INTRODUCTION

What Is a 'Universalist'?

Often, at the end of a section of the *Mishneh torah*, Maimonides steps back from the textual grindstone of halakhah and surveys broader horizons. Eloquent codas expressing philosophical and moral ideas, rather than halakhah proper, are a feature of the *Mishneh torah* throughout, but are particularly marked at the end of each of the fourteen books into which it is divided.[1] In the present study we treat those book endings as a distinct Maimonidean genre. We examine each of them, in an attempt to assemble a picture of what Maimonides sees when he lifts his gaze from the technical details of halakhah and seems to ask himself, 'What is the point of all this?'

We maintain that, for all that the *Mishneh torah* is a code of Jewish law, the vision that Maimonides sees is universalist. It behoves us (as Shlomo Pines' Maimonides likes to say) to explain what we mean by that term. One may speak of weak universalism and strong universalism. Weak universalism would be to say that Maimonides sees the commandments of the Torah as a particular means to a universal end, which is the position advanced in several of the chapters in this book. The universal end is that of Torah in the larger sense, which, according to Maimonides, encompasses the universal disciplines of physics and metaphysics. They are in fact the acme of Torah study, representing the content of what the rabbis called *ma'aseh bereshit* and *ma'aseh merkavah*, or collectively, *pardes*.[2] Maimonides refers to as this as the

[1] This feature of the *Mishneh torah* has long been recognized. It is noted by the translators of at least two of the work's volumes in the Yale Judaica series. Isaac Klein, *The Book of Acquisition*, p. xiv, writes: 'Finally, Book XII fully confirms the often made observation to the effect that Maimonides tends to detect a moral-ethical point of view even in laws that at first sight seem to be of purely civic and ritual nature.' Similarly, Jacob J. Rabinowitz, *The Book of Civil Laws*, p. xx, notes: 'In three of the five treatises of our book (i, iv, v) the last section represents a sort of peroration, with an appropriate passage from Scripture skillfully woven into the text. These perorations, which are also found in many of the other treatises of the Code, reveal a depth of feeling and beauty of style rarely matched in Halakhaic [*sic*] literature.'

[2] See 'Laws of Torah Study', 1: 12.

'great thing', whereas the details of halakhah are a 'small thing'.[3] The 'small thing' is particular; the 'great thing' is universal.

Strong universalism would be to say that the commandments of the Torah are themselves also universal. We suggest below that Maimonides might have believed that all of humanity will keep all of the commandments in the days of the messiah—this despite the commandments' historical and geographical references. If this is the case, then Maimonidean Judaism is weakly universalist in the pre-messianic era, and strongly universalist in the messianic world.

Any claim of Judaic universalism must take into account the fact that Judaism has limited elasticity. Crudely speaking, it can be vertically universal, or populist, like hasidism, granting immortality to the pious but ignorant as much as, or maybe even more than, to the learned, as long as they are Jewish; or it can be horizontally universal, or elitist, and grant the possibility of immortality to all irrespective of ethnicity, as long as they reach enlightenment.

To what sort of universalism did Maimonides subscribe? It is very much of the horizontal kind. This finds expression in many different ways, but they may be summarized as follows: all human beings are equally created in the image of God, Jews as such are in no way different from or superior to non-Jews as such, any nation could have received the Torah, and in the end of days some form of Abrahamic monotheistic universalism will hold sway. Related issues include Maimonides' attempt to turn Judaism into what might be called a community of true believers (in which theology trumps biology), and the idea that halakhah establishes social realities as opposed to reflecting what might be called antecedent supernatural realities—we maintain instead that Maimonides sees the laws of nature as the model for the individual and social perfection that halakhah promotes, as will shortly be explained.

Restating these claims, we maintain that Maimonides held the following:

- All human beings are created in the image of God, with no ifs, buts, or wherefores.
- The notion of the chosen people, therefore, carries with it no sense that Jews are in any sense inherently superior to non-Jews.

[3] After BT *Suk*. 28*a*. *Ma'aseh bereshit* is the account of Creation. *Ma'aseh merkavah* is the account of Ezekiel's vision of the heavenly chariot. These are associated with physics and metaphysics in 'Laws of the Foundations of the Torah', 4: 13. For discussion and sources, see Twersky, *Introduction to the Code*, 493–4. In his introduction to the *Guide of the Perplexed*, Maimonides similarly distinguishes the 'legalistic study of the Torah' from 'the science of the Torah in its true sense' (p. 5). For more on *ma'aseh bereshit* and *ma'aseh merkavah*, see Ch. 1.

- Connected to this is the idea that the Torah is ultimately directed at all human beings, given to the Jews in the expectation that it would ultimately be accepted by all humanity in one way or another.

Going into more detail at this point would be to put the cart before the horse. In our conclusion we will show how these ideas, and, it will turn out, many others, reflect the universal horizons of the *Mishneh torah*.[4]

It also makes sense to explain what we do *not* mean by universalism. We certainly do not mean that Maimonides was either a relativist or a pluralist. By 'relativism' we understand (following the *American Heritage Dictionary*) the view that holds 'that conceptions of truth and moral values are not absolute but are relative to the persons or groups holding them'. Like almost all medievals, Maimonides held truth to be one, objective, and unchanging—no matter from which perspective one looked at it. Moral values, on the other hand, were not absolute, but, despite that, were largely shared by the societies with which Maimonides was familiar. By 'religious pluralism' we understand the normative (as opposed to simply descriptive) claim that different religions make equally correct truth-claims, which are equally acceptable. Maimonides held Islam to be truly monotheist, but aside from that, had little good to say about it. Christianity he held to be a form of idolatry. Thus, universalism as understood here is actually the *opposite* of pluralism. Like medieval Muslims and Christians, Maimonides was convinced that only his religion was absolutely true. But, unlike Muslims and Christians, Maimonides saw no need to force Judaism on non-Jews (outside a Jewish state).

Thus, Maimonides allowed plural means to what we might call a universal end: one did not need to be Jewish to achieve a share in the world to come (what Christianity would call 'salvation' and what the philosopher Gersonides (1288–1384) would call *hatslaḥah*). But the end is still single. Maimonides does not allow a multiplicity of equally valid, self-determined (or at least self-selected) goals of human life, or no goal at all.

Maimonidean universalism is also not egalitarianism: Maimonides was a strict intellectual elitist. Also, while he clearly held that women could, in principle, be taught, and could achieve high levels of intellectual (i.e. human) perfection, he appears to have been untroubled by the fact that few women were given the opportunity to fulfil their human potential, and even made

[4] Relevant here is Maimonides' claim in his introduction to *Perek ḥelek* (Mishnah *San.*, ch. 10) that by examining the *ḥukim* (laws ordinarily thought—but not by Maimonides!—to have no rational explanation), non-Jews will be brought to see the wisdom of the Torah (see Maimonides, *Hakdamot*). For details and discussion, see Twersky, *Introduction to the Code*, 386–7. On *ḥukim* in the *Mishneh torah* see below, Chs. 8–10.

legal rulings to make that less likely to happen. Nor did he have any apparent reservations concerning laws discriminating against non-Jews. And why should he have? Halakhah, most emphatically including Maimonidean halakhah, discriminates against non-Jews, but then every legal system distinguishes between citizens and aliens, to the detriment of the latter (thus, for example, one of the authors of this book could in principle be elected president of the USA while the other could not).

Maimonidean universalism should not be confused with toleration. For most medievals, including Maimonides, tolerating evil was unacceptable, and even tolerating error was wrong. Further, much of the halakhah that Maimonides faithfully records is highly intolerant.

Maimonidean universalism should also not be confused with humanism, which places the human being at the centre. For Maimonides God must be at the centre—the extent to which people are worthy to be called 'human' is the extent to which they imitate God and thus (and only thus) actualize their humanity. At the same time, his brand of universalism goes with a profound humanity. There is a tension here that is characteristic of several of the 'endings' of the *Mishneh torah*, the subject matter of this book.

We also do not subscribe to the interpretation of Maimonidean universalism held by the philosopher Hermann Cohen (1842–1918), to the effect that an ethics which admits no morally relevant difference among human beings is (along with belief in God) the highest possible level of human attainment. We would agree that Maimonides considered all human beings to be morally equal, but Maimonidean halakhah, as mentioned, grants advantages to Jewish 'citizens'. Further, Maimonides clearly and explicitly held that moral perfection is only the second-highest species of human perfection, being a prerequisite for and stepping-stone towards the highest form, that of the intellect.[5] Nor did he believe every individual to be constitutionally capable of reaching this perfection, although in this respect Jews are not more favoured than non-Jews.[6]

Another tension that we explore is that between the individual and the collective. Maimonides clearly held that the Torah applied to all Jews, but he acknowledged that its laws might actually be harmful in some cases.[7] Similarly, he held the Torah to be applicable without variation in all times and places.[8] A uniform code of law, universally applicable to the whole community at all times, was simply a political necessity to him. Nevertheless, he did

[5] *Guide* iii. 54 (p. 634). For Cohen's views, see Bruckstein, *Hermann Cohen on 'Maimonides' Ethics'*. For further discussion, see Kellner, *Maimonides on Human Perfection*.

[6] See Freudenthal, 'Biological Limitations'. [7] See *Guide* iii. 34 (pp. 534–5). [8] Ibid.

suggest ways in which the individual might find meaning in the commandments for himself or herself.[9] Moreover, Maimonides' universalism is really based upon individualism, on the idea that individuals pursue their own perfection rather than seeking salvation through tribe, class, nation, or church, whereas the Torah appears to be very much a collectivist creed.[10] These tensions too find expression in the *Mishneh torah*'s book endings.

The universalism of the *Mishneh torah* is also not of a deracinated kind. Quite the contrary: much of its force derives from the way in which it emerges from the specifically Jewish. The work's commitment to Jewish law is of course its *raison d'être*, but it is also represents an aspect of Maimonides' deep concern for the integrity and morale of the Jewish people as demonstrated by the *Epistle to Yemen*, for example. Writing to his favourite pupil, Joseph ben Judah, the addressee of the *Guide*, he says that part of his motivation for composing the *Mishneh torah* was that 'I saw a nation without a genuinely comprehensive code of law, and without true and exact doctrines.'[11] The work also displays Maimonides' intense feeling towards the Land of Israel, exceeding the bounds of halakhic obligation,[12] and his vivid sense of Jewish history and destiny. It is no part of our enterprise to downplay these sentiments towards nation and land. We only seek, where necessary, to put them in the context of Maimonides' world outlook as we understand it.

Obviously, Maimonides never used the term 'universalism' (in any language).[13] One might even think that he was unaware of the universalist implications of his positions. Given the evidence adduced in this volume, we find that unlikely.

The *Mishneh Torah*'s Philosophical Basis

Having settled these matters, we may now turn to the question of how we plan to examine the *Mishneh torah* and show that the views we attribute to Maimonides here, which are easily found in his *Guide of the Perplexed*, also find expression in his legal code.

The authors of this book have devoted considerable attention to what

[9] See *Guide* iii. 51 (pp. 622–4).

[10] For an account of the reaction of a collectivist, R. Naftali Tsevi Yehudah Berlin (Netsiv), that brings Maimonides' individualism into sharp focus, see Diamond, *Maimonides and the Shaping of the Jewish Canon*, 205–30.

[11] *Igerot harambam* (trans. Shailat), i. 1, 300–1.

[12] See e.g. 'Laws of Kings and their Wars', 5: 9–12, and the motto of the *Book of Temple Service*: 'Pray for the well-being of Jerusalem; may those who love you be at peace' (Ps. 122: 6).

[13] The term itself derives from Christian debates over whether or not there can be salvation outside the Church.

Isadore Twersky called the 'non-halakic aspects of the *Mishneh Torah*'.[14] In *Reading Maimonides' Mishneh Torah*, David Gillis showed that Maimonides modelled the structure of the work on his cosmology. By this device, he placed the 'small thing' (halakhah) in the setting of the 'great thing' (physics and metaphysics), or, to put it another way, he cast the *Mishneh torah*'s (mostly) particularist content in a universal form. Gillis interprets this as a means of relating the commandments of the Torah and the idea of Jewish destiny culminating in the messiah (the theme on which the *Mishneh torah* ends) to the philosophical ideal of the pursuit of the knowledge of God within a stable and just society.[15] The *Mishneh torah*'s microcosmic form suggests that the cosmos is a paradigm of perfection for all human individuals and societies that the Torah converts into a law adapted to the situation of a particular people (see Appendix).

Menachem Kellner's writing has also focused on the combination of halakhah, Aristotelian science, history, and messianism in Maimonidean thought. In a series of studies, he has sought to show that Maimonides is a consistent universalist.[16] In *Maimonides on Human Perfection*, in particular, he shows that the *Guide of the Perplexed* is meant to lead appropriate readers from a view of God as transcendent intellect alone, to a connection with God as the object of worship and the model for imitation. Kellner's reading of the *Guide* is paralleled in precisely the kind of development that Gillis finds in the *Mishneh torah*.

Our joint endeavour in this book may thus be seen as a mutual continuation of our work. Gillis's earlier book shows that while the major content of the *Mishneh torah* is commandments, the book has a philosophical message expressed in its structure. Here we show that that the philosophical message is also adumbrated in the statements closing each book of the work. Kellner's studies have demonstrated that halakhah is a tool, not an end in and of itself, for Maimonides, and that the *Mishneh torah* should therefore be understood as a tool whose purpose is better expressed in the closing statements of many sections and of each book than in the halakhic meat and potatoes of the work itself.

[14] See Twersky, 'Some Non-Halakic Aspects'. Twersky expanded his discussion dramatically in his *Introduction to the Code*, 356–507.

[15] As far as Maimonides is concerned, God's existence is rationally necessary, and recognition of that is a matter of knowledge, not belief, hence the knowledge of God is a philosophical goal. For confirmation of this one need go no further than the very first *halakhah* of the *Mishneh torah* itself. See below, Ch. 1.

[16] Kellner, *Maimonides on Judaism*; id., *Maimonides' Confrontation*; id., *They, Too, Are Called Human* (Heb.).

The *Mishneh torah* states, in chapter 8 of 'Laws of the Foundations of the Torah', that the truth of the Torah is guaranteed by the fact that the entire Jewish people were witness to the revelation at Sinai and could attest to the genuineness of the prophecy of Moses; that is to say, it is guaranteed by tradition, the faithful transmission down the generations of the record of an incontrovertibly real historical event. At the same time, the message that emerges from the *Mishneh torah*'s microcosmic form is that the Torah is eternally and universally true because it faithfully reflects the eternal laws of nature, independently of history and tradition.[17] The Torah may have been revealed to a particular people in a unique historical nexus of the human and the divine, but its basis is universal. In our examination of the endings of the books of the *Mishneh torah*, we have frequently found that these endings work in tandem with the general structure to establish that universalism as not only the basis of the Torah, but also its tendency and final vision.

The Model of the Mishnah

Maimonides took Rabbi Judah the Prince, editor of the Mishnah, as one of his models.[18] It has been observed that the Mishnah itself contains a coda expressing moral and religious ideas with almost no reference to halakhah per se: tractate *Avot*. Robert Travers Herford suggested that *Avot* was meant to express Rabbi Judah's judgement on the whole mishnaic project.[19] This suggestion gains added credence when we recall that *Avot* originally may have been the last tractate in the Mishnah. Furthermore, there are individual tractates that end with matters not wholly halakhic.[20] Thus, in composing codas to each of the books of the *Mishneh torah*, Maimonides may well have been following in the footsteps of his role model, Rabbi Judah the Prince. It will be argued below that this is certainly the case with respect to the closing, messianic chapters of the work as a whole. Vis-à-vis these matters, note Maimonides' closing words in his commentary on tractate *Berakhot*, to the effect that in his commentary on *Avot* he would indicate how the views of the Sages and of the 'greatest among the philosophers' were compatible. The closing

[17] There is a complication here in that, in *Guide* ii. 25 (p. 329), Maimonides declares the validity of the Torah to be *dependent* on the doctrine of Creation, but that is not what seems to be implied in the *Mishneh torah*.

[18] Twersky, *Introduction to the Code*, 64–5.

[19] Herford, *The Ethics of the Talmud*, 1. See Epstein, *Mavo lenusaḥ hamishnah*, ii. 980–1.

[20] Epstein, *Mavo lenusaḥ hamishnah*, ii. 980–1. Many mishnaic tractates (and not a few talmudic tractates) end with aggadic (non-halakhic) material: *Berakhot*, *Pe'ah*, *Yoma*, *Sotah*, *Bava batra*, and *Uktsin* come to mind. For Maimonides aggadah is much more than simply stories. Compare Twersky, *Introduction to the Code*, 150–3.

codas of the parts of the *Mishneh torah* may be further way of fulfilling that promise.

His promise should not be surprising. For Maimonides, after all, halakhah is a divinely ordained instrument for the attainment of a high level of moral and social perfection, but it does not in and of itself lead to true human fulfilment; that can only be accomplished through knowledge of scientific/philosophical truth. It should surprise no one, therefore, that Maimonides injects into the dry halakhic material of the *Mishneh torah* indications of what he takes to be God's broader agenda.

Halakhah or Meta-Halakhah?

Maimonides' penchant for attaching moral and philosophical codas to the sections of the *Mishneh torah* is recognized by prominent rabbinic students of the text. Thus, we find Rabbi Isaac Shailat, a leading contemporary translator and interpreter of Maimonides, noting (with reference to one of the highly contested codas we will examine, namely 'Laws of the Sabbatical Year and the Jubilee', 13: 13): 'These are general matters of thought and morality, as is customary in the conclusions of the volumes of the *Mishneh torah*, and not matters of halakhah.'[21] In his magisterial *Introduction to the Code of Maimonides*, Isadore Twersky writes of 'frequent ethical digressions and interpolations . . . These extra-halakic motifs are deftly sprinkled throughout all the fourteen books in prolegomena and perorations, in exegetical comments and interpretive embellishments, parenthetic explanations, and assorted pretexts'.[22] Despite such recognition, there are formidable students of Maimonides who reject this claim, prominent among them both the late Lubavitcher Rebbe, Menachem Mendel Schneersohn, and, perhaps, the late Rabbi Joseph Soloveitchik.[23] Both claimed that Maimonides' aim in the *Mishneh torah* was purely halakhic.

Shailat in effect dismisses the texts at the heart of this study, presenting them as at best ancillary to the true purpose of the *Mishneh torah*. Schneer-

[21] In his edition and Hebrew translation of Maimonides, *Commentary on Avot* (Heb.), 75. One wonders if there an expression of ambivalence here, in that the *Mishneh torah* is really meant to be about halakhah.

[22] pp. 371–2. But see p. 257: 'The ruling passion of Maimonides' life was order, system, conceptualization, and generalization.' This being the case, is it possible that the closing passages in so many parts of the *Mishneh torah* have no significance?

[23] For R. Schneersohn, see his *Maimonidean Rules* (Heb.), 39–40: every part of the *Mishneh torah* (including section titles) is halakhah and every passage in the text has halakhic significance. For R. Soloveitchik the situation is more complex. While very much aware of

sohn and Soloveitchik, on the other hand, absorb these texts back into the work's halakhic matter. In our view, both of these approaches are mistaken: the passages at the heart of this study are not just attractive moral sermonettes, digressions, or interpolations, nor are they simply part of halakhah. They are, rather, expressions of a fundamental theme in the *Mishneh torah*.[24] And what is that theme? That the Torah is ultimately aimed at human beings generally, and not just at Jews: the Torah is ultimately meant to be adopted by *kol ba'ei olam*, all those who have come into the world.[25] It is our aim to bring these universalist horizons of the *Mishneh torah* into full view.

Maimonides is notorious for having stated the following at the end of his introduction to the *Mishneh torah*:

> On these grounds I, Moses, the son of Maimon, the Sefardi, bestirred myself, and, relying on the help of God, blessed be He, intently studied all these works [Mishnah, Talmud, Midrash, geonic literature], with the view of putting together the results obtained from them in regard to what is forbidden or permitted, ritually pure or impure, and the other rules of the Torah—all in plain language and terse style, so that thus the entire Oral Torah might become systematically known to all . . . [and so] that all the rules shall be accessible to young and old . . . so that no other work should be needed for ascertaining any of the laws of Israel, but that this work might serve as a compendium of the entire Oral Torah . . . Hence, I have entitled this work *Mishneh torah* (*Second Torah*),[26] for the reason that a person who first reads the Written Torah and then this compilation, will know from it the whole of the Oral Torah, without having occasion to consult any other book between them.[27]

Assuming that Maimonides meant what he said about his work serving 'as a

how much he himself differs from Maimonides on important matters, he still seems to want to present him as an exemplar of Halakhic Man, for whom what is not rooted in halakhah is not Judaism. On R. Soloveitchik on Maimonides, see Diamond and Kellner, *Reinventing Maimonides*, ch. 1, and Kaplan (ed.), *Maimonides: Between Philosophy and Halakhah*. See also below, Ch. 10.

[24] It is more than likely that Maimonides had several objectives for the *Mishneh torah*, and that the one we focus on here is one of many. For an account of the many different theories about why Maimonides wrote the book, see Twersky, 'The *Mishneh Torah* of Maimonides'.

[25] On the expression used here, and the rabbinic debates about it, see Hirshman, 'Rabbinic Universalism'. This article is based on Hirshman, *Torah for All Human Beings* (Heb.).

[26] The term derives from Deut. 17: 18 and became the common rabbinic appellation for the book of Deuteronomy (and the source of that Greek name). Given that the term means a recapitulation of the Torah, Maimonides' choice of it reflects his ambitions for the book and, it is likely, constitutes the reason for the resistance in rabbinic circles for using that name. In such circles the book has for centuries been called *Yad haḥazakah*, 'the strong hand' (Deut. 7: 19 and 34: 12), itself quite a compliment, and a play on the book's fourteen volumes (*yad* = 14 when letters are understood as numbers).

[27] *Book of Knowledge*, trans. Moses Hyamson, 4*b*.

compendium of the entire Oral Torah' such that 'no other work should be needed',[28] many of his readers concluded that this revision (and reduction) of the traditional curriculum was designed to make room for the study of physics and metaphysics.[29] Reading him in this fashion strengthens our claim that the codas scattered throughout the work, and especially at the end of sections and books, are neither purely halakhic nor mere flourishes.

The Science of the Torah

The formal parallel between the *Mishneh torah* and the cosmos suggests that there is a science of the Torah analogous to natural science. In his introduction to the *Guide*, Maimonides states that it is about just such a science—not 'the legalistic study of the Law', but 'the science of the Law in its true sense'.[30] The abstraction of general principles from the halakhic data, and the understanding of relationships between the halakhic phenomena, will then give access to the commandments not just as a body of law, but as a body of knowledge, the study of which is conducive to the love of God in the same way as is the study of nature. Systemization of the commandments leads to conceptualization of the commandments, which is their ultimate fulfilment (this without detracting in the least from the need for 'legalistic study' and observance of halakhah in all its details, as Maimonides demands both action and abstraction).[31] The human mind suffers from the same severe limitations in under-

[28] Which is something that many of his students have been unwilling to do. For details, see the studies cited in Kellner, '*Mishneh Torah*: Why?' (Heb.).

[29] Ibid.

[30] *Guide*, Introduction to the First Part (p. 5). We take Maimonides to mean by this everything that the *Guide* covers: God, the cosmos, prophecy, the proper way of reading the Bible, culminating in the reasons for the commandments. See also the parable of the palace in *Guide* iii. 51 (pp. 618–20), in which 'ignoramuses who observe the commandments' and 'the jurists' are ranked below 'Those who have plunged into speculation concerning the fundamental principles of religion'; see Strauss, 'How to Begin to Study the *Guide of the Perplexed*', p. xiv. In 'Laws of the Foundations of the Torah', 2: 2, Maimonides states that the way to the love of God is through contemplation of the natural world, and cites the Sages as saying 'For through that, you recognize the one who spoke and the world was.' The reference appears to be to *Sifrei* on Deut. 6: 6, but that *midrash* advocates contemplation of the commandments, not of nature, as the way to such recognition. In the *Book of the Commandments* (positive commandment 3) Maimonides cites *Sifrei* in its original sense. This has been seen as a minor crux (e.g. Kreisel, *Maimonides' Political Thought*, 117–18), but it is explicable if we acknowledge that, for Maimonides, contemplation of nature and contemplation of the commandments amount to the same thing. See further discussion of this point below, Ch. 1.

[31] See for example the regret that Maimonides expresses in the introduction to his commentary on Mishnah *Zev*. that the demise of sacrifices means that the systematic study of their laws is neglected. This is discussed further in Ch. 10 below.

standing some of the commandments as it does in understanding nature, particularly superlunary nature,[32] but that is no excuse for not making the attempt.[33]

In tandem with the structural hints, the *Mishneh torah*'s book endings do just this, distilling essential principles and directing our attention towards 'the science of the Law in its true sense'. The *Mishneh torah* is thus at the same time an exposition of the Torah and a meditation upon it. The book endings meditate out loud, while the cosmic structure does so silently, but, as mentioned, the two must often be considered in combination in order to catch the full message.

The upshot is that the conventional notion of the *Mishneh torah* as a work of halakhah supplemented by philosophical introductory material and some scattered philosophical reflections needs to be replaced with a notion of it as a work of philosophy through and through. The relationship between the 'small thing' and the 'great thing' is not just a matter of graduating from one to the other; as stressed already, the former is a model of the latter.[34] This can be seen as reflecting the view of Islamic philosophers that religion is philosophy in popular guise.[35] It can also be seen as imbuing the commandments of the Torah with a universalism that, perhaps paradoxically, is more radical than that of the *Guide*. Rather than demonstrating, as does the *Guide*, that the commandments are compatible with certain external, universally recognized principles, in the *Mishneh torah*'s presentation such principles are immanent within the commandments, and emerge organically from contemplation of them. If the commandments are particular means to universal ends, then in the *Guide*, means and ends are largely separate, whereas in the *Mishneh torah* they are integrated.

This brings us close to Maimonides' famous two-layered approach to the interpretation of biblical and rabbinic parables: the idea of an external meaning that 'contains wisdom that is useful in many respects, among which is the

[32] See *Guide* ii. 24 (p. 326).

[33] This is a theme of the endings of Books 8 and 9; see Chs. 8 and 9 below.

[34] Cf. Twersky's remark that for Maimonides '*yesodot* are the theological foundations and premises of practical laws, their invisible core' (*Introduction to the Code*, 361).

[35] See Berman, 'Ethical Views'; Pessin, 'The Influence of Islamic Thought on Maimonides'. The ostensible difference between Maimonides and the philosophers is over the doctrine of Creation. We say 'ostensible' because Maimonides' true position on this question is the subject of a controversy that we will not survey here. For what it is worth, our view is that when Maimonides says that he believes in Creation and not in Aristotle's theory of a universe that has always existed, he means it; see *Guide* ii. 6 (p. 265). The precise content of that belief and its implications are beyond the scope of the present study.

welfare of human societies' and an internal meaning that contains 'wisdom that is useful for beliefs concerned with the truth as it is'. As law, the commandments have the first, political utility. As knowledge, they have the second, philosophical kind. Both layers, of course, relate to universal values, but the second does so in a most profound way. This idea of the commandments as parables in the *Mishneh torah* is used in later chapters of this book.[36]

The consequence of all this for an assessment of the book endings in the *Mishneh torah*, where a large part of the work's philosophical reflections is to be found, is to make it highly likely that they are not floating islands of philosophy, but protrusions from a submerged philosophical continent. This vindicates their systematic study. It also vindicates an esoteric approach to their interpretation. The universalism of the *Mishneh torah* is sometimes only hinted at, or even disguised (although in some places, notably the opening and the close, it is fairly explicit). Our purpose is to amplify the hints and remove the disguises, in what we hope is a responsible manner, and thereby reveal that the underlying meaning follows what we see as the work's general drift, and is in harmony with the universalist subtext embodied in its form.

Here too, we can distinguish a weak universalism and a strong universalism. Weak universalism has one foot in each camp, asserting that Judaism is compatible with general morality and culture, that one can appreciate both the Talmud and Schiller. Strong universalism is the Maimonidean position just outlined, that Judaism and philosophy are parallel, if not almost identical.[37] In the universalism of the *Mishneh torah* there is no compromise or apology.

Universalism Prevails

At the endings of the books of the *Mishneh torah*, Maimonides confronts difficulties arising from the law and from the very idea of a divine law. In almost every case some tension is resolved, or a misconception that might arise from too literal or narrow a construal of the law is removed—generally not by pronouncement but through persuasion. Ritual obligation is balanced against social obligation, legalism is balanced against piety, reason is bal-

[36] For the application of the idea to the *Guide*, see J. Stern, *Problems and Parables*.

[37] Apropos Schiller, the irony is that the poets are liable to find themselves ousted from the Maimonidean state, not for being un-Jewish, but for being unphilosophical, concerned with imagination rather than truth; see Gillis, *Reading Maimonides' Mishneh Torah*, 20–5. Actually, Maimonides was accused of wishing to dispense with study of the Talmud as well, but that is another story.

anced against revelation. Maimonides takes us from the level of law to the level of values, and the weighing of values; from conformity to responsibility.

Two of the tools of persuasion that he employs are logical argument and citation of biblical verses expressing some transcendent or overriding concept (every book except the first ends with such a citation). The *Mishneh torah*'s microcosmic form represents another means of establishing priorities. Maimonides' universe is a hierarchy, in which goodness, originating in God, flows from high to low, in a version of the Neoplatonic idea of emanation. This hierarchy is reflected in the order of the *Mishneh torah*'s books (see Appendix), establishing a scale of value in which, we argue, the universal ranks above the particular. Such prioritization of the commandments, and, what is more, prioritization according to a philosophical principle, is in our view one of Maimonides' boldest moves in the *Mishneh torah*.

The *Mishneh torah* may have universal horizons, but before one reaches them there is much territory that is not universal at all. In this vast area there is blatant discrimination between Jew and non-Jew, in ways that affect not just citizenship rights but human rights as well, and all is faithfully recorded. How are these things to be reconciled? Each point must be individually argued, but in general the scale of values implied by the *Mishneh torah*'s hierarchical structure determines that, in cases of conflict between universal values and particularist ones, the higher universal values prevail.

A powerful example of this is found in Chapter 12, where we deal with Book 12, the *Book of Acquisition*, the last *halakhah* of which concerns the humane treatment of a non-Jewish slave, and cites the verse, 'And His mercy is over all His works'.[38] Understanding the symbolic, cosmic form of the *Mishneh torah* allows us to see how this is not just the expression of a pious sentiment. Behind Maimonides' deployment of this verse is the force of his entire system, so that it encapsulates his radical universalism. For this reason, we have chosen it as the motto for our book.

[38] Ps. 145: 9. The same verse is cited in 'Laws of Kings and their Wars', 10: 12, which similarly concerns relations between Jews and non-Jews.