

CHAPTER I

*Maimonides and the Almohads**Herbert A. Davidson*

There is no reason to doubt that Maimonides was acquainted with all the writings of Aristotle known in Moslem Spain, i.e., practically the whole *Corpus Aristotelicum*.

S. Pines, "Translator's Introduction" in *Guide of the Perplexed*

There is clear evidence that Maimonides received the most comprehensive education available in al-Andalus and Fez both from his explicit statements and from our knowledge of the educational curriculum, religious as well as philosophical, of the educated Jews in Islamic Spain.

I. Dobbs-Weinstein, "Maimonides' Reticence toward Ibn Sīnā" in *Avicenna and His Heritage*

My own working hypothesis is that Maimonides . . . read all he could find.

S. Stroumsa, *Maimonides in His World*

Maimonides certainly lived a full life. He was born in Andalusia and witnessed the Almohads' conquest of most of the country and the havoc they wreaked on the Jewish communities. In his early twenties, he dwelt for a time in Fez but soon bade goodbye to Morocco and its intolerant rulers, visited Palestine, and in his late twenties settled in Egypt, where he remained until his death. In his early period he composed a commentary on two-thirds of the Babylonian Talmud, which he did not publish, and three works that he did: a Commentary on the entire Mishnah corpus; the *Book of Commandments*; and the *Mishneh Torah*, a comprehensive code of Jewish law on which, he says, he labored day and night for ten years. The introduction to the *Mishneh Torah* lists the sources from which he drew: the Babylonian Talmud, the Jerusalem Talmud, Sifra, Sifre, Tosefta, and the commentaries, responsa, and halakhic compilations of the Geonim. He writes that he mastered "all of these books" and

employed them in determining norms for the entire range of scriptural and rabbinic law.¹

In addition to his rabbinic studies he found time for secular science. Al-Qifṭī's biographical dictionary, which dates from shortly after Maimonides's time – but is not always reliable – reports that he “read philosophy [i.e., he read texts, likely with a teacher] in Andalusia, mastering mathematics [which would include astronomy] and acquiring a smattering of logic. He also read medicine there, excelling in its scientific side.”² Independently of al-Qifṭī we know that in his early period, Maimonides studied medicine with Jewish and Arabic physicians and discussed difficult diagnoses with them;³ that he attained expertise in astronomy and in the mathematics needed for making complicated astronomical calculations;⁴ and that he acquired a knowledge of at least the basic features of the Arab-Aristotelian picture of the universe.

In his later period, he was no less industrious. He composed his *Guide for the Perplexed*, in the course of which he cites five works of Aristotle and one falsely attributed to him, Ptolemy's *Almagest*, works of Alfarabi and Ibn Bājja, and a pair of compositions ascribed to Alexander Aphrodisias. He drew from al-Ghazālī, whose name he never mentions.⁵ Two letters written by him that cast light on his medical practice have been preserved. The first, which now exists as part of a single long letter dated 1191, relates that he had achieved fame as a physician, that his patients included members of the Muslim aristocracy, and that after he finished dispensing care, he spent the remainder of the day searching the medical literature for whatever might be pertinent to his patients. He found no time to look at “anything scientific” apart from medicine.⁶ The second letter is dated 1199, by which time his practice extended to the Sultan and his family. He describes traveling to Cairo every morning and meeting with the Sultan. At the earliest, he returned to Fustat in the afternoon where in his words “I find my courtyard full of Jews and Gentiles of every class.” He attended to

¹ Maimonides, *Code of Law, Introduction*, ed. Z. Frankel, p. 4.

² H. Davidson, “Ibn al-Qifṭī's Statement Regarding Maimonides' Early Study of Science,” *Aleph*, 14 (2014), 245–258, 256.

³ Maimonides, *On Asthma*, ed. and tr. G. Bos (Provo: Brigham Young University Press, 2002), chapter 13, §§33, 38; *Medical Aphorisms, Treatises* 6–9, ed. and tr. G. Bos (Provo: Brigham Young University Press, 2007), chapter 8, §69; *Pirquei Mosheh* (medieval translation of the *Medical Aphorisms*), ed. S. Muntner (Jerusalem: Mossad Harav Kook, 1959), ch. 22, §35; ch. 24, §40.

⁴ Maimonides, *Commentary on the Mishnah, Rosh ha-Shanah* ii.7; *Code of Law, Sanctification of the New Month*.

⁵ H. Davidson, *Maimonides the Rationalist* (Oxford: Littman Library, 2011), pp. 99–172.

⁶ Maimonides, *Letters*, ed. D. Baneth, pp. 69–70.

their medical needs, and “they are not gone before nightfall and sometimes . . . until two or more hours after dark When night falls I am so weak that I can no longer talk.”⁷ As many as twelve medical texts by Maimonides have been preserved, all or the majority of which come from the late period. The most comprehensive, known in English as the *Medical Aphorisms*, bears witness to the years spent in studying the medical literature. In the main, it consists of excerpts from ninety of Galen’s medical works.

That he could accomplish so much is a marvel. Nonetheless, there are writers whose admiration for him is such that they deem his actual accomplishments insufficient. Books are attributed to him without any adequate evidence and sometimes contain statements that he could not possibly have made. Scholars have portrayed him as holding the highest communal office, although he is never seen to perform the duties of the office and could not have performed them during the decade in which he worked day and night on the *Mishneh Torah*, the year when he was incapacitated with depression after hearing of his brother’s death, and the years in which his medical practice demanded all of his time. And he has been credited with a much broader knowledge of the philosophic literature than I have described.

I start with a couple of examples of this last sort.

S. Pines writes: “There is no reason to doubt that Maimonides was acquainted with all the writings of Aristotle known in Moslem Spain, i.e., practically the whole *Corpus Aristotelicum* It is moreover abundantly clear that, from an early age, Maimonides had lived with these texts and that they formed a notable part of his intellectual makeup.”⁸ Not a scrap of evidence is furnished to justify these broad pronouncements. In actuality, apart from a few questionable tidbits, there are no grounds for imagining that Maimonides read a single line of Aristotle in his early period. As already mentioned, he read and used five works of Aristotle in his later period; there is little reason to suppose that he read more. In the instance of one of the key Aristotelian works, the *Metaphysics*, solid evidence can be marshalled to show that he did not consult it in either period.

Pines further writes: “It may be taken as certain that Maimonides made extensive use of the commentaries [on Aristotle]. This may be inferred not only from the reference to them in the letter to Ibn Tibbon [where Maimonides wrote that Aristotle cannot be understood without the

⁷ A. Marx, “Texts by and About Maimonides,” *Jewish Quarterly Review*, 25 (1935), 376–377.

⁸ *Guide of the Perplexed*, “Translator’s Introduction,” p. lxi.

commentary of Alexander, Themistius, or Averroes. H. D.], but also from the fact that the Spanish Aristotelians, whose philosophic education was probably similar to Maimonides', held the commentaries in high esteem."⁹ Since Maimonides recommends Averroes's commentary on Aristotle, although he himself did not use it when he wrote the *Guide*,¹⁰ he would have been quite capable of recommending the commentaries of Alexander and Themistius, although he did not use them when writing it. As Pines concedes, the Greek commentaries on Aristotle have left no discernible mark on Maimonides's writings. A work attributed to Alexander that is not a commentary – the *Principles of the Universe* – was used by Maimonides and may have been considered by him as good as a commentary. Otherwise, far from its being taken as certain that Maimonides made extensive use of the Greek commentaries on Aristotle, there is no evidence to support the supposition that he ever looked at them.

I. Dobbs-Weinstein writes: "There is clear evidence that Maimonides received the most comprehensive education available in al-Andalus and Fez both from his explicit statements and from our knowledge of the educational curriculum, religious as well as philosophical, of the educated Jews in Islamic Spain. At the very least, we can be reasonably certain that he would have read all those Arabic works of Ibn Sīnā available in al-Andalus, Fez, and Cairo after 1138."¹¹ Since she does not identify the "explicit statements" that she had in mind, we cannot judge that part of her contention. As for the inclusion of philosophy in an educational curriculum of educated Jews in twelfth-century Islamic Spain, no such curriculum is known to have existed. The odd rare bird who wanted to study philosophy had no institutional framework to help him. He was on his own.

Maimonides furnishes a glimpse of how philosophy would be taught in his time. When Joseph ben Judah arrived in Egypt from the West he wrote a flattering note to Maimonides saying that he wished to study secular texts with him. Although he had no preparation and would have to start with ABCs, Maimonides accepted him as a pupil. The two read mathematics and astronomy and only then turned to philosophy proper. They started with logic and had not progressed to metaphysics when Joseph left Egypt for Syria.¹² Maimonides is not known to have read philosophic texts with anyone else. He did train a nephew in medicine,

⁹ Ibid., p. lxiv. ¹⁰ Ibid., p. cviii; Davidson, *Maimonides the Rationalist*, p. 166.

¹¹ I. Dobbs-Weinstein, "Maimonides' Reticence toward Ibn Sīnā" in J. Janssens and D. De Smit (eds.), *Avicenna and His Heritage* (Leuven University Press, 2002), pp. 281–296, on p. 283.

¹² *Guide*, Dedication, ed. Munk-Joel, p. 2a.

and when he occasionally refers to other students, the subject of study is rabbinic texts.¹³

Dobbs-Weinstein concedes that Avicenna's "influences . . . cannot be directly traced or attributed to a specific text" in the *Guide*. But she asserts that Avicenna's "clearest influences upon Maimonides' thought are evident in the latter's development of the following, closely related distinctions and problems: (1) the origin of the universe or, more precisely, the specific formulation of emanation in a manner such that emanation could be reconciled with creation, (2) the distinction between possible and necessary existence, (3) the nature of acquired, specifically prophetic human intellect."¹⁴ She discovered these three distinctions and problems in her reading of the *Guide for the Perplexed* and at best they would only speak to a possible impact of Avicenna on Maimonides in his later period. They would have no bearing on Maimonides's years in Andalusia and Fez and the first decade or more of his life in Egypt.

The terms *necessarily existent* and *possibly existent* go back to Avicenna, but by Maimonides's time they had become common coin; they have, for instance, a prominent place in al-Ghazālī. As for the first and third points, they turn out to be subtle trains of reasoning that Dobbs-Weinstein supports by a dozen references to the *Guide*. Whether the dozen texts she refers to do bear out her re-creation of Maimonides's thinking may be questioned. Her conclusions regarding Avicenna's "influences" lose their cogency, however, on more conclusive grounds: Not a single quotation of, or reference to, any work of Avicenna's is offered in order to establish that the reasoning she ascribes to Maimonides was suggested by Avicenna or more generally that Avicenna had a direct impact on Maimonides's thought.

As far as the evidence offered goes, there are thus no grounds for concluding that Maimonides read anything written by Avicenna or indeed that he knew anything about Avicenna's philosophic thinking at any point in his writing career. (He was familiar with at least one of Avicenna's medical works.) In fact, there are substantial Avicennan threads in the *Guide for the Perplexed*. But they are at least as likely to have come to Maimonides through an intermediary as to have come directly from Avicenna, the most probable candidate being al-Ghazālī's summary of the views of the "philosophers."¹⁵

¹³ H. Davidson, *Moses Maimonides, the Man and His Works* (New York: Oxford University Press, 2005), pp. 65–66.

¹⁴ Dobbs-Weinstein, "Maimonides' Reticence," pp. 282, 287.

¹⁵ In a forthcoming publication, I give textual evidence for Maimonides's having used Ghazali's *Maqāṣid* and *Tabāfut* when writing the *Guide*.

The foregoing is a prelude. My primary interest is a recent attempt to identify an impact on Maimonides's thought of a somewhat different sort. S. Stroumsa submits a methodological guideline, which many would challenge if it were put forward as a general rule for intellectual studies. It is particularly questionable in regard to Maimonides, since it fails to take into account how monumental, and hence time absorbing, an accomplishment his mastery of the rabbinic corpus was.

The guideline reads:

[Among some scholars,] suggestions that Maimonides might have had access to a specific non-Jewish source encounter resistance and are expected to be accompanied by a positive proof that this was indeed the case. My own working hypothesis is that Maimonides, who only rarely cited his sources, read all he could find, and that he had no qualms about perusing the theological or legal works of non-Jews, and even less so when he respected their author. A priori, therefore, and until proven otherwise, my assumption is that he was generally familiar with major books of his period.¹⁶

What will concern us will be Stroumsa's application of her hypothesis to the possible impact on Maimonides of the Almohads. The name *Almohads* is a Westernization of Arabic *al-muwahhidūn*, which means those who affirm and uphold unity. The *Muwahhidūn*, or Almohads, were self-styled affirmers and upholders of the unity of God, of Allah. The ideologue of the movement was Ibn Tumart, who died a few years before Maimonides's birth. There exists a compilation of seventeen opuscles in Arabic, which are attributed to Ibn Tumart and encapsulate various aspects of Almohad belief and practice. Much is uncertain, including the date at which the compilation began to circulate, whether all the components come from Ibn Tumart himself, and whether they were originally written in Arabic or whether some or all are translated from Berber, that being the native tongue of Ibn Tumart and his immediate circle. The modern editors of the collection speak of it as Ibn Tumart's "Book," and I shall use similar phraseology without any intent to prejudge the issues.

Maimonides never names the Almohads or alludes to them except in an oblique reference to persecution of Jews in the West, and he never names or refers to Ibn Tumart. There is no way of telling whether the seventeen opuscles were accessible to him in Arabic, should he have wanted to peruse them. Stroumsa thinks, nonetheless, that she can recognize

¹⁶ S. Stroumsa, *Maimonides in His World* (Princeton University Press, 2009), p. xii.

“Almohad influence in many of Maimonides’ innovations, both on the large scale as also in the details.”¹⁷

I. Stroumsa writes: “It appears that in his decision to compose a relatively short compendium of law as well as in the principles that guided him. . . (namely, going back to the *uṣūl*, presenting a final ruling, and dispensing with the scaffoldings that traditionally accompanied it), Maimonides was closely following the Almohad example.”¹⁸ I address the matter of *uṣūl* first.

Uṣūl means *roots*. In an extended and metaphorical sense, the roots of a field of knowledge are the fundamentals – the principles, sources, doctrines, rules, criteria, and the like. To take an instance with which Maimonides was surely familiar: Euclid’s *Elements* was translated into Arabic as his *Roots*. Sezgin, whose catalogue of Arabic literature stops at about a century before Maimonides’s birth, lists more than fifty books that have *uṣūl* in their titles,¹⁹ and writers of course did not lay down their pens where the catalogue stops. A number of genres of Arabic literature are represented, two of which are pertinent for us: *uṣūl* of *dīn* and *uṣūl* of *fiqh*. Kalam theologians concerned themselves with the roots of religion (*dīn*), that is, with the principles, or doctrines, of the Islamic faith; Muslim legists concerned themselves with the roots of jurisprudence (*fiqh*), that is, with the sources of Islamic law. The Quran, traditions handed down about Muhammad and his associates, and the consensus of the Muslim community, were commonly recognized as valid sources of law, and analogy with established cases was often added as fourth valid tool for deciding legal issues that could not be otherwise adjudicated.

The Arabic Aristotelians, and especially Avicenna²⁰ and al-Ghazālī, likewise speak of roots of one sort or another. For example, al-Ghazālī’s account of the views of the philosophers, which Maimonides may have read in his early period and did read and use in his later period, lists six roots – criteria – for rating pleasures; four roots – principles – of physics; and three roots – categories – of miracles.²¹

Uṣūl appear as well in Judeo-Arabic literature prior to Maimonides. Dāwūd al-Muqammiš’s chief work was known under two names, one of

¹⁷ Stroumsa, *Maimonides in His World*, p. 61. ¹⁸ Ibid., p. 67.

¹⁹ F. Sezgin, *Geschichte des Arabischen Schrifttums*, 13 vols. (Leiden: Brill, 1967–2000), Index.

²⁰ See Avicenna, *Shifāʾ: Ilāhiyyāt*, ed. and tr. M. Marmura (Provo: Brigham Young University Press 2005), p. 4, line 5; p. 115, line 6; p. 256, line 1; p. 287, line 6; p. 350, line 7; p. 351, line 8; and indices of the Cairo edition of the *Shifāʾ*.

²¹ Ghazali, *Maqāsid* (Cairo), pp. 171–175, 263, 314. See also Bouyges’s index to his edition of Ghazali’s *Tahafot al-Falasifat* (Beyrouth: Imprimerie Catholique, 1927), s. v. *uṣūl*.

which was *On the Roots of Religion* (*Uṣūl al-Dīn*).²² Saadia wrote a treatise in which he treated the roots (*uṣūl*) of inheritance law.²³ One of Samuel ben Ḥofni's many books is an Arabic work, which has been lost, entitled *On the Roots of Religion* (*Uṣūl al-Dīn*) and its Branches.²⁴ Bahya ibn Paquda's *Duties of the Heart* is divided into ten chapters, each of which is devoted to one of the ten roots (*uṣūl*) that together make up the book's subject matter. In Chapter One, Bahya treats "the firmest of the cornerstones and roots (*uṣūl*) of our religion," which he identifies as the unadulterated belief in the unity of God.²⁵ Maimonides knew and refers to works of Saadia and Samuel ben Ḥofni, and I think that a strong argument can be made for his familiarity with Bahya's composition.

Towards the beginning of the *Commentary on the Mishnah*, Maimonides digresses concerning a problem in the thesis that God punishes sinners; he writes that the solution to the problem rests on several propositions on which "expert philosophers and the [ancient] rabbis" agree. He thereupon explains why he turned away from the legal matters that are the bread and butter of the *Mishnah* and allowed himself the digression: "Whenever there is a whiff of a discussion involving belief, I shall provide some explanation; for giving instruction on one of the roots [*aṣl min al-uṣūl*] is more worthwhile than any other instruction that I may give."²⁶ It would have been helpful if he had made explicit the sense in which he was employing the term *roots*, since he usually employs it in a different sense in the *Commentary*. Nevertheless, although he fails expressly to say so, *roots* in the passage quoted are clearly doctrines to be believed. He deemed giving instruction on the doctrines of the Jewish religion more worthwhile than giving instruction regarding legal matters, which was his main occupation in the *Commentary*.

There are a few additional instances in the *Commentary on the Mishnah* where *uṣūl* has the sense of theological and philosophical doctrines of the Jewish religion.²⁷ Usually, though, *uṣūl* in the *Commentary* are general legal rules that govern the individual regulations in a given subrealm of

²² Dāwūd al-Muqammiṣ, *Twenty Chapters*, ed. and tr. S. Stroumsa (Leiden: Brill, 1989), p. 22.

²³ Saadia, *Sefer ha-Yerushot*, ed. Y. Miller (Jerusalem, 1967/1968), pp. 1, 9.

²⁴ D. Sklare, *Samuel ben Ḥofni Gaon and His Cultural World* (Leiden: Brill, 1996), p. 27.

²⁵ Bahya ibn Paquda, *Hovot ha-Levavot*, Arabic text, ed. A. Yahuda (Leiden: Brill, 1912), pp. 25, 35; Ibn Tibbon's medieval Hebrew translation, ed. A. Zifroni (Jerusalem, 1928), pp. 19, 25.

²⁶ *Commentary on the Mishna*, *Berakhot* ix.7.

²⁷ Maimonides, *Commentary on the Mishna*, Introduction, p. 4 ("mighty roots" upon which "the religion" rests); p. 11 ("roots" for evaluating the authenticity of a prophet); *Sanhedrin* x:1 (opening statement; Maimonides says he will discuss "numerous, very valuable roots of [Jewish] beliefs"); *ibid.*, p. 210 ("the roots and fundamentals of our Law are thirteen fundamentals").

Jewish law. For instance, Maimonides calls attention to the roots (*uṣūl*) governing the permissibility of sowing seeds of different species next to one another; roots whereby atonement can be made for different classes of sins; four roots governing the laws of levirate marriage; three roots of inheritance law; sundry roots regarding meal offerings; roots the understanding of which will prepare readers for the study of the laws of ritual impurity.²⁸ I have a list of over sixty passages in the *Commentary on the Mishnah* that speak about legal roots in the sense of general rules, and the list is far from complete.

Two and a half decades after completing the *Commentary on the Mishnah*, Maimonides recalls what his aim had been in his rabbinic works. Speaking specifically of the *Mishneh Torah* but casting light on the *Commentary* as well, he writes: He had endeavored to state all the “religious [*dīnī*] and jurisprudential [*fiqhī*] roots” so that “those who are called scholars or geonim or whatever you want to call them can build their branches [i.e., the individual legal regulations] on jurisprudential roots,” and place “all of that” – the jurisprudential roots and the regulations that branch off from them – “on religious roots.”²⁹

His intent was thus to lay down the doctrinal basis of the Jewish religion, to organize the myriad regulations of Jewish biblical and rabbinic law under general roots, or rules, and to set the legal roots and their branches on the doctrinal underpinning. He especially intended to educate the rabbinic scholars of his day on roots in both senses; his opinion of scholars of the day was not high and he did not hesitate to offer them unsolicited instruction.

Stroumsa tells us that in using the term *uṣūl* as he does, Maimonides was “closely following the Almohad example.” The Ibn Tumart compilation does have a section on *uṣūl*. It begins: “*Roots* are of two sorts, lexicographical and legal (*sharʿī*).” A root of the lexicographical sort is that in the expression “root of a tree,” in other words, the original concrete sense of the term. A “legal root is the [sacred] Book, the tradition [about Muḥammad and his circle], and the consensus [of the entire Muslim community],” in other words, one of the three sources of Islamic law.³⁰

²⁸ Maimonides, *Commentary on the Mishna*, *Kilayim* iii.1; *Yoma* x.6; *Yevamot* i.1; *Bava Batra* viii.2; *Menahot* ix.9; introduction to the Order *Tohorot*, p. 32.

²⁹ Maimonides, *Treatise on Resurrection*, Arabic original and medieval Hebrew translation, ed. J. Finkel (New York: American Academy for Jewish Research, 1939), p. 4.

³⁰ *Le livre de Mohammed Ibn Toumert*, ed. I. Goldziher and J. Luciani (Algiers: Imprimerie orientale Pierre Fontana, 1903), p. 18.

We are faced with the choice between alternative explanations of Maimonides's use of the term *roots*: Either the widespread use of the term in Arabic and Judeo-Arabic literatures, notably for the roots of religion and the roots of jurisprudence, furnished him with a convenient tool for formulating his conception of the Jewish religion, to wit: Theological and philosophical roots, or doctrines, constitute the underpinning of the religion; each area of law has roots and branches, that is to say, general rules and individual laws; the legal edifice, comprising hundreds of roots and thousands of branches, rests on the doctrinal underpinning. Or else his conceptualization of the Jewish religion was inspired by Ibn Tumart's nth iteration of the notion that the sources, or roots, of Islamic law are the Quran, tradition, and the consensus of the Muslim community.

2. Stroumsa writes that Maimonides was “closely following the Almohad example” in his decision “to compose a relatively short compendium of law as well as in the principles that guided him . . . (namely, going back to the *uṣūl*, presenting a final ruling, and dispensing with the scaffoldings that traditionally accompanied it).”³¹

She is talking about the *Mishneh Torah*. Her characterization of it as a “relatively short compendium” is hardly accurate, seeing that it contains no less than fourteen books, 982 chapters, and fifteen thousand rulings. None of the seventeen opuscles in the Ibn Tumart compilation nor the seventeen taken together is even remotely similar in nature or scope. Maimonides's use of the term *uṣūl* clearly was not dependent on the compilation. Stroumsa's implication that Maimonides was the first Jewish writer to produce a code consisting of rulings without what she calls “scaffolding” – without recording the ruling's original source and context in the ancient rabbinic corpus – is incorrect. One or two codes prior to Maimonides are known that do the same thing.³² The uniqueness of his Code lies not in its recording of rulings without scaffolding but in its comprehensiveness.

In short, the Ibn Tumart compilation contains nothing that could have served as an example for the writing of the *Mishneh Torah*, nor was any such example needed, since the *Mishneh Torah* is a natural, albeit significant, stage in the evolution of rabbinic literature.

³¹ Stroumsa, *Maimonides in His World*, p. 67.

³² *Halachot Kezubah*, ed. M. Margulies (Jerusalem: Hebrew University Press, 1942). Arabic abridgement of Saadia's *Sefer Yrushot*; see Sh. Abramson, *Inyanot bi-Sifrut ha-Geonim* (Jerusalem: Mossad Harav Kook, 1974), pp. 232–233.