

***Of Dogma & Dissimulation:
Marc Shapiro's Analysis of Maimonides'
Thirteen Principles Reappraised***

By: BETZALEL SOCHACZEWSKI

"...אלא שדרכי תמיד בכל מקום שיש איזה רמז בעניני
אמונה אבאר משהו, כי חשוב אצלי להסביר יסוד
מהיסודות יותר מכל דבר אחר שאני מלמד." – רמב"ם¹

Dr. Marc Shapiro is renowned within the world of Jewish academic scholarship for his important contributions to the field of Jewish intellectual history. His meticulous and indefatigable research, shared in his celebrated books and widely followed online classes and postings, regularly yields fascinating discoveries from obscure corners of Torah literature and Jewish history. Significantly, his work has captured the interest of those beyond the walls of academia, popularizing awareness of nuance and development within Judaism that often goes unnoticed.

One of his earlier works, *The Limits of Orthodox Theology: Maimonides' Thirteen Principles Reappraised*,² sought to demonstrate that the Thirteen Principles of Jewish faith composed by Maimonides—traditionally viewed as the basic creed of Judaism—do not represent the universal consensus of Jewish scholarship. One by one, Shapiro examines the Principles and documents numerous sources in which traditional scholars, from the famous to the obscure and from the authoritative to the mediocre,

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¹ *Commentary on the Mishnah*, ed. Kafih (Jerusalem: Mossad ha-Rav Kook, 1963), vol. 1, p. 53.

² Marc B. Shapiro, *The Limits of Orthodox Theology: Maimonides' Thirteen Principles Reappraised* (Portland: Littman Library, 2004).

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express views on theology that are either openly, seemingly, or purportedly inconsistent with Maimonides' standard. Understandably, the work touched a raw nerve within the observant community, as it tampered with what has long been the untouchable bedrock of Orthodox theology, prompting much discussion over the nature of dogma within Judaism. Since then, the book has become one of the primary academic sources on the topic and is consistently referenced in the literature.

Yet despite this, while Shapiro's general thesis and methodology have been critiqued and a few errors identified,³ his research has, surprisingly, never been subjected to thorough critical examination. This essay attempts to fill some of that void.⁴

While Shapiro's treatment of each of the Thirteen Principles deserves its own analysis, this essay will focus on one of the book's secondary theses. Shapiro contends that there are a number of dogmas articulated by Maimonides that he could not have truly believed in. Shapiro therefore

³ See Yitzchak Blau, "Flexibility With a Firm Foundation: On Maintaining Jewish Dogma," *The Torah u-Madda Journal* 12 (2004), pp. 179-191; Gil Student, "Crossroads: Where Theology Meets Halakhah," *Modern Judaism* 24:3 (2004), pp. 272-295; Gidon Rothstein, "Review," *AJS Review* 29:1 (April 2005), pp. 169-171; Zev Leff, "The Thirteen Principles of Rambam," *Jewish Action* (Summer 2007), pp. 76-79; Shmuel Phillips, *Judaism Reclaimed* (n.p., Mosaica Press, 2019), pp. 85-89. For an endorsement of Shapiro's work, including the thesis critiqued in this essay, see Menachem Kellner, *Science in the Bet Midrash: Studies in Maimonides* (Brighton, MA: Academic Studies Press, 2009), ch. 10.

⁴ As this essay was nearing completion, two reviews of such nature surprisingly materialized: Phillips, *Judaism*, pp. 67-84, and Herschel Grossman, "The Limits of Academic Criticism," *Dialogue* 8 (Fall 2019), pp. 35-83. The former focuses on the third chapter of *Limits*, which is not the subject of the current essay. The latter critiques various points throughout the book. Rabbi Grossman makes several important observations about particular items in Shapiro's research, and I second his call for greater appreciation of the traditional assumptions and attitudes regarding dogma. However, at times he seems to display ignorance of the subject matters (e.g., see further in this essay, fn. 49, 50) and fails to appreciate the very real problems Shapiro addresses (such as the implications of *Guide* 2:25; see later in this essay). On occasion, Grossman appears to completely misread Shapiro (e.g., Grossman, p. 54, where it's clear that Shapiro is adducing evidence from the philosopher quoted by Rivash, and not from Rivash himself). Furthermore, Grossman adopts the approach of extreme harmonization, in which the positions of all Torah authorities are axiomatically presumed consistent with one another, even when sound judgment dictates otherwise. For example, Shapiro's observations about later authorities departing from Maimonides' positions and these authorities' unfamiliarity with medieval philosophy—which is obvious to any educated reader—are described by Grossman (p. 37) as making a mockery of them.

proposes that Maimonides presented these ideas as fundamental aspects of Judaism, despite his full awareness that they are not, for the purpose of maintaining the religious standards of the masses. According to Shapiro, while Maimonides subscribed to most of the content of the Principles, “certain other elements are not true but only ‘necessary’... for the masses to believe... all these beliefs have in common the fact that, through them, people are kept from straying from the proper path” (pp. 119-120). This idea serves almost as a subplot to the book’s primary theme: Not only are Maimonides’ Principles not representative of the consensus of Jewish scholarship throughout the ages, they aren’t necessarily representative of Maimonides’ personal views, either.

Shapiro uses this theory to explain: discrepancies in Maimonides’ attitude towards the dogma of *creation ex nihilo* (pp. 74-77); how Maimonides seemingly attested to the unimpeachable integrity of the scriptural text despite its clear variations (pp. 118-121); and his confidence in the eternally binding nature of the *mitzvot* despite evidence to the contrary (pp. 122-124). Taken together with certain statements made in the *Guide of the Perplexed*, Shapiro asserts that this body of evidence compellingly establishes that Maimonides’ presentation to the public of certain core beliefs of Jewish faith was a façade.⁵

Without question, such a proposition touches on sensitive matters. Judaism, like all religions, is based on certain theological foundations, and tampering with Judaism’s theology risks undermining its very essence. Moreover, dogma has significant ramifications in practical halakhah, as heretics are given a distinct status that drastically alters their relationship with their peers and the community, and their capacity to perform halakhic rituals.⁶ If Maimonides did indeed invent mandatory beliefs, he would have consigned individual Jews otherwise in good standing to the status of heretics, with all of its attendant halakhic consequences. More fundamentally, considering the important role the *Rishonim*, the great medieval rabbinic authorities, played in the elucidation and transmission of Jewish theology, a claim such as this deserves cautious analysis. For, as with their role in the preservation of all areas of the Oral Law, the execution of this responsibility depends squarely upon the public trust in their

⁵ Shapiro revisited this topic in his more recent Hebrew-language essay “*Emunot Hekbrehiot be-Mishnat ha-Rambam*,” *Mesorah le-Yosef* 9 (Netanya: Makhon Mishnat ha-Rambam, 2016), pp. 353-376, which recasts many of his earlier arguments in a more traditional tone (presumably due to the change of audience) and with much supplementary material.

⁶ See Student, “Crossroads,” p. 277ff., for examples.

integrity and competence. If Maimonides did, indeed, engage in disingenuousness in this crucial matter, the integrity of all his teachings risks being undermined.

Of course, one cannot know with certainty the true intentions of any individual—Maimonides included. It is therefore impossible to prove that he did not secretly disavow that which he publicly espoused, and this article will make no attempt to prove this. However, the presumption generally applied to all expressed views (barring those of individuals with a reputation for dishonesty) is that they reflect the convictions of those who endorse them, unless compelling evidence to the contrary is provided. Moreover, the perception of Maimonides within the collective memory of the Jewish people as a faithful transmitter of the received tradition as he understood it, in the same mold as the giants of Jewry who preceded and succeeded him, strengthens that presumption.⁷ To be sure, com-

⁷ Shapiro would argue that this historical image is itself incorrect. In his more recent work, *Changing the Immutable: How Orthodox Judaism Rewrites Its History* (Portland: Littman Library, 2015), pp. 25-26, Maimonides' alleged contrivances are woven into a broader tapestry of not infrequent misrepresentation by Torah scholars throughout the ages for a variety of goals. While an analysis of that work is beyond the scope of this essay, for the moment, I would note the following: All the examples cited by Shapiro relating to misrepresentation of Torah (which isn't the subject of the majority of the book) can be included in one or more of the following categories: a) the claim of misrepresentation is ambiguous, as Shapiro's source can plausibly be understood in an alternative fashion; b) the perpetrator isn't one of the *gedolei ha-dor*, rather a mediocre scholar or layman; c) the misrepresentation has no practical bearing on the subject; d) the agent is of the view that the item he is suppressing or misrepresenting is incorrect or does not reflect the final halakhah and thus deserves to be suppressed or misrepresented; e) the misrepresentation was made temporarily for some constructive purpose and was thereafter corrected; f) it was directed to an individual, a group, or even the unlearned masses to accomplish specific halakhically-mandated goals, while the authentic teachings were accurately preserved for posterity within the academy and accessible to any serious student. The upshot of all this is that Shapiro's research does not seem to yield a single unambiguous instance of the following significant category: *willful distortion for posterity of the historical body of Jewish tradition at the hands of one of its custodians, the gedolei ha-dor*. By contrast, this is exactly what Shapiro attributes to Maimonides. Shapiro (*ibid.*, p. 243) also cites a body of halakhic sources which "permit misrepresentation and outright falsification of the halakhah if a good purpose were served by doing so." Once again, there are important distinctions between what those sources sanctioned and what is being pegged onto Maimonides: a) the misrepresentation was to particular parties involved in a specific situation and did not tamper with the formal body of halakhah (*Mishpetei Shmuel, Ateret Hakhamim, Torah li-Shemah, Niv Sefatayim*); b) the misrepresentation was a temporary

monly held beliefs are not necessarily accurate ones,⁸ yet there is certainly good reason not to dismiss them without persuasive reasoning. What follows, then, is a careful consideration as to whether Shapiro's arguments are indeed credible enough to cast doubts upon Maimonides' intentions.

Some of what will be presented here will be elementary to the reader familiar with Maimonidean studies and the general history of medieval Jewish philosophy; I include it to provide the context necessary to evaluate some of Shapiro's arguments. This is particularly pertinent considering the popularity that *The Limits of Orthodox Theology* enjoys even with those who are not personally familiar with the classic works of medieval Jewish thought and its academic analysis. That said, much of what follows is, to my mind, groundbreaking treatment of a number of sources, which I hope will be of interest even to the learned readership.

Methodological Misrepresentation

Shapiro sets the stage for his theory by portraying Maimonides as one experienced in cutting corners with the truth. Quoting the contemporary Maimonidean scholar Alfred Ivry, Shapiro states (p. 118) that Maimonides adopted in the *Guide* "the daring method of admitting right off to misspoken utterances... and to half-truths... His endorsement of these views is necessary for obvious political reasons, reasons which he obviously cannot divulge." To this Shapiro adds the observation of the medieval Rabbis Balbo and Ashkenazi that "even in the *Mishneh torah* Maimonides said things which did not reflect his true view, but were 'formulated according to the conventional manner of speaking, in order to ease the

measure to facilitate the proliferation of a rabbinic edict and set to lapse upon the edict's acceptance (*Shut ha-Rashba*); c) *migdar milta*, which is the prerogative of the posek; since the act in question is now in any event prohibited the reason provided is of no practical value and may be distorted if deemed necessary (*Benei Tzion* as understood by R. Ovadiah Yosef and R. Zinner; *Benei Banim*); d) the *Keli Yakar* is completely irrelevant as he discusses *hora'at sha'ah*, i.e., the Sanhedrin openly legislating the temporary contravening of the halakhah (to which he proposes that even the particular "transgression" demands a pseudo-halakhic rationalization). As noted above, Shapiro's theory has Maimonides inventing a new, permanent category of heresy with vast practical consequences, none of which could be justified through *migdar milta*.

⁸ A good example is the aforementioned myth of the static biblical text, whose impossibility is demonstrated by Shapiro in chapter seven of the work in question. Yet, a perusal of contemporary books and lectures on Jewish thought from even the most erudite *talmidei hakhamim* reveals just how entrenched it has become in the Jewish consciousness.

way for beginners' who were not yet able to grasp metaphysical concepts." Expanding on these impressions, Shapiro contends that "the same tendency is apparent in Maimonides' Principles. Here, however, we do not simply find Maimonides putting forth 'misspoken utterances', but rather stating them as dogma." That is, if Maimonides did indeed make regular use of untruths, it is not much of a stretch to suggest that he also fabricated theology.

I would argue that although Ivry views Maimonides' admission of adopting these inaccuracies as "daring," Maimonides himself did not see it that way. The "admission" in question appears in the preface to the *Guide*,⁹ where Maimonides lists seven causes that "account for the contradictory or contrary statements to be found *in any book or compilation*." Any internal contradictions in the *Guide* itself, states Maimonides, are to be attributed to one of two of these causes:¹⁰ educational purposes, i.e., to explain something simplistically—and thus inaccurately—to facilitate understanding of a point at hand, or, to conceal aspects of "exceedingly deep" matters (i.e., metaphysical concepts) from the unprepared reader. The casual, unapologetic tone of this preface indicates that Maimonides viewed these literary tools as routine and accepted didactic conventions. Indeed, he states that the first of the causes relevant to the *Guide* accounts for all contradictions found in works of Greek philosophy, while the second can be found in the Aggadah and perhaps even in the Prophets. This innocent, self-explanatory preface to the *Guide* is dismissively characterized by Ivry as an "elaborate defense of artifice," "devious[ly]" constructed to "cloak his true reasons in excuses and rationales that have in themselves a certain methodological and pedagogical plausibility" in order to "assure the traditional reader of Maimonides' orthodoxy." The very presence of the preface is "prima facie evidence for the non-orthodox nature of Maimonides' beliefs... [through which he] is telling the reader who is ready to hear it not to believe him when he seems to be endorsing traditional views." Ivry states this without offering any hard evidence whatsoever, and his views can therefore be regarded as baseless speculation.¹¹

⁹ R. Yosef Kafih (trans.), *Moreh ha-Nevochim* (Jerusalem: Mossad ha-Rav Kook, 1977), pp. 13-14; translation from Shlomo Pines (trans.), *The Guide of the Perplexed* (Chicago: University of Chicago Press, 1963), p. 17, with emphasis added.

¹⁰ The Fifth and Seventh Causes, respectively.

¹¹ To fully appreciate the grossly speculative nature of Ivry's comments, a description of his broader thesis is in order. In his "Islamic and Greek Influences on Maimonides' Philosophy" in Pines & Yovel (eds.), *Maimonides & Philosophy* (Dordrecht: Martinus Nijhoff, 1986) (from which the above quotations are taken, pp. 141-142) Ivry vividly portrays Maimonides as nothing less than a professional

It is without question that a long tradition of esoteric interpretation of the *Guide*, from as early as Samuel ibn Tibbon, laid the groundwork for Ivry's approach. Commentators such as Falaquera, Zerahiah Hen, Ibn Kaspi, Narbonne, Efodi, and Shem Tov took license from the Seventh Cause and other comments of Maimonides in his preface¹² to comb the *Guide* for allusions to endorsement of Aristotelian beliefs and for parallel contradictions intended to distract the unworthy reader from these philosophical truths. Significantly, though, they viewed this not as political subterfuge with the intention of undermining the Torah, as Ivry contends, but as Maimonides himself describes it: the explication of the *Ma'aseh Bereishit* and *Ma'aseh Merkavah* passages in the manner legislated by the

conniver. His *Guide* is a masterpiece of deception, written specifically with a methodology of "confusing and misleading the uninitiated and unwary" so as to pass off his radical philosophical views without the notice of his rabbinic opponents. He had developed this approach during his earlier experience with the Resurrection controversy, for which he composed his famous letter which gave the appearance of conforming to the majority opinion whilst secretly maintaining his unorthodox interpretation. Ivry's rendering of Maimonides comes complete with a psychoanalytical sketch of the man: Maimonides learned the art of subterfuge during his formative years spent, according to Ivry, pretending to be a Muslim. This experience so well trained him in deception "that it became second nature for him" (p. 140), and, thanks to his exposure to the methodological dissimulation found in Shi'i Islamic literature, he subsequently elevated this would-be vice "[in]to a virtue" (p. 141).

It should also be noted that the notion that Maimonides' entire oeuvre deserves a default suspicion of pretense, even in the absence of cryptic language or contradictory sources, effectively pulls the floor out from under the very institution of Maimonidean scholarship.

(Ivry's approach is, of course, a product of the influence of the towering Maimonidean scholar of the twentieth century Leo Strauss, whose esoteric reading of Maimonides went so far as to intimate that he was a closet atheist. For an extensive review and a refreshingly blunt rejection of the Straussian analysis of the *Guide*, see Herbert Davidson, *Moses Maimonides: The Man and His Works* [New York: Oxford University, 2005], pp. 393-402. For a sense of just how far adrift Straussianism renders any attempt to understand the *Guide*, see Warren Z. Harvey, "How Strauss Paralyzed the Study of the Guide of the Perplexed in the 20th Century," *Iyyun* 50 [2001]; see also Kenneth Seeskin, *Searching for a Distant God: The Legacy of Maimonides* [New York: Oxford University, 2000], p. 187 and the literature cited there, n. 23.)

I assume that even Shapiro would disagree with Ivry's radical portrayal of Maimonides; he therefore limits his quotation of him to a brief sentence. However, the mindset which produced this view is pertinent to assessing its soundness.

¹² Ed. Kafih, p. 6; Ed. Pines, pp. 6-7.

Sages, i.e., by making them comprehensible only to the deserving.¹³ Thus, these commentators would take Maimonides at his word that this was done in a manner in which his true opinion would be discernable to the proficient student,¹⁴ that this was an accepted educational practice with much precedent, and, most importantly, that Maimonides explicitly forewarned the reader of his intention to do so.¹⁵ By the same token, there is nothing novel in the quotation from R. Balbo and Ashkenazi other than the contention that Maimonides' philosophical formulations in the *Mishneh Torah* were expressed in accordance with his self-stated Fifth Cause of

¹³ Ibid.

¹⁴ "אך המאמרים המסתתרים הנאמרים בזולתו מן הענינים ... יסתור קצתם לקצתם ... אך כולם בענין שיוכל המעיין בהם להכיר מה שיתחייב שיוכר ויתקיים מהם, והם אשר נאמרו על האמת" (Ibn Tibbon, cited in Aviezer Ravitzky, "The Secrets of the 'Guide of the Perplexed': Between the Thirteenth and the Twentieth Centuries," in *Jerusalem Studies in Jewish Thought*, vol. 5 [Jerusalem: 1986], p. 26.)

¹⁵ This is in contrast to the modern method of esoteric analysis developed by Strauss; see Ravitzky, "Secrets," pp. 42-45. Broadly speaking, the esoteric approach to the *Guide* has been the subject of criticism in recent years. Marvin Fox, *Interpreting Maimonides* (Chicago: University of Chicago, 1990), chapter four, first challenged the assumption that in the aforementioned introduction to the *Guide* Maimonides was referring to deliberate concealment of his opinions. Herbert Davidson (ibid., p. 391) has since suggested that even if Maimonides had intended to utilize the Seventh Cause in the *Guide*, there is no clear evidence that he actually did so. Most notably, Yair Lorberbaum, "On Contradictions, Rationality, Dialectics, and Esotericism in Maimonides' 'Guide of the Perplexed,'" *The Review of Metaphysics* 55, No. 4, pp. 711-750, has compellingly argued on the basis of textual analysis that the Seventh Cause has nothing to do with hiding controversial views. Rather, the nature of metaphysical discussion demands usage of contradictory premises, which need to be masked to avoid unsettling the inexperienced reader. This would seem to be the implication of the "deep matters" that Maimonides refers to in that introductory passage. If this is correct, the entire enterprise of esoterically expounding the *Guide* would consequently evaporate, and would relieve its students of the nagging question as to why Maimonides would compose a work whose true meaning could seemingly never be clarified with any degree of certainty. R. Shlomo Aviner, in his commentary to the *Guide* (Jerusalem: Hava Books, 2016), vol. 1, pp. 73-74, adopts this understanding. For a similar approach, see Seeskin, *Searching*, pp. 177-188. For an examination of this trend, see Ravitzky, "Maimonides: Esotericism & Philosophical Education," *Da'at* 53 (Winter 2004), pp. 60-62.

the *Guide*, simplification for the sake of education,¹⁶ and there is no indication that they considered such an approach underhanded.¹⁷

This is rather different than the form of artifice Shapiro attributes to Maimonides. In all his writings, never once does Maimonides mention the concept of misleading the public for the purpose of maintaining religious conformity (see following section). Furthermore, the text of the Thirteen Principles contains no disclaimer that warns the reader of incorrect information embedded within it and seemingly no hints directing him or her as to how to decode its true intentions. It therefore seems questionable to argue that Maimonides' use of these conventional inaccuracies supports the contention that he was predisposed to presenting wholly false ideas with the goal of indoctrinating his readership.

True and Necessary Beliefs

To buttress his theory, Shapiro quotes a passage in the *Guide* (3:28) in which Maimonides distinguishes between different “beliefs” legislated by the Torah.

ואבאר שכל אלו וכיוצא בהן בהחלט יש להן מבוא באחד משלשת הענינים, או לתקון דעה, או תקון מצבי המדינה שהם נעשים בשני דברים בסלוק העול ובקניית מדה נעלה. והבן מה שאמרנוהו בדעות, לפי שיש שתהא המצוה מתן דעה נכונה היא המטרה לא יותר, כגון הדעה ביחוד, וקדמות האלוה, ושאינו גוף. ויש שתהא אותה הדעה הכרחית בסלוק עול או הקניית מדה נעלה, כגון הדעה שהוא יתעלה יחרה אפו על עושה עול, כמו שאמר וחרה אפי והרגתי וגו', וכגון הדעה שהוא יתעלה עונה לצעקת העשוק או המתאנה מיד, והיה כי יצעק אלי ושמעתי כי חנון אני.¹⁸

I shall explain that all these [commandments] and others of the same kind are indubitably related to one of the three notions referred to [earlier]—either to the welfare of a belief or to the welfare of the conditions of the city, which is achieved through two things: abolition of reciprocal wrongdoing and acquisition of excellent characters. Sum up what we have said concerning beliefs as follows: In some cases a *commandment* communicates a correct belief, which is the one and only thing aimed at—as, for instance, the belief in the unity and eternity of the deity and in His not being a body. In other

¹⁶ Cf. Aviezer Ravitsky, *History and Faith* (Amsterdam: J.C. Gieben, 1996), p. 130, n. 63 and 71. This work is an English-language adaptation of *Al Da'at ha-Makom*, referenced by Shapiro in n. 182.

¹⁷ See *ibid.*, n. 65 for an additional quotation from R. Balbo in which Maimonides' above practice is grouped together with similar contradictory teachings in Scripture and rabbinic writings.

¹⁸ Ed. Kafih, p. 339.

cases the belief is necessary for the abolition of reciprocal wrongdoing or for the acquisition of a noble moral quality—as, for instance, the belief that He, may He be exalted, has a violent anger against those who do injustice, according to what is said: *And My wrath shall wax hot, and I will kill, and so on*, and as the belief that He, may He be exalted, responds instantaneously to the prayer of someone wronged or deceived: *And it shall come to pass, when he crieth unto Me, that I will hear; for I am gracious.*¹⁹

To Shapiro's mind, Maimonides understands that the Torah itself employs untruths as vehicles for social regulation. In Shapiro's words:

'True beliefs' are those which teach, in a literal fashion, some truth about God, such as his existence, unity, eternity, and omnipotence. Their purpose is to enable one to attain intellectual perfection. 'Necessary beliefs', which are based on tradition rather than philosophy, are expressed in a figurative manner and fulfil a political function in that, by instilling obedience to the Torah, they regulate the social relations of human beings. In addition, they enable people to acquire noble qualities. For example, the Torah teaches that God is angry with those who disobey him. Although in truth God does not possess the characteristic of anger, the Torah found it advantageous to use this concept for the effect it would have. It is 'necessary' for the masses to believe that God is angry if they disobey him in order for them to control their behaviour. In addition, it is 'necessary' for the masses to believe that God responds instantly to the prayer of someone wronged or deceived; for them to believe otherwise would be damaging to their faith.²⁰

In other words, God in fact does not anger and does not respond instantly to the prayers of the wronged; the Torah says that He does so in order to condition us into adopting certain behaviors.²¹ If indeed Maimonides had such a conception of the Torah's pragmatic approach to untruths, suggests Shapiro, it is not a stretch to claim that he himself followed suit in his own presentation of dogma. Hence, Maimonides fabricated concepts of Jewish theology and branded their denial heresy for practical reasons that will be described below.

A careful reading of the *Guide's* language and context, however, demonstrates that Maimonides meant nothing of the sort. In this section

¹⁹ Ed. Pines, pp. 513-514.

²⁰ P. 119.

²¹ As noted by Shapiro, "Emunot," p. 354, this understanding was adopted by Shem Tov in another context, as well as Rav Kook (*ibid.*, p. 353) and, seemingly, Abarbanel (*ibid.*, p. 355).

of the *Guide*, Maimonides discusses the functions of the *mitzvot*, i.e., what they are meant to accomplish for their practitioners. Some *mitzvot* instill certain beliefs, some ennoble one's character, and some regulate proper social behavior. In this vein, Maimonides distinguishes between the *functions* of the different beliefs that we are commanded to hold. Some are *השקפות נכונות*, "correct beliefs," i.e., their *function* (or better yet, their *value*) lies simply in their being true conceptions of God. This is in line with Maimonides' understanding, which he mentions at the opening of the chapter in question, that the ultimate human perfection (*השלמות הסופית*) is achieved by acquiring cognition of God. Other beliefs, however, are *השקפות הכרחיות*, "necessary beliefs," i.e., beliefs whose *function* lies not in awareness of them, but in the behavior they promote. For example, the knowledge of how God interacts with mankind, such as the fact that He punishes sin or that He defends the wronged, does not, in Maimonides' view, confer any inherent perfection, because it is not philosophical knowledge of God Himself. However, this does not detract from the authenticity of this knowledge. Just as one who knows, for example, that the capital of Russia is Moscow is aware of an accurate piece of information that inherently does nothing to better him, so it is with one who has true knowledge of God's *behavior*. Thus, the only *value* there is in our awareness of these beliefs is the personal qualities and proper social behaviors they generate, for these qualities and behaviors are "necessary" to create an environment conducive to acquiring intellectual perfection. None of this has any bearing on the veracity of either of these types of beliefs and Maimonides makes no such distinction. Both types of beliefs are true; they only differ in that one's value is its very truthfulness and the other's is in the behavior it prompts.

The correctness of this interpretation is evident from a careful reading of the middle of the chapter:²²

המסקנה מכל מה שהקדמנו עתה בענין זה, היא שכל מצוה בין שהיתה צווי או אזהרה, תהיה מטרתה סלוק עול, או זירוז על מדה נעלה המביאה ליחסים טובים בין בני אדם, או מתן *השקפה נכונה* שצריך להיות בה בדעה *אם* כפי הצווי עצמו *אין* בהיותו הכרחי לסלוק עול או הקנית מדה נעלה, הרי אותה המצוה טעמה ברור ותועלתה גלויה וכו'.

What results from what we have now stated as a premise regarding this subject is that whenever a commandment, be it a prescription or a prohibition, requires abolishing reciprocal wrongdoing, or urging

²² Kafih, pp. 338-9 and Pines, p. 513, with emphasis added. Editions Ibn Tibbon (Jerusalem, 1960), sec. 3, p. 41b, Friedlander (New York: Dover, 1956), p. 314, and Schwartz (Tel Aviv: Tel Aviv University, 2002), p. 519 all yield the same understanding.

to a noble moral quality leading to a good social relationship, *or communicating a correct opinion that ought to be believed either on account of itself or because it is necessary for the abolition of reciprocal wrongdoing or for the acquisition of a noble moral quality*, such a commandment has a clear cause and is of a manifest utility.

It is clear from the highlighted section that השקפות נכונות/true beliefs (“correct opinions” as Pines translates it) contain two varieties: those of intrinsic value and those of necessary value. Maimonides describes both as “true,” and there is no indication to the contrary in the rest of the chapter.²³ The reader is encouraged to read chapters 27 and 28 in their entirety, and I trust that the correct sense of Maimonides’ intention, as described above, will be apparent.²⁴

²³ See also the opening of the same chapter: “כי ההשקפות הנכונות אשר בהן תושג השלימות הסופית [...] והוא מציאות השם ית' ויחודו [...] וכן גם קראה התורה להיות בדעה בדברים אשר סבירתן הכרחית בתקינות המצבים המדיניים, כגון זה שאנו בדעה שהוא ית' יחיה אפו על מי שמרד בו [...] אבל שאר ההשקפות הנכונות בכל המציאות הזו אשר אלה הם כל המדעים העיוניים לכל ריבוי מיניהם וכו'” Even-Shmuel (see next note) rejects Ephodi’s interpretation of the emphasized words.

²⁴ The core of this reading is also asserted by Even-Shmuel (ed.), *Moreh ha-Nevukhim* (Jerusalem: Mossad ha-Rav Kook, 2001), intro. p. 68, n. 110, as well as by Hannah Kasher, “Meetos ‘ha-El ha-ko’es’ ba-*Moreh Nevukhim*,” *Eshel Be’er Sheva* 4 (1995), p. 96. (I am indebted to Dr. Charles Manekin for referring me to and sending me a copy of the latter source.) See also Fox, *Interpreting*, pp. 319-321. (Subsequent to this writing, there appeared in print the third volume of the Mifal Mishneh Torah edition of the *Guide* [Kedumim, 2021], which also utilizes the argument advanced above, among other reasons, to reject the reading adopted by Shapiro [p. 204].)

Shapiro’s basic understanding of this passage of the *Guide* is shared by Ephodi and Shem Tov in their comments there. They affirm that Maimonides’ distinction between “true” and “necessary” beliefs indicates that there is something “untrue” about the latter. However, aside from the above evidence that this is incorrect, there is a vast difference between Ephodi and Shem Tov’s understanding and Shapiro’s. In their view, the “untruths” refer to the use of anthropomorphisms. Anyone familiar with the first section of the *Guide* knows that Maimonides did not consider scriptural references to God’s anger, compassion for the cheated, or similar attributes “false” in the sense of complete fiction. Rather, they describe real divine activity in a literary fashion that can be appreciated by finite human beings. And, as Shem Tov adds, the Torah expects that the intelligent reader will realize that the language is true in the figurative sense yet untrue in the literal sense. This is also clearly the intent of both Albo (referenced by Shapiro, n. 184) and Arthur Hyman, from whom Shapiro borrowed the “dialectical” characterization of the “necessary beliefs” (p. 119). To quote the latter:

Further evidence that Shapiro's reading of this passage is incorrect is furnished by Shapiro himself. In his later *Mesorah le-Yosef* (p. 354, n. 3) he notes the extreme difficulty presented by Maimonides' (supposed) assertion that the Torah intended for the masses to believe that God is literally susceptible to anger. As Falaquera already observed, this seems impossible to square with Maimonides' insistence (*Guide* 1:35) that the same masses be educated in God's absolute disconnect from emotion. And as R. Chaim Rapoport has pointed out (*Mesorah le-Yosef*, p. 356, n. 9), it's also betrayed by Maimonides' explicit codification of God's emotionlessness in his *Mishneh Torah*, a work intended for all strata of society.²⁵ Shapiro does not even suggest an approach to resolve these difficulties; according to our reading, they simply do not exist.²⁶

That the "necessary beliefs" are dialectical rather than sophistic becomes clear once they are considered in the light of other aspects of Maimonides' philosophy. In discussing anthropopathic terms applied to God—God's anger being one of his examples—Maimonides shows that propositions containing such terms are not completely false. "The Torah uses the language of ordinary men." Though it is false to ascribe passions to God, it is correct to state that God produces actions similar to those resulting from man's anger. This correct interpretation of the proposition yields its truth. Thus, Maimonides' "necessary beliefs" are seen to be dialectical propositions which attain their "correctness" from the cognitive content they possess. It is their cognitive content which makes them superior to other propositions which may be useful for instilling obedience. ("Spinoza's Dogmas of Universal Faith," A. Altmann [ed.] *Biblical and Other Studies* [Cambridge: Brandeis, 1963], pp. 189-190.)

While Shapiro incorporates this point into his comments, his expansion of the idea, that the Principles are "dialectical" in that they are generally accurate with some fictitious details thrown in, is unwarranted. There is a world of difference between the literary tool of anthropomorphism and making theological statements that have no basis whatsoever in reality. If Maimonides knew, to use an example we will discuss, that the scriptural text is imperfect and that the Torah does not legislate a belief in its perfection, a statement to the contrary is false—period. It is not softened by including it among other, factually true elements in the broader Eighth Principle. In his later *Mesorah le-Yosef* (p. 355), Shapiro acknowledges this distinction.

²⁵ See also *Mesorah le-Yosef*, p. 359, n. 16.

²⁶ There are many other difficult items in Maimonides' writings that are presented in *Mesorah le-Yosef* as evidence of "necessary beliefs." However, it is not hard to imagine how many of them could be resolved with a more nuanced understanding of Maimonides' views on the more "local" issues of biblical interpretation and the like. For example, Shapiro notes Maimonides' codification of the literal rendering of the narrative of Reuben and Bilhah in the presence of the *sotah* despite the Talmud's (*Shabbat* 55b) reinterpretation and that *Kesef Mishneh* seems

The *Iggeret ha-Shemad*

One particular piece of evidence of Maimonides' "disingenuousness" adduced by Shapiro (p. 86), in this case regarding a halakhic matter, is from Maimonides' *Iggeret ha-Shemad*. In this epistle, he addresses Moroccan Jewry, who were coerced by the ruling Almohads to declare acceptance of Islam and thus conduct themselves outwardly as Muslims. Maimonides presents an overview of the parameters of *mesirat nefesh*, as well as *kiddush* and *hillul ha-Shem* and applies them to this community's circumstances, while affirming their good standing as Jews and the continued value of their *mitzvah* performance. The crux of this sympathetic approach is Maimonides' ruling that one who is confronted with the choice between coerced conversion to Islam and death should indeed convert to save his or her own life—a ruling which, undoubtedly, helped to ameliorate the guilt of the Moroccan apostates. Shapiro cites Prof. Haym Soloveitchik's thorough analysis of this epistle,²⁷ in which Soloveitchik details various difficulties with Maimonides' halakhic reasoning and therefore argues that the epistle was intended to serve not as an authentic legal exposition, but as a work of rhetoric designed to rescue its audience from spiritual demise resulting from the shame of apostasy. It was in this spirit, contends Soloveitchik, that Maimonides handed down his lenient ruling—despite his conviction that martyrdom in the face of Islamic conversion is indeed obligatory.²⁸ Shapiro, in turn, posits that this interpretation supports the case that Maimonides' public stance, even in the realm of halakhah, was

to view this as an imposition of a "necessary belief." However, as Shapiro also notes (quoting R. Rapoport), many authorities—and even tannaitic opinions within the *Shabbat* passage—*did* accept the literal reading of the Reuben and Bilhah incident, and it is plausible that Maimonides was of the same mind. (One could add the possibility that they understood the non-literal rendering as an additional interpretative layer of *derash*. See the sources referenced in Shapiro, *Changing*, p. 5, n. 19, regarding the similar issue of David and Bathsheba.)

The explanations of R. Leon Modena, R. Chaim Elazar Shapiro, R. Yosef Mazuz, *et al.*, while demonstrating a rabbinic precedent for "necessary beliefs" and thus making for interesting intellectual history, do not necessarily reflect on Maimonides' views (and, as Shapiro notes, are sometimes inconsistent with them). Other items found in Maimonides' correspondence which are cited in *Mesorah le-Yosef*, if indeed not reflective of his true views, are of a private nature and are subjective to the correspondent and therefore categorically different from his official and public teachings (see above n. 7).

²⁷ Reprinted in his *Collected Essays II* (London: Littman, 2014), pp. 288-328.

²⁸ In agreement is Moshe Halbertal, *Maimonides: Life and Thought* (Princeton: Princeton University Press, 2014), p. 31.

at times tailored to the public need and did “not necessarily represent Maimonides’ true view.”²⁹

I would note that while Prof. Soloveitchik’s thesis is a landmark contribution to the study of the *Iggeret*, it is by no means conclusive and alternative resolutions—which uphold the work’s halakhic integrity—have been proposed.³⁰ Yet assuming that his reading is indeed correct and that Maimonides countenanced an inaccurate portrayal of the halakhah in this instance, an important distinction between a work such as the *Iggeret ha-Shemad* and Maimonides’ formal writings must be noted. Like much of responsa literature, the former was addressed to a specific community dealing with specific circumstances and it needed to address those particulars in the most effective manner possible. In this instance, the issue was the specter of the dissolution of an entire community and Maimonides’ message was designed to deal with that concern head on. If misrepresentation of a particular halakhah was necessary to achieve the outcome which was more halakhically viable in the bigger picture, Maimonides’ prerogative as a halakhic authority allowed for (and perhaps demanded) that option. However, we have no indication that Maimonides intended for this letter to be viewed by other communities who did not face this challenge or that it should be preserved for posterity. It was not included in any compendium, unlike published works of responsa, and is not referenced in any of Maimonides’ later writings. In fact, citations of the *Iggeret* only begin to appear some two centuries after Maimonides’ death, leading some to argue that its authorship is misattributed.³¹ In any event, this is

²⁹ In *Limits*, Shapiro merely notes that this approach precludes the need to resolve any contradictions between Maimonides’ formal writings, which are presumed to be sincere reflections of his thought, and his popular works such as the *Iggeret*, which are not. In *Mesorah le-Yosef* (p. 367), however, he cites this as evidence to the artfulness he asserts exists in both categories of Maimonides’ oeuvre.

³⁰ See Hillel Novetsky, “Halakhah, Polemikah, ve-Retorikah be-Iggeret ha-Shemad shel ha-Rambam,” available at <www.haym-soloveitchik.org>. Prof. Soloveitchik’s response appears in *Collected Essays*, pp. 352-364. See most recently David Henshke, “Iggeret ha-Shemad: le-Tiv Tokhnah ha-Hilkhati u-le-Yihusah la-Rambam,” *Dinei Yisrael* 33 (2020), pp. 109-146, for a survey of the literature, a critique of Prof. Soloveitchik’s thesis, and an alternative approach.

³¹ See Davidson, *Moses Maimonides*, pp. 501-509, who also raises difficulties with the *Iggeret*. I would note that his observation from *Hil. Teshuvah* (p. 506) misunderstands the term “said” used in that context. Evidence against his position can be brought from Novetsky’s (p. 11) observation that *Mishneh Torah*’s inclusion of *ye-hareig ve-al ya’avur* in a private setting under the rubric of the positive act of *kiddush ha-Shem*, which is a novel opinion among the *Rishonim*, is found in the *Iggeret* as well. See Henshke, “Iggeret,” pp. 109-118.

categorically different from a work such as the *Commentary on the Mishnah* which was intended to present Torah in its ideal form and for a national audience—both contemporary and of generations yet to be born. For Maimonides to have legislated for posterity anything less than the absolute truth of Torah as he conceived it would seem to be a dereliction of his responsibility as a transmitter of the *Mesorah*.³² The instance of the *Iggeret ha-Shemad*, therefore, cannot serve as more than weak evidence that Maimonides would have taken such a significant leap.

Shapiro believes that the specious dogmatization of the specific beliefs at hand was necessitated by the theological challenges which threatened Maimonides' contemporaries—seemingly in a spirit similar to the one which prompted the *Iggeret ha-Shemad*. Regarding the textual infallibility of the Torah, Shapiro notes that “[i]n [Maimonides'] time, Muslims were challenging the Jews, claiming that they had altered the text of the Torah.... In the face of such an assault, it is not hard to see why Maimonides felt it was important for the masses to believe that their text was the exact equivalent of Moses' text. The masses then (and today) could not be expected to understand the problems relating to the biblical text. Exposing them to some of this knowledge could have undermined their unquestioned faith, especially in the face of Islamic polemics” (p. 120). Similarly, regarding the eternity of the *mitzvot*, “Maimonides was formulating a ‘necessary belief’, directed towards the masses and designed to help them deal with ideological assaults from the Islamic world” (p. 131). Shapiro indicates that a similar concern existed with regard to creation *ex nihilo* (p. 120).³³ Despite this, I would contend that a work such as the *Commentary*, which had the potential—if abused—to permanently alter the content of the Torah beyond the time and place in which these concerns

³² See above n. 7.

³³ Shapiro suggests no particular motive for dogmatizing the rejection of the Platonic position. As Maimonides himself explains in the *Guide*, the theory does not interfere with the other tenets of Judaism and could be easily reconciled with the biblical account of creation, assuming that it could be demonstrated to be philosophically harmonious with the concept of divine unity. One must, therefore, assume that Shapiro would adopt the approach of other scholars who attribute to Maimonides an unorthodox position on creation—that Maimonides hid his view to protect himself from the ire of his traditionalist peers. Shapiro's thesis would thus demand an additional concession: that Maimonides took liberties with the truth not only for the benefit of communal stability, but for his own personal welfare, as well.

existed, would be the wrong medium for Maimonides to utilize in addressing them.³⁴

Further on this point, Shapiro³⁵ also notes that Prof. Soloveitchik's take on the *Iggeret* was anticipated by R. Shimon b. Zemah Duran (Rashbaz)—thus providing a significant medieval source for Maimonides' supposed disingenuousness, in halakhic matters at the least. I assume that Shapiro was aware that the two interpretations are diametrically opposed: Duran proposes that Maimonides was *stricter* than the ideal halakhah in his condemnation of those who fail to flee from apostasy when able, while Prof. Soloveitchik claims that Maimonides was more *lenient*, in his allowance of professing conversion to save one's life; the common denominator is that Maimonides' words were measured to elicit a response from his audience. What bears mentioning is that when taken in context, Duran's words would seem to offer no support for Shapiro's position.

Duran argues that a coerced apostate who failed to use an opportunity to escape to a hospitable environment could not face sanctions at the hands of the Jewish community. Being that we could never be completely certain that there were no practical or psychological obstacles to such a move, the individual's presumed status (*ḥazakah*) of innocence should demand an assumption of his being coerced. Maimonides' ruling in the *Mishneh Torah*³⁶ to the contrary is interpreted by Duran as referring to heavenly judgment, for God is aware of all the personal circumstances and can gauge the individual's culpability. In other words: theoretically, such a scenario condemns the apostate even in interpersonal halakhah; practically speaking, we are incapable of recognizing it. It is in this vein that Duran suggests that Maimonides' inclusion of this harsh pronouncement in his

³⁴ Shapiro's personal difficulty with the *Iggeret* for which he invokes Prof. Soloveitchik—its citation of the midrash which attributes wrongdoing to the angels despite Maimonides' denial of their capacity for such—would seem to have a simple resolution. Maimonides cites the midrash because it reflects the sentiment he is discussing—that God does not take well to criticism of the Jewish people; his rejection of other elements of the midrash's narrative is irrelevant in this context. See R. Moshe Maimon, *Peirush ha-Torah le-Rabbeinu Avraham ben ha-Rambam* (Monsey: *Makhor le-Heker Torat ha-Kadmonim*, 2019), *Bereishit* p. 248, n. 63, who assumes this as well.

³⁵ *Mesorah le-Yosef*, p. 367. This was noted as well in his earlier *Studies in Maimonides and His Interpreters* (Scranton: University of Scranton Press, 2008), p. 85.

³⁶ "אבל אם יכול למלט נפשו ולברוח מתחת יד המלך הרשע ואינו עושה הנה הוא ככלב שב על קיאו והוא נקרא עובד עבודה זרה במזיד, והוא נטרד מן העוה"ב ויורד למדרגה התחתונה של (הל' יסוה"ת פ"ה ה"ד) גיהנום." The evidence of this passage's inauthenticity is irrelevant to our discussion as this is the version of the text utilized by Duran.

Iggeret,³⁷ despite its lack of practical application to any individual, was designed to stir his readership to greater efforts in escaping their pitiful circumstances. This statement is not a misrepresentation as Shapiro would have it, since it is indeed true in principle, as Maimonides himself states in the *Mishneh Torah*, according to Duran's understanding. Therefore, there would seem to be no evidence that Duran would attribute knowingly untrue statements to Maimonides.

The Fourth Principle: Creation *Ex Nihilo*

We now turn to the specific dogma that Maimonides allegedly contrived. As mentioned, the first item relevant to this discussion is Maimonides' position on creation *ex nihilo*. In the standard version of his *Commentary on the Mishnah*, Maimonides' Fourth Principle posits the belief in God's priority to all other beings. Because this could be construed as referring to ontological priority—that is, that God and the universe have eternally co-existed in a cause-and-effect relationship—Maimonides clarified,³⁸ in a note added to a later edition and published in all modern editions, that all beings were created after absolute non-existence, thus rejecting the Aristotelian concept of the eternal universe as well as the Platonic concept of the eternal prime matter.

והיסוד הרביעי הקדמות. והוא, שזה האחד המתואר הוא הקדמון בהחלט, וכל נמצא זולתו הוא בלתי קדמון ביחס אליו, והראיות לזה בספרים הרבה. וזה היסוד הרביעי הוא שמורה עליו מה שנ' מענה אלקי קדם. ודע כי היסוד הגדול של תורת משה רבינו הוא היות העולם מחודש, יצרו ה' ובראו אחר ההעדר המוחלט, וזה

³⁷ "ולפי שהוגד לי כי: Which Duran did not personally read, as made clear from: הרמב"ם ז"ל ביאר דעתו במאמר קידוש השם וכו'."

³⁸ As per the majority view that Maimonides had intended as such in his original formulation; see Menachem Kellner, *Dogma in Medieval Jewish Thought* (Oxford: Littman, 2004), p. 57 (cited by Student, *Crossroads*, n. 72). Kellner's arguments to the contrary (pp. 54-57) aren't compelling: a) He ascribes to the mortal Maimonides the inability to fall short in his written expression; in the event that Maimonides' words did require clarification, Kellner feels confident in determining, without basis, at what point in Maimonides' life he ought to have made this realization; b) Maimonides' refraining from clarifying the controversial Thirteenth Principle is no better understood according to Kellner's preferred approach. For even if his amendment to the Fourth Principle wasn't an elucidation, what was to stop him from elucidating the Thirteenth Principle? Apparently, he felt that his language was clear enough; c) Nuriel's observation is taken up later in this essay, n. 50(d); d) the language of *Hilkhot Teshuvah* is addressed shortly below in the text. Shapiro (p. 71, n. 3) rejects Kellner's understanding for another reason.

שתראה שאני סובב סביב ענין קדמות העולם לפי דעת הפילוסופים הוא כדי שיהא
המופת מוחלט על מציאותו יתעלה כמו שביארתי וביררתי במורה.

And the Fourth Principle is that of priority. That is to say, that the aforementioned Unity [i.e., God] was—in the absolute sense—the first of all existents; all other beings are, in comparison to Him, of later origin. There is much evidence to this adduced in the [philosophical] literature. This Fourth Principle is indicated by the [scriptural] reference to a *dwelling for the first God*. *Be aware that the great foundation of Mosaic Law is the concept of creation, that God created it after absolute non-existence. That which you may observe that in my philosophical discussions I presume the eternity of the Universe, that is only so that my demonstrations of God's existence will be absolute [i.e., acceptable even to opponents of Creationism], as I have explained and clarified in the Guide.*³⁹

Shapiro points out that while Maimonides seems to be consistent in his rejection of Aristotelian eternalism throughout his writings, his attitude towards the Platonic approach appears far more tolerant, having left the door open for its possible legitimacy should it be philosophically proven.⁴⁰ For “[i]n contrast to the Aristotelian view that the world is eternal, which according to Maimonides would destroy the Torah, he claims that there is no religious reason to reject the Platonic view” (p. 76). Shapiro therefore argues that “there is simply no way one can take seriously his contention that someone who even doubts this Principle is a heretic” (ibid.), and proposes that Maimonides, indeed, did not subscribe to such a position, while his statement to the contrary was stated only for purposes of social manipulation (p. 120).

The first source in Maimonides that Shapiro (p. 74) cites as evidence is *Hilkebot Teshuvah* (3:7). Among those deemed heretics we find listed:⁴¹

וכן האומר שאינו לבדו ראשון וצור לכל.

Likewise one who says that He alone is not the “*Rishon*” and “*Zur*” of all.

Shapiro finds significant the absence of an explicit reference to creation *ex nihilo*, which, he argues, allows for the interpretation that Maimonides was only insisting on belief in God as the eternal cause or source of all beings in the Platonic sense. Without presenting the reader with the Hebrew text, Shapiro takes the liberty of translating the term ראשון as

³⁹ Hebrew from ed. Kafih, p. 142; free translation. Emphasis added to indicate the later addition.

⁴⁰ *Guide* 2:25.

⁴¹ Translation adapted from <www.sefaria.org>.

“First Cause.” It would seem, however, more reasonable to translate it as “First Existent,” considering that the word is used more commonly in a temporal sense than in a causative one.⁴² This would also resolve the redundancy of the phrase *צור לכל*, which clearly refers to God as the Source, or Cause, of existence.⁴³ This is also the more accurate formulation of the principle of creation *ex nihilo*. The theological rejection of Platonism does not stem from an objection to the existence of eternal matter qua eternal matter; rather, a corollary of God’s definition as the *מוכרח המציאות*, the only truly real Existent, precludes the existence of any being except by His Will. Thus, Maimonides, in his uniquely precise language, framed the concept of creation *ex nihilo* from God’s perspective.⁴⁴ This also correlates with his language in the original version of the Fourth Principle—*”שזה—the האחד המתואר הוא הקדמון בהחלט וכל נמצא זולתו הוא בלתי קדמון ביחס אליי”*—which, as Shapiro states (p. 71, n. 3), was understood by the overwhelming majority of scholars as implying creation *ex nihilo*. Interestingly, Shapiro rejects Menachem Kellner’s attempt to interpret this as ontological priority, which is precisely how Shapiro reads *Hilkebot Teshuvah* despite the clearly parallel language.⁴⁵

Shapiro’s second source for Maimonides’ tolerance of the Platonic view of creation is a passage in the *Guide* (2:25). There, Maimonides declares that his rejection of the Platonic view is not because of its incompatibility with Scripture or theology, but rather because of its shaky phil-

⁴² This is how Maimonides explains the term in *Guide* 2:30.

⁴³ *Guide* 1:16. *Kessef Mishneh*, *Lehem Mishneh*, and *Ikkarim* 1:12 all take the basic position that the passage in *Hilkebot Teshuvah* is precluding the Platonist position. This also seems to be Rabad’s understanding, as he illustrates the heresy referenced with the words *שאינו לבדו ראשון* with one who posits creation from prime matter. (R. Dovid Aramah may have understood Maimonides as sidestepping the issue.) See *Mirkevet ha-Mishneh*, *Avodat ha-Melekh*, and Rav Kafih ad loc., who also take Maimonides as denying the Platonic position.

⁴⁴ See *Hovot ha-Levivot*, ed. Kafih (Nanuet: Feldheim, 2004), p. 43. This would also resolve Shapiro’s observation (p. 74) of the omission of creation *ex nihilo* from the beginning of *Hilkebot Yesodei ha-Torah*. Maimonides did indeed include it with the words *שיש שם מצוי ראשון*, as observed by the marginal note in the Frankel edition, ad loc.

⁴⁵ Shapiro cites Halbertal that Maimonides’ Provençal detractors indeed assumed Shapiro’s reading of *Hilkebot Teshuvah* and therefore accused Maimonides of denying creation *ex nihilo*, lending credence to this interpretation. It should be noted, however, that Halbertal’s source is R. Meir b. Shimon ha-Me’ili’s *Meishiv Nefesh* (which has since been printed, *Yesburun* 27 [2012], p. 60), who disproves his anonymous contemporaries’ understanding on textual grounds and from the extensive contradictory evidence in the *Guide*, some of which is quoted below.

osophical basis. Should this view be demonstrated in a compelling fashion, Maimonides concedes that Scripture could be interpreted to be consistent with this idea. Quoting Marvin Fox, Shapiro summarizes: “[I]t seems evident that, even though he does not consider the Platonic view to be the preferred or the exclusively correct view, Maimonides does admit it, alongside the theory of creation out of nothing, as a legitimate and acceptable opinion on both philosophical and religious grounds. It can be shown to accord with one acceptable reading of Scripture and with the teachings of numerous canonical midrashim. From this evidence, we seemingly must conclude that Maimonides accepts the Platonic position as consistent with prophetic teaching.... If someone finds it persuasive, there is no reason to object, since it does not contradict any principle of the Torah or of philosophy” (p. 76). Shapiro emphasizes that this portrayal of Maimonides’ opinion is a completely straightforward one; there is no claim of an esoteric reading of his position. Thus, Maimonides’ unqualified equation of the Platonic view with heresy in the *Thirteen Principles* is necessarily an untruth directed to the masses. Shapiro presumably feels that while Maimonides shared his true view in the *Guide*, which was accessible only to scholars with a background in philosophy, he used his popular *Commentary on the Mishnah* to indoctrinate the less educated proletariat.

The difficulty with this evidence is that while the above is an accurate depiction of the passage in *Guide* 2:25, one cannot have a complete picture of Maimonides’ view as expressed even in the *Guide* without being aware of his comments in 2:13 there. While Shapiro felt that this source could be relegated to a brief footnote with an assurance that it has been sufficiently dealt with by Fox and other authors,⁴⁶ I suggest that to appreciate the contradiction between these sources—arguably one of the most vexing difficulties with the *Guide*—Maimonides’ complete remarks ought to be cited.

ההשקפה הראשונה והיא השקפת כל המאמין בתורת משה רבנו ע"ה, היא, שהעולם בכללותו כלומר כל נמצא פרט לה' יתעלה, ה' המציאו אחר ההעדר המוחלט והגמור, ושה' יתעלה לבדו היה מצוי, ואין מאומה זולתו לא מלאך ולא גלגל ולא מה שבתוך הגלגל, והמציא כל הנמצאים הללו כפי שהם בחפצו ורצונו מן האין, וגם הזמן עצמו מכלל הנבראים [...] והתבונן נא מאד בענין זה, כדי שלא יחייבוך התשובות אשר אין מפלט מהן למי שלא ידע את זה, כי כאשר תקיים זמן לפני העולם נתחייבת לסבור את הקדמות, כי הזמן מקרה והכרחי שיהא לו נושא, אם כן חיובי שימצא דבר לפני מציאות העולם הזה המצוי עתה, ומזה היא הבריחה. זוהי אחת ההשקפות, והיא יסוד תורת משה רבינו ע"ה בלי ספק, והיא שניה ליסוד היחוד, ואל יעלה בלבך זולת זה. ואברהם אבינו ע"ה החל בפרסום השקפה זו אשר הביאו אליה העיון [...] ואין הבדל אצלינו בין מי שסובר שהשמים הוו

⁴⁶ Grossman (*Limits*, p. 63) missed Shapiro’s reference.

מדבר בהחלט ונפסדת אל דבר, או דעת ארסטו הסובר שהיא לא הוה ולא נפסדת.
כי מטרת כל הולך בתורת משה ואברהם אבינו, או מי שהלך בדרכם אינו אלא
הדעה שאין שום דבר קדמון כלל עם ה', ושהמצאת המצוי מן ההעדר כלפי ה' אינו
מסוג הנמנע וגו'.⁴⁷

The first opinion, which is the opinion of all who believe in the Law of Moses our Master, is that the world as a whole—I mean to say, every existent other than God—was brought into existence by God after having been purely and absolutely nonexistent, and that God had existed alone, and nothing else—neither an angel nor a sphere nor what subsists within the sphere. Afterwards, through His will and His volition, He brought into existence out of nothing all the beings as they are, time itself being one of the created things.... [Maimonides proceeds to argue at length for the nonessential nature of time.] Consider this matter thoroughly. For thus you will not be necessarily attached to objections from which there is no escape for him who does not know it. For if you affirm as true the existence of time prior to the world, you are necessarily bound to believe in the eternity [of the world]. For time is an accident which necessarily must have a substratum. Accordingly it follows necessarily that there existed some thing prior to the existence of this world existing now. [This “thing” could be satisfied with the Platonic prime mass; even it must be avoided at all costs.] But this notion must be avoided.

This is one of the opinions. And it is undoubtedly a basis of the Law of Moses our Master. And it is second to the basis that is the belief in the unity [of God]. Nothing other than this should come to your mind. It was Abraham our Father, who began to proclaim in public this opinion to which speculation had led him.... [Maimonides continues to describe the respective opinions of Plato and Aristotle.]

... and there is, in our opinion, no difference between those who believe that heaven must of necessity be generated from a thing and pass away into a thing [i.e., the Platonic view] or the belief of Aristotle who believed that it is not subject to generation and corruption. For the purpose of every follower of the Law 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; to believe also that the bringing into existence of a being out of nonexistence is for the deity not an impossibility...⁴⁸

As is evident from this passage, Maimonides passionately believed that creation *ex nihilo* is Judaism's sole conception of the “origins” of the world. What we have before us, then, is not a discrepancy between the

⁴⁷ Kafih, pp. 189-193.

⁴⁸ Pines, pp. 281-285. Honorifics have been omitted to allow for greater readability.

“elitist” *Guide* and the “popular” *Commentary*, but a conflict between two passages, mere chapters apart, in the *Guide*, one of which perfectly reflects Maimonides’ statement in the *Commentary*.

Resolving the conflict requires one of two approaches.⁴⁹ One possibility would be to discount the passage in 2:13 of the *Guide*—with all its zeal—as mere political posturing. This is indeed the position taken by the many scholars, medieval and modern, enumerated by Shapiro (p. 77), and is in line with their general advocacy for reading the *Guide* esoterically. As touched upon earlier, this approach is rather suppositious and is possibly completely foreign to Maimonides’ thinking.⁵⁰ It also expands the target

⁴⁹ Marvin Fox’s proposed solution to this problem is no solution at all. After a lengthy exposition within which Fox soundly affirms taking Maimonides’ statements at face value, he digresses to discuss Maimonides’ general model of the natural world, which harmonizes particular positive aspects of the Aristotelian and Kalam conceptions. Within this polychromatic backdrop, claims Fox, we can resolve the conflicting statements at hand as born from different worldviews holistically spun together. Furthermore, the Platonic view of Creation in particular, although potentially compatible with Judaism and science, “suffers from a serious methodological defect,” namely that it is born of the conviction that creation *ex nihilo* is beyond God’s capability. So while the conclusion can’t be rejected, its method is unsound.

This does nothing to resolve the issue at hand. The aspects of Aristotelianism and the Kalam which Fox harmonizes for us are general ones, are evidently compatible to any reader of the *Guide*, and have no relevance to Maimonides’ statements about the religious legitimacy of the Platonic view. Fox’s second point also completely avoids the heart of the matter: If Platonism merely suffers from a methodological problem, how does that translate into a full-throated theological rejection?

Student (*Crossroads*, p. 283) proposes that the resolution of the conflict between the passage in the *Commentary* and *Guide* 2:25 lies in a shift in Maimonides’ assessment of the theological significance of creation *ex nihilo*. This approach is untenable as it ignores *Guide* 2:13, in which Maimonides held of his position from the *Commentary* even as he composed the *Guide*.

Grossman (*Limits*, pp. 63-64) asserts that Maimonides’ disclaimer in the revision of the Fourth Principle—“וזה שתראה שאני סובב וכי”—precludes attaching any significance to 2:25. It should be obvious that Maimonides’ disclaimer refers to his demonstrations in 2:15-17 (“כדי שיהא המופת מוחלט על מציאותו יתעלה”), as noted by Kafih, and has no relevance to 2:25.

⁵⁰ To touch briefly upon each of these sources:

a) Ibn Tibbon. Shapiro asserts that Ibn Tibbon’s esoteric reading of Maimonides “must be taken very seriously” because Maimonides recognized that Ibn Tibbon “completely understood the secrets of the *Guide*.” This would seem to be negated by Shapiro’s observation (in a footnote) that this comment of Maimonides does not appear in any of the manuscripts of its alleged source, R. Abraham

Maimoni's *Milhamot ha-Shem* (Jerusalem: Mossad ha-Rav Kook, n.d.). See also R. Reuven Margolies' remarks (*ibid.*, p. 7, unreferenced by Shapiro) where he opines that the passage in question is distinctly uncharacteristic of R. Abraham and is one of a number of strange interpolations in the printed edition. In other words: Maimonides never said such a thing.

b) Ibn Kaspi. He contends that *Guide* 2:26 understood Lamentations 5:19, which says that God's throne ("kisei") will last for all generations (כְּסֵאֵךְ לְדוֹר וָדוֹר), as stating the eternity of the heavens. This is clearly incorrect because (a) in the following chapter Maimonides is explicit that by "eternity" he meant its future perpetuation despite its having been created (as observed by Duran, *Tashbeẓ* 3:53); and (b) Maimonides there is trying to understand the outlying opinion of R. Eliezer, which Maimonides dismisses as baffling, in contrast to the mainstream rabbinic consensus which ascribed creation to the כְּסֵאֵ הַכְּבוֹד (see *ibid.*). This source, then, does not reflect Maimonides' personal view. (c) It is clear that in this passage the *kisei* is not identified as the heavens. For even R. Eliezer, whom Maimonides suspects of asserting the existence of a prime mass, is quoted here as teaching that the heavens were created from the light of God's garment, while the earth emerged from the snow under His throne. As Duran explains, the *kisei* refers to the כְּסֵאֵ הַכְּבוֹד, and Maimonides is rejecting the possibility that it could be eternal unless it refers to God's inseparable Glory, as explained in *Guide* 1:9. (R. Profiat Duran and Ibn Shem Tov are clearly following Ibn Kaspi's lead.) In his commentary to 2:13, Ibn Kaspi offers no evidence for his reading of the *Guide* other than explaining how its statements supporting creationism could, in his opinion, be *potentially* read in a manner that does not contradict eternalism, and Ibn Kaspi expresses his satisfaction that Maimonides' words can be interpreted in accordance with the prevailing philosophic opinion (see following note).

Grossman (*Limits*, p. 63) attacks Shapiro's citation of Ibn Kaspi as evidence for his position, claiming that Ibn Kaspi openly accepts creation *ex nihilo* in that very passage. Unfortunately, Grossman seems to have read no further than the second sentence of the two relevant pages. Immediately thereafter, Ibn Kaspi argues at length that not only is Scripture ambiguous on the matter, but that even Maimonides' passionate assertion of creationism can be twisted into conformity with eternalism.

c) Moses of Narbonne. It is worth pointing out that in his introduction (p. 28) Shapiro himself had declared Narboni and Albalag and "a host of other radical medieval philosophers" (which undoubtedly includes Nissim b. Moses, who is also included in the list at hand) as beyond the pale for the purposes of his work. In any event, to appreciate the motivations of Narboni and other Aristotelian commentators of the *Guide*, it is worth quoting Davidson at length (*Moses Maimonides*, pp. 391-392):

Soon after Maimonides' death, his contemporary Averroes was hailed in Jewish philosophic circles as the authoritative interpreter of Aristotle, and a small number of commentators on the *Guide* undertook to bring Maimonides into as close a harmony as possible with Averroes and his version of Aristotelian philosophy. A rationale is articulated by Moses Narboni, who read Aristotle through the filter of Averroes' commentaries and was the

most accomplished Jewish philosopher of the Averroist school. Narboni determined that Maimonides had represented Aristotle's position incorrectly on a matter bearing on the crucial question of the creation or eternity of the world. After giving "close consideration to what Maimonides wrote," Narboni decided that Maimonides "did not fail to understand Aristotle's position as thoroughly as might appear, his efforts at hiding secrets lead him to express himself in this problematic manner, and his words are amendable to an interpretation bringing them into harmony with the [philosophic] truth. Commentators have the obligation to interpret Maimonides in a fashion that harmonizes with the truth, as long as Maimonides' words permit. Particularly in instances where something he wrote does contain statements in harmony with the truth, the commentator must construe, combine, and integrate the words until they are... completely in harmony with the truth, which is reflected in the [occasional] statements." In short, it is a pious duty to mold Maimonides' words so that they agree with Averroes' version of Aristotle's philosophy, especially when something Maimonides wrote lends itself to such an interpretation.

Charles Manekin, in a lengthy critique of the esoteric approach to Maimonides' creationism, contends that this attitude of Narboni prevails with the modern advocates of the esoteric approach: "...to put Moses of Narbonne's principle more crudely: if some passages of the *Guide* assume Aristotle's position and others don't, reinterpret the latter to conform to the former. Narboni's hermeneutical principle informs creationism-denial to this day" (*Jewish Philosophy: Perspectives and Retrospectives*, ed. Jospe & Schwartz, Boston: Academic Studies, p. 218); "...creationism-denial not only reads Maimonides incorrectly; it goes about reading Maimonides incorrectly because it brackets vast amounts of text in the pursuit of an (sic) preconceived, idealized Maimonides, using exegetical methods [described] as 'midrashic'" (ibid., p. 232).

While the esoteric strand of Maimonidean interpretation makes for important study of intellectual history, if we are indeed serious about determining Maimonides' true intentions, the admitted biases of its proponents must be forefront in our minds.

d) Nuriel. Nuriel's thesis, that the term **בורא** is used in the *Guide* to allude to God as the cause of an *uncreated* world, hinges on Maimonides' observation in the *Guide* 3:10 that **בריאה** is associated with **העדר** (absence), as seen from the first verse of the Torah. Nuriel misunderstood this to be mean that God did not actively create the world but rather serves "passively" ("absent" from activity) as its cause. The correct understanding (as pointed out by Kafih and Schwartz) is apparent from the end of 2:30: since the world was created *after* (or, to use the popular, yet imprecise, formulation: *from*) absolute non-existence (**העדר**) the term **בריאה** is appropriate. This, of course, yields the exact opposite of Nuriel's reading. See Yisrael Ravitzky, "The Question of a Primordial or Created World in the Philosophy of Maimonides," *Tarbiz* 35, p. 347 who dismisses Nuriel's reading as incoherent. Ravitzky's article (pp. 333-348) is dedicated to rejecting the methodological basis of Nuriel's thesis and to demonstrating the speciousness of the allusions he "uncovers" throughout the *Guide*.

of Maimonides' disingenuousness to include the sophisticated readership of the *Guide*.

The other option is to accept both passages and to harmonize them by developing a new understanding of Maimonides' position on the issues at hand. Considering that the theological rejection of the Platonic view in 2:13 (as well as in many other sources within the *Guide* and other works of Maimonides⁵¹) is starkly unambiguous, while its acceptance in 2:25 is merely a logical extension of his comments there, it would seem reasonable to modify our understanding of 2:25. Perhaps, as some have argued, Maimonides was of the opinion that although a Platonic reading of Genesis 1 is *potentially* legitimate should the theory be compellingly demonstrated, so long as that hasn't happened, the straightforward reading is by

e) Herbert Davidson. Shapiro accurately references Davidson as merely "adduc[ing] evidence that Maimonides held the Platonic view." This evidence consists of the contradiction dealt with in the text and similar contradictions. Davidson acknowledges that these contradictions may be nothing more than imprecise wording (a point he reiterates in his *Moses Maimonides*, p. 369) and, as mentioned earlier, that there may be no esoteric belief at all (*ibid.*, p. 391). The point of Davidson's essay was to demonstrate that even if one were to assume that Maimonides had an esoteric belief in this area, the argument that that belief is Aristotelian eternalism is without basis.

⁵¹ See Davidson, *Moses Maimonides*, p. 400.

default the legitimate one and determines normative belief.^{52, 53}

The Eighth Principle: The Integrity of the Scriptural Text

As mentioned at the outset, the second major piece of evidence for Shapiro's proposition involves the integrity of the biblical text. Shapiro's discussion of Maimonides' Eighth Principle begins with the observation that one of the ideas seemingly expressed within it—that the Torah in the possession of the Jewish people today is identical to the one given to Moses at Sinai—simply cannot be true. Shapiro clearly demonstrates this by way of dozens of talmudic and rabbinic sources that openly refer to the existence of variant texts of Scripture from as early as the days of Ezra, as well as the reality of conflicting textual traditions among different communities until this very day. Without question, the popular liturgical formula of this principle, the eighth of the “*Ani Ma'amins*,” which certainly reflects this notion, is incorrect.

However, Shapiro further submits that Maimonides intended to convey this very idea to the readership of his Thirteen Principles. Indeed, this

⁵² See <<http://blog.dovidgottlieb.com/2018/06/guide-following-is-myformulation-of.html>>. This seems to me to be the understanding of *Tasbbez* (cited in n. 50(b), emphasis added):

ואם יאמין [...] שהוא קדמון, אם כן אינו על דעת תורתנו, ויהיה על דעת אפלטון [...] אף על פי שאינה על דרך אריסטוטאליס, מכל מקום אינה גם כן על דעת הנגלה מתורתנו, ואין לנו כח להוציא מנגלהו כמו שפירש הרב ז"ל בפרקים הקודמים לו.

In this responsum, Duran is explaining the *Guide's* (2:26) treatment of R. Eliezer's cryptic statements about the origins of heaven and earth (which were discussed earlier in this essay in reference to Ibn Kaspi). He takes Maimonides as saying that if, indeed, R. Eliezer posited the eternalism position, even if not in the Aristotelian version (which is anathema to Maimonides), it would still run counter to normative Judaism because of its inconsistency with the *apparent* reading of the Genesis narrative. While accommodation is, at times, valid in scriptural interpretation, Maimonides felt that in this instance the evidence for eternalism does not justify such an accommodation. Consequently, the apparent reading of Scripture remains the only valid one, and deviation from the takeaway of that reading—the doctrine of creationism—is heretical. This understanding of Maimonides by Duran is particularly striking in light of Duran's assertion (cited by Shapiro, n. 40) that, if necessary, he could reinterpret Genesis 1 even in accordance with the Aristotelian view.

⁵³ Shapiro (once again, in a footnote, *Mesorah le-Yosef*, p. 371, n. 58) later acknowledges that although *Guide* 2:25 is widely cited, intellectual honesty demands noting the contradiction with 2:13. His suggested solution is to invoke the *Guide's* Seventh Cause for contradictions and to reference Davidson, *Maimonides' Secret Position*; both of these propositions have been addressed above.

seems to be indicated by a plain reading of the text.⁵⁴ This, of course, leads to the question of why Maimonides would write something that is plainly false. Shapiro (pp. 120-121) proposes that Maimonides intentionally created this bit of dogma because he deemed it necessary to help anchor the masses in their confidence in the Torah's authenticity. Jews in Arab lands were confronted with the Islamic accusation of *tahrif*, i.e., that their ancestors had edited out significant details from what was originally an Islamo-oriented Scripture. The Eighth Principle would reassure them that this was a non-issue: the scriptural text had been preserved with such assiduity that it was faithful to the original Mosaic version down to the letter and thus beyond reproach.⁵⁵

A noticeable difficulty with Shapiro's theory is that it seems to violate the most important rule about successful lying: do not tell a lie that is clearly a lie.⁵⁶ How could Maimonides try to pass off the idea that the scriptural text is flawless if, as Shapiro details at length, there is abundant proof to the contrary? In Shapiro's words (p. 121): "[Maimonides] is denying a fact which was obvious to anyone with even a perfunctory knowledge of the Pentateuch, namely, that there were differences in texts." Why, then, was he not concerned about this fabrication being exposed and possibly destroying his reputation? Shapiro (p. 120) contends that "[t]he masses then (and today) could not be expected to understand the problems relating to the biblical text." In other words, Maimonides' ruse was directed at the unlearned masses and not at the scholars who would not have been taken in by it. This seems difficult to square with Maimonides' inclusion of his Thirteen Principles as part of his *Commentary on the Mishnah*, which would have been used not by the ignorant masses but by the learned, or, at the least, by the intellectually curious. And regardless of his primary target audience, did Maimonides expect that this work, and particularly its groundbreaking essay on the theological underpinnings of Judaism—arguably its most prominent section—would go unread by his rabbinic peers?⁵⁷ Similarly, with regard to the supposed inclusion of this idea in the *Iggeret Teiman* (which will be discussed shortly),

⁵⁴ See further for a full citation of the relevant passage of Maimonides.

⁵⁵ See earlier, p. 122, for the relevant citations from Shapiro.

⁵⁶ As per the popular adage: הרוצה לשקר ירחיק עדין. See *Kitvei Ramban*, ed. Chavel (Jerusalem: Mossad ha-Rav Kook, 1963), vol. 1, p. 310; R. Asher b. Yehiel, T.B. *Shevuot* (6:13).

⁵⁷ Abarbanel's suggestion (*Rosh Amanah*, chs. 6, 9, and 23, quoted by Shapiro, p. 7) that the Principles, as well as the entirety of the *Commentary on the Mishnah*, were written for the "masses," does not contradict this point. As indicated in the pas-

while it is reasonable to assume that Maimonides' chief concern was to preserve the faith of the simple Yemenite masses, the epistle was addressed to the *hakham* Rabbi Yaakov, whom Maimonides addresses as a scholar, and Maimonides waxes eloquent about the scholarship found in the Yemenite community.⁵⁸ Assuming that Maimonides was not engaging in mere social niceties, he seems to have been aware of, or presumed, a minimal degree of sophistication at the receiving end of his letter.⁵⁹

It bears noting that whereas today the masses (and many of the learned) would accept a teaching of Maimonides on his authority, he did not enjoy such influence in his own lifetime. His writings were not beyond critique, and his contemporaries did not shy away from polemicizing over what they saw as his theological errors, whether real or imagined. This is particularly relevant with regard to his *Commentary on the Mishnah*, which he completed at the age of thirty, when he did not have the religious and social authority he would command later in life. It thus seems difficult to imagine that Maimonides deluded himself into thinking that the educated public would swallow his writings whole, contrivances included.

As mentioned, the plain reading of Maimonides' language does indeed convey the popular notion that the contemporary text of the Torah is identical to that of Sinai. This language is found in two sources: the Eighth Principle, included in the *Commentary on the Mishnah* (*Sanhedrin* 10:1, *Kafih* vol. 2, p. 143) and the *Iggeret Teiman* (*Letter to Yemen*) (*Igrot ha-Rambam*, ed. Sheilat, pp. 131-132). In his analysis of the *Commentary on the Mishnah* passage, Shapiro (pp. 115-116) at first suggests that Maimonides never intended to say that Scripture isn't susceptible to mistakes creeping into it over time; his point, rather, is that Moses did not tamper with the Torah communicated from God and presented it faithfully to the Jewish people.⁶⁰ Shapiro (p. 120) subsequently abandons this approach because of

sage Shapiro quotes, and more so in Abarbanel's full language, Abarbanel's intention is not to the hopelessly naïve but to those insufficiently sophisticated to distill a systematic set of dogma from the Torah.

⁵⁸ "לכבוד גדולת קדושת מרנא ורבנא יעקב החכם הנחמד היקר הנכבד [...] ולכלל כל אחינו אלופינו, כל תלמידי הקהילות אשר בתימן [...] . וכל היום הוגים בתורת משה, הולכים בדרך הורה רב אשי [...] . וכאשר הגיע אלינו כתבך [...] . והוא העיד בפנינו עליך כי [...] ומרודפי התורה ואהבי דתותיה השוקדים על דלתותיה וכח" (*Igrot ha-Rambam*, ed. Sheilat [*Ma'aleh Adumim*: Sheilat, 1995], pp. 113-115).

⁵⁹ See Abraham Halkin (ed.), *Iggeret Teiman* (New York: American Academy for Jewish Research, 1952), p. vii.

⁶⁰ As Shapiro notes, this approach was advanced by R. Chaim Hirschensohn, *Malki ba-Kodesh* (St. Louis: Moinester, 1921), vol. 2, pp. 234-235 and by R. Dovid Cohen, *Mas'at Kapai* (New York: Mesorah, 1984), vol. 1, p. 92. Shapiro (p. 91, n.

other problems emerging from this passage: Shapiro (p. 106) takes Maimonides as positing that the entirety of the Torah, including its final eight verses, are indisputably part of the Mosaic revelation, despite the talmudic opinion that the final eight verses were written by Joshua.⁶¹ Shapiro also finds it impossible to accept that Maimonides would consider Ibn Migash and Ibn Ezra—who denied the Mosaic authorship of the final eight verses (and, in the latter instance, of other sections of Scripture)—heretics. Shapiro therefore adopts the position that Maimonides was putting up a front when presenting this idea as a required belief. Once that concept is in play with regard to this principle, Shapiro finds it reasonable to assume that the “textual infallibility concept” is disingenuous as well.

I would contend that Shapiro’s discarded approach is the more reasonable one.⁶² It is evident that the thrust of Maimonides’ assertion throughout the entire passage is that one must believe that the Torah transmitted *by Moses beginning at Sinai and concluding at the end of his life* was identical to that which God had communicated to him and that its entire content is holy and valuable. As the communication of virtually the entire Torah was not received by the Jews directly from God rather through the medium of an individual human being, there existed the concern that the communication may have been compromised, thus casting doubt on Judaism’s claim that the Torah reflects authentic revelation. It was, therefore, critical to establish Moses’ unimpeachable integrity, and God did indeed do so through the circumstances surrounding Moses’ prophecy.⁶³

3) observes that they were working with the deficient standard edition of the *Commentary*, in which the crucial words *היום הזה* *בידינו הנמצאת* are absent. It should be noted that even that edition contains the latter relevant section from the *Commentary* passage (highlighted below) and yet this did not prevent R. Hirschenson and R. Cohen from advancing this proposition. In his more recent *ba-Emunah ba-Ne’emanah* (New York: Mesorah, 2012), p. 95, R. Cohen maintains the argument despite his usage of the more accurate Kafih edition.

Another source quoted by Shapiro is R. Yaakov Weinberg as recorded in *Fundamentals & Faith* (Southfield: Targum, 1991), pp. 90-91; *Even She’tiyah*, ed. Y. Bechhopfer (Jerusalem: Makhon Even She’tiyah, 2010), p. 80-81, and this despite R. Weinberg’s use of the Kafih edition.

⁶¹ R. Judah or R. Nehemiah, T.B. *Bava Batra* 15a and *Menahot* 30a.

⁶² See Aharon Wexler, “Reflections on Maimonides’ Eighth Principle of Faith: Its Implications for Orthodox Bible Students,” *Jewish Bible Quarterly* (January-March 2013) who advances this approach as well. His synthesizing of Halivni’s “Ḥat’u Yisrael” theology with this approach, while of a similar motif, is unnecessary for resolving Maimonides’ position.

⁶³ According to *Hilkehot Yesodei ba-Torah* 8:1, this was the Jews’ prophetic viewing of God communicating with Moses at Sinai. As to why a different basis is given

Accordingly, Maimonides, in this principle, asserts that adherence to Jewish belief hinges on the recognition of this reliability of Moses' personal transmission. It is this concept that Maimonides fleshes out with numerous examples and which he anchors in scriptural and rabbinic sources.

In contrast, the idea that the Mosaic revelation was perfectly maintained by subsequent generations until our day is indicated only in the brief phrase הנמצאת בידינו היום הזה at the beginning of the passage and the words וזה שאנו עושים היום [...] היא עצמה הצורה שאמר ה' למשה ואמר לנו near the end. In both instances, the idea is mentioned in passing, with the conclusive point being the aforementioned reliability of Moses himself. Regarding the notion of an eternally infallible transmission, Maimonides does not elaborate upon it, provide illustrations for it, or cite its source. Critically, when he distills the principle at hand in the language of the Talmud, he pointedly says that its denier posits Moses' manipulation of the Torah. It is therefore reasonable to assume that Maimonides did not mention כל התורה הזו הנמצאת בידינו היום הזה with dogmatic intent, but out of a sense of confidence in the general reliability of the tradition's preservation as a whole.⁶⁴

in the Eighth Principle, see Cohen, *ba-Emunah ha-Ne'emanah*, pp. 103-104. Some add that Moses' free will was suspended, thus removing his capacity to tamper with his prophecies, see R. Meir Simchah of Dvinsk, *Meshekh Hokhmah*, introduction to *Shemot*; Weinberg, *Fundamentals & Faith*, pp. 91-92.

⁶⁴ The phenomenon of inexactitude in Maimonides' writings, including its acknowledgment by traditionalist scholars, is documented at length by Shapiro, *Studies in Maimonides* (pp. 1-68); see p. 9 regarding the *Commentary* in particular. The language of the *Commentary*, with emphasis added, is reproduced at length so that the reader can see for himself how the above understanding rings true (English translation adapted from Kellner, *Dogma*, pp. 14-15 quoting trans. D. Blumenthal, with emphasis added).

והיסוד השמיני הוא תורה מן השמים. והוא, שנאמין שכל התורה הזו הנמצאת בידינו היום הזה היא התורה שניתנה למשה, ושהיא כולה מפי הגבורה, כלומר שהגיעה אליו כולה מאת ה' הגעה שקורים אותה על דרך ההשאלה דבור, ואין יודע איכות אותה ההגעה אלא הוא עליו השלום אשר הגיעה אליו, ושהוא במעלת לבלר שקורין לפניו והוא כותב כולה תאריכיה וספוריה ומצותיה, וכך נקרא מחוקק. ואין הבדל בין ובני חם כוש ומצרים ופוט וכנען, ושם אשתו מהיטבאל בת מטרד, או אנכי ה', ושמע ישראל ה' אלקינו ה' אחד, הכל מפי הגבורה והכל תורת ה' תמימה טהורה קדושה אמת. ולא נעשה מנשה אצלם כופר ופוקר יותר מכל כופר אחר אלא לפי שחשב שיש בתורה תוך וקליפה, ושאלו התאריכים והסיפורים אין תועלת בהם, ומשה מדעתו אמרם, וזהו ענין אין תורה מן השמים, אמרו שהוא האומר שכל התורה כולה מפי הקב"ה חוץ מפסוק אחד שלא אמרו הקב"ה אלא משה מפי עצמו וזה הוא כי דבר ה' בזה - יתעלה ה' ממה שאומרים הכופרים - אלא כל אות שבה יש בה חכמות ונפלאות למי שהבינו ה', ולא תושג תכלית חכמתה, ארוכה מארץ מדה ורחבה מני ים. ואין לאדם אלא להתפלל כמו דוד משיח אלקי יעקב שהתפלל גל עיני ואביטה נפלאות מתורתך. וכן פירושה המקובל גם הוא מפי הגבורה, וזה שאנו עושים היום צורת הסוכה והלולב והשופר והציצית והתפילים וזולתם היא עצמה

Further support for this reading can be found in Maimonides' formulation in his *Mishneh Torah*.⁶⁵ As noted by Shapiro himself (p. 115), there the heresy is unambiguously limited to denying divine authorship of what was transmitted at Sinai.

שלשה הן הכופרים בתורה. האומר שאין התורה מעם ה', אפילו פסוק אחד אפילו תיבה אחת אם אמר משה אמרו מפי עצמו הרי זה כופר בתורה.

There are three types of “deniers of the Torah:” (a) One who believes that the Torah isn't divine—even regarding one verse or even

הצורה שאמר ה' למשה ואמר לנו, והוא רק מוביל שליחות נאמן במה שהביא, והדבור המורה על היסוד הזה השמיני הוא אמרו בזאת תדעון כי ה' שלחני וכו' כי לא מלבי.

The Eighth Foundation is that the Torah is from heaven; to wit, it (must) be believed that the whole of this Torah which is in our hand today is the Torah that was brought down to Moses, our teacher; that all of it is from God (by) the transmission which is called ‘speech’; that no one knows the quality of that transmission except he to whom it was transmitted, peace be upon him; and, that it was dictated to him while he was the rank of a scribe; and, that he wrote down all of its dates, its narratives, and its laws—and, for this, he is called a legislator. There is no difference between *the sons of Ham were Kush, Mizrayim, Fut, and Canaan and the name of his wife was Mehetabel, the daughter of Matred* on the one hand, and *I am the Lord your God and Hear, O Israel, the Lord, our God, the Lord is One* on the other hand. Everything is from the mouth of the Mighty One; everything is the Torah of God: whole, pure, holy [and] true. Indeed, Menasseh became, in the eyes of the Sages, the person strongest in heresy and hypocrisy for he thought that the Torah was composed of kernels and husks and that these dates and these narratives had no value and that they were composed by Moses. *This is the issue of ‘the Torah is not from heaven.’ And the Sages have said that he who believes that ‘the Torah is entirely from the mouth of the Almighty except for this (i.e., any given) verse which was not said by the Holy One, blessed be He, but Moses said it on his own authority.’ is one to whom the following verse applies, He disdains the word of God. May God be exalted above that which the heretics say! Rather, every letter of the Torah contains wisdom and wonders for him whom God has given to understand it. Its ultimate wisdom cannot be perceived as it is said, Its measure is greater than the earth and broader than the sea. A man can only follow in the steps of David, the anointed of the God of Jacob, the most pleasant singer of the hymns of Israel, who prayed singing, Unmask my eyes that I may see wonders from Your Torah. Similarly, its interpretation as it has been handed down is also ‘From the mouth of the Almighty.’ That which we observe today, such as the form of the Sukkah, the Lulav, the Shofar, the Zizit, the Tefillin, and other such forms are the actual forms which God told to Moses and which he told to us. He is the transmitter of the Message, faithful in its transmission. The verse on the basis of which this eighth foundation is attested is his [i.e., Moses’] saying, By this shall you know that the Lord has sent me to do all these things.*

⁶⁵ *Hilkhot Teshuvah* 3:8, with this author's translation and emphasis added.

one word—if he believes that Moses himself devised it, he is a denier of the Torah.

Shapiro fails to explain why this passage—which was also intended for the masses—was not written in a manner reflecting Maimonides' supposed agenda.⁶⁶

Regarding Shapiro's concerns over Maimonides' supposed attitude towards Ibn Migash and Ibn Ezra, the following should be noted. We have no evidence that Maimonides had high regard for, or was even familiar with, the writings of Ibn Ezra. His name appears only once in all of Maimonides' writings, in an offhand reference within a letter to Ibn Tibbon.⁶⁷ And with regard to Ibn Migash, whom Maimonides certainly revered, there is no evidence that he adopted the non-Mosaic origin of the final eight verses. The source cited by Shapiro (p. 105, n. 88), Ibn Migash's commentary to T.B. *Bava Batra* 15a, is merely an explanation of the opinion cited in the Talmud. If the fragment preserved in the standard edition is at first glance misleading, the newly-published edition from manuscript⁶⁸ plainly shows that it is only a section of an explication of the entire talmudic passage.

That said, the primary question of how Maimonides viewed R. Judah's attribution of the Torah's concluding eight verses to Joshua is indeed a serious one. A possible resolution lies in the approach of R. Wolf Boskowitz (d. 1818).⁶⁹ He posits that all agree that the final eight verses were

⁶⁶ As to the possibility that Maimonides abandoned this approach before composing the *Mishneh Torah*, it should be noted that *Hilkhot Teshuvah* was seemingly written during the seven years which elapsed between the completion of the *Commentary on the Mishnah* and the writing of the *Iggeret Teiman*, which, according to Shapiro, also reflected this stratagem; see Sheilat, *Igrot*, pp. 78-79.

⁶⁷ *Igrot ha-Rambam*, ed. Sheilat, p. 530. The ethical will attributed to Maimonides in which he adulates Ibn Ezra's writings is widely considered a fabrication. See Sheilat, *Igrot*, p. 697; Isadore Twersky, *Did Ibn Ezra Influence Maimonides?* in *Rabbi Abraham Ibn Ezra: Studies in the Writings of a Twelfth-Century Jewish Polymath* (Cambridge: Harvard University, 1993), pp. 23-24 (Heb. section). Twersky's general conclusion concurs that there is no substantial evidence of influence. This was also the view of the esteemed bibliographer R. Shmuel Ashkenazi, *Igrot Shmuel* (Jerusalem, 2021), vol. 2, p. 1092. Shapiro himself took note of this consensus, <<https://www.torahinmotion.org/podcast/the-making-of-my-most-recent-book-a-thirty-year-story-part-42>> (at 12:50). See also Maimon, *Peirush ha-Torah, Bereishit*, p. 236, n. 26.

⁶⁸ Ed. Politensky & DeHan, n.p. 2015.

⁶⁹ *Seder Mishneh* (Jerusalem, 1966), vol. 1, pp. 128-130. He was the son of the famed author of the *Mahazot ha-Shekel* and one of the outstanding *geonim* of his generation.

communicated by God to Moses. R. Judah and R. Simon disagree whether Moses then relayed these verses to Joshua, who recorded them in the scriptural text, or whether Moses recorded these verses himself. For Maimonides' purposes, both opinions are theologically valid, for so long as the entire Torah's provenance is the Mosaic revelation, the identity of who set quill to parchment is irrelevant. Consistent with this, the sources in Maimonides' writings in which he dogmatically insists on the entire Torah's Mosaic origin could be read to refer to communication and not publication.⁷⁰

The second source relevant to Shapiro's position is the *Iggeret Teiman*, or *Letter to Yemen*, in which Maimonides directly addresses the Islamic claim of *tabrif*. His response is that the universal uniformity of the scriptural text, despite its proliferation over the vast geography of the Jewish world, renders the possibility of coordinated tampering highly unlikely. It would have been virtually impossible to orchestrate the editing of every Torah scroll in every far-flung community, especially considering the meticulousness with which Jews everywhere copied and maintained them, as evidenced by their consistency.

Shapiro (p. 120) reads this passage literally, taking Maimonides to mean that absolutely no discrepancies whatsoever exist amongst Torah scrolls. In the same vein, Shapiro notes that Ibn Daud⁷¹ and Albo⁷² simi-

⁷⁰ *Igrot ha-Rambam*, ed. Sheilat, p. 127, 410; Introduction to *Mishneh Torah*. R. Boskowitz was attempting to resolve the question (cited by Shapiro, p. 118, n. 180, in the name of contemporary sources) as to why Maimonides (*Hil. Tefillah* 13:6) ruled like R. Simon (ומשה מפי הגבורה אמרם) [...] and Joshua wrote the final verses; Maimonides' intent there was that they were revealed to Moses by God. This approach is difficult, for, as referenced by Shapiro, Maimonides states clearly in the introduction to his *Commentary on the Mishnah* that Moses wrote thirteen complete Torah scrolls just before his death. For our purposes, however, this is irrelevant, for while Maimonides assumed for historical purposes in accordance with R. Simon's opinion, nowhere does he state that it is a matter of dogma that Moses *transcribed* every word of his revelation of the Torah.

⁷¹ ואנו מוצאים התורה מפורסמת בנוסח אחד אין חילוף בו בין קהילות ישראל אשר מארצות הודו, עד קצה ספרד והמערב באורך היישוב, ומקצות גבולי אפריקא, והאגט וכוש, ותימן בדרום, עד קצה ספרד, דאוד, *ba-Emunah ha-Ramah* (n.p.: Makhon Hagut ve-Da'at Yisrael, 2019), p. 297.

⁷² וזה לאות כי היא שמורה בידם כמו שנתנה למשה בלי שנוי. והראיה, שהיא נמצאת היום ביד כל ישראל המפורזים בכל העולם מקצה מזרח עד סוף המערב על נוסח אחד בלי שנוי, Albo, *Sefer ha-Ikkarim* (Jerusalem: Horeb, 1995), vol. 2, p. 375.

larly made this argument to buttress the reliability of the biblical text. Being that they could not have truly believed in such a patently false idea, Shapiro contends that these three great thinkers—polemically enmeshed as they were—allowed themselves to bend the truth for the sake of the greater good.

It is, however, plausible that their intention was not to the consistency of the text of Scripture, but its meaning. After all, the charge being deflected is that someone or some group (in Ibn Daud and Albo's case: Ezra) deliberately altered the text to suit their purposes.⁷³ What would that party have changed—the spelling of a word from מלא (plene) to חסר (deficient), or from פצוע דכה to פצוע דכא, or some other inconsequential minutia? Of course not. Rather, such a person would have added to or detracted from the significant *content*. To this, Ibn Daud, Maimonides, and Albo could confidently point to the uniformity of Scripture's *content*, which is virtually perfect down to the word, as precluding such a possibility.⁷⁴ The fact that insignificant variations invariably crept into the text does not contradict this point, and these authorities likely considered this obvious enough that it need not be mentioned. It would therefore seem a reasonable alternative to not read their words in a literal fashion, thus obviating the need to conclude that they were denying an obvious fact.

Such an understanding reads well with the thrust of the passages of Ibn Daud and Albo. Maimonides' language, though, demands more concerted attention.

ועוד בהיותה קבלה רבים מרבים במזרח הארץ ובמערבה, ולא נמצא בכלם חלוקה כלל, ואפילו בנקדה ובמקומה לא נמצא חלוקה, ואף כי בענין.⁷⁵
Secondly, there is a uniform tradition as to the text of the Bible both in the East and the West, with the result that no differences in the text exist at all, not even in the vocalization, for they are all correct. Nor do any differences effecting the meaning exist.⁷⁶

⁷³ אכן החולקים עלינו אמרו [...] וכאשר הגיעו לבבל, קם בהם איש, שמו עזרא, ונזכר ממקצת התורה ושכח קצתה, והפך פסוקים מה היה זכור מהם אל מה שהיה מסכים לסברתו, וכתב להם ואחר שנשארו שם כל הגדולים ויודעי. Daud, p. 294. זאת התורה הנמצאת עתה בידם וכו' התורה לא היה רשאי לשנות דבר בתורה, כי לא תהיה תורתו מסכמת עם תורת כל הנשארים בבבל והנמצאים בערי שומרון ובארץ אשור ובמקומות אחרים שלא הסכימו לעלות עמו. Albo, *ibid*.

⁷⁴ The solitary known textual discrepancy which affects the meaning of a word occurs in Genesis 9:29, where a letter *vav* is in question; even there, the general sense of the verse is unaffected. See Cassel, *ha-Olam ha-Mufla shel Nusah ha-Torah* (Jerusalem: Carmel, 2019), pp. 187-190.

⁷⁵ *Igrot ha-Rambam*, ed. Sheilat, pp. 131-132, which utilizes Ibn Tibbon's translation.

⁷⁶ Translation by Boaz Cohen in Halkin, *Iggeret*, English section p. viii.

This does seem to plainly state that no differences exist even in a single “point” (נקודה) or iota. Upon critical examination, however, the nature of this sentence becomes rather less straightforward.

The manuscripts of the *Iggeret Teiman* have come down to us in four formats: the Arabic original and the Hebrew translations of Samuel ibn Tibbon, Nahum ha-Ma‘aravi,⁷⁷ and Abraham ibn Ḥasdai. Abraham Halkin, in his masterful critical edition of the *Iggeret*, notes that the sentence in question is clearly present in but one of the eight known manuscripts of the Ibn Tibbon edition⁷⁸ and in one of the two known manuscripts of the Nahum ha-Ma‘aravi edition, and that the known complete manuscripts of the Ibn Ḥasdai edition, both of which do contain it, are only two in number. Nonetheless, despite the absence of this sentence in the majority of the known Hebrew manuscripts, the fact that it does appear in three different, yet similar, renderings in three different translations indicates, in the opinion of this author, that it did indeed exist in the original Arabic from which they were translated. However, regarding the three complete Arabic manuscripts available to Halkin, he notes that the sentence is absent from two of them—including the one regarded as the most authoritative by both Halkin (p. xxxii) and Sheilat (p. 164)—while the third manuscript which does contain it is characterized by Halkin and Sheilat as a later abridgment.⁷⁹ Moreover, both Halkin and Sheilat posit that all three translators worked off copies of the abridged edition, which diminishes the value of all of the Hebrew manuscripts regarding the matter at hand. What emerges is that the authenticity of this sentence suffers from serious doubts.⁸⁰

⁷⁷ On Nahum ha-Ma‘aravi, see Halkin, *ibid.*, p. xxxiii (Heb.), n. 337.

⁷⁸ *Ibid.*, pp. 38-39. In five of them the sentence is absent and of the three that contain it only one of them was accessible to Halkin, the existence of the other two being known only from the notes of Professor Friedlander.

⁷⁹ Although Halkin does favor the possibility that the abridgment is the work of Maimonides himself.

The use of the inferior London MS as the basis of the text of both the Halkin and Sheilat editions is, by their own word (p. xxxii and p. 80 respectively), due to its similarity to the Hebrew translations. Kafih, *Igrot ha-Rambam* (Jerusalem: Mossad ha-Rav Kook, 1994) borrowed Halkin’s text as the basis of his own (p. 13). Hence, the inclusion of the sentence in question in the text of all the contemporary editions should not be taken as an indication of its pedigree.

⁸⁰ As stated, the above reflects the research of Halkin in 1952, which remains the most authoritative published work on the text of the *Iggeret Teiman*. A proper analysis of the issue would require professional examination of the many more manuscripts available today. According to its catalogue, the National Library of Israel collection <web.nli.org.il> includes at least 26 microfilms of complete

As for the proper translation of the passage, it too seems difficult. The original Judeo-Arabic reads *ולו פי נקטה*, the most literal translation of which would seem to be as Ibn Tibbon rendered *ואפילו בנקדה* (note the phonetic similarity of *נקטה* to *נקדה*, both of which mean “a point” or “a dot”). As they were most probably perplexed as to what “dots” are present in the text of the Torah scroll, the other translators interpreted them as the vowel or cantillation signs and took the liberty of translating as such.⁸¹ As neither of these are traditionally marked in Torah scrolls, it seems strange that Maimonides would draw evidence from them, unless one assumes that he was referring to the vowelized codices used for private study or for following the Torah reading. This would only deepen the problem of the transparency of Maimonides’ “ruse,” as these books had a much higher incidence of errors, and it is difficult to imagine any consumer of the *Iggeret* being unaware that his personal *humash* is frequently at odds with that of his neighbor in the synagogue.⁸²

I would, therefore, suggest that the word *נקטה* here should be understood not as a “dot” but as a “particular item,” in the same sense as the word *נקודה* is used in Hebrew and “point” is used in English. Maimonides is stating that there exist no variations of any of the points, or details, of the *content* of Scripture, and certainly not in the general subjects (*ואף כי* (בענין). This is indeed a true statement which, as described earlier, cogently addresses the challenge Maimonides was confronting and precludes the need to attribute to him disingenuousness.⁸³

manuscripts of the *Iggeret* (besides many Genizah fragments), 17 of which are accessible on its online portal (as of July 2020). Excluding five of these manuscripts which were used by Halkin and four within which this author could not locate the relevant section, the remaining eight (four Ibn Tibbon, three Naḥum ha-Ma’aravi, and one Ibn Ḥasdai) all contain the relevant sentence. The Vatican Digital Library <dig.vatlib.it> contains one additional Ibn Tibbon MS which includes the sentence, as well.

⁸¹ Naḥum: *ואפילו בדקדוקה ואפילו בין קמץ חטף לשורוק לא נמצא בה שום חילוף*. Ibn Ḥasdai: *ואפילו בנקודה ובטעמיה לא נמצא שם שום שינוי*. Cohen: not even in the vocalization.

⁸² See Moshe Goshen-Gottstein, “Biblical Manuscripts in the United States,” *Textus* 2 (1962), p. 40: “After handling thousands of these fragments, it becomes obvious that we should not expect these ‘private’ codices to reflect the exact spelling of a model *receptus* text any more than we would of a biblical quotation in a non-biblical text. In quality these are the same differences we encounter even in Massora and Study codices..., in quantity per unit they outnumber them by far.”

⁸³ In private correspondences with this author, R. Yitzhak Sheilat and R. Yaakov Wincelberg (translator of R. Abraham Maimoni’s *ha-Maspik le-Ovdei ha-Shem*

The Ninth Principle: The Eternity of the Torah

The third area to which Shapiro applies his theory is the Ninth Principle, which states that the *mitzvot* will never be abrogated. Shapiro (p. 131) contends that while Maimonides certainly believed this to be true, as is evident from his numerous emphatic statements on the matter, he could not have truly held it to be indisputable dogma in light of the “good number of talmudic and midrashic texts [that] do not accept this position.” It is therefore reasonable to assume that Maimonides included this idea in his Principles to serve as a bulwark against the Islamic doctrine of supersessionism, i.e., that Mosaic Law lapsed upon the emergence of the teachings of the Koran. This too, is “a ‘necessary belief’, directed towards the masses and designed to help them deal with ideological assaults from the Islamic world.”⁸⁴

Let us examine each of these rabbinic sources. The first is a passage in T.B. *Niddah* (61b), which records an opinion that although the Torah prohibits the wearing of *sha’atnez*, it is permissible to wrap a corpse in shrouds which contain it. R. Joseph then observes that a corollary of this law is the notion that the *mitzvot* will be nullified in “the future.”⁸⁵ Seemingly, the period referenced here is the post-Resurrection era, with the logic being that since the dead will arise with their clothing intact (as the Sages describe elsewhere), if the prohibition of *sha’atnez* would still be in force, it would be immediately transgressed by the resurrected. Since the dead may indeed be buried in shrouds of *sha’atnez*, it follows that the laws of the Torah—including the prohibition of *sha’atnez*—will have lapsed before the Resurrection occurs.⁸⁶ Shapiro suggests that being that elsewhere Maimonides seems to assume that the Resurrection will occur during the Messianic Era—which, in Maimonides’ opinion, will not involve any ongoing supernatural changes in the world order—it emerges that, according to R. Joseph, the Torah’s laws will expire at some future date within human history.

from the Arabic [Feldheim, 2013]) confirmed that this is a plausible rendering of the Arabic original of this passage. R. Sheilat noted that it does not seem to fit with Ibn Tibbon’s translation.

⁸⁴ Notably, unlike the previous two items, Shapiro does not repeat this evidence in his later essay, *Mesorah*.

⁸⁵ "זאת אומרת מצות בטלות לעתיד לבא".

⁸⁶ This is indeed the understanding of Tosafot and Ritva. Shapiro, like R. Unterman and many others before and after him, followed the older printed editions of *Hiddushei ha-Ritva*, which erroneously attributed Rashba’s comments to Ritva. Ritva’s actual writings on the end of *Niddah* were printed from manuscript in the Mossad ha-Rav Kook edition. See the introduction to that volume.

However, as noted by Shapiro (p. 122, n. 4), there is an alternative understanding of this passage that was adopted by Rashba and Ran.⁸⁷ They took “the future” to refer to the afterlife, with the point being that there is no prohibition on the part of the living to clothe a dead body—which is no longer obligated to observe halakhah—in *sha'atnez* (unlike the similar proscription for adults to do so with unobligated children). As further noted by Shapiro, R. Isser Yehuda Unterman conjectured that Maimonides may have also understood the passage in this manner, which would, of course, obviate any conflict with the Ninth Principle. Indeed, there is considerable evidence to support this reading of Maimonides. Firstly, Maimonides' *Commentary* on the relevant *misbnab* (*Kilayim* 9:4, Kafih vol. 1, p. 133, free translation) unambiguously states as much:⁸⁸

תכריכי המת, "אכפאן אלמיית", לפי שכשמת האדם נפטר מכל המצות, ואין החיים חייבין להזהר בו בשום לאו או לקיים בו שום מצוה מכל המצות האמורות בתורה כגון הציצית והתפלין וזולתם.

*The shrouds of a corpse [aren't subject to the prohibition of sha'atnez]... For when a person dies he is rendered exempt from all of the commandments and the living aren't responsible to be wary of [his transgression of] any prohibition or to facilitate his fulfillment of any mitzvah of the Torah, such as *ẓiẓit*, *tefillin*, or the like.*

Clearly, Maimonides understood the novelty of this halakhah to be the preclusion of the concern of transgressing the prohibition of *sha'atnez* in the here and now, not in the post-Resurrection era.

More importantly, Maimonides rules in the *Mishneh Torah* that a corpse may be buried in *sha'atnez*, which is predicated on the idea that מצות בטלות לעתיד לבא. Being that Shapiro concedes, as mentioned, that Maimonides' personal opinion was indeed that the Torah's laws are immutable, what we have before us, then, is not merely a problem with the dogmatization of this immutability, as Shapiro presents it. Rather, we face a contradiction within Maimonides' own halakhic system, one which wouldn't be resolved even if we would accept Shapiro's theory that the dogmatic elements of the Ninth Principle don't reflect Maimonides' true opinion. The resolution must be that Maimonides understood R. Joseph's

⁸⁷ This also seems to be the opinion of Meiri and Rivash (Respona 128).

⁸⁸ As noted by R. Unterman, R. Dovid Metzger in his notes to *Hiddushei ha-Rashba, Niddab* (Mossad ha-Rav Kook, ad loc, n. 58), and R. Koreach in his notes to the Makhon ha-Ma'or edition of the *Commentary on the Misbnab* (Jerusalem, 2009), vol. 1, p. 255.

statement according to the aforementioned alternative approach.⁸⁹ Thus, according to Maimonides, the passage in *Niddah* does not discuss the lapsing of the *mitzvot* at all.

Shapiro casts doubt on the legitimacy of this approach by suggesting that even the aforementioned *Rishonim* may have disingenuously “advanced this view as an apologetic response to Christian polemicists” who indeed cited this passage as a source that the *mitzvot* were expected to lapse in the Messianic Era. I would counter that strong evidence that this wasn’t the case is found in the testimony of Ritva that he had personally challenged his teacher Rashba about this interpretation of his, with Ritva ultimately rejecting it.⁹⁰ Clearly, Rashba came across with his student as being earnest in his explanation of the passage.⁹¹

The second source (p. 123) cited as evidence of rabbinic acknowledgment of eventual changes to the Torah—the future dispensation of the laws of *shehita* to allow for the consumption of the Behemoth by the righteous (*Vayikera Rabbah* 13:3)—is rather difficult to understand. Maimonides (*Hilkehot Teshuvah* 8:4) himself explains this promised feast as an allegorical reference to the incorporeal afterlife.⁹² Clearly, Maimonides would have interpreted the above details of the feast’s preparation in the same vein.

Regarding how Maimonides dealt with other midrashic passages cited by Shapiro, which speak of future abrogation of specific *mitzvot*, such as the holidays or the sacrifices, I would note that we have a precedent of

⁸⁹ Another possibility is that while the *mitzvot* will not lapse at any future time, the experience of death permanently exempts its participants from the obligations of the Torah even after they return to life. Hence, in the post-Resurrection era, those who lived to see it will continue to practice *mitzvot*, while the resurrected will not. This approach flows most naturally from the talmudic source for this law, במתים הפשי. See R. Elhanan Wasserman, *Kovez Shiurim* (Tel Aviv: 1989), vol. 2, ch. 29.

⁹⁰ וכמה הקשיתי לפניו [...] ועדיין לא הניח דעתי בתשובותיו ואין לנו אלא שיטת הראשונים ז"ל.

⁹¹ Saul Lieberman, whose *Sheki'in* Shapiro references regarding this deflection, does not claim that the *Rishonim* were being disingenuous. He only focuses on the polemical discussion surrounding this passage, which is indeed explicit in Rashba’s *Hiddushei Aggadot*, *Berachot* 12b and *Hiddushei ha-Ritva*, *Niddah ad loc.*

⁹² See R. Abraham Maimoni’s elaboration of this view, in response to his father’s critics who assumed a literal understanding of this event, *Milhamot ha-Shem*, ed. Margolies, pp. 61-67. See however Halberstam (ed.), *Kevutzat Mikhtavim* (Bamberg, 1875), p. 94, cited in David Berger, “Judaism and General Culture in Medieval Times,” *Judaism’s Encounter with Other Cultures* (Jerusalem: Maggid, 2017), p. 119.

Shapiro himself cites this passage of Maimonides, *Mesorah le-Yosef*, p. 366.

how Maimonides viewed *midrashim* that seemingly contradict what he held to be logically or dogmatically correct. This is found in Maimonides' discussion of creation *ex nihilo*. As discussed earlier, in the *Guide* (2:26), Maimonides grapples with a passage in *Pirkei d'Rabbi Eliezer* that seemingly advocates the Platonic stance. As Maimonides considered this view unacceptable and heretical, he confessed that the proper understanding of the passage eluded him and warned the reader not to be led astray by its apparent meaning.⁹³ This, despite the midrash's authorship by a reputed *tanna*. Clearly, the existence of such passages—which may be allegorical, incorrect, or reflect the opinion of an outlier—wasn't sufficient to change Maimonides' mind when it was made up.⁹⁴ Shapiro himself discusses this idea at length in an essay dedicated to cataloging Maimonides' rejection of halakhic statements predicated on astrology, superstition, demonology, and magic.⁹⁵ While a distinction can be made between the Sages' application of the Halakhah to their misconceived perceptions of supernatural phenomena on the one hand and the attribution of theological errors to them on the other, I would suggest that it is reasonable to assume that Maimonides would have reacted similarly to the aforementioned *midrashim* that seem to allow for abrogation.

This argument would not appear to apply to the talmudic passages, cited by Shapiro (pp. 123-124), that discuss normative halakhic opinions, such as the view that the commandment to remember the Exodus will expire in the Messianic era (T.B. *Berachot* 11b) or the view that *mamzerim* will then be purified of their marital prohibition (T.B. *Kiddushin* 72b). However, these sources do not imply a challenge to the general immutability of the *mitzvot*, as they are both derived from *derashot* of scriptural verses, which inform the details of all *mitzvot*. Just as the requirement to waive the laws of Shabbat for the sake of *pikuah nefesh* or *milah* does not constitute an abrogation of Shabbat—only a scripturally prescribed limitation of its scope—so too, the *mitzvah* of remembering the Exodus and the prohibition of marriage with a *mamzer* were initially designed to be in

⁹³ "ראיתי לר' אליעזר הגדול דברים [...] לא ראיתי כל יותר תמוהים מהם בדברי אף אחד מההולכים בתורת משה רבנו [...] ומי יתן וידעתי מה סובר חכם זה [...] כללו של דבר הם דברים המשבשים דעתו של המלומד הדתי מאד מאד, ולא נתברר לי בו באור מספיק, ולא הזכרתיו לך אלא כדי שלא תטעה בו" (Kafih, pp. 221-222).

⁹⁴ Shapiro follows Fox's lead in deducing the very opposite conclusion: the very existence of the midrashic passage is evidence that Maimonides could not have been serious about his rejection of the Platonic view (pp. 75-76). This, however, flies in the face of Maimonides' own clear remarks and demands recourse to the esoteric method of Maimonidean interpretation.

⁹⁵ Shapiro, *Studies*, pp. 95-150.

force only until the advent of the Messianic Era.⁹⁶ This is completely unlike the scenario Maimonides precludes in his Principles: the unanticipated and extra-halakhic “divine” repeal of the *mitzvot* through a prophet, such as was claimed by the Church Fathers and the Koran.⁹⁷

In sum, none of the passages marshaled by Shapiro provide persuasive evidence that Maimonides was aware of an authoritative rabbinic opinion which allowed for the future abrogation of specific commandments of the Torah. The argument that Maimonides was being disingenuous by including the Ninth Principle in his dogma, in turn, would seem to have no firm basis upon which to rest.⁹⁸

Conclusion

Dr. Shapiro makes the case that Maimonides engaged in disingenuousness when presenting critical matters of faith to his readership, drawing upon an impressive array of sources to do so. Yet, he presents no direct evidence to that effect. Rather, Shapiro collects a list of problems within Maimonides’ writings—in the same manner that scholars have done for centuries—and proposes that their difficulty defies the conventional method of resolution, namely a better understanding of the subject matter, preferring instead to resolve these difficulties with the counterintuitive idea that Maimonides did not actually mean what he wrote in these passages. While such a possibility always exists, I contend that the evidence brought on its behalf would need to be highly compelling to justify its countenance. In this essay, I have touched on every piece of evidence that

⁹⁶ Abarbanel, *Rosh Amanah* (Konigsberg, 1861), p. 16, makes this point regarding the former example. My thanks to R. Yitzhak Grossman for bringing it to my attention.

⁹⁷ The passage in *Kiddushin* is inconclusive for another reason. It is possible that Maimonides understood it in accordance with the first explanation of Ran (Rif 30a) according to which all agree that identifiable *mamzerim* will maintain their prohibition. The discussion relates only to unidentifiable ones, with the lenient opinion asserting that Elijah will merely refrain from calling them out, despite being aware of their pedigree. Ran in fact prefers this approach precisely because it maintains halakhic invariance in the Messianic Era!

⁹⁸ Shapiro’s (p. 131) excessively subtle reading of the language in *Hil. Teshuvah* seems incomprehensible. If Maimonides leaves the door open for the possible abrogation of the Torah *in the future*, how could the assertion of that abrogation *in the past* be considered heretical? In other words: after the unspecified future point in time when the “admissible” lapsing of the Torah occurs, this repeal will be past history. How, then, can any claim that the Law has already been repealed be heretical—perhaps we have indeed passed its “future” abrogation?

Shapiro cites and have shown virtually every one to be either misunderstood, misrepresented, or to have alternative resolutions or explanations that are at least as plausible as Shapiro's readings. To my mind, the sole item worthy of serious consideration is Maimonides' language in his Eighth Principle—yet, even there, sufficient counterevidence exists to allow for the possibility of infelicitous wording on Maimonides' part.

I therefore submit that the case made by Dr. Shapiro is weak. There is no compelling reason to deny Maimonides the presumption of sincerity accorded every author—particularly to a scholastic and religious giant of Maimonides' caliber, engaged in what he would consider the most sacred duty a Jew can engage in: the transmission of the essence of Judaism to posterity. What should be clear from all this is that those who choose to maintain the traditional perception of Maimonides need not be concerned that the historical record insists otherwise. In this instance, dogma need not call for one's own self-deception. ❧