

Self-Restraint and Virtue: Sages and Philosophers in Maimonides' *Eight Chapters*

I. Introduction

Maimonides' *Eight Chapters* (*Shemonah Perakim*) is the introduction to his commentary on *Pirke Avot*, a tractate of the *Mishnah* popularly known as "Ethics of the Fathers."¹ Maimonides explains, in his introduction to *Eight Chapters*, that before giving an account of particular laws, he wanted to provide "some useful chapters," from which one could acquire principles that would serve as a key to what is presented in the commentary. On its own, the work presents a rich and provocative discussion of virtue and vice, understood as health and disease of the human soul.

Maimonides assures the reader at the outset that what he has to say is not original; it is drawn, he tells us, from Midrash, Talmud, and other writings of the Sages, as well as from ancient and modern philosophers: "Hear the truth," he proclaims, "from whoever says it." But to name all these sources, he goes on, would be "useless prolixity," and—obviously more importantly—might make a passage offensive to certain readers.² The essay is actually replete with citations from Torah and Talmud, as a glance at the notes reveals, but none from any philosophers, ancient or modern. In fact, however, the

¹ References to *Eight Chapters* in this paper are from the translation by Charles Butterworth and Raymond L. Weiss, in *Ethical Writings of Maimonides* (NY: New York University Press, 1975. Reprint, NY: Dover Publications, 1983). This volume also contains *Laws Concerning Character Traits* (trans. by Weiss), *Treatise on the Art of Logic* (trans. by Butterworth), and the *Guide of the Perplexed* (trans. by Shlomo Pines), all cited in this paper. I would like to thank Charles Butterworth for help with some of my questions about the Arabic in *Eight Chapters*.

² Maimonides' defense of anonymity is especially striking, as Edward Halper notes, in light of the fact that in *Pirke Avot* itself, repeating a statement in the name of the speaker is said to bring redemption to the world ("Maimonides' Aristotelianism in the *Ethics Chapters*," paper delivered at the Society for Jewish Studies, Dec. 2004, p. 1).

In Chapter 7, discussing the intellectual and moral virtues required for prophecy, Maimonides cites a Talmudic passage, "Prophecy only comes to rest upon a wise, powerful, and rich man" (the line he is quoting, Shabbat 92a, speaks of the *Shekhinah* that comes to rest on such an individual [p. 102, n.5]). Maimonides goes on to connect this passage with his account of intellectual and moral virtue by citing *Avot* IV.1: "Who is rich? He who rejoices with his lot" and "Who is a powerful man? He who conquers his impulse." But he leaves out the first case in that passage: "Who is a sage? He who learns from everybody, as it is said, 'From all my teachers I have gotten understanding' (Ps. 119:99) (*The Mishnah: A New Translation* by Jacob Neusner [New Haven: Yale University Press, 1988] p. 681). Maimonides' omission of this line, with its characterization of wisdom as a willingness to learn from all sources, is conspicuous in light of his introductory exhortation to learn the truth from whoever says it (60).

opening chapters read like a paraphrase, sometimes a direct quotation, of Alfarabi's "Selected Aphorisms" (also known as "Aphorisms of the Statesman").³ That work, in turn, has its roots in Aristotle's *Nicomachean Ethics*, and the imprint of the *Ethics* is vividly present in Maimonides' *Eight Chapters*.

Not only do we find almost every major topic of Aristotle's *Ethics* taken up—with the notable exception of friendship—⁴but the development of the argument of the *Ethics* from Books I through VII provides a model in certain respects, it will be suggested here, for that of Maimonides' work, Chapters 1 through 6. After setting out from an opening discussion entirely Greek in character, *Eight Chapters* reaches a pivotal point in Chapter 6 and then moves on to two concluding chapters concerned with issues of particular concern in Jewish thought.⁵ The sixth chapter is the only one to begin with a reference to "the philosophers," and in it Maimonides admits explicitly for the first time an apparent conflict between the philosophers and the sages. The chapter ends with his claim to have provided an analysis of "marvelous subtlety," which offers a "wonderful reconciliation of the two views" (80). I want to focus on the argument of this chapter and ask whether it truly is, and is meant to be, the "wonderful reconciliation" Maimonides claims. The issue at stake in Chapter 6 is the relation between virtue and self-restraint, or continence, which Maimonides, following Aristotle, distinguishes as two different states of the soul; and the problem is the apparent disagreement between philosophers and sages on which is superior to the other. To prepare for the discussion, we should go back to the psychology that provides the basis for it.

³ *Eight Chapters* follows particularly closely Aphorisms 1 through 21 ("Selected Aphorisms," in *Alfarabi, The Political Writings*, translated and annotated by Charles Butterworth [Ithaca: Cornell University Press, 2001]: 11-22).

⁴ And that is striking particularly because Maimonides alludes to Aristotle's account of friendship in his comments on *Avot* I.6, "acquire a friend for yourself."

⁵ One wonders if Chapter 6 provides the necessary preparation for the final two chapters. In the seventh, which begins for the first time with references to *Midrash*, *Haggadah*, and *Talmud*, the vices that were introduced as diseased states of the soul become the "veils" through which the prophets are said to see God. The eighth and final chapter takes up the issue of man's inborn disposition, but focuses on the biblical verses that suggest divine predetermination, and the question of the justification in that case of God's punishment of human beings for their deeds.

II. The Psychology of *Eight Chapters*

Eight Chapters opens with an analysis of the human soul and its powers, in preparation for an account of virtue, like the psychology at the end of Book I of Aristotle's *Ethics*, which provides the basis for the investigation of virtue in Books II through VII. In fact, however, Maimonides' articulation of five powers of the soul (which follows Alfarabi almost word for word) is much closer to Aristotle's *De Anima*: it distinguishes a rational part of the soul and a completely non-rational nutritive power, as the *Ethics* does, but rather than just singling out a desiring part of the soul between those, it separates the sentient from the desiring, and identifies an independent imaginative power of the soul. This psychology is put to work in the second chapter, which addresses the questions of what psychic powers are capable of obedience or disobedience of the law and what part of the soul possesses virtues or vices.⁶

In proceeding from this starting point, Maimonides' discussion takes its bearings from the simile by which Aristotle introduces his psychology at the end of *Ethics* I: just as the doctor who is to heal the eye must know the whole body, so the *politikos* must study the whole soul (1102a18-20): the true statesman or political scientist is a doctor of the soul. In Aristotle's *Ethics*, however, the medical model does not take over until late in the development of the argument. The whole investigation of virtue, from Books II through VI, is dominated by concerns with praise and blame, and therefore the issue of responsibility; it is not until Book VII that that horizon is replaced by a concern with disease of soul and cure. In *Eight Chapters*, on the other hand, as soon as the psychology of the first two chapters is established, the third chapter turns to diseases of the soul and the fourth to their medical

⁶ Maimonides follows exactly Alfarabi's division of five powers of the soul (Aphorism 7 in *Selected Aphorisms*, p. 14). The division between the sentient and the desiring or appetitive part of the soul plays a role in Chapter 2, when the capacity for obedience to the law is assigned to both parts but possession of the virtues only to the appetitive (64-65; see note 20 below). It is more difficult to see why the argument of *Eight Chapters*, in contrast to Aristotle's *Ethics*, requires an independent imaginative power of soul. It does not seem to play a role, as one might have expected, in the discussion of prophecy in Chapter 7. Perhaps it is important in Maimonides' characterization of people with sick souls as those who imagine bad things as good and good things as bad (Chapter 3, p. 66), once again following Alfarabi (Aphorism 41, *Selected Aphorisms* p. 32).

treatment.⁷ Virtue as a mean disposition between two extremes is understood as health of soul, the opposite extreme dispositions as illness. The law issues commands meant to inculcate, through habituation, the mean state; yet while it looks to that standard, its strategy is to direct the subject away from the extreme to which he is likely to be naturally inclined and toward the opposite-- away from lust and toward insensibility, with the mean of moderation in mind.⁸ The law seems to operate on the assumption that the human soul is typically in a diseased condition and always in need of medical treatment.

After developing its account of psychic disease and the wise man as doctor of soul, the argument of *Eight Chapters* seems to reach a peak in the fifth chapter, with its claim that all powers of the soul must be directed toward a single goal. That goal, Maimonides explains, is the perception of God, that is, knowledge of God as far as it lies in man's power. Quoting *Pirke Avot* for the first time, Maimonides praises the sages for capturing in the briefest possible words a very weighty and problematic notion (78): "Let all your deeds be for the sake of Heaven."⁹ This peak of the argument of *Eight Chapters* looks like the counterpart to the point Aristotle's *Ethics* reaches at the end of Book VI, when *sophia*, contemplation of the whole cosmos or the highest beings in the cosmos, is declared to be the supreme human perfection and the final end of human life. The sudden descent of the argument of Aristotle's *Ethics*, from those cosmic heights to the disease of psychic conflict in Book

⁷ The issue of responsibility does not come up until the final chapter, "On Man's Inborn Disposition," in the very particular context of the problem of God's foreknowledge.

⁸ In the last two chapters of Book II of the *Ethics*, Aristotle revises his original discussion of the mean as a standard and introduces the need for a "second sailing," which consists in seeking to avoid the worse extreme: one must incline toward the opposite of the extreme most opposed to the mean, in general or for oneself individually.

⁹ *Avot* II.15. Maimonides cites a Talmudic formula, "Even with a transgression" (*Berakhot* 63a) and explains, "You should make your goal the truth... even if from a certain point of view you commit a transgression" (78). Maimonides does not make explicit what the "greatness and magnificence" is of the notion at stake here, which the sages express with such marvelous brevity. One wonders if he could be driving at the kind of radical consequences Socrates implies in *Republic IV*, when he defines the true sense of justice as the proper order of the soul and insists that everything else should be called just or unjust only insofar as it enhances or harms this inner order (443e-444a). Discussing the problem Maimonides faces in his effort to explain certain secrets of the law, when such explanation in public is forbidden, Leo Strauss observes: "Maimonides transgresses the Law 'for the sake of heaven,' i.e. in order to uphold or to fulfill the Law" (*The Guide of the Perplexed*, introductory essay [University of Chicago Press, 1963], p. xv).

VII, is echoed in the movement of *Eight Chapters*, from the identification of knowledge of God as the single goal of all the soul's powers to the same problem of psychic conflict, in Chapter 6.

III. Self-Restraint and Virtue

The inner conflict of the human soul is exhibited by the experience of the self-restrained person, who does good things while craving bad ones. He struggles against his craving and must overcome what his desire arouses him to do; if he fails, it would be a case of *akrasia*, or the lack of self-restraint. The virtuous person, in contrast, is not torn apart by inner conflict, but does the right thing in accordance with what his desire arouses him to do. Maimonides does not mention Aristotle, but attributes the view to all the philosophers—as if it were an essential principle of the philosophic attitude—that the virtuous person is more perfect than the self-restrained one, even if, Maimonides adds, in most circumstances the self-restrained individual could take the place of the virtuous one.¹⁰

There are “speeches of the law,” Maimonides assures his reader, that are not in disagreement with this view of the philosophers, and he cites the words of Solomon as evidence: “The soul of the wicked desires evil” (Prov. 21:10). Of course, this claim does not really speak to the problem Maimonides is addressing, since it does not treat lack of self-restraint as a distinctive condition, different from vice, both of which involve the desire for evil; but it does presumably imply the superiority of virtue over self-restraint, if the desire for evil is always the mark of a wicked person and the self-restrained person has such a desire while the virtuous person does not.¹¹

¹⁰ After distinguishing self-restraint from virtue, Alfarabi adds the same remark, that the self-restrained person may take the place of one who is virtuous with respect to many matters (Aphorism 14, *Selected Aphorisms*, p. 19). On Alfarabi's ranking of the two conditions, see note 14 below.

¹¹ Maimonides cites one other proverb, “A joy to the righteous is the doing of justice, but dismay to evil-doers” (21:15), which is supposed to express the agreement of the “speeches of the law” with the philosophers. The passage does seem to accord with the Aristotelian notion of the pleasure that accompanies virtuous action when it flows from a virtuous character; it is not clear, however, that the evil-doers who nevertheless perform just actions are necessarily the self-restrained, and not just those acting under some external source of compulsion.

Maimonides has found, then, at least some sign of harmony between the “speeches of the law” and the philosophers’ ranking of virtue over self-restraint. On the other hand, he goes on to acknowledge, the philosophers’ view does seem to be in conflict with the speeches of the sages.

[A]ccording to them, someone who craves and strongly desires transgressions is more virtuous and perfect than someone who does not crave them and suffers no pain in abstaining from them. They even said that the more virtuous and perfect an individual is, the stronger is both his craving for transgressions and his pain in abstaining from them.... As if this were not enough, they said that the reward of the self-restrained [continent] man is proportionate to his pain in restraining himself.

Maimonides encapsulates this view of the sages by citing the last sentence of the tractate *Avot* (V.19): “The reward is according to the pain” (79).

In the eyes of the sages, there is something superior about suffering the experience of psychic conflict, then overcoming a recalcitrant desire by the will to fulfill one’s obligation. To have no need for such overcoming is too easy to be admired. Maimonides prepares for his explanation of this view by citing Rabban Shimon ben Gamliel:

Let a man not say, ‘I do not want to eat meat with milk, I do not want to wear mixed fabric, I do not want to have illicit sexual relations,’ but [let him say] ‘I want to, but what shall I do—my Father in heaven has forbidden me.’ (79)¹²

The Talmudic sage wants to discourage any claim to have desires already in accord with the demands of the law. Such a claim could be viewed as a boast about the sufficiency of one’s own condition, which makes any external legal constraint unnecessary. It is only, he implies, by admitting a desire for the forbidden that one demonstrates respect for the law as the sole ground for doing what one should, while acknowledging the insufficiency of one’s own condition. This seems to be precisely what would lie behind the philosophers’ evaluation of the inferior status of having to overcome inner conflict, in comparison with the harmonious soul of the virtuous. This divergent

¹² Butterworth and Weiss do not provide a reference for this passage, but refer to the *Sifra* to Lev. 20:26, where a similar statement is attributed to R. Elazer ben Azariah (101 n. 10).

ranking of virtue and self-restraint surely looks like a fundamental difference between philosophers and sages.

IV. Generally Accepted Opinions vs. Traditional Laws

Having brought the apparent disagreement to light, Maimonides sets out to demonstrate that the contradiction is only on the surface; in fact there is no conflict and both views are true, if one recognizes that they are talking about two different classes of actions. What the philosophers are speaking of when they argue for the superiority of virtue over self-restraint are the things generally accepted by all people as bad-- Aristotelian *endoxa*. Maimonides offers a set of examples: murder, theft, robbery, fraud, harming an innocent man, repaying a benefactor with evil, degrading parents and the like. These are all matters that can be recognized as wrong by our own reason and there is no need of revealed law to prohibit them. They are the matters about which the sages said, "If they were not written down, they would deserve to be written down" (80). Maimonides is citing here a passage from the tractate *Yoma* (67b), which offers this list of examples: [laws concerning] idolatry, illicit sexual unions, murder, robbery, the blessing of the Name (a Rabbinic euphemism for blasphemy).¹³ In comparison with this passage, it is striking that Maimonides' list of generally accepted bad actions includes only cases of human interaction, nothing to do with our relation to God and, perhaps more surprising, no case of sexual relations.

Whatever members belong to it, it is the class of actions generally accepted as bad that the philosophers have in mind, Maimonides contends, when they argue that only a defective soul would strongly desire such actions, while no virtuous soul would long for them or suffer pain in abstaining from them. When, on the other hand, the sages admire the self-restrained person, who desires the forbidden action but overcomes his desire, what they are thinking of are actions

¹³ These are five of the seven Noahide commandments, which Maimonides discusses in his *Mishneh Torah* ("Laws of Kings and Their Wars" 9.1). Maimonides does not speak of the Noahide commandments as natural law, Leo Strauss observes, since, for one thing, he considers the prohibition against incest or in chastity, which is central on his list, to belong to revealed laws ("The Law of Reason in the *Kuzari*," in *Persecution and the Art of Writing* [Glencoe: The Free Press, 1952; Reprint, Westport CT: Greenwood Press, 1973], p. 97 n. 4).

prohibited by the “traditional laws.”¹⁴ Maimonides’ designation of these two classes of law is clarified in the eighth chapter of his *Treatise on the Art of Logic*. Discussing these propositions that are known without needing any proof of their validity, he distinguishes those based on traditions, which are received by a particular people from a sanctioned individual or assembly,¹⁵ and those based on generally accepted opinions, such as recognizing the baseness of uncovering the genitals or the nobility of compensating a benefactor generously (156).

Actions prohibited by traditional laws, as Maimonides characterizes them in *Eight Chapters*, would not be bad at all if they were not pronounced wrong by the law. It is in the case of such actions, and only such actions, Maimonides argues, that the sages believed a person must let his soul remain attracted to what is forbidden. Having a desire for the forbidden would guarantee the presence of an obstacle to be overcome; in these matters, however, that desire would not be the sign of a defective nature, since there is nothing intrinsically bad about the forbidden action desired but proscribed. Of course, one wonders whether the actions prohibited by traditional laws would ever be the object of a natural desire: one might want to eat a particular food, or wear a particular piece of clothing, that happens to violate the law, but there hardly seems to be a natural desire simply for food of mixed meat and milk, or clothing of mixed wool and linen. If there were such a desire, it looks as if it would be a sign of chafing against the bit of the law; and perhaps it would not be surprising if there were a rebellious reaction against the law above all when one cannot understand the reason for its proscription. The law in such a case would arouse a desire through its very act of prohibition, which it

¹⁴ Alfarabi contrasts the self-restrained person, who “does the actions of the traditional law, while his yearning is for their contrary,” with the individual possessing the virtue of moderation who “does only what traditional law requires of him with respect to eating, drinking, and sexual intercourse, without having a desire or a longing for what is in addition to what the traditional law requires” (Aphorism 14, “Selected Aphorisms”, p. 19). He goes on to distinguish a case in which virtue is superior from one in which self-restraint is superior, but it is striking that these rankings apply to different classes of individuals: natural virtue is preferable for the ruler, restraining oneself in accordance with what *nomos* requires is preferable for the ruled (Aphorism 15, p. 19). If Maimonides had Alfarabi’s distinction in mind, his own analysis of the different rankings of virtue and self-restraint would imply that the philosophers find their standard in the ruler, the sages in the ruled.

¹⁵ *Avot* begins: “Moses received the Torah at Sinai and handed it on to Joshua, Joshua to elders, and elders to prophets. And prophets handed in on to the men of the great assembly.”

then suppresses, and thus confirms its power and authority, or the power and authority of the lawgiver who stands behind it.

To defend the distinction he is putting to use, between actions generally accepted as bad and those prohibited by traditional laws, Maimonides returns to Rabban ben Gamliel: he did not try to discourage anyone from claiming “I do not want to kill, or steal, or lie,” but only traditionally forbidden actions-- eating meat with milk, wearing mixed fabric, or engaging in illicit sexual unions. Maimonides does not dispute the inclusion here of “illicit sexual unions” in the class of traditional laws, after just referring to a Talmudic passage (*Yoma* 67b) that places such actions among the generally accepted things. The status of “illicit sexual unions” is apparently a particularly controversial issue.¹⁶

Maimonides connects his categorial division of the law with the language of the Torah by identifying traditional laws with everything God calls “My statutes” (*huqqim*), in contrast with the “commandments” (*mitzvot*). In the *Guide*, in the context of discussing the purposes of the law (III. 26), Maimonides takes up what appears to be the same division, though with a slight change in terminology: there “commandments” (*mitzvot*) designates the genus, which is in turn divided between statutes and judgments (*huqqim* and *mishpatim*). Maimonides is examining at that point the “disagreement among the men of speculation among the adherents of Law” whether there is a reason for all the divine laws. He finds “the multitude of the sages” in agreement that there is

¹⁶ Perhaps the class of such actions includes members from both sides of the division of law: some cases, say parent-child incest, might be generally accepted as bad, while others might only become wrong through the traditional law that forbids them. In a recent discussion on the topic of the Conservative movement and homosexuality, Rabbi Joseph H. Prouser ends with a reference to a Sifra that laments: “The Creator foresaw that Israel was fated to tear itself apart over the issue of prohibited sexual relationships” (*United Synagogue Review*, Winter 2006, p. 17).

Edward Halper notes the seemingly inconsistent way Maimonides speaks of certain prohibitions-- forbidden foods as well as sexual relations-- which he seems to accept in Chapter 6 as “statutes” rather than commandments, while in Chapter 4 he includes them among commandments whose purpose is to move us far from the extreme of lust toward the other extreme, of insensibility, in order ultimately to inculcate the disposition of moderation (“Maimonides’ Aristotelianism in the *Eight Chapters*,” p. 13). Of course, Chapter 4 is concerned with the intention of all divine laws to inculcate virtue, before any distinction between *huqqim* and *mitzvot* has been introduced. Still, when that distinction is made in Ch. 6, and Maimonides includes “illicit sexual unions” among traditional laws, he does put into question, as Raymond Weiss observes, their usefulness for moral training (*Maimonides’ Ethics: The Encounter of Philosophy and Religious Morality* [Chicago: University of Chicago Press, 1991] p. 76).

indeed a reason for all of them, though it is not always evident; the division of *mishpatim* and *huqqim* is based, accordingly, on whether the utility of the law is clear to the multitude or not. Despite this widespread agreement, Maimonides claims to have found one text of the sages (in *Bereshith Rabbah*) that appears to imply there are some commandments given with no reason other than merely to prescribe a law that must be obeyed. Faced with this supposedly singular exception, he proposes an interpretation that will not conflict with the widely accepted principle that all the divine laws have a useful end: it is only the details, Maimonides argues, about which it was said that the commandments have been given merely for the sake of commanding something, whereas the generalities of the commandments necessarily have a reason and have been given because of some utility.¹⁷ This looks like a point that would be applicable to law of all sorts and Maimonides does not explain how it is to be connected with his initial division of *huqqim* and *mishpatim*. But if the general principle of a law is typically more evident in the case of the *mishpatim*, whereas the mysterious details play a more central role in the *huqqim*—the proscription of meat mixed with milk, or wool mixed with linen—that would account for the more hidden purposes of the one class relative to the other.

The distinction Maimonides draws in the *Guide* between *huqqim* and *mishpatim* looks like the division invoked in *Eight Chapters* between *huqqim* and *mitzvot*, representing actions prohibited by traditional laws in contrast with those generally accepted as bad. The source of this analysis lies in Aristotle’s famous (or infamous) distinction, in Book V of the *Ethics*, between that which is just by nature and that which is just by *nomos*.¹⁸ Actions that are unjust by *nomos*, according to Aristotle, are indifferent in themselves until, by some kind of contract or agreement,

¹⁷ For the complete chapter (III.26) devoted to discussion of reasons for the laws, see the University of Chicago Press edition of the *Guide*, trans. by Shlomo Pines (1963), p. 508.

¹⁸ See Edward Halper’s comments on *N.E.* V.7, in “Maimonides’ Aristotelianism in the *Eight Chapters*,” pp. 13-14. In understanding the purpose of the *mitzvot* to be the cultivation of virtue through obedience to the law, Maimonides’ account, Halper argues, “derives most properly not from Aristotle’s account of moral virtue in book II, but...from Aristotle’s more derivative account of general justice in book V (pp. 1-2).”

the law pronounces them forbidden. This is very close to the way Maimonides characterizes the class of traditional laws when he acknowledges that, if it were not for the law, the proscribed action would not be bad at all (80). But it is striking that he does not speak of the other class as being “by nature,” and indeed, their designation as “generally accepted opinions” would make them, in Aristotelian terms, a subset of *nomos*.

Maimonides is simply silent about nature as a standard for any laws. But he goes out of his way to criticize “our modern wise men,” who label the set of actions that are recognizably bad “rational laws,” or more precisely, “intellectual laws.” The use of this language, Maimonides charges, is a sign of the sickness of the dialectical theologians (the *Mutakallimun*) (80).¹⁹ If, as it might appear, this is just a question of terminology, why is it so important for Maimonides to reject the designation of “intellectual laws” for what the sages call *mitzvot*?

Eight Chapters provides a key, I believe, in the psychology with which it begins.

According to the analysis of Chapter 2, there are two powers of the soul capable of disobedience of the law, the sentient and the appetitive or desiring: we can disobey the law, apparently, not only through our desires and emotions, but in the use of our five senses, or perhaps in acting on the attraction to pleasure and avoidance of pain that accompanies the use of our senses.²⁰ The nutritive

¹⁹ This would include Saadia Gaon, who distinguishes, among the Laws God gave us through the prophets, those our reason recognizes as good or bad from those tradition imposes on us. In the first class, God has implanted a sense of approval or disapproval in our reason, whereas the Law has made the others objects of commandment or prohibition and reason passes no judgment. The latter commandments are imposed primarily for us to be rewarded for obedience, although, Saadia remarks, he can discern some minor motives that explain them. While Saadia includes adultery, along with bloodshed, theft, and falsehood among laws of reason, he speaks of prohibitions against certain forms of sexual intercourse as traditional laws. See *The Book of Doctrines and Beliefs*, trans. and abridged by Alexander Altmann (Hackett 2002): 94-100.

²⁰ The question of the psychic powers involved in disobedience of the law is not the same as the question of where virtues and vices belong in the soul, as the title of Chapter 2 indicates: “On the disobedience of the soul’s powers and on knowledge of the part in which the virtues and vices are primarily found.” Maimonides distinguishes the rational virtues (like wisdom or intelligence) from ethical ones (moderation, liberality, justice, gentleness, humility, contentment, courage, and others), situating the latter only in the appetitive part of the soul; the sentient part is a servant of our desires, but it has no virtues or vices of its own, whereas it is supposed to be directly involved in obeying or disobeying the law. Now the two issues are obviously closely related, insofar as the law aims at inculcating ethical virtue in the soul. As Halper puts it: “The *mitzvot* command us to act in accordance with the mean, and by following them repeatedly we habituate our desires and so become virtuous” (“Maimonides’ Aristotelianism in the *Eight Chapters*,” p. 2). But the presence of a virtuous disposition is not identical with obedience to the law: the latter could be performed out of self-restraint as much as from a virtuous disposition, or indeed, more clearly through self-restraint. The difference between the two questions addressed in Chapter 2

functions, in contrast, are not capable of disobeying the law, nor is that possible for the imaginative power of our soul. As for the rational faculty, Maimonides admits it is a controversial question, but he insists that it is an error to attribute to it such a capacity. The rational faculty contains true and false opinions, which can influence our desires and actions; but it is not in itself an agent of obedience or disobedience, and therefore not subject to command, or capable of transgression. All divine laws, it may be true, have a reason, that is, they serve a purpose; but if “rational laws” or “intellectual laws” means commandments and prohibitions issued to the rational part of the soul, which is not capable of obeying or disobeying, such a category would be impossible.²¹

Some light is shed on this point (and some questions raised) by Maimonides’ interpretation of the opening chapters of Genesis, which he presents in the second chapter of the *Guide* (130 ff.). A learned man, he relates, once presented him with the challenge of a curious objection: why should it be that only as the result of an act of disobedience was man granted the great perfection peculiar to him, namely the capacity to distinguish good and evil? Why should the punishment for disobedience be the acquisition of a new perfection, the intellect? Maimonides reprimands his interlocutor in surprisingly harsh terms and then responds to his error. The perfection that makes man in the image and likeness of God is the intellect that God made overflow onto man in his original creation.²² Through the intellect, one distinguishes truth from falsehood, whereas “fine and bad” are not intelligibles, but objects of generally accepted opinions. In his original condition, man possessed intellectual cognitions of the

thus prepares for the issue under consideration in Chapter 6, where the sages are concerned with obedience of the law in their ranking of self-restraint over virtue, while the philosophers are concerned with the disposition of the soul in their ranking of virtue over self-restraint.

²¹ As Raymond Weiss puts it: “By denying that there are ‘intellectual laws,’ Maimonides alludes to the fundamental difference between *theoria* and *praxis*” (*Maimonides Ethics*, pp. 71-72). For Maimonides only the first two propositions of the Decalogue, which are not really commandments, are “rational”-- they can be known by human speculation alone and demonstrated-- while the other eight belong to the class of generally accepted opinions or those adopted by tradition (*Guide* II. 33). Cf. Leo Strauss, “The Law of Reason in the *Kuzari*,” p. 97.

²² Maimonides introduces this account with a clarification of terminology: the equivocal term *Elohim* can mean, not only God, but also the rulers governing the cities and that is the sense it must have, he argues, when man is told that eating the forbidden fruit will make him become “like *Elohim*, knowing good and evil” (130).

true and false, but no apprehension of generally accepted things, even the most manifestly bad, that is, uncovering the genitals. Man acquired that faculty as a result of his disobedience and, being deprived of pure intellectual apprehension, became absorbed in considering things fine or bad.²³ If the commandments and prohibitions of the law are concerned with those matters, but not directly with truth and falsehood, there could be no commandments and prohibitions issued to the intellect, that is, no “intellectual laws.”²⁴ There is, then, a class of commandments and prohibitions concerning actions recognized as bad in themselves, independently of the authority of the law, but the character of such actions is known through generally accepted opinions, not intellectual apprehension of truth and falsehood.

V. Sages and Philosophers

To return to the argument of *Eight Chapters*, Maimonides calls upon the distinction between actions generally accepted as bad and those only prohibited by traditional laws in order to address the problem of the apparent conflict between philosophers and sages on the ranking of self-restraint and virtue. The differentiation of these two classes of law, he claims, dissolves that apparent conflict and shows how both views can be true. The philosophers rightly argue that to desire forbidden things, even if one overcomes the desire, is inferior to having no such desire, if the actions at stake are those considered bad according to generally accepted opinions. The sages are right, at the same time, to insist that desiring forbidden things but abstaining from them out of obedience to the law is a superior

²³ Maimonides’ interlocutor had identified the intellect with the capacity to distinguish good and evil. Maimonides refers to “good and evil” when quoting Genesis, but he himself speaks in this chapter of the capacity to discern “fine and bad,” in contrast with true and false. The question, then, whether there is truth and falsehood applicable to good and evil, or good and evil belong solely to the generally accepted things, is left untouched. This seems to be connected with the absence in *Eight Chapters* of practical wisdom or *phronēsis*, in contrast with Alfarabi’s *Selected Chapters* as well as Aristotle’s *Ethics* (see Raymond Weiss’s discussion, in *Maimonides’ Ethics* pp. 30-31).

²⁴ Laws are not declaratives, but imperatives. This analysis raises another perplexity, however, about Maimonides’ account in the second chapter of the *Guide*: how are we to understand his claim that it was on account of the intellect, which made man different from all other animals, that he could be addressed by God and given commandments, which are not given to beasts or beings devoid of intellect (131)? One might say, having intellect is a precondition for being subject to law, but law is not issued *to* the intellect. Still, if human beings did not yet have the capacity to discern that with which command and prohibition are concerned, how could they be fitting subjects of a prohibition? They must violate that prohibition, it seems, in order to acquire the capacity that makes them fittingly subject to any prohibition.

condition, if the actions at stake are those not bad in themselves but only because of the prohibitions of traditional laws.

Maimonides ends Chapter 6 by declaring the “marvelous subtlety” of this solution and the “wonderful reconciliation” it achieves. But his separation of the territory with which the two views are concerned in fact appears to be a disclosure of two very different ideals for human life. In the eyes of the philosophers, the highest state is a harmonious order of the soul, where desire and reason have been so integrated that the appetites stand in no need of regulation imposed by any authority apart from the individual. Even within such an individual, reason is not an alien authority relative to desire, because of the way its principles have been internalized by desire. The most natural inner harmony, as Aristotle implies, would be found in the soul of the philosopher, where desire and reason cannot be separated in the first place: the philosopher’s soul provides the paradigm of the human soul as such, whose unifying principle, according to Aristotle, could be called “desiring reason” just as much as “rational desire.”²⁵ Moral virtue is an approximation to that condition, produced by the molding of desires to harmonize with rational principles initially supplied by another, who guides the process of habituation. The soul harmonized through habituation, or even more, one unified by a natural fusion of desire and reason, has a kind of self-sufficiency that makes the external authority of the law unnecessary, and that, Maimonides indicates, is what the philosophers admire. The ideal human condition as the sages see it, on the other hand, is one of obedience to divine law; and that motive is most obvious when one bows down to the law in the face of its conflict with desire, recognizing one’s dependence on the law for self-control. The greater the struggle involved, the greater the achievement. Maimonides captured this perspective in citing the last statement of *Avot*: “The reward is according to the pain.”

²⁵ *Ethics* VI. 1139b5-6.

It is precisely through his “wonderful reconciliation” of the apparent conflict between philosophers and sages that Maimonides sheds light on the fundamental divide between them. That fundamental divide is vividly manifest in their distinct tables of the virtues: it is presumably the viewpoint of the sages Maimonides represents when he places humility at the center of a list of moral virtues and modesty or sense of shame at the end, while according to Aristotle’s account, the peak of moral virtue in the individual is greatness of soul and shame does not deserve the title of virtue at all.²⁶

²⁶ See Chapter 4. Even humility, which is the mean between haughtiness and abasement, does not go far enough for the sages. “Virtuous men,” as Maimonides calls them in Chapter 4, would not let a disposition of soul remain in the mean but would incline toward excess or deficiency as a precaution, and this, he adds, is the meaning of their saying “inside the line of the law” (69). Maimonides explains this saying in *Laws Concerning Character Traits* (I.5), where he distinguishes the “pious man,” who moves away from a haughty heart to the opposite extreme, being exceedingly lowly in spirit, from the wise man, who moves only to the mean of humility (29-30). If we put this together with Maimonides’ remarks about the mean in Chapter 4 of *Eight Chapters*—it is the sick soul that must lean to the opposite extreme from that to which it is inclined, while the mean is the standard for the healthy state—it suggests that from the perspective of the pious, the natural condition of the human being is psychic sickness, from the perspective of the wise, psychic health.