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## Is There a Jewish Political Thought? The Medieval Case Reconsidered



*Abstract: Whether there exists a political thought that can be characterized as distinctly Jewish is not something that scholars have agreed upon. Educated opinions on this question have ranged from the claim that Judaism is inherently averse to dealing with political philosophy or unable to do so; to the claim that all Jewish philosophy, at least in medieval times, is political philosophy. This controversy will only be resolved, and Jewish political thought recognized and defined, if the Jewish tradition is excavated for political thought on its own terms, rather than on the terms of the Greek tradition. The Middle Ages present an ideal case study for our question, as this was both a golden age for Jewish philosophy, of which Jewish political philosophy is a branch, and the ultimate period in which to examine the terms of the Jewish tradition as it interacted with the Greek, Christian, and Muslim traditions.*

The publication of this new journal dealing with Jewish political thought and its relationship to general culture is an opportunity to readdress a question which has been disputed over the last few decades: Is there a distinctly Jewish political thought?

Nobody would question the existence of “general” political thought, which is traced from classical Greece and Rome to medieval Christian Europe and from there to modern times, and is abundantly studied. However, the question of whether there is a Jewish political philosophy distinct from general political philosophy, and if so, how this should be defined, appears to have remained open. It is only in the last fifty years, since Leo Strauss took up the study of medieval Jewish philosophy as political philosophy, that scholars of Jewish and social studies have begun to explore Jewish political philosophy specifically.

Jewish political thought is a branch of Jewish philosophy. It is widely accepted that there is indeed Jewish philosophy that can be distinguished

from general philosophy, though definitions vary: While for some, Jewish philosophy is as broad as any philosophy written by Jews, others hold more narrow conceptions and define Jewish philosophy in terms of its unique content, whether this content is a consideration of philosophical problems in their specific Jewish context or a product of the encounter between Judaism and the world of concepts, problems, and attitudes that exemplified general philosophy in any given period.<sup>1</sup>

When we address the issue of Jewish *political* philosophy, however, we cannot simply assume that such a distinct political philosophy exists and proceed to define it: Not only is there no consensus among researchers on this matter, but opinions are so diverse that while some have claimed there can be no such thing as Jewish political philosophy, others hold that all Jewish philosophy—at least all medieval Jewish philosophy—is political philosophy. The fact that opinions fall between such extremes sheds light on the difficulties presented to scholars who have worked in the area of Jewish political thought over the last twenty years. These scholars, among whom I count myself, have had to contend with the fact that whether their field even exists is in doubt.

The discussion here will begin by tackling the controversial and delicate issue of whether Jewish political philosophy is a viable notion. We will then proceed, through a study of Jewish, Islamic, and Christian thought in the Middle Ages, which was a definitive moment in the history of Jewish philosophy, to characterize Jewish political philosophy, its sources, and the matters with which it deals. We will find that it is the unique character of Jewish political thought that has led to its being overlooked or its existence denied by theorists. Finally, we will examine the possibility that all Jewish philosophy, as it came into being in the Middle Ages, should be considered to be political philosophy, against the backdrop of the debate on this issue between Strauss and Guttman.

## 1. AGAINST THE VIABILITY OF JEWISH POLITICAL PHILOSOPHY

There are two negative responses given by scholars to the question of whether there can be Jewish political philosophy; one is based on an extremely sound knowledge of Jewish sources and claims that the subject is not essentially part of Judaism, whereas the other, stemming from a lack of knowledge of Jewish sources, claims that the subject is not discussed.

<sup>1</sup> For a discussion on this subject see Ze'ev Levy, *Between Yefet and Shem: The Status of Jewish Philosophy in General Philosophy* (Tel Aviv: Hakibbutz Hameuhad, 1982) [Hebrew]; Raphael Jospe, *What Is Jewish Philosophy?* (Tel Aviv: Open University, 1988).

### 1.1 *Political Philosophy as Irrelevant to Judaism*

The first opinion that we examine states that while it may well be possible to identify discussions of social and political questions in Jewish writing throughout history, there is nothing “Jewish” about these discussions. On the contrary, social and political questions in themselves are quite irrelevant to Judaism. The extreme form of this argument is expressed by Yeschayahu Leibowitz:

It is difficult to say that any one of the multitude of opinions that have been expressed in Jewish history concerning the individual and society is the one that represents the Jewish point of view; all of them are the opinions of specific Jews. Each of these opinions is held in common by some Jews and by some non-Jews and is not necessarily drawn from Jewish sources. There is no Jewish ethic, no Jewish policy, no Jewish concept of society. Jews and gentiles alike differ on all these matters, and the dividing line is not between Jews and non-Jews but between man and man. Jews and gentiles were not in disagreement as Jews and gentiles except when it came to practicing their religion by keeping the law and the commandments.<sup>2</sup>

Leibowitz identified Judaism as no more and no less than the voluntary acceptance of the yoke of the Torah and the commandments, categorically ruling out its having any unique philosophical or political content. In his opinion, Judaism strenuously avoided taking any obligatory position on matters of society and state, and its attitude to such matters remains indifferent and instrumental, since it considered the state to be nothing more than a means to achieve an external objective, superior to it—the worship of God. Therefore, according to Leibowitz, no regime or form of government has any intrinsic value, and the only relevant question is to what extent it serves the higher purpose. Moreover, according to Leibowitz’s school of thought, such questions are universal in nature, and therefore the answers to them are not uniquely Jewish.

How can such a claim be countered, if indeed it should be countered? There is certainly a great deal of truth in Leibowitz’s claim that Judaism is more concerned with the state’s religious, ethnic, and moral objectives than with the structure of its institutions, and is certainly flexible or “indifferent” with regard to what form of government is preferable. But

<sup>2</sup> Yeschayahu Leibowitz, “The Jewish Concept of the Individual and Society,” in Leibowitz, *Judaism, the Jewish Nation, and the State of Israel* (Jerusalem: Schocken, 1975), pp. 315–316. [Hebrew]

this should not be taken to prove that Judaism has no distinct political thought. In fact, the opposite is true. It is this very attitude to political thought, in which the structure of political institutions or the “regime” is downplayed, that characterizes and distinguishes Jewish political thought and the way in which Judaism relates to matters of the individual and the state. As Daniel Elazar once remarked:

The Jewish political tradition, like every other, deals with power and justice; it is different from the political traditions that developed from classical Greek theory in that it is concerned with political relations rather than with forms. Its principal concern is not with the best form of government or regime... but with the appropriate relationship between ruler and ruled, power and justice, God and man.<sup>3</sup>

The problem with Leibowitz’s approach is that in spite of his profound knowledge of Jewish sources, he adopts the classical Greek view of political theory as it was incorporated into Western culture. Since theories of regimes are at the very heart of classical political theory and are only marginal in Jewish political thought, he draws the conclusion that Judaism contains no political theory of its own whatsoever. In doing so, he makes a mistaken claim similar to that expounded upon below, despite his scholarship. Moreover, even if we accept Leibowitz’s assumption that Judaism is characterized solely by the acceptance of the Torah and the commandments, then since this involves accepting the authority of divine law, constituting a relationship of government between God and man, Judaism must deal with questions of politics in a theological context.

### 1.2 *Jewish Political Philosophy as Void of Content*

The other negative response to whether there can be a Jewish political thought, which is also the most extreme, stems largely from an ignorance of Jewish sources or from a distorted perception of them, and posits that there is no trace of political thinking in Jewish culture that can be distinguished from “general” (that is, Greek and later Christian-European) political philosophy. This is, for example, Shlomo Avineri’s contention in a compact anthology of his essays, *The Public Sphere*. In the citation below, he explains his decision to open the discussion of the history of political

<sup>3</sup> Daniel J. Elazar, introduction to *Am Ve’eda* (Jerusalem: Reuven Mass, 1992), p. 13. [Hebrew] Elazar would have translated this title as “People and Polity,” but it should be noted that *eda* refers strictly to the Jewish polity.

thought with Greece and to ignore Eastern cultures of the same period (including Judaism, which doesn't even warrant a mention):

The fact that this discussion will commence with Greek political theory is not the result of some mere whim, or even of any long-observed custom that demands that every historical discussion start with the classical world; the reason for it is based on the assumption that political thought in the strict sense of the word did not exist—nor could it have existed—in the ancient Eastern world or in one of the pre-classical societies.<sup>4</sup>

According to Avineri, only in Greece, where he considers there to have been a high degree of freedom from traditional beliefs, could the fundamental questions of political theory be posed. Such questions were not, in his opinion, possible in societies still dominated by incontrovertible tradition. Political theory subsumes two topics: A discussion of the nature of the ideal state and the criterion for its establishment, and the clash of these principles with political reality. In other words, it entails an understanding that political reality and the ideal criteria for evaluating it are not one and the same. Avineri considers this to be something a traditionalist society could not come to grips with, as in a traditionalist society, what “is” and what “ought to be” are one and the same.

Avineri's claim is hard to sustain for two reasons: First, it is difficult to uphold the contention that ancient Greek society was largely free of traditionally accepted beliefs. (Such a claim may be made about some of the philosophers but not about Greek society as a whole.) Second, the claim that in “traditionalist society” there is no way to distinguish between ideal government and political reality is incorrect: it is widely accepted that biblical political tradition is centered on the tension between a theocratic ideal and the problematic reality of this-worldly, human governance.<sup>5</sup> It is true that political theory in societies that Avineri calls “traditionalist” was radically different from that of Greece in many respects, but difference proves nothing but difference. An overarching comparison of all political thinking according to the premises of the Greek tradition, using

<sup>4</sup> Shlomo Avineri, *The Public Sphere: Conversations about Political Thought* (Tel Aviv: Poalim, 1985), pp. 9–10. [Hebrew] A more extreme claim can be found in S.D. Goitein, “Attitudes towards Government in Islam and Judaism,” in Goitein, ed., *Studies in Islamic History and Institutions* (Leiden: Brill, 1968), pp. 197–213. Here Goitein argues that unlike Greek culture, Islam and Judaism had a negative attitude toward government. This statement is inaccurate and oversimplifies matters, as we shall see.

<sup>5</sup> See the discussion on this in Daniel J. Elazar, “The Covenant as the Basis for Jewish Political Tradition,” in Elazar, *Am Ve'eda*, pp. 26–54; Stuart E. Cohen, “The Concept of the Three Crowns, Its Place in Jewish Political Thought, and Its Implications for Research into Jewish Constitutional History,” in Elazar, *Am Ve'eda*, pp. 55–75.

Greek philosophy as a benchmark, will perhaps inevitably conclude that any tradition with different premises is not political philosophy, and will oversimplify and thereby distort what is in fact a complex reality.

In Avineri's defense, it could be said that he was at least aware of the problem involved in selecting and judging which sources are worth dealing with. Many other scholars who have written on the history of political thought, and have identified it entirely with the Greek tradition and its influence, have not even been aware of making such a selection. In a number of seminal texts on the subject there was a long-held, unconscious assumption that political thought was exclusively Greek-European-Christian. The classic work by George Sabine, *A History of Political Theory* (1937),<sup>6</sup> completely ignores any political thought that is not Greek or does not derive from the Greek. This is also the case in many of the books published in the last twenty years, despite a growing awareness of other influential traditions. For example, a work on medieval Christian political philosophy published in the nineties is entitled *Medieval Political Theory*,<sup>7</sup> with no qualification, despite the fact that it totally ignores extensive Jewish and Islamic discussion of political theory in the Middle Ages, both in the primary sources it presents and in the recent research it incorporates. The authors inadvertently and wholly identified *Medieval* with *Christian* and did not even point out that they were referring only to the Christian branch of medieval political philosophy. There are numerous other examples of this phenomenon.<sup>8</sup>

An example to the contrary is the two-volume anthology of sources in the history of political thought, *The Book of Man and the State*,<sup>9</sup> edited by Meir Ben-Shamai and published in Hebrew in 1948, which took a different approach that was several decades ahead of its time and perhaps for

<sup>6</sup> See George H. Sabine, *A History of Political Theory*, 4th ed. (New York: Holt, Rinehart, and Winston, 1983).

<sup>7</sup> Cary J. Nederman and Kate L. Forhan, *Medieval Political Theory—A Reader: The Quest for the Body Politic* (London: Routledge, 1993).

<sup>8</sup> See a survey of the literature in Harvey Shulman, "The Bible and Political Thought: Daniel J. Elazar's Contribution to the Jewish Political Tradition," *Judaism* 41 (1992), pp. 18–30. The phenomenon can even be found in Israel, as in the translation into Hebrew and acceptance of George Sabine's book in 1963. See also Baruch Zisser and Ya'akov Tzur, eds., *Political Thought: Selected Writings* (Jerusalem: Schocken, 1990). [Hebrew] Despite its generic title, *Political Thought* includes exclusively texts accepted in the Western canon from Plato to Marx, ignoring any other political thought, including Jewish. Zisser, in his preface to the anthology, does not make mention of the problem this raises, even though two years later he co-authored an important article criticizing this approach to political thought (see note 27 below).

<sup>9</sup> Meir H. Ben-Shamai, ed., *The Book of Man and the State*, vols. 1–2 (Tel Aviv: M. Newman, 1948). [Hebrew]

that reason was consigned to oblivion: Along with the classics of Western political thought, Ben-Shamai also included extracts from the Bible, Philo, Maimonides, Abravanel, and other Jewish thinkers. Moreover, he took the unprecedented step of not sectioning off these texts, putting them together with general philosophers of the relevant era. Maimonides appears immediately after Aquinas (although he actually preceded him chronologically!), and Abravanel after Savonarola. As Ben-Shamai explains in his introduction:

I intentionally and completely omitted India and the Far East as well as the Islamic world, limiting myself to the Mediterranean and European cultural group, and in general the cultures of the ancient East and Israel on which Western theory was based. For methodological reasons, I put the material on talmudic political thought into the second volume—where the reader can see it in its place, since it was Maimonides who collated all the diffuse material in the Talmud. The reader may well wonder: Maimonides in the “company of Christians”? But actually [he belongs to] the era and the philosophical theory prevalent therein, and this theory is scholasticism. Who can doubt that Maimonides merits a place, from a general cultural-historical point of view, alongside the great scholastics? In this book, essentially about the evolution of general philosophy, the place of Israel and its great intellectuals was decided along general lines. The place of the Bible is indeed in the “ancient East”; of Philo—in “Rome”; of Maimonides—in scholasticism; of Don Isaac Abravanel—in the Renaissance; of R. Judah Loew (the Maharal of Prague)—in humanism.<sup>10</sup>

It is not entirely clear why Ben-Shamai omitted Islamic political thought from what he called “the Mediterranean cultural group,” but there is no doubt that his inclusion of Jewish political thought, and the way he included it, was a refreshing innovation. Still, this inclusion represented such an unusual approach for its time that it made no impression. The change in the way some researchers tackled this issue came with later studies of medieval political thought, as we will see in sections 3 and 4 below.

## 2. QUESTIONING THE IMPORTANCE OF JEWISH POLITICAL PHILOSOPHY

We have so far explored two arguments that deny the existence of Jewish political thought; one claiming that political thought is irrelevant to the Jewish tradition, the other claiming that it is absent from the tradition.

<sup>10</sup> Ibid., vol. 1, p. 19.

Another, less extreme stance, while not denying the existence of a specifically Jewish political debate, confines it to extremely strict limits that question the importance of Jewish political thought. There are two basic arguments:

### 2.1 *The Utopian Argument*

This viewpoint, an internal Jewish one confined mainly to the Orthodox community of scholars but occasionally appearing in the works of academics, assumes that because of the circumstances of the Diaspora and the protracted lack of political independence, Jewish political thought did not tackle concrete politics, but rather focused on “the ideal kingdom” in abstract halachic models and messianic, idealistic, and utopian images. This view tends to ignore the real historical forms in which the Jewish political tradition functioned. Aviezer Ravitzky noticed the flaw in this view and argued:

It is true that Jewish philosophers developed their theories in a state of exile from political autonomy and without independent government. Yet the nations among whom the Jews found shelter supplied them with a living political “laboratory,” which afforded Jews concrete experience in competing forms of government, and also invited them to closely examine distinct political cultures.<sup>11</sup>

Consequently, since there can be no doubt that throughout Jewish history there was sophisticated and ongoing political interest and experience, even without political independence, it is no wonder that a sophisticated and distinct Jewish philosophy developed that was concerned not only with utopian models of the future but also with real and present political problems.

### 2.2 *The Argument of Marginality*

Another argument that must be dealt with does not deny the existence of Jewish political thought but claims that most of its developments are recent, and any interest in politics displayed by Jewish thinkers prior to modernity was marginal. Ze'ev Levy argues thus:

The principal subjects that concerned Jewish philosophers in the Middle Ages were the theory of divinity, or problems of the existence of God, his nature and attributes; ethics, primarily keeping

<sup>11</sup> Aviezer Ravitzky, *Religion and State in Jewish Thought* (Jerusalem: Israel Democracy Institute, 1998), p. 8. [Hebrew]



the commandments, “duties of the heart,” and similar topics; and epistemology, with first and foremost the weighty issue of reason and revelation.... In modern times Jewish thought has continued to discuss these problems, but two branches of philosophy that have not previously aroused any special interest on the part of philosophers—political theory and the philosophy of history—have been appended. The political significance of Maimonides’ *Mishneh Torah*, which only a handful of modern researchers have discussed or hinted at... was marginal and cannot be compared with the prominence of political problems in the philosophy of Spinoza or Mendelssohn, for example.<sup>12</sup>

Like the argument that there is no Jewish political philosophy whatsoever, this argument—that the medieval discussion on this branch of Jewish philosophy was marginal—reveals a modern approach to medieval philosophy, the approach of someone who is, by no coincidence, an important scholar of modern Jewish philosophy. Levy’s observation ignores the fact that the ideological working assumptions and systems of thought in the Middle Ages were qualitatively different from modern ones, judging medieval thought by modern standards. That Levy applied these inappropriate modern standards to medieval thought is what led him to the mistaken conclusion that political thought was marginal in medieval Jewish philosophy.

Beyond the fact that the central topics of medieval philosophy to which Levy alludes, such as ethics and the rationale of the commandments, are essentially bound up in questions of political theory, the core subject of medieval Jewish philosophy correctly pointed out by him, the theory of divinity, is inexorably linked to fundamental questions of political theology.

<sup>12</sup> Levy, *Between Yefet and Shem*, p. 236. See also similar comments made much earlier by no less than Harry A. Wolfson, *Philo: Foundations of Religious Philosophy in Judaism, Christianity, and Islam* (Cambridge, Mass.: Harvard University Press, 1962), vol. 2, pp. 428–429: “The identification of the commandments with virtues on the part of medieval Jewish philosophers and also their philosophic explanation of some or all of the commandments would naturally lead us to expect that they would also attempt to explain the laws regarding rulers and subjects in terms of political theories known to them. No such attempt, on a large scale and in a systematic way, is, however, made by them. Maimonides, in one place, reproduces the conventional classification of the sciences, in which, under practical philosophy, he enumerates the topics of politics; in another place he discusses philosophically the source of inspiration of ‘statesmen’; in still another place he discusses again philosophically the origin of the state and the function of the king in it. But no attempt is made by him to present the Mosaic form of government in terms of political theories of his times. The form of the Mosaic state and its institutions are dealt with by him in his code of Jewish law, but there he confines himself to a logical and systematic arrangement of traditional material. It was not until towards the end of the fifteenth century that Isaac Abravanel, under the influence of Christian authors, made a faint effort to discuss the institution of kingship in Scripture in terms of current political theory.”

From the moment Maimonides claimed that the only attributes of God we can comprehend are attributes of his actions, so the resemblance of the prophet-philosopher-leader to God is a political resemblance, the theory of divinity became part and parcel of fundamental questions of medieval political thought.<sup>13</sup> Since no one would dispute the argument that the theory of divinity is an essential part of medieval Jewish philosophy, it inevitably follows that the political implications of this theory are part of its nature. Modern philosophers, like Leo Strauss, to whom Levy alludes here, drew attention to the existence of medieval Jewish political philosophy. But Levy is mistaken—the political philosophy to which they drew our attention was not in the least marginal in comparison with the modern.

Levy is certainly correct to point out that modern Jewish political thought touches upon entirely different subjects from those touched upon by medieval thought, in its historical, theological, and cultural context, but again, that discussions of this sort cannot be found in medieval thought does not prove that political discussion there was marginal, only that it was different. The argument that the political discussion in Spinoza's *Theological-Political Treatise* or Mendelssohn's *Jerusalem* is considerable in comparison with the marginality of the political discussion in Maimonides' *Guide for the Perplexed*, for example, is totally groundless. Moreover, we cannot properly understand the theological-political discussion of Spinoza and Mendelssohn without reference to the medieval background on which they are based and to which they are a direct and conscious reaction.<sup>14</sup> Therefore, not only is the claim false that concern with political philosophy in medieval Jewish philosophy was marginal, but the truth is quite the opposite; all Jewish political philosophy can to a large extent be seen as a product of this medieval tradition. We will later explore an even more extreme position (that all Jewish philosophy in the Middle Ages was by its nature political), but there is no doubt that the claims that there can be no Jewish political philosophy—or alternatively, that the medieval political discussion was “marginal” or dealt only with utopian matters—are groundless. This can be further proven by a direct examination of the primary sources.

<sup>13</sup> Concerning this, see Lawrence V. Berman, “Maimonides on Political Leadership,” in Daniel J. Elazar, ed., *Kinship and Consent* (Philadelphia: Jewish Publication Society, 1981), pp. 13–25; Abraham Melamed, *The Philosopher-King in Medieval and Renaissance Jewish Political Thought* (Albany: SUNY, 2003), esp. ch. 3.

<sup>14</sup> See, for example, Robert J. McShea, *The Political Philosophy of Spinoza* (New York: Columbia University Press, 1968), which totally ignores Spinoza's medieval background in general and his Jewish one in particular and, as a result, presents his political philosophy in an extremely partial and one-sided manner.

### 3. THE PROBLEM OF SOURCES

#### 3.1 *Textual Sources*

The evidence that seemed to corroborate the claim that Jewish sources do not discuss political thought was that we could not find in these sources even one treatise wholly or mainly devoted to this topic. This is markedly different in the case of Greek and Christian-European philosophy of the Middle Ages and the modern era, where a long series of important works devoted exclusively or mostly to political philosophy can be identified, such as Plato's *Republic* and *Laws*; Aristotle's *Politics*; Cicero's *On the Republic*; Thomas Aquinas' *On the Government of Princes*; Masilius of Padua's *The Defender of Peace*; Machiavelli's *The Prince*; and the great modern political treatises by Hobbes, Locke, Montesquieu, Rousseau, Mill, and many, many others.

Referring to an article on the political philosophy of Maimonides, included for the first time in a general anthology of the history of political philosophy (1969), the editors, one of them no less a figure than Leo Strauss, still maintained in their preface that "Surely an argument could be made for the inclusion of Dante, Bodin, Thomas More and Harrington, and for the exclusion of the Muslim and Jewish medievals...."<sup>15</sup> Does Maimonides really have anything to say about political theory? Did he write a single book on the subject? Ralph Lerner dwelt on the matter at length in his introduction to the article on Maimonides. Such remarks do not appear before any of the book's other articles and were included in this case since the inclusion of Maimonides was so unusual. He opened the article with the following remarks:

A discussion of medieval Jewish political philosophy might appear to suffer from a serious, perhaps hopeless, difficulty. Is there any reason to assume that the subject matter exists? Little in the present-day historical literature suggests that it does. When the medieval Jewish philosophers appear in all current histories, they do so mainly for their antiquarian interest, as links in a chain of transmission of ideas. This neglect is even more pronounced in the histories of political thought; medieval Jewish writers appear to be regarded as irrelevant. It would not be difficult to find some plausible reason for this neglect: a people that for more than a millennium lacked the least appearance of autonomous political life and that for the

<sup>15</sup> Leo Strauss and Joseph Cropsey, eds., *History of Political Philosophy* (Chicago: Rand McNally, 1969).

most part was firmly excluded from governance and administration is not a likely source of independent political reflection. Yet for all its plausibility, this assumption is false; the fact remains that problems that we can recognize as falling within the province of political philosophy are discussed in the writings of medieval Jews. Speculation about political things has never been a preserve open only to statesmen and full citizens.<sup>16</sup>

So from the fact that no treatises by Jewish thinkers are devoted to this subject, most scholars have deduced that there is no such thing as Jewish political philosophy, whereas there certainly is Greek and Western political philosophy. The lack of political philosophy from a Jewish perspective has been explained by the fact that the Jews were in the Diaspora, under foreign domination, and lacked sovereignty for most periods of their existence. The conclusion was therefore drawn that the Jews could not have had any special interest or significant experience or knowledge of political thought.

The problem is that our not having found in the history of Jewish thought even one treatise exclusively devoted to political thought (and this phenomenon, in principle, is also true of Islamic culture) does not necessarily prove that there was no such thought. It proves only that it does not appear in the same literary genres customarily used by the Greco-Roman or later European-Christian cultures. Since scholars were looking for political thought in the same types of texts with which they were familiar in their own cultures, and did not find them, and were looking for topics central to their political texts (for example, the theory of government) and found very little evidence of them in Jewish sources, they concluded that no such body of ideas existed. For as long as Jewish philosophy, including political philosophy, was being judged according to external criteria that did not pertain to it, it was easy to reach the conclusion that there was no Jewish political thought. Only when some researchers began examining Jewish sources according to their own theological and political premises did it become possible to discover the great richness of Jewish political tradition throughout history.

When Jewish sources throughout history were examined in this way, there was incontrovertible evidence of distinct political discussions in many of them. These discussions do not normally appear in texts specifically devoted to the subject, as was the case in Christian-European

<sup>16</sup> Ralph Lerner, "Moses Maimonides," in Strauss and Cropsey, *History of Political Philosophy*, p. 181. See also Lerner's earlier article, "Natural Law in Albo's *Book of Roots*," in Joseph Cropsey, ed., *Ancients and Moderns* (New York: Basic Books, 1964), pp. 132-147.

philosophy, but are dealt with in the philosophical, theological, and legal contexts of other texts. It is no coincidence that the major Jewish philosophers, in whose writings we can find clear and definitive political doctrine (although there are no texts specifically devoted to this topic), were scholars influenced to a considerable degree by the political philosophy of the culture that surrounded them, like Philo, Maimonides, Spinoza, and Mendelssohn. The more a scholar is influenced by the surrounding culture, the more distinguishable we find his discussion of the subject. Since the theological premises of Judaism (and Islam) were of a different nature from those of Christianity, the understanding of politics derived from these premises was also of a different nature. As a result, political discussion appeared in different textual genres. The theological premises determined their understanding of politics, and both these determined the literary genre they chose to employ.<sup>17</sup> If we examine biblical, rabbinic, medieval, and modern Jewish literature, we will find there to be a clear, sophisticated, and well-defined political tradition.

Only when a new breed of scholars, from the 1930s on, reflecting mostly on medieval Jewish political thought, such as Leo Strauss and Erwin Rosenthal, and later, from the sixties, Ralph Lerner, Lawrence Berman, and Daniel Elazar,<sup>18</sup> began to examine Jewish sources for what they were, in their historical-cultural context, and not from without, from the point of view of another culture, was it possible to discover the wealth of Jewish political philosophy. Against this background, Lerner

<sup>17</sup> Lerner, "Moses Maimonides," p. 182.

<sup>18</sup> Concerning Strauss and Lerner, see notes 15 and 16 above, and concerning Strauss, see the detailed discussion later in this essay. Concerning Rosenthal, see mainly Erwin I.J. Rosenthal, "Maimonides' Conception of State and Society," in Isidore Epstein, ed., *Moses Maimonides* (London: Soncino, 1935), pp. 191–206; Rosenthal, "Some Aspects of the Hebrew Monarchy," *Journal of Jewish Studies* 9 (1958), pp. 1–17; Rosenthal, "Torah and Nomos in Medieval Jewish Philosophy," in Raphael Loewe, ed., *Studies in Rationalism, Judaism and Universalism in Memory of L. Roth* (London: Routledge, 1966), pp. 215–230; and also his highly important edition of the medieval Hebrew translation of Ibn Rushd's *Averroes' Commentary on Plato's Republic* (Cambridge: Cambridge University Press, 1969). It is no coincidence that Rosenthal also wrote the sourcebook on Islamic political philosophy, *Political Thought in Medieval Islam* (Cambridge: Cambridge University Press, 1968). Concerning Berman, see mainly L.V. Berman, *Ibn Bajja and Maimonides: A Chapter in the History of Political Philosophy* (Ph.D. diss., Hebrew University of Jerusalem, 1959) [Hebrew]; Berman, "Greek into Hebrew: Samuel Ben Judah of Marseilles, Fourteenth-Century Philosopher and Translator," in A. Altman, ed., *Jewish Medieval and Renaissance Studies* (Cambridge, Mass.: Harvard University Press, 1967), pp. 289–320; Berman, "A Re-Examination of Maimonides' Statement on Political Science," *Journal of the American Oriental Society* 89 (1969), pp. 106–111; Berman, "Maimonides the Disciple of Alfaraabi," *Israel Oriental Studies* 4 (1974), pp. 154–178; Berman, "Maimonides on the Fall of Man," *AJS Review* 5 (1980), pp. 1–15; Berman, "Maimonides on Political Leadership," pp. 13–25; and his copious research into the

and Muhsin Mahdi brought about a true revolution when, for the first time in the history of research into political thought, they included Jewish sources alongside Islamic and Christian ones in an anthology of medieval political thought first published in 1963. The highly important preface to this anthology opens with a revolutionary statement in itself:

Medieval political philosophy... consists of the enquiries and conclusions of individuals, living as Muslims or Jews or Christians, who attempted to identify the classical political teaching and to distinguish it from, or to harmonize it with, the political teaching of their particular religion.<sup>19</sup>

The writers were well aware of the problems common to the three monotheistic cultures arising from the encounter between revelation and philosophy. They likewise understood the difficulties with which all three had to contend in the political sphere, and the methodological advantage of a comparative approach that draws on parallel basic sources from the three monotheistic cultures. Nonetheless, they show no appreciation whatsoever of the revolutionary innovation of actually including Jewish sources in an anthology of medieval political philosophy. A cursory reading of the anthology immediately brings into focus the marked difference in textual genre between Jewish and Christian political philosophy. A careful reading of the contents of these texts will also make very clear the background to this difference and its significance.

Following this precedent, discussions on Jewish political thought were included in books on political thought in general. It was no coincidence that Leo Strauss and Ralph Lerner were among the editors of these books and their writings were included in them. Yet, in the preface to the anthology of political thought, Cropsey and Strauss still remark that it is certainly possible to argue against the inclusion of Jewish and Islamic scholars in such an anthology, and this was thirty years after the publication of Strauss' revolutionary book *Philosophie und Gesetz (Philosophy and Law)*, in which the radical argument was first presented that all Jewish (medieval) philosophy is political philosophy.<sup>20</sup> Furthermore, in the introduction to the chapter on Maimonides, Lerner offers an explanation intended to

absorption of Aristotle's *Nicomachean Ethics* into medieval Jewish thought. Concerning Elazar, see notes 5 above and 26 below.

<sup>19</sup> Ralph Lerner and Muhsin Mahdi, *Medieval Political Philosophy: A Sourcebook* (New York: Cornell University Press, 1967), p. i. Ben-Shamai actually preceded them with this approach (note 9 above), but that anthology had no influence whatsoever on their research, perhaps because it was written earlier and published in Hebrew.

<sup>20</sup> See the discussion later in this essay.

preempt the surprise at the decision to include Jewish philosophy that appears to have nothing to do with the subject in an anthology of political philosophy. Where can we find political philosophy in Maimonides? What is Maimonides doing in the company of the great political philosophers Plato and Aristotle, all the way to Aquinas, Machiavelli, Locke, and Hume?<sup>21</sup> With time the inclusion of Jewish political philosophical writings among these texts became more acceptable, and in the last few years we can find evidence of a growing recognition of the importance of Jewish political philosophy for political philosophy in general.<sup>22</sup> Similarly, if in the past, scholars of medieval Jewish philosophy such as Julius Guttman, Isaac Husik, and Colette Sirat neglected the political aspect of Jewish philosophy, including it has become more acceptable, though much remains to be done. In a history of Jewish philosophy published a few years ago the editors were careful to include a chapter on Jewish political philosophy in the Middle Ages.<sup>23</sup>

### 3.2 Political Organization

As we said above, since the premise that it is not possible to find distinct political philosophy in Jewish sources is false, there is no need to accept the explanation for this state of affairs, namely, that it is because Jews for most of their history had no independent political existence and therefore had no interest or experience in politics. It would appear that the judgment that the Jews had no experience of politics also draws from the fact that Jewish culture was subjected to the premise, perhaps true of other cultures, that only an independent political existence for a certain length of time permits the development of a distinct political philosophy. This shows no awareness of the possibility that other political forms exist, such as the community, which has throughout history been central to Jewish life. In this context we look again at the second half of Lerner's analysis cited above:

<sup>21</sup> Strauss and Cropsey, *History of Political Philosophy*, preface and pp. 181–183.

<sup>22</sup> The phenomenon also finds expression in the teaching of political philosophy; see, for example, the Open University course *History of Political Philosophy A–B*, ed. Michael Keren (Tel Aviv: Open University, 2001), which is mainly on classical political philosophy but includes some Jewish (and Islamic) sources.

<sup>23</sup> Abraham Melamed, "Medieval and Renaissance Jewish Political Philosophy," in Daniel Frank and Oliver Leaman, eds., *History of Jewish Philosophy* (London: Routledge, 1997), pp. 415–449; Melamed, "Politics and the State," in S. Nadler and T. Rudavsky, eds., *The Cambridge History of Jewish Philosophy: From Antiquity to the Seventeenth Century* (forthcoming).



Yet for all its plausibility, this assumption [i.e., that the Jews did not have any political thought, since they did not have political experience] is false; the fact remains that problems that we can recognize as falling within the province of political philosophy are discussed in the writings of medieval Jews. Speculation about political things has never been a preserve open only to statesmen and full citizens.<sup>24</sup>

First, an independent or semi-independent political existence that extended over several hundred years during the First and Second Temple periods provided political experience and a sophisticated political tradition that to a great extent determined the development of a Jewish political tradition with far-reaching implications. Second, the fervid messianic hopes of generations to “renew our days as of old” have a pronounced political content, since they express an aspiration for the renewed independent political existence of the people of Israel in the land of Israel; as the Sages said (*Babylonian Talmud*, Berachot 34b): “There is no difference between this world and the days of the Messiah except enslavement to kingdoms.”<sup>25</sup> Third, even during the long period of exile and loss of political independence, during most of Jewish history, the Jews developed sophisticated communal frameworks of self-government and supracommunal frameworks, such the Council of Four Lands in Poland, which was recognized by the authorities in the various countries where this Jewish political framework existed. In the self-government of these communities it is possible to discern aristocratic, republican, and democratic elements to a greater or lesser degree, according to the best classical definitions of these types of regimes.<sup>26</sup>

Aside from their own political organization, throughout history, the Jews have examined the systems of government and the political traditions of the different peoples among whom they lived, have been

<sup>24</sup> Lerner, “Maimonides,” p. 181.

<sup>25</sup> Quoted in this context by Maimonides, *Mishneh Torah*, “Judges,” Laws of Kings 9:2. Concerning this, see A. Funkenstein, “Maimonides: Political Theory and Realistic Messianism,” *Miscellanea Medievalia* 11 (1977), pp. 81–103.

<sup>26</sup> See the discussion on this subject in Daniel J. Elazar, “Communal Democracy and Liberal Democracy in the Jewish Political Tradition,” *Jewish Political Studies Review* 5 (1993), pp. 5–31; Elazar, “The Community from Its Inception until the End of the Modern Era,” in Elazar, *Am Ve’eda*, “Jewish Political Tradition and Its Implications for Today” (Jerusalem, 1991), pp. 174–207 [Hebrew] and other articles in that anthology. Also Elazar and Stuart A. Cohen, “The Community of Israel: Jewish Political Organization from the Biblical Period until the Present Day” (Jerusalem, 1997); Irving A. Agus, “Democracy in the Communities of [the] Early Middle Ages,” *Jewish Quarterly Review* 43 (1953), pp. 153–176.



influenced in their own independent power structures by these systems and traditions, and have even interpreted political discussions in Jewish canonical texts in light of these. Jewish communities also developed frameworks and systems of negotiation with the authorities, so that their activities may even be said to have contained elements of international relations. Today it is standard practice in political research to assume that even frameworks without sovereignty, like the community, can be considered as “political systems,” and to examine them as such.<sup>27</sup>

#### 4. DEFINING JEWISH POLITICAL THOUGHT AND IDENTIFYING ITS SOURCES

Now that we have ascertained that there was indeed a clear tradition of Jewish political thought, the question of how to define it arises. Like Jewish philosophy in general, Jewish political thought can be defined in a number of different ways, and there are indeed parallels between the possibilities for defining Jewish philosophy and those for defining Jewish political philosophy. We can discern at least four alternatives, set out below from the extreme minimalist to the extreme maximalist, where the plurality and range of possibilities highlight the extent of the vagueness attending any exploration of the subject:

(i) Political ideas promoted by Jews, which need not have anything in common in subject matter or ideology and do not necessarily have a discernible Jewish content. They might even include ideas that conflict with the basic tenets of traditional Judaism and reject them, such as we find in Spinoza.

(ii) A repository of theories, ideas, and concepts, deriving from Jewish and general sources alike, that have been used to describe and define Jewish political institutions as they are described in the Bible and in postbiblical culture—like the institution of the community—or originally Jewish political ideas that acquired a Platonic or Aristotelian flavor, as in Philo or Maimonides. There is a question as to whether they express essentially Jewish ideas, or whether they are merely a “wrapping” that allows content whose source is external to the Jewish tradition to be absorbed within it.

(iii) A definitive and continuing tradition of political thought, taking different forms and involving processes of continuity and change, which

<sup>27</sup> D. Easton, *The Political System* (New York: Alfred A. Knopf, 1971). See also Eliezer Don-Yehiya and Baruch Zisser, “Continuity and Change in Jewish Political Philosophy,” in Elazar, *Am Ve’eda*, p. 125.

has undergone internal alteration over time, as revealed in Jewish canonical texts like the Bible, the Mishna, and the Talmud; in subsequent halachic literature; and in Hellenistic, medieval, and modern Jewish philosophy. It is important to stress here that the political theory of the Middle Ages or of the modern period is not a direct sequel to the political theory of the Bible or the Talmud, nor is it identical to them. It developed in other directions, was influenced by other historical and cultural circumstances, and served a different need. Yet these theories are still different branches growing from the same trunk, and there is therefore no possibility of understanding them correctly without understanding the links between them and their common sources. From an understanding of what they have in common we can also understand their differences and variability.

(iv) The halachic system of thinking, which is fundamentalist-religious in its most extreme form, largely homogeneous, and ideologically consistent.

The first definition is so general that it leaves the field amorphous and void of intrinsic meaning. Its logical extension is that there is no Jewish political thought, only a random collection of political ideas on which Jews meditated that have no real connection with one another.<sup>28</sup> On the other hand, the last definition is so specific that it ignores a whole range of political sources, theories, and ideas that appear in Jewish texts. The first definition is flawed by extreme pluralism, whereas the fourth is flawed by its being extremely monolithic, and neither allows for meaningful discussion of the subject. The two intermediate definitions, balanced between the extremes, seem appropriate and effective for the needs of such a discussion. The combination of both shows an understanding that no definition can include all the possibilities latent in a topic.<sup>29</sup>

This is the backdrop against which we will examine the types of sources for Jewish political philosophy as such. It is possible to distinguish four types:

(i) Political thought that can be defined as explicit and ordered, comprehensive and systematic, and that appears in a defined text devoted entirely or mainly to this subject.

<sup>28</sup> Similar to Leibowitz's view, which was discussed above.

<sup>29</sup> Don-Yehiya and Zisser, "Continuity and Change," pp. 100–102; Melamed, "Medieval and Renaissance Jewish Political Philosophy," pp. 415–449.

(ii) Political ideas interspersed in halachic, philosophic, and literary sources on non-political topics.

(iii) Various documents and instruments, like halachic responsa, regulations and legal judgments, protocols and public documents, and so forth, all dealing with concrete and practical political problems and hence likely to reflect perceptions of and attitudes toward fundamental questions in the social and political sphere.

(iv) Forms of organization, structure, and behavior that can reveal something about the values of the political culture and the principles of its political regime.<sup>30</sup>

As we explained earlier, the sources of the first type are characteristic of the Christian political tradition and do not appear in the Jewish culture. This is part of what led to the erroneous conclusion that there is no Jewish political philosophy. Since we are interested in political philosophy rather than in the aspects of political science that deal with forms of organization and types of government, the sources that we are interested in will be from the second group. Taking these types of sources as our base creates a methodological problem: Unlike Greek and Roman sources, and the humanist texts based on them, the primary sources of Jewish political philosophy, especially in the Middle Ages, are not clearly philosophical and hence not immediately identifiable as relevant to political philosophy. Our research therefore demands a process of collecting, identifying, editing, or organizing the relevant material before it is possible to interpret it and construct a comprehensive political theory therefrom. For this reason it might be argued that researchers have, until now, been putting the cart before the horse; they have worked on Jewish political thought before completing the process of collecting and organizing the relevant primary materials. We are still faced with the daunting challenge that this preliminary work presents, although the past few years have seen some advancement in this area, with the publication of two volumes on the Jewish political tradition edited by Michael Walzer, Menachem Lorberbaum, and Noam Zohar.<sup>31</sup>

<sup>30</sup> This classification is based on Don-Yehiya and Zisser, "Continuity and Change," pp. 103–104.

<sup>31</sup> Reference here is to Walzer, Lorberbaum, and Zohar, eds., *The Jewish Political Tradition Volume 1: Authority* (New Haven: Yale University Press, 2000); and Walzer, Lorberbaum, and Zohar, eds., *The Jewish Political Tradition Volume 2: Membership* (New Haven: Yale University Press, 2003).

## 5. JEWISH PHILOSOPHY, POLITICAL THEOLOGY, AND POLITICAL PHILOSOPHY IN THE MIDDLE AGES

Medieval Jewish political philosophy laid the foundations for subsequent Jewish political thought.<sup>32</sup> Here we will explain how it developed, its key ideas, and what it was that caused Leo Strauss to contend, contrary to all the arguments against the existence of Jewish political thought or against its importance, that all Jewish philosophy in the Middle Ages should be regarded as political philosophy. We will then be in a position to evaluate Strauss' claim.

Medieval Jewish philosophy, as it developed from the tenth century until approximately the end of the fifteenth century, was the product of the great encounter between Judaism, as it had evolved in biblical and rabbinic literature, and the legacy of Greek science and philosophy, as it had been absorbed into medieval culture through the great mass of Arabic translations undertaken in the eighth to tenth centuries. Jewish political philosophy was also a product of the encounter between Jewish political theology and Greek political philosophy as it had passed into medieval philosophy through translations into Arabic and commentaries on its principal political writers, especially Plato, by Islamic philosophers like al-Farabi, Ibn Baja, and Ibn Rushd (Averroes). Like philosophy in general, political philosophy dealt with this momentous encounter in a variety of ways.

Political theology, a branch of theology, deals with the political aspects and implications of revelation as expressed in the holy scriptures of each of the monotheistic religions. Whereas theology in general is concerned with everything accompanying fundamental questions of religious faith based on divine revelation, political theology deals with the significance of the governing relations between God and humankind in a particular ethnic or religious group stemming from this revelation. In this sense, theology is clearly particularistic in nature, especially in Judaism and Islam. In contradistinction, political philosophy, as it was first expounded in the writings of Plato and Aristotle, is essentially universal. It is concerned with the nature and political principles of human society

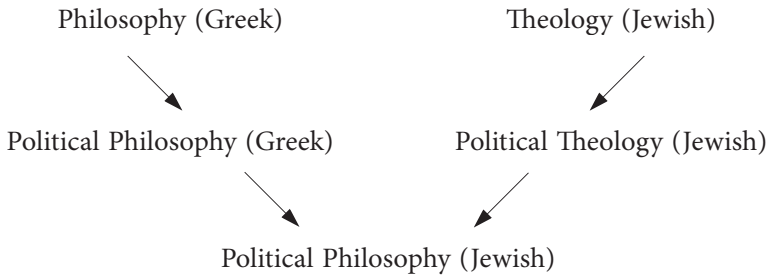
<sup>32</sup> Jewish political thought first emerged during the Hellenistic period in the philosophy of Philo of Alexandria, who was the first to interpret the Bible according to the basic tenets of Greek philosophy, especially Platonic philosophy, including the realm of political philosophy. See Wolfson, *Philo*, ch. 12. Philo's philosophy had no influence whatsoever on Jewish medieval thought, and therefore cannot be considered to be an early source of what was essentially a new tradition founded in the Middle Ages.

qua human society. Plato and Aristotle were indeed grounded in Greek political experience, yet the context and tenor of their discussions encompasses all mankind. Just as philosophy deals with the love of wisdom and the desire for knowledge in its most universal and general sense, so too political philosophy, which stems from it, desires to know the nature and principles of politics in a general sense.

Political theology, then, deals with God's government over man, with divine commandments given to men, with the governing relationship between God and humankind (theocracy is literally "God's governance"), and with the religious purpose of political life. Political philosophy, on the other hand, deals with man's government of man, with types of governments (by individuals, minorities, or the majority), with human legislation on which regimes are based, and with the human purpose of the state's existence. The common ground between political theology and political philosophy is that they deal with political matters. What distinguishes them are their basic premises and the different reasons that they are concerned with the subject.<sup>33</sup>

The three monotheistic cultures of the Middle Ages—Judaism, Christianity, and Islam—inherited the legacy of Greek philosophy. All three accepted, in principle, the premise that philosophy and science derived from the Greek tradition, including Greek political philosophy, were expressions of the highest level of human knowledge. They all agreed that the texts of the great Greek philosophers and scientists, Plato and Aristotle, Hippocrates, Galen, and Ptolemy, as these had been introduced to them by generations of manuscripts, translations, and commentaries, were manifestations of scientific truth. However, each of the monotheistic cultures differed from the others in theology and consequently in political theology. This dictated the way in which each culture selected which literature to incorporate from the Greek political legacy and how this literature was to be used. The differences between their theological premises affected the way they dealt with the fundamental questions of the relationship between God's government and man's government, divine law and human law, the divine purpose and the human purpose of political existence. The system of relations adopted by medieval Jewish thinkers can be graphically represented as follows:

<sup>33</sup> See the detailed discussion of these matters in Lerner and Mahdi, *Medieval Political Philosophy*, preface.



There is an essential difference between the basic premises of the political theology of Judaism and Islam on the one hand and those of Christianity on the other. This is a consequence of the different historical circumstances in which the three monotheistic faiths originated. Judaism and Islam evolved in the desert—at least in the metaphorical sense—where there was no permanent dwelling place, no rule of law, and no stable government. It was therefore necessary, from their point of view, to present their divine revelation—first and foremost—as a revelation of law. This law regulates and shapes the life of the community and its members, and is initially aimed at ensuring the physical survival of the group, then at improving its conditions and the moral character of the individuals belonging to it. This concept of law is holistic and all-encompassing, with law intended to extend to all areas of human existence, from the most physical level to the most spiritual. All human existence—beginning with the proper way of satisfying man’s most basic physical needs, such as eating and sexual relations, and culminating in Torah study, the highest level of religious practice in Judaism—from morning till night, from birth to death, is covered in minute detail by divine law as specifically set out in the halacha. The halacha (literally “pathway”), as its name suggests, aims at directing man along the path he should take in every detail and period of his life. The law, both written and oral, that according to Jewish tradition was given at the revelation of Sinai, is therefore first and foremost a social and political constitution that regulates the life of the people and the lives of the individuals within it.

It is important to note that in the terminology of the Middle Ages, the Hebrew words *torah* and *dat* (meaning “religion” in modern Hebrew) had much more general meanings than they have in modern Hebrew. Whereas the modern meaning of these words includes a specific system of laws, beliefs, opinions, and rituals, in medieval Hebrew they both mean law in the broad sense of the word. The words *torah* and *dat* signify law in general, any law whatsoever, not only Jewish law, and not necessarily divine law. Human law is also called (human) *torah* or (human) *dat*. It has even been claimed that the legalistic definition of these words is unique

to Judaism and that the modern meanings that have attached to them stem from the Christian influence on Jewish philosophy.<sup>34</sup>

The Torah is therefore not essentially a system of beliefs and ideas,<sup>35</sup> but rather a system of binding positive and negative commandments. Its aim is to establish a mandatory legal framework essential for a nation of slaves who left Egypt and were unaccustomed to a life of liberty based on voluntary obedience to legal authority, who wandered in the desert, in a place where there is no permanent habitation or proper human society. Thus, the divine law was careful above all to cater to the most basic physical needs of human existence in order to ensure the survival of the group during this critical period of its evolution. It is no coincidence, therefore, that the commandments between man and his neighbor inscribed in the Ten Commandments are expressed in the negative and all deal with primary prohibitions intended to guarantee the existence and survival of the group, beginning with “Thou shalt not kill” and ending with “Thou shalt not covet” (Exodus 20:12–14). Only after the survival of the group had been guaranteed through prohibitory laws (*mitzvot lo ta'aseh*) was it possible to add laws framed positively (*mitzvot aseh*), which are concerned with improving the moral behavior of the individual and the life of the society. Islam also emerged in the desert and also had a similar need to make a comprehensive set of laws to cover all areas of human existence. It is no coincidence that the Sharia, the Islamic system of law, has many parallels to Jewish halacha. Therefore, since the Jewish revelation is understood as a revelation of law and not of beliefs and ideas, the encounter between Jewish theology and Greek philosophy—and in our context, between the political branch of each—first raises a constitutional question: to what extent and for what purpose can revealed law permit the use of philosophy?<sup>36</sup>

<sup>34</sup> See A. Melamed, “Theology or Politics? Guttman and Strauss on Jewish Philosophy in the Middle Ages,” *Iyyun* 51 (2002), pp. 408–420.

<sup>35</sup> Hence, the thirteen principles of Maimonides, which laid down for the first time in Jewish history the binding principles of faith, were a radical change in the history of Jewish theology, and it was no coincidence that they caused a furor. See Menachem Kelner, *Dogma in Medieval Jewish Thought* (Oxford: Oxford University Press, 1986).

<sup>36</sup> Aviezer Ravitzky recently put forward the argument that in addition to the holistic model, we can find in Jewish thought of the Middle Ages a number of models that see the relationship between religion and the state in different ways. See Ravitzky, *Religion and the State*. This is not the place to deal with this original thesis in detail, but I remain unconvinced. It seems to me that some Jewish scholars in the late Middle Ages may have been influenced to a certain extent by ideas and terms of Christian scholasticism, but I do not think that any of them went so far as to propose different structures for the relation between what is called “religion” and “state” (in the modern sense of

Christianity, unlike Judaism and Islam, developed in an existing civilization, in the heart of the Roman Empire at its peak. Therefore, not only did it not have a pressing need to lay down a structured set of positive and negative precepts to regulate life in the political realm or community, for such laws already existed, but any such attempt would most certainly have brought Christianity into violent conflict with the authority of the Roman Empire. Christianity, which had been from the start a subversive religion with universal pretensions, developed in an empire faithful to pagan rites and could certainly not have afforded to do such a thing. Even though it made no such attempt, Christianity was mercilessly hounded in the Roman Empire until the third century. Any demand to replace the law of the empire with Christianity's own independent set of laws would have been regarded as a blatant subversion of the basis of the empire and would probably have generated an appropriate response. Just like Judaism, and later Islam, which emerged under similar conditions and accordingly developed similar survival strategies, Christianity, which emerged in completely different historical-cultural circumstances, developed a strategy for survival that suited its needs. In contrast to the holism of Judaism and Islam, Christianity developed a dualistic approach that drew a sharp distinction between the holy and the profane, between the physical and the spiritual realms, between the terrestrial and the heavenly, between this world and the next, between the state and religious faith. Its survival strategy in a hostile world was to forgo the earthly in favor of the spiritual, to acknowledge the imperial authority in the earthly domain and, in return, to demand recognition by the empire of its spiritual authority: "Give to Caesar what is Caesar's and to God what is God's." As a result, medieval Christian political culture developed the well-known distinction between two dominions; the church recognized the authority of the state in earthly matters and in return demanded recognition of its exclusive dominion in spiritual matters.<sup>37</sup>

A clear distinction therefore evolved in medieval Christianity between canonical law, which the church dispensed, and civil law, dispensed by worldly rulers. There was no analogy for this distinction in Jewish or Islamic political theology. The New Testament, in striking contrast to the

these words) beyond the conventional holistic structure, and even Ravitzky agrees that this structure was the dominant one. I believe that this is more of an attempt to find a precedent that will provide a remedy for the problems of the relationship between religion and state in Israel today, from the point of view of modern Orthodoxy, than an impartial discussion of the characteristics of Jewish political thought in the Middle Ages.

<sup>37</sup> See the discussion in Lerner and Mahdi, *Medieval Political Philosophy*, pp. 12–13. See also Nederman and Forhan, *Medieval Political Theory*.



Hebrew Bible, does not contain any clearly defined section on law, and there is nothing in medieval Christianity equivalent to Jewish halacha or Islamic Sharia. Whereas Judaism considered the sections in the Hebrew Bible that dealt with law to be the focus of this text, Christianity preferred the prophetic books of the Old Testament. The key question of Judaism and Islam was, what should man do? Both these religions focused to a great extent on existence and on proper human behavior here and now on earth. The fundamental question of Christianity, on the other hand, was completely different: What should man believe in? Man's attention was to be focused on the next world, with the physical affairs of this world defined as inferior and able to be left in the hands of a worldly ruler. The theological legitimization for this renunciation was that the sacrifice of Jesus had removed the requirement to keep the practical commandments. By accepting Jesus as the Messiah, the Christian believer was elevated from a level of base physicality—where the Jews, by their refusal to accept him, remained—to a level of spirituality, where he was no longer obliged to keep the practical commandments that focus on the needs of the earthly body. Therefore, when medieval Christianity came into contact with Greek philosophy in the thirteenth century, the question that bothered Christian theologians was not the question raised by Judaism and Islam—that is, to what extent revealed law permits the pursuit of philosophy, and for what purpose—because Christians had no such law. The question was to what extent Greek political philosophy was in harmony with the church's belief system and how the two could be reconciled.

These differences affected the ways in which medieval scholars dealt with the question of the relationship between political theology and political philosophy. However, it is important to point out that the differences were not only in the approaches of the three monotheistic religions, but also in the content that emerged from these approaches, and there was no small number of internal controversies among the scholars of each religion. These controversies were to a great extent the result of an ongoing argument in medieval philosophy concerning the relationship between philosophy and revelation in general. It is possible to discern two main approaches: One makes political theology subservient to political philosophy, and the other makes political philosophy subservient to political theology. The first assumes that since political philosophy is universal in nature, in contrast to political theology, which is more particular, the particular has to be understood in the context of the universal: it is impossible to understand the meaning and implications of God's governance and specific divine law intended for a particular ethnic-religious group except against the background of an understanding of the fundamental concepts of any regime and set of laws of whatever kind and

of their purpose. These are the subjects discussed by political philosophy. The contrary approach claims that since political theology is based on revealed, supernatural knowledge and political philosophy is based on knowledge of human origin, essentially inferior to divine knowledge, political philosophy must accept the authority of political theology and its basic premises. Its function is only to interpret, clarify, and elucidate the basic premises of political theology.<sup>38</sup> As a rule, most Jewish scholars accepted the second view in principle. Since revelation in their doctrine is a revelation of law, revealed law necessarily provides legitimacy for the pursuit of philosophy and directs and defines it according to need. However, some of them made extensive use of the basic premises of Greek political philosophy so as to give Jewish political theology the importance they felt it warranted. This is what created Jewish political philosophy.

#### 6. THE CLAIM OF GENERALITY: IS ALL MEDIEVAL JEWISH PHILOSOPHY POLITICAL PHILOSOPHY?

The assumption, correct in itself, that Jewish revelation—like Islamic revelation but distinct from Christian revelation—was essentially a revelation of comprehensive law, covering all elements of human existence, led Leo Strauss to the radical conclusion that all medieval Jewish philosophy was essentially a philosophy of law and therefore also necessarily political philosophy. Strauss developed this theory in his early treatise published in Berlin in 1935, *Philosophie und Gesetz*, the first part of which was dedicated to a sweeping polemic against Julius Guttman's great work, *Die Philosophie des Judentums* (*The Philosophy of Judaism*), which had been published two years earlier.<sup>39</sup> Strauss' criticism of Guttman focuses on

<sup>38</sup> For a detailed discussion of this, see Lerner and Mahdi, *Medieval Political Philosophy*, preface.

<sup>39</sup> See the English translation published fifty years after the book first appeared: L. Strauss, *Philosophy and Law*, trans. Fred Bauman with a foreword by Ralph Lerner (Philadelphia: Jewish Publication Society, 1987). My discussion is based on this translation. As for Guttman's treatise, see the expanded Hebrew edition: Julius Guttman, *The Philosophy of Judaism*, trans. Y.L. Baruch, ed. Z. Vieslavsky (Jerusalem: Mossad Bialik, 1963). For Strauss' worldview see Yonatan Cohen, *Reason and Change: Perspectives on the Study of Jewish Philosophy and Its History* (Jerusalem: Shalom Hartman Institute, 2001), preface. [Hebrew] On the controversy between Strauss and Guttman, see also M. Schwartz, "Enlightenment and Philosophy: On Jewish Philosophy in the Modern Era," *Da'at* 1 (1978), pp. 7–16 [Hebrew]; Eliezer Shveid, "Religion and Philosophy: The Scientific-Theological Controversy between Julius Guttman and Leo Strauss," in Shveid, *Rethinking* (Jerusalem: Akademon, 1991), pp. 45–76 [Hebrew]; see also E. Luz, preface to Strauss, *Jerusalem and Athens: A Selection of Essays*, trans. E. Luz (Jerusalem: Mossad Bialik, 2001), pp. 54–56. [Hebrew] These discussions focus mainly on the general theological-philosophical context of the subject and not on the political one. For the political context, see Melamed, "Theology or Politics?" pp. 408–420.

the concept of revelation and its relevance and status in medieval Jewish philosophy. While he agrees with Guttman that the great creation of medieval philosophy was the philosophy of religion, he takes him to task on the question of its content. Strauss criticized Guttman for approaching medieval Jewish philosophy from the perspective of modern Jewish philosophy, which he believed had been permeated with manifestly Christian elements. In Strauss' view, since the religion medieval philosophy dealt with was the religion of revelation, the problem of revelation became the fundamental problem of that philosophy. Since in its Jewish and Islamic context, revelation is the revelation of law and not of beliefs and ideas as it is in Christianity, medieval Jewish and Islamic philosophy became mainly a philosophy of law. This conclusion is reflected in the name of Strauss' book: *Philosophy and Law*. According to Strauss, if we have proven that focus on the problems of revelation is a feature of medieval Jewish philosophy, and revelation is the revelation of law and not of beliefs and ideas, law being clearly a political matter according to the Aristotelian classification, then logic dictates medieval Jewish philosophy to be political philosophy for all intents and purposes.

Guttman emphasized that philosophy of religion deals with general philosophical and theological topics that are beyond the domain of law or politics, like the question of creation, the possibility for man to know God, divine providence, the problem of divine knowledge, and the immortality of the soul. That medieval Jewish philosophy dealt with these topics, Guttman considered to be proof of the epistemological and metaphysical nature, apolitical and suprapolitical, of medieval Jewish philosophy. Strauss would have it that the moment the philosophical treatment of these subjects is conditional on revelation, which in Judaism means conditional on law, for its legitimacy, and the moment it is dependent on this revelation to answer questions for which reason can provide no conclusive answers, like the question of creation, then these subjects also come within the scope of the philosophy of law, that is to say, political philosophy.

Strauss examines Jewish medieval philosophy and claims that the moment God is represented as a lawgiver, the question of the perception of divinity is no longer merely a metaphysical one but necessarily a political one. The moment the prophet is portrayed as a legislator and as an ideal ruler, prophecy is no longer purely a psychological problem but a political matter. The moment man is described as having a political life, having physical and social needs, and not merely as a spiritual entity with metaphysical pretensions, the question of the purpose of human existence becomes a political one for all purposes. If so, politics, last in

the Aristotelian classification of sciences, becomes the supreme goal of theological speculation. The order is reversed, since, according to Strauss' interpretation of Maimonides, the supreme human purpose—expressed as the closest man can come to resembling God—cannot be achieved except within the framework of an ideal society in which the philosopher-prophet-ruler mirrors, by his rule in the microcosm of human society, the divine rule in the macrocosm of the cosmos, with kindness, justice, and righteousness. The biblical prophet assumes the character of the Platonic philosopher-king. The human resemblance to God changes from a matter of metaphysics into one of politics. Man does not know the nature of God, but by his deeds and in his political life, he can imitate the divine forms of activity.<sup>40</sup>

Guttmann responded to Strauss in a critical essay written in the early 1940s but published only posthumously.<sup>41</sup> The title Guttmann gave to this essay aptly describes the controversy between him and Strauss: "Philosophie der Religion oder Philosophie des Gesetzes?"

Guttmann's basic argument in response to Strauss' criticism focuses on the question of the relationship between revelation and philosophy. Guttmann argues that there is an internal flaw in Strauss' claim. If philosophy is conditional on revealed law, how can it simultaneously act to clarify the necessity and meaning of revealed law? Logic cannot allow the condition to be examined by the conditional. If we suppose that revealed

<sup>40</sup> Strauss, *Philosophy and Law*, pp. 37–58 and throughout the second part of the book. See the many other studies of this subject published later, for example, L. Strauss, "Quelques remarques sur la science politique de Maïmonide et de Farabi," *Revue des études Juives* 100 (1936), pp. 1–37; Strauss, "Farabi's Plato," in *Louis Ginzberg Jubilee Volume* (New York: American Academy for Jewish Research, 1945). See also the introductions to Strauss, *Jerusalem and Athens*, pp. 18–19, 52–53; concerning the political resemblance, see note 23 above.

<sup>41</sup> Julius Guttmann, "Philosophie der Religion oder Philosophie des Gesetzes?" *Proceedings of the Israel Academy of Science and Humanities* 5:6. Also see the Hebrew translation: Y. Amir, "Philosophy of Religion or Philosophy of Law?" *Proceedings of the Israel Academy of Science and Humanities* 5:1–20 (1975), pp. 188–207. Ironically, Amir, in his Hebrew translation, translated these words literally: "Philosophy of Religion or Philosophy of Law?" thus playing into Strauss' hands. He translated "religion" as "dat," while in medieval Hebrew the word did not have this meaning. The word "dat," like "Torah," simply meant law, not exclusively and not necessarily divine law, but law in general and all its branches. Thus, when the Hebrew translator of Guttmann's essay in response to Strauss translated the word "religion" as "dat" (and not *emuna* ["faith"], for example), he gave it precisely the same meaning as the German word *Gesetz*. As a result, Guttmann's highly significant question, which in the original German so neatly expressed the focus of the controversy between himself and Strauss, became a meaningless tautological question: "philosophy of law or philosophy of law?" To be fair, in making this error the translator was following Guttmann's own lead, since in his Hebrew articles and the translation of his book, he consistently used the word "dat" to mean faith and a religious outlook on life in its broad sense.

law is what gives philosophy its legitimacy, and philosophy elucidates revealed law, then it follows that this is not a dependent relationship—of philosophy on revelation—but one of cross-influence between two discrete and parallel sources of knowledge. Even for R. Sa'adia Gaon, who in Guttman's opinion also based the obligation to engage in philosophy directly on revealed law, the law of intellect has an independent status that is not conditional on revelation, and Mosaic law is identified as true divine law, not only as a result of empirical historical evidence, but also because it is compatible with the requirements of the law of intellect and proved rationally (*Beliefs and Opinions*, part 3). Moreover, since the historical reality of the Middle Ages was one in which three revealed religions were competing with each other for supremacy, intellectual reasoning, as it is embodied in philosophy, became the supreme test of religious truth. This was the main common ground among philosophers who were believers in the monotheistic religions and who had considerable differences of opinion over the question of the true nature of revealed religion. In its most extreme form, this rationalism went so far as to reject all revealed religion and to make rational judgment the exclusive test of truth.

Guttman contended that there is no one opinion in medieval thought about the relationship between revelation and philosophy. He did not believe that the attitude proposed by Strauss was the only one or even the prevailing one in medieval rationalism. It is possible to find a range of attitudes among medieval philosophers, from one that subordinates philosophy to revealed law, according to the view proposed by Strauss, to the antithesis, which subordinates revealed law to philosophy. To allow for only one possibility in all medieval philosophy is to diminish it in a way that misses out not only on the variety of attitudes in medieval thought, and the controversies between them, but also on the nature of this thought in general. Even those who presumed the constitutional subservience of philosophy to revelation, like Maimonides, considered revelation not an end but a means intended to guide mankind to an understanding of God. According to Maimonides (*Guide for the Perplexed* 2:40), the superiority of divine law to human law is expressed, among other ways, by the fact that contrary to human law, which aspires to narrow physical and social ends, divine law, as expressed in revelation, aspires to direct mankind to a true knowledge of God, that is to say, to a metaphysical level of human existence.

Another factor in the controversy exemplified by Strauss and Guttman is the relative influence of Plato and Aristotle on different types of medieval political thought, and here too there is a significant difference between Islamic and Jewish political theory and that of medieval Christianity.

Islamic and Jewish philosophy leaned heavily on Platonic political theory, in particular on Plato's *Republic* and *Laws*, as these came into medieval Islamic culture, were translated into Arabic, and were interpreted by the great political philosophers from al-Farabi to Ibn Rushd. These texts were later translated into Hebrew, and their influence was considerable in the development of Jewish political thought in the late Middle Ages. In both Judaism and Islam, political theology was interpreted in the context of Platonic political theory. While rumors of the existence of Aristotle's *Politics* reached medieval Islamic culture, the *Politics* itself did not reach Islamic philosophers, and its influence was nonexistent. In contradistinction, Aristotle's *Nicomachean Ethics* had a massive influence on Jewish and Islamic philosophy. The *Politics* came to the attention of Jewish scholars only later, as a result of Christian influence, and is first mentioned by a Jewish thinker in the fifteenth century with Joseph Albo's *Book of Principles* (1:7), and even here Aristotle is cited only in the context of a critique of Plato's system. Taking into account the fact that medieval Jewish and Islamic philosophical traditions relied heavily on the Aristotelian tradition in all areas of philosophy, the absence of Aristotle's influence in the realm of political thought is very noticeable. Even after the centers of Jewish culture moved to the Christian-Latin region in the late Middle Ages, where the *Politics* was enormously influential within scholastic political philosophy, it had no more than a marginal effect on Jewish scholars. They continued to be conditioned by Platonic political philosophy through its Islamic interpretations as far as the beginning of the modern age.<sup>42</sup>

In Christian-Latin culture, the situation was quite the opposite: Aristotle's *Politics* made an enormous impression when it was translated from Greek in the thirteenth century, and its influence on the political philosophy of Christian scholastics was huge. Plato's political thought penetrated Christian political philosophy only during the Renaissance. This situation resulted not merely from the vagaries of reincarnations of manuscripts but from the needs of each of the monotheistic cultures. To a great extent, the particular nature of the political theology of each culture determined the Greek source it chose, as well as determining the literary genre it elected to use, as we said above. Each of them used the Greek

<sup>42</sup> That has been the situation until the present day, when Plato's political texts have already been translated into Hebrew more than once in modern times, and their Islamic interpretations have also been published more than once in Hebrew and in other languages. Aristotle's *Politics*, on the other hand, has still not been translated into Hebrew in its entirety and awaits deliverance. See the bibliographical references in the following note.

source that most closely conformed to the worldview of its political theology, and the literary genre most appropriate for its political treatises. Plato's political view, which considered politics to be an inseparable part of his philosophical worldview and therefore did not distinguish between his more political discussions and his philosophical ones, was closer to the holistic position of Jewish and Islamic political theology. On the other hand, Aristotle's philosophical worldview, in which politics was a quite separate pursuit, was closer to the Christian view that distinguishes between the two disciplines.<sup>43</sup>

In the difference between the influence of the political thought of Plato and Aristotle, we find both another element distinguishing Jewish political philosophy from the Christian-Western tradition, and one which bears on the question of whether all Jewish philosophy in the Middle Ages is to be considered political philosophy: Strauss' doctrine assumed that medieval Islamic and Jewish philosophy from al-Farabi through Maimonides to Ibn Rushd was political, and therefore Platonic in nature, and brought political science from the fringes of philosophy to the center of its speculation. Without denying the Platonic influences, Guttman pointed out that there was also a dominant Aristotelian tradition, drawn from the *Nicomachean Ethics*, that had a bearing on political theory and its relation to ethics, psychology, and metaphysics but was distinct from political theory. This for Guttman signified that there was a notion of metaphysical revelation distinct from the political revelation that Strauss assigned to all medieval Jewish thought, and highlighted the possibility of a Jewish political philosophy that did not encompass all of Jewish philosophy, but was rather a branch of this much broader field.

## 7. IMPLICATIONS FOR TODAY AND CONCLUSIONS

There is no doubt that Strauss' revolutionary thesis, which assumed medieval philosophy was manifestly political in nature, acted as a catalyst in the expansion of research into important aspects of this philosophy that had scarcely been discussed until then. Prior to Strauss there was hardly any awareness of the political aspects of various texts, like R. Sa'adia Gaon's *Beliefs and Opinions*, R. Yehuda Halevi's *Kuzari*, Maimonides' *Guide*

<sup>43</sup> For a detailed discussion of these subjects see: Melamed, *The Philosopher-King*, esp. ch. 1; Melamed, "Isaac Abravanel and Aristotle's *Politics*: A Drama of Errors," *Jewish Political Studies Review* 5 (1993), pp. 55–75; Melamed, "Aristotle's *Politics* in Medieval and Renaissance Jewish Thinking," *Pe'amim* 51 (1992), pp. 27–69; Melamed, "Eliyahu del Medigo and the Platonic Political Tradition during the Renaissance," *Italia* 11 (1995), pp. 57–76. [Hebrew]



for the Perplexed, Albo's *Book of Principles*, or Abravanel's commentaries on the Bible, to mention only a few examples. These texts had been thought of until then as being of a halachic, theological, ethical, psychological, or metaphysical nature, totally devoid of any aspects of political philosophy. In addition to these, many other important texts that had until then been virtually untouched by scholars, in a political context or otherwise, became important. These texts include Ya'akov Anatoly's *Goad of the Students*, Yitzhak Polkar's *The Defense of Religion*, Eliyahu del Medigo's *The Examination of the Law*, Yohanan Alemanno's *The Eternal*, and many others. New readings of the canonical texts of medieval thought, by the likes of R. Sa'adia Gaon, R. Yehuda Halevi, Maimonides, Albo, and Abravanel, both cast new light on the theological and metaphysical significance of these texts and drew attention to their political aspects and to the interplay between the halachic, theological, metaphysical, and political. The fact that the attention of a number of scholars was drawn to this field was a consequence of Strauss' innovative identification of the political significance of these texts, where prior to Strauss, the political relevance of Jewish canonical philosophical texts of the Middle Ages had been distorted by the fact that a Christian interpretation, based on a different worldview, had been imposed on them. This Aristotelian-Christian political view, which separated the earthly from the spiritual, had no part in the worldview expressed in Jewish and Islamic holistic understandings of revelation.

By freeing himself from the narrow Aristotelian-Christian point of view and making a revolutionary return to Platonic political philosophy, Strauss opened our eyes to the political relevance of these texts and established the study of Jewish political philosophy in the Middle Ages as an important branch of medieval Jewish philosophy. Strauss' breakthrough in *Philosophy and Law* created a new area of research into Jewish philosophy in the Middle Ages and other periods that has produced dozens of studies in the last twenty years,<sup>44</sup> and there are more to come.

And yet when we examine the great controversy between Strauss and Guttman from a distance of at least two generations, we are able to evaluate each of the positions in the light of the development of research in the last ten years. Paradoxically, the expansion of research in the field created by Strauss proves, in my opinion, that he may have gone too far in the thesis he expounded in *Philosophy and Law*. The culmination of the studies of medieval Jewish political thought so far seems to point in

<sup>44</sup> See the complete bibliography updated to 1997 in Melamed, "Medieval and Renaissance Jewish Political Philosophy," pp. 440-449. Since its publication, many studies in this field have been published as well as some important doctoral theses.



the direction of the conclusion reached by Guttman after he had read Strauss. That is to say, while Strauss certainly accomplished something of great importance when he stressed the political aspect of the theory of revelation, Guttman, with his good sense, put things in proportion and was in this respect ahead of his time. Political philosophy, itself influenced to an enormous extent by Platonic tradition, continues to be conditioned, in the Aristotelian style, by the basic premises of ethics, psychology, and metaphysics. It could be argued that Strauss and Guttman complemented each other dialectically: Strauss was the first to turn the spotlight on important political aspects of revelation theory, whereas Guttman put them in their correct perspective without diminishing their importance.

The Italian Jewish scholar-poet of the fifteenth century Moshe Mirieti wrote in his apposite verse that political philosophy is nothing other than "wisdom's little sister."<sup>45</sup> Strauss' great accomplishment was that he turned this little sister into a woman of importance, making political philosophy a legitimate and important field of research within Jewish philosophy. As this field develops, it is important that scholars appreciate the distinctness of Jewish political thought and study it on its own terms. We saw that exploring medieval Jewish philosophy from the outside, by Aristotelian-Christian standards, led to a misunderstanding of the political importance of the Jewish thought of that time. Similarly, the study of Jewish political thought in any era must take care to evaluate this thought from within, through the very sources and forms of political organization that make Jewish political thought distinct and, at times, hard to identify as political thought.

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<sup>45</sup> Moshe Mirieti, *Mikdash Me'at*, ed. I. Geldantel (Vienna, 1851), p. 22.