

*Maimonides on the Nature of Good and Evil**Daniel Rynhold*

As is often the case with subjects in the labyrinthine work that is the *Guide of the Perplexed*, Maimonides' discussions of the concepts of good and evil are scattered throughout and often interspersed among other topics. In this essay I will endeavor to untangle some of the questions surrounding his treatment of good and evil – or good and bad – specifically as they relate to ethical action.<sup>1</sup> But even limiting oneself to the ethical realm leaves open multiple avenues. Maimonides has much to say concerning virtue ethics, for example, whether with regard to specific virtues, or more generally with his well-known discussion of the Aristotelian doctrine of the mean. Given that our focus here is the *Guide*, however, where discussion of these issues is more limited than in *Mishneh Torah* and *Shemonah Perakim*, and that detailed scholarly work is readily available in these other areas,<sup>2</sup> we will here devote ourselves to a road less traveled but of great significance to the trajectory of the *Guide* itself.

For if we begin with our ordinary intuitive sense of morality, we notice that Maimonides appears to spend most of the *Guide* limiting the moral concepts of good and evil to a supporting role in the quest for what really matters – the intellectual perfection gained through knowledge of “intelligibles, which teach true opinions concerning the divine things” (Maimonides 1963, 3.54: 635).<sup>3</sup> Indeed, the *Guide* is often read as being

I am indebted to David Shatz and Josef Stern for invaluable comments on an earlier draft of this essay. Where I continue to contradict them, I hope they will read esoterically.

<sup>1</sup> Other contexts in which good and evil are discussed, such as with respect to “being” or states of affairs, are left in the background since they are treated elsewhere in this volume, though the argument of this essay ultimately provides reason for seeing Maimonides' ontological and ethical uses of “good” as two sides of the same coin. See note 36 in this essay.

<sup>2</sup> See, for example, Frank (1989 and 1990), Weiss (1991), and Shatz (2005).

<sup>3</sup> Or perhaps knowledge of the limits of our ability to gain such knowledge according to certain scholars, including (famously) Pines (1979). For a sophisticated recent iteration of this skeptical view, see Stern (2013). For the purposes of this essay, we generally need not commit on this, so will just speak of intellectual perfection, which readers can take in either a substantive or skeptical sense.

bookended by the relegation of the realm of moral evaluation to secondary status;<sup>4</sup> in what could be read as an excursion into metaethics *avant la lettre*,<sup>5</sup> moral values appear to be relativized to human concerns as matters of convention or “common opinion” and, as such, are compared unfavorably with the intellectual values of truth and falsity. Yet, while Maimonides is not one to let tradition obstruct his quest for truth, the idea that morality or practice in general is secondary to intellectual endeavor would appear to be difficult to square with his practical Jewish commitments, not to mention contrary indications in both the *Guide* and his other writings.

Though Maimonides would obviously not have been aware of the contemporary language of moral cognitivism or the various nuanced forms of moral realism and anti-realism that dominate contemporary metaethics, one certainly finds some quite direct observations in the *Guide* on whether moral judgements are truth-apt, and whether or not the moral values that are their subject matter pick out objective properties that form part of the – to use John Mackie’s felicitous phrase – “fabric of the world.”<sup>6</sup> At the very least, we find significant material in the *Guide* on some of the basic epistemological and metaphysical questions around which discussions of moral cognitivism and realism revolve.<sup>7</sup> In this piece, therefore, we will attempt to determine where Maimonides stood on such issues.<sup>8</sup>

#### 4.1 Maimonides the Non-Cognitivist?

One of the most famous discussions of good and evil in the *Guide* appears in only the second chapter, where through his discussion of Adam’s sin in the Garden of Eden Maimonides sets out what, at first glance, appear to be both a non-cognitivist and anti-realist view of moral value. He writes:

<sup>4</sup> Or almost bookended, since it is in the second chapter of the *Guide* that we first encounter this negative evaluation, and even though Maimonides appears to reinforce his moral “skepticism” in the final chapter, its closing paragraphs are infamous for laying him open to an interpretation whereby ultimate significance is given to the practical, if not moral realm, as we will see.

<sup>5</sup> Or an anticipation of the appendix to part one (and more) of Spinoza’s *Ethics*. For detailed analysis of the Maimonides-Spinoza nexus, see, for example, W. Z. Harvey (1979; 1981a), Fraenkel (2006), and Parens (2012).

<sup>6</sup> Mackie (1990, 15).

<sup>7</sup> See, for example, the rational reconstruction of his views on natural law that have a bearing on such issues in Novak (1998), especially chapter 4. W. Z. Harvey (1986) also looks at Maimonides’ metaethical and ethical theories.

<sup>8</sup> To approach ethics theoretically rather than practically is, as Daniel Frank correctly observes, “not to do ethics in the ‘Classical’ way. For Aristotle, ethics is a practical science, and this means that it subserves a practical end, namely, how to live well and, thereby, to achieve the human good.” (Frank 2006, 960). While this is indeed the case, our theoretical enterprise will turn out to be closely bound up with Maimonides’ normative ethics, as we will see.

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 cognized 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. (Maimonides 1963, 1.2: 24–25)

Taking a first run at Maimonidean metaethics, this tells us that truth values are applicable to matters of the intellect, while judging what is “fine” or “bad,” in contrast, reflects “generally accepted things,” statements concerning which are not candidates for intellectual apprehension or truth. Inasmuch as the content of moral judgement is thus not truth-apt for Maimonides, this appears to be a pretty explicit statement of moral non-cognitivism – the view that moral judgements do not express beliefs to which truth values can be assigned, but rather express some non-cognitive attitude or emotional state.<sup>9</sup>

Moreover, this is not an isolated statement in the *Guide*. In his discussion of revelation at Mount Sinai, Maimonides once again classes all but the first two commandments within the class of generally accepted opinions and opposes them to “primary intelligibles” that can be known.

[T]he 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. (Maimonides 1963, 2.33: 364)

While the “other commandments” cover broader ground than we would nowadays think of as ethical, many have formed the backbone of Western moral codes throughout history, such that once again we might take Maimonides to be reinforcing the idea that ordinary moral judgements are not matters of belief gained through rational human speculation. In addition, moral judgements are ultimately the concern of the “desires of the imagination and the pleasures of his corporeal senses” (Maimonides

<sup>9</sup> Maimonides’ use in *Guide* 1.2 of the terms “fine” (*al-ḥasan*) and “bad” (*al-qabīḥ*), rather than “good” (*al-kayr*) and “evil” (*al-sharr*) naturally raises questions. Yet, as Howard Kreisel has shown, Maimonides often uses differing terminology in this area, so it is unclear that we should make too much of this (Kreisel 1999, 109). For detailed analysis of the antecedents of Maimonides’ language here among other related issues, see Pines (1990).

1963, 1.2: 25).<sup>10</sup> Even if communal consensus is formed through the acceptance of tradition, it is prompted by what for Maimonides are affective and physical-imaginative rather than cognitive concerns, and thus is entirely parasitic upon our corporeal nature. It would be “unthinkable” if we were pure intellects living a perfect Adamic existence, a state that is identical to the postmortem existence of those select individuals who will qualify for a place in the Maimonidean version of the World to Come. There, one will “neither experience bodily pleasures, nor . . . want them” (Maimonides 1972, 411), but instead “souls [will] enjoy blissful delight in their attainment of knowledge of the truly essential nature of God the Creator” (Maimonides 1972, 412).<sup>11</sup>

The link to Maimonidean eschatology is particularly important. As Maimonides explains in his *Mishneh Torah*, the soul referred to is “not the soul that needs a body, but the form of the soul, that is, the knowledge that it apprehends of the Creator according to its capacity, and that it comprehends regarding abstract concepts and other matters” (*Mishneh Torah*, “Laws of Repentance,” 8.3). The reference here to form testifies to Maimonides’ attribution of an objective *telos* to humankind – that of actualizing the intellect – and “admission” to his World to Come is only gained through the actualization of this intellect in its coming to know relevant eternal truths:

The true perfection which gives human beings “permanent perdurance” is one that consists in the acquisition of the rational virtues – I refer to the conception of intelligibles, which teach the true opinions concerning the divine things.” (Maimonides 1963, 3.54: 635)

This means that actions are of the wrong type to enable one to enter the World to Come. Moral actions that fall under the categories of good and bad are simply of a different species from judgements of the intellect that have truth values. As Maimonides later tells us of the ultimate intellectual human perfection, it is one to which “there do not belong either actions or moral qualities . . . it consists only of ideas towards which speculation has

<sup>10</sup> For the grounding of the concepts of good and evil in the imagination, see W. Z. Harvey (1979, 179–183). More generally, based on the definition given at Maimonides (1963, 3.13: 453) – “‘Good’ is an expression applied by us to what conforms to our purpose” – Harvey argues that, given that human purposes can, and do, vary, Maimonides ends up with a “relativistic and subjectivistic” (W. Z. Harvey 1986, 131) account of the “good” similar to that given here.

<sup>11</sup> While the *Commentary to the Mishnah* is a much earlier work than the *Guide*, Maimonides’ views on the World to Come remain consistent throughout his life, appearing unchanged in the much later (and post-*Guide*) “Letter on Resurrection.” Moreover, as Moshe Halbertal among others has noted, Maimonides amended and revised the *Commentary to the Mishnah* throughout his life. See Halbertal (2014, 92–93).

led and that investigation has rendered compulsory” (Maimonides 1963, 3.27: 511). Given this, together with the idea that *judgements* regarding what is good and bad do not fall within the scope of the intellect, and cannot be considered truth-apt, one can understand why Marvin Fox would have stated that “In contemporary philosophic terminology we would say that Maimonides considers all moral statements to be noncognitive” (Fox 1990, 150; see also 181 and 190).

#### 4.2 Maimonides the Weak Cognitivist?

The first cut is not always the deepest, and it is of little surprise that as soon as we take a second run at this, we find that matters turn out to be rather more complicated.

We can begin by noting that relegating ordinary moral conceptions of good and evil to secondary status or even relativizing them to the ultimate intellectual endeavor appears at the very least to be in tension with Maimonides’s unwavering commitment to Judaism,<sup>12</sup> a commitment that traditionally entailed privileging the *bios praktikos* over the *bios theôrêtikos*. That Maimonides was committed to the system of Judaic law and thus the morality embodied in the halakhic system, not to mention his being the first to codify it in its entirety, cannot be gainsaid, and thus, as David Shatz has written (while fully acknowledging all of the points we have made), “it would be a colossal mistake to ignore what Maimonides does say about ethics” (Shatz 2005, 169). As Joseph Soloveitchik noted in his lecture course on the *Guide*:

Did [Maimonides] not realize that the view that theoretical knowledge is the highest ideal and that ethical performance is only of practical value goes against the morality of the prophets? . . . It is almost unthinkable that Maimonides, the great student of Halakha who in the *Mishne Torah* placed so much emphasis on the ethical gesture, should have, in the manner of Aristotle, demoted that gesture to mere opinion. (Kaplan 2016, 123)

More importantly, however, there are also philosophically substantive reasons for taking this view. A first barrier to applying the truth predicate to moral judgements for Maimonides is an apparently Aristotelian epistemology whereby moral beliefs cannot be truth-apt since they are not the

<sup>12</sup> Some question its “unwavering” nature, at least from a descriptive perspective, with reference to an alleged forced conversion to Islam. See Kraemer (2008a, 116–124) and cf. Davidson (2005, 17–28). Whether his “Epistle on Martyrdom” may provide halakhic mitigation for this is a subject of heated debate. See Soloveitchik (1980), Hartman (1985), and Lorberbaum and Shapira (2008).

conclusions of demonstrative arguments.<sup>13</sup> That is, moral judgements, being the mere consensus of the masses, are not theoretical truths that are determined rationally through a demonstration in which the premises are “true and primitive and immediate and more familiar than and prior to and explanatory of the conclusions” (Aristotle 1994, *Posterior Analytics*, 71b20–22).<sup>14</sup> They neither are, nor are based upon, necessary truths concerning universals that are the subject matter for scientific knowledge or *epistême*.<sup>15</sup>

And yet, while Maimonides withholds the truth predicate from moral judgements, it is far from clear that this renders them simply a matter of human affective responses in a way that parallels contemporary forms of moral non-cognitivism. It is true that moral judgements are grounded in the imaginative faculty and thus *are* ultimately based on affective human responses. As a result they are relative to a *human* hierarchy of values unlike the truth values of pure intellection. As W. Z. Harvey (1979) argues, this involvement of the imagination renders application of the predicates “true” and “false” questionable here, at least from a strictly scientific Aristotelian perspective. But as Harvey also contends, once the imagination supplies us with the notions of “good” and “evil,” intellect is then “forced to work within its domain” (W. Z. Harvey 1979, 181) in attempting to find the best means to the “imaginatively supplied” ends.

Along similar lines, Howard Kreisel has argued at length that while there is little question that intellectual perfection is indeed the highest perfection for human beings, and, further, that the intellect is only actualized through the demonstration and subsequent contemplation of theoretical truths, this does not relegate the practical realm to being nonrational and a mere function of the imaginative faculty. Even in the account of Adam’s sin – a prime source for the relegation of moral value to secondary status, as we have seen – Maimonides writes that it was “on account of [intellect] that he was addressed by God and given commandments” and that “commandments are not given to beasts and beings devoid of intellect” (Maimonides 1963, 1.2: 24). But why would intellect be a necessary condition for the receipt of a command if commandments are solely the concern of nonrational faculties?

<sup>13</sup> A view we will shortly have reason to question, even in Aristotle.

<sup>14</sup> A full account of the nature of a demonstration takes matters rather further than this. For a summary in the context of Maimonides’ *Guide*, see Rynhold (2005, 12–18).

<sup>15</sup> Note that this introduces a significant “internalist” element to Maimonides’ epistemology, such that his alleged non-cognitivism would be largely determined by the internal reasons that one can – or, in this case, cannot – give for one’s moral judgements, a point to which we will have cause to return.

As early as the *Treatise on Logic*, Maimonides assigns moral distinctions, among other things, to what he calls “the rational faculty” (Maimonides 1938, 61) and refers to the “science” of governance as one that imparts “to its masters a knowledge of true happiness, showing them the way to obtain it, and a knowledge of true evil, showing them the way to avoid it” (Maimonides 1938, 64). Similar associations between the rational faculty and political or ethical activity also pepper the *Guide* itself (for example in *Guide* 1.53, 1.72, and 3.8). As Kreisel summarizes the matter: “That knowledge of the ‘good’ is not knowledge of the ‘necessary’ does not entail that it is essentially subjective. [It] . . . does not have the same certainty as knowledge of the ‘intelligibles’, but neither for the most part is it false” (Kreisel 1999, 102). When he argues that Maimonides hesitates to use the term “intellect” – or even the Aristotelian notion of the practical intellect – for practical matters, it is not because ethical and political matters are unrelated to reason. Aristotle himself speaks of “practical truth” (Aristotle 2009, *Nicomachean Ethics*, 1139a 24–31), “precisely to make the point that practice like theory is an exercise of reason, its success a success of reason” (S. Broadie 1991, 221),<sup>16</sup> and Maimonides does likewise, such as when describing the highest form of worship in the *Mishneh Torah* as that in which one “does what is true [*emet*] because it is true, and ultimately good will come of it.”<sup>17</sup>

Thus, despite his earlier denial of the truth predicate to moral judgements, we can raise the following question – even if it is only our physical and hence imaginative side that provokes moral judgement, would this simple fact of human embodiment be sufficient basis for moral non-cognitivism? Surely, recognizing that moral judgements reflect our embodied nature does neither a noncognitivist make, nor render our determinations of what is “good” or “evil” simply the relative affective responses of human beings that are, like beauty, entirely in the eyes of the beholder. If this *were* sufficient for moral non-cognitivism, then it would become true by definition.

It seems, then, that we should pay closer attention to Maimonides’ account of moral judgements, beginning with his designation of such judgements as *al-mashhūrāt*, or “generally accepted opinions” – a translation of Aristotle’s *endoxa*. While Maimonides might well exclude moral value from the realm of pure intellectual cognition, the value of

<sup>16</sup> For further discussion of Aristotle’s use of “truth” in the practical realm, see S. Broadie (1991, 219ff).

<sup>17</sup> Maimonides, *Mishneh Torah*, “Laws of Repentance” 10.2. See also *Introduction to Perek Helek*: “Since the Torah is truth, the purpose of knowing it is to do it” (Maimonides 1972, 405). Note, however, that for Maimonides the use of truth in this context is not being applied to morality *per se*, but to the Torah. This, as we will discover, might turn out to be an important distinction.

“Aristotelian” *endoxa* should lead us to question whether this amounts to endorsing a view parallel to contemporary non-cognitivism. The precise status of *endoxa* in the Aristotelian worldview is a matter of debate, but Aristotle defines them as the opinions acceptable “to everyone, or to most people, or to the wise – to all of them, or to most, or to the most famous and esteemed” (Aristotle 1997, *Topics*, 100b21–23). So they are judgements maintained by the “esteemed” and not simply human affective responses. Far from yielding non-cognitivism therefore, in the eyes of contemporary theorists this would be a form of weak cognitivism, whereby moral statements are grounded in “generally accepted opinion”; and if “good” is defined as “generally accepted opinion” (within a given population) we may well be able to determine the truth of the statement “X is good.” So rather than falling into the non-cognitivist camp, Maimonides appears closer to cognitivists who give a judgement-dependent account of moral qualities, whereby the opinions of the wise – the *endoxa* – determine the application of moral predicates such that the truth of moral judgements is “constitutively tied to facts about human opinion” (Miller 2013, 135). As such, they are truth-apt judgements.<sup>18</sup>

If this is the case, then Maimonides turns out, in contemporary terms, to be marrying weak cognitivism with moral anti-realism. In appealing to human judgement, Maimonides does not appeal to any metaphysically strange mind-independent moral properties as the subjects of moral judgement. In this sense, he turns out to be precisely John Mackie’s type of moral skeptic in his denial of “entities or relations of a certain kind, objective values, or requirements” (Mackie 1990, 17). What he does appeal to though, under the guise of “commonly accepted opinion,” amounts to more than the mere affective responses of human beings. So though Maimonides may have been reluctant to apply the truth predicate strictly speaking to moral judgements, the view expressed here would nonetheless appear to fall under a weak cognitivist description.<sup>19</sup>

### 4.3 Maimonides the Strong Cognitivist?

Once more, however, we find further layers to Maimonides’ discussion that lead us to question the account given in Section 4.2. For we have so far argued that “generally accepted opinions” have a degree of cognitive

<sup>18</sup> I am grateful to Josef Stern for comments that helped me formulate the ideas in this paragraph.

<sup>19</sup> For detailed presentation of the judgement-dependent view, see Wright (1988). Critical discussion can be found in Miller (2013, chapter 7).



standing – albeit a degree below that of demonstrated truths, hence their secondary status. But it turns out that there might be a route to raising their cognitive *bona fides* even higher.

We begin this story at *Guide* 2.40, where Maimonides famously distinguishes between types of systems of law. There are, on the one hand, *nomoi*, which proceed strictly from the imaginative faculty of human lawmakers and are thus “directed exclusively toward the ordering of the city and of its circumstances and the abolition in it of injustice and oppression . . . [but] not at all directed toward speculative matters . . . to opinions being correct or faulty” (Maimonides 1963, 2.40: 383). On the other hand, we have divine law “that takes pains to inculcate correct opinions with regard to God . . . 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” (Maimonides 1963, 2.40: 383–384).

While *Guide* 2.40 is interested in the lawgivers rather than the agents, it nonetheless shows us that what is key in determining the status of an act is its goal, and this is reinforced later at the beginning of his discussion of reasons for the commandments, where we find an explicit definition of good action that leads us in an objectivist direction. Maimonides there lists four classes of action – the vain, the futile, the frivolous, and then finally: “The good and excellent action is that accomplished by an agent aiming at a noble end, I mean one that is necessary or useful, and achieves that end” (Maimonides 1963, 3.25: 503). Thus, we are given a definition of a good act that appeals to its *telos*, and as we have already noted, Maimonides posits a “true perfection” or *telos* for human beings – identified in the very first chapter of the *Guide* as the human potential for “intellectual apprehension” (Maimonides 1963, 1.1: 22). It seems, then, that an act that is a means towards one’s ultimate perfection is good in an objective sense – and one that hinders this *telos* would presumably be bad. Or, as Kreisel writes, “it is the ultimate purpose or *telos* of the moral order that determines our evaluation of it” (Kreisel 1999, 82). As a result, Maimonides ends up with what Harvey describes as an “intellectualistic teleology [as] a kind of utilitarianism” (W. Z. Harvey 1986, 134), though the more general term “consequentialism” might be more appropriate here.<sup>20</sup>

So can an act be classified as an objectively good act if it achieves this final end? Take the following case: Intellectually imperfect person S performs act x on account of its conventional “goodness.” S has acted

<sup>20</sup> Since Maimonides identifies pure intellection as the greatest – albeit unfathomable to us corporeal mortals – form of pleasure (see Maimonides 1972, 410–412), however, utilitarianism may indeed be appropriate.

with the intention of achieving straightforward moral perfection – or “welfare of the body” in “Maimonidean” parlance. Over the course of time, though, S achieves his ultimate intellectual perfection. What are we to make of such an act? Is it objectively good?

On the one hand, the act realizes the true “being” or reality of the individual (which also fits well with Maimonides’ more general account of good whereby all being is good (Maimonides 1963, 3.10: 440)). So act x would have played a causal role in the ultimate attainment of S’s perfection, and the proposition “act x was good” would on this account, be true. On the other hand, both in the case of the lawgivers of 2.40 and the definition at 3.25, Maimonides speaks of the “agent *aiming* at a noble end” (Maimonides 1963, 3.25: 503, emphasis added). It seems, therefore, as if we must add an intentionalist element to our picture. For while one might be able to speak of an *act* as good from a third-person perspective should it achieve the ultimate intellectual end, a good *agent* must be one who is aiming at that end. Should an act just accidentally yield the intellectual end, it would not be the act of a good agent, which requires in addition that the agent *aim* at that end.

This is important because it creates space for elements of the Aristotelian type of virtue ethic that features in Maimonides’ thought. For there are now two vectors here to which we must pay attention: one is ontological, to do with the real world effects of an act, and the other is epistemological – in Aristotelian terms, whether the act is a result of *prohairesis*, a rational choice based in virtue, and in this case rationally chosen specifically for the sake of the human intellectual *telos*. Presumably, this would be important to Maimonides, and in addition we would have to differentiate between those who deliberate about what they should be doing so as to achieve social ends, and those who deliberate so as to achieve the ultimate *telos* of intellectual perfection, that is, between:

- (1) A morally virtuous agent A who believes, based on generally accepted opinions, that “x is a good act” since it will achieve social and/or political ends – Maimonides’ “welfare of the body” which involves “the improvement of their ways of living with one another” (Maimonides 1963, 3.27: 510).
- (2) A morally virtuous agent A who believes, based on rational deliberation, that “x is a good act” since it will achieve intellectual ends.

It would appear that “x is a good act” would be objectively true only in cases of type 2 where it is intended and, more importantly, known that the act will realize the human form through the achievement of intellectual

perfection. This would give us reason to argue for a cognitivist picture whereby the statement that a specific act is good can indeed be true on grounds that appeal to objective matters of fact rather than subjective matters of opinion, appealing to what for Maimonides would have been real naturalist properties of his Arabic-Aristotelian cosmos. In other words, relative to the science of his day, we seem to have a case for Maimonides as a cognitivist naturalist realist regarding ethics. He appears to believe that moral properties can be identified with natural properties.<sup>21</sup> On this reading then, while granting that Maimonides believes that in the practical sphere one can never get to universal necessary truths that yield *epistême*, from our perspective his view is nonetheless akin to strong cognitivism whereby one can know that “x is a good act” is true.<sup>22</sup>

Regarding judgements of type 1, while the acts in question could turn out in the long run to have played a causal role in the achievement of intellectual perfection, should the agent ultimately develop that perfection, the judgement “x is a good act” could not be considered true for Maimonides in the strong cognitivist sense, given his quasi-intentionalism. Though the application of contemporary categories might be problematic here, one might find room for arguing that moral judgements of type 1 could be considered true from the previously discussed weak-cognitivist perspective. That is, they are judgements that are not merely expressing affects, but they fall short of being “true” in the most robust sense.<sup>23</sup>

And yet, the cognitivist countermove just discussed raises all manner of difficulties. A first question – again leveled by Zev Harvey – is that while any given act, according to Maimonides, can be termed objectively good if it has (and is known to have) the desired intellectual effects, how *is* one to know whether it will indeed have those effects? As Harvey notes: “A final judgment as to whether an act was or was not “right” or “good” cannot thus be made until all its effects (or relevant effects) have transpired” (W. Z. Harvey 1986, 136). What this of course means is that while act

<sup>21</sup> This was hardly an unusual view in ancient and medieval times given their teleological cosmologies. Interestingly, though, despite the anachronism given the Aristotelian scientific context, Maimonides would seem to be close in spirit to contemporary reductionists within the naturalist camp such as Peter Railton, rather than the so-called Cornell realists, prominent among whom are Richard Boyd, David Brink, and Nicholas Sturgeon. See Miller (2013, chapters 8 and 9).

<sup>22</sup> Moreover, Arthur Hyman has argued that for Maimonides “dialectical no less than demonstrative arguments have cognitive significance” (Hyman 1989, 51). Kraemer (1989) argues similarly regarding the value of dialectic in Maimonides, albeit to a lesser cognitive degree than Hyman.

<sup>23</sup> This would also render Maimonides “stricter” than Aristotle as regards the application of the truth predicate, if Sarah Broadie is correct that as between theoretic and practical activity “there is no compelling reason to see . . . an Aristotelian distinction between strict and deviant senses of ‘truth’” (S. Broadie 1991, 223).

tokens can indeed turn out to be objectively correct, working out in advance when that is the case would appear to be a Sisyphean task. Moreover, no act-type can be considered “absolutely right,” since on any given occasion, it may not yield the desired outcome.

From here, our problems multiply exponentially. Who is to know whether an act will indeed ultimately yield intellectual perfection, and whose intellectual perfection? If we limit consideration for the moment to one’s own perfection, one would need to know all of the effects the act would have, including, presumably, everything that both I and anyone in my environs will be doing in the future such that I can work out how my acts will cohere with theirs in a manner that will not disrupt the causal chain leading up to my perfection. Other than the sheer practical impossibility of doing this, such a view, allowing that it is coherent at all, would seem to require a form of determinism that undercuts Maimonides’ exoteric statements on free will at the very least. We would seem to need to know all future occurrences, including those resulting from the free acts of other human beings, such that I could be confident of taking the correct next step in the chain.

What we have discovered, then, is that the entire picture regarding consequentialist calculation – leaving aside the admittedly important question of how precisely to reconcile it with Maimonides’ virtue ethics – seems utterly unrealistic. At best, it seems that the only agent who could even come close to potentially calculating whether an act will lead to intellectual perfection would already have to *be* intellectually perfect in order to have deliberated correctly (and to desire such an end). But this, in turn, means that for Maimonides the highest cognitive state regarding ethical action is *not* that which leads the person to intellectual perfection, but that which is consequent upon it. As Shatz puts it:

[A]lthough there is a certain sort of morality that precedes and is prerequisite for the *vita contemplativa*, there is another sort of morality that is a *consequence* of intellectual perfection and represents an “overflow” or “emanation” from intellectual achievement. This morality . . . is quite different from morality as we have considered it so far. (Shatz 2005, 169)<sup>24</sup>

This “consequent” morality consists of acts that *result* from intellectual perfection, not those that are performed either because they are “generally accepted” in a given community or because they *yield* intellectual perfection. It differs in status fundamentally from the “conventional morality”

<sup>24</sup> Other versions of this distinction can be found in Kreisel (1999, especially chapter 4 and pages 185–188), Stern (2013, chapter 8), and Kellner (1990), who adds a halakhic twist.

discussed in *Guide* 1.2, and the weak cognitivism we subsequently surveyed that precedes such perfection. It is the “morality” of the intellectually perfected individual or at least of the individual who is already some way down the road in pursuit of that state. And it seems to lead to the following: that only a rationally perfect individual could truly state that “x is a good act,” since only such an individual could potentially know which acts lead to – or in their case maintain – rational perfection and act on them for that reason.<sup>25</sup>

#### 4.4 The Ethics of Intellectual Perfection

We have suggested that the only individual who could potentially deliberate correctly in the ethical realm would have to be the apotheosis of intellectual perfection. Yet even for such an individual, it seems to be a superhuman task. If anyone answers to the description “superhuman,” though, it is the previously mentioned exemplar of the ultimate perfection described at the end of the *Guide*, 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. (Maimonides 1963, 3.54: 638)

Maimonides is here describing a form of practical perfection through a commitment to *imitatio Dei*, whereby God’s “moral attributes,” at least as evidenced through His actions, are reproduced through our own.<sup>26</sup> And this would appear to be the only type of ethics for which one could give the

<sup>25</sup> This would also presumably mean that “trainees” need intellectually advanced teachers to get them to the state where they can truly act ethically themselves, much as Aristotle’s virtuous person would have to be trained by a *phronimos* in order to become one.

<sup>26</sup> Hermann Cohen initiated the modern move to a practical – indeed, in Cohen’s case, ethical – interpretation of the *Guide*, by appeal to Maimonides’ negative theology and the impossibility of comprehending God’s nature: “The attributes revealed do not portray God according to the categories of space and time or of substance and power, of number, magnitude, and infinity . . . Instead revelation posits those attributes that reveal God solely and exclusively as an ethical being, as a being of ethics, according to the words of scripture: compassionate and gracious, abounding in kindness and faithfulness. This is the focus of Maimonides’ doctrine of attributes: he pinpoints and limits the concept of a divine attribute to an ethical attribute, thus identifying the concept of God with the ethical concept of God” (Cohen 2004, 69). Further practical interpretations include the more Farabian political interpretations of Pines (1979) and of Lawrence Berman (1974), and Josef

strong cognitivist account described previously. Yet the acts referred to at the end of the *Guide*, subsequent to our achievement of intellectual perfection, differ from what we would ordinarily term moral acts. In being imitations of divine acts, these acts are *not* the result of ordinary moral dispositions. Just as God's "actions" cannot reflect the virtues qua psychological dispositions that we usually associate with moral action, human "ethical" action as undertaken by intellectually perfect individuals cannot result from "generally accepted opinions" or ordinary moral dispositions if it is to be *imitatio Dei*. Maimonides' describes the unusual state of the very few human exemplars of this perfection as follows:

And there may be a human individual who, through his apprehension of the true realities and his joy in what he has apprehended, achieves a state in which he talks with people and is occupied with his bodily necessities while his intellect is wholly turned toward [God], may He be exalted, so that in his heart he is always in His presence . . . while outwardly he is with people." (Maimonides 1963, 3.51: 623)

These figures, admittedly limited by Maimonides to only four figures from history – Moses and the patriarchs – "were occupied with governing people, increasing their fortune, and endeavoring to acquire property . . . they performed these actions with their limbs only, while their intellects were constantly in [God's] presence" (Maimonides 1963, 3.51: 624). These perfect human specimens who act on the basis of perfected intellects do not appear to modern eyes to be acting morally – or, for that matter, to be in the business of making complex practical calculations – in any recognizable sense at all.<sup>27</sup>

If we dig deeper in an attempt to understand the nature of these individuals and their ethical practice, there seem to be two possible interpretations of what "acting on the basis of perfect intellect" could mean for Maimonides:

(1) On the one hand, momentarily setting aside the objections advanced earlier, one could argue for an act-consequentialist account, whereby perfect individuals are able to somehow divine (or intellect) which actions yield or maintain intellectual perfection. Of course, this will also presumably mean that, on occasion, they may perform acts that do not conform to

Stern's more recent take (Stern 2013), which though skeptical, still better maintains Maimonides' clear and explicit emphasis on intellectual perfection.

<sup>27</sup> See Rynhold (2009, 202–203) and Stern (2013, 328–330).

the expectations of the general populace, acts that might be seen as “transgressions” from a conventional perspective. Perfect individuals cannot be bound by ordinary moral principles simply because the masses expect them to follow these “absolute” rules. To perform such an act would be objectively the wrong thing to do if these perfect individuals know that perfection demands a different action.<sup>28</sup> It seems, then, as if there would be room to argue that Maimonides takes an act-consequentialist approach to ethics, and one that enables certain extremely rare types to perform acts that can be considered objectively correct, given that they serve their ultimate intellectual state, even if these acts are not in fact those suggested by our ordinary moral principles. On this account, at a metaethical level, the statement that some such act, *x*, is good, could indeed be known to be true, following the cognitivist realist reading of Maimonides’ ethics.

On the other hand, as we have indicated, this interpretation encounters severe obstacles from a practical perspective, given the impossibility of such calculations being made accurately by any human being. It is also unclear how comfortably it can sit with the virtue ethics that we find throughout Maimonides’ writings. It does, however, sit well with the idea that from a purely conceptual perspective, as Aristotle openly admits: “We must be content, then, in speaking of such subjects and with such premisses to indicate the truth roughly and in outline, and in speaking about things which are only for the most part true, and with premisses of the same kind, to reach conclusions that are no better” (Aristotle 2009, *Nicomachean Ethics*, 1094b19–22). But this latter point actually suggests a second (far more likely) interpretation of “acting on the basis of perfect intellect.”

(2) By contrast, it could be argued that the Maimonides of the *Guide* understood these limits on ethical knowledge all too well. For Maimonides’ instrumentalist account of the commandments (*Guide* 3.25–49)<sup>29</sup> leads to obvious questions regarding what one ought to do if, in a particular situation, one knows that the “right act” as stated by the

<sup>28</sup> Lawrence Kaplan (2002) has advanced a reading of Maimonides’ introduction to Tractate Avot – better known as the “Eight Chapters” – in support of this idea, whereby “obedience to the Law must give way to the unique urgent need on the part of this unique human being for the attainment of the virtues, since the goal of this individual is the truth, that is to say, the knowledge of God” (Kaplan 2002, 17). Our own discussion would suggest a friendly amendment, whereby it would more likely be the maintenance rather than the attainment of the virtues that is at stake.

<sup>29</sup> Which is later superseded by the succinct account of *Guide* 3.51–52, which aims at the perfection of the solitary individual soul. See Stern (2013, 322–340).

Torah as a general *mitzvah* would *not* serve the desired (intellectually perfect) state. Here, Maimonides famously tells us:

The Law was not given with a view to things that are rare. For in everything that it wishes to bring about, be it an opinion or a moral habit or a useful work, it is directed only toward the things that occur in the majority of cases and pays no attention to what happens rarely or to the damage occurring to the unique human being because of this way of determination and because of the legal character of the governance . . . [G]overnance of the Law ought to be absolute and universal, including everyone, even if it is suitable only for certain individuals and not suitable for others; for if it were made to fit individuals, the whole would be corrupted. (Maimonides 1963, 3.34: 534–535)

Now it might be that this emphasis on “no exceptions” is intended to prevent the perfected act-consequentialist individuals from apparent breaches of the laws, in order to safeguard the Torah from being cheapened in the eyes of the masses should they witness such breaches.<sup>30</sup> But it could be that this is instead Maimonides recognizing human impotence when it comes to calculating the objectively correct act in any given situation – even for the greatest of humanity.<sup>31</sup> Maimonides’ response to the issues we have raised is to admit our impotence in this field. But that is why we are given a set of *divine* laws and moral principles. Knowing what set of rules conform to intellectual perfection is delegated to the one “intellect” that could work out the infinite details involved – the infinite divine intellect, which, even taking into account the free decisions of imperfect human beings, can presumably somehow “know” which set of rules will lead to the greatest number of perfect individuals (or, for the masses, to the best possible society necessary for producing and accommodating such individuals). The rules given by God via the intermediation of Moses – who is therefore singled out as the sole individual whose prophecy is unique and cannot be changed – present us with the most perfect system for achieving the ultimate intellectual end. And the ethical principles that it presents are to be understood from a rule-consequentialist perspective.<sup>32</sup>

<sup>30</sup> Kreisel (1999, 23) offers a similar argument for the maintenance of Temple sacrifices, even in the absence of the original historical need for them.

<sup>31</sup> Such limits on our knowledge would support a version of Harvey’s later contention that “Maimonides’ critical epistemology obtains not only in physics as well as in metaphysics, but also on earth as well as in the heavens” (W. Z. Harvey 2008a, 235).

<sup>32</sup> Those who accept the exoteric view whereby Maimonides accepts the possibility of maintaining human free will despite divine foreknowledge will balk at this, but conceptually speaking, one might go so far as to argue that even God could not make the act-consequentialist calculation without



So we end up with a form of (divine) rule-consequentialism, whereby all human beings – including the intellectual elite – are better off maintaining fidelity to the rules even in cases where they might objectively tell us the wrong thing to do, at least according to one who fully understood the instrumental nature of the commandments and the infinite causal effects of our actions. The impossibility of knowing when that is the case, however, given that at the very least it would require exact knowledge of the entirety of one's future life, dictates a conservative approach.<sup>33</sup>

What this leaves us with, however, is the following. In contrast to our first interpretation of “acting on the basis of perfected intellect,” this view accepts that *no* human (with the possible exception of Moses and the patriarchs) has the ability to know whether any given act is “objectively good.” What these individuals can know, however, is that the system of principles that God has revealed are the most suited for achieving the ultimate end; in light of this knowledge, these individuals willingly submit to these principles, knowing that they will train us in the practical virtues that enable us to act correctly “for the most part,” even if we are aware that on occasion these rules may require of us tactical errors in the service of the overall strategic aim.<sup>34</sup> Ultimately, however, these rare individuals know that such moral judgements are not among those that yield truths that actualize their intellects, and thus the pursuit of moral *knowledge* is a fool's errand. They happily delegate the basic practical “calculations” to God and act in accordance with the Torah, which allows them to get on with the important business of contemplating eternal verities that are the realm of genuine truth, safe in the knowledge that their behavioral scheme best serves them and the masses. Such an individual will come closest to that state whereby he is “occupied with his bodily necessities while his intellect is wholly turned toward [God], may He be exalted, so that in his heart he is always in [God's] presence . . . while outwardly he is with people.” (Maimonides 1963, *Guide* 3.51: 623).

undermining human free will. This would also further justify the sort of divine rule-consequentialism that we have argued Maimonides presents in *Guide* 3.34.

<sup>33</sup> This gives us a traditionalist reading of Maimonides qua his unwavering commitment to Jewish practice, but for rather untraditional reasons that admit *mitzvot* are objectively correct only from a rule-consequentialist perspective. From an act-consequentialist perspective, it would be wrong to perform them in certain situations.

<sup>34</sup> Which could be justified in line with the (quite rule-consequentialist) idea of “*et la'asot*,” that it is time to “act for the Lord” (Psalms 119.126) by transgressing the law in order to ultimately maintain it, an idea that Maimonides himself cites to justify his setting down the “secrets” of the Torah in the *Guide*.

What we see here, then, is that our second interpretation of acting “on the basis of perfected intellect” leads us toward Maimonides’ perfect individuals and even explains why they do not appear to be in the business of making any practical calculations at all.<sup>35</sup> For their perfection has led them to understand that the ultimate value is a life of *theoria*. They recognize that, as Aristotle wrote, “in so far as he is a man and lives with a number of people, he chooses to do virtuous acts; he will therefore need such aids to living a human life” (Aristotle 2009, *Nicomachean Ethics*, 1178b5–7). We are physical beings unavoidably “bound to earthy, turbid, and dark matter” for Maimonides (Maimonides 1963, 3.8: 432), who cannot exist as pure intellects. As human beings, even those devoted to the *bios theôrêtikos*, we “must have a life and a life that involves bodily actions and other humans” (Stern 2013, 345). But based on their “perfected intellects” the greatest individuals recognize that they can neither calculate with certainty the actions that will conform to the intellectual *telos*, nor *should* they be focused on such matters, other than in the – admittedly crucial – service of maintaining their commitment to the, at best, asymptotic pursuit of the intellectual ideal. They are able to act in accordance with a law that is tailored as best as any law can be to the ultimate contemplative *telos* – the law given by God in the service of trying to draw one’s focus *away* from practical questions and to the *bios theôrêtikos* instead.<sup>36</sup> Whether we see such acts as moral is to some extent a semantic issue, though it appears to better fit a broader conception of the ethical, understood as “any scheme for living that would provide an intelligible answer to Socrates’ question [how one ought to live]” (Williams, 1985, 12). That this is, as an objective matter of fact, the best answer to that question for Maimonides seems unquestionable.

<sup>35</sup> Weiss argues that Maimonides here significantly downplays the significance of choice in such “virtuous” action (see Weiss 1991, 189). Stern goes rather further in speaking of them leading a life that is barely “imaginable as a human life” and more like a “life of zombies insofar as it is like the ‘lives,’ of the spheres” (Stern 2013, 329) that populate Aristotelian cosmology.

<sup>36</sup> Maimonides’ descriptions of these individuals as divorced in some way from physical concerns is at the foundation of a possible case for the fusing of ethical and ontological discussions of good and evil mentioned in note 1. (I am grateful to David Shatz for alerting me to this.) The correct ethical outlook allows one to transcend all judgements of good and evil relating to worldly states of affairs in Job-like fashion, for “when he knew God with a certain knowledge, he admitted that true happiness, which is the knowledge of the deity, is guaranteed to all who know Him and that a human being cannot be troubled in it by any of all the misfortunes in question” (Maimonides 1963, 3.23: 492–493). Effectively Job, and the perfect individuals of *Guide* 3.51, are not troubled by “evil” since they live a life that enables them to transcend such anthropocentric concerns and understand all being as good. For a somewhat contrary view, however, see Lobel (2011).

#### 4.5 Conclusion

The route has been somewhat labyrinthine, and we have ended up some way from our initial metaethical concerns, so let us return to them as we sum up our conclusions.

We began with the view, primarily based on *Guide* 1.2, that Maimonides denies that the moral realm is a realm of truth. Moral statements, as such, are non-cognitive, since the ordinary moral concepts of good and evil are grounded in the imagination, and what is generally accepted within a community as safeguarding its social welfare. So, if moral cognitivism is the view that *moral* claims simpliciter reflect beliefs that are truth-apt, and we accept a strict Aristotelian view of knowledge as *epistême*, then Maimonides is a non-cognitivist, and there is no realm of moral reality to which these claims could correspond.

We then, however, noted that Maimonides' commonly accepted opinions or *endoxa* appear not to be grounded in the affective realm in a way that would yield contemporary non-cognitivism in any recognizable form. And though it is obvious that moral concerns are *human* (and for Maimonides thus "imaginative") concerns, this hardly renders them simple affective matters. Moreover, Maimonides' own occasional use of the truth predicate for practical matters encouraged a reading of Maimonides as a weak cognitivist who gives a judgement-dependent account of moral truth.

Yet, turning our attention to Maimonides' later teleological account of ethical acts that relates them to an objective human *telos*, one could read him as a moral cognitivist with a realist construal of ethical qualities, though one that does not appeal to metaphysically strange moral properties. He would be appealing to properties of the natural world that ground an intellectualist version of cognitivism that he combines with a form of consequentialism (and that conforms well with his general opposition to nonnatural entities). If an act can be located within this natural intellectualist structure – and in addition the agent *knows* of this structure and acts in order to realize it – we could presumably speak of it as objectively good, and argue that the corresponding judgement as to the goodness of the act was "true," in some significant sense, even if not that of Aristotelian *epistême*.

While this would allow for full-blown cognitivism – there are objective standards according to which we can ascertain the truth of practical statements – our utter inability to make the necessary calculations means that no human could ever actually *know* the objective value of any given act. Such knowledge would be a miraculous achievement – the sort of

thing only a god could achieve. But that, we have argued, might be exactly what Maimonides believed. The only agent able to reach knowledge in this sphere would need immediate and certain knowledge of the infinite effects of any given action. That is, the practical realm could only be a realist realm of cognition for God,<sup>37</sup> who reveals a system of rules that are the best possible for the achievement of our ultimate perfection from a rule-consequentialist perspective, and general adherence to the rules will inculcate in humanity the necessary virtues to enable social, political, and, in the best case, intellectual perfection. But even God can only deliver rules that will, in the long run, and for the most part, achieve that perfection, as Maimonides acknowledges at *Guide* 3.34.

Actions are important – even essential – given that we are physical beings. And we can *rationally* commit to divine law as the best approximation we have to a way of inculcating virtues that will issue in the objectively good acts that will maintain our intellectual focus. In the final analysis, however, we can question whether human beings can truly judge that such acts are objectively correct. To Maimonides, though, the limits to our knowledge in the practical sphere – both in principle and in practice – would not be of great concern. Those with the correct ethical perspective understand that the best ethical life should transcend our practical-material natures to the extent that is humanly possible. The life of such an individual would involve following the best law we have – the divine law – as the ideal way to “occupy oneself” so as to not be concerned with practical calculations regarding which actions meet objective standards of value. In the practical realm then, the highest form of knowledge might be beyond us in principle for Maimonides – and a “good” thing too.

<sup>37</sup> Whether God would be “bothered” to know such things is another matter.

MAIMONIDES'  
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A Critical Guide

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