the two perfections and generally do so via the establishment of the two types of welfare.

The True Law then... has come to bring us both perfections, I mean the welfare of the states of people in their relations with one another through the abolition of reciprocal wrongdoing and through the acquisition of a noble and excellent character. In this way the preservation of the population of the country and their permanent existence in the same order become possible, so that every one of them achieves his first perfection; I mean also the soundness of the beliefs and the giving of correct opinions through which the ultimate perfection is achieved. (*GP*, III: 27, 511).

The commandments therefore regulate society (welfare of the body) so as to allow for the health of the individual (perfection of the body), or teach correct opinions (welfare of the soul) as a precursor to further investigation in which these opinions and others that are not explicitly taught can be demonstrated (leading to the perfection of the soul).²⁵ The commandments are therefore rational inasmuch as they fulfil these aims and the Torah is seen as a means to achieving these ends to the extent that is possible for all society. This means that according to Maimonides, the commandments are all somehow connected to the form of man, admittedly in some cases by a somewhat tortuous route. Nonetheless, since we begin with this form, we are able to understand the commandments as proceeding from starting points that fulfil the various conditions of truth, necessity, immediacy etc. and this in turn enables us to produce a scientific system of rationalisation for the commandments.

²⁵ For a more detailed account of these relationships and some of the complications arising from them see Miriam Galston, *The Purpose of the Law in Maimonides*, in: Joseph A. Buijs, *Maimonides: A Collection of Critical Essays*, Notre Dame, Ind. 1988, pp. 215-233.

At this point then we encounter our problem. For how can we argue that Maimonides believes that we can have scientific knowledge of the commandments given the view he apparently takes of the practical intellect and its objects as outlined in section 1 and presented in *Guide* I: 2:

Through the intellect one distinguishes between truth and falsehood, and that was found in [Adam] in its perfection and its integrity. Fine and bad on the other hand, belong to the things generally accepted as known, not to those cognised by the intellect... Now man in virtue of his intellect knows truth from falsehood; and this holds good for all intelligible things. Accordingly, when man was in his most perfect and excellent state, in accordance with his inborn disposition and possessed of his intellectual cognitions... he had no faculty that was engaged in any way in the consideration of generally accepted things and he did not apprehend them. (*GP*, I: 2, 24-25).

Maimonides even categorises the commandments as generally accepted opinions rather than primary intelligibles in his discussion of the Decalogue where he writes that

the existence of the deity and His being one, are knowable by human speculation alone... As for the other commandments, they belong to the class of generally accepted opinions and those adopted in virtue of tradition, not to the class of the intellecta. (*GP*, II: 33, 364).

It seems from these passages that according to Maimonides only the theoretical intellect deals with truth and falsity whilst the practical intellect deals with the relative distinction between the good and the bad. This being so we would be unable to talk of knowledge in the sphere of the practical for it seems that we could not speak of practical statements as necessary truths of the sort that knowledge-producing scientific deductions are supposed to yield. How are we then to argue that Maimonides is a cognitivist with regards to matters practical?

3. The Solution

The route to a solution can be approached by first creating further problems. For there is an apparent distinction between an Aristotelian scientific explanation and the type of explanation that I have argued Maimonides is concerned to give us in his rationalisation of the commandments. The problem is that the Maimonidean account does not fully explain each particular commandment since an alternative might have served the same purpose.²⁶ Basically, in an Aristotelian scientific explanation the essence of something, acting as efficient cause, determines the particular effect. In our example of rationalising the commandments, the

²⁶ Joseph Soloveitchik makes this very point in his critique of the Maimonidean method of rationalisation as presented in the *Guide*, though it is a mistake that he believes Maimonides does not make in the *Mishneh Torah*. See J. B. Soloveitchik, *The Halakhic Mind*, New York, 1986, pp. 94-5. Moreover, Pines writes that 'Maimonides' defence of the law of the Torah does not (or does not altogether) rest upon the assumption that, absolutely speaking, it is the best conceivable law.' Shlomo Pines, *The Philosophic Sources of the Guide of the Perplexed*, pp. lvii-ccxiv; p. ccxiii (see above, n. 22). Nonetheless, he admits that 'under the circumstances no better law could have been instituted' (*Ibid.*).

form of man posited as the final cause of the commandments does not uniquely determine the particular commandment we are attempting to rationalise. As T.H. Irwin has noted, 'Natural teleology is not compatible with all conceivable efficient causes of an event; but it may be compatible with more than one.'²⁷ The particular laws of the Torah therefore seem somewhat underdetermined by the form of man.²⁸

Since the analogy between Aristotelian demonstrations and Maimonidean rationalisations is currently the main motivation for the argument that Maimonides believes the practical realm to be cognitive, if it does break down in this way, is our argument stymied before it has even begun? It seems to me that there are two routes we can take in response to this problem.

The 'strong thesis' would maintain the analogy in all its detail and argue that Maimonides did indeed believe that his rationalisations of the commandments amounted to scientific *episteme*-yielding demonstrations. In order to argue for this, one would need to maintain that Maimonides did indeed see the Torah as a necessary condition for perfection. Certainly, as Bernard Williams has noted, we can no longer believe that any account of human nature 'will adequately determine one kind of ethical life as against others.'²⁹ However, given Maimonides' Aristotelianism, he may have believed that this was indeed possible. By appeal to Aristotle's famous (and problematic) *ergon* argument according to which the moral life can be seen as part of the 'proper functioning' of man, one could argue as Williams himself does, that 'Aristotle saw a certain kind of ethical, cultural and indeed political life as a harmonious culmination of human potentialities, recoverable from an absolute understanding of nature.'³⁰ Maimonides' natural teleology might therefore be taken to determine a unique route to human perfection, however implausible that might seem to the modern mind.

However, even if we accept this possibility of demonstrating the ethical laws of the Torah, it seems far more difficult to do so for the ritual laws. For the ritual laws Maimonides notoriously resorted to historical explanations that indicated how the commandments were determined by contingent historical circumstance. Such an approach yields further difficulties for one wishing to argue that Maimonides believed that the commandments could be scientifically demonstrated since Aristotelian demonstrations cannot appeal to contingent facts. They must exclusively take the form of a deductive chain of 'necessary' truths.³¹

²⁷ T.H. Irwin, *The Metaphysical and Psychological Basis of Aristotle's Ethics*, in: Amelie Oksenberg Rorty, *Essays on Aristotle's Ethics*, pp. 35-53; p. 40 (see above, n.3). Pines refers to this weakness when he plays down the role of teleological explanations in the Maimonidean system. Shlomo Pines, *The Philosophic Sources of the Guide of the Perplexed*, (see above, n. 22), p. lxx.

²⁸ Making it possible, at least in principle, for a non-Jew to bypass the Torah and still attain both moral and intellectual perfection. See Menachem Kellner, *Maimonides on Human Perfection*, (see above, n. 6), pp. 28-30.

²⁹ Bernard Williams, *Ethics and the Limits of Philosophy*, London 1985, p.52.

³⁰ *Ibid.*

³¹ This problem is of course much discussed in Aristotelian scholarship. See for example Jonathan Barnes, *Aristotle's Theory of Demonstration*, in: Jonathan Barnes/Malcolm Schofield/Richard Sorabji, *Articles on Aristotle*, vol. 1, London 1975, pp. 65-87. Most of the solutions propounded there would not address our Maimonidean concerns though.

One might argue that Maimonides understood the particular historical facts contained in his explanations as expressing general deterministic trends in nature that could form part of a scientific rationalisation. Thus, we could see the particular facts from a 'universal perspective', as representing universal necessary truths about humanity.³² However, as we have seen previously Maimonides certainly wished to make a distinction between the theoretical and practical realms and to insist therefore on the analogy between his explanation of the commandments and scientific demonstration in all its details might be misguided. More importantly though there is a very plausible weaker version of the analogy that still leads us to the same conclusions.³³

The 'weak thesis' would allow for a Maimonidean distinction between scientific demonstration and commandment rationalisation while insisting that he pushes the analogy between the theoretical and practical realms as far as it can go, most significantly with respect to the explanatory schemes they both utilise. The entire discussion of *ta'amei ha-mitzvot* is thus an attempt to establish such an analogy between the explanatory schemes used in both the theoretical and practical spheres.³⁴

The first point to make in this connection is that Maimonides uses the term 'truth' (*emet*) in relation to the commandments on a number of occasions in his writings.³⁵ In the Mishneh Torah for example we find that the highest form of worship practised by one who serves God out of love is that in which one 'does what is true because it is true, and ultimately good will come of it.'³⁶

³² Thus, though we cannot have scientific knowledge of the particular facts, we can have it of the *kinds* of event they represent. Indeed, this is the explanation that Ackrill gives of an Aristotelian passage dealing with the problem of knowledge of particulars and was a strategy used later in Jewish philosophy by Gersonides in his discussion of God's knowledge of particulars. See J.L. Ackrill, *Aristotle the Philosopher*, Oxford, 1981, p. 97, and Gersonides, *The Wars of the Lord*, 3 vols, trans., Seymour Feldman, Philadelphia 1984, 1987 & 1998, Book III.

³³ It is worth noting in relation to this that Maimonides does not confine our cognitive advances to those achieved through demonstration. As Arthur Hyman and Joel Kraemer have both convincingly argued, dialectical syllogisms have cognitive value for Maimonides. See Arthur Hyman, *Demonstrative, Dialectical and Sophistic Arguments in the Philosophy of Moses Maimonides*, and Joel L. Kraemer, *Maimonides on Aristotle and Scientific Method*, both in: Eric L. Ormsby, *Moses Maimonides and His Time*, Washington 1989. However, the complication here that is that we are not starting our explanations from 'generally accepted opinions', which is the mark of dialectical arguments for Maimonides, but from the form of man which is indeed a primary intelligible. Thus it is difficult simply to say that the commandment explanations are dialectical since the problem with these arguments is not the starting point, but the links in the argument chain.

³⁴ Notably, David Charles argues that throughout the *Nichomachean Ethics* Aristotle develops a variety of analogies between theoretical and practical knowledge including one between the explanatory schemes they utilise. See David Charles, *Aristotle and Moral Realism*, in: Robert Heinaman, *Aristotle and Moral Realism*, London 1995, pp. 135-172, esp. p. 158ff.

³⁵ Again, Aristotle similarly speaks of truth in relation to the practical realm, albeit a form of truth that he distinguishes from theoretical truth. See for example *Nichomachean Ethics*, 1139a26-31 and *De Anima* 431b10-13.

³⁶ Moses Maimonides, *Mishneh Torah*, *Laws of Repentance* 10: 2, trans. E. Touger, New York 1987 n 270.

Similarly in his Introduction to Perek Helek we find:

One ought not to busy oneself with God's Torah in order to earn one's living by it; nor should the end of studying wisdom be anything but knowing it. The truth has no other purpose than knowing it is truth. Since the Torah is truth, the purpose of knowing it is to do it.³⁷

Thus we find that Maimonides does use the predicate 'true' of practical matters and indeed as Howard Kreisel has documented, often emphasises that practical apprehension is rooted in our rational faculties.³⁸

This is of obvious significance for the question of cognitivism in Maimonides' thought. Cognitivism with regard to a certain disputed realm of statements is simply the argument that 'the claims in question, when literally construed, are literally true or false'.³⁹ That Maimonides applies the truth predicate to the commandments is therefore important. However, more significantly I would argue that what justifies this application for Maimonides is the location of the moral truths within the sort of explanatory scheme that he sets out in his rationalisation of the commandments. Importantly, one needn't argue that knowledge of such matters need be identified with knowledge of primary intelligibles scientifically demonstrated, and that only this would justify the application of truth-values. Moral cognitivists need not make metaphysical appeals to such quasi-Platonic realms (or even to their modern equivalents such as a belief in 'real' moral properties). Moral objectivity, it has been argued, can be retained without such commitments. As Robert Heinaman has stated in his discussion of Aristotle's own moral realism 'the objectivity of morality can be established on the basis of explaining what counts as a good reason for action'.⁴⁰ It is precisely this that Maimonides' rationalisation of the commandments achieves. It is an attempt to give just such reasons for the commandments, reasons that are analogous to scientific demonstrations in utilising a systematic explanatory structure that links the commandments to the form of man. And locating them within such a structure would, in the eyes of such realists, suffice for the application of the truth predicate to them.

However, it is absolutely central to our argument that Maimonides is not therefore a *moral* cognitivist. Maimonides distinguishes the system of the commandments as a realm of cognition from the moral realm of 'generally accepted opinions' *per se*. This becomes clear if we look at the way in which Maimonides distinguishes between divine Law and other non-divine systems.

Accordingly if you find a Law the whole end of which and the whole purpose of the chief thereof, who determined the actions required by it, are directed exclusively toward the ordering of the city and of its circumstances and the abolition in it of injustice and oppression; and if in that Law attention is not at all directed toward speculative matters, no heed is given to the perfecting of the rational faculty, and no regard is accorded to opinions being correct or faulty ... you must know that that Law is a *nomos* and that the man who laid it down belongs, ... to those who are perfect only in their imaginative faculty.

If, on the other hand, you find a Law all of whose ordinances are due to the attention being paid, as was stated before, to the soundness of the circumstances pertaining to the body and also to the soundness of belief – a Law that takes pains to inculcate correct opinions with regard to God, may He be exalted in the first place, and with regard to the angels, and that desires to make man wise, to give him understanding, and to awaken his attention, so that he should know the whole of that which exists in its true form – you must know that this guidance comes from Him, may He be exalted, and that this Law is divine. (*GP*, II: 40, 383-384).

According to Maimonides, human legal systems or *nomoi*, are at best geared exclusively to practical ends.⁴¹ The divine law on the other hand is, as previously explained, ultimately connected to the final contemplative perfection of man.

What all of this means in our Maimonidean context is that certain people will not have the systematic knowledge of the commandments that relates them to their final contemplative end for the reason that certain systems do not direct them to that end. The members of such a community will only be able to reach a lesser cognitive state that allows them to see the link to practical ends that establish the system as one traditional or conventional system amongst others. In contrast, divine law is elevated from the status of a generally accepted opinion since the system enables one to seek out the connection between the commandment and the highest end for man i.e. to the higher contemplative end of theoretical perfection. Maimonides therefore distinguishes, as noted in our discussion of *ta'amei ha-mitzvot*, between 'the Law in general' and 'divine Law' by virtue of their *teloi*. As Kreisel writes, in Maimonides' system 'it is the ultimate purpose or *telos* of the moral order that determines our evaluation of it'.⁴²

How does this affect the cognitive status of the commandments though? It seems to me that, as Kreisel notes, the very ability to connect the commandments to the ultimate theoretical end itself causes a qualitative change in the status of these laws.

In changing the ultimate *telos* of the prohibitions of conventional morality and directing them to the attainment of intellectual perfection, the Divine Law changes the nature of these prohibitions.⁴³

What this means is that we can acknowledge that the intellect proper is the theoretical intellect that deals with truth and falsehood and maybe indeed only directly cognise the forms that are its object. However, we can raise the status of our cognition in the practical sphere to that of knowledge by drawing out the relationship of these practical matters to the form of man that serves

³⁷ Moses Maimonides, *Commentary to the Mishnah, Introduction to Perek Helek* (Sanhedrin 10). Translation taken from Isadore Twersky, *A Maimonides Reader*, New York 1972, p. 405.

³⁸ Howard Kreisel, *Maimonides' Political Thought*, New York 1999, chapter 2.

³⁹ Geoffrey Sayre-McCord, *Essays on Moral Realism*, New York 1988, p. 5.

⁴⁰ Robert Heinaman, *Aristotle and Moral Realism*, p. 2 (see above, n. 33)

⁴¹ It is possible for such systems to be prophetic in part, but at best their revealed nature amounts to the awareness of the contribution that correct opinions can make to the welfare of the body and thus incidentally contribute to the ultimate intellectual perfection. See Miriam Galston, 'The Purpose of the Law', (see above, n. 24), p. 230.

⁴² Howard Kreisel, *Maimonides' Political Thought*, (see above, n. 37), p. 82.

⁴³ *Ibid.*, p. 83. Similarly, Galston speaks of the difference between *nomos* and divine Law as 'a difference of kind, not merely of degree.' Miriam Galston, 'The Purpose of the Law', (see above, n. 24), p. 224.

as their end.⁴⁴ In the practical sphere therefore knowledge can be gained by drawing connections analogous to those drawn in scientific demonstrations. But it is only a divine system of Law that is directed in this manner for its adherents. What this means is that according to Maimonides we can therefore have genuine knowledge of the commandments but only if we can gain the necessary explanatory knowledge of them that relates them to the ultimate end for man.⁴⁵ But that makes him a cognitivist with respect to divine law, not a cognitivist with respect to morality *per se*.⁴⁶

4. Some Problems Reconsidered

A careful reading of the problematic passages quoted at the end of section one seems to bear out our thesis regarding the cognitive nature of the commandments. Both passages can be seen to be making an epistemological distinction between our subjective states of knowledge rather than a metaphysical one that in principle deprives the realm of the practical of its cognitive nature. Thus in *Guide* I: 2, Maimonides tells us that Adam was originally endowed with intellect and that

It was because of this that it was said of him that he was created in the image of God and in His likeness. It was likewise on account of it that he was addressed by God and given commandments, as it says: And the Lord God commanded, and so on. For the commandments are not given to beasts and beings devoid of intellect. Through the intellect one distinguishes between truth and falsity. (*GP*, I: 2, 24).

⁴⁴ Interestingly given the relationship between our view and that of Hermann Cohen who wished to give a Platonic interpretation of Maimonides, this understanding of Maimonides reflects a view of knowledge that has been attributed to Plato by Julia Annas. Annas writes that Plato's view of knowledge is one whereby 'the advance to knowledge is a progress to increased understanding, and this comes about... by setting the belief in a wider context of one's other beliefs and their mutually explanatory relationships'. Julia Annas, *An Introduction to Plato's Republic*, Oxford 1981, p. 200.

⁴⁵ Such knowledge it seems to me might well correspond to what Maimonides terms knowledge of 'the science of the Law in its true sense' as opposed to knowledge of the science of the law in its legalistic sense. For the latter would imply an exclusive concern with the practical legal aspect of the Law without regard to its true theoretical purpose. Menachem Kellner has argued in contrast that it was only with Joseph Albo that the commandments themselves were taken to be the subject matter of the true science of the Law. For Maimonides this term is supposed to refer to physics and metaphysics. See Menachem Keller, *The Conception of the Torah as a Deductive Science in Medieval Jewish Thought*, in: *Revue des Etudes Juives*, vol. 146, 1987, pp. 265-279. However, I am not sure that there is any fundamental disagreement here between myself and Kellner since on my interpretation, it is the very relating of the commandments to the truths of physics and metaphysics that allows us to include them within the true science of the Law.

⁴⁶ Fox's contention that according to Maimonides *moral* rules are non-cognitive is therefore correct in a sense, for as long as a set of rules remain in a purely moral setting devoid of any connection to man's intellectual perfection, they cannot be known in the fullest sense. Only within the religious context can we understand them in their full cognitive light. In line with this view, Fox goes on to give a rather different account of Maimonides' method of rationalisation according to which the commandments 'are not rational in the sense of being demonstrable.' Marvin Fox, *Interpreting Maimonides*, (see above, n. 4), p. 142.

What is significant here is that according to Maimonides, commandments were only given to Adam on account of his being endowed with an intellect that can distinguish between truth and falsity. The implication seems to be that the ability to distinguish between truth and falsity is necessary for the understanding of divine commands and that they therefore can be known by the intellect to be true or false. What Adam therefore lost as a result of his sin was his *a priori* knowledge of the link between such matters and the ultimate intellectual end. That is not to say that prior to the fall Adam had knowledge of the entire system of divine commandments. The argument is rather that *in principle* he would have had cognition of such links when in his perfect intellectual state should he have been aware of such practical matters.⁴⁷ One might therefore argue that he could have known the truth of the one command that God did issue to him prior to his sin. However, after his sin, once he is led astray by his imagination into the realm of the passions, he was unable to recognise the links between the commandments and their ultimate intellectual end. The point is that after the fall Adam is left in the lesser cognitive state that one has of a *nomos* i.e. he understands the various practical matters with which he is engaged merely in terms of their connections to practical ends. This relegates the practical statements that he apprehends to the status of generally accepted standards of goodness and badness rather than that of true or false statements that are understood in terms of their link to indisputable first principles. Thus, Adam becomes 'absorbed in judging things to be bad or fine.' (*GP*, I: 2, 25).

The passage relating to the Decalogue at II: 33 is admittedly more difficult to deal with.⁴⁸ There, Maimonides explicitly writes that except for the first two, the commandments of the Decalogue 'belong to the class of generally accepted opinions and those adopted in virtue of tradition, not to the class of the intellecta.' (*GP*, II: 33, 364). Nonetheless, if we look at this sentence in the context of the whole passage, it seems to me that we can understand this phrase in terms of our epistemological distinction. The chapter at this point is discussing a quote from the midrash on Song of Songs I: 2 which says that only the first two commandments were heard directly from God by all the people, the remainder being communicated to them by Moses. Maimonides goes on to explain this in the following way:

For these two principles, I mean the existence of the deity and His being one, are knowable by human speculation alone. Now with regard to everything that can be known by demonstration, the status of the prophet and that of everyone else who knows it are equal; there is no superiority of one over the other. Thus these two principles are not known through prophecy alone. The text of the Torah says: Unto thee it was shown, and so on. As for the other commandments, they belong to the class of generally accepted opinions and those adopted in virtue of tradition, not to the class of the intellecta. (*GP*, II: 33, 364).

We are initially told that regarding the first two commandments the status of the knowledge of the prophet and that of everyone else is the same. The implication in

⁴⁷ For the view that Adam actually did have absolute *moral* knowledge before the fall see Steven Schwarzschild, *Moral Radicalism and 'Middlingness' in the Ethics of Maimonides*, in: *Studies in Medieval Culture*, vol. 11, 1978, pp. 65-94.

⁴⁸ Isadore Twersky who agrees that divine morality is 'immanently reasonable and its rationality is discoverable' has written that this passage requires 'special study'. Isadore Twersky, *Introduction to the Code of Maimonides*, New Haven/London, 1980, p. 159, fn. 10, p. 217.

what follows – ‘As for the other commandments...’ – is that this somehow contrasts with the remaining eight commandments and it would appear logical for the contrast to be that with respect to these commandments the cognitive states of the prophet and everyone else differ, with the prophet presumably being in the stronger cognitive position. However, if these eight commandments are essentially in themselves ‘generally accepted opinions’ (or adopted by virtue of tradition) and cannot be known, then the two groups could not have different levels of cognitive awareness with respect to them. Regardless of whether you were a prophet or a member of the general public, they would remain ‘generally accepted opinions’. If, however, we understand the phrase regarding the status of the last eight commandments as telling us about the manner in which they are generally appropriated by the masses, then we can argue that they are not essentially ‘opinions’. They *can* be known, but only by the prophet who can locate them within the sort of ultimate rational system that we have been discussing. What we are being told therefore is that in contrast to the first two commandments, which the masses can know in the same way as the prophet, the final eight are only ‘generally accepted opinions’ as far as the masses are concerned. If the problematic sentence is relativised to the masses we can again see it as referring to our epistemological distinction.

It is though true to say that the masses might not be able to engage in philosophical demonstrations of the first two commandments either and this might be thought to vitiate my interpretation here. However, it is possible that Maimonides’ point here is that while the masses, like the prophets, would be able to accept the first two commandments should they be demonstrated to them, they would have far greater difficulty with a full explanation of the other commands which would show them to be entirely subordinate to intellectual ends, with all the implications that has for the traditional view of Jewish practice. It might be therefore that while both the prophets and the masses are ‘equal’ with regards to the first two commandments, the remaining commandments need to remain ‘adopted in virtue of tradition’ for the masses. To see them as related to the ultimate intellectual perfection as the prophet does might, in the eyes of the masses, undermine them.⁴⁹

The final issue to discuss briefly in light of our argument is our understanding of Maimonides’ conception of human perfection. For despite my contention that the realm of the commandments is cognitive, the idea that practice is merely a propaedeutic to the ultimate intellectual perfection still seems to relegate it to a subordinate status. Indeed, even in the quotation from the *Mishneh Torah* cited earlier, though one does what is ‘true’ one does it so that ‘ultimately good will come of it’. What part does practice therefore play in ‘the best life for man’?⁵⁰

⁴⁹ The traditional foundation of these commandments might therefore be a ‘necessary belief’ for the masses. See GP, III: 28, 512.

⁵⁰ Given restrictions of space, these remarks are necessarily programmatic. The view expressed here though is close to those of Menachem Kellner, Maimonides on Human Perfection (see above, n. 6); Howard Kreisel, Maimonides’ Political Thought (see above, n. 37); and Daniel H. Frank, The End of The Guide: Maimonides on the Best Life for Man, in: *Judaism*, vol. 34, 1985, pp. 485–495. The precise nuances of each view and the manner in which my view differs from them is too large a topic to be addressed adequately here.

According to Maimonides, the ultimate perfection for man is indeed intellectual, and to such intellectual perfection no ‘actions or moral qualities’ can actually belong. However, even if the final end is theoretical, that does not mean that practice has no role in the best life for man. For, while the ultimate perfection is intellectual, to be pure intellect is to be God. A human *qua* human is essentially embodied and as such, in order to maintain the (qualitatively inferior) degree of intellectual perfection that it is possible for man to attain, it is necessary that one maintain (both for oneself and, through prophetic legislation, for society) the practical perfection vouchsafed by adherence to the Torah. Thus, practical perfection remains a necessary constituent of the perfect *human* life, though not its final end.⁵¹

Thus, and entirely in accordance with Maimonides’ words at the conclusion of the *Guide*, the perfect individual is one who achieves perfect intellectual apprehension and as a result ‘always has in view’ assimilation to God’s actions i.e. promulgating and acting in accordance with divine legislation. These actions do not constitute the most final perfection, but necessarily remain at the forefront of the perfect individual’s life since the practical perfection is not one that can be discarded, but one that requires constant application for the maintenance of intellectual perfection. Should one’s health fail or one’s moral standards slip, one will lose the tranquillity that enables one to fulfil one’s intellectual perfection.

However, the actions undertaken in this intellectually perfect state are not simply ethical or political, since once one has cognised the true relationship between the practices and the ultimate intellectual end, one is rather performing divine *mitzvot*. The practical component of the final perfection, consequent upon intellectual perfection, is therefore not simply ethical or political.⁵²

A second point worth making in this connection is that whilst actions themselves by definition cannot be a constituent of one’s ultimate intellectual perfection, it is not entirely clear that *knowledge* of these actions i.e. the *mitzvot*, cannot be objects of knowledge and thus part of that final perfection. Kreisel argues that Maimonides never explicitly mentions the Aristotelian idea of the practical intellect specifically in order to emphasise that ethics and politics are not subject matters for the intellect *per se*. Knowledge of such matters is not, it seems to be identified with the knowledge of primary intelligibles and thus forms no part of the ultimate perfection. However, if one wished to push the strong thesis discussed

⁵¹ J.L. Ackrill argued in connection with some of the problems that Aristotle encounters in this same area, that one can speak of degrees of finality among ends: ‘A is more final than B if though B is sought for its own sake (and hence is indeed a final and not merely an intermediate goal) it is also sought for the sake of A. And that end is more final than any other, final without qualification.’ J.L. Ackrill, Aristotle on Eudaimonia, in: Amelie Oksenberg Rorty, *Essays on Aristotle’s Ethics*, (see above, n. 3), pp. 15–33; p. 21. It seems to me that this is Maimonides’ approach to the practice of the commandments. In many of his writings Maimonides emphasises that ideally they should be performed for their own sake (*lishma*), but at the same time, as we have seen they also serve the most final end of all – that of intellectual contemplation.

⁵² I am here in agreement with Kreisel that this activity is therefore prophetic *imitatio dei* and a result of the overflow that emanates from the perfected intellect. See Howard Kreisel, Maimonides’ Political Thought (see above, n. 37) chapter 4.

earlier, it would be possible to maintain that knowledge of these matters could be a part of it.⁵³

In conclusion therefore, we have argued that Maimonides believed that in principle there is an ideal explanatory system that could be reconstructed in order to understand the commandments.⁵⁴ By showing how they fit into such an overall theory that begins from minimal (by Maimonidean standards) universal and necessary assumptions about human nature, Maimonides can hold this realm to be cognitive. But we can only have knowledge of the commandments through their link to the ultimate intellectual goals of man. However, that is not to disparage the practical realm. It is simply to see it in what for Maimonides was its ultimate context.⁵⁵

⁵³ Oliver Leaman makes this point, arguing 'the reasons for the laws are just as appropriate an object of contemplation as is anything to do with physics or metaphysics.' Oliver Leaman, *Moses Maimonides*, London 1990, p. 158. Indeed, Kreisel himself notes that from God's perspective, since all of existence is the object of divine intellection, all of it is 'true' and the distinction between 'the good' and 'the true' breaks down. Thus one might argue that in our ultimate (otherworldly) perfected state of pure intellection, we might indeed have such knowledge of the commandments as part of this perfection. See Howard Kreisel, *Maimonides' Political Thought*, (see above, n. 37), pp. 120ff.

⁵⁴ In practice, such a reconstruction is no easy task since as Maimonides himself acknowledges 'we ignore the causes for some of them and we do not know the manner in which they conform to wisdom.' (GP, III: 26, 507).

⁵⁵ Thanks are due to Professor David Shatz for his insightful comments on an earlier piece that provided the basis for this article. Many subsequent improvements are a result of his comments.