

Maimonides for Moderns



A Statement
of Contemporary
Jewish Philosophy

Ira Bedzow



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palgrave
macmillan

Ira Bedzow
New York Medical College
White Plains, New York, USA

ISBN 978-3-319-44572-4 ISBN 978-3-319-44573-1 (eBook)
DOI 10.1007/978-3-319-44573-1

Library of Congress Control Number: 2016957562

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Printed on acid-free paper

This Palgrave Macmillan imprint is published by Springer Nature
The registered company is Springer International Publishing AG
The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

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Introduction

THE CURRENT STATE OF AFFAIRS

*For with stammering lips and with a strange tongue shall it be spoken to this people.*¹

When I think and talk about Jewish virtue ethics, I find that the terms that I use and the examples that I give are heavily dependent, though not exclusively so, on Maimonides' philosophy and, thus, the Aristotelian framework that he used to convey his Jewish ideas. Yet, despite my reliance on Maimonides' philosophy and ethics, his ultimately Aristotelian background no longer coheres with my contemporary view of the world and of human nature.² For example, many, including myself, agree with the general description of human moral development that Aristotle provides and that Maimonides adopts, namely, that people have a natural capacity to be good and, through continually performing good acts, a person will become the best person that he or she can be. Moreover, we might also recognize that ethics is as much about character as it is about actions, and that intellectual development is tied to moral development. Yet we are nevertheless left with only a superficial understanding, since many currently do not use the same terminology as Aristotle and Maimonides to describe the faculties of the soul, nor do most contemporary schools of psychology retain the same distinctions that they made between a person's intellect, imagination, and emotions. Many contemporary psychologists use a biological categorization of parts of the brain, whereas Aristotle and Maimonides use a functional categorization when they speak of parts of

the soul. Also, with respect to differences in epistemology, Aristotelian epistemology is doxastic in that justification of belief is primarily explained in terms of the believer's faculties, virtues, and intellectual processes; contemporary epistemology, on the other hand, is propositional, in that justification is explained in terms of proof, demonstration, and evidence for the belief itself. Even virtue epistemologists who rely on Aristotle for a language and framework to talk about intellectual virtues share the assumption with other contemporary epistemologists that Aristotelian views of the relationship between intellectual and moral virtues is incorrect. Moreover, in an Aristotelian epistemology, knowledge is acquired when the thinking part of the soul receives intelligible forms from the Active Intellect; a person cannot actualize knowledge by himself or herself. Only the Active Intellect can turn the potential knowledge that the human mind possesses into actual knowledge.³ Many contemporary philosophers no longer rely on this metaphysics. Aristotle's description of moral virtues faces similar challenges by contemporary philosophy and psychology, as will be demonstrated in this book.

It seems as if I—and those who share my frustration when using medieval terms to describe contemporary ideas—have reached an epistemological crisis,⁴ in that the concepts that I use to explain my beliefs do not cohere with my view of the world or of my understanding of human nature. Moreover, it seems as if the tradition in which those ideas once made sense no longer allows for their understanding on more than a superficial level. It is not that Maimonides' concepts of moral development and habituation no longer hold sway; rather, their normativity is based on the authority of tradition and not on their ability to explain in any comprehensive way how moral development actually occurs based on today's science and philosophical descriptions of the world. This predicament is similar to the one that Alasdair MacIntyre describes in the beginning of *After Virtue*, where, in depicting the relationship of contemporary ethics to its medieval predecessor, he writes, "What we possess ... are the fragments of a conceptual scheme, parts which now lack those contexts from which their significance derived. We possess indeed simulacra of morality, we continue to use many of the key expressions. But we have—very largely, if not entirely—lost our comprehension, both theoretical and practical, of morality."⁵

My aim in this book is to construct a contemporary Jewish philosophy that accounts for virtue ethics—or, rather, to give Jewish virtue ethics a contemporary language for its expression. In doing so, I will draw

significantly on the work of Moses Maimonides and his religio-philosophical explanation of Jewish ethics. However, I will move away from various aspects of both Maimonides' and Aristotle's biology, physics, and metaphysics, as well as their psychology. In providing a contemporary idiom for Jewish virtue ethics, my hope and objective is to take the normative principles of the Jewish tradition and make them my own by putting them in a contemporary language so as to integrate them into my everyday life, as well as edify those who find themselves in a similar position. As such, this project has a broader implication than just translating Jewish ethics from a medieval, Aristotelian framework into a contemporary one; it also is a means for Judaism to continue as a living tradition. The imperative to translate the Jewish tradition so as to effectively transmit it is described in the first Mishna in *Pirke Avot*: "Moses received (*kibbel*) the Torah from Sinai and handed it down (*mesarah*) to Joshua. Joshua [handed it down] to the Elders, the Elders [handed it down] to the Prophets, and the Prophets handed it down (*mesaruha*) to the Men of the Great Assembly." To receive (*kibbel*) is not a passive acceptance of something external and independent. Rather, it is a voluntary undertaking and adopting. It is making it one's own, in service to God and for the sake of oneself and one's neighbor.⁶ Similarly, *mesarah* connotes a connection between giver and receiver; there exists a trust that the giver's intentions will remain with the receiver and that the receiver will stay sincere to the path laid out by the giver.⁷ Just as *kibbel* conveys mutuality in the act of transmission, *mesarah* conveys a bond that joins the giver and the receiver together.⁸ With this Mishna in mind, I hope to receive that which has been handed down to me in a way that I can make it my own, yet also in a way that joins me to those from whom I have learned, and will continue to do so. Of course, I hope that others may be able to learn from me as well.

BUILDING ON MAIMONIDES

*The disciples of the wise increase peace in the world, as it says, "And all your children shall be taught of Hashem, and great shall be the peace of your children." Read not "your children (banayikh)" but "your builders (bonayikh)."*⁹

I rely on Maimonides' philosophy as the conceptual foundation and starting point for a contemporary expression of Jewish philosophy because he is "the most influential Jewish thinker of the Middle Ages, and quite possibly of all time."¹⁰ His legal and philosophical works have been the

subject of study, they have provoked controversy, they have stimulated commentary and further analysis, and they have ultimately been affixed to the Jewish canon to the point that no Jewish philosopher can ignore them. Moreover, his ideas and explanations of Jewish concepts have reached such a level of authority that they are held to esteem similar to the original receipt of the Torah itself, as articulated by the adage, “From Moses [son of Amram] to Moses [Maimonides], there was none like Moses.” Because of his stature in the Jewish tradition, any contemporary Jewish philosophy must be heavily referential if not dependent on Maimonides’ teachings, though it need not be exclusively so since there are many normative voices in the Jewish tradition that have disagreed with his explanations of certain concepts and *halakhic* rulings.

Though Maimonides’ teachings ground the normative religio-ethical premises of my expression of a contemporary Jewish philosophy, this does not mean that notions that are purely philosophical or explanations that endorse an Aristotelian perspective must be accepted without question. Rather, the authority of his teachings and the necessity to engage with them apply to cases where they affect the normative practices of Jewish life and law and not when a philosophical expression is devoid of an immediate practical ramification. This is in line with Maimonides’ own statement in *Sefer HaMitzvot*, where he states, “We explained in our commentary on the Mishna that in any disagreement which deals only with theory and is not of practical importance, the Halakha is not decided.”¹¹ While it is true that the formal principles of jurisprudence used to determine Jewish law are usually not applied to disagreements in Jewish philosophy, this applies to cases when philosophical views do not have practical consequences, and not *when they have normative practical ramifications* in Jewish law. In those cases, they should be considered in the same manner as his *halakhic* rulings.

By asserting my philosophical stance vis-à-vis the Jewish tradition and Maimonides’ position in it, I am deliberately choosing what Michael Walzer calls the path of interpretation in moral philosophy. In contradistinction to the path of discovery,¹² where the philosopher approaches the subject from outside his or her social position so as to maintain a distanced objectivity, and the path of invention,¹³ where the philosopher invents a morality that will achieve the end that he or she desires,¹⁴ the path of interpretation is one in which the philosopher recognizes that the moral life is already being lived, and the goal is not to answer the question, “What is the right thing to do?” but rather “What is the right thing *for us* to do?”¹⁵ The path of interpretation is a practical philosophy that seeks to clarify and

explain the moral life of a living community rather than build or discover an abstract or ideal framework for any community. Because the morality of a community is based on historical ideals, foundational texts, practices, *and how the people explain and justify their behavior in light of them*, moral traditions are vulnerable to contradiction and incoherence when the people's explanations and justifications of behavior no longer conform to their understanding of the community's canon. Therefore, I am making it known at the outset that I am not creating a system of Jewish ethics *ex nihilo* nor am I rediscovering a Jewish ethics that has been lost. I am seeking new ways to explain and to justify behavior in light of the authority of historical ideals, foundational texts, and practices that are normative for Orthodox Judaism. As such, this project is one of *hiddush* (creative interpretation to understand something in a new way), which Rabbi Joseph Soloveitchik calls "the very foundation of the received tradition."¹⁶ I am attempting to provide new ways of looking at the same ideas in order to find a new, contemporary way to discuss those ethical concepts found within the Jewish tradition which Maimonides, as well as other Jewish scholars, explained according to the discourse of his day and age.

A CONTEMPORARY FRAMEWORK

*There is a thing of which [someone] will say, "See this, it is new."—It has already been for ages which were before us.*¹⁷

In translating Maimonides' religious and ethical concepts so that they are coherent in a contemporary framework, I intend to be Maimonidean in two respects. First, substantively, I will maintain the normative, religio-ethical aspects of Maimonides' theory, albeit now with greater understanding and coherence in my worldview. Second, methodologically, I will adopt his method of translating Jewish premises into the discourse of the philosophy of the day.¹⁸ Translation is not only a process of converting a word from one language to another; it can also mean converting something from one form to another. Hence, translating medieval concepts into a contemporary schema is an act of maintaining the same or similar meaning while converting its form to fit into a new framework.¹⁹ This is not a new challenge in the history of Jewish thought; Jewish philosophers often adapted secular terms and language so as to fit religious demands. Yet the contemporary challenge is a slightly different project since the translation is from Jewish framework_(medieval) to Jewish framework_(contemporary) rather than from secular framework_(medieval) to Jewish framework_(medieval).

To construct a contemporary Jewish philosophy, given the divergence between contemporary views of the world and an Aristotelian view, I will attempt to explain moral and intellectual development in terms of aspiration rather than actualization, that is, reaching perfection or excellence. Many contemporary aretological ethicists recognize that contemporary conceptions of nature are different from an Aristotelian worldview, in that they admit that humans do not have an innate inclination toward their *telos*.²⁰ In my account of how a person develops his or her moral and intellectual capabilities, I will use a social rather than metaphysical–biological teleology, where Jewish law provides certain practices, which are embedded within the narrative of aspiring to serve God fully as understood within the Jewish tradition.

One major point of divergence between Maimonides' philosophy and my theory of ethics is that Maimonides does not have an explicit place for practical reason in his philosophy while I explicitly incorporate it into mine. The divergence is not simply an addition, however. Rather, in dismissing the Aristotelian conception of practical reason as originating reasons in exchange for a conception of practical reason as responding to reasons, my inclusion of practical reasoning allows for a contemporary account of how a person can improve his or her intellectual and moral abilities. It also provides an answer to the deontological question of how a person can act voluntarily without his or her morality being self-legislated.

I also will reevaluate the relationship between the theoretical and the practical,²¹ though Maimonides differed somewhat from Aristotle on this point already.²² To do this, I must respond to the following challenges made by contemporary philosophers²³:

1. There are no such things as global character traits²⁴; and
2. Belief is not voluntary whereas action is.

It is also necessary to recognize how Maimonides incorporated Jewish law into his Aristotelian ethical framework so that I can similarly incorporate Jewish law into my contemporary theory of Jewish ethics.

In the pages that follow, I attempt to lay out a contemporary Jewish philosophy and virtue ethics. I begin by setting a framework for a teleology of aspiration rather than of actualization, which will be based in

Maimonides' ethical framework for moral and intellectual development and which utilizes the ways in which he departs from Aristotle. I then provide a contemporary description of what should be a person's motivation and *telos* and the entelechy that a person attains when he or she achieves that *telos*. What follows this basic outline will be a further examination of the various components of that entelechy and how they interact with each other and relate to one's religious obligations.

More particularly, with regard to building upon Maimonides' teleology and his departure from Aristotle, I will argue that Maimonides' teleology does not fully accept Aristotle's notions of *ergon*, *telos*, and *entelecheia*; rather, his use of those terms must be understood in the context of how Jewish law and values influence the ways in which a person develops toward moral and intellectual perfection. Moreover, according to Maimonides, human perfection is a consequence of a religious goal and not a primary focus of motivation. I adopt the premise that moral and intellectual development is a consequence of a person's goal to serve God, yet my account recognizes that a person's "unique activity" is not intrinsic to his or her physical essence as a member of humanity, but rather it is based on how society and Jewish law situate him or her in a system of values. By living according to the law that God wills for him or her, a person will engender a disposition that allows him or her to recognize the values embedded within the law and will aspire to become the type of person the law is meant to assist the person in becoming. Normativity is a consequence of an external relationship between a person and the community in which he or she lives as it is structured by Divine commands, and a person's moral and intellectual growth is based on how he or she internalizes that relationship, not in how what is already internal becomes manifest.

Though Maimonides uses the term *eved Hashem* (servant of God) to describe a person who achieves his *telos*, in contemporary society the words used to translate *eved*, namely "slave" and "servant," frequently have negative connotations, which can affect their positive import when used to denote a theonomous relationship. Therefore, I attempt to provide a functional description for the term, through which one could recognize the importance of the Jewish tradition in influencing contemporary understanding in Jewish ethics, yet which would not be encumbered by a vocabulary that is no longer properly understood given changes in linguistic connotations. The starting point for my understanding of the ideal of being a "servant of God" is based on the Talmudic understanding of a verse in Habakuk and its subsequent discussion, that is, "the righteous

shall live by his faith (*emunah*).” I will also give a contemporary definition of Maimonides’ term for entelechy, that is, *Shlemut*.

After examining the difference between Aristotle and Maimonides with respect to their views on the role of the law in their theory of ethics, I will provide a contemporary explanation of how the law can instill practical and theoretical concepts in its adherents. In particular, I will show that the law shapes a person’s mental processes and provides both theoretical and practical concepts which a person uses in his or her daily living through two mechanisms, namely, (1) by creating social categories through which a person comes to understand the world and (2) by integrating those concepts into a person’s understanding of the world through their influencing daily behavior and in shaping a person’s habits so as to be in line with legal norms.

Because Maimonides’ conception of the law, given his acceptance of Aristotelian physics and metaphysics, disallows an explicit mention of practical reason from being part of his theory of ethics, I will provide an account of practical reasoning that differs from the Aristotelian as well as the Kantian conception of practical reasoning. By introducing a different view of practical reasoning into my conception of contemporary Jewish ethics, I part ways from Maimonides’ framework. However, the inclusion of practical reasoning, which includes reasoning about legal facts and norms, allows for a Jewish virtue ethics that can account for the aretological question of how a person can improve his or her intellectual and moral abilities as well as account for the deontological question of how a person can act voluntarily without his or her morality being self-legislated.

I will then provide a discussion of virtues in light of contemporary epistemological and moral challenges. My theory of virtue is based in the identity of the agent rather than in his or her biology, and will be defined in terms of personal motivation and reliability of success rather than as excellences or perfections of a person. My account of a contemporary Jewish ethics will conclude with a discussion of moral motivation and the difference between a continent person and one who has attained *Shlemut*.

NOTES

1. Isaiah 28:11.
2. For an explanation of how there was a paradigm shift away from the Aristotelian framework in science, see Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago

- Press, 1996). For an explanation of how this paradigm shift has created differences between medieval and modern Jewish philosophy, see Aaron W. Hughes, “Medieval Jewish Philosophers in Modern Jewish Philosophy,” *The Cambridge History of Jewish Philosophy: The Modern Era*, eds. Martin Kavka, Zachary Braiterman, and David Novak (Cambridge: Cambridge University Press, 2012) 224–251.
3. This description is general, and the specifics regarding how the Active Intellect imparts knowledge are subject to great debate among medieval philosophers.
 4. See Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame: University of Notre Dame Press, 1984) 349–369.
 5. Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 1984) 2.
 6. The root of the word “to receive” (*kibbel*) is used in the Bible to denote a matching of counterparts, such as when it is used to describe how the loops of the covers of the Tabernacle would fit together (Exodus 26:5, 36:12). Between people, it connotes willful acceptance, as when Mordechai refused to receive clothes from Esther: “And Esther’s maidens and her chamberlains came and told it her; and the queen was exceedingly pained; and she sent clothes to Mordechai, to take off his sackcloth, but he did not accept (*kibbel*) it. (Esther 4:4.)”
 7. This connotation stems from the fact that the root of the word *mesarah* denotes a yoke, chains, and chastisement, as well as surrendering something to another. Rabbi Judah Loewe, in his commentary on this Mishna, explains the word *mesarah* with a similar understanding. He writes, “*Mesirah* is used only when the thing still remains with the person [who gave it]. Therefore, it says, ‘and he handed down’ and did not say ‘and he taught it’ since the word taught could imply that he taught it and then forgot it, but to hand it down implies that he handed it but it still stayed with him. (*Derekh Hayyim*.)”
 8. It is with this meaning that the expression *mesirat nefesh*, that is, giving up one’s soul or sacrificing for a purpose, is not meant as the giving of one’s soul independent of the connection between the giver and the purpose, but rather as trusting in oneself to uphold the values of the purpose for which one sacrifices as well as trusting in the values and purpose for which one sacrifices.
 9. BT *Berakhot* 64a.

10. He was called this by Shlomo Pines, scholar of medieval Jewish philosophy and best known for his English translation of Maimonides' *Guide of the Perplexed*. See *Time* magazine, December 23, 1985. Jonathan Jacobs has similarly said that he is "surely the most influential and important medieval Jewish thinker (not just philosopher)." (Jonathan A. Jacobs, *Law, Reason, and Morality in Medieval Jewish Philosophy* (New York: Oxford University Press, 2010) 21.)
11. See Maimonides, *Sefer HaMitsvot*, Negative Commandment 133. See also his commentary on Mishna, *Sanhedrin* 10:3, *Sotah* 3:4–5, *Shevuot* 1:4. For others who express this view, see Rabbi Chaim Joseph David Azulai (*Hida*), *Responsa Hayyim Sho'el* 2:4; Rabbi Yom Tov Lipman haLevi Heller, *Tosafot Yom Tov*, *Sotah* 3:5; and Rabbi Mordechai Fogelman, *Responsa Bet Mordekhai* 2:40.
12. Walzer writes, "There are natural as well as Divine revelations, and a philosopher who reports to us on the existence of natural law, say, or natural rights or any set of objective moral truths has walked the path of discovery." (Michael Walzer, *Interpretation and Social Criticism*, [Cambridge: Harvard University Press, 1987] 5).
13. Walzer writes, "[M]ost philosophers who have walked the path of invention have begun with methodology: a design of a design procedure. (Ibid. 10)"
14. Ibid. 10.
15. Ibid. 23.
16. Joseph Dov Soloveitchik, *Halakhic Man* (Philadelphia: Jewish Publication Society of America, 1983) 81.
17. Ecclesiastes 1:10.
18. David Novak makes a similar claim in his article, "Can We Be Maimonideans Today?" in *Maimonides and his Heritage*, eds. Idit Dobbs-Weinstein, Lenn Evan Goodman, and James Allen Grady (Albany: State University of New York Press, 2009).
19. See my discussion about translation as it relates to this endeavor in the section on epistemic and moral objectivity.
20. For example, Alasdair MacIntyre, in adapting Aristotle's conception of the virtues to his own view of virtue ethics, admits that he diverges from Aristotle by exchanging a metaphysical–biological teleology for a social one and by accepting that the existence of conflicting goods may not just be a consequence of flaws in an individual's character.

For MacIntyre, the social nature of moral development consists of a three-stage approach. For the virtues to be properly conceived, as well as developed, they must first be embedded within practices. By practices, MacIntyre means established cooperative activities through which people make an effort to realize the goods internal to the activities while at the same time exerting themselves to achieve the standards of excellence in them (*After Virtue: A Study in Moral Theory*, 187). Participants of practices can aspire to receive two types of goods. The first are goods external to the practice itself, such as a reward for winning a game or recognition for being the best. As people engage in a given practice, however, goods internal to it become more of a primary focus. These goods are internal to the practice in a two-fold respect; they can only be understood within its structure and they can only be recognized through experience and participation. Initially, the achievement of excellence is a product of obedience to the practice's rules and acceptance of the authority of set standards. As a person's skills are developed, however, excellence results from the expansion of one's understanding and involvement in the practice beyond the confines of the general rules. An excellent participant is able to apply the rules in new and expansive ways that allow for superior performance. When a given practice pertains to moral life, the excellences acquired are the virtues and the internal goods acquired relate to human flourishing. They must also be accompanied with a narrative for a single human life that gives comprehensibility to those practices as a means to achieve human flourishing. This allows people to place different events in their life in an account that provides a unity of character and accountability. By setting practices within a narrative, the virtues that one acquires become more than just dispositions that sustain the practices; they become part of a broader scope and serve to allow a person to develop his or her life story as he or she searches for the good. Finally, both practices and the narrative must be part of a larger tradition. See Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 1984) 195–196.

21. The primacy of reason and the ideal of a life of intellectual contemplation in an Aristotelian framework is a consequence of conflating a thing's form with its purpose, that is, that which makes a thing unique determines the activity which it is meant to pursue. Many

contemporary conceptions of identity, however, attribute many different abilities to human beings without conflating any of those abilities with the purpose of humanity.

22. For example, his notion of a person's *telos* is different from that of Aristotle, and his views of character development and practical reason differ from Aristotle despite the fact that he uses Aristotelian arguments to describe his views. His divergence from non-Jewish Aristotelian philosophy is due to his adherence to Jewish foundational premises, in particular his acceptance of the primacy of Jewish law in shaping one's character and reasoning. That Maimonides differs even from his Arabic contemporaries in the way he adopts an Aristotelian framework can be seen in the practical ramifications of their respective philosophies as it pertains to the supremacy of the prophecy of Moses for Maimonides and Muhammad for the Arabic philosophers and the authority of the law for the different philosophers. For example, Alfarabi, one of Maimonides' greatest influences, does not consider Muhammad's prophecy unique, and he holds that for the philosopher who has acquired true wisdom, observing the doctrines in the Qur'an would be superfluous at best and a diminishing of his wisdom at worst. Like Alfarabi, Avicenna asserts that it is possible to achieve perfection so as to become the type of prophet that Mohammed was, and, since the details of the Qur'an as told by the Prophet were relayed only with the intention that it best serve those unable to comprehend philosophic truth, for one who is philosophically gifted, it would be logically consistent to transgress *Shariah* yet claim to uphold the reality of the Qur'an as revealed to him personally. Maimonides, on the other hand, continually upholds the premise that Moses' prophecy is unique and that the law can never be abrogated, even by those who have become prophets themselves. These practical differences reflect a greater difference in the overall philosophical framework that each one developed. Of course, this premise is general, and Maimonides does provide an explanation for certain exceptions, where the law is abrogated temporarily, such as in the case of Elijah.
23. This is not to say that there are not contemporary philosophers who hold alternative or contrary views, but rather that these are dominant positions in contemporary philosophy.
24. A global character trait is one that exhibits both cross-situational consistency in a wide variety of circumstances and is stable in repeated instances of the same kind of circumstances.

Teleology: One of Aspiration and Not Actualization

INTRODUCTION

*The path of life goes upward for the wise.*¹

Moses Maimonides' ethics can be seen as a synthesis between Aristotelian virtue ethics and Divine command morality, where God's law² sets the terms for ethical action and Aristotle's philosophy provides the explanation for the process of moral development. However, Maimonides' ethics is not simply Jewish law dressed in Greek philosophical garb, nor is it Greek philosophical ethics residing within the four cubits of Halakha. Rather, Maimonides uses Aristotelian philosophical language to describe a Jewish ethics that emerges from Jewish law. Moreover, even though Maimonides uses an Aristotelian framework upon which to base his teleology, he does not do so in a way that would make a contemporary Jewish virtue ethics that builds on Maimonides dependent on Aristotelian physics and metaphysics. Therefore, in constructing a contemporary Jewish ethics, I can still rely on Maimonides' teleological account of ethical development without being constrained by an Aristotelian worldview.

The idea of a synthesis between virtue ethics and Divine command morality might seem to be a contradiction, both axiologically and ontologically. Axiologically, the contradiction lies in how a person recognizes and adheres to what is ethical. In the former, a person relies on his or her own wisdom to determine what is ethical, while in the latter, and especially in Jewish ethics, the person relies on God and an external law. G.E.M. Anscombe argues that the perception of ethics through

a legal framework and the perception of ethics as a matter of attaining virtues are wholly distinct and that the attempt to combine ethical legalism and the virtues results in a confused moral theory. Anscombe admits that Aristotelian ethics has a sense of norms, but she denies that ethical norms are equivalent to law.³ Norms, according to her understanding of Aristotle's ethics, are general descriptions of character traits which demonstrate that a person has a particular virtue. They are not prescriptive demands to be ethical; rather, they are descriptive criteria, which allow a person to be defined as such.

Others have argued that the idea of virtue is found in all ethical frameworks, and therefore, any claim to synthesize a virtue- and a law-based ethics is misleading.⁴ However, while it is true that Kantian ethicists discuss the idea of virtue, its meaning is very different than what is meant by virtue ethicists because their ethical frameworks are inherently different. In a Kantian ethics, moral virtue is developed through one's ability to abide by a self-legislated, yet external law, for Aristotelians, virtue is developed alongside one's ability to ascertain what is good.

Anscombe is correct that for Aristotle the virtues are not directly related to a set of rules that prescribe actions in a way that Kantian ethics has rules or maxims, and that the definition, or description, of a particular virtue is not fixed, but is rather continually refined via experience. Yet the difference between the two types of ethical frameworks is not simply that virtue ethics focuses on the development of character traits while rule-based ethics focuses on particular actions. Rather, virtue ethics, as well as those religious ethical traditions such as Maimonides' which incorporate virtue ethics into their framework, subsumes the community and public laws into its ethics while rule-based ethics does not.⁵ The laws of the community (and religious law) serve the dual function of prescribing actions and, through those prescriptions, intend for the individual to develop certain character traits.⁶ Divine command morality can therefore allow for the incorporation of virtue ethics when Divine law is both personal and communal and when it focuses on the development of character traits in addition to focusing on particular actions.

In *The Fabric of Character*, Nancy Sherman explains how Aristotle conceives law to relate to the acquisition of the virtues. According to her, Aristotle believes that the law is a necessary, yet not sufficient, means to acquire the virtues. Its necessity stems from the fact that it establishes impartiality by ordering society according to "objective" practical reason. By "objective" practical reason, I mean that rationality of the law is based

on the general consensus of the community and is not the product of any one individual. Its insufficiency stems from its inability to take into account the particularities of moral life. It must therefore be supplemented by a sense of equity to account for those particularities. Also, according to Aristotle, the law cannot influence the cultivation of dispositional capacities and must, therefore, be supplemented by social relationships, such as friendship. While I am not negating the need for friendship or recognition of the particular in a Maimonidean ethics, by the end of the book I will show that Maimonides differs with Aristotle on these two premises about the law.

For Aristotle, as well as Maimonides, civil law tries to regulate social life so that it is conducive for individuals to attain *eudaimonia*. It forms a continuing part of the education of character begun at home, where the political community serves the role previously played by parents. The law, therefore, not only compels just behavior but it also teaches people how to be just. The following passage from Aristotle demonstrates both the social nature and the teleological presupposition of his ethics, and the necessity of law for an individual's moral development:

To obtain the right training for virtue from youth up is difficult, unless one has been brought up under the right laws. To live a life of self-control and tenacity is not pleasant for most people, especially the young. Therefore, their upbringing and pursuits must be regulated by laws; for once they have become familiar, they will no longer be painful. But it is perhaps not enough that they receive the right upbringing and attention only in their youth. Since they must carry on these pursuits and cultivate them by habit when they have grown up, we probably need laws for this, too, and for the whole of life in general.⁷

Aristotle does, however, recognize that people can act lawfully yet lack good character. The difference between Kant's and Aristotle's view of law and its relation to ethics is that for Aristotle ethics begins at the level of society, and it is society's conception of the good that shapes individuals' characters. For Kant, on the other hand, ethics begins at the level of the individual, and it is individuals' conceptions of the good which ultimately affect society's structure. Therefore, for Aristotle, the law is not set against ethics; rather, it is both a cause and a consequence of it. It is a cause by virtue of its effect on its adherents, and it is a consequence of ethics in that legislation and judicial decisions are made, and improved, by those ethical legislators and judges who have been shaped by the community's laws. As

we will see, Maimonides has a more comprehensive role for the law, since it is a consequence of God's will and not ethical legislators and judges as Aristotle posits, yet his conception of the law still allows for a synthesis of virtue ethics and Divine command morality.

Ontologically, the seeming contradiction in creating a synthesis of virtue ethics and Divine command morality is that in Divine command morality, morality derives its authority from, and is based upon, Divine commands, while in virtue ethics "the good" is not based on a theological presumption. To avoid this tension and to mitigate the assumption that Divine command morality is arbitrary, some have tried to equate God with the good. This attempt, however, is unsatisfactory for a theology that admits that one cannot describe God essentially, except apophatically, even if it is possible to describe God's attributes of action. To dismiss the attempt to conflate God and the good, one could make mention that the prophet Isaiah, in recognizing that God created the world, has already circumvented the challenge posed in the *Euthyphro* when he states, "Thus says Hashem ... I form the light, and create darkness; I make peace, and create evil; I am Hashem that does all these things."⁸ God's will does determine morality, yet morality is not arbitrary because of this. Rather, in creating the world, God created a morality that best suits it.⁹ While one can still argue that morality might then be arbitrary, the verse in Isaiah can stop the infinite regress by allowing us to accept as a theological premise that God created a moral order for the world with the intention that it be good.¹⁰

Others have claimed that Divine commands do not make something right and wrong necessarily, nor are they sufficient to apply to all situations; therefore, there must be a combination of moral goodness and Divine command which allows a person to know the good in certain situations. This claim accepts Aristotle's critique of law, and it also allows for the notion that there is an ethics that is independent from Halakha. With respect to the argument that there must be a combination between moral goodness and Divine command due to the contingency of certain situations, Rabbi Aharon Lichtenstein, in his essay, "Does Jewish Tradition Recognize an Ethic Independent of Halakha?," argues that while there is an internal morality of the law, it is procedural rather than substantive and it intends for the law to reach excellence in its application.¹¹ The internal morality of the law is thus part of the law itself. A morality that is an external system has no place in influencing the Halakha. Rabbi David J. Bleich argues further, claiming that contingency does not mean that an independent ethics joins with Halakha, even if it is an internal one. Differing

legal opinions can equally be expressions of the Halakha, and need not entail that jurists have differing moral or religious views from each other or from the law itself. Rather, disagreement lies in the application of internal rules of procedure. Therefore, despite the aspirational nature of Jewish law, Rabbi Bleich denies any relationship between Halakha and even an internal, independent (Jewish) morality.¹²

Though this will be discussed further in later sections, in brief, Maimonides claims that God's laws are equated with truth, thereby eliminating the tension between Divine command morality and virtue ethics. Also, though Maimonides believes that truth can be discovered through philosophical investigation, the moral weight of that truth comes from one's recognition that it is grounded in God's law and that one's ethical goal is to follow that law out of love for God. This can be shown in what Maimonides writes with respect to adherence to the Noahide laws,¹³ yet it would certainly apply to the Jews' adherence to the Torah as well:

Anyone who accepts upon himself the fulfillment of these seven commandments and is precise in their observance is considered one of the pious among the gentiles and will merit a share in the world to come. This applies only when he accepts them and fulfills them because the Holy One, blessed be He, commanded them in the Torah and informed us through Moses, our teacher, that Noah's descendants had been commanded to fulfill them previously. However, if he fulfills them out of intellectual conviction, he is not a resident alien, nor of the pious among the gentiles, nor of their wise men.¹⁴

For Maimonides, Divine command is the source for the good on an ontological level and recognition that God commanded them is the source for the good on an epistemological and axiological level. Therefore, the Noahide laws, which David Novak calls the natural law component or the moral component of Jewish law,¹⁵ have normativity solely by virtue of its legality.

While Maimonides' ethics, and my contemporary translation of it, posits that Jewish law constitutes what should be considered as moral action, his theory is different from many other Divine command theories of morality in that obedience to the law does not automatically mean that actions are morally ideal. The separation between what is legal and what is moral occurs because, as a legal system, Jewish law must accommodate a broad spectrum of society. Therefore, that which is generally permitted by the law sets the floor for moral action, but still may not be condoned as the highest ethical imperative.¹⁶ Nor is the law impervious to people manipu-

lating it in an immoral fashion. For example, Nahmanides, who agrees with Maimonides' premise that the law sets the floor for what constitutes moral behavior, writes that the Torah permits a person to have relations with his wife and to enjoy meat and wine, yet a person who is addicted to (permitted) sexual relations or who is a glutton (albeit who eats kosher food) is nevertheless a sordid person, despite acting within the strict boundaries of what is legally permitted.¹⁷ Similarly, one who adheres to Jewish law for ulterior motives may act properly in the legal sense, yet he or she would nevertheless be lacking the proper motivation to be moral. Like most other forms of virtue ethics, right action alone is not sufficient to be considered moral. The actor must also act from a moral disposition or character.

The substantive differences between Aristotle's and Maimonides' ethics are readily apparent when one compares their respective arguments for what is, or, in Maimonides' case what should be, a person's motivation in life as well as their views on a person's ultimate purpose or life activity. Aristotle contends that people are ultimately motivated to pursue their own development, whereby a person's potential lies in an activity that is unique and innate to the person as a member of humanity (*ergon*),¹⁸ and the achievement of excellence in that activity (*telos*) results in a person's achievement of perfection or completion (*entelecheia*). *Telos*, therefore, connotes a person's final cause, while *entelecheia* connotes a person's formal cause. To be more specific, *entelecheia* is related to *energeia* (both of which are translated as "actuality" as opposed to "potentiality/*dunamis*") in that it is the actualization of a person's potential with respect to his or her unique activity (*ergon*).¹⁹ *Entelecheia* is also related to *telos* in that it provides the means to fully engage in one's unique activity successfully.

Entelecheia, therefore, has two connotations; either it can connote the form which allows for the activity to be performed properly (this connotation being more closely aligned with *telos* as its etymology makes clear) or it can connote the excellent performance of the activity itself (this connotation being more closely related to *energeia*). Aristotle recognizes these two connotations when he discusses the term *entelecheia* in *De Anima*. He writes with regard to the soul being the *entelecheia* of the body, "Now there are two kinds of *entelecheia* corresponding to knowledge and to reflecting. It is obvious that the soul is an *entelecheia* like knowledge; for both sleeping and waking presuppose the existence of the soul, and of

these waking corresponds to reflecting, sleeping to knowledge possessed but not employed, and knowledge of something is temporally prior.”²⁰ In this passage, the soul is an *entelecheia* as a formal cause; it is what enables a person to act but it is not acting per se. Yet because *entelecheia* has that second connotation, Aristotle acknowledges that the soul is only the first entelechy, and that the second entelechy of a person consists in his or her living an active life. James Hart explains the two connotations as follows:

In Aristotle’s primary sense, “entelechy” derives from the consideration of the action accomplished or brought to its term in contrast to action that is in the course of being realized. Thus entelechy (actualization) is *the perfection characteristic of the achievement* or the actual complete unity. Yet there is a second but not disconnected sense of entelechy: the form (*eidos*), or *the inherent principle of structure* or specific intelligibility that *enables a determinate actualization of a power*. Here entelechy refers to a formal-essential actuality that functions as the actuation of *hylē* and is therefore in regard to this functioning not yet complete or fully actual. Toward that end it works immanently in the realization of that *telos* or perfection. Entelechy in this sense is like actually possessed knowledge that precedes new acts of knowing.²¹

Because of the way in which physics and metaphysics interact in Aristotle’s framework, the goals that people will come to endorse are those that they ultimately find in themselves. Moral and intellectual development is about actualization rather than aspiration, and normativity is a consequence of the inherent desire for personal growth and the understanding that a particular decision will help to achieve it.

Maimonides’ account adopts Aristotle’s language of actualization in describing moral and intellectual development, yet it replaces Aristotle’s naturalistic description of a person’s motivation with a religious one. The result of this inclusion is that Maimonides’ ethics cannot be seen as fully accepting Aristotle’s notions of *ergon*, *telos*, and *entelecheia*; rather, his use of those terms must be understood in the context of the religious worldview according to which a person develops toward moral and intellectual perfection. According to Maimonides, human perfection is a consequence of a religious goal and not a primary focus of motivation.

In giving my account for a contemporary Jewish virtue ethics, I will keep Maimonides’ description of a person’s source of motivation and his view of a person’s ultimate purpose, yet I will not keep the Aristotelian idea of having a unique, species-wide function (*ergon*). By doing so, moral and

intellectual development will not be a matter of actualization but rather of aspiration and of achieving one's goals.²² Of course, one cannot say that Aristotle's teleology does not have an aspirational component, since his whole premise that *eudaimonia* is something that people want to attain presupposes that his teleology is at the same time natural/metaphysical as well as desired. By calling my teleology one of aspiration, I only mean to say that it does not include the notion of actualization in the Aristotelian sense. As such, my description will differ from Maimonides' theory as well, yet it will not contradict his general outline.

Even though my account is not teleological in the Aristotelian sense,²³ it is nevertheless teleological. Also, my account recognizes that while a person's "unique activity" is not intrinsic to his or her physical essence, a person nevertheless still has a definite "unique activity," albeit one that is based on how society situates him or her in a system of values. In other words, a person's goals and ideals are socially, rather than physically, established and they are understood through a person's recognition of causal relations as they are interpreted through a presupposed set of goals.²⁴ This view of teleology is in accord with John Searle's explanation of how purposes are found in nature. He writes,

It is because we take it for granted in biology that life and survival are values that we can discover that the function of the heart is to pump blood. If we thought the most important value in the world was to glorify God by making thumping noises, then the function of the heart would be to make a thumping noise, and the noisier heart would be the better heart. If we valued death and extinction above all, then we would say that a function of cancer is to speed death. The function of aging would be to hasten death, and the function of natural selection would be extinction. In all these functional assignments, no new intrinsic facts are involved. As far as nature is concerned intrinsically, there are no functional facts beyond causal facts. The further assignment of function is observer relative.²⁵

The goals which an individual aspires to achieve, and the ideals which a community upholds, are recognized through the values embedded in the community's institutions, namely in its laws and tradition. By living according to the law, a person will engender a disposition that allows him or her to recognize the values embedded within the law and will aspire to become the type of person the law is meant to assist the person in becoming. Normativity is a consequence of an external relationship between a person and the community in which he or she lives as it is structured by

Divine commands, and a person's moral growth is based on how he or she internalizes that relationship, not in how what is already internal yet in potential becomes manifest and actualized through a person's moral and intellectual development.²⁶

In this chapter, I will briefly review Aristotle's *ergon* argument and his conception of *eudaimonia* as the actualization of a person's innate species-wide potential, and then I will show how Maimonides' adoption of Aristotle's language and general framework does not make his religious teleology dependent on his physics and metaphysics. I will conclude by discussing the implications of Maimonides' divergence from Aristotle for my own teleology of aspiration.

ARISTOTLE AND EUDAIMONIA

*If a person tells you there is wisdom among the nations, believe him. If he tells you there is Torah among the nations of the world, do not believe him.*²⁷

Aristotle's account of natural development presupposes that everything in the world has a unique activity toward which it is primarily suitable, and the good for that particular thing constitutes the proper performance of that unique activity. Aristotle's biology, physics, and metaphysics presuppose that such natural development is due to the existence of four causes, namely, the material, the formal, the efficient, and the final cause. A cause is more than just a force that acts upon a body, as it is typically conceived in contemporary parlance; it includes the broader sense of being an explanation for how something has transpired and, therefore, includes reasons as a subset. While this may not have great import in Aristotle's physics, in my construction of an alternative view of practical reason, I will make a sharp distinction between reasons and causes. The material cause of something is its non-accidental potential, that is, the primary potential from which a thing would develop if left to its own accord under the right conditions. It is the aspect of a thing's natural development which is determined by the matter of which it is made. The formal cause is that which determines the specific arrangement, shape, or appearance according to which a thing will develop; it is what gives a thing its inherent structure according to its unique function.²⁸ What motivates a thing to move toward that aim or end is the efficient or intermediate cause. The final cause is that which is ultimately sought and for which everything is ultimately done.²⁹ The final cause is also intrinsic to a living being; it is the principle by which the being

moves toward its end,³⁰ and in reaching it the thing attains completion and perfection vis-à-vis its unique activity.³¹ The natural teleological process of each living thing is for the material cause of the thing to become perfected according to the dictates of its formal cause,³² yet perfection is achieved through, or because of, the impetus of efficient causes.³³ Ultimately, though it is by no means inevitable,³⁴ the change toward which the thing will be directed is its final cause, thereby moving it from a state of potentiality to actuality. This process is innate, though efficient causes may be external, since the manner in which a thing will respond to external causes is based on its material and formal causes. Moreover, each thing has a strong teleological inclination toward its final cause.³⁵

In his ethics, Aristotle starts with the premise that every activity³⁶ and every choice has a good³⁷ as its aim. Additionally, a good may either be intermediate, that is, for the sake of another good, or it can be final, for its own sake. After a brief survey investigating human motivation in the beginning of the *Nicomachean Ethics*, Aristotle argues that *eudaimonia*, that is, living well (*eu zēn*) and doing well (*eu prattein*) in the sense of living a life that fulfills one's humanity, is—or should be³⁸—the chief good which people desire to attain.³⁹ The happiness of which *eudaimonia* consists, however, is not simply any kind of happiness. Rather, in addition to being that which motivates people, *eudaimonia* also perfects individuals,⁴⁰ by giving them the capacity to engage in their unique activity, that is, in using their intellect properly.⁴¹ In other words, the happiness of *eudaimonia* consists of living a complete life of actively engaging in rational thinking.⁴² Aristotle writes,

For no function has so much permanence as excellent activities (these are thought to be more durable even than knowledge), and of these themselves the most valuable are more durable because those who are blessed spend their life most readily and most continuously in these; for this seems to be the reason why we do not forget them. The attribute in question, then, will belong to the happy man, and he will be happy throughout his life; for always, or by preference to everything else, he will do and contemplate what is excellent, and he will bear the chances of life most nobly and altogether decorously, if he is “truly good” and “foursquare beyond reproach.”⁴³

As Aristotle notes, rational activity only constitutes *eudaimonia* when it is the type of activity that is worthy to pursue in and of itself.⁴⁴ Also, rational activity is not a means to *eudaimonia*, where the possession of knowledge is the ultimate end. Nor should rational activity be for the sake of lesser goods, which themselves are sought for the sake of happiness.⁴⁵ Rather,

even when seeking lesser goods through rational activity, the rational activity and the seeking of lesser goods are part and parcel with the person naturally fulfilling his or her unique activity in life.⁴⁶

There are two types of rational activity, each corresponding to a different aspect of a person's soul. The rational component of the soul achieves excellence through intellectual activity, namely through engaging in theoretical wisdom. The appetitive component of the soul, that is, the will, on the other hand engages in practical wisdom and complies with it, and a person achieves excellence through moral activity, which helps to develop moral virtues. The moral virtues, however, do not consist solely of excellence of the appetitive part of the soul independent of any relationship with the rational part of the soul. On the contrary, there is a tight relationship between the moral virtues and reason (through the implementation of *phronesis*) as well as in the other direction between certain intellectual virtues, such as *phronesis* and deliberation, and the moral virtues.

In the *Nicomachean Ethics*, Aristotle seems to equate *eudaimonia* with the contemplative life (though this is subject to great debate),⁴⁷ since it is a life that most appropriately utilizes that which is uniquely human. He does, however, recognize that a life of constant contemplation is impossible. Therefore, though contemplative activity cannot be a constant pursuit, Aristotle, nevertheless, urges that one still attempt to engage in it to the best of his ability, since it allows for the achievement of perfection and one's *telos*.⁴⁸ Because people are not purely intellect, Aristotle recognizes that the moral life of practical wisdom is also a eudaimonic life, albeit to a secondary degree. Happiness comes from the activity of the moral excellences, yet it is of a secondary degree since such a life does not completely engage one's intellect, which Aristotle sees as something separate and as partly Divine. (Though Aristotle maintains that the soul in general cannot be separated from the body, since it is the first actuality/entelechy of a natural body or object,⁴⁹ with respect to the human intellect, however, Aristotle does maintain that a person's active intellect is immortal.⁵⁰)

MAIMONIDES AND SERVING GOD FROM LOVE

*And I will delight myself in Your commandments, which I have loved.*⁵¹

Maimonides accepts Aristotle's premise that what motivates people also gives them the ability to engage in their unique (species-wide) activity properly. Yet Maimonides does not adopt Aristotle's naturalistic teleology

strictly; rather, he recognizes that humans have a religious priority and he thus incorporates a theological framework into Aristotle's ethical one. By doing so, Maimonides contends that a person's motivation is theological, and that moral and intellectual development is a consequence that supports a person's true aspirations (*telos*) rather than being primary motivations in and of themselves.

In describing the type of life a person should be motivated to pursue, Maimonides uses a modified version of Aristotle's *ergon* argument.⁵² In the introduction to his *Commentary on the Mishna*, Maimonides rejects the simple understanding of the Talmudic expression, "The Holy One, blessed be He, has nothing in this world except for the four cubits of Halakha,"⁵³ (namely that Jewish law is the height of intellectual study and should be pursued at the expense of all other areas of knowledge) based on his acceptance of Aristotle's premise that humans have a unique activity or purpose. Moreover, the exercise of this unique (species-wide) activity is superior to learning Jewish law in the simple juridical sense.⁵⁴ Like Aristotle, Maimonides asserts that the prime uniqueness of human beings rests in their capacity for theoretical reasoning, and thus a person's perfection consists in acquiring the ability to contemplate theoretical wisdom properly.

Though the unique (species-wide) activity of human beings is engaging in theoretical reasoning, and thus their entelechy is in perfecting their intellect, Maimonides nevertheless does not describe the *telos* of the wise and good person as living a life solely engaged in theoretical speculation. On the contrary, his *telos* is to contemplate wisdom, by which he means grasping the principles of reality and how they relate to God's will, *as well as to engage in actions*, by which he means to engage properly in those actions which God commands.⁵⁵ It is true that Maimonides does at times emphasize contemplation, and because of this, many scholars have argued that Maimonides believes that the life of human perfection is a life of intellectual contemplation alone.⁵⁶ Yet, at other times, he writes that a life of action is the ideal. For example, at the end of *Moreh Nevukhim*, Maimonides writes regarding one who has attained perfection, "The way of life of such an individual, after he has achieved this [intellectual] apprehension, will always have in view loving-kindness, righteousness, and judgment, through assimilation to His actions, may He be exalted, just as we have explained several times in this Treatise."⁵⁷ Isadore Twersky, David Hartman, Lenn E. Goodman, and Menachem Kellner have argued that, in truth, Maimonides' ideal is achieved when contemplation and action are