2.

Rashi and Maimonides on the Relationship Between Torah and the Cosmos[1]

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Rashi and Maimonides are good examples of the fact that while individuals may live similar lives (in this case, lives governed by halakhah, love of Torah and love for the Jewish people), share similar religious views (in this case, many of the theological presuppositions which make possible unreserved halakhic observance), and even be revered by the same people, they may live in remarkably different spiritual universes. Comments by Rashi and Maimonides on the creation of the cosmos exemplify this.

Rashi opens his commentary on the Torah by paraphrasing from Midrash Tanhuma (parashat bereshit, xi) as follows:

> Rabbi Isaac said: It was not necessary to begin the Torah [the main object of which is to teach commandments] with this verse, but from *This month shall be unto you [the first of the months]* (Exodus 12:2) since this was the first commandment that Israel was commanded to observe. But what is the reason that the Torah begins with *In the*

1. My thanks to James Diamond, Raphael Jospe, Avram Montag, and Kenneth Seeskin for helpful comments on an earlier draft of this essay. Earlier versions of portions of this essay appeared in M. Kellner, *Maimonides' Confrontation with Mysticism* (Oxford: Littman Library of Jewish Civilization, 2006). This essay was originally supposed to have appeared before the publication of that book. For other studies comparing Rashi and Maimonides, see the notes to Eric Lawee, "Maimonides in the Eastern Mediterranean: The Case of Rashi's Resisting Readers," in Jay M. Harris (ed.), *Maimonides after 800 Years: Essays on Maimonides and His Influence* (Cambridge: Harvard University Press, 2007): 183–206.

> *beginning*? Because of the verse, *The power of His works He hath declared to His people in giving them the heritage of the nations* (Psalms 111:6), for if the nations of the world should say to Israel: "You are robbers, because you have seized by force the lands of the seven nations [of Canaan], Israel could reply to them: "The entire world belongs to the Holy One, Blessed be He; He created it, and gave it to whomever it was right in His eyes. Of His own will He gave it to them [the seven Canaanite nations] and of His own will He took it from them and gave it to us.

Rashi here expands on the Tanhuma text, but, so far as I can judge, in no way distorts it. Emphasizing what I take to be a central focus of his gloss here, Rashi continues, this time paraphrasing Gen. R. I.1:

> *In the beginning He created*: This passage calls for a midrashic interpretation, as our Rabbis have interpreted it: "[God created the world] for the sake of the Torah since it is called *the beginning of His way* (Proverbs 8:22) and for the sake of Israel, since they are called *the beginning of His crops* (Jeremiah 2:3).

In the previous gloss, the Cosmos is created so that the Land of Israel can be given to the Jews; here we find the Cosmos being created, in effect, so that the Torah could be given to the Jews.

How does Maimonides handle the opening passage of the Torah? Here is one of his comments on the subject, from the Introduction to the *Guide of the Perplexed*:

> Do you not see the following fact? God, may His mention be exalted, wished us to be perfected and the state of our societies to be improved by His laws regarding actions. Now this can come about only after the adoption of intellectual beliefs, the first of which being His apprehension, may He be exalted, according to our capacity. This, in its turn, cannot come about except through divine science

> and this divine science cannot become actual except after a study of natural science [*al-'ilm al-tiba'i*]. This is so since natural science borders on divine science [*al-'ilm al-ilahi*], and its study precedes that of divine science in time as has been made clear to whoever has engaged in speculation on these matters. Hence God, may He be exalted, caused His book to open with the "Account of the Beginning," which, as we have made clear, is natural science. And because of the greatness and importance of the subject and because our capacity falls short of apprehending the greatest of subjects as it really is, — which divine wisdom has deemed necessary to convey to us — we are told about these profound matters in parables and riddles and very obscure words.[2]

In this text, I understand Maimonides to be making the following claims:

1. God revealed laws concerning behavior in order to improve society in general and to bring individuals to the highest perfection they could attain.
2. But in order that the laws which improve society may also bring individuals to their perfection, these individuals must learn certain truths, the most important of which concern God.
3. In order to learn truths about God, one must study metaphysics.
4. But one can not study metaphysics unless one has already studied physics.
5. Thus, the Torah opens with a discussion of matters of physics, but, since the subject is not one which all can grasp, it does so using what we today would call mythic language.[3]

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2. I quote here and below from the translation of Shlomo Pines (Chicago: University of Chicago Press, 1963); our text is on p. 9.
3. To be very precise, the Torah *opens* with a metaphysical claim (that the cosmos as a whole is created) but immediately continues with a parabolic exposition of issues in physics.

Maimonides does *not* claim here to know why the world was created. In this he differs mightily from Rashi. Indeed, in *Guide of the Perplexed* III.13 Maimonides rejects the validity of asking the question which Rashi answers in his gloss to the first verse of the Torah.[4] There Maimonides writes (pp. 454–455):

> Thus we are obliged to believe that all that exists was intended by Him, may He be exalted, according to His volition. And we shall seek for it no cause or other final end whatever. Just as we do not seek for the end of His existence, may He be exalted, so do we not seek for the end of His volition, according to which all that has been and will be produced in time comes into being as it is.

And again (p. 456):

> This is what one ought to believe. For when man knows his own soul, makes no mistakes with regard to it, and understands every being according to what it is, he becomes calm and his thoughts are not troubled by seeking a final end for what has not that final end; or by seeking any final end for what has no final end except its own existence, which depends on the divine will — if you prefer, you can also say: on the divine wisdom.

For Maimonides, Rashi's very project in his gloss to Gen. 1:1 is misconceived; it is both a philosophical mistake, and I am confident he would have said, an act of unparalleled hutzpah.

But what about the claims Maimonides does make about the account of creation (in the passage quoted just above from the introduction to the *Guide of the Perplexed*)? Chapter III.27 (p. 510) of the *Guide* illuminates the first of these claims. There Maimonides writes:

> The Law as a whole aims at two things: the welfare of the

4. For a discussion of the religious and philosophical issues behind this debate, see M. Kellner, "Gersonides and His Cultured Despisers: Arama and Abravanel," *Journal of Medieval and Renaissance Studies* 6 (1976): 269–296.

> soul and welfare of the body… As for the welfare of the body, it comes about by the improvement of their ways of living one with another. This is achieved through two things. One of them is the abolition of their wronging each other. This is tantamount to every individual among the people not being permitted to act according to his will and up to the limits of his power, but being forced to do that which is useful to the whole. The second thing consists in the acquisition by every human individual or moral qualities that are useful for life in society so that the affairs of the city may be ordered.

Many of the laws of the Torah which regulate behavior (as opposed to those which regulate thought[5]) aim at making us into better human beings so that our societies be well-ordered.[6] Moreover, Maimonides was convinced that in order to attain intellectual achievement to the greatest extent possible to us, we must first attain (and preserve) a high level of moral perfection.[7] While obedience to the Torah was not the only route available for achieving such perfection, it was certainly the best, and, for Jews, obligatory.

Maimonides' second claim above reflects his abhorrence of what today would be called "orthopraxy."[8] Admirable behavior must aim at some end; there is no more admirable end than know-

5. Maimonides may have been the first Jewish thinker to claim that the Torah included laws governing thought. For discussion, see M. Kellner, *Must a Jew Believe Anything?* 2nd ed. (London: Littman Library of Jewish Civilization, 2006), pp. 44–51.
6. Maimonides' attitude towards the status of moral laws is hotly debated in the scholarly literature on him. For a recent salvo, with references to much of the earlier literature, see Daniel Rynhold, "Good and Evil, Truth and Falsity: Maimonides and Moral Cognitivism," *Trumah* 12 (2002): 163–82.
7. For sources, see Guide of the Perplexed I.34 (pp. 76–77), I. 62 (p. 152), III.27 (p. 510), III.54 (p. 635); Commenatary on Mishnah Hagigah II.1; for discussion, see Howard Kreisel, *Maimonides' Political Thought* (Albany: SUNY Press, 1999), pp. 160, 238, 317 and M. Kellner, *Maimonides on Human Perfection* (Atlanta: Scholars Press, 1990), pp. 26–28.
8. Two very clear expressions of this abhorrence are Maimonides' insistence on placing Judaism on a firm dogmatic footing in his 'Thirteen Principles' and the fact that he opens his *Mishneh Torah* with four chapters dealing with philosophical and theological issues.

ing what can be known about God. Indeed, for Maimonides, the highest human end is to learn what can be learned about God.[9]

The third and fourth claims above need considerable unpacking. A convenient way of doing so is to use another text of Maimonides, his commentary on Mishnah Hagigah II.1. There he writes:[10]

> Listen to what has become clear to me according to my understanding on the basis of which I have studied in the words of the Sages; it is that they call *maᶜaseh bereshit* the natural science [*al-'ilm al-tiba'i*] and inquiry into the beginning of creation.[11] By *maᶜaseh merkavah* they mean the divine science [*al-ilm al-ilahi*], it being speech on the generality of existence[12] and on the existence of the Creator,[13] His knowledge,[14] His attributes,[15] that all created things must necessarily have come from Him, the

9. For discussions of this issue see the following studies by W. Z. Harvey: "R. Hasdai Crescas and His Critique of Philosophic Happiness," *Proceedings of the Sixth World Congress of Jewish Studies* 3 (1977): 143–49; "Averroes and Maimonides on the Obligation of Philosophical Contemplation (*I'tibar*)," *Tarbiz* 58 (1989): 75–83; and "Maimonides' First Commandment, Physics, and Doubt," in Yaakov Elman and Jeffrey S. Gurock (eds.), *Hazon Nahum: Studies ... Presented to Dr. Norman Lamm* (New York: Yeshiva University Press, 1997): 149–62.
10. For the full text, see M. Kellner, "Maimonides' Commentary on *Mishnah Hagigah* II.1: Translation and Commentary," in Marc D. Angel (ed.), *From Strength to Strength: Lectures from Shearith Israel* (New York: Sepher-Hermon Press, 1998): 101–111.
11. *Maᶜaseh bereshit* thus includes two topics: the science of physics (as exposited in the opening chapters of "Laws of the Foundations of the Torah") and analysis of the question of creation. This latter is the dangerous part of the subject. A person who studies the question of creation and who (mistakenly) becomes convinced that the world is uncreated will reject the Torah, as Maimonides explains in *Guide of the Perplexed* II.25.
12. By this I take Maimonides to mean "existence as such." This is the subject matter of metaphysics as classically defined by Aristotle: the study of being *qua* being.
13. I.e., proofs for the existence of God. Maimonides discusses these in *Guide of the Perplexed* I.71-II.1.
14. I.e., the analysis of the nature of God's knowledge. See *Guide of the Perplexed* III.13–24.
15. I.e., the question of which attributes may be predicated of God. See *Guide of the Perplexed* I.51–60.

> angels,[16] the soul, the intellect which links with humans,[17] and existence after death.[18] Because of the importance of these two sciences, the natural and the divine[19] — and they were justly considered important[20] — they[21] warned against teaching them as the mathematical sciences are taught.[22] It is known that each person by nature desires all the sciences,[23] whether he be an ignoramus or a sage. [It is further known] that it is impossible for a person to begin the study of these sciences, and direct his thought towards them, without the appropriate premises, and without entering the stages of science; they therefore forbade this and warned against it.

Maimonides here explains that the rabbinic Sages use the Hebrew expression, *ma'aseh bereshit* to mean what the ancient Greeks and contemporary Muslim philosophers called physics. They used the Hebrew expression *ma'aseh merkavah* to mean what the ancient

16. Which for Maimonides are the "separate intellects" of the neoplatonized Aristotelianism which Maimonides adopted. See "Laws of the Foundations of the Torah," chapter 2 and the seventh of Maimonides' 'Thirteen principles', in conjunction with "Logical Terms," chapter 14. The equivalence: angel = separate intellect is made explicitly in the *Guide of the Perplexed*. See I.49 (pp. 108–10), II.4 (p. 258), II.6 (p. 262), II.7 (p. 266), II.10 (p. 273), and II.12 (p. 280). Further on Maimonides on angels, see chapter eight in *Maimonides' Confrontation with Mysticism* (above, note 1).
17. The Active Intellect, the last of the separate intellects, and the immediate source of prophecy. See *Guide of the Perplexed* II.4, and II.36 (p. 369).
18. I.e., the question of human immortality, life after death. This is not the place for an extended discussion of Maimonides' extremely intellectualist account of human immortality. Suffice it to say that for Maimonides the *sole* criterion for achieving a share in the world to come is intellectual perfection (after moral perfection, which is achieved by Jews through obedience to the commandments). For details, see Kellner, *Maimonides on Human Perfection*, pp. 1–5 and Kellner, *Maimonides on Judaism and the Jewish People* (Albany: SUNY Press, 1991), pp. 29–32. In this passage here, Maimonides has just listed the main topics of metaphysics.
19. I.e., physics and metaphysics.
20. Note well: the Sages considered physics and metaphysics important.
21. I.e., the Tannaim whose views are cited in *Hagigah* II:1.
22. I.e., discursively, and to anyone who wishes to learn.
23. An obvious reference to the opening sentence of Aristotle's *Metaphysics*: "All humans by nature desire to know." Humans, after all, are rational animals; knowing is the activity unique to them. It is no surprise that truly human beings have a great desire for knowledge.

Greek and contemporary Muslim philosophers called metaphysics. One of the main subjects of physics is the question of the creation or eternity of the world; one of the main subjects of metaphysics is the proof of God's existence.

Connecting all this to the passage quoted above from the Introduction to the *Guide of the Perplexed*, we see that Maimonides indeed maintains that the Torah opens with the creation account since that account teaches physics; physics must be studied before one attempts the study of metaphysics; the study of metaphysics must be undertaken if one is to actualize one's potential as a human being.

On the face of things, Rashi and Maimonides seem worlds apart. But are they? Rashi opens his commentary on the Torah by wondering why it does not begin with the first law addressed to the Jews as such. In other words, Rashi sees the Torah as essentially a book of laws; the presence in it of anything but laws must be explained.[24] But remember, Maimonides opened the passage about creation quoted above as follows: "God, may His mention be exalted, wished us to be perfected and the state of our societies to be improved by His laws regarding actions." Thus for Maimonides, too, the Torah appears to be nothing but a book of laws. But what sort of laws? In the body of this essay I shall show that while both Rashi and Maimonides agree that the Torah is a book of laws, they disagree mightily on the nature of those laws and the reasons for which they were commanded. But first, I want briefly to allude to other ways in which they disagree, disagree-

24. Compare Elazar Touitou, "Between Exegesis and Ethics: The World-View of the Torah According to Rashi's Commentary," in Sarah Yafet (ed.), *Ha-Mikra Be-Re'i Meforshav: Sefer Zikkaron Le-Sarah Kamin* (Jerusalem: Magnes, 1994), 312–34, p. 312 (Hebrew). Abraham Grossman is the author of a series of important studies on what might be called Rashi's *weltanschaung*. See his Hebrew book, *Rashi* (Jerusalem: Merkaz Zalman Shazar, 2006) and, most recently, "Studying Rashi's 'Jewish Worldview'" in Shmuel Glick (ed.), *Zekhor Davar Le-Avdekha: Asufat Ma'amarim Le-Zekher Dov Raffel* (Jerusalem: Churgin School of Education, 2007): 283–298 (Hebrew). Other studies by Grossman on Rashi as thinker include: "Martyrdom in the Eleventh and Twelfth Centuries: Ashkenaz vs. The Lands of Islam," *Pe'amim* 75–76 (1998): 27–46 (Hebrew); and, "Exile and Redemption in Rashi's Thought," in Yossi Barukhi (ed.), *Me-Shi'abud Le-Ge'ulah, Me-Pesah Ad Shavu'ot* (Merkaz Shapira: Or Etzion, 1996): 230–266 (Hebrew).

ments expressed in the two passages with which we began this study.

It is obvious that Rashi reads the Torah particularistically, Maimonides universalistically.[25] For Rashi the message of Genesis 1 is that God created the cosmos so that the Torah could be given to the Jews. For Maimonides the message of Genesis 1 consists in the laws of physics, laws which are universal, understandable to all, and applicable to all.[26] But there are other differences to be found here as well. As Moshe Idel perceptively noted in his presentation at the conference which generated this volume, for Rashi, creation vs. eternity is not a Jewish question. For Maimonides, on the other hand, it is a question of cardinal importance. He thus writes (*Guide of the Perplexed* II.25, p. 329):

> Know that with a belief in the creation of the world in time, all the miracles become possible and the Law becomes possible, and all questions that may be asked on this subject, vanish. Thus it might be said: Why did God give prophetic to this one and not to that? Why did God give this Law to this particular nation, and why did He not legislate to the others. Why did He legislate at this particular time, and why did He not legislate before it or after? Why did He impose these commandments and these prohibitions? Why did He privilege the prophet with the miracles mentioned in relation to him and not with some others? What was God's aim in giving this Law? Why did He not, if such was His purpose, put the accomplishment of the commandments and the non transgression of the prohibitions into our nature? If this

25. Compare: "Rashi answers his own question [apropos Gen 1:1] with the most narrowly nationalistic answer possible…" See p. 184 in Gordon Lafer, "Universalism and Particularism in Jewish Law: Making Sense of Political Loyalties," in David Theo Goldberg and Michael Krausz (eds.), *Jewish Identity* (Philadelphia: Temple University Press, 1993), pp. 177–211. On Maimonides' universalism, see *Maimonides' Confrontation with Mysticism* (above, note 1), *passim* and especially pp. 250–264.

26. I develop this point in "Overcoming Chosenness," in Raphael Jospe, Truman Madsen, Seth Ward (eds.), *Covenant and Chosenness in Judaism and Mormonism*, (Fairlawn: Associated University Presses, 2001): 147–172.

> were said, the answer to all these questions would be that it would be said: He wanted it this way; or His wisdom required it this way.

Creation is thus not *a* Jewish question, it is *the* Jewish question. With creation, the Torah (as an expression of God's will) becomes possible; without creation, we find ourselves in an uncreated Aristotelian cosmos, one in which there is no room for God's will.

Perhaps a good way of accessing this point is to note that Rashi and Maimonides both agree that we need revelation in order to know God's law, not in order to know philosophical truths.[27] Since Rashi thinks that knowing philosophical truths is unimportant Jewishly,[28] he wonders why the Torah begins with a philosophical topic, creation. Since Maimonides thinks that philosophical truth is the essence of Judaism, his Torah must begin with a discussion of the physics of creation (expressed in poetic, mythic language).[29]

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27. For Maimonides there is an important exception to this generalization, namely, creation; but the basic point here is unaffected by this.
28. Compare Touitou, "Between Exegesis and Ethics…" p. 333.
29. Another obvious point of contention between Rashi and Maimonides concerns God's corporeality. For Maimonides, as is well-known, attributing corporeality to God is tantamount to idolatry (for one example of many, see *Guide of the Perplexed* I.36). I have no idea whether Rashi's God was corporeal or incorporeal, and, if the latter, in a sense acceptable to Maimonides. But it is fairly clear that the whole matter was not an issue of concern for him. Otherwise, he would not have allowed himself to say that the hand of God mentioned in Ex 7:5 means *yad mamash le-hakot bahem* ("an actual hand with which to smite them"). Rashi's intention here is made clear in his gloss to Ex. 14:31, discussed by Richard Steiner in "Saadia vs. Rashi: On the Shift from Meaning-Maximalism to Meaning-Minimalism in Medieval Biblical Lexicology," *Jewish Quarterly Review* 88 (1998): 213–58, at pp. 240–241. Steiner explains that "Rashi felt that words have only one basic meaning from which all of the contextual meanings are derived, and that the task of the lexicographer is to find that meaning" (p. 213). In other words, Rashi appears to be making a linguistic point, that the essential meaning of the word *yad* is "physical hand" (as opposed to "monument," for example) — this is a comment about how to understand the word *yad* in context, not a comment about God's corporeality, an issue which was not on Rashi's radar at all. For other examples of Rashi's equanimity in the face of attributions of corporeality to God, see his glosses to Gen. 1:27, Ex. 12:2, Ex. 15:2, and Ex. 33:23 and his comment to Eruvin 21a (s.v., *esrim be-amah*). Rashi's casual anthropomorphism shows that the issue was of no interest to him, even though his close study of Onkelos makes it unlikely that he was wholly unaware of the issue. On the medieval and modern debates over Onkelos' alleged opposition to anthropomorphism, see *Maimonides' Confrontation with Mysticism* (above, note 1), pp. 177 and 193–197. While Rashi was apparently uninterested in whether or not

Having made these introductory points, we may now actually compare Rashi and Maimonides on the nature of the law taught in the Torah. A convenient point of access to this discussion is Rashi's gloss to Genesis 26:5.[30] Because of a famine in the land of Israel, Isaac considers going to Egypt. God tells him not to, in the following words:

> *Do not go down to Egypt; stay in the land which I point out to you. Reside in this land, and I will be with you and bless you; I will assign all these lands to you and your offspring, fulfilling the oath that I swore to your father Abraham. I will make your descendants as numerous as the stars of the heaven, and give to your descendants all these lands, so that all the nations of the earth shall bless themselves by thy offspring — inasmuch as Abraham obeyed Me and kept my charge: My commandments, my statutes, and My teachings.*

God was corporeal or incorporeal, he was very much aware of other theological issues, especially some of those relating to Christian attacks on Judaism. See the fascinating discussion in Elazar Touitou, "Rashi's Commentary on Genesis 1–6 in the Context of Judeo-Christian Controversy," *Hebrew Union College Annual* 61 (1990): 159–83. Other studies on Rashi as anti-Christian polemicist include the following essays by Avraham Grossman: "Rashi's Commentary to Psalms and Jewish-Christian Polemic," in Dov Rappel (ed.), *Mehkarim Bi-Mikra U-Ve-Hinnukh Mugashim Le-Prof. Moshe Arend* (Jerusalem: Touro College, 1996): 59–74; "Religious Polemics and Educational Trends in Rashi's Commentary to the Torah," in Moshe Arend et al (eds.), *Pirkei Nechama: Prof. Nechama Leibowitz Memorial Volume* (Jerusalem: Eliner, 2001): 187–205 (Hebrew); and, "The Text of Rashi's Commentary to Nakh and the Jewish-Christian Debate," *Sinai* 137 (2006): 32–66 (Hebrew). Earlier studies on the subject include Ephraim E. Urbach, "Rabbinic Homilies, Origen's Commentaries on Song of Songs, and the Jewish-Christian Debate," *Tarbiz* 30 (1961): 148–170 (Hebrew) and Sara Kamin, *Rashi — Peshuto Shel Mikra u-Midrasho shel Mikra* (Jerusalem: Magnes, 1986), pp. 247–262. Shaye J. D. Cohen, on the other hand, argues that in his Torah commentary Rashi ignores Christianity. See his "Does Rashi's Torah Commentary Respond to Christianity? A Comparison of Rashi with Rashbam and Behor Shor," in Judith H. Newman and Hindy Najman (eds.), *The Idea of Biblical Interpretation: Essays in Honor of James L. Kugel* (Leiden: Brill, 2004): 449–472. Cohen does find an engagement with Christianity in Rashi's commentary on Psalms, but not in his commentary on the Pentateuch.

30. It was while listening to a d'var Torah by David Novak in Nashville's Congregation Sherith Israel that I was struck by the depth of the difference between Rashi and Maimonides on these matters. My thanks to David for an excellent d'var Torah and to Lenn Goodman for bringing us both to Nashville that Shabbat.

On the last verse, Rashi comments as follows:

> *Abraham obeyed me* — "when I tested him."
>
> *and kept My charge* — these are the precautionary decrees instituted by the Sages, which are intended to make us avoid the violation of Biblical laws, such as second degrees of forbidden marriages and certain prohibited acts on the Sabbath."
>
> *My commandments* — "these are precepts which, had they had not been written in the Torah, were requisite to have been written, such as robbery and murder."
>
> *My statutes* — these are matters against which the evil inclination and the nations of the world argue, such as the prohibition of eating the swine and the wearing of garments woven of wool and linen, there being no apparent rationale for them except that they are decrees of the King imposed on His subjects."
>
> *and my teachings* — "the plural is intended to include, [besides the Written Law], the Oral Law as well as those rules given to Moses from Sinai."[31]

While there is obviously much to be said about these glosses, here I want to restrict myself to one point: it is clear that Rashi subscribed to the rabbinic teaching that the patriarchs obeyed the commandments of the Torah, and the later prohibitions of the Rabbinic sages.[32] I will argue below that Maimonides did not subscribe to that teaching and will further argue that this disagreement between Rashi and Maimonides has some far-reaching implications.

A staple of rabbinic literature is the idea that the Patriarchs

31. I cite Rashi as translated by Charles B. Chavel in his translation of Ramban on Genesis (who quotes Rashi) (New York: Shilo, 1971), p. 329. It is worth noting that Rashi's grandson, Rashbam, in his commentary on our verse, seems to go out his way to deny the claim that Abraham observed the commandments of the Torah. My thanks to Martin Lockshin for drawing my attention to this.
32. See also Rashi's gloss to Gen. 7:2, in which he affirms that Noah studied Torah.

observed all the 613 commandments of the Torah.[33] This idea is expressed in a variety of places, including Mishnah Kiddushin IV.14,[34] Yoma 28b, Nedarim 32a, and J Ber 2.3/4c. This view has become very popular in traditionalist Judaism today, and was held by some important early authorities (e.g., Nahmanides on Gen. 26:5).[35]

So far as I (and many kind friends) was able to discover, Maimonides makes no explicit reference to this idea anywhere in his writings.[36] There are plenty of good reasons for him to have rejected the notion. As we shall see, it is incompatible with "Laws

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33. For discussion, see Arthur Green, *Devotion and Commandment: The Faith of Abraham in the Hasidic Imagination* (Cincinnati, Hebrew Union College Press, 1989), pp. 9–10, 25 and 30–41; see also pp. 181*-187* in Uriel Simon, "Peshat Exegesis of Biblical Historiography: Historicism, Dogmatism, and Medievalism," in Barry Eichler, Mordechai Cogan, and Jeffrey Tigay (eds), *Tehillah le-Moshe: Biblical and Judaic studies in Honor of Moshe Greenberg* (Winona Lake IN: Eisenbrauns, 1997): 171*-203* (Hebrew); and Jon D. Levenson, "The Conversion of Abraham to Judaism, Christianity, and Islam," in Judith H. Newman and Hindy Najman (eds.), *The Idea of Biblical Interpretation: Essays in Honor of James L. Kugel* (Leiden: Brill, 2004), pp. 3–40, esp. 23 and 25.

34. The relevant part of the mishnaic text is missing in Maimonides' edition; he obviously did not comment on it. On the textual issues, see J. N. Epstein, *Mavo le-Nusah ha-Mishnah* (Jerusalem: Magnes, 2000), Vol. 2, pp. 976–977 and Saul Lieberman, *Tosefta ke-Feshutah* (New York: Jewish Theological Seminary of America, 1973), Part 8 (Seder Nashim), p. 986. Lieberman there cites a lengthy list of texts in which the idea of patriarchal obedience to the commandments is mention. My thanks to Hillel Newman for sending me to these sources.

35. I discuss this subject further in "Did the Torah Precede the Cosmos? — A Maimonidean Study," *Da'at* 61 (2007) [=Yohanan Silman Festschrift]: 83–96 (Hebrew).

36. Although, as Raphael Jospe reminded me, there is an explicit denial that the Patriarchs observed the commandments in a letter purported to have been written by Maimonides to one Hasdai ha-Levi. The text is translated in Twersky, *A Maimonides Reader* (New York: Behrman House, 1972), p. 478. Unfortunately (indeed! there are other ideas in this text for which I would love to have clear Maimonidean textual warrant) the two scholars who have closely examined this text both agree (on independent grounds) that it cannot be properly attributed to Maimonides. See Ya'akov Levinger, *Ha-Rambam ke-Philosoph u-ke-Posek* (Jerusalem: Mossad Bialik, 1989), pp. 167–171 and Y. Sheilat's edition of *Iggerot ha-Rambam* (Jerusalem: Ma'aliyot, 1988), vol. 2, pp. 683–687. Furthermore, in his introduction to the Mishnah Maimonides says that "there was no halakhah in the time of Shem and Ever." See Y. Sheilat, *Hakdamot ha-Rambam le-Mishnah* (Jerusalem: Ma'aliyot, 1992), p. 55. In Rabbi Kafih's dual language edition, *Mishnah im Perush Rabbenu Mosheh ben Maimon*, 6 vols. (Jerusalem: Mossad ha-Rav Kook, 1963–1967), vol. 1, it is on p. 39 and in Fred Rosner's English translation, *Moses Maimonides' Commentary on the Mishnah* (New York: Feldheim, 1975) it is on p. 119.

of Idolatry," I, according to which Abraham taught philosophical monotheism, which, it turns out, could not hold its own against the pressure of idolatry, and had to be later supplemented with the 613 commandments of the Torah. "Laws of Kings," IX.1 also militates against the possibility that Maimonides accepted the notion under discussion. In that text, Maimonides lists the single commandment given to each of the Patriarchs (circumcision, in the case of Abraham; tithes, in the case of Isaac; and the prohibition of eating the sinew of the thigh, in the case of Jacob). I have also found a passage in the *Guide of the Perplexed* relevant to the issue (III.49, pp. 603–604):

> From the story of *Judah* a noble moral habit and equity in conduct may be learnt; this appears from [Judah's] words: *Let her take it, lest we be put to shame; behold, I sent this kid* (Gen. 38:23). Before the *giving of the Torah* sexual intercourse with a *harlot* was regarded in the same way as sexual intercourse with one's wife is regarded after the *giving of the Torah*. I mean to say that it was a permitted act that did not by any means arouse repugnance.

Judah's behavior is here explained by the fact that before giving the Torah, sex with a prostitute was not forbidden. Maimonides' point is not that the patriarch Judah flouted the prohibition against having sexual intercourse with a prostitute; rather, he explicitly says that for the Patriarch Judah (and by implication the other Patriarchs) sex with a prostitute in his day was permitted in the same way as sexual intercourse with one's wife was permitted after the giving of the Torah. Just as sexual intercourse within marriage after the giving of the Torah arouses no repugnance, so sexual intercourse with a prostitute before the giving of the Torah aroused no repugnance. I do not know if Maimonides was consciously trying to signal his rejection of the idea that the Patriarchs observed the commandments, but that certainly appears to be the upshot of this passage.

Indirect proof that Maimonides rejected the idea that the Patriarchs observed all the commandments of the Torah may be

found in an examination of his attitude towards the idea of ante-mundane Torah. While there is no logical connection between the belief that the Patriarchs observed the commandments and the belief that the Torah pre-exists the Cosmos, it will surely come as no surprise that the two views go hand in hand. Rashi certainly held that the Torah pre-exists the Cosmos since, as we saw in his commentary on Genesis 1:1, he maintains that the entire Cosmos was brought into existence so that the Torah could be given to the people of Israel. Technically, all one can infer from this is that Rashi held that the *idea* of the Torah pre-exists the Cosmos, but I think no reader will quibble with me over this, especially in light of the wide acceptance of the idea of an ante-mundane Torah in medieval and post-medieval Judaism. Despite this wide acceptance, there are actually only a small number of rabbinic texts which teach that the Torah pre-exists the Cosmos.[37] Thus, for example, Mishnah Avot III.14 states that the Torah is a "desirable instrument" (*kli hemdah*) through which the world was created. In some early midrashim, God is depicted as, in effect, using the Torah as a template or blueprint for creation.[38] According to the eighth century midrash, *Chapters of Rabbi Eliezer* (*Pirkei de-Rabbi Eliezer*) (chapter 3), seven things were created before the world: "The Torah, Gehenna, the Garden of Eden, the Throne of Glory, the Temple, Repentance, and the name of the Messiah."[39] We shall

37. There are biblical antecedents for this. In Proverbs 3:19 and 8:22–36 wisdom is described as ante-mundane. On this, see Naomi G. Cohen, "Context and Connotation: Greek Words for Jewish Concepts in Philo," in James L. Kugel (ed.), *Shem in the Tents of Japhet: Essays on the Encounter of Judaism and Hellenism* (Leiden: Brill, 2002)**:** 31–61, p. 46.

38. Genesis Rabbah I.1, I.4, and VIII.2. For other texts along the same lines, see Ephraim Urbach, "Seridei Tanhuma-Yelamdenu," *Kovetz al-Yad* 14 (NS, no.6), pt 1 (1966), pp., 1–54, at page 20.

39. In this, *Chapters of Rabbi Eliezer* apparently reflects Pesahim 54a, which presents the list in the following order: "The Torah, repentance, the Garden of Eden, Gehenna, the Throne of Glory, the Temple, and the name of the Messiah." Compare Midrash on Psalms, 90:12; in 93:3 God is represented as having *thought* of the Torah (and other things) before creation, not that the Torah was already in existence before creation. Passages from *Chapters of Rabbi Eliezer* will be cited from Gerald Friedlander (ed. and trans.) *Pirke de Rabbi Eliezer* (New York: Hermon Press, 1965), with emendations (to bring it line with Pines' translation of the *Guide*). *Chapters of Rabbi Eliezer,* it is interesting (and, given Maimonides' problems with it, not surprising)

return to this particular text below. Another expression of this idea is found in Shabbat 88b:

> R. Joshua b. Levi also said: When Moses ascended on high, the ministering angels spake before the Holy One, blessed be He:
>
> "Sovereign of the Universe! What business has one born of woman amongst us?"
>
> "He has come to receive the Torah," answered He to them.
>
> Said they to Him: "That secret treasure, which has been hidden by Thee for nine hundred and seventy-four generations before the world was created, Thou desirest to give to flesh and blood! *What is man, that thou art mindful of him, And the son of man, that thou visitest him?* (Ps. 8:5) *O Lord our God, How excellent is thy name in all the earth! Who hast set thy splendor*[40] *upon the Heavens!* (Ps. 8:2)[41]

The Torah, God's "secret treasure," is presented here as pre-existing the world by 974 generations.[42]

There are perhaps a dozen places in rabbinic literature in which this idea finds clear expression.[43] It has had quite an

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to note, is one of the principal "rabbinic" sources of the Zohar. See Pinchas Giller, *Reading the Zohar: The Sacred Text of the Kabbalah* (New York: Oxford University Press, 2001), p. 11. For an interesting side-light on the text from Pesahim cited here see the discussion of Isaac Abravanel's use of it in Alfredo Fabio Borodowski, *Isaac Abravanel on Miracles, Creation, Prophecy, and Evil: The Tension Between Medieval Jewish Philosophy and Biblical Commentary* (New York: Peter Lang, 2003), pp. 114–116.

40. Here understood as signifying the Torah.
41. I cite the Soncino translation.
42. I.e, a thousand generations before Sinai. See Rashi *ad loc*.
43. For discussion, see Ephraim Urbach, *The Sages* (Jerusalem: Magnes, 1975), pp. 180–182. See also Gen R 49:2 in which God is presented as giving a new interpretation of the Torah every day, and the description of the "academy on high" in BM 86a. Both stories reflect a view of Torah as in some sense existing independently of God. See further p. 921 in Marc Hirshman, "Torah in Rabbinic Thought: The Theology of Learning," in Steven Katz (ed.), *The Cambridge History of Judaism* Vol. 4 (Cambridge: Cambridge University Press, 2006): 899–924.

impressive afterlife, however.[44] One example of that, as already noted, is found in the commentary of Rashi to Gen. 1:1, in which it is implied that the cosmos was created so that the Torah could be given to the Jews.[45] The idea was also to become very important in kabbalistic texts.[46]

That most enigmatic of ancient Jewish texts, *Sefer Yezirah*, has a role to play in this discussion. If the book is as ancient as some scholars think, and if it indeed teaches that the cosmos was created out of the letters of the Hebrew alphabet, then it may at the very least hint at the notion of the ante-mundane Torah, which is, after all, the quintessential Hebrew document.[47]

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44. It was a popular motif in piyyutim, ancient synagogue poetry. See Leon J Weinberger, *Jewish Hymnography: A Literary History* (London: Littman Library of Jewish Civilization, 1998), pp. 54 and 69; and Michael D Swartz, "Ritual About Myth About Ritual: Towards an Understanding of the Avodah in the Rabbinic Period," *Journal of Jewish Thought and Philosophy* 6 (1997): 135–155. Compare also Yizhak Baer, *Mehkarim u-Masot be-Toldot Yisrael* (Jerusalem: Israel Historical Society, 1987), Vol, 1, pp. 111–112.
45. See Chaim Pearl, *Rashi* (New York: Grove Press, 1988), p. 49. Rashi's comment, of course, could be interpreted as teaching that God *planned* to create the Torah and give it to the Jews *after* the creation of the cosmos, but that, to my mind, is a useless quibble since, even on this interpretation, the idea of the Torah pre-exists creation.
46. See most recently, and in great detail, Moshe Idel's absorbing book, *Absorbing Perfections: Kabbalah and Interpretation* (New Haven: Yale University Press), 2002. The entire book is relevant, but see pp. 31–53, and pp. 358–389 in particular. For an earlier study, which connects the idea of the ante-mundane Torah to magic, see Gershom Scholem, *On the Kabbalah and its Symbolism* (New York: Schocken, 1969), pp. 38–40. See also, Moshe Idel, "Midrashic versus Other Forms of Jewish Hermeneutics: Some Comparative Reflections," in Michael Fishbane (ed.), *The Midrashic Imagination: Jewish Exegesis, Thought, and History* (Albany: SUNY Press, 1993), pp. 45–58.
47. See Ithamar Gruenwald, "Ha-Ketav, ha-Mikhtav, and the Articulated Name — Magic, Spirituality and Mysticism," in Michal Oron and Amos Goldreich (eds.), *Masu'ot: Mehkarim ... le-Zikhro shel Prof. Ephraim Gotlieb* (Jerusalem: Mossad Bialik, 1994), pp. 75–98, and Milka Rubin, "The Language of Creation or the Primordial Language: A Case of Cultural Polemics in Antiquity," *Journal of Jewish Studies* 49 (1998): 306–333. Gershom Scholem summarizes the attitude of many generations of Jewish mystics to the notion of an ante-mundane Torah in the following passage: ...all Jewish mystics, from the Therapeutae, whose doctrine was described by Philo of Alexandria, to the latest Hasid, are at one in giving a mystical interpretation to the Torah; the Torah is to them a living organism animated by a secret life which streams and pulsates below the crust of its literal meaning: every one of the innumerable strata of this hidden region corresponds to a new and profound meaning of the Torah. The Torah, in other words, does not consist merely of chapters, phrases and words; rather it is to be regarded as the living incarnation of the divine wisdom which eternally sends out new rays of light. It is not merely the

Was Maimonides familiar with this notion of a pre-existent Torah? [48] Undoubtedly — he certainly knew the texts just cited and quotes one of them himself, as we shall see immediately. Did he accept it as literally true? There is very little reason to think so. Harry Austryn Wolfson analyzed the notion of what he calls a "primordial" Torah in post-rabbinic texts and showed that a long line of thinkers was familiar with the idea, but refused to take it literally.[49] In particular, Sa'adia did not feel bound by the literal meaning of the idea.[50] Even Judah Halevi, in *Kuzari* III.73, refuses to take the idea literally, understanding it as an expression God's ante-mundane intention to give the Torah to Israel.[51] Maimonides, I want to show here, was aware of the idea and consciously rejected it. This rejection is important, not just for what it teaches concerning the issue at hand, but for what it indicates about Maimonides' notion of Torah generally.

Let us first quote and analyze the relevant passage from *Chapters of Rabbi Eliezer*:

> R. Eliezer ben Hyrcanos opened and said: … seven things were created before the creation of the world: the Torah,

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historical law of the Chosen People, although it is that too; it is rather, the cosmic law of the Universe, as God's wisdom conceived it. Each configuration of letters in it, whether it makes sense in human speech or not, symbolizes some aspect of God's creative power which is active in the universe.

See his *Major Trends in Jewish Mysticism* (New York: Schocken, 1954), pp. 13–14.

48. Not every doctrine taken as "orthodox" today was even known to Maimonides, let alone accepted by him. For an important example of this, see M. Kellner, *Maimonides on the 'Decline of the Generations' and the Nature of Rabbinic Authority* (Albany: SUNY Press, 1996).

49. Harry A. Wolfson, *Repercussions of the Kalam in Jewish Philosophy* (Cambridge: Harvard University Press, 1979), pp. 85–113. Wolfson's discussion also focuses on the Islamic idea of a pre-existent Koran. It may be that part of Maimonides' motivation in denying the pre-existence of the Torah is to polemicize against this Islamic doctrine. Similarly, the connection between Torah and logos (as implied in John 1:1 and many other places) may have played a role in bringing Maimonides quietly to take issue with the notion of a pre-existent Torah.

50. See Wolfson, pp. 92–93 and Alexander Altmann, "Saadya's Theory of Revelation: Its Origin and Background," in E.I.J. Rosenthal (ed.), *Saadya Studies* (Manchester: Manchester University Press, 1943), pp. 4–25.

51. See p. 141 in Salo Wittmayer Baron, "Yehudah Halevi: An Answer to an Historical Challenge," *Ancient and Medieval Jewish History: Essays by Salo Wittmayer Baron*, ed. Leon A. Feldman (New Brunswick: Rutgers University Press, 1972): 128–148.

> Gehenna, the Garden of Eden, the Throne of Glory, the Temple, Repentance, and the name of the Messiah… Forthwith, the Holy One, Blessed be He, took council with the Torah, whose name is *Tushiyah*,[52] with reference to creation of the world. … Wherefrom were the heavens created? From the light of His garment.[53] He took some of it, stretched it like a cloth, and thus they were extending continually, as it said: Who coverest Thyself with light as with a garment. *Who stretchest out the heavens like a curtain* (Ps. 104:2). Wherefrom was the earth created? From the snow under the throne of His glory. He took some of it and threw it, as it is said: *For he saith to the snow, Be thou earth* (Job 37:6).

This text may be understood as teaching that reward and punishment (Gehenna and the Garden of Eden) precede creation; in other words, right and wrong are not socially determined,[54] but part of the very fabric of the Universe. In this context, the inclusion of the Temple, the site at which Jews brought the sacrifices which atoned for their sins, makes excellent sense: God knows that people will sin, and graciously created the tools for overcoming sin (sacrificial cult and repentance) even before creating the world. By including Messiah in this list, the authors of this text make clear that in their eyes the destruction of the Temple is part of a much larger historical plan, and that exile will ultimately eventuate in redemption. To teach that God "consulted" the Torah in order to create the cosmos implies that nature is not value-neutral. But it can be taken to imply much more; it can and

52. I.e., "resourcefulness."
53. For the use of similar expressions in Hekhalot literature see Gershom Scholem, *Jewish Gnosticism, Merkabah Mysticism, and Talmudic Tradition* (New York: Jewish Theological Seminary, 1960), pp. 58–64; Scholem, *On the Mystical Shape of the Godhead: Basic Concepts in the Kabbalah* (New York: Schocken, 1991), p. 29; and Raphael Loewe, "The Divine Garment and Shi'ur Komah," *Harvard Theological Review* 58 (1965): 153–160. Might Maimonides' discussion of this text, analyzed below, be, among other things, a silent polemic against the use of this expression in Hekhalot texts?
54. Maimonides *appears* to have held that right and wrong are socially determined (*Guide of the Perplexed* I.2); see above, note 6.

was taken to imply that the cosmos reflects the Torah and that the Torah, in a real sense, is therefore linked to the nature of the universe at the deepest possible levels. A thinker who takes this view seriously will be led to believe that the ceremonial laws of the Torah are not simply historically conditioned institutions, many or perhaps all of which could be other than they are. No, such ceremonials reflect an antecedent reality, itself conditioned by the ante-mundane Torah. A person who takes this view is likely to arrive (as did Nahmanides) at the view that Torah and nature are one and the same thing; there is no objective nature which follows its own immanent and essential character[55] — it is all Torah.[56] Such a person would have to be convinced (as were figures like Halevi and Nahmanides) that obedience to these laws was directly beneficial to the Jew who obeyed them, and that disobedience to them was directly harmful to the Jew who disobeyed them.[57]

Maimonides' treatment of the idea of an ante-mundane Torah is thus more important than the question of how he understood a particular midrashic motif — it goes to the very heart of his view of Torah and cosmos. Maimonides discusses our passage from the *Chapters of Rabbi Eliezer* in several places in the *Guide for the Perplexed*. Let us look at two of them.

Discussing God's names in *Guide of the Perplexed* I. 61 (148–149) Maimonides writes:

> …Hence Scripture promises that an apprehension that will put an end to this delusion [that God has many attributes] will come to men. Thus it says: *In that day shall the Lord be one, and His name one* (Zech. 14:9); which means that in the same way as He is one, He will be invoked at that time by one name only, by that which is indicative

55. In our language: which follows its own immanent laws.
56. I owe the ideas in this paragraph to discussions with Jolene S. Kellner.
57. This helps us to understand the particularism of Halevi and Nahmanides: the Torah reflects reality; the Jews have the Torah, all other people live at a lower level of reality (and I dare add, of goodness) than do the Jews; what they do, what becomes of them, these matters are much less important than what Jews do and what becomes of them.

> only of His essence and which is not derivative. In the *Chapters of Rabbi Eliezer* they have said: *Before the world was created there were only the Holy One, blessed be He, and His name*. Consider how this dictum states clearly that all the derivative names have come into being after the world has come into being.

What is at stake here is God's unity (which, for Maimonides, also means God's uniqueness). Had anything existed with God before creation, God's uniqueness would be put in doubt. Maimonides uses a text from *Chapters of Rabbi Eliezer* to prove that such was not the case: before creation *nothing* whatsoever existed but God and God's name.[58] Maimonides' use of this text in our context is particularly suggestive, since the passage quoted by Maimonides is followed almost immediately by the text cited above, concerning the seven things which were created (and thus already existed) before the creation of the cosmos. In itself, then, Maimonides' source does not really teach what Maimonides wants it to teach, that nothing existed with God (even "temporarily") before creation. His use of selective quotation here may very well be meant to hint to his reader that the sequel in *Chapters of Rabbi Eliezer* should be read in light of the message of the earlier text; namely that nothing coexisted with God before creation.[59] This interpretation is supported by an earlier passage (which may be construed as hinting at our text in *Chapters of Rabbi Eliezer*).

Guide of the Perplexed I.9 (pp. 34–35) is devoted to the term "throne" (*kisse*). Maimonides explains that the term indicates

58. In his introduction to his commentary on the Torah, Nahmanides famously maintained that the Torah was indeed the name of God. I doubt that he made this claim in order to avoid the conclusion that I think ought to be derived from Maimonides' comment here (that the Torah did not pre-exist the cosmos); rather, this is one more reflection, as if one were needed, of the vast gulf between Maimonides and Nahmanides.

59. Another relevant text: Avot V.5 teaches that ten things were created at twilight (of the sixth day of creation); among these are the *ketav* and the *mikhtav*. In his commentary to this text Maimonides explains that the former refers to the written Torah and the latter to the tablets of the decalogue. That being so, not only did the Torah not pre-exist the world, it was one of the last things created. My thanks to James Diamond for pointing these texts out to me.

grandeur, high rank, and dignity. Thus, the heavens are called "throne" since they bear witness (to those who study them properly) to God's greatness, grandeur, and power. He goes on to explain:

> The matter is just as we have pointed out: namely, every place such as the *Sanctuary* or the heaven, distinguished by God to receive His light and splendor, is called a *throne*. The term is given a wider meaning in the Hebrew language when it says: *For my hand upon the throne of the Lord* (Ex. 17:16). What is meant is the attribute of His greatness and sublimity; this ought not to be imagined as a thing outside His essence or as a created being from among the beings created by Him, so that He, may He be exalted should appear to exist both without a *throne* and with a *throne*. That would be infidelity beyond any doubt. For it states explicitly: *Thou, O Lord, sittest for all eternity, Thy throne is from generation to generation* (Lam. 5:19); whereby it indicates that the throne is a thing inseparable from Him. Hence the term *throne* signifies, in this passage and in all those similar to it, His sublimity and greatness and do not constitute a thing existing outside His essence, as will be explained in some of the chapters of this Treatise. (p. 35)

To say that something exists alongside God before creation is "infidelity [i.e., heresy] beyond any doubt."[60] Maimonides talks of the throne here but there is no doubt that the same reservation applies any other entity thought to exist, along with God, before creation. It is likely that his strong language reflects his abhorrence of the idea that anything might be co-eternal with God. As he notes elsewhere: "For the purpose of every follower of the Law

60. Indeed, "Laws of Repentance," III.7 states the same point in a halakhic context, calling a person who holds that anything exits along with God before creation a sectarian (*min*) and excluding that person from the world to come. One wonders how Maimonides squared this with his claim in *Guide of the Perplexed* II.25 to the effect that Plato's doctrine of creation was Jewishly acceptable.

of Moses and Abraham our Father or of those who go the way of these two is to believe that there is nothing eternal in any way at all existing simultaneously with God…" (*Guide* II.13, p. 285). In *Guide* I. 68 he calls this belief a "foundation of the Torah," writing: "We have mentioned this likewise in our great compilation, since this, as we have made clear there, is one of the foundations of our Law; I mean the fact that He is one only and that no other thing can be added to Him, I mean to say that there is no eternal thing other than He" (p. 163). But could not one say that God created the Torah, throne, etc., and then created the "rest" of the cosmos? I think that Maimonides would respond as follows: there was no "before" before creation (time, as I will note below, being one of the created things). Anything which exists with God "before" creation is by definition eternal and God is no longer one. It is for this reason that denial of any ante-mundane entities but God is a foundation of Judaism, and affirming such existents is "infidelity beyond any doubt."[61]

Maimonides' second explicit citation from the *Chapters of Rabbi Eliezer* is found in II.26 (330–332). This is a long passage, but worth quoting at length:

> I have seen a statement of *Rabbi Eliezer the Great*, figuring in the celebrated *Chapters* known as *Chapters of Rabbi Eliezer*, which is the strangest statement I have seen by one who follows the Law of *Moses our Master*. Here the text of the statement he made. He says: *Wherefrom were the heavens created? From the light of His garment. He took some of it, stretched it like a cloth, and thus they were*

61. Moshe Idel (*Absorbing Perfections*, p. 45) expresses the point made here as follows: "Ancient Jewish monotheism was generally uncomfortable with the idea of the preexistence of any entity to the creation of the world, a premise that would imperil the uniqueness of God as the single creator. The coexistence of an additional entity would produce a theological dynamics that would question the most singular religious achievement of ancient Judaism. Implicitly, allowing any role to such a founding and formative entity would reintroduce a type of myth that could recall the pagan mythology, where once again the relationship between the preexistent deities as a crucial condition for the cosmogonic process would be thrown into relief."

> *extending continually, as it said: Who coverest Thyself with light as with a garment. Who stretchest out the heavens like a curtain* (Ps. 104:2). *Wherefrom was the earth created? From the snow under the throne of His glory. He took some of it and threw it, as it is said: For he saith to the snow, Be thou earth* (Job 37:6). This is the text of the statement he made there. Would that I knew what that *Sage* believed. Did he believe that it is impossible that something should come into being out of nothing and that there must necessarily be matter out of which that which is generated is produced? Did he for this reason seek to find *wherefrom were created* the heavens and the earth? However, whatever results from this answer, he ought to be asked: *Wherefrom was the light of His garment created? Wherefrom was the snow under the throne of glory itself created?* If, however, he wished to signify by *the light of His garment* an uncreated thing and similarly by the *throne of glory* something uncreated, this would be a great incongruity. For he would have admitted thereby the eternity of the world, if only as it is conceived according to Plato's opinion. As for the *throne of glory* belonging to the created things, the *Sages* state this expressly, but in a strange manner. For they say that it was created before the creation of the world. But the scriptural texts, in connection with it, do not refer in any way to creation, with the exception of David's statement: *The Lord hath established His throne in the heavens* (Ps. 103:19), which statement admits very well of figurative interpretation. … Now, if *Rabbi Eliezer* believed in the eternity a parte ante of the *throne*, the latter must have been an attribute of God, and not a created body. But how is it possible for a thing to be generated from an attribute?[62]

Implying that "the light of God's garment" or "the throne of glory"

62. *Chapters of Rabbi Eliezer* 3 is also cited in II.30, p. 349; but the issue discussed there (temporal creation) is not directly related to our question.

were uncreated entities, existing alongside God before the creation of the Universe "would be a great incongruity."[63] Maimonides' continues and lays out the incongruities, along the way pointing out that the Scriptural basis for believing in ante-mundane existence is nearly nonexistent; the one verse which might be taken to teach this idea is easily interpreted metaphorically.

The throne of glory is one of the seven things which *Chapters of Rabbi Eliezer* teaches existed before creation; it beggars imagination to think that Maimonides would be any happier with any of the other six.[64] Believing that the Torah existed before creation, I submit, is, in Maimonides' eyes, "infidelity beyond any doubt" and leads to great incongruities.[65]

In an important sense, however, this whole discussion is "academic": for Maimonides it makes no sense whatsoever to speak of anything pre-existing the world, since time itself was created along with the cosmos. To speak of an ante-mundane Torah in any but the most allegorical sense is not only to commit a religious error, but it is also to make a logical blunder.[66]

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63. For an interesting discussion of this passage, see pp. 212–213 in Y. Tzvi Langermann, "Cosmology and Cosmogony in *Doresh Reshumoth*, a Thirteenth-Century Commentary on the Torah," *Harvard Theological Review* 97 (2004): 199–227.
64. One might further note that, given his understandings of gehenna and the garden of Eden, Maimonides could not possibly take in any literal sense that they are ante-mundane. For gehenna and the garden of Eden, see his "Introduction to Perek Helek." A translation may be conveniently found in I. Twersky, *A Maimonides Reader* (New York: Behrman House, 1972), pp. 402–423; see pp. 423–424 in particular. It may be that Maimonides discusses the throne explicitly because of its centrality in ancient Jewish mysticism. For details, see Gershom Scholem, *Major Trends in Medieval Jewish Mysticism*, 3rd ed. (New York: Schocken, 1954), pp. 43–46, Meir Bar-Ilan, "The Throne of God: What is Under it. What is Opposite it. What is Near it," *Da'at* 15 (1985): 21–36 (Hebrew), and most recently, Nathaniel Deutsch, *The Gnostic Imagination: Gnosticism, Mandaeism, and Merkabah Mysticism* (Leiden: Brill, 1995), pp. 68–79.
65. Possibly relevant is the following from I.65 (p. 158): "I do not consider that … you require that the denial of the attribute of speech with reference to Him be explained to you. This is the case particularly in view of the general consensus of our community on the Torah being created. This is meant to signify that His speech that is ascribed to Him is created." Implied here is the claim that the Torah does not pre-exist the Cosmos, but that is not definite since it could be argued that God created the Cosmos and then immediately created the Torah.
66. On time as created, see *Guide of the Perplexed* II.13. Kenneth Seeskin has recently subjected Maimonides' discussion of creation to careful analysis. See his *Searching*

Maimonides does not accept the idea of an ante-mundane Torah.[67] That should be clear. We can further illuminate the issue if we take up what will turn out to be two points related to this one: why was the Torah given to Israel, and what is the nature of its laws?

According to Maimonides, God's choice of the Jews as the chosen people was actually a consequence of Abraham's discovery of God and not a historically necessary event. The founder of the Jewish people is the Patriarch Abraham. It is worth paying close attention to Maimonides' description of Abraham's career, as presented in the first chapter of "Laws Concerning Idolatry."[68] In this chapter, Maimonides presents what might be called a natural history of religion. The Bible presents its readers with an implicit problem: Given that Noah and his immediate descendants knew God, how did the world become entirely idolatrous by the time of Abraham, ten generations after Noah? Here is Maimonides' explanation:[69]

In the days of Enosh [Gen. 4:26; 5:7–11] mankind fell into

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for a Distant God: The Legacy of Maimonides (New York: Oxford University Press, 2000), pp. 66–90 and "Maimonides, Spinoza, and the Problem of Creation," *Jewish Themes in Spinoza's Philosophy*, ed. Heidi M. Ravven and Lenn E. Goodman (Albany: SUNY Press, 2002) 115–130.

67. A further note might be added here. If Maimonides believed that the Torah actually pre-existed creation, he could hardly have interpreted the story of the Garden of Eden as he does in *Guide of the Perplexed* I.2 and II.30. On the basis of his (admittedly) allegorical account, humans were not in the first instance meant to observe commandments. The giving of the Torah is concession to human weakness, not part of the eternal divine plan, as it were. For a traditionalist reader who admits that Maimonides sees the story of Adam and Eve as an allegory, see R. Joseph Kafih's commentary to "Laws of the Sabbath;," V.3 in his monumental edition of the *Mishneh Torah*.

68. For a helpful discussion of this text, which supports the reading I am about to give it, see Lawrence Kaplan, "Maimonides on the Singularity of the Jewish People," *Da'at* 15 (1985): v-xxvii. For an interesting literary analysis, see Jonathan A. Cohen, "Maimonides as Literary Artist: The Philosopher Tells a Story," in Felice Ziskind (ed.), *The Pardes Reader: Celebrating Twenty-Five Years of Learning* (Jerusalem: Pardes Institute, 1997): 13–19.

69. I cite the translation of Bernard Septimus from his forthcoming translation of the Book of Knowledge for the Yale Judaica Series. I have eliminated almost all of Professor Septimus' extremely learned notes. It is my pleasant duty to thank him here for his kindness in furnishing me with an advance copy of his translation.

> grave error; the wise of that generation turned brutish in counsel; and Enosh himself was among the errant. Their fallacy was to say as follows: "Since God created the stars and spheres to govern the world, set them on high, and granted them honor, and [since] they are ministers who serve Him, they deserve to be praised, extolled and honored. Indeed, it is the will of God (blessed be He) that [we] magnify and honor those whom He has magnified and honored, just as a king wants his servants and attendants to be honored — for this redounds to the honor of the king." Once this notion got into their heads, they began to build temples to the stars, offer them sacrifices, praise and extol them verbally, and bow down toward them, in order to win divine favor, by their corrupt lights. That was the root of alien worship.

Having explained the origin of idolatry,[70] Maimonides turns to describe Abraham's rebellion against it:

> After much time had passed, false prophets arose among the human race, claiming that God had commanded them: "Worship such and such a star (or all the stars): offer it these sacrifices and libations; build it a temple; and fashion its image … Thus it was that they began to make images in temples, under trees, atop mountains and on hills. They would come together, bow down to them, and tell the whole populace: "This image can help or harm, and ought to be worshiped and feared." The priests would then tell them: "Through this worship you will multiply and prosper: do such and such; don't do such and such." … It thus became the universal practice to worship the [various] images with distinct rites, and to sacrifice and bow down to them. With the passage of time, the Honored and Revered Name sank [into oblivion, fading] from the mouths and minds of all beings: they

70. *Avodah Zarah*; Septimus translates this more literally as "alien worship."

> recognized it not. So all the commoners, women, and children, knew nothing but the wood or stone image and fabricated temple that they were brought up from childhood to bow down to, worship, and swear by. The wise among them — priests and the like — imagined there was no deity save the stars and spheres, for which those images had been made as [symbolic] representations. But as to the Eternal Source, none recognized or knew Him save singular individuals like Enoch, Methuselah, Noah, Shem, and Eber. Thus was the world was declining by degrees, till the World's Pillar, Our Father Abraham, was born. No sooner was this hero was weaned than he began to ponder, though but a child, and to meditate day and night, wondering: "How can the Sphere forever follow its course with none to conduct it? Who causes it to rotate? For it cannot possibly cause *itself* to rotate?" He had no one to teach or instruct him in anything, but was immersed in [the culture of] Ur of the Chaldees among the foolish adherents of alien worship. His father, mother and the entire populace worshiped alien deities, and he worshiped along with them, while his mind was searching and seeking to understand — till he grasped the true way and understood the right course of his own sound reason: He realized that: there is a single God, He conducts the Sphere, He created the universe, and, in all that exists, there is no god but He. And he realized that all the people were in error, and [that] what had caused them to err was worshiping the stars and images for so long that the truth [of God's existence] was lost to their minds. It was at age forty[71] that Abraham recognized his Creator.

Maimonides goes on to describe how Abraham then refuted the inhabitants of Ur, argued with them, broke their images, and began instructing them in the truth. After convincing his

71. When he had reached intellectual maturity, and not at age three, as a midrash has it. See R. Abraham ben David's gloss here.

fellow-countrymen (and thus apparently upsetting the traditional order), the King sought to kill him. He was miraculously saved, whereupon he emigrated and "began to call out loudly to all the people, teaching them that the world has [but] one God, who [alone] ought to be worshiped." He traveled from city to city and from kingdom to kingdom, teaching this truth which he had discovered. Arriving in the land of Canaan, he proclaimed his message, instructed the inhabitants, implanted truth in their hearts, composed books on it, and taught it to his son Isaac.[72]

Prominent in these texts is the noteworthy emphasis on the activity of Abraham. God is entirely absent from this account, as anything but the object of philosophical speculation. On this account, God does not even issue the command which opens the Abraham story in the Torah (Gen. 12:1), "Get thee hence…" Even the (midrashically based) miracle by which Abraham was saved from the King of Ur is presented without directly and clearly involving God — the text literally says: "a miracle was performed for him" (*na'asah lo nes*).[73] Throughout these passages

72. Compare Maimonides' account in *Guide of the Perplexed* III.29: "However, when *the pillar of the world* grew up and it became clear to him that there is a separate deity that is neither a body nor a force in a body and that all the starts and the spheres were made by Him, and he understood that the fables upon which he was brought up were absurd, he began to refute their doctrine and show up their opinions as false; he publicly manifested his disagreement with them and called *in the name of the Lord, God of the world* (Gen. 21:33) — both the existence of the deity and the creation of the world in time by that deity being comprised in that call" (p. 516). For other parallels in the Guide, see II.39 (p. 379) and III.24 (p. 502). See also *Book of Commandments*, positive commandment 3. The issue also comes up in Maimonides' famous responsum to R. Ovadiah the Proselyte. The slight variations in the next as cited by Blau (#293, p. 549) and by Sheilat (*Iggerot ha-Rambam* [Jerusalem: Ma'aliyot, 1987], pp. 232–233) are of great interest. Sheilat, true to his vision of Maimonides, chooses readings which subtly but clearly diminish the universalist impact of the passage; or, Blau chooses readings which subtly but clearly augment the universalist impact of the passage (the former seems more likely an explanation than the latter, given what I know of Rabbi Sheilat's other writings). I examine this matter in"'Farteitsht un Farbessert': Comments on Tendentious 'Corrections' to Maimonidean Texts," B. Ish-Shalom (ed.), *Be-Darkei Shalom: Iyyunim be-Hagut Yehudit Mugashim li-Shalom Rosenberg* (Jerusalem: Bet Morashah, 2006): 255–263 (Hebrew), English translation in *Me'orot* [= Edah Journal] 6.2 (2007). (http://www.yctorah.org/content/view/211/64/).

73. Pesahim 118a. The Talmud here has God insisting on saving Abraham Himself (the angel Gabriel had sought the assignment); Maimonides clearly presents the story

it is Abraham, and not God, who is the subject of active verbs: Abraham meditated, pondered, wondered, searched, grasped, understood, realized, recognized, refuted, argued, broke images, convinced, emigrated, proclaimed, travelled, taught, instructed, implanted, and composed.[74] God is cognized on this account, but does not act.[75]

The upshot of all this is that Abraham discovered God on his own, so to speak.[76] God did not choose Abraham, God did not

in an entirely different light. See also Gen. Rabbah 39.3.

74. My thanks to Zev Harvey for drawing my attention to this point.

75. The God described here is the "God of the philosophers." Compare Howard Kreisel, *Maimonides' Political Thought: Studies in Ethics, Law, and the Human Ideal* (Albany: SUNY Press, 1999), p. 43: "What is crucial to stress in this context is that Abraham is depicted by Maimonides as an Aristotelian philosopher. His deduction that God 'created' everything as depicted in "Laws of Idolatry," I.3, is in reality the Aristotelian view that God is the First Cause of all existence." Agreeing as I do with Kreisel's interpretation, I think it apposite to quote Judah Halevi's parallel account of Abraham in Kuzari IV.17: "The Sage said: Well, then, by that standard, it was right for Abraham to have undergone all that he did in Ur of the Chaldees, and then in departing from his homeland, and also in accepting circumcision, and again in expelling Ishamel, and even further in his anxiety about slaughtering Isaac, since all that he experienced with respect to the divine order (*al-amr al-ilahi*), he experienced by savoring [*dhawq*], not by reasoning." This passage is found in the context of Halevi's distinction between the philosophic God of Aristotle (and of Abraham, according to Maimonides!), known in the tradition as Elohim, and the experienced God of the Patriarchs, known in the tradition by the tetragrammaton. Halevi's Abraham goes beyond the God of the philosophers to the God of experience. Halevi makes this clear in the sequel: "God ordered him to abstain from his scientific studies based on reasoning … and to take upon himself the duty of obeying the One he had experienced by savoring, just as it says: *Savor and see how good the Lord is* (Ps. 34:9)." On this passage, see the discussion in Diana Lobel, *Between Mysticism and Philosophy: Sufi Language of Religious Experience in Judah Ha-Levi's Kuzari* (Albany: SUNY Press, 2000), pp. 89–93. Compare also Hasdai Crescas' comment (*Or Ha-Shem*, I.iii.6, p. 122 in the edition of Shlomo Fisher [Jerusalem: Ramot, 1990]) to the effect that while it was Abraham's philosophical reasoning which *prepared* him for prophecy, this reasoning did not bring him to certain knowledge of God, which is the province of prophets, not philosophers: "…even though he desired the truth, he did not escape all doubt until God caused His light to emanate upon him, it [i.e., God's light] being prophecy." This passage is discussed by Warren Zev Harvey, *Physics and Metaphysics in Hasdai Crescas* (Amsterdam: Gieben, 1998), pp. 47–48 and 60–65. Note well Harvey's comment (p. 48) about the Maimonides whom Crescas criticized: "His Abraham is an Aristotelian philosopher, or, if you prefer, his Aristotle was an Abrahamic philosopher." It is noteworthy also that a rabbinic text (Sab. 156a, Ned. 32a), "abandon your astrology [=philosophical-scientific research]…" used by both Halevi and Crescas in the present context, is nowhere cited by Maimonides.

76. In other words, Abraham discovered God through *hekhre'a ha-da'at*, reasoned

seek him out, God did not make Himself known to Abraham. God waited till someone discovered the truth about Him; that someone happened to be Abraham, progenitor of the Jews. It did not have to be Abraham. Had the first human being to discover the truth about God been, say, a Navajo, and had that Navajo philosopher the courage and effectiveness of Abraham, then the Navajos would be the chosen people, the Torah would have been composed in the Navajo language, its narratives would reflect their history, and many of its commandments would reflect that history and the nature of Navajo society at the time of the giving of the Torah to them. The inner meaning of the Torah, its philosophical content and spiritual message would all be equivalent to the inner meaning, philosophical content and spiritual message of the Torah is it was indeed revealed to Moses at Sinai, but its outer garment would be dramatically different.

Here in its starkest fashion is the profound gulf which separates Maimonides from Halevi and thinkers like him.[77] For Halevi, God chose the Jews because of their antecedent special character, the only people on earth in whom the *inyan elohi* was permanently lodged.[78] For Maimonides, it is Abraham's choice of

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conviction. He also brought his contemporaries (Noachides in the most literal sense of the term) to acceptance of monotheism through *hekhre'a ha-da'at*. It is a safe assumption that, on Maimonides' view, Abraham himself and those whom he brought near to God achieved shares in the world to come; that being the case, the standard reading of "Laws of Kings," VIII.11 (*ve-lo me-hakhmeihem*) cannot be correct — on this issue, see the discussion in *Maimonides' Confrontation with Mysticism* (abote, note 1), pp. 81 and 241–250.

77. I do not mean to imply that Rashi would have accepted Halevi's views. I do not know. I cite Halevi (and Nahmanides) for the purpose of sharpening my presentation of Maimonides. It is likely that Rashi stood closer to Halevi and Nahmanides than to Maimonides on many issues; but the route that brought him to these positions was probably significantly different from the route followed by Halevi and Nahmanides. Further on the comparison of Maimonides and Halevi vis-à-vis Abraham, See Aviezer Ravitzky, "On the Image of the Leader in Jewish Thought," *Pirsumei Hug Bet ha-Nasi le-Tanakh u-le-Mekorot Yisrael* 1 (1998): 33–46 (Hebrew) and Ravitzky, "Introduction — the Binding of Isaac and the Covenant: Abraham and His Descendants in Jewish Thought," in Hannah Kasher, Moshe Hallamish, and Yohanan Silman (eds.), *Avraham, Avi Ha-Ma'aminim: Demuto Be-Re'i He-Hagut Le-Doroteha* (Ramat-Gan: Bar-Ilan University Press, 2003), pp. 11–38, esp. p. 15–19 (Hebrew).

78. For two statements of many, see *Kuzari*, I.48 and 95.

God which makes his descendents special, so long as they remain loyal to that choice.[79]

Our point finds further expression in the continuation of Maimonides' account:

> Our Father Jacob taught all his children; but he singled out Levi, appointing him "head" and installing him in an academy to teach "the way of the Lord" (Gen. 18:19) and keep Abraham's charge. He directed his children that there be an uninterrupted succession of Levite appointees, so that the teaching not be forgotten. This enterprise was gathering strength among Jacob's children and those who joined them, a God-knowing nation was coming into being — till Israel's stay in Egypt became prolonged and they retrogressed, learning [the Egyptians'] deeds and worshiping alien deities like them (the sole exception being the tribe of Levi, which remained steadfast to the Patriarchal charge: never did the tribe of Levi worship alien deities). The root planted by Abraham was on the verge of being uprooted and Jacob's descendents, of reverting to the error and aberrance of the nations.[80]

79. I was once discussing conversion to Judaism in a class in the United States. Two of my students, both daughters of Baptist ministers, asked me, in amazement: "The Jews are God's chosen people; how can one choose to be chosen?" This question goes to the heart of the debate between the Judaism of Judah Halevi, *Zohar*, Nahmanides, etc., and the Judaism of Maimonides. In a very real sense, for the former, one cannot choose to be chosen. For Halevi, converts remain unequal to born Jews; for the *Zohar* there really is no such thing as conversion — true proselytes are persons born to gentile parents into whose bodies Jewish souls have been placed. For Maimonides, on the other hand, in a very real sense, true Jews are not chosen by God, but, rather, are individuals (whoever their parents might be) who choose God. For Maimonides, as I argued in *Maimonides on Judaism and the Jewish People* (see the next note) *all* Jews are converts to Judaism.

80. This last point deserves expansion, since it is important for the thesis being developed here. Maimonides, following midrashic tradition (Mekhilta, Bo, paragraph 5; ed. Lauterbach, vol. 2, p. 36) maintains that the Jews in Egypt had assimilated to the idolatrous norms of the Egyptian culture around them ("Laws of Idolatry," I.3; compare the opposed picture drawn by Halevi in *Kuzari* I.95). Those of Abraham's descendents who stood at Sinai quite literally converted to Judaism (the new religion expressed in the Torah of Moses). This may be seen from the way in which Maimonides opens his discussion of the laws of conversion in "Laws of Forbidden Intercourse," XIII: "With three things did Israel enter the covenant: circumcision,

> But because God loved us and stood by [his] oath to Our Father, Abraham, he elected Moses — Our Master and the Master of all the Prophets — and charged him with his [prophetic] mission. When Moses our Master attained to prophecy and God chose Israel as His own, He crowned them with commandments, and taught them: how to worship Him and what rules should govern alien worship and all who stray after it.

Israel thus becomes God's chosen people because of Abraham's antecedent choice of God.[81]

Maimonides is not shy about adopting the implications of this position. The specific laws of the Torah reflect historical circumstances which could have been different.[82] The clearest example of this is Maimonides' notorious explanation for the reason that God

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immersion, and sacrifice…." So, Maimonides continues, must converts today undergo circumcision and immersion (sacrifice being no longer possible). See the fuller development of this point in M. Kellner, *Maimonides on Judaism and the Jewish People* pp. 85–87.

81. Compare III. 51 (p 623): "This was also the rank of the *Patriarchs*, the result of whose nearness to Him, may He be exalted, was that His name became known to the world through them: *The God of Abraham, the God of Isaac, and the God of Jacob …; this is my name forever* (Ex. 3:15). Because of the union of their intellects through apprehension of Him, it came about that He made a lasting *covenant* with each of them…Also the providence of God watching over them and over their posterity was great." This idea even finds expression in Maimonides' Epistle to Yemen, a text in which he must have been greatly tempted to use a stronger notion of the choice of Israel than the one expressed here. Towards the beginning of the Epistle, he emphasizes the importance of the following teaching: "…ours is the true and divine religion, revealed to us through Moses, chief of the former as well as of the later prophets. By means of it God has distinguished us from the rest of mankind, as He declares: *Yet it was to your fathers that Lord was drawn in His love for them, so that He chose you, their lineal descendants, from among all the peoples* (Dt. 10:15). This choice was not made thanks to our merits, but was rather an act of grace, on account of our ancestors who were cognizant of God and obedient to Him, as He states: It is not because you are the most numerous of peoples, that the Lord set His heart on you and chose you — indeed, you are the smallest of peoples [but it was because the Lord loved you and kept the oath He made to your fathers] (Dt. 7:7)." I cite from the translation of Abraham S. Halkin in Halkin and David Hartman, *Crisis and Leadership: Epistles of Maimonides* (Philadelphia: Jewish Publication Society, 1985), p. 96–97. This text reads as if it were written in direct opposition to the views of Judah Halevi on the election of Israel.

82. Were this not the case, human freedom, which Maimonides calls "the great root [*ikkar*] which is the pillar of the Torah and commandments," ("Laws of Repentance," V.4) would be destroyed.

commanded the sacrificial cult.[83] Maimonides presents the entire sacrificial cult as a concession to the primitive character of the Jews in Egypt. Considering how many biblical commandments relate directly to the sacrificial cult (including all the commandments concerning the tabernacle and all the commandments concerning ritual purity and impurity) this is quite a remarkable claim. But not just the sacrifices, Maimonides interprets all the laws known to the tradition as *hukkim* (statutes) in this manner. The prohibition against *sha'atnez* (wearing a garment of linen and wool), reflects, Maimonides teaches (*Guide* III.37, p. 544), the historically contingent fact that idolatrous priests in the ancient world wore such garments. We saw above that Rashi held that Abraham indeed fulfilled all the *hukkim*.

We may now finally address the implications of the different views of Rashi and Rambam concerning the nature of the laws of the Torah. If the Torah pre-exists creation, if in some sense or other it serves as blue-print of the universe, then quite obviously, the laws of the Torah bear some sort of constitutive relationship to the cosmos and fulfilling those laws can (or must) have some sort of impact on that cosmos. From here, full-blown theurgy is but a short step.[84] It is quite obvious also that the laws of the

83. For Maimonides' historical explanation of the sacrificial cult see *Guide of the Perplexed* III.32 (p. 526). For a recent and thorough discussion, see Josef Stern, *Problems and Parables of Law*, pp. 23–35 and 140–150. Stern examines Nahmanides' outraged rejection of Maimonides' position. For the wider context, see Stephen D. Benin, *The Footprints of God: Divine Accommodation in Jewish and Christian Thought* (Albany: SUNY Press, 1993).

84. See Morris Faierstein, "'God's Need for the Commandments' in Medieval Kabbalah," *Conservative Judaism* 36 (1982): 45–59; for context and background, see Moshe Idel, *Kabbalah: New Perspectives* (New Haven: Yale University Press, 1988), chapter 7. Further relevant studies include Daniel Matt, "The Mystic and the *Mizwot*," in Arthur Green (ed.), *Jewish Spirituality: From the Bible through the Middle Ages* (New York: Crossroads, 1986), pp. 367–404, and Dov Schwartz, "From Theurgy to Magic: The Evolution of the Magical-Talismanic Justification of Sacrifice in the Circle of Nahmanides and His Interpreters," *Aleph* 1 (2001): 165–213. The notion that in some sense the fulfillment of the commandments on the part of Israel is crucial for God's own "well-being," as it were, is a reflection of the ancient idea of theurgy. See, E. R Dodds, *The Greeks and the Irrational* (Berkeley: University of California Press, 1964), pp. 283–311 and, Görg Luck, "Theurgy and Forms of Worship in Neoplatonism," in E. Frerichs, Jacob Neusner, and P. Flesher (eds.), *Religion, Science, and Magic: In Concert and in Conflict* (New York: Oxford University Press, 1989), 185–225.

Torah could not be other than they are; else nature would have to be different than it is. There are further implications. If the Torah is given to Israel alone, then Israel alone holds the true key to the true nature of the universe, and Israel's obedience to the laws of the Torah can be construed as the key to the continued proper functioning of that universe. Getting Jews to fulfill the commandments becomes a matter of cosmic concern. For a person holding such views (and Rashi certainly appears to have held them), it is literally inconceivable that Abraham, Isaac, and Jacob, the pre-ordained progenitors of Israel from before creation, did not obey all the commandments of the Torah, both Sinaitic and rabbinic. Note a further implication of the notion of a pre-existent Torah: those who fulfill the commandments are superior to those who do not. This is true on every level: Jews, who were given the commandments, are superior to Gentiles, who were not given the commandments; Jews who fulfill the commandments are superior to those who do not fulfill them.[85] On this view, if the Patriarchs did not observe the commandments then they turn out to have lived spiritually impoverished lives, and were, Jewishly, inferior to their descendants. This, of course, contradicts the widely-accepted notion of the "decline of the generations."[86]

From Maimonides account it appears that Abraham, the self-taught philosopher *par excellence*, had no need of Sinai. Sinai is a concession to the sad fact that the root planted by Abraham was on the verge of being uprooted. In order to preserve the philosophical core of the Torah, it had to be hedged about by laws and ceremonials, which do not accomplish anything in themselves, but were instituted in order to serve moral, social, or

85. One wonders if this explains part of the attraction of "humrot" (halakhic stringencies) among Jews who accept this account of the nature of the commandments. In another context I tried to show that the different attitudes described here might he useful in understanding debates over the notion of "da'at Torah" in contemporary Orthodoxy. See Kellner, "Rabbis in Politics: A Study in Medieval and Modern Jewish Political Theory," *State and Society* [=*Medinah ve-Hevrah*] 3 (2003): 673–698 (Hebrew).

86. A notion with which Maimonides was apparently unaware; had he been aware of it, he certainly would not have accepted it. See Kellner, *Maimonides on the "Decline of the Generations"* (above, note 47).

philosophical ends. For a person holding these views, it is literally inconceivable that Abraham, Isaac, and Jacob observed laws and ceremonials later given at Sinai in response to the degeneration of the Jews in Egypt.

I have no doubt that Rashi and Maimonides both accepted the idea that the Torah was revealed to Israel at Sinai; we know very well that each lived his life in accordance with that idea. The spiritual context of those lives, however, appears to have been worlds apart; they both accepted Sinaitic revelation, but meant dramatically different things by it.

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