

Twersky on the Integration of Law and Philosophy in Maimonides

1. Isadore Twersky, *Rabad of Posquières*, Cambridge, MA: Harvard University Press, 1962, p. vii.

Jewish intellectual history to the dawn of the nineteenth century is comparable to a fast-moving stream coursing through a complex network of tributaries and offshoots. The waters of the rivulets which poured into or eddied alongside the mainstream of Judaism were colored by a dazzling variety of cultural disciplines: philosophy and mysticism, rationalism and pietism, exegesis and commentary, poetry and belles-lettres, linguistics and grammar. They did not always flow evenly or simultaneously. At various times, the philosophic tributary swelled in certain areas while the mystical waters raged elsewhere; or the philosophic tributary changed its course, only to have its former bed occupied by mystical currents. Poetry and belles-lettres were like wadies; their waters might reach inundating proportions and they might dry up completely. The courses of these streams deserve to be -- and, to a great extent, have been -- charted, their ebbs and peaks registered, their force and calm measured; each of them left an imprint on the evolving Jewish intellect and spirit. The mainstream, however, was the *halakhah* (Jewish Law) -- its ever-expanding corpus of literature and its cumulative body of practice.

2. Twersky, "Some Non-Halakic Aspects of the *Mishneh Torah*," in Alexander Altmann, ed., *Jewish Medieval and Renaissance Studies*, Cambridge, MA: Harvard University Press, 1963, p. 98.

It is hoped that this study...will have some bearing...upon the...question of the unity of Maimonides' writing and especially the intrinsic relationship between his two major works, the *Mishneh Torah* and the *Guide for the Perplexed*. The relationship between these two monumental works, the one juridical and the other philosophical is obvious and straightforward to some, obscure and problematic for others... Some [scholars] posit an irreducible tension between law and any metaphysical system, that is, between the temporal and the spiritual, the contingent and the eternal -- and therefore any attempted combination must be discordant or incongruous. Many scholars, of course, assumed that Maimonides' writings are structured and informed by an integrated community of interests embracing theology and law.

3. *Ibid.*, p. 98, n. 11.

A notable example of the integrative-holistic approach to the entire Maimonidean corpus is I[gnaz] Goldziher, *Pseudo-Bahya: Kitāb ma'ani al-naḥs* (Berlin, 1907), pp. 58ff.

4. Twersky, Review of the Pines translation of the *Guide of the Perplexed*, in *Speculum* 41 (1966), p. 558.

[T]he problem of the priority and superiority of the theoretical life vis à vis the practical life -- pretty much a leitmotif of Pines' entire introduction -- ...is touched upon repeatedly...but there is nowhere an integrative review or clinching summation. The confrontation between religion (read *halakhah* or *sharī'ah*), with its insistence upon the necessity of action, and philosophy (read Aristotelianism) with its insistence upon the excellence of contemplation, is not fully delineated. Referring to the *Mishneh*

Torah...only as an act of 'philosophical statesmanship' does not, in my opinion, do justice to the problem of the relationship between Maimonides' juristic and philosophical works, or to the problem of law and philosophy (*ilm* and *amal*). As a matter of fact, one should relate the *vita activa-contemplativa* theme to the problem in Jewish lore concerning the relative merits of study and practice (see Wolfson, *Philo* II, 264ff; Goldziher, *Kitāb ma'ani al-naḥs*, introduction, pp. 54-60).

5. Twersky, "Sefer Mishneh Torah le-Rambam," Jerusalem: The Israel Academy of Sciences and Humanities, 1969, pp. 6-7; reprinted in Twersky, *Ka-Ma'ayan ha-Mitgabber*, ed. Carmi Horowitz, Jerusalem: Zalman Shazar Center, 2020, p. 90.

וכבר בפירוש המשנה... הטיח הרמב"ם הצעיר דברים כלפי אלה המסיחים את דעתם מסדר קודשים ופנים עורף לסדר טהרות, ומוציאים מתחת ידם תלמוד מקוטע, שברים-שברים, מגילות-מגילות. והוא הדין לגבי היחס שבין עיונים פילוסופיים ותלמוד תורה.

6. Twersky, *A Maimonides Reader*, New York: Behrman House, 1972, p. xvi.

Halakhah has constituted the mainstream of Judaism and Jewish history, and yet most modern writers...have shown little sympathy for it... They have tended to view it as a barren, stultifying discipline which yields neither intellectual benefit nor spiritual satisfaction... In the view that *halakhah* is the most characteristic expression of Judaism... this volume attempts to present larger amounts of halakhic material – "softened," to be sure, by its...integration with philosophical and ethical material.

7. Ibid., p. 8.

[*Ma'amar ha-'Ibbur*, Maimonides' youthful treatise on the calendar,] describes as simply as possible, with a minimum of technical jargon and scientific window-dressing, the rationale, mechanics, and astronomical principles of the Jewish calendar – an area in which *halakhah* and natural science are intermingled. The complexity of his writing and its skillful integration of diverse disciplines are foreshadowed in this treatise. The so-called "Renaissance man," the scholar who aspires to universal knowledge and successfully cultivates a variety of interests, who achieves diversity without sacrificing profundity or succumbing to dilettantism, reveals himself here.

8. Ibid., p. 25.

In the final analysis, two conflicting ideal types were juxtaposed: a traditional puritanism which is distrustful of secular culture and insists on the absolute opposition between divine wisdom and human wisdom, and religious rationalism which is convinced of the interrelatedness and complementarity – indeed the essential identity – of divine and human wisdom, of religion and culture, and strives doggedly for their integration.

9. Ibid., p. 26. Cf. Twersky, *Introduction to the Code of Maimonides*, New Haven: Yale University Press, 1980, pp. 369-370.

[O]ne would think [Maimonides] had had a master plan from the very beginning to achieve his overarching objective: to bring law and philosophy – two apparently incongruous attitudes of the mind, two jealous rivals – into fruitful harmony. We see him consistently espousing a sensitized view of religion and morality, demanding a full and uncompromising but inspired and sensitive observance of the law, openly disdaining the perfunctory vulgar view of the masses, searching for the ultimate religious significance of every human action, and urging a commitment to and quest for wisdom and perfection... He wanted to unify mood and medium, to integrate the thought of eternity with the life of temporality, to combine religious tradition with philosophical doctrine...

Such an integrative view of Maimonides has significant repercussions for the study of his writings and warns against the widespread, misleading tendency on the part of students to fragmentize Maimonides' works. Throughout the ages, scholars have often set up a dichotomy between Maimonidean law and Maimonidean philosophy... This failure to see...Maimonides in his totality has often obscured the historical vision, blurred the real forms of his intellectual achievement, and erased his individuality.

10. Twersky, *Introduction to the Code of Maimonides*, p. 96.

Students of *halakhah* disengage Maimonides the codifier from the *Moreh*, while students of philosophy belittle or ignore the *Mishneh Torah* and the central position of law. Both forms of this dichotomy are distortions, for a major part of Maimonides' achievement, and his historical significance, is the integration of both. Consequently, only an integrated-holistic approach, encompassing the Maimonidean oeuvre in its totality, without blurring its diversity and tension, will be productive.

11. *Ibid.*, p. 153.

Maimonides' unremitting concern with *aggadah* is thus mirrored...in the extensive role assigned to it in this codification of law and its function as a leaven causing the framework to rise and expand. Whether he quotes...aggadic motifs used in the Talmud or makes novel literary-exegetical-conceptual associations... [t]heir presence...and lyricizing-softening effect...is the determining consideration. The student of Maimonidean thought, following an integrative-holistic approach..., will be especially attentive to this material.

12. *Ibid.*, p. 208.

[The codification of the laws concerning the Temple reflects] the author's indomitable determination to destroy all barriers between the theoretical and the practical, tempestuously bursting the bounds and bonds of shrunken Spanish Talmud study. The all-embracing theoretical approach of Maimonides is fresh and energetic, a decisive... attempt to retrieve substantial parts of the Talmud from obscurity... He calmly went into regions where his predecessors feared or failed to tread. His gesture was bold and creative, powerful and passionate.

13. *Ibid.*, p. 500.

[T]he *Moreh Nebukhim* may be described as part of the Gemara of the *Mishneh Torah*, just as the actual Talmud and its commentaries are the other part.

14. Twersky, "Li-Dmuto shel Ha-Rambam," *Asuppot* 10 (1997), p. 23; reprinted in Twersky, *Ka-Ma'ayan ha-Mitgabber*, pp. 176-178.

הרמב"ם הורה לנו כי הלימוד צריך להיות כל-כולל, ובשום אופן אין להפריד בין הדבקים, בין תורה שבכתב לתורה של בעל פה, בין דברים הצריכים בזמן הזה לדברים שאינם צריכים בזמן הזה, בין הלכה לפילוסופיה: כל מקצועות הידע (התורה והחכמה) כפי שהם עולים מכל מקורות הידע. הוא הרס מחיצות מלאכותיות בין קבע לארעי, עיון ומעשה, פנים וחוץ, וסרב – עקרונית ומעשית – לעשות את התורה חבילות חבילות או מגילות מגילות...
תחושת החדשנות, העמקות, והראשוניות של הרמב"ם, המתגלמת בכללנותו של מפעלו התורני, לא נעלמה מעיני בני זמנו וכל הבאים אחריו. מאז חז"ל איש לא התמודד בצורה מקורית, מסודרת, ונוקבת עד השיתין עם כל התורה כולה, ואין סיכוי שהישג זה ישנה...
כמו שהרמב"ם מאן בעקביות ובקפדנות להבדיל בין הלכות שופר ולולב מצד אחד, ובין מעשה הקורבנות מצד שני, כך דחה בתוקף כל ניסיון לחצוץ בין מעשה המצוות הללו והדומות להן ובין מעשה בראשית ומעשה מרכבה, שאותם זיהה בכל מקום, בצורה חותכת ומופגנת, עם חכמת הטבע והמטפיזיקה.