

Two Moments in the Biography of *Qedushah* (a.k.a. Holiness)*

Josef Stern

The University of Chicago; j-stern@uchicago.edu

■ Abstract

This paper analyzes two transformative conceptions of *qedushah* (holiness) in medieval Jewish thought, Moses Maimonides's and Moses Nahmanides's. Maimonides reduces *qedushah* to the Mosaic commandments which he reconceives as communal institutions to constrain bodily desires and promote intellectualist values and as training for perfected individuals to de-corporealize themselves in imitation of God. Nahmanides argues that Maimonides's legal reduction of *qedushah* leads to the absurd conclusion that the perfectly scrupulous law-abiding scoundrel who exploits loopholes in the law is *qadosh!* He therefore reconceives *qedushah* as a complement to the Mosaic commandments intended to counter the problem of the scoundrel. Thus *qedushah* is re-born as a corrective to abuse of the Law. Nahmanides then proposes two ways to achieve this goal: i) by rabbinic enactment of more laws to fill in (loop) holes in the Law and ii) by cultivating a virtue-oriented, non-legal conception of holiness as a character-trait that leads agents to act properly and spontaneously without legislation. For Maimonides the ultimate

* This paper was originally delivered as the Gruss Lectures at The Law School, University of Pennsylvania in Fall 2003, and I wish to thank the Gruss Foundation, Dean Michael Fitts and Professor Edward Rock for their invitation and hospitality during my tenure as a Gruss Professor. Subsequently the paper was presented at Rutgers University, University of Delaware, University of Chicago, a Templeton Workshop on Happiness, Virtue, and the Meaning of Life, and Kehillat Kol Dodi (Jerusalem). I am indebted to all these audiences for valuable comments and criticism, to my colleague at Chicago, Daniel Brudney, and to Moshe Greenberg משה גרין who made valuable comments on an earlier version and to whose memory I dedicate this paper.

© The Author(s), 2022. Published by Cambridge University Press on behalf of the President and Fellows of Harvard College. This is an Open Access article, distributed under the terms of the Creative Commons Attribution licence (<http://creativecommons.org/licenses/by/4.0/>), which permits unrestricted re-use, distribution, and reproduction in any medium, provided the original work is properly cited.

HTR 115:3 (2022) 387–415

state of *qedushah* is the dis-embodied state of the intellect, for Nahmanides it is a state in which the whole person, body and soul, clings to the deity.

■ Keywords

Maimonides, Nahmanides, *qedushah*/holiness, commandments, scoundrels, *imitatio dei*

■ Introduction

Both God and creatures are said to be קדוש (*qadosh*, holy), but the predicate (and its nominal form, קדושה [*qedushah*, holiness]) is entirely unlike other divine predicates such as “merciful” or “just” of whose meaning we have some prior grasp insofar as we understand their application to creatures.¹ We have no comparable antecedent creaturely understanding of *qadosh* or *qedushah*. To the contrary, verses like קדושים תהיו כי קדוש אני יי אלהיכם (*qedoshim tihyu ki qadosh ani YHVH eloheikhem*; “Holy you shall be because I, the Lord your God, am holy”; Lev 19:2, emphasis added) seem to presuppose that the *qedushah* of God is prior to that of creatures. To make matters worse, the term is applied to so diverse a range of subjects—from sacrificial animals to places, times, the priests, sanctuary, conduct or practices, objects of all sorts, the land of Israel, Sabbath, festival days, the battle camp, the Hebrew language, even the shekel coin—that one might be skeptical that all these applications share a single, unitary meaning.

Nonetheless we can distinguish three broad senses of the term *qadosh* in Scripture and classical rabbinic literature. The first takes *qadosh* to be the antonym, or opposite, not of the term חול (*hol*, the profane or ordinary) but of the term טמא (*tame*, the ritually unclean or impure).² The one who avoids the three sources of ritual impurity (*tum’ah*, uncleanness, impurity)—carcasses and corpses, genital discharges, and scale disease—is ipso facto *qadosh*, and because the three sources of ritual impurity are ultimately linked to death, the *qadosh*, as its opposite, comes to be associated with the source of life, the deity.

The second sense of *qadosh* derives from what some take to be its philological root קד (*qd*), which means “to separate apart” or “to be separated from,” not unlike the Roman *sacer* (what is walled off or set apart). In this sense, the term refers to a propriety rather than a property, the regard we hold toward the designated thing:

¹ Throughout this paper, I shall generally use the Hebrew קדוש/קדושים (*qadosh*; pl. *qedoshim*) and its nominalization קדושה (*qedushah*) rather than “holy/holiness,” although I revert to the English translation when necessary. In English *qadosh* is translated both as “holy” and “sacred” which differ in subtle ways: “holy” typically applies to persons and relationships, while “sacred” applies to places, objects, and events—although the Bible, for example, is both holy and sacred. For our purposes, these differences can be ignored, so anything I say about “holy” ought to carry over to “sacred.”

² See Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary* (AB 3; New York: Doubleday, 1991) 42–52, 729–732, and idem, *Leviticus 17–22: A New Translation with Introduction and Commentary* (AB 3A; New York: Doubleday, 2000) 1397–1400, 1602–6.

that it is to be treated as distinctive, untouchable, off-limits, withdrawn from ordinary or common use. God is the paradigm of the *qadosh* because He is (regarded as) separated and different from everything in creation. The people of Israel is *qadosh* insofar as it is separated and different from all other nations by observing higher standards of conduct: its total abstention from idolatry, forbidden foods, and prohibited sexual relations. The priest is *qadosh* because he is separated from the lay populace by his more stringent code of behavior. In rabbinic terminology, this kind of separatedness is called פרישות (*perishut*), from which some think the title פרושים (*Perushim*, Pharisees) derives. In all these cases, *qedushah* consists in participation in a set of norms of behavior in virtue of which the subjects are regarded and regard themselves as held to a higher threshold, separated from ordinary people and life.

The third sense is connected to the so-called Holiness Code in Leviticus. The subject who is *qadosh* is not only separated *from* things or peoples but also separated *to* God. To be *qadosh* is to be dedicated to living a godly life, the imitation of God or *imitatio dei*. In particular, because the divine is the seat of the ethical in Scripture, to be *qadosh* means living an ethical life, exemplified both by the commandments in the Holiness Code and by moral character-traits such as lovingkindness, justice, and mercifulness.

I have reviewed these biblical and rabbinic senses of *qadosh* and *qedushah* to set the stage for a later chapter in the biography of holiness on which this essay will focus—the twelfth-thirteenth century episode in which it undergoes a radical transformation in the hands of the two great medieval Moseses, Moses Maimonides (1138–1204) and Moses Nahmanides (1194–1270). Despite their differences, their ideas of *qedushah* come closer to our contemporary notion of holiness as a virtue and character-trait of an agent. Both Maimonides and Nahmanides focus on Lev 19:2, the prescription to *agents* to be *qadosh*, or to act holy-ly. The question they both address concerns the relation between a holy life and the life of the Mosaic commandments and its rabbinic interpretation in *halakhah*. This relation raises difficult questions. Judaism is highly law- and rule-centered, whose core is the 613 Mosaic commandments, most of which enjoin the performance of particular actions. Where in such a Law is *qedushah* to be found?³ Is Lev 19:2 a *commandment* to be holy and, if it is, what action(s) does it enjoin? If it is not itself a commandment, is *qedushah* the telos or end of the commandments or an ideal that shapes the way in

³ On this question focussing on virtue in general, see David Shatz, “Law, Virtue, and Self-Transcendence in Jewish Thought and Practice,” in *Self-transcendence and Virtue: Perspectives from Philosophy, Psychology, and Theology* (ed. Jennifer A. Frey and Candace Vogler; London: Routledge, 2019) 95–123; and, specifically with reference to *qedushah*, Warren Zev Harvey, “Holiness: A Command to Imitatio Dei,” *Tradition* 16.3 (1977) 7–28; Kenneth Seeskin, “Holiness as an Ethical Ideal,” *Journal of Jewish Thought and Philosophy* 5 (1996) 191–203; Howard Kreisel, *Maimonides’ Political Thought* (Albany: SUNY Press, 1999) 205–11; and Menachem Kellner, “Maimonides on Holiness,” in *Holiness in Jewish Thought* (ed. A. Mittleman; Oxford: Oxford University Press, 2018) 112–36.

which they constitute a way of life? Or perhaps *qedushah* is not part of the Law at all, but a perfection or virtue or state of an agent distinct from the actions enjoined by the commandments. But if that is the case, is there space in the Torah for such an extra- or supra-legal spiritual state, one that might even be in tension with the law in the way that the spirit or the spiritual is opposed by some to the legalistic and the letter of the law? I shall argue that in Nahmanides's thought there emerges such an extra-legal conception of *qedushah*, but it must be understood as a critical reaction to Maimonides's reductive law-centric conception of holiness.⁴

■ Maimonides on *Qedushah* as Performance of the Mosaic Commandments

Maimonides's starting point is the critique of a magical, supernatural, theurgic conception of holiness that ascribes special powers and capacities to people or things in virtue of their being holy. The idea of "spiritual forces" (Greek: *pneumata*; Arabic: *al-ruhani 'at*) that bestow upon a thing or person to whom they overflow special powers was one legacy of the late Hellenistic and Oriental world to Islamic culture; its traces can be found in Ismaili writings as well as those of Islamicate Jewish thinkers like Judah Halevi and the sufi R. Abraham ha-Hasid.⁵ Ritual objects like the *mezuzah* scroll affixed to the doorpost, phylacteries, and holy words like the names of God used in amulets and talismans (*qami 'ot*) were popularly believed to be holy objects with magical and miracle-working powers. In the course of explaining the Tetragrammaton, Maimonides digresses to warn the reader not to

let occur to [his] mind the vain imaginings of the writers of charms or what names you may hear from them or may find in their stupid books, *names* that they have invented, which are not indicative of any notion whatsoever, but which they call the *names* and of which they think that they necessitate *holiness* and *purity* and work miracles.⁶

⁴ To anticipate a possible misunderstanding, I mean neither to imply Pauline influence (for which we have no concrete evidence) nor to deny its possibility. On possible Christian influence on Nahmanides's commentary, including reactive influence, see Amos Funkenstein, "Nachmanides' Symbolical Reading of History," in *Studies in Jewish Mysticism* (ed. J. Dan and F. Talmage; Cambridge: Association of Jewish Studies, 1982) 129–50; Moshe Halbertal, של דרך האמת: הרמב"ן ויצירתה של [By Way of Truth: Nahmanides and the Creation of Tradition] (Jerusalem: Shalom Hartman Institute, 2006) 219–28; and Oded Yisraeli, "'Taking Precedence over the Torah': Vows and Oaths, Abstinence and Celibacy in Nahmanides' Oeuvre," *Journal of Jewish Thought and Philosophy* 28 (2020) 121–50, at 135. Thanks to an anonymous referee for bringing my attention to this paper.

⁵ Shlomo Pines, "על המונח 'רוחניות' ומקורותיו ועל משנתו של יהודה הלוי," *Tarbiz* 57 (1988) 511–40; on R. Abraham ha-Hasid, see Paul Fention, "Judaean-Arabic Fragments by R. Abraham ha-Hasid the Jewish Sufi," *JSS* 26 (1981) 42–72.

⁶ Moses Maimonides, *The Guide of the Perplexed* [*Dalalat al-Ha'irin*] (trans. Shlomo Pines; Chicago: University of Chicago Press, 1963) Part I: ch. 61: p. 149. All unmarked parenthetical references in the text and footnotes are to this translation, by Part, Chapter, and Page; e.g., "Guide I:2:23" refers to *Guide*, part I, ch. 2, p. 23.

Maimonides goes on to identify the source of this popular, or vulgar, belief that holy names have supernatural or miraculous power as the Sabians, who were an ancient Near Eastern, star-worshipping, magic-practicing people among whom the biblical Israelites dwelled. But the Sabians play two roles in the *Guide*. First, Maimonides argues that, because the Mosaic Law was legislated to refute ancient Sabian idolatry, or to wean the ancient Israelites from its hold on them, details about the Sabian practices explain many obscure details of the commandments.⁷ Second, “Sabianism” serves Maimonides as an umbrella term to refer to his own contemporary twelfth-century culture that was based on superstition and popular religion, the pseudo-science of astrology, itself a kind of star-worship, magic, hermetic doctrines, and popularized neo-platonic myth—a culture that revolves around holy men, holy relics, and holy words that work miracles through supernatural powers. For Maimonides what is wrong with this Sabian conception of supernatural holiness is not only that it derives from ancient idolatry but also that it is bad science—i.e., superstitious and false—and the stuff of bad character-training: it inculcates reliance on the miraculous rather than the development of autonomous moral responsibility.⁸

Maimonides also rejects the idea that holiness is a metaphysical perfection. Such a view was held, for example, by Judah Halevi according to whom Hebrew is a “divinely created language which God taught Adam . . . and is undoubtedly the most perfect language . . . with regard to the essence of language and with regard to all that it embraces by way of meanings [in virtue of which it is called] the Holy Language.”⁹ For Halevi, Hebrew is a holy language because it is both God’s own language, hence, divine, and semantically perfect. For Maimonides, in contrast, Hebrew is לשון הקודש (*lashon ha-qodesh*, the holy language) not because it is perfect but because it contains no explicit terms for sexual organs or activities, referring to them instead circumspectly, figuratively and allusively, one might say, piously. This is not merely a literary device for Maimonides; he personifies Biblical Hebrew whose concealed speech about these bodily organs and activities expresses a sense of shame when it cannot avoid referring to such subjects. In short, what makes Hebrew holy is an ethical trait.¹⁰

⁷ Josef Stern, *Problems and Parables of Law: Maimonides and Nahmanides on Reasons for the Commandments (Ta’amei Ha-Mitzvot)* (Albany, NY: SUNY Press, 1998) 15–48, 109–60.

⁸ See also Maimonides’s negative comments on טפשים (*tipshim*, fools) who insert names of angels and שמות קדושים (*shemot qedoshim*, holy names) into the mezuzah קמיע (*ke’ilu hu’ gameia*’, as if it were a talisman) משנה תורה הלי תפלין ומזוזה וספר תורה פ”ה ה”ד) [*Mishneh Torah*, “L. Tefilin (Phylacteries), *Mezuzah*, and *Sefer Torah* (Torah Scrolls),” 5, 4]. For a different analysis, focussed on Maimonides’s critique of a metaphysically reified ontological status for holiness, see Kellner, “Maimonides on Holiness.”

⁹ Judah Halevi, *Kuzari* (trans. L. Berman and Barry Kogan; New Haven: Yale University Press, forthcoming) II:68.

¹⁰ For a detailed explication of Maimonides’s account of *lashon ha-qodesh* in *Guide* III:8 that situates it in the context of his analysis of the tension between matter and form and the role of shame in the face of matter, see Josef Stern, *The Matter and Form of Maimonides’ Guide* (Cambridge:

Maimonides's first thesis, then, is negative: rejection of *qedushah*, or holiness, as either a supernatural, miracle-working, theurgic state or as a naturally or metaphysically privileged perfection. The core of his positive conception emerges in two passages: 1) the fourth of his introductory methodological principles in the ספר המצוות (*Sefer Ha-Mitzvot, Book of Commandments*) and 2) *Guide* III:47 as part of his lengthy discussion of *ta'amei ha-mitzvot*, literally, the reasons for the commandments, by which Maimonides means explanations why the Mosaic commandments were legislated as they were.¹¹ In the latter passage, Maimonides writes:

As for His dictum, . . . *Sanctify yourselves therefore, and be ye holy, for I am holy* (Lev. 11, 44), it does not apply at all to *uncleanness* and *cleanness*. *Sifra* states literally: *This concerns sanctification by the commandments* (ad. loc.); they also say of His dictum, *Ye shall be holy* (Lev. 19, 2), that *this concerns sanctification by the commandments* (*Sifra* ad. loc.). For this reason, transgression of the *commandments* is also called *uncleanness*. This expression is used with regard to the mothers and roots of the *commandments*, namely, [the commandments concerning] *idolatry, incest, and shedding of blood*. . . . It therefore has become clear that the term *uncleanness* is used equivocally in three different senses: It is used of disobedience and of transgression of commandments concerning action or opinion; it is used of dirt and filth; . . . and it is used according to these fancied notions, I refer to touching or carrying certain things or to being under the same roof with certain things . . . Similarly the term *holiness* is used equivocally in three senses opposed to those three senses. (*Guide* III:47:595)

Recalling the first biblical-rabbinic sense of *qedushah*, Maimonides distinguishes three senses of the term whose opposites are three senses of *tum'ah*: i) “disobedience and transgression of commandments concerning action or opinion”; ii) “dirt and filth”; and iii) “touching or carrying certain things or to being under the same roof with certain things.”¹² Of these, only iii) is a sense meant by the Torah and rabbis, but clearly Maimonides's primary sense is *qedushat ha-mitzvot*, sanctification by the commandments.

Maimonides elaborates this sense of *qedushah* in his introduction to the *Book of Commandments* in the course of explaining how he arrived at his particular

Harvard University Press, 2013) 350–94.

¹¹ As opposed to reasons for agents to perform the commandments. On this distinction, see Stern, *Problems and Parables*, 16–17.

¹² On ii), Maimonides's proof-text is Lam 1:9 in which *tum'ah* is taken by most commentators to refer to the transgression of menstrual impurity, although he takes it to mean physical uncleanness, i.e., dirt that renders clothing unclean. According to iii), *tum'ah* refers to “fancied notions” by which Maimonides means that the kind of ritual impurity whose laws govern access to the Temple (*miqdash*) is not a reified state or real property of things but instead a fiction (adopted from previous Sabian practices) the Torah legislated to restrict entry into the Temple in order, in turn, “to affect those that came to it with a feeling of awe and fear” (*Guide* III:47:593). To be *qadosh* is, then, to observe the cultic prohibitions on impurity in order to experience emotions of awe and fear of God evoked by the presence of the Temple.

enumeration of the 613 Mosaic commandments, formulating rules to determine whether a scriptural verse expresses one of the 613. His fourth rule reads in full:

We should not enumerate [among the 613 Mosaic commandments] any charges [*tzivuyim*] that include (*kollelim*) the whole [body of the commandments of the] Torah. There are injunctions and prohibitions in the Torah which do not pertain to any specific duty, but include all commandments, as if to say: “Do whatever I have commanded you to do, and guard against anything I have admonished you not to do,” and “Do not transgress anything I have commanded you [not to do].” There is no reason to count this command as a commandment in its own right because it does not command one to perform any specific action so as to be a positive commandment and it does not forbid one from doing a specific action that it should be a negative commandment. It is like His saying, “Everything that I have said to you, you should keep” . . . With respect to this principle [other scholars] have erred, counting “Holy you shall be” as one of the positive commandments—not knowing that [the verses] “Holy you shall be” (Lev 19:2) “Sanctify yourselves, and be you holy” (Lev 11:44) are charges to fulfill the whole Torah, as if He were saying: “Be holy in doing all that I have commanded you to do and in guarding against all the things I have enjoined you from doing.” The *Sifra* states: “Holy you shall be (Lev 19:2), Separated (*perushim*) you shall be,” that is to say, Be separated from הדברים המגונים (*hadevarim hamegunim*, the contemptible things) of which I have warned you. And in the *Mekhilta* [it is written:] “אנשי קודש (*anshei kodesh*, People of Holiness) you shall be for me” (Exod 22:30). Isi b. Judah says: Whenever God issues a new commandment to Israel, He adds to their holiness. This is to say that this צווי (*tzivui*, command) is not a command in itself but is a consequence of each commandment that has [already] been commanded. And the one who fulfills this command is called ‘*qadosh*.’ There is then no difference between His saying, “Holy you shall be” (Lev 19:2) and “Do My commandments.” Just as we would not say of this general admonishment to observe all commandments that it constitutes a positive commandment in addition to all other commandments, so we cannot say that “Holy you shall be” (Lev 19:2) and other similar [statements] constitute [separate] commandments, because they do not charge us to do anything other than what we already know [we should do]. As it states in the *Sifre*: “And you shall be holy” (Lev 11:44): this is the sanctification of the commandments.¹³

There is, then, no specific action different from (all) the actions enjoined by the other 613 Mosaic commandments through whose performance one fulfils the commandment expressed by Lev 19:2, “Holy you shall be.” The prescription to

¹³ Moses Maimonides, ספר המצוות (*Sefer Ha-Mitzvot, The Book of Commandments*; henceforth *BC*) (Judeo-Arabic with Hebrew translation; trans. and comm. R. Joseph Kafih; Jerusalem: Mossad Harav Kook, 1971) 18–19, my translation. On this composition, see now Moshe Halbertal, *Maimonides: Life and Thought* (Princeton: Princeton University Press, 2014) 107–211 and, for close analysis, Albert D. Friedberg, *Crafting the 613 Commandments: Maimonides on the Enumeration, Classification, and Formulation of the Scriptural Commandments* (Boston: Academic Studies Press, 2014) especially 52–54.

be *qadosh* is not to do something specifically “holy-ing.” Rather, to be *qadosh*, or holy, is simply to perform the 613 Mosaic commandments, no more, no less.¹⁴ But not only is the extension of prescribed actions that falls under *qedushah* the same as the extension of “one or the totality of the 613 Mosaic commandments”; the state of *qedushah* is nothing but, or more than, the state one is in when one performs the Mosaic commandments. There is no spiritual or religious condition of *qedushah* apart from or higher than the life constituted by the performance of (all) the commandments. If *qedushah* is the highest state of religious life, performance of the commandments is both necessary and sufficient for living it.

One might say that Maimonides *reduces* holiness to law. But we might also call his account a “redundancy theory of holiness” by analogy to contemporary “redundancy theories of truth.” According to these accounts of truth, to say that the statement or proposition that Maimonides was a medieval Jewish rabbi *is true* is nothing but to assert that Maimonides was a medieval Jewish rabbi. Adding, or appending, that what the proposition states *is true* does not assert an additional—and for some, a mysterious—property of the assertion, namely, Truth. It simply repeats, or re-asserts, the content of the assertion. The function or utility of the truth-predicate is not to signify a distinctive property but rather its *generality*. By means of possessing the truth-predicate in our linguistic repertoire we are able to state certain generalizations. For example, using the truth-predicate, we can assert in one statement “Everything that Moses asserts about numbers and genders of sacrificial animals is true” without requiring us to explicitly, and tendentiously, assert each relevant verse in Leviticus. Similarly, “Holy you shall be” means nothing but “Do all the Mosaic commandments,” which saves us from having to repeat each commandment one by one. So, if we conjoined all the individual 613 commandments and asserted “Do commandment 1 and do commandment 2 and . . . and do commandment 613,” and then were to add “Holy you shall be,” we would have added a conjunct with no additional legal, halakhic, or religious content. And once we have performed all 613 commandments, there is no additional action one need perform to be *qadosh*. The value of statements like “Holy you shall be” consists instead in their very generality: they equip us with a way of asserting what one ought to do without having to mention each and every one of the individual commandments on each occasion. There is no specific *qedushah*-action one enacts other than the other 613 Mosaic commandments.

The virtue of Maimonides’s account is that it gives us a conception of *qedushah* that does not require acknowledging mysterious spiritual or metaphysical powers or religious obligations or achievements independently of the legal system of commandments. Indeed, although it is a general commandment, and therefore not to be enumerated among the 613 Mosaic commandments, Lev 19:2 nonetheless prescribes a *commandment*. Hence it does not go beyond the Law. But for that

¹⁴ From Maimonides’s wording it is not entirely clear whether one is *qadosh* only if one performs the *totality* of the 613 Mosaic commandments or even if one performs only single commandments.

very reason, the story is not entirely satisfying. Why should the fact that one is perfectly *law-abiding* render one *qadosh* or holy? The commandments may be divine, either because they were given by God to Israel or because they aim at the highest knowledge of God, but what makes the one who performs them holy, godly, or God-like? Not only is Maimonides's account of *qedushah* as law reductive or redundant, it is also deflationary: it takes the spirit out of *qedushah* or, if you will, the air out of holiness.

Maimonides's response to this objection lies in his conceptions of the aim or final end of the Law. Indeed in the *Guide* he works out two different accounts of the ultimate reasons for or purposes of the commandments, because of which they were legislated. The first account addresses the Law as a set of institutions that ensure the welfare of a community, the second takes the commandments to be exercises or training that guide individuals to their true perfection. The commandment to be *qadosh* figures in both accounts, sometimes as one of the commandments to be explained (as we saw in the passage cited from III:47) and sometimes as a reason, purpose, or end to explain particular commandments. I turn now to these two explanations that yield two different conceptions of *qedushah*.

According to the first, and most detailed, explanation of the Mosaic law, spelled out in *Guide* III:26–50, its commandments aim at the welfare (Ar. *salah*; Heb. תיקון, *tiqqun*) of the divine community, both the welfare of its “body” and the welfare of its “soul” (*Guide* III:27).¹⁵ The welfare of the body of the community includes its material, economic, social, ethical, and political needs and goods, while the welfare of its soul refers to intellectual goods—the inculcation of correct beliefs and values in all citizens.¹⁶ *Qedushah* enters this account i) as the general all-inclusive commandment—what Maimonides calls “*sanctification by the commandments*” in *Guide* III:47—which is what is to be explained and ii) as part of the general “intention of the Law” that explains other particular commandments.

One example of a particular commandment explained by *qedushah* is the “holy battlecamp” (*mahaneh qadosh*) of Deut 23:15 (*Guide* III:41:566–67). The explanation appeals to the sense of *qadosh* in which it is opposed to *tame*’ in the sense of “dirt and filth” (*Guide* III:47:595). What makes a battlecamp *qadosh* is that it is free of “dirt and filth,” although the goal is not physical cleanliness, but that the “cleansing of the outer [should] come after cleansing of the inner” (*ibid.*).

¹⁵ On “welfare” as distinguished from “perfection,” see Miriam Galston, “The Purpose of the Law According to Maimonides,” *JQR* 69 (1978) 27–51. A “divine community” is a community governed by a divine law, as defined by Maimonides in *Guide* II:40:383–84, which he argues applies to the Mosaic Law in *Guide* II:39:378–81. On this characterization of a divine law, see Zeev Harvey, “בין פילוסופיה מדינית להלכה במשנת הרמב”ם” [Political Philosophy and “Halakhah” in Maimonides], *Iyyun* 9 (1980) 198–212 and, for its application to the reasons for the commandments, Stern, *Matter and Form*, 34–35, 330–40.

¹⁶ These communally inculcated correct beliefs and values do not in general meet the caliber of understanding necessary for scientific knowledge (*episteme*, ‘ilm) that in turn is required for individual intellectual perfection, the final end of the Law on Maimonides's second explanation of the commandments.

That is, the *qedushah* of the battle camp aims not at a physical (or hygienic) state (nor, for that matter, at a metaphysical reality) but at a psychological attitude or state of mind: “Everyone should have *in his mind* that the camp is like the Sanctuary of the Lord and not like the camps of the Gentiles destined only to destroy and to do wrong and to harm the others and rob them of their property” (*Guide* III:41:567). *Qedushah* qua “cleansing of the inner” also has a political function here—to differentiate Jews from Gentiles by inculcating a distinctive, distinguishing state of mind, again recalling the biblical root of *qadosh*, to separate.

Elsewhere Maimonides appeals to “purity (*taharah*) and sanctification (*qedushah*)” as an “intention of the Law” that explains a variety of commandments all involving prescriptions to “renounce and avoid sexual intercourse and cause it to be as infrequent as possible” and “give up the drinking of wine” (*Guide* III:33:533). Examples are the commandment to the Israelites in the days before the Sinaitic revelation to “*come not near a woman*” (for sex) in order “to be sanctified with a view to receiving the *Torah*” and the prohibition of wine to the Nazarite in order that “he shall be *qadosh*” (*ibid.*).¹⁷ Both of these explanations fall under Maimonides’s “totality of purposes of the perfect Law,” namely,

the abandonment, depreciation, and restraint of desires in so far as possible, so that these should be satisfied only in so far as this is necessary. You know already that most of the lusts and licentiousness of the multitude consist in an appetite for eating, drinking, and sexual intercourse . . . All this is brought about by the fact that the ignoramus regards pleasure alone as the end to be sought for its own sake. (*Guide* III:33:532)

These various commandments are said, then, to aim both at *taharah* and *qedushah* and at the minimalization of bodily desires for eating, drinking, and sex, implying that the two aims are identical. *Qedushah* is now opposed to human bodily and material impulses and urges. However, to anticipate the more radical conception of *qedushah* that emerges in Maimonides’s second explanation of the Law, this first conception is limited in that its goal is simply to counter the ignoramus’s view that “pleasure alone [is] the end to be sought for its own sake.” Instead the Law aims to re-orient citizens’ desires and values toward correct ends and values. On this first explanation, in other words, *qedushah* is *anti-corporealist*. But it is not yet (as it will be in the second account) *de-corporealization* of the human agent.¹⁸ If God is the paradigm of the purely immaterial and non-corporeal, there

¹⁷ Compare Maimonides’s explanation of the *stubborn and rebellious son* (*Guide* III:33:532); his explanation that the “most manifest” reason for the Nazarite is to “bring about abstinence from drinking wine which has caused the ruin of the ancients and the moderns” (*Guide* III:49:601); and *Guide* III:8:434–35 where Maimonides takes inebriation by wine to be the paradigm of excessive, shameless bodily desire. For discussion, see Stern, *Matter and Form*, 369–77.

¹⁸ On the connection between Maimonides’s conception of *imitatio dei* and his anti-corporealism, see Howard Kreisel, *Maimonides’ Political Thought* (Albany, NY: SUNY Press, 1999) 205–11, who was the first to point out this relation although he did not distinguish between *anti-corporealism* and *de-corporealization*, hence, the difference between the two explanations of the commandments.

is no mention here of imitation of God and no attempt to achieve or approximate His state of immateriality. Holiness is simply devaluation of and, when possible, withdrawal from a life ruled solely or primarily by the pleasures of the body and its desires and impulses.¹⁹

In sum, according to Maimonides's first explanation of the commandments that aims at the welfare of the community, *qedushah* requires nothing more than performance of the commandments, but the commandments are themselves institutional devices to bring about correct values, character traits, desires, emotions, and beliefs among the citizens. That cluster of attitudes that results from performing the commandments is the content of Maimonides's first conception of *qedushah*.²⁰

There is, however, one sentence buried within the lengthy fourth rule in the *Book of Commandments* that does not fit this first conception: "The *Sifra* states: 'Holy you should be (Lev 19:2), Separated (*perushim*) you should be,' that is to say, Be separated from המגונים (the *hadevarim hamegunim*, the contemptible things) of which I have warned you."

As we said earlier, one philological explication of the Biblical word *qadosh* derives it from a root that means "to separate apart" or "to be separated from"—the meaning of the word *parush*—and many of the commandments specifically linked to *qedushah* in the Torah—laws governing diet, sexual relations, and idolatry—serve either to separate the Israelites or Jews from other nations or to separate oneself from the ritually impure (*tame'*) or to separate, or dedicate, oneself exclusively to God by living a certain kind of godly life. However, in this midrashic statement from the *Sifra*, that *from* which one separates oneself is not other people or the *tame'* but "contemptible things (*ha-devarim ha-megunim*)."²¹ What is Maimonides referring to? To identify his reference, let's turn now to his second explanation of the commandments.

This second account emerges in the penultimate chapters of the *Guide* III:51–52 and in III:8, a chapter that addresses the tension between matter and form, or between the human's body and intellect. After describing the various admonitions in Scripture to control one's matter and bodily impulses, Maimonides concludes: "The commandments and prohibitions of the Law are only intended to quell all the impulses of matter," and he goes on to single out among these "impulses of matter, . . . eating, drinking, copulation, anger, and all the habits consequent upon desire

¹⁹ In addition to "sanctification by the commandments" referring to acts with a certain content that lead to *qedushah* (e.g., the minimization of bodily desires), Maimonides also states that "the Law designates obedience to commandments as קדושה וטהרה (*qedushah ve-taharah*)" while deliberate transgression and disobedience "it designates as טומאה (*tum'ah*)" (ibid. 533; cf. III:47:593). That is, performance of the commandments also inculcates character traits of obedience, submissiveness, and docility, which Maimonides includes among the "totality of intentions of the Law" (*Guide* III:33:532) that lead to *qedushah*.

²⁰ For additional examples of this first communally oriented conception of *qedushah*, see, משנה, *Mishneh Torah*, תורה הלי דעות פ"ה, ה"ד-ה, הלי איסורי ביאה פ"כב ה"ט-כא, הלי מאכלות אסורות פי"ז, ה"לב, "L. Character Traits," 5, 4–5; "L. Forbidden Sexual Intercourse," 22, 19–21; "L. Forbidden Foods," 17, 32).

and anger—to be ashamed of them, and to set for them limits in his soul” (*Guide* III:8:433–34). So, on this explanation, the commandments do not aim at communal welfare but at the suppression or at least minimalization of the individual’s shameful material or bodily needs and desires, and not only actions moved *by* bodily drives but also speech and thought *about* matter or the body. Given the dichotomy between matter/body and form/intellect, “quelling” these bodily impulses ipso facto enables individuals to devote themselves wholly to the pursuit of knowledge in order to achieve intellectual perfection.

But exactly how do the commandments achieve this end—and how does it differ from their function in the first explanation? In *Guide* III:51, Maimonides describes the modes of worship for perfected individuals:

Know that all the practices of the worship such as reading the *Torah*, prayer, and the performance of the other [Mosaic] *commandments* [*mitzvot*] have only the end of training you to occupy yourself with His commandments . . . rather than with matters pertaining to this world; you should act as if you were occupied with Him . . . and not with that which is other than He. (*Guide* III:51:622)

This purpose to which I have drawn your attention is the purpose of all the actions prescribed by the Law. For it is by all the particulars of the actions and through their repetition that some excellent men obtain such training that they achieve human perfection, so that they fear, and are in dread and in awe of God . . . and know who it is that is with them and as a result act subsequently as they ought to. He . . . has explained that the end of the actions prescribed by the whole Law is to bring about the passion of which it is correct that it be brought about . . . I refer to the fear of Him . . . and the awe before His command. . . . As for the opinions that the *Torah* teaches us . . . [they] teach us *love*. . . . For these two ends, namely, *love* and *fear*, are achieved through two things: *love* through opinions . . . while *fear* is achieved by means of all actions prescribed by the Law. (*Guide* III:52:630)

Here Maimonides re-conceives the actions enjoined by the commandments as “training” (*al-irtiyād*) to cultivate particular skills and to put the agent into states such as fear and awe of God.²¹ Unlike the role of the commandments in the first account which was to enable the this-worldly goods that contribute to the material and intellectual welfare of the *community*, the role of the commandments on this second account is to train the *individual* to be occupied with God and His commandments “rather than with this world” and “not with that which is other than He.” On the first account, by performing the commandments in order to satisfy one’s moderated bodily needs and desires and to inculcate correct beliefs, one nonetheless shows that she *values* the this-worldly objects of those needs and

²¹ Maimonides’s “training” recalls the “spiritual exercises” that Pierre Hadot has argued were practiced by Hellenistic and early medieval Christian philosophers for whom philosophy was a way of life. See Pierre Hadot, *Philosophy as a Way of Life* (ed. A. I. Davidson; trans. M. Chase; Oxford: Blackwell, 1995) 79–144, 130, and, for Maimonides, Stern, *Matter and Form*, 8, 314, 322–49.

desires and the contents of those beliefs as contributions to communal welfare. Maimonides's second account directs us to perform the commandments exclusively because we are "occupied with" God's commandments or, as it were, with God Himself, denying all value to any good "pertaining to this world." As in the *via negativa*, the content of occupying oneself *with* God is *not* occupying oneself *with anything not-God* and, in particular, with *any* this-worldly good, even the correct beliefs that contribute to the this-worldly welfare of the communal soul. Exclusive concentration on divine commandments, stripped of any utility they might have other than being God's command, is what Maimonides also refers to as "fear and awe" of God. Nothing other than God is of value; everything this-worldly is "contemptible," to use Maimonides's word explicating the *Sifra*. Since the paradigm of the this-worldly is matter, or the body, this second conception requires that one separate one's values and inner states from anything bodily, leading to a radical form of *de*-corporealization, not just *anti*-corporealism. This, I propose, is what Maimonides means by *perishut*, separation *to* God by being separated *from* everything this-worldly, and this is his second, stronger conception of *qedushah*.

In the *Mishneh Torah* we find the same opposition but between love of God engendered by contemplation of the spheres and separate intellects and fear of God that arises from the human contemplator's awareness of being embodied in sublunar matter:

When one reflects on these matters, comes to know all [God's] creations . . . and sees the Holy One's wisdom . . . in everything [He] formed and created, his love of the Omnipresent will increase. . . . But he will [at the same time] experience awe and fear at his lowliness, insignificance, and paltriness when he compares himself to any of the holy (קדושים, *qedoshim*), sublime [celestial] bodies, and so much the more, to one of the pure (טהורות, *tehorot*), incorporeal forms, wholly detached from matter; and he will find himself to be a vessel filled with disgrace and dishonor, empty and vacuous.²²

As human inquirers increasingly pursue scientific knowledge of God's "creations," the natural world including the spheres, as their intellects become actualized and perfected, their love of God increases. But at the same time they cannot but compare themselves—to their own detriment and anxiety or fear—to the "holy" (*qedoshim*) spheres who lack sublunar matter (though have their own "fifth" matter) and "so much the more so," to the "pure" (*tehorot*) intellects who are separate from all matter. The more the humans perfect their form, the more they recognize that they can never cease to be embodied, "vessel[s] filled with disgrace and dishonor, empty and vacuous." The composite material human is

²² Maimonides, *Mishneh Torah, Book of Knowledge* (trans. Bernard Septimus; New Haven: Yale University Press, forthcoming), "*L. Foundations of the Law*," iv, 12. I wish to thank Septimus for providing me with his pre-publication translation.

“low,” “empty,” “disgraceful.”²³ The body and matter are the “contemptible things” to which Maimonides is referring in *BC*.

Maimonides’s best example of *qedushah* in this second, negative sense—to be separated from everything other than God—emerges in his conception of *imitatio dei* which itself is presented as his interpretation of a midrashic interpretation of Lev 19:2: “*You shall be holy. They said: He is gracious, so be you also gracious; He is merciful, so be you also merciful.*”²⁴ He works out this idea of *imitatio dei* using his account of divine actions and attributes of action. I begin with some background.

It is well-known that Maimonides rejects the possibility of true affirmative divine attributions because they impugn the unity and simplicity of God. But before he turns to negations of privative attributions, his preferred alternative, he also proposes divine actions (or divine-action-terms) as admissible divine attributes (or predicates) because multiple distinct actions can proceed from one agent without entailing that there exists multiplicity in the agent or in his essence. Hence, actions do not violate God’s unity and simplicity.

But what does it mean to say that God acts? Unlike creaturely agents, God never acts directly or proximately on effects and, because He is always in act or in a state of activity, it makes no sense to say that He acts at one time and not another or that He performs one act and then another. What Maimonides means emerges in his analysis of Moses’s request of God that He show him His “ways,” what His actions have caused. In reply, God first displays to him “*all existing things . . . their nature and the way they are mutually connected*” (I:54:124, emphasis added), i.e., the whole system of regularities that characterize the natural world, what Maimonides elsewhere calls “governance” (Ar. *tadbir*, Heb. *hanhagah*). His primary example is taken from the world of biology:

the production of the embryos of living beings, the bringing of various faculties to existence in them and in those who rear them after birth—faculties that preserve them from destruction and annihilation and protect them against harm and are useful to them in all the doings that are necessary to them. (Guide I:54:124–25)

²³ See also *Mishneh Torah*, הל' יסודי התורה פ"ז, ה"א (Mishneh Torah, “L. Foundations of the Law,” 7, 1) where Maimonides calls the separate forms or intellects קדושות (*qedoshot*); Guide III:13 where he identifies “His Holy ones” (Job 15:16) with the spheres or heavens, despite their “being endowed with matter”—albeit “the purest and most luminous matter”—but which, compared to the separate intellects, make them “obscure, dark, and not clear” (455); and Guide III:18:476 where “His holy ones” (1 Sam 2:9) refers to those human individuals who are providentially “protected from calamities” because they have divested themselves of bodily concerns and devote themselves as much as possible to intellectual perfection.

²⁴ The exact midrashic source of Maimonides’s citation is not clear. For discussion of alternative candidates, none of which are exact and not all of which are comments on Lev 19:2, see Maimonide, *Le Guide des Égarés* (trans. and ed. Solomon Munk; 3 vols.; Paris: G.-P. Maisonneuve and Larose, 1856–1866) I:224, n. 2; Guide I:54:128, n. 32; and מורה נבוכים (trans. Michael Schwarz; 2 vols.; Tel Aviv: Tel Aviv University Press, 2002) 1:135, n. 35.

Divine actions, then, are the complex of lawful processes of nature of which God is the ultimate cause who always acts through multiple intermediate “mutually connected” proximate natural causes. Because it is not clear how one might individuate one divine action from another, it may be best, then, to think of God’s actions (or, in the singular, His action) as the entire domain of natural science, all the nomic processes by which God qua first cause or agent governs the natural world.²⁵

Now, in addition to these “divine actions,” or divine action-terms like “produces embryos”—which can be described employing natural scientific vocabulary—Maimonides also refers to divine “attributes of action.” These he explicitly identifies with the divine “ways” (*derakhim*) of Exod 33:13 and with the rabbis’ “divine characteristics” (*middot*), their term for the thirteen moral attributes or predicates of Exod 34:7–8, including “merciful,” “gracious,” “long suffering,” and also “jealous,” “avenging,” and “angry.” This second group of “attributes of action” serves two main functions in the *Guide*. First, it furnishes an alternative vocabulary to describe the natural events and phenomena that constitute divine actions. For example, suppose a scientist produces an artificial device by which millions of poor, deprived, orphaned new-borns are fed milk. One way to describe the scientist’s action would be to say that he has produced an artificial way to nurse babies. But we could also describe what the scientist did as an act of kindness and compassion for humanity. In the same way, natural biological processes can either be described by biological vocabulary or by employing moral, or anthropopathic, psychological terms like “kind” and “compassionate.” But by characterizing these predicates (e.g., “merciful,” “angry”) in their application to God’s actions or to natural events as “divine attributes of action,” Maimonides is also indirectly making a second point.²⁶

²⁵ See also *Guide* III:25 and 32 on “divine actions—I mean to say the natural actions” in which he describes “the deity’s wily graciousness and wisdom” (525) in designing both nature, which he illustrates by biological examples, and the commandments. Both nature and the Law are, furthermore, products of multiple intersecting intentions, thereby rendering their explanation more holistic than atomistic.

²⁶ The term “attributes of action” (*sifat al-’afal*) is kalamī in origin where it is contrasted with “attributes of essence” (*sifat al-dhati*). On Maimonides’s idea of attributes of action, see Joseph Buijs, “Attributes of Action in Maimonides,” *Vivarium* 27 (1989) 85–102, who builds on H. A. Wolfson, “The Aristotelian Predicables and Maimonides’ Division of Attributes,” rep. in idem, *Studies in the History of Philosophy and Religion* (eds. I. Twersky and G. H. Williams; Cambridge: Harvard University Press, 1977) 161–194. Seymour Feldman, “A Scholastic Misinterpretation of Maimonides’ Doctrine of Divine Attributes,” *JJS* 19 (1968) 23–39, discusses Maimonides’s distinction between relations and actions, but none of the aforementioned scholarship explores the kalamī origins of Maimonides’s idea. The view closest to mine, although he arrives at it from a different direction, is in Kenneth Seeskin, “Sanctity and Silence: The Religious Significance of Maimonides’ Negative Theology,” *American Catholic Philosophical Quarterly* 76 (2002) 7–24, at 10–12. On these notions in Kalam, see Richard Frank, *Beings and Their Attributes* (Albany, NY: SUNY Press, 1978), especially 124–47; Josef Van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra: Eine Geschichte des religiösen Denkens im frühen Islam* (6 vols.; Berlin: de Gruyter, 1991–97); A. Al-Salimi and W. Madelung, *Early Ibadī Theology: Six Kalam Texts by ‘Abd Allah b. Yazid al-Fazari* (Leiden: Brill, 2014); and J. R. T. M. Peters, *God’s Created Speech: A Study in the Speculative Theology of the Mu’tazilī Qādī al-Qudāt Abū l-Ḥasan ‘Abd al-Jabbār bn. Aḥmad al-Hanmadhānī*

He is saying that in their divine application, these predicates apply primarily to the *action*, not to its divine *agent*—in contrast to their application to actions of humans where it is to the agent to whom the moral psychological predicate primarily applies. Thus, a human action is compassionate when, and only when, we take the action to have been *moved* by the agent's inner moral sentiment of compassion, only when the agent acted *out of* or *because* she felt compassion. Were we to discover another motive, we would withdraw the description. However, in the divine application, we cannot mean that the action was produced by God because He acted *out of* or *on* an emotion or inner state—because God is entirely impassive just as He is incorporeal. He has no emotions or inner psychological or anthropopathic states. Instead, the attribute-term, say, “compassionate,” is predicated of the divine (or natural) *action* just in case *it* externally or behaviorally *resembles* a human action that would be moved by that emotion or inner state, but without implying that God Himself had such an emotion that moved Him to remotely cause that effect. This is the force of calling these attributes “attributes of *action*.” We project onto God's creation of the natural process of breast-feeding predicates like “compassion,” the same language we would use to describe an analogous human action performed by an agent *because of* that emotional or psychological state but without imputing the emotion to the agent God. We simply classify the action—the natural event—among those that externally resemble it:

[God] is called *jealous and avenging and keeping anger and wrathful*, meaning that actions similar to those that proceed from us from a certain aptitude of the soul—namely, jealousy, holding fast to vengeance, hatred, or anger—proceed from Him . . . because of the deserts of those who are punished, and not because of any passion whatever. . . . Similarly all [His] actions are such as resemble the actions proceeding from the Adamites on account of passions and aptitudes of the soul, but they by no means proceed from Him . . . on account of a notion superadded to His essence. (*Guide* I:54:126)

In short, the content of the application of a divine attribute of action like “merciful” to a natural process or event (whose first remote cause is God) is that the process or event is one that, were a human to have performed it or a similar action, it would be described as one moved by an inner sentiment of mercy. However, the divine or natural attribution does not imply that God Himself has any such moral quality or emotion of mercy in bringing about (even remotely) the natural process or event.

This brings us to the second function of the attributes of action that builds on this first function: their role in *imitatio dei*. After explaining the meaning of divine attributes of action like “merciful” based on an analogy to their predication to human actions, Maimonides reverses the comparison: when humans are called upon to perform specific kinds of actions, they should act in a way that imitates how God would perform those actions. His first model of a human imitating God, in *Guide* I:54, is that of the prophet-ruler:

(Leiden: Brill, 1976). I am indebted here for these sources to Sarah Stroumsa.

The governor of a city, if he is a prophet, should acquire similarity to these attributes, so that these actions may proceed from him according to a determined measure and according to the deserts of the people who are affected by them and not merely because of his following a passion. He should not let loose the reins of anger nor let a passion gain mastery over him, for all passions are evil. . . . Similarly, . . . he should be *merciful* and *gracious*, not out of mere compassion and pity, but in accordance with what is fitting. (*Guide* I:54:126)

However, Maimonides goes on to explain why the ruler should “acquire similarity to these [divine] attributes” in terms of a second model of *imitatio dei* whose subject is the perfected human:

The utmost virtue of man is to become like unto Him . . . as far as he is able; which means that we should make our actions like unto His, as the Sages made clear when interpreting the verse, “You shall be holy” (Lev. 19, 2). They said: “*He is gracious, so be you also gracious; He is merciful, so be you also merciful*” (Sifre to Deut. 10, 12). The purpose of all this is to show that the attributes ascribed to Him are attributes of His actions and that they do not mean that He possesses qualities. (*Guide* I:54:128)

In other words, Maimonides grounds the normative political behavior of the prophet-ruler, a *communal* norm, in “the utmost virtue of man,” i.e., in a model of *individual* human perfection.²⁷ This model of individual *imitatio dei* is, in turn, elaborated in the concluding passage of the *Guide* III:54. Maimonides describes the “way of life” of someone who has achieved not only intellectual perfection—knowledge of God, His providence, and His governance—but also “assimilation” to His “thirteen attributes” of action, a way of life “having in view *loving-kindness, righteousness, and judgment*, through assimilation to His actions” (*Guide* III:54:638).

Both passages, in I:54 and in III:54, call for “similarity” to, “imitation” of, or “assimilation” to (Ar. *tashabbuh*; Heb. *hitdamut*) God’s actions. But they employ, respectively, two conceptions of *imitatio dei*, a weaker one for the ruler, a stronger one for the perfected individual. For the ruler what it means to imitate God is to govern according to norms the intellect determines to be fitting or deserved in the circumstances. Even when a reactive emotion like mercy or compassion would be appropriate, the ruler should not be moved by the passion. Reason alone should determine his correct (re)action. However, this kind of *imitatio dei* is really just an *imitation* of, an *approximation* to, God because He acts, not only without being moved by moral emotions or sentiments, but without *possessing* any. In the stronger sense of *imitatio dei*, an individual imitates God by performing actions that resemble ones moved by moral emotions in appropriate situations but, when performed in imitation of God, are instead performed without *having* those emotions, in a state in

²⁷ Compare *Guide* III:27:510–11 where the superiority of the welfare of the *communal* soul over that of its body is explained by the superiority of *individuals’* perfections of their souls over that of their bodies.

which one has divested oneself of the same mental attitudes. Maimonides's "logic" of *imitatio dei* goes like this. Divine (or natural) actions are described using moral sentiment terms like "merciful" (M) when they are identical (or similar enough) to actions that would be performed by human agents who so act *because* of or *out* of M (mercy), even though the divine (natural) actions are brought about by God who has no moral sentiments like M (and, hence, never acts *out of* M). When a human (H) *imitates* God by performing an act *m*, 1) H performs *m* described as M ("merciful") by acting in the behaviorally identical way that another human agent J would act in that circumstance were he (J) to perform an action *m** described as M *because* he (J) acts *out of* M, but 2) H performs *m*, *not* because he is moved by the emotion M (which would make it a moral act), but specifically, having eradicated the emotion M, because he thereby makes himself like God. In the limit case, the human agent acts, like God, always in the morally appropriate way but *without* possessing moral sentiments or passions, a fortiori, without being moved by them.

This stronger conception of *imitatio dei* is Maimonides's explication of the midrash on Lev 19:2 in *Guide* I:54. We can now glimpse exactly what kind of life Maimonides sees as the life of *qedushah* reconceived as the life of the commandments. By performing the commandments in a state in which one is "occupied with Him" and nothing else, one acts in imitation of God's utterly impassive nature rather than out of sentiments and emotions that manifest concern with what is other than Him. According to Maimonides's moral psychology, the emotions and sentiments are functions of the body or matter. Their suppression calls not merely for their control but for their eradication, *apatheia*.²⁸ Hence, *imitatio dei* demands nothing less than psychological and emotional de-corporealization of the deepest kind. Performance of the commandments as exercises train their human agents both to eliminate, step by step, their material urges, passions, and emotions and to concentrate instead on the purely immaterial or intelligible. One who achieves such a state lives a life of *qedushah*.

Maimonides's account moves, in sum, from the rejection of a mythic, supernaturalistic idea of *qedushah*, or holiness, as a theurgic, miracle-working power, or as a sublime natural or metaphysical perfection, to its reduction to the life of the Mosaic commandments which, in turn, are re-conceived as training to achieve a non-corporeal, non-material, purely intellectual way of life in imitation of God. Maimonides's *qedushah* is, therefore, the negation of the material, or bodily, life, and virtually identified with the "life" of a form, the intellectual or intelligible. There are serious questions one might raise about the coherence and intelligibility

²⁸ For a contrasting interpretation of *imitatio dei* as the middle way, i.e., *metriopatheia*, based on Deut 28:9 ("And you shall walk in His ways") rather than Lev 19:2, see משנה תורה ה' דעות פ"א (Mishneh Torah, "L. Character Traits," 1, 6). I have not been able to identify a source for Maimonides's midrashic interpretation of the verse; there he seems to take *qadosh* to be a divine attribute of action on a par with merciful (*raham*) and compassionate (*hanun*), each of which is an instance of *metriopatheia*. On Maimonides's advocacy of *apatheia* over *metriopatheia* in the *Guide*, see Stern, *Matter and Form*, 330–49.

of a human life that involves this degree of radical detachment from one's body including emotions, sentiments, imagination, and appetites.²⁹ For Nahmanides, however, the real problems begin already when we attempt to define *qedushah* in terms of the commandments of the Law.

■ Nahmanides on *Qedushah* and Abuse of the Law

Nahmanides opens his account of *qedushah* in his commentary on Lev 19:2 by citing and criticizing RaSHI (R. Shlomo Yitzhaqi, Troyes, 1040–1105) who explicates the scriptural term as separation (*perishut*) specifically from forbidden sexual relations ('*arayot*').³⁰ Whether Nahmanides himself entirely disagrees with this position is not clear, but, more telling, his main objection, into which he next launches, has no connection to RaSHI's comment.³¹ Indeed RaSHI seems to be a smokescreen. Nahmanides's true target, I propose, is Maimonides:

The separatedness (*perishut*) is that which is mentioned everywhere in the Talmud in virtue of which those who practice it are called *Perushim* (Pharisees, lit.: Separatists). The meaning is that the Torah forbids [incestuous] sexual relations ('*arayot*) and prohibited foods, and permits sexual intercourse between man and wife and eating meat and [drinking] wine. Hence, ימצא בעל הרבות (yimta' ba'al ha-ta'avah ma-qom lihyot shatuf bezimat ishto o nashav harabot, the man of lustful appetites will find the opportunity to be lasciviously absorbed in sexual intercourse with his wife or many wives), and to be "of those who guzzle wine or glut themselves on meat" (Prov 23:20), and he can speak freely the הנבלות (*ha-nevalot*, obscenities), for this prohibition is not mentioned [explicitly] in the Torah. והנה יהיה נבל ברשות התורה (*vehineh yihyeh naval bereshut ha-Torah*, thus [this person] will be a scoundrel in the permissible domain of the Law).³²

²⁹ Cf. Stern, *Matter and Form*, 347–49, 392–93.

³⁰ R. Moses ben Nahman [Nahmanides], *Perushei ha-Torah le-RaMBaM: Commentary on the Torah* (ed. C. Chavel; 2 vols.; Jerusalem: Mossad Harav Kook, 1959–63) 2:115–17.

³¹ Elsewhere in the commentary Nahmanides states that the "one who separates from sexual promiscuity is called *qadosh*" (*Perushei* on Deut 23:8; 2:459). Apart from the *qedushah* discussed in this commentary on Lev 19:2, Nahmanides discusses the meaning of the term *qodesh* applied to the sheqel coin (*sheqel ha-qodesh*) and to the Hebrew language (*lashon ha-qodesh*) in his commentary on Exod 30:13 (*Perushei*, 1:492–93). In both cases, he gives a deflationary functional explication: the *sheqel* is *qadosh* because it is used for functions connected to the Temple (*miqdash*) such as the redemption of the first-born; Hebrew is *qadosh* because it is the language in which the Torah is written and the language of God's own names and in which He communicated to prophets. In his commentary on Lev 18:25 (*Perushei*, 1:109–12), Nahmanides also once refers to the *qedushah* of the Land of Israel, explaining that God *qidesh*—a verb that means both "separated" and "married"—its inhabitants, the people of Israel, by giving them, among the many commandments, laws of *qedushat ha-'arayot* (sexual separatedness), rendering the land itself especially sensitive to sexual transgressions. For reasons of space, I cannot elaborate, but see Stern, *Problems and Parables*, 85–86. I should also emphasize that none of these objects or places are or become *qadosh* in the way that, say, the bread or communion wafer, the host, in the Catholic rite of the eucharist is *holy* or becomes *consecrated* in virtue of assuming metaphysical identity with the body of Christ through transubstantiation.

³² Nahmanides, *Perushei*, Lev 19:2, 2:115.

Recall Maimonides's definition of *qedushah* as performance of the 613 Mosaic commandments. The full force of Nahmanides's objection is directed against this Maimonidean thesis. Imagine someone, Nahmanides argues, who scrupulously fulfills each and every one of the 613 Mosaic commandments. The Torah absolutely and explicitly forbids particular incestuous and adulterous sexual arrangements and specific species and mixtures of foodstuffs. But it permits unlimited conjugal relations with one's wife (or wives) and unlimited consumption of kosher—glatt kosher—meat and wine. Thus a person of great appetite (*ba'al ha-ta'avah*), however excessive his lusts and bodily desires, will have as many opportunities as his heart wishes to indulge himself without end in permissible sexual relations and to gluttonously satisfy himself with as much kosher wine and meat as he can consume. Because there is no explicit commandment in the Torah prohibiting obscene speech, scrupulous observers of each and every Mosaic commandment also have license to speak as much crude and profane speech as they wish. The 613 Mosaic commandments allow for this kind of *naval bereshut ha-Torah*, "scoundrel within the permissible domain of the Law" (for short: "scoundrel"), a phrase Nahmanides originated. While it defines sharp boundaries that demarcate the absolutely prohibited and obligatory, the Law allows for great abuses within its space of permissibility. This may be unavoidable with any law. But according to Maimonides's definition of *qedushah*/holiness as no more and no less than performance of the 613 Mosaic commandments, Nahmanides objects that a scoundrel of this sort is not only within his legal rights; the scoundrel is *qadosh* or holy! It follows, Nahmanides implies, that Maimonides's characterization of *qedushah* as perfectly scrupulous performance of the 613 commandments (and only them) leads to a *reductio ad absurdum* of what it is to be *qadosh*.³³

Maimonides, to be sure, has a response to this Nahmanidean objection. His expansive re-conception of the commandments as training to minimize and, where possible, eliminate bodily desires and even some necessities is meant to inculcate the kinds of character traits, virtues, and dispositions that should preemptively or correctively counter the objectionable behavior and defective personality type of the scoundrel. Even if one does not buy the full Maimonidean package of *imitatio*

³³ For a different interpretation of Nahmanides's conception of *qedushah*, see Yisraeli, "Taking Precedence over the Torah," 133–35, who takes the "*naval bereshut ha-Torah*" to be "sordid," i.e., a niggardly, mean person whose fault is that he is "content with observing a set number of commandments in accordance with their sharply delineated normative dictates," i.e., who holds to "the normative 'default' of observing the Torah commandments" and does not "seek to achieve a more perfect ideal of holiness." Thus, someone who scrupulously observed all the commandments and ate, drank, and had sex *moderately within the permissible domain*, avoiding both excess and minimalization (not to say, eradication), would count as a *naval* for Yisraeli. This reading misses Nahmanides's main point that the problem with the *naval* is *not* that he performs no more than the normative default of obligatory commandments but, much worse, that he exploits the space of unlegislated actions—those that are neither obligatory nor forbidden—to satisfy his appetites in ways blatantly contrary to the intentions or reasons for the explicit prescriptions and prohibitions. This is what makes the *naval* not *sordid* but a *scoundrel* who works the system to his own advantage.

dei, with its eradication of emotions and psychological drives, his first explanation of the commandments also envisions them as instruments to inculcate proper values and beliefs.

Notwithstanding Maimonides's response, Nahmanides would counter-reply: You want to refocus the idea of *qedushah* away from the magical, miraculous, and supernatural to an intellectually oriented way of life, exemplified by the Mosaic commandments re-conceived as exercises that redirect the individual away from the pursuit of his bodily desires. But the 613 Mosaic commandments you enumerate are not what we would prima facie take to be exemplars for a life that quells one's material desires and drives—the *qedushah* you seek to achieve. In fact, the shape of the training delineated by the 613 Mosaic commandments leaves plenty of room for the scoundrel to satisfy all his desires and lusts. For example, if the aim of the prohibited sexual relations is to minimize and quell sex, why does the Torah prohibit only relations between the family members enumerated in Leviticus 18, such as the wife of your father's brother or your half-sister by your father? Even if (as Maimonides explains in *Guide* III:49:606) the explicitly prohibited family members are those with whom one is most frequently in contact at home, why

should relations with these particular relatives—just because they are frequently around each other—incur divine punishment by premature death [*karet*] while individuals are permitted to marry hundreds and even thousands of wives? And why is it so wrong and prohibited for someone to marry his daughter to his son—as is permitted to Noahides? Or for him to marry two sisters, as did Jacob the Patriarch?³⁴

If the reason for these scriptural prohibitions is to teach general sexual restraint or abstinence, why are these peculiar, and apparently idiosyncratic, relations and not others singled out as Mosaic prohibitions?³⁵

But, more importantly, even apart from the critique specifically of Maimonides's account, a novel, original conception of *qedushah* emerges from Nahmanides's *Commentary*. Rather than being a disembodied intellectual state inculcated by the Mosaic commandments, Nahmanides's *qedushah* is the *complement* to the commandments that blocks the possibility of the scoundrel, the perfectly law-abiding individual who exploits and manipulates the Law to satisfy his bodily desires. The charge to be *qadosh* is directed at correcting problematic loopholes and gaps created by the commandments that the scoundrel takes advantage of. As it were, holiness fills the (loop)holes strewn through the space marked out by the commandments. Abuse of the Law is the mother of *qedushah*.

Nahmanides mentions the word “*perishut*” (or derived terms like “*perushim*”) no less than eleven times in his commentary on Lev 19:2. But what he means by “*perishut*” and, in particular, what one separates *from*, is completely different from

³⁴ Nahmanides, *Perushei*, Lev 18:6; 2:100; cf. Stern, *Problems and Parables*, 158.

³⁵ For Nahmanides's own explanation why these specific sexual relations are prohibited, see his *Perushei*, Lev 18:17; 2:103.

the other conceptions we have met. It is not scriptural ritual impurity, with its associations with death, from which one must separate oneself within the Temple precincts. It is not the nations of the world from whom the Israelites separate themselves as a people through their distinctive dietary and sexual prohibitions. What is separated is also not, as it is in rabbinic literature, what is out-of-bounds, untouchable, or restricted. And unlike Maimonides, Nahmanides's *perishut* is not separating *from* matter or the body in order to separate oneself *to* the intellect. Nahmanides does call for minimizing bodily desires but his point is not de corporealization but to create a unified personality-type opposed to the law-abiding scoundrel who uses every opportunity to take advantage of what is not absolutely and explicitly forbidden, the space of legal but scoundrelous permissibilities, to sate his bodily appetites. Nahmanides's *holiness* seeks to create a personality-type characterized by its *whole-ness*. We could go on to say that *perishut* aims at realizing the *spirit* rather than the *letter* of the Law—a distinction not explicitly drawn by Nahmanides—but keep in mind that his idea of spirit is not opposed to the letter of the Law. His spirit is a generalization of the letter that fills in and expands its sharply defined boundaries.

To correct the abuses of the *naval*, Nahmanides spells out two different (but not clearly distinguished) “ways of the Torah” in the remainder of his lengthy commentary on Lev 19:2:

Therefore, after specifying those prohibitions that it prohibits entirely, the Torah צוה בדבר כללי (*tzivah bedavar kellali*, follows with a general command) that we should be פרושים (*perushim*, separated from) המותרות (*ha-mutarot*, permissible things; alt. reading: *ha-motarot*, pleasures beyond the necessary, luxuries, excesses). [For example:] One should minimize sexual intercourse . . . except as it is necessary for the commandment [to procreate]. And he should יקדש (*yeqadesh*, separate) himself from wine by [drinking it] in small amounts, as Scripture calls a Nazirite קדוש (*qadosh* [Num 6:5]). . . . Similarly, he should יפריש (*yafriish*, separate) himself from impurity [in his ordinary daily life] even though this is not prohibited in Scripture; as they say: “For פרושים (*Perushim*, Pharisees, Separatists), the garments of ordinary folk are מדרס (*midras*, a kind of ritual impurity that can be transmitted by laying or sitting on the impure item).” [Similarly, they say:] The Nazirite is called *qadosh* when he guards himself against ritual impurity through [contact with] a corpse, and when he also guards his mouth and tongue from being defiled through excessive eating and lewd speech . . . and he separates himself in this respect until he reaches a state of פרישות (*perishut*, separatedness) like R. Hiyya who is said to have never engaged in idle talk his whole life. To these and similar [matters] המצוה הזאת הכללית (*ha-mitzvah ha-zot ha-kellalit*, this general commandment) applies. After [Scripture] has פרט (*perat*, detailed) all transgressions that are entirely forbidden, [it extends the command] to include under the general precept even cleanliness of hands and body. For even though [handwashing before and after meals] are rabbinic commandments, the main point of Scripture is to admonish us to be clean and pure and separated from the אדם בני אדם (*hamon benei adam*, multitude of people) who

dirty themselves במותרות (*ba-mutarot*, with the permissible; alt. reading: *ba-motarot*, with excesses, luxuries) and with כיעורים (*khi'urim*, unseemly things). וזה דרך התורה לפרוט ולכלול בכיוצא בזה (*Vezev derekh haTorah lifrot velikhlo' bekeyotse' bazev*, And this is the way of the Torah: To specify a particular and then to generalize to similar cases); for after it commands the particulars of law concerning all business dealings among people [such as] “Do not steal” and “Do not rob” and “Do not wrong one another” . . . , He says in general: ועשית הישר והטוב (*Ve-'asita ha-yashar ve-ha-tov*, And you shall do the right and the good [Deut 6:8]) by which it includes in a positive commandment [the duty of doing] what is right and [agreeing to a] compromise משורת הדין לכל הפנים (*vekal lifnim mishurat ha-din*, and [all actions] within the line of the law) in order to do that which is pleasing to his fellow person. . . . And similarly with the Sabbath: [Scripture] forbade classes of work with a negative commandment and acts of exertion with a general positive law, as it is said, “*And you shall rest*” (Exod 23:12; 34:21).³⁶

Nahmanides, like Maimonides, takes Lev 19:2 to be “a general commandment.”³⁷ But what Nahmanides means by “general” is very different from Maimonides. According to his first “way,” which holds for civil relations and the Sabbath as well as matters of *qedushah*, the Torah “specifies a particular” and then “generalizes”—or analogically infers—one of two classes of conclusions. The first infers general directives from particular commandments or prohibitions. For example, from prohibitions on specific sexual relations Nahmanides infers a general directive to minimize all sexual intercourse, and from the specific prohibition on the Nazarite not to drink wine, he infers a directive addressed to everyone to minimize their consumption of wine. The second class generalizes from *scriptural* commandments or prohibitions to broad *rabbinic* prescriptions, prohibitions, or practices, e.g., from scriptural prohibitions on specific sexual relations to rabbinic norms governing conversations between sages and their wives and from the prohibitions on ritual impurity in the Temple precinct to Pharisaic norms to avoid ritual impurity in ordinary daily life and to rabbinic instructions to wash hands before and after meals. Likewise, the scriptural prohibitions on specific kinds of “work” on the Sabbath are extended to rabbinic rules that prohibit anything involving exertion (*shevut*) to safeguard the Sabbath as a day of rest, and scriptural prohibitions on gossip and cursing the deaf and the injunction to honor the elderly are generalized to rabbinic norms governing prayer-leaders, conversations, and good neighborly relations. In sum, Nahmanides’s first “way” to carry out the general commandment to be *qadosh* is on the whole legislative and prescriptive.

Analogously, Nahmanides’s first interpretation of *perishut* in order to counter the scoundrel is to fill in the permissible spaces within the Law with more and more

³⁶ Nahmanides, *Perushei*, Lev 19:2, 2:115.

³⁷ Like Maimonides, but unlike the *Great Laws* (*Halakhot Gedolot*) which he elsewhere defends against Maimonides’s criticisms, Nahmanides does not enumerate Lev 19:2 among the 613 Mosaic commandments.

laws and rules—to impose new obligations in neutral territory— thereby leaving less room for abuse. To justify this strategy, Nahmanides appeals to the Talmudic principle of *lifnim mishurat ha-din*, “acting within the line of the law,” which he creatively interprets as a directive to the rabbis to enact explicit laws wherever Scripture leaves open a possible action, neither obligating nor prohibiting it. This move thoroughly blurs the distinction between scriptural Mosaic commandments and rabbinic *halakhot*, which is characteristic of Nahmanides’s legal thought and distinguishes him from Maimonides’s insistence on a sharp legal divide between the scriptural and the rabbinic.³⁸ Nonetheless, it is difficult to see how Nahmanides can succeed in blocking the scoundrel using this first strategy of *perishut*. No matter how many new laws are legislated, the scoundrel will always manage to find a new gap between laws to exploit. New legislation may eliminate some holes in the space of permissibility but it will also create new holes to enable the resourceful, clever scoundrel to take advantage of the law.

Nahmanides’s second “way” to interpret *perishut* to correct the abuses of the scoundrel rests on an analogy between Lev 19:2 and Deut 6:18: “And you shall do the right (*ha-yashar*) and the good (*ha-tov*) in the eyes of the Lord.” Already in his commentary on Lev 19:2, Nahmanides observes that after specifying particular laws about “business dealings among people,” the Torah presents this “general” commandment to do “what is right and [to] compromise and to act *lifnim mishurat hadin* to do that which is pleasing to his fellow person.” In his commentary on Deut 6:18, Nahmanides spells out his understanding of that commandment and, by implication, of ours:

Our Rabbis have a beautiful midrash on this [verse]. They said: This refers to פשרה (*pesharah*, compromise) and acting *lifnim mishurat ha-din*. They mean that first [Scripture] says that you should keep His statutes and testimonies that He has commanded you, and now [Scripture] says also that you should pay attention to do that which is good and right in His eyes [among those things] which He did not command you, because He loves the good and the right. Now, this is a very great matter, because it is impossible to mention in the Torah all [aspects of the] conduct of a person toward his neighbors and friends and all his business dealings and all the rules of all societies and states. However, after [Scripture] mentions many [laws] such as “You shall not bear tales,” “You shall not take vengeance nor hold a grudge,” “Do not stand idly by the blood of your neighbor,” “You shall not curse the deaf,” “You shall rise before the aged,” and so on, it returns to say generally that you should do the good and the right in every matter, including even *pesharah* and acting *lifnim mishurat ha-din*, for example, what they said about דינא דבר מצרא (*dina’ debar metsra’*, a neighbor’s prerogative to have first rights on

³⁸ The distinction is crucial for Maimonides who uses it to defend the eternity and immutability of the Mosaic Law vs. the mutability of rabbinic legislation; see Stern, *Problems and Parables*, 39–42. For Nahmanides, blurring the two reflects his conception of continuous divine revelation manifest in rabbinic legislation and interpretation, as argued by Halbertal, *על דרך האמת* [*Al Derekh Ha’emet*], 75–76.

property adjoining his own) and even what they said [concerning the congregation leader that he should be] a respectful person and that one should speak pleasantly with other people, that he be called in every matter upright.³⁹

Unlike his first “way” to achieve *perishut* by additional legislation, here Nahmanides proposes that Scripture enjoins us to cultivate a virtue or character-trait that will spontaneously bring us to do the good and the right and, by implication, the *qadosh* or holy—simply because it is the good, right, or holy thing to do, not because a commandment or law obligates it. He argues that no law can anticipate and explicitly legislate before the fact all future questions of social conduct and inter-personal relations. Therefore, the Torah lays down particular laws with the primary intention that they serve as exemplars of virtues. Their purpose is not to enable us to extrapolate more laws but rather to cultivate a personality-type who does the good, the right, and the holy when they are called for, even in the absence of explicit commandments and prohibitions governing that circumstance. These virtues show us how to act in precisely those spaces where scoundrels would exploit the Law for their own ends.

As in Lev 19:2, Nahmanides appeals to the talmudic principle of *lifnim mishurat ha-din* (acting within the line of the law) in Deut 6:18. However, he means different things by the principle in the commentaries on the two verses. The phrase originates in the Talmud (occurring roughly nine times in the Babylonian Talmud) and in midrashic halakhic and aggadic texts, although there is considerable controversy over its rabbinic interpretation.⁴⁰ For our purposes, Maimonides’s interpretation is significant. He uses the principle in halakhic contexts to mean that the agent—usually a sage or someone with a higher social status—*waives* a legal *right, entitlement, or exemption* he could claim, in deference to another party (usually of lower status)—for which he is praised for acting *lifnim mishurat ha-din*.⁴¹ In his commentary on Deut 6:18, Nahmanides uses the principle with the same Maimonidean meaning, conjoining it with *pesharah* (compromise) which also consists in surrendering (some of) one’s rights or entitlements in order to reach agreement with another party.⁴² Thus, both Maimonides and Nahmanides in

³⁹ *Perushei*, Deut 6:18; 2:376.

⁴⁰ The principle of *lifnim mishurat ha-din* has been the topic of a large scholarly literature, concerning both its classical and medieval meaning and its contemporary significance for questions about law, conscience, and an extra-halakhic ethics in Judaism. On its classical rabbinic meaning, see Saul Berman, “*Lifnim Mishurat Hadin*,” *JJS* 26 (1975) 86–104 and 28 (1977) 181–93 and references therein. On its relevance to ethics and *halakhah*, see Aharon Lichtenstein, “Does Jewish Tradition Recognize an Ethic Independent of Halakha?” in *Modern Jewish Ethics* (ed. Marvin Fox; Columbus, OH: Ohio State University Press, 1975) 62–88, and Louis Newman, “Law, Virtue, and Supererogation in the Halakha: The Problem of ‘*Lifnim Mishurat Hadin*’ Reconsidered,” *JJS* 40 (1989) 61–88.

⁴¹ On Maimonides’s use of the principle in his halakhic compositions, including *Eight Chapters*, and its relation to his conception of the *hasid*, see Robert Eisen, “*Lifnim Mi-Shurat Ha-Din* in Maimonides’ *Mishneh Torah*,” *JQR* 89 (1999) 291–317.

⁴² Berman, “*Lifnim*,” 92, challenges the assumption, for which he finds no independent evidence

Deuteronomy take the principle to belong to the sphere of rights, entitlements, and exemptions—privileges one can waive.

But in his commentary on Lev 19:2, Nahmanides gives the principle an entirely different, and apparently original, interpretation, as original as his interpretation of *qedushah* as a solution to the problem of the *naval*. In Leviticus, what it means to act *lifnim mishurat hadin* is for the agent to do more than *duty* requires. Do not merely obey the scriptural prohibitions on particular sexual relations, on impurity in the Temple precinct, or the Nazarite's prohibition on wine. Reduce all your sexual activity to a minimum, guard yourself from impurity throughout your ordinary daily life, stay away from wine as much as possible, wash your hands before and after meals, and avoid vulgar "impure" speech. None of these actions are scriptural obligations or prohibitions, but what *qedushah* demands is *perishut*, separating oneself from *more* than what the explicit strict laws obligate.⁴³ Thus Nahmanides transfers the principle of *lifnim mishurat hadin* from the realm of rights to the realm of duties.

But Nahmanides's idea of *perishut* is not only a matter of doing or abstaining from *more* than the Law obligates or prohibits in the sense of expanding the extension of duties. He repeatedly also opts for more self-denying, more stringent, more ascetic actions that require separation from or restraint from *permissible* pleasures. In my translation of Nahmanides's commentary on Lev 19:2, I presented two possible readings of the term מותרות. Either it should be read *mutarot*, permissible things, or *motarot*, non-necessary pleasures, luxuries, or excesses. On linguistic grounds, there is reason to read *motarot*. However, I am inclined to think that Nahmanides really means *mutarot*, permissible things, influenced by the great twelfth century Talmudist R. Abraham b. David, the RaBaD of Posquieres who composed a seminal code on purity and impurity, בעלי הנפש (*Ba'alei Ha-Nefesh*), whose last chapter is arguably the first sustained medieval discussion of *qedushah*, especially concerning sexual behavior.⁴⁴ RaBaD argues that *qedushah* requires separation (*perishah*) from the domain of the *permissible* precisely because the evil inclination works on individuals by way of habituating them to indulge themselves in permissible activities and things, and over time habituates them to transgress even explicit scriptural prohibitions.⁴⁵ On this reading—that *qedushah*

in classical rabbinic sources, that elders or sages ever possessed an entitlement to exempt themselves from performing positive commandments based on their dignity. Nonetheless, as Eisen shows, this is how Maimonides seems to interpret the Talmudic sources, and grounds the *hasid's* waiver of his entitlement on his character-trait of meekness, the trait, Eisen argues, Maimonides means to cultivate in our text. Nahmanides, on the other hand, does not appear to be concerned with this character trait, and focuses simply on waiving the entitlement.

⁴³ Another possible interpretation, suggested by the late Moshe Greenberg (p.c.), ל"ד, is that the gaps between the stated particulars of the Law are filled in by "natural" or common sense injunctions, assuming that individuals have clear intuitions about the Right, the Good, and the Holy.

⁴⁴ R. Abraham b. David (*RaBaD*), בעלי הנפש (*Ba'alei Ha-Nefesh*) (ed. R. Joseph Kafih; Jerusalem: Mossad Harav Kook, 1964).

⁴⁵ Among RaBaD's examples of *qedushah*-inducing separation are restrictions on permissible

calls for separation from the permissible—the explicit scriptural commandments lay down a minimal threshold of duties that everyone must fulfil and at the same time exemplify maximal duties that individuals should voluntarily seek to fulfil as goals. Between the minimal threshold and maximal goal, in the space of permissible actions that one can either do or not do, the principle of *lifnim mishurat ha-din* directs us to do more than scriptural duty requires in pursuit of a higher bar.⁴⁶

Nahmanides's models of *qedoshim* (holy people) are the Nazirite, *Perushim* (Pharisees) and ascetic rabbinic personalities. These individuals live a life of separatedness that consists in separation from everything in which the *hamon benei adam*, the multitude of people, indulge. Nahmanides's *qadosh* is opposed, then, not just to the scoundrel but also to the masses, ordinary people. Even while it is achievable in principle to all, *qedushah* is not a bar that just anybody will reach; it is an extra-ordinary life for an elite. Those who do reach it attain a privileged relation to the deity for which Nahmanides appropriates the term דבִּיקוּת (*devequt*, literally, “cleaving,” which in medieval philosophical Hebrew translates Arabic *ittisal*, or union, with the deity). He concludes his commentary on the verse Lev 19:2 by writing: “And the reason for the scripture *because I the Lord your God am qadosh* is to say that we shall merit to conjoin with (*ledavqah*) Him when we are *qedoshim*.” In virtue of achieving *devequt* with God, not only individuals but also the people of Israel are called a *goy qadosh*, a holy nation.⁴⁷

This notion of *devequt* plays a role for Nahmanides analogous to the role of *imitatio dei* for Maimonides. One becomes not just god-like but like God through *devequt*. However, there are significant differences. For Maimonides, one achieves the state of *imitatio dei* by detaching oneself from the body, by eradicating its needs, desires, emotions, passions, and sentiments. Such individuals—like the Patriarchs, Moses, and Solomon—“perform actions” but “with their limbs only; . . . their

sexual relations with one's wife and on one's state of mind while having sexual intercourse: one should have sex only to procreate, only intending the welfare of the fetus, only when naturally aroused, only when the woman *fully* consents and *equally* desires to have intercourse, and only in order to satisfy her desires. If a husband forces his wife to have sex only to satisfy himself, without her *full* consent and *equal* desire, the RaBaD calls it אונס ('ones, rape)—even though, as a marital relation, it is fully permissible! בעלי הנפש, [*Ba'alei Ha-Nefesh*] 13–30)

⁴⁶ Another possible source for Nahmanides's idea of *perishut*, and support for reading the term מותרת as *mutarot*, permissible things, is, surprisingly, Maimonides's description of marital sex in משנה תורה ה' דעות פ"ה ה"ד-ה' ומשנה תורה ה' אסורי ביאה פ"ב ה"ט [*Mishneh Torah*, “L. Character Traits,” 5, 4–5 and “L. Forbidden Sexual Intercourse,” 21, 9]. In both passages, Maimonides begins by emphasizing that despite the fact that sexual relations with one's wife are permissible (מותרת) to the husband at all times and in any manner, he should govern himself with *qedushah* and sanctify (*yeqadesh*) himself, minimizing and restricting his performance for procreative purposes, not sensual pleasure. Comparing these passages in the *Mishneh Torah* with Nahmanides's commentary on Lev 19:2, the parallels in language and content are striking—and raise the question of Nahmanides's relation to Maimonides whom he both criticizes and appropriates on the same topic. For two further examples of this kind, see *Problems and Parables*, 76–79, 140–44. The curious issue calls for further inquiry.

⁴⁷ *Perushei*, Exod 19:6; 1:383; cf. *Perushei*, Deut 26:19; 2:470.

intellects were constantly in [God's] presence" (*Guide* III:51:624). Outwardly they appear to act like the rest of us but inwardly their fully actualized, body-independent (so-called acquired) intellects—i.e., their real selves—are in the presence of God, in a world that transcends all bodies and action.

Nahmanides's description of the individual in the state of *devequt* may at first appear like Maimonides's. Like the description in *Guide* III:51 of the intellectually perfected individual, Nahmanides's *deveqim* "abandon all matters of this world and pay no attention to it as if they were bodiless and all their thoughts and intentions are [directed] to their creator alone, like Elijah when his soul cleaved [*hidaveq*] to the Glorious Name."⁴⁸ But Nahmanides, departing from Maimonides, adds that "they will live forever in their *bodies* and souls." Explicating the words *u-le-davqah bo* ("And to cleave to Him"), he explains that *devequt* is total, unceasing absorption in God *but in one's body*:

And it is possible that "cleaving" includes thinking of God and His love constantly, that your thought not be separated from Him when you walk by the way, when you lie down, and when you rise up, to the extent that when he converses with people with his mouth and tongue, his heart is not with them but in the presence of God. And it is possible that the souls of men at this level of excellence are "bound in the bundle of life" [i.e., achieve a state of immortality] *even in their lifetime*, since they are themselves a dwelling place for the Shekhinah, as the author of the *Kuzari* hinted.⁴⁹

Unlike Maimonides's holy persons, Nahmanides's are not disembodied or de-corporealized perfected intellects. They—body and soul—achieve a state of immortality *in their lifetime*, in this world.⁵⁰ The *daveq* does not transcend his body-ness or matter but transfigures it. As Moshe Halbertal writes, the one who achieves *devequt* "does not free himself of his body but he frees his body from the laws of nature by its means."⁵¹ Nahmanides never explicitly states that the holy person who "cleaves" to God in *devequt* becomes one with, or identical to, God but the human in this state takes on divine-like characteristics in which his body does not require material sustenance and in which it is not subject to the accidents of nature, raising the ordinary to the extraordinary. Nahmanides's candidates for this state are figures like Elijah, Enoch, and the generation of Israelites in the desert who for forty years were miraculously cared for. All these semi-mythical figures, in their respective states of *devequt*, go beyond natural necessity. Their *qedushah*

⁴⁸ *Perushei*, Lev 18:4; 2:100.

⁴⁹ *Perushei*, Deut 11:22; 2:395 (emphasis added). On Nahmanides's phrase "a dwelling place for the Shekhinah," see Diana Lobel, "A Dwelling Place for the Shekhinah," *JQR* 90 (1999) 103–25.

⁵⁰ *Perushei*, Deut 11:22; 2:39.

⁵¹ See Halbertal, על דרך האמת [*Al Derekh Ha'emet*], 167 and 126–29 for further discussion of the transformation of the body of the *daveq*, especially in Nahmanides's *Sha'ar HaGemul*. As Halbertal shows, a full discussion of Nahmanides's conception of *devequt* requires analysis of his theories of prophecy and of miracles, including his original distinction between *nes nigleh* and *nes nistar* (revealed and hidden miracles), topics that lie beyond this paper.

is not a metaphysical *property* they possess, but they stand in a *relation* that effects metaphysical changes in them. *Qedushah* does not make them miracle-workers, but it raises them from natural causality to a state in which they are subject only to God's miraculous governance. Nahmanides's holiness is not, then, the supernatural, magical conception that Maimonides combatted, but it goes far beyond his this-worldly-oriented world of laws in which he tried to situate it. Here we glimpse another dimension of our own conception of holiness, not simply as an ideal, but as an extra-ordinary religious life.