

# RELIGIOUS AND CIVIL AUTHORITY

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## RAMBAM ON IDEAL LEADERSHIP

Raphi Jospe רפי יוספה

### A. HISTORICAL BACKGROUND

1) The dichotomy between “religious” and “civil” authority, which is taken for granted in the modern, liberal context, is foreign to much of ancient, classical and medieval thought. Granted that in biblical Israel the king, the priest and the prophet had different public roles and authority, they all operated within a single polity, and the Torah is the common constitution and source of their authority. A prophet who performs miracles and makes predictions which come true, but who contradicts the Torah, is a “false prophet” according to the Torah (Deuteronomy 13:2-4, 18:18-22). All leadership authority thus ultimately derives from, and must remain consistent with, the Torah.

2) Jesus’ statement “Give to Caesar the things that are Caesar’s, and to God the things that are God’s” (Matthew 22:21) has been interpreted as recognizing the distinction between state and religion, but it may be nothing more than practical recognition that the non-Jewish government has the right to collect taxes. If the narrower understanding is correct, then Jesus’ statement would parallel the later talmudic principle of the Babylonian *amora* Samuel (3<sup>rd</sup> century C.E.): דינא דמלכותא דינא – “the law of the country is the law”. There is no unanimity over the centuries regarding what this principle means in a positive sense. The only consensus is negative: (1) The principle applies only to non-Jewish government (and possibly to a Jewish ruler outside the land of Israel); (2) The principle does not apply to religious or ritual areas (איסור והיתר), but primarily if not exclusively to monetary law (דיני מעות).

3) Only in Christian Rome and the medieval Holy Roman Empire was there a division of civil and religious roles, represented by two distinct offices: emperor and pope. In Islam there is no parallel dichotomy of the civil and religious realms. The prophet Muhammad was the founder of a state as well as religion, and his successors (the caliphs) were similarly supreme civil and religious leaders. In the case of the Jews, by the time Samuel formulated his principle, the Jews had long lost sovereign national authority, and any vestigial political autonomy or civil self-government was entirely derivative, equally authorized and limited by the non-Jewish rulers of the countries in which Jews lived as a minority. In terms of sovereign leadership, the Christians thus had two separate leaders, the Muslims had one, and the Jews had none.

4) The lack of Jewish political sovereignty in the Middle Ages did not prevent Jews from engaging in political philosophy. The outstanding example of medieval Jewish political philosophy is that of Rambam, whose discussion of the ideal political leader is part of a larger discussion of the ideal life, in terms of the tension between the ideals of the *vita activa* and the *vita contemplativa*, and his attempt to create a Jewish synthesis of these opposing trends in classical Greek, rabbinic, and medieval Arabic thought. In reading Rambam, we must keep the following considerations in mind:

- (a) In his conception of the ideal Jewish state, as in ancient Israel, there is no dichotomy of civil and religious authority (as there was not in the Islamic realm in which he lived).
- (b) The modern, liberal conception of the state is functional. Religion, which is seen as dealing with the questions of ultimate human happiness, is a private matter, not legitimately the business of the state. In the classical and medieval conception, however, the ideal state is seen as embodying and fostering human perfection and happiness, including knowledge of theoretical truth. Rambam's Code of Jewish Law, the *Mishneh Torah*, which many see as his attempt to write a constitution for renewed Jewish statehood, therefore includes whole sections dealing with abstract philosophical truth, having little to do with the practical areas of *halakhah* dealt with by all the other great medieval codes.
- (c) Rambam's political theory, which combines and attempts to harmonize ideas in three diverse cultures - - classical Greek, rabbinic, and medieval Islamic thought - - thus continues to provide a paradigm for modern cross-cultural and inter-religious dialogue centuries later.

## **B. RAMBAM ON IDEAL LEADERSHIP**

(Attached texts)

## **C. CONTEMPORARY QUESTIONS: TOTALITARIAN OR DEMOCRAT?**

- 1) The anthology *Plato: Totalitarian or Democrat* (ed. Thomas Landon Thorson, 1963) presents diverse interpretations of Plato's political philosophy, with some scholars seeing Plato's vision of the ideal state as fundamentally totalitarian in nature (R. Crossman, and Karl Popper's *The Open Society and Its Enemies*), and others seeing Plato's vision as essentially democratic.
- 2) Rambam's political philosophy is essentially Platonic, with Al-Farabi's innovations. So we are therefore left with the parallel question as to whether the ideal Jewish state posited by Rambam is basically totalitarian or democratic. The vision of the state as embodying and fostering human perfection and knowledge of the truth is beautiful. But it is politically feasible, and is it compatible with human freedom and individual rights?
- 3) Regardless of the specifics of how we read Plato, Al-Farabi, or Rambam, we face a general question: Does any vision of absolute truth not inevitably lead to totalitarianism? In the twentieth century two modern movements, both of which can be described as secular religions,

claiming possession of scientific truth and a vision of an ideal world, attempted to implement their absolutist ideologies - - Communism on the left and Fascism and Nazism on the right. The ideals of Plato, Al-Farabi and Rambam, however beautiful as theoretical constructs, can only be existentially relevant to the extent (if at all) that they are consistent with and conducive to democracy.

4) A democratic Jewish political philosophy and analysis of the proper relationship and limitations of civil and religious authority was proposed by Moses Mendelssohn in his *Jerusalem*, which provides a radical critique of Locke's theory of toleration in favor of a vision of genuine religious pluralism, a pluralism mandated by God and necessitated by human freedom and dignity.

THE VITA ACTIVA VS. THE VITA CONTEMPLATIVA

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Plato, Republic (trans. F.M. Cornford):

Book V:473

Unless either philosophers become kings in their countries or those who are now called kings and rulers come to be sufficiently inspired with a genuine desire for wisdom; unless, that is to say, political power and philosophy meet together. . . there can be no rest from troubles. . . for states, nor yet, as I believe, for all mankind; nor can this commonwealth which we have imagined ever till then see the light of day and grow to its full stature.

Book VII:514-521

Here is a parable to illustrate the degrees in which our nature may be enlightened or unenlightened. Imagine the condition of men living in a sort of cavernous chamber underground, with an entrance open to the light and a long passage all down the cave. Here they have been from childhood, chained by the leg and also by the neck, so that they cannot move and can see only what is in front of them. . . It is for us, then, as founders of a commonwealth, to bring compulsion to bear on the noblest natures. They must be made to climb the ascent to the vision of Goodness, which we called the highest object of knowledge; and, when they have looked upon it long enough, they must not be allowed, as they now are, to remain on the heights, refusing to come down again to the prisoners or to take any part in their labours and rewards, however much or little these may be worth. . . The law is not concerned to make any one class specially happy, but to ensure the welfare of the commonwealth as a whole. . . There will be no real injustice in compelling our philosophers to watch over and care for the other citizens. . . We have brought you into existence for your country's sake as well as for your own. . . You have been better and more thoroughly educated than those others and hence you are more capable of playing your part both as men of thought and as men of action. You must go down, then, each in his turn, to live with the rest and let your eyes grow accustomed to the darkness. You will then see a thousand times better than those who live there always; you will recognize every image for what it is and know what it represents, because you have seen justice, beauty and goodness in their reality.

Aristotle, Nicomachean Ethics (trans. W.D. Ross):

Book I:7,1097b-1098a

Happiness, on the other hand, no one chooses for the sake of these, nor, in general, for anything other than itself. From the point of view of self-sufficiency, the same result seems to follow; for the final good is thought to be self-sufficient. Now by self-sufficient we do not mean that which is sufficient for a man by himself, for one who lives a solitary life, but also for parents, children, wife, and in general for his friends and fellow-citizens, since man is born for citizenship. But some limit must be set to this. . . The self-sufficient we now define as that which, when isolated, makes life desirable and lacking in nothing; and such we think happiness to be. . . . Happiness, then, is something final and self-sufficient, and is the end of action. . . There remains, then, an active life of the element that has a rational principle. . . Human good turns out to be activity of the soul in accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete.

Book X:7, 1177ab

If happiness is activity in accordance with virtue, it is reasonable that it should be in accordance with the highest virtue; and this will be that of the best thing in us. . . That this activity is contemplative we have already said. Now this would seem to be in agreement both with what we said before and with the truth. For, firstly, this activity is the best (since not only is reason the best thing in us, but the objects of reason are the best of knowable objects); and, secondly, it is the most continuous, since we can contemplate the truth more continuously than we can do anything. . . And the self-sufficiency that is spoken of must belong most to the contemplative activity. For while a philosopher, as well as a just man or one possessing any other virtue, needs the necessaries of life, when they are sufficiently equipped with things of that sort the just man needs people towards whom and with whom he shall act justly, and the temperate man and the brave man, and each of the others is in the same case, but the philosopher, even when by himself, can contemplate truth. . . He can perhaps do so better if he has fellow-workers, but he still is the most self-sufficient. And this activity alone would seem to be loved for its own sake; for nothing arises from it apart from the contemplating, while from practical activities we gain more or less apart from the action.

Abu Naṣr Muḥammad Al-Farabi (870-950)

Tahṣil as-Ṣa'adah (The Attainment of Happiness) (trans. Muhsin Mahdi): (cf. Shem Tov ibn Falaquera, Reshit Hokhmah [The Beginning of Wisdom], pp. 61-72).

#55. Now when one acquires knowledge of the beings or receives instruction in them, if he perceives the ideas themselves with his intellect, and if his assent to them is by means of certain demonstration, then the science that comprises these cognitions is philosophy. But if they are known by imagining them through similitudes that imitate them, and assent to what is imagined of them is caused by persuasive methods, then the ancient call what comprises these cognitions religion. And if those intelligibles themselves are adopted, and persuasive methods are used, then the religion comprising them is an imitation of philosophy. . . . In everything demonstrated by philosophy, religion employs persuasion.

#56. . . . The legislator is he, who, by the excellence of his deliberation, has the capacity to find the conditions required for the actual existence of voluntary intelligibles in such a way as to lead to the achievement of supreme happiness. . . The legislator must be a philosopher. . . . If the philosopher who has acquired the theoretical virtues does not have the capacity for bringing them about in all others according to their capacities, then what he has acquired from them has no validity.

#57. It follows, then, that the idea of Imam, Philosopher, and Legislator is a single idea. . . The true prince is the same as the philosopher-legislator. . .

#58. So let it be clear to you that the idea of the Philosopher, Supreme Ruler, Prince, Legislator, and Imam is but a single idea. . .

#59. . . . Now these things are philosophy when they are in the soul of the legislator. They are religion when they are in the souls of the multitude. For when the legislator knows these things, they are evident to him by sure insight, whereas what is established in the souls of the multitude is through an image and a persuasive argument. Although it is the legislator who also represents these things through

images, neither the images nor the persuasive arguments are intended for himself. . . The images and the persuasive arguments are intended for others. . . They are a religion for others, whereas, so far as he is concerned, they are philosophy. Such, then, is true philosophy and the true philosopher.

Mabadi' Ara' Ahl al-Madinah al-Faḍilah (Principles of the Opinions of the People of the Virtuous City) (trans. Richard Walzer):

13:6. Felicity (as-ṣa'adah) is the good which is pursued for its own sake, and it is never at any time pursued for obtaining something else through it, and there is nothing greater beyond it for man to obtain.

13:7. The rational faculty is partly practical reason and partly theoretical reason; practical reason is made to serve theoretical reason. Theoretical reason, however, is not made to serve anything else, but has as its purpose to bring man to felicity.

14:1. The faculty of representation (al-quwah al-mutakhayyilah) is intermediate between the faculty of sense and the rational faculty (an-naṭiqah). . .

14:6. The faculty of representation also imitates the rational faculty by imitating those intelligibles (ma'qulat) which are present in it with things suitable for imitating them. . .

14:9. It is not impossible, then, that when a man's faculty of representation reaches its utmost perfection, he will receive in his waking life from the Active Intellect present and future particulars of their imitations in the form of sensibles, and receive the imitations of the transcendent intelligibles and the other glorious existents and see them. This man will obtain through the particulars which he receives prophecy (nubu'ah). . . of present and future events, and through the intelligibles which he receives prophecy of things divine.

15:1. In order to preserve himself and to attain his highest perfections, every human being is by his very nature in need of many things which he cannot provide all by himself. . .

15:3. Felicity (as-ṣa'adah) is not attainable in every city. The city, then, in which people aim through association at cooperating for the things by which felicity in its real and true sense can be attained, is the excellent city (al-madinah al-faḍilah). . . In the same way, the excellent universal state will arise only when all the nations in it cooperate for the purpose of reaching felicity.

15:8. That man (i.e., the Ruler of the excellent city) is a person over whom nobody has any sovereignty whatsoever. He is a man who has reached his perfection and has become actually intellect and actually being thought (intelligized), his representative faculty having by nature reached its utmost perfection in the way stated by us; this faculty of his is predisposed by nature to receive, either in waking life or in sleep, from the Active Intellect, the particulars, either as they are or by imitating them, and also the intelligibles, by imitating them.

15:10. When this occurs in both parts of his rational faculty, namely the theoretical and the practical rational faculties, and also in his representative faculty, then it is this man who receives divine revelation, and God Almighty grants him revelation through the mediation of the active intellect, so that the emanation from God Almighty to the active intellect is passed on to his passive intellect through the intermediation of the acquired intellect, and then to the faculty of representation. Thus he is, through the emanation (faḍl)

from the active intellect to his passive intellect, a wise man and a philosopher and an accomplished thinker who employs an intellect of divine quality; and through the emanation from the active intellect to his faculty of representation a visionary prophet, who warns of things to come and tells of particular things which exist at present. 15:11. This man holds the most perfect rank of humanity and has reached the highest degree of felicity. His soul is united, as it were, with the active intellect. . . He is the man who knows every action by which felicity can be reached. This is the first condition for being a ruler. . . This is the sovereign (ra'is) over whom no other human being has any sovereignty whatsoever; he is the Imam; he is the first sovereign of the excellent city, he is the sovereign of the excellent nation, and the sovereign of the universal state (al-ma'murah kulha).

As-Siyasat Al-Madaniyyah (The Political Regime) (trans. Fauzi Najjar): \*

pp. 49-50: The supreme ruler without qualification is he who does not need anyone to rule him in anything whatever, but has actually acquired the sciences and every kind of knowledge, and has no need of a man to guide him in anything. He is able to comprehend well each one of the particular things that he ought to do. He is able to guide well all others to everything in which he instructs them. . . and to determine, define and direct these acts toward happiness. This is found only in the one who possesses great and superior natural dispositions, when his soul is in union with the Active Intellect. . . This man is the true prince according to the ancients; he is the one of whom it ought to be said that he receives revelation. For man receives revelation only when he attains this rank. . . This emanation that proceeds from the Active Intellect to the passive through the mediation of the acquired intellect, is revelation. . . The rule of this man is the supreme rule. . . The men who are governed by the rule of this ruler are the virtuous, good, and happy men. If they form a nation, then that is the virtuous nation; if they are associated in a single dwelling-place, then the dwelling-place that brings together all those subjects to such a rule is the virtuous city; and if they are not associated together in a single dwelling-place, but live in separate dwelling-places whose inhabitants are governed by rulerships other than this one, then these are virtuous men who are strangers in those dwelling-places.

p.57: Then there are the weeds in the virtuous city. (The position of the weeds in the cities is like that of the darnel among the wheat, the thorns growing among the crop, or the other grass that is useless or even harmful to the crop or plants.)

pp. 74-76: The weeds within the virtuous cities are of many classes. . . . For this reason it is the duty of the ruler of the virtuous city to look for the weeds, keep them occupied, and treat each class of them in the particular manner that will cure them: by expelling them from the city, punishing them, jailing them, or forcing them to perform a certain function even though they may not be fond of it.

(= Hebrew p.40)

(= Hebrew p.47)

מלכות 700 = \*  
ed. Z. Filipowski  
(1849, פ. 700)

Tadbir Al-Mutawahhid (The Governance of the Solitary) (trans. Lawrence Berman):

3. It is evident that in the virtuous and perfect city, every man is offered the highest excellence he is fit to pursue. All of its opinions are true and there is no false opinion in it. Its actions alone are virtuous without qualification. . . It is, then, evident, that every opinion arising in the perfect city that is different from the opinions of its citizens is false, and every action arising in it that is different from the actions customarily performed in it is wrong. . . In the perfect city, therefore, one does not introduce arguments dealing with those who hold an opinion other than that of its citizens or perform an action other than their action. In the four [imperfect] cities, on the other hand, this can be done. For here, there may be an unknown action that a man discovers by nature or learns from someone else, and does it. Or there may be a false opinion, and some man becomes aware of its falsehood. . . Now the ones who discover a right action or learn a true science that does not exist in the city, belong to a class that has no generic name. As for the ones who stumble upon a true opinion that does not exist in the city or the opposite of which is believed in the city, they are called weeds. . . Let us restrict the use of this term to the ones who hold true opinions. It is evident that one of the characteristics of the perfect city is that it is free of weeds. . . The weeds can, however, exist in the four [imperfect] ways of life. Their existence is the cause that leads to the rise of the perfect city.

4. All the ways of life that exist now or have existed before (according to the great majority of the reports reaching us about them, with the possible exception of what Abu Nasr [Al-Farabi] narrates concerning the early Persians' way of life), are mixtures of the five ways of life [that is, the perfect and the four imperfect ones], and for the most part we find them to be mixtures of the four [imperfect] ways of life. . . The three types of men - - the weeds, the judges, and the doctors - - exist, or can exist, in these ways of life. The happy, were it possible for them to exist in these cities, will possess only the happiness of an isolated individual; and the only right governance [possible in these cities] is the governance of an isolated individual, regardless of whether there is one isolated individual or more than one, so long as a nation or a city has not adopted their opinion. These individuals are the ones meant by the Sufis when they speak of the "strangers"; for although they are in their homelands and among their companions and neighbors, the Sufis say that these are strangers in their opinions (ghuraba'u fi ara'him), having travelled in their minds to other stations that are like homelands to them.

AL-FARABI

① "strangers in their dwelling places" -  
literal, physical, political level

② weeds - imperfect people in the  
virtuous city, like thorns

IBN BAJJA

① weeds - perfect person in imperfect city  
② "strangers in their opinions" - allegorical level