Tribute to Michael

Studies in Jewish and Muslim Thought
Presented to Professor Michael Schwarz

Editors

Sara Klein-Braslavy   Binyamin Abrahamov   Joseph Sadan

TABLE OF CONTENTS

PROPHECY *VERSUS* CIVIL RELIGION IN MEDIEVAL JEWISH PHILOSOPHY: THE CASES OF JUDAH HALEVI AND MAIMONIDES[1]

SARAH STROUMSA

INTRODUCTION

Although prophets have been central to Jewish thought long before the rise of Islam, early medieval Jewish prophetology must be seen first and foremost within the framework of Islamic prophetology. The symbiosis of Jews with Islamic society, and in particular the common language - the fact that Jews, like Muslims, spoke, wrote and probably thought in Arabic - naturally contributed to the fact that Jewish writings often followed the same pattern as those of their Muslim counterparts.[2] In the case of theology in general and prophetology in particular, however, the similarities do not stem only from a common linguistic setting. Rather, they reflect the intrinsic nature of Islamic prophetology and the way it emerged.

By "Islamic prophetology" I mean the theological and dogmatic discourse concerning prophecy that evolved between the seventh and the ninth centuries, due

---

[2] On the symbiosis that shaped Judeo-Arabic culture, see S. D. Goitein, *Jews and Arabs - Their Contacts Through the Ages* (New York, 1955), pp. 127-138; S. Stroumsa, "The Muslim Context of Medieval Jewish Philosophy," in S. Nadler and T. Rudavsky (eds.), *The Cambridge History of Jewish Philosophy: From Antiquity through the Seventeenth Century* (Cambridge, 2009), pp. 39-59.

to the appearance of Islam. This discourse, nourished by earlier Jewish and Christian sources, was founded upon the figure of the most recent prophet, Muhammad. It was then shaped through dialectical, polemical attempts to either accommodate this new prophet into the line of previous prophets, or to reject him. John Wansbrough has coined the term *sectarian milieu* to describe the intellectual and religious milieu in which early Islam developed. Characteristic to the sectarian milieu is "the proliferation of hardly distinguishable confessional groups," where "separate sects [are] generated by points of doctrine".[3] Islamic prophetology is a product of what we may call, paraphrasing Wansbrough, "the polemical milieu," and both Muslims and others contributed to the form (or forms) it took. As I have argued elsewhere, the centrality of Muhammad's place in nascent Islam gave a boost to the (by then somewhat dormant) preoccupation with prophecy in Judaism. Reflecting the fact that the belief in prophetic revelation was a basic dogma of Islam, prophetology became a cornerstone of medieval theology and philosophy written in Arabic, also by Jews.[4]

The centrality of prophecy in Muslim thought is expressed in its wholehearted espousal of a belief in prophets, and in attempts through interpretation to accommodate prophecy into philosophical or mystical systems. The particular accommodation of the centrality of the prophet into philosophical texts has been noted by many scholars, and in particular by Leo Strauss, who analyzed medieval prophetology as political theory. As Strauss has shown, philosophers like al-Fārābī and Maimonides viewed the prophet as ideal statesmen. Elaborating on Plato's model of the philosopher-king, they exchanged the philosopher with a prophet. For

---

[3] John E. Wansbrough, *The Sectarian Milieu: Content and Composition of Islamic Salvation History* (Oxford, 1978), pp. 98, 146. Sidney Griffith, " 'Melkites', 'Jacobites' and the Christological Controversies in Arabic in Third/Ninth Century Syria," in David Thomas (ed.) *Syrian Christians under Islam — The First Thousand Years* (Leiden, Boston and Köln, 2001), pp. 9-55, on note 1, p. 9, suggests the term "heresiographical milieu", to describe its effect on intra-Christian texts.

[4] Cf. S. Stroumsa, "The Signs of Prophecy: The Emergence and Early Development of a Theme in Arabic Theological Literature," *Harvard Theological Review* 78 (1985), pp. 101–114; *Eadem, Freethinkers of Medieval Islam: Ibn al-Rāwandī, Abū Bakr al-Rāzī, and Their Impact on Islamic Thought* (Leiden, 1999), pp. 1-26.

their contemporaneous opponents, this interpretation of prophecy meant that the philosophers' interest was centered upon the economy of this world's affairs rather than in the economy of salvation.[5] The prevalence of this claim in medieval Arabic texts led Shlomo Pines to suggest that indeed, for some of the medieval philosophers, the ultimate good must be sought in the establishment of a healthy society. Pines argued that, notwithstanding these philosophers' claims to seek perfection through knowledge, their works reveal their realization of the inability of humans to grasp metaphysical truths, and that therefore the belief in the Afterlife held for them mainly an educational purpose.[6] Pines's view has been strongly criticized by Herbert Davidson, who regards it as "startling", and as implying that Maimonides in particular "meant virtually nothing he says in the *Guide*."[7] The debate regarding the correct interpretation of the Islamic philosophers' position on the possibility of apprehending metaphysical truths is still going on.[8] I propose to tackle this problem from a slightly different angle. Rather than scrutinizing the philosophers' views on the Afterlife, I suggest shifting the attention to their formulation of the place of religion in the state.

CIVIL RELIGION

The concept of "civil religion" has been much discussed since the eighteenth

---

[5] Leo Strauss, *Persecution and the Art of Writing* (Glenco, Il., 1952), pp. 9-14; Cf. also R. Brague, *La loi de Dieu: Histoire philosophique d'une alliance* (Paris, 2005), p. 216 and notes 210, 104.

[6] S. Pines, "The Limitations of Human Knowledge according to Al-Fārābī, Ibn Bājja, and Maimonides," in I. Twersky (ed.), *Studies in Medieval Jewish History and Literature* (Cambridge, Mass., 1979), pp. 82-109.

[7] H. A. Davidson, "Maimonides on Metaphysical Knowledge," *Maimonidean Studies* 3 (1992/3), pp. 49-103, on p. 54.

[8] See, for example, S. Stroumsa, 'True Felicity:' Paradise in the Thought of Avicenna and Maimonides," *Medieval Encounters* 4 (1998), pp. 51-77; W. Z. Harvey, "Maimonides on Human Perfection, Awe and Politics," in I. Robinson, L. Kaplan and J. Bauer (eds.), *The Thought of Moses Maimonides: Philosophical and Legal Studies* (Lewinston/Queenston/Lampeter, 1990), pp. 1-15; M. Kellner, "Politics and Perfection: Gersonides vs. Maimonides," *Jewish Political Studies Review* 6 (1994), pp. 49-81, on p. 52. Cf. also P. Crone, *God's Rule: Government and Islam* (New York: Columbia, 2004), Chapter 14, especially pp. 174-175.

century, and can take many forms. When using this term here, I will follow in its general lines the definition given by Jean-Jacques Rousseau in his treatise *On The Social Contract.* Rousseau distinguishes three kinds of religion in its relation to society:

> The first, which has neither temples, nor altars, nor rites, and is confined to the purely internal cult of the supreme God and the eternal obligation of morality.

Rousseau calls this kind of religion "the religion of the Gospel pure and simple, the true theism, what may be called natural divine right of law."[9]

The second kind of religion is defined by Rousseau in historical terms:

> It has its dogmas, its rites and its external cult prescribed by law; outside the single nation that follows it, all the world is in its sight infidel, foreign, and barbarous. Of this kind were all the religions of early peoples, which we may define as civil or positive right of law.[10]

The third and last kind of religion, the one exemplified for Rousseau by Roman Catholicism, presents two sets of laws, a religious and a secular law. According to Rousseau, this kind of religion "renders the people subject to contradictory duties, and makes it impossible for them to be faithful both to religion and to citizenship." Analyzing these three forms of religion, Rousseau comes to the conclusion that, defined in this way, none of them is satisfactory, and offers what is in effect a combination of the first two kinds: The rationalist, pure and minimalist dogmas of natural religion, plus the political structure of the national religions. For according to Rousseau,

---

[9] See J.-J. Rousseau, *Du Contrat social* (Paris, 1977), pp. 301-313, on p. 306; *The Social Contract and Discourses*, translated by G. D. H. Cole; updated by P. D. Jimack (London, 1993), p. 303 (quotations henceforward are from the English translation).

[10] *Ibid, ibid.*

It matters very much to the community that each citizen should have a religion... But the dogmas of that religion concern the State and its members only so far as they have reference to morality and to the duties which he who possesses them is bound to do to others. Each man may have, over and above [these basic dogmas], what opinions he pleases, without its being the sovereign's business to take cognizance of them.[11]

Rousseau therefore concludes his analysis by commending the following kind of religion:

... a purely civil profession of faith of which the Sovereign should fix the articles, not exactly as religious dogmas, but as social sentiments without which a man cannot be a good citizen or a faithful subject...

The dogmas of civil religion ought to be few, simple and exactly worded, without explanation or commentary. The existence of a mighty, intelligent, and beneficent Divinity, possessed of foresight and providence, the life to come, the happiness of the just, the punishment of the wicked, the sanctity of the social contract and the laws: these are its positive dogmas. Its negative dogmas I confine to one, intolerance, which is part of the cults we have rejected.[12]

In general, it would be hard to fit Islamic prophetology into the molds of the typology offered by Rousseau. In some respects, medieval texts (for example those written by Mu'tazilite *mutakallimūn*) are familiar with the idea of natural religion - the *fiṭra* - which consists primarily of an innate belief in God, but in its wider interpretation includes also basic moral notions.[13] In Jewish exegetical and halachic

---

[11] *Ibid.*, p. 306.

[12] *Ibid.*, pp. 307-308.

[13] Cf. "*fiṭra*", *Encyclopedia of Islam*, second edition, vol. II (London, 1965), pp. 931-932 (D. B. Macdonald); Wansbrough, *The Sectarian Milieu*, pp. 135-136; G. Gobillot, *La conception originelle: ses interprétations et fonctions chez les penseurs musulmans: la* fiṭra (Cairo, 2000).

texts one may look for the idea of natural religion in the seven Noachite laws.[14] These laws dictate proper belief and establish the foundations for a properly functioning society. This seems to fit Rousseau's first kind of religion. Neither Jews nor Muslims, however, would claim that because of the *fiṭra* or the Noachite laws, humanity can altogether dispense with prophets.

Both Jews and Muslims assume that, in addition to the innate law, which is universal, there exist both the need and the possibility of God communicating His wish to humanity through a human messenger, the prophet. The laws ordained by the prophet complement the innate law, and exclude any other set of laws. Prophetic religion thus constitutes a combination of Rousseau's first and second kinds of religion. For thinkers in the Islamic world (theologians, traditionalists and others), the prophet establishes the perfect set of laws: it is, or should be, the law of the state; and it certainly treats followers of other religions as infidels. Medieval theologians are familiar with the idea of indifference to or tolerance of all religious practices; but they generally abhor this idea, which they view as dangerous relativism. For them, it falls into the category of "the equivalence of religion" (*takāfuʾ al-adyān)*, which implies the totally unacceptable notion that their own religion is not the sole perfect one, superior to all others.

Medieval Arabic philosophers, both Muslims and Jews, are, on the face of it, no exception to the general picture depicted above. Philosophers like al-Fārābī and Maimonides devote many pages to the role of the prophet, and it seems that they take the necessity of prophecy for granted. And yet, although they profess the superiority of a religious society guided by revelation, one wonders at times if this avowal too was only lip service paid to the religious society in which they lived, a concession to the religious guise that political order must take in this society.[15] A

---

[14] On the Noachite laws, see, for instance, David Novak, *The Image of the Non-Jew in Judaism: An Historical and Constructive Study of the Noahide Laws* (New York and Toronto, 1983).

[15] That this was the case was already suspected by al-Ghazzālī, who accused the philosophers for "their denial of revealed laws and religious confessions and their rejection of the details of religious and sectarian [teachings], believing them to be man-made laws and embellished tricks" (*munkirūn li'l-sharāʾiʿ wal'l-niḥal wa-jāḥidūn li-tafāṣīl al-adyān wa'l-milal wa-muʿtaqidūn annahā nawāmīs muʾallafa wa-ḥiyal muzakhrafà*); see Abū Ḥāmid al-Ghazzālī,

Straussian reading of these philosophers may lead one to suspect at times that what lay behind their affirmations was actually only a firm belief that religion is necessary for the establishment, direction and preservation of a society. The question then arises, whether indeed these philosophers harbored the idea of a civil religion, and were prevented from admitting it only for fear of persecution (to follow Strauss's expression) or because the time was not ripe for the dissemination of this idea.

It is practically impossible, I believe, to give a definitive answer to this question. In order to attempt such an answer, one would need not only to examine philosophers' writings closely , but also to assume the role of a mind reader who can tell when they do not mean what they say. This goes beyond a critical reading of the texts, even beyond esoteric reading, and I do not presume to go in this direction. What can be attempted, however, is an examination of contemporary texts and their view of the matter. In what follows I will examine the writings of two medieval Jewish thinkers, Judah Halevi (d. 1141) and Moses Maimonides (d. 1204). My purpose will be to see if they can be said to be aware of the idea of a civil religion, or of something which may be perceived as similar to it, and whether they present it as typical of philosophers.

Tahāfut al-Falāsifa, ed. M. Bouyges (Beirut, 1827), p. 5, lines 6-8; Al-Ghazālī, *The Incoherence of the Philosophers*, ed. and trans. M. E. Marmura (Provo, Utah, 2000), p. 2. On the nuances implied in *nawāmīs* , see further below. In modern research this suspicion seems to be reflected, for instance, in Daiber's analysis of al-Fārābī's political thought, in whose doctrine, he says, "philosophy appears as practical philosophy in the shape of religion, of 'opinions' and 'actions' imposed on society in the shape of laws by the divinely inspired ruler, the prophet." Cf. H. Daiber, "Political Philosophy" in Seyyed Hossein Nasr and O. Leaman (eds.), *History of Islamic Philosophy* (London and NewYork, 1996), II, p. 849. Daiber argues that in this al-Fārābī "strictly kept to the the Ismāʿīlī notion of the universality of true religion"; see further H. Daiber, "The Ismaili Background of Fārābī's Political Philosophy — Abū Ḥātim ar-Rāzī as a Forerunner of Fārābī," in U. Tworuschka (ed.), *Gottes ist der Orient, Gottes ist der Okzident: Festschrift für Abdoldjavad Falaturi, zum 65. Geburtstag* (Köln, 1991), pp.143–50; and see *apud* note 68 below. On the Ismāʿīlī notion of prophecy and its relations to political thought, see also P. Crone, "Post-Colonialism in Tenth-Century Islam," *Der Islam*, 83 (2006) , pp. 2-38, on pp. 7-9

1. Judah Halevi

The twelfth-century Jewish thinker Judah Halevi presents the protagonist of his *Kuzari*, the King of the Khazars, as having had a personal revelation, which sent him on a quest for the religion that would be concomitant with his dream. He first turned to a philosopher, who set before him the core and essence of his beliefs. Halevi takes this opportunity to create a synthetic image, a stereotype of the philosopher, and presents what he believes captures the essence of most philosophers' beliefs.[16]

After the philosopher describes his view of the way to human perfection, he addresses the King's original quest for the true religion, and, in fact, rejects it as misguided:

> If you have reached such disposition of belief, be not concerned about the forms of your religious law (*shar'*) or devotion or worship.... you may even choose a religion in the way of humility, worship, and glorification, for the management of your moral character, your house and [the people of your] country... . Or fashion your religion according to the laws of reason (*al-nawāmīs al-'aqlīyya*) set up by philosophers, and strive after purity of soul.[17]

The model philosopher thus recognizes the usefulness of religion, both as a way of expressing devotion and as a means of maintaining law and order. This religion can be based on the laws of reason, and it allows for the possibility of veridical dreams. To the person who achieves the desired purity of heart and the true knowledge, and who attains union with the Active Intellect, he says:

---

[16] Cf. Y. Silman, *Philosopher and Prophet: Judah Halevi, the Kuzari, and the Evolution of His Thought* (New York, 1995), pp. 11-12. Silman suggests that "the Philosopher's exposition at the beginning of the book reflects the main points of Halevi's own position before the Kuzari was written."

[17] *Kitāb al-radd wa'l-dalīl fī al-dīn al-dhalīl, The Book of Refutation and Proof on the Despised Faith (The Book of the Khazars)*, ed. D.H. Baneth, prepared for publication by H. Ben-Shammai (Jerusalem, 1977), p. 5; compare Judah Halevi, *Book of Kuzari*, trans. H. Hirschfeld (New York, 1946), p. 34.

> Maybe It will communicate with you or teach you the knowledge of what is hidden through true dreams and positive vision.[18]

This spiritual experience, however, does not dictate any particular religion or specific religious laws. The dreams or prophecies that may accompany it are not the goal of the philosopher's life, nor do they represent human perfection.[19] Halevi's philosopher does not believe in a personal God revealing Himself in the course of history through His prophets in order to dictate the true law. His advice to the king of the Khazars, in case the latter wants this kind of religion, is to pick any religion or invent one.[20]

In his seminal article on the Law of Reason in the *Kuzari*, Leo Strauss argues that "...the adversary *par excellence* of Judaism from Halevi's point of view is not Christianity and Islam, but philosophy."[21] Strauss identifies the philosopher as a *zindīq* or an *apikores*[22], but he rightly insists that the philosopher "does not by any means set up the behavior of Elisha ben Abuya or of Spinoza" as the model of philosophic behavior; he considers it perfectly legitimate that "a philosopher who as such denies Divine revelation, adheres to Islam for example, i.e., complies in deed and speech with the requirements of that religion."[23] The choice of whether or not to adhere to any religion at all, as well as the choice of which religion, existing or

---

[18] *"Fa-tuṣādifu maṭlūbaka aʿnī al-ittiṣāl bi-dhālika al-ʿaql al-faʿʿāl wa-rubbamā anbaʾaka wa-amaraka bi-ʿilm ghayb min manāmāt ṣādiqa wa-khayālāt muṣība,"* Ibid., ibid.

[19] Cf. L. Strauss, "The Law of Reason in the Kuzari," in *Persecution and the Art of Writing* (note 5 above), pp. 95-141, on p. 113.

[20] *Kuzari*, I, 1, p. 5. In a note to the French translation of this passage, Charles Touati draws attention to *Kuzari* 4:13, where Halevi reiterates the philosophers' indifference to the choice of religion, and says that it does not matter to a philosopher whether he be "a believer or a freethinker" ("croyant ou libre penseur"); cf. Juda Hallévi, *Le Kuzari: Apologie de la religion méprisée* (Louvain-Paris, 1994), p. xiv, p. 4 (*apud* note 17, and p. 165.; *Kuzari*, Baneth/Ben-Shammai, p. 164 (*kāna ṣiddīqan aw zindīqan lā yubālī idha tafalsafa*).

[21] "The Law of Reason in the Kuzari", p. 103; see also p. 98: "The book is devoted to the defense of the Jewish religion against its most important adversaries in general, and the philosophers in particular."

[22] *Ibid.*, p. 107, note 34.

[23] *Ibid.,* p. 115.

invented, to adhere to, must be decided on grounds of expediency alone.[24] Strauss noted the ambiguity of the term "rational *nomoi*" (that is, the laws dictated by the laws of reason), which may designate either an essentially political code or an essentially apolitical rule of conduct, destined for the guidance of the philosopher alone.[25] This ambiguous term, however, when used in the Platonic political sense, can acquire an additional meaning: the rational decision to set up a-rational, religious laws. According to Strauss's reading of the philosopher,

> the legislator may supplement the purely political laws, 'the governmental *nomoi*' with a 'governmental religion', in order to strengthen the people's willingness to obey the purely political law. That religion would not be rational at all from the point of view of theoretical reason....; yet it may rightly be called rational from the point of view of practical reason, because its tenets are of evident usefulness.[26]

In this sense, we can say that the philosopher's is a civil religion. Strauss, however, does not use this concept in his discussion. According to Strauss's analysis

> To deny that religion is essential to society is difficult for a man of Halevi's piety...; To assert it, would amount to ascribing some value even to the most abominable idolatrous religion.[27]

Strauss seems to assume that Halevi uses the philosopher to introduce a problematic aspect of his own view on religion, namely that religion is essential to society; this would be paramount to the claim that relgion is natural to human beings, a view which seems, however, to be dangerously close to legitimizing the gentile laws, and which Halevi finds impossible to espouse openly.

---

[24] *Ibid.*, p. 114.
[25] *Ibid.* pp. 118-120; Cf. also Brague, *La loi de Dieu*, p. 235.
[26] *Ibid.*, p. 122.
[27] *Ibid.*, p. 130.

The difficulty posited by Strauss is, I believe, imagined rather than real, and results from a blurring of the roles in the *Kuzari*. It is true that in some respects not only the scholar, the *ḥaver*, but also the philosopher is Halevi's mouthpiece. Their roles, however, are quite distinct, and even when they accept the same premises, their understanding of these premises and their development of them tend to be dichotomous rather than complementary. Therefore, even when they both use the term "rational *nomoi*", they mean very different things. The philosopher asserts that (a) religion is probably essential to society, and (b) perhaps not any religion, but certainly more than one religion could be chosen for this purpose. Halevi, of course, rejects this second idea. He may not object to some understanding of religion as essential to society, but when this notion is tied up to the second idea, of the equivalence of religions, it becomes part of a full-fledged theory of civil religion, at which point Halevi rejects it in no ambivalent terms. The philosopher serves as a literary device which allows Halevi to sharpen the distinction between his own notion of religion as essential to society and the objectionable form of this notion.

Halevi's philosopher is usually seen as a stereotype of an Aristotelian philosopher, although other elements (such as hermetic thought) are also weaved into it.[28] However, the existing writings of the *falāsifa* do not include clearly pronounced declarations of belief in the equivalence of religions. This does not mean that Halevi invented this image. A similar view is attributed by Halevi's contemporary, the scholar al-Bīrūnī (d. ca. 442/1050), to Abū'l-ʿAbbās al-Īrānshahrī, who flourished in the ninth century C.E. Al-Bīrūnī tells us that Īrānshahrī's accounts of the Jews, the Christians, the dualists, and their respective scriptures were exceptionally objective, because he had no religious prejudices to keep at bay. In fact, says Bīrūnī,

---

[28] Cf. for example, Strauss, 'The Law of Reason in the Kuzari", p. 112; Silman, *Philosopher and Prophet*, pp. 11-12; Touati, *Le Kuzari*, Introduction, p. viii.

he himself did not believe in any religion, but was the sole believer in a religion invented by himself, which he tried to propagate.[29]

One would assume that, if Īrānshahrī invented his own religion and took the trouble to propagate it, the idea of religion must have been quite important for him. At the same time, there must have been something that he found objectionable in the choice of the then available religions. Al-Bīrūnī's enigmatic remark does not elaborate on Īrānshahrī's motives, and his reasons for rejecting other religions thus remain unknown. They become clearer, however, when we further examine the (admittedly meager) available information concerning him.

Īrānshahrī is best known as the teacher of his more famous student, the tenth century Abū Bakr al-Rāzī. Rāzī was a declared freethinker, that is to say he openly and vociferously rejected the possibility of revelation as well as the authority of scriptures, of prophets and of any ecclesiastical body. We do not know more about Īrānshahrī's religion. In fact, we do not even know if al-Bīrūnī's claims reflect his beliefs correctly: The Ismāʿīlī author Nāṣir-i Khusraw (d. 1088) claimed that Īrānshahrī's ideas were actually quite orthodox (or what Nāṣir-i Khusraw would think of as quite orthodox), and that his heretical image was created by Rāzī, who plagiarized Īrānshahrī's ideas and distorted them, turning them into heresy.[30] Bīrūnī, however, is usually a scrupulous and trustworthy informant, and if we accept his description of Īrānshahrī, Halevi's image of a philosopher as a person who may invent his own religion becomes clearer. Īrānshahrī, like Halevi's philosopher, rejects the notion of prophetic religion, and of a God who intervenes in the course of history through a prophet to dictate His will. This philosopher does not deny the

---

[29] "*Lam yakun min jamīʿ al-adyān fī shayʾ, bal munfaridan bi-mukhtaraʿ lahu, yadʿū ilayhi*";Abū al-Rayḥān al-Bīrūnī, *K. Fī taḥqīq mā li'l-hind min maqūla maqbūla fī'l-ʿaql aw mardhūla* (Hyderabad, 1958), p. 4; E. C. Sachau, *Alberuni's India* (London, 1910), I, p. 6.

[30] Nāṣir-i Khusraw, *Zād al-Musāfirīn*, 98, 102 (quoted by Paul Kraus, Abū Bakr Muḥammad b. Zakariyyāʾ al-Rāzī, *Rasāʾil falsafiyya* [Cairo, 1939], pp. 255–56, 258–59); cf. M. Fakhry, *A History of Islamic Philosophy* (New York and London, 1983, pp. 32-33; cf. S. Pines, *Studies in Islamic Atomism*, tr. M. Schwartz, ed. T. Langermann (Jerusalem, 1997) 42, 65–67; Stroumsa, *Freethinkers*, p. 12.

human need for a religion, both for personal discipline and for the well-being of society. He concocts his own religion, based on rational reasoning, but also including, presumably, various rituals.[31]

Particularly interesting in this respect are the philosopher's concluding remarks, just before he takes leave, as it were, from the king and from the readers of the account. At this point we may assume that he is already aware of his failure to convince the king of the futility of revealed religions, and his concluding remark may be seen as a farewell admonition. The last words that Halevi chooses to put in his mouth are:

> The philosophers' religion does not ordain killing any of those [mentioned by the king, i.e., the adherents of Islam and of Christianity], since they direct their intentions to the intellect.[32]

The closest parallel to this soft-spoken, gentle admonition is found in the rather more strident declaration of Īrānshahrī's disciple, Abū Bakr al-Rāzī, who is reported to have said:

> If the people of this religion[33] are asked about the proof for the soundness[34] of their religion, they flare up, get angry and spill the blood of whoever confronts them with this question. They forbid rational speculation, and strive[35] to kill their adversaries. This is why truth became thoroughly silenced and concealed.[36]

---

[31] See further Stroumsa, *Freethinkers*, pp. 135-6.

[32] "*Laysa fī dīn al-falāsifa qatlu wāḥid min hāʾulāʾ, idh yaʾūmūna al-ʿaql*"; *Kuzari*, I, 3 (Baneth /Ben-Shammai, p. 6).

[33] *Hādhihi al-daʿwā*; although this could refer to the Ismāʿīlī missionary activity, it can also be an allusion to Islam in general.

[34] Or: "truth" (*ṣiḥḥa*).

[35] I read: *ḥaraṣū* (the printed text is unclear).

[36] Abū Ḥātim al-Rāzī, *Aʿlām al-nubuwwa (The Peaks of Prophecy)*, ed. Ṣalāḥ al-Sāwy (Tehran, 1977), p. 31.

In another occurrence, Rāzī's complaint that religious intolerance is the cause of all bloodshed is directed more specifically against prophetic religions. According to Nāṣir-i Khusraw, Rāzī had described the prophets as messengers of evil spirits who had become demons. According to him,

> Rāzī said in his *K. al-ʿIlm al-ilāhī* that the souls of wicked people, who had been transformed into demons, appear to some individuals in the form of angels, and command them: "Go and tell people: An angel had appeared to me and told me: 'God has made you His apostle,' and [- they say -] I am the angel sent to you." This is the reason for the dissemination of discord, and many people have been killed as a result of the "providence"[37] of these souls-turned-devils.[38]

Rāzī's image of the prophet as warlord was part and parcel of his freethinking. He rejected the notion of any revealed religion, and as already noted by Paul Walker, political thought played only a minor role in his thought.[39] Although he regarded himself as a Platonist, his Plato was the author of the *Timaeus*, not of *The Laws*. In the world of medieval Islam, thinkers who can clearly be identified as freethinkers were very few, and Rāzī's outspoken criticism of prophetic religion was rather unusual. But the *phenomenon* of freethinking was a *cause célèbre*, and orthodox thinkers, both Jews and Muslims, dreaded it, wrote against it, and saw it lurking in many corners. In presenting the religious views of his model philosopher, Halevi may well have been thinking of typical (or topical) freethinkers, like Īrānshahrī and Rāzī. One should note that Halevi's model philosopher takes into account the role

---

[37] *Tadbīr*; if these words are an exact quotation of Rāzī, then Rāzī would here be making sarcastic use of the usual technical term for God's providence; cf. *Risālat al-Bīrūnī fī fihrist kutub Muḥammad bn. Zakariyā al-Rāzī — Epître de Bērūnī contenant le répertoire des ouvrages de Muḥammad b. Zakariyā ar-Rāzī*, ed. P. Kraus (Paris, 1936), p. 17, which lists a book Rāzī wrote "*Fī naqḍ K. al-Tadbīr*."

[38] *Rasāʾil*, pp. 177–78; *Jāmiʿ al-ḥikmatayn*, 137; Stroumsa, *Freethinking*, p. 106. See also Crone, "Post-Colonialism," pp. 3-7.

[39] Cf. P. Walker, "The Political Implications of al-Rāzī's Philosophy," in C. E. Butterworh (ed.), *The Political Aspects of Islamic Philosophy: Essays in Honor of Muhsin E. Mahdi* (Cambridge, Mass., 1992), pp. 61–94.

of religion in politics, and his solution is very close to what we would call a civil religion. This solution reflects not only the development of Platonic political thought, but also the impact of the phenomenon of freethinking,

The fact that Halevi is familiar with the notion of freethinking is apparent in yet another instance in the first chapter of the *Kuzari*, where he speaks of the superiority of the Jewish historical tradition. The king of the Khazars asks the scholar about the Indian historical tradition, and the scholar dismisses this tradition as untrustworthy. In his short response, he introduces a few new elements, the relevance of which he obviously assumes would be clear to all his readers. He mentions the book on *Nabatean Agriculture*, its chronological tables, and some of its main protagonists. Maimonides would later associate this book with the so-called Sabeans, and indeed some such associations are hinted at in earlier Arabic heresiography. The book is presented as containing the core of Sabean cult and mythology, but the Sabeans are also associated with pagan philosophy, the idea of the eternity of the world, and theurgical practices of later Hellenistic philosophers that can be traced back to Greek Hermetic literature and the tradition of the *Chaldean Oracles*. Halevi does not mention the Sabeans here, but he does say that this nation (i.e., the people of India) is "wayward" or "misguided" (*ṣāʾiba*). This epithet brings to mind the common etymology given by Muslim scholars to the name of the Sabeans, deriving it from the verb *ṣ.w.b.*, to divert. Indeed, both the Sabeans and the book of *Nabatean Agriculture* are presented in Arabic literature as an antithesis to the *Historia Sacra* of the Bible, and in particular as an antithesis to the Biblical idea of God revealing Himself to prophets and actively and directly intervening in the course of history.[40] Halevi associates the book with the people of India and with their lore. One of the main characteristics of this Indian people is, according to Halevi, that they "ridicule anyone who claims that he holds a book that was given by God,"[41] that is to say, they ridicule the very possibility of divine

---

[40] On the Sabeans, cf. S. Stroumsa, "Sabéens de Ḥarrān et Sabéens de Maïmonide," *Actes du colloque du CNRS sur Maïmonide: Traditions philosophiques et scientifiques médiévales arabe, hébraïque, latine,* Paris-Villejuif 17–20 Juin 1997, ed. T. Lévy (Paris, 2004), pp. 335-52.

[41] *Kuzari* I, 60-61 (Baneth / Ben-Shammai, pp.16-17).

scriptures, the very basis of the three revealed religions. In medieval Islamic theology, India and the so called Brahmins (*barāhima*) are universally associated with the denial of prophecy. These Brahmins appear frequently in Arabic theological literature; they are often associated with the name of another notorious freethinker, the ninth-century Ibn al-Rāwandī, and are mentioned almost exclusively in order to refute their denial of prophecy. Discussions of the *barāhima* are quite common in Jewish *kalām* works, such as those of al-Muqammaṣ, Saʿadya, al-Qirqisānī, and Yefet ben ʿEli.[42] These discussions testify to the fact that freethinking, i.e., the denial of prophecy, became as much a concern for Jewish intellectuals as it was for their Muslim counterparts. Occasional remarks also allow us to see that the identities of the freethinkers of Islam were known to Jewish authors.[43]

We can thus identify a cluster of connected themes: philosophers, Sabeans, India, the denial of prophecy, and the attempt to establish religion on rational rules or *nomoi*. All these elements are present in the few lines of the scholar's response concerning historical tradition. Although Halevi does not elaborate on them, it seems clear that he is familiar with the vast heresiographic and theological Arabic literature in which they are discussed at length. The fact that Halevi combines them together testifies to his awareness of the context in which they are used. Put differently, it testifies to his familiarity with the semantic field of the key words: India, Sabeans, *Nabatean Agriculture*. He is also aware of the (rather more complex) association of the philosophers with the Sabeans, since the philosophers, and more specifically the Chaldean philosophers, appear in his next paragraph.[44]

---

[42] Cf. H. Ben-Shammai, *The Doctrines of Religious Thought of Abū Yūsuf Yaʿqūb al-Qirqisānī and Yefet ben ʿElī*, Ph.D Thesis (The Hebrew University of Jerusalem, 1977), vol. II, p 186; S. Stroumsa, *Dāwūd ibn Marwān al-Muqammiṣ's ʿIshrūn Maqāla* (Leiden, 1989), pp. 254-263; *Eadem*, "Soul-searching at the Dawn of Jewish Philosophy: A Hitherto Lost Fragment of al-Muqammaṣ's *Twenty Chapters*," *Ginzei Qedem* 3 (2007), pp. 137*-161*; S. Pines, "Shi'ite Terms and Conceptions in Judah Halevi's *Kuzari*," *Jerusalem Studies in Arabic and Islam*, II (1980), pp. 220-223.

[43] On the repercussions of freethinking in Jewish thought, see Stroumsa, *Freethinking*, pp. 218-21; on the *Barāhima*, cf. *Freethinking*, pp. 145-62.

[44] *Kuzari*, I, 62 (Baneth /Ben-Shammai, p. 17).

Put together, these elements emphasize the dichotomy between the idea of man-made *nomoi* and prophetic religions. We may thus say that for Halevi, the religion the outlines of which are drawn by the philosopher is that associated with Sabeans and *barāhima*, and with freethinkers like Ibn al-Rāwandī and Rāzī.

This religion is the opposite of the one sought by the protagonist of Halevi's book. The king, we must remember, was looking for a religion that would corroborate his own revelatory experience. Halevi's king therefore abandons the philosophers and turns to seek an answer to his quest among the followers of prophetic religions. It is noteworthy that when the king rejects the view of the philosopher, he turns his attention to the three prophetic religions together:

> After this the Khazari said to himself: I will ask the Christians and Moslems, since one of these persuasions is, no doubt, the God-pleasing one. As regards the Jews, their manifest lowliness, small number and the fact that they are generally despised, require no further consideration.[45]

Strauss has noted that, before the King meets the scholar, it is important for Halevi to have it settled that "philosophy (to say nothing of a pagan religion) is insufficient to satisfy (the king's) needs."[46] The comparison with the freethinkers of Islam allows us to be more specific: what Halevi wanted to rule out at this point was not rational religion as such, and certainly not pagan religion, but rather the idea of civil religion. Only after ruling it out can he turn to a detailed comparison of the three revealed religions.

Halevi returns to this idea again in the fourth chapter of the *Kuzari*, where, discussing the philosophers' piety, he says:

> They (= the philosophers) do not behave piously because they hope to be compensated for this piety; nor do they think that, were they to rob or murder, they would be punished (for it, *scil.*, in the Hereafter). Rather, they command

---

[45] *Kuzari*, I, 4 (Baneth /Ben-Shammai, p. 6); compare *Book of Kuzari*, p. 35.
[46] "The Law of Reason in the Kuzari", p. 103.

good deeds and forbid bad ones[47] as being the more appropriate and more laudable behavior, and by way of imitating the Creator who ordained things in the best possible way. They thus composed laws (*nawāmīs)*, which are governing regulations, that are not binding (*siyāsāt ghayr lāzima*), and can be dispensed with, unless they become necessary. The Divine law (*al-sharīʿa)* is unlike this, except in some political parts, where the legal science explains that which may be dispensed with and that which may not.[48]

For Halevi, the basic distinction is between freethinking philosophers and prophetic religions, between *nāmūs* and *sharīʿa*. Halevi's philosophers differ from the upholders of Rousseau's civil religion in that they do not advocate divine providence, punishment or compensation. Like Rousseau's civil religion, their religion is man-made, it is political, and it allows for a variety of additional religious practices. Needless to say, Halevi rejects the idea of a civil religion and does not regard it as a legitimate option.

Halevi's presentation of the philosophers' ideas seems to faithfully reflect the image of the philosophers in educated, but non-philosophical, circles. This image was probably based on information concerning the freethinkers, and then projected by Halevi on the *falāsifa*. The freethinkers, however, were not the only source for the idea of a civil religion. For another development of this theme, which points to another source, we can turn to Maimonides.

2. Maimonides

In the *Guide for the Perplexed* , II, 32, Maimonides presents a typology of "the opinions of people concerning prophecy". He counts three opinions, the second of

---

[47] Note the Muslim formula which Halevi uses here: *al-amr bi'l-maʿrūf wa'l-nahy ʿan al-munkar* - the standard Muslim formulation of the religious aspect of civil activism; Cf. M. Cook, *Commanding right and forbidding wrong in Islamic thought* (Cambridge and New York, 2000).

[48] *Kuzari* , IV, 19 (ed. Baneth/ Ben-Shammai, p. 170); Compare Hirschfeld's translation, p. 198. On the meaning of "governmental", see Strauss, "The Law of Reason in the Kuzari", p. 119.

which he introduces as that of the philosophers (*al-falāsifa*).[49] According to this opinion, prophecy is a human natural perfection. "Philosophers" *tout court* is usually taken to mean "Aristotelian philosophers", and the term is habitually used in this way by Maimonides, but this identification does not impose itself here. In fact, Zev Harvey has convincingly argued that in this particular place, *al-falāsifa* are not Aristotelian philosophers, but he regards the difference between them and Maimonides's own view as negligible.[50] A view of prophecy with which Maimonides disagrees more sharply appears, however, in another part of his discussion of prophecy, where the term "philosophers" is not mentioned. In *Guide*, II, 40 Maimonides recalls the statement that a human being is political (*madanī*) by nature.[51] Also natural to human beings is their extreme diversity. It is the combination of these two natural givens which forces human societies to have a ruler (*mudabbir*). Consequently, Maimonides says that even if the Law is not natural, it enters into the category of natural things.[52] Maimonides then introduces two sets of complementary concepts: (a) the Law (*sharī'a*) and the *Nomos*; and (b) the prophet and the one who lays down the *nomos* . In Maimonides's formulation here, these concepts are wrapped together, and in fact treated as identical: "Among them there is the one to whom the regimen mentioned has been revealed by

---

[49] *Dalālat al-ḥā'irīn*, ed. S. Munk and Y. Yoel (Jerusalem, 1929), II, 32; Moses Maimonides, *The Guide of the Perplexed*, trans. Shlomo Pines (Chicago and London, 1963), p. 253. Cf. the bibliography cited by Michael Schwarz in his annotated Hebrew translation of Maimonides, *The Guide of the Perplexed* (Tel Aviv, 2002), vol. I, p. 373.

[50] Cf. W. Z. Harvey, "A Third Approach to Maimonides' Cosmogony-Prophetology Puzzle," *Harvard Theological Review* 74 (1981), pp. 287-301, on p. 292 and on p. 298.

[51] *Guide*, II, 40 (*Dalāla*, p. 270; Pines, pp. 381-2; Schwarz, p. 397.

[52] Compare Lerner's translation: "...the Law, although it is not natural, has a basis in what is natural"; cf. R. Lerner and M. Mahdi (eds.), *Medieval Political Philosophy: A Sourcebook* (New York, 1963), p. 212. On this chapter, see Joel L. Kraemer, "*Sharī'a* and *Nāmūs* in the Philosophic Thought of Maimonides," in M. A. Friedman and M. Gil (eds.), *Studies in Judaica* (*Te'uda* IV: Tel-Aviv, 1986), pp. 185-202 (Hebrew); *Idem*, "Naturalism and Universalism in Maimonides' Political and Religious Thought," in E. Fleischer and others (eds.), *Me'ah She'arim: Studies in Medieval Jewish Spiritual Life in Memory of Isadore Twersky* (Jerusalem, 2001), English section, pp. 47-81, on pp. 53-56; Kraemer suggests to translate this sentence: "Although the law itself is not natural, what is natural serves as an introduction to it."

prophecy (*unbi'a*) directly; he is the prophet or the one who lays down the *nomos* " (*al-nabī aw wāḍiʿ al-nāmūs*).[53] The word "or", however, leaves room for distinguishing one from the other, as Maimonides indeed seems to be doing in the rest of the chapter.[54] It is clear that Maimonides, like Halevi, is familiar with the notion of a rationally invented law. He speaks of "the governances of conventional *nomoi*."[55] He also says that the inventors of some of these governances of *nomoi* explicitly state that these are indeed *nomoi* that they have laid down by following their own thoughts (*waḍaʿūhā min fikratihim)*, and he sets them against the "governances of the divine *sharīʿa*."[56] In modern terms we may translate this basic distinction into that between a religious state based on prophecy, and a non-religious state.[57]

Maimonides then refines his distinction and adds to the discussion systems that claim to have a divine origin. Examining these systems, he proposes criteria for distinguishing the true divine Law from the man-made law. He states:

> If you find a Law (*sharīʿa*) the whole end of which and the whole purpose of the chief thereof, who determined the actions required by it, are directed exclusively toward the ordering of the city and of its circumstances and the abolition in it of injustice and oppression... The whole purpose of the Law being... the arrangement... of the circumstances of people in their relations with one another and provision for their obtaining, in accordance with the opinion of that chief, some presumed happiness - you will then know that that *sharīʿa* is *nāmūsiyya*.[58]

---

[53] *Guide*, II, 40 (*Dalāla*, p. 270:25-26; Pines, pp. 382; Schwarz, p. 397).

[54] See further below.

[55] *Tadābīr al-nawāmīs al-mawḍūʿa,* see *Dalāla*, p. 271, line 11; Lerner, p. 213; compare Pines, p. 383; Schwarz, pp. 398-399.

[56] *Tadābīr al-sharīʿa al-ilāhiyya, Dalāla, ibid,*

[57] On the *nomoi* as a political order which is not divine in origin, see also W. Z. Harvey, "Between Political Philosophy and Halacha in Maimonides' Teaching," *ʿIyyun* 29 (1990), pp. 189–211 (Hebrew).

[58] *Dalāla*, p. 271:17-23 (compare Pines, pp. 383-84, who translates: "...that that Law is a nomos."; and see Lerner, pp. 213-14). Cf. L. E. Goodman, "Maimonides' Philosophy of Law,"

The polemical edge of these lines is obvious, as are its anti-Christian and anti-Muslim connotations, since Christianity and Islam are the two religions that Maimonides regards as having borrowed from Judaism and as falsely claiming to be prophetic religions.[59] At the same time, we should take notice of the precise distinction made by Maimonides between a rational lawgiver who pretends to be a prophet and between a true prophet: the first aims only to control the affairs of the state and regulate social relations in a way that allows people to obtain what their leader deems to be "some presumed happiness." [60] The second, on the other hand, also has in mind the intellectual happiness of the citizens, as it aims to inculcate metaphysical truths. Maimonides, a reader of Christian and Muslim philosophers (as well as the Qur'ān and probably also the Gospels[61]), was surely aware that, in

---

The Jewish Law Annual 1 (1978), pp. 72-107, especially p. 76; L. Kaplan, " ' I Sleep, but my Heart Waketh': Maimonides' Conception of Human Perfection," in *The Thought of Moses Maimonides* (above, note 8), pp. 130-166, especially p. 132; A. Ivry, "The Problematics of the Ideal of Human Perfection for Maimonides," in *The Thought of Moses Maimonides*, pp. 16-25. Cf. also Brague, *La loi de Dieu*, p. 242.

[59] Cf. A. Funkenstein, *Maimonides: Nature, History and Messianic Beliefs* (Tel Aviv,1997 [Hebrew]), pp. 61-62; Kraemer, "Naturalism and Universalism," pp. 67-69.

[60] "…*bal al-qaṣd kulluhu intiẓām aḥwāl al-nās baʿḍuhum maʿa baʿḍin bi-ayy wajh kāna, wa-an yanālū saʿāda mā maẓnūna bi-ḥasab raʾy dhālika al-raʾīs*" (*Dalāla*, p. 271, ll. 21-22; Pines, p. 383).

[61] The fact that Maimonides, as a forced convert to Islam under the Almohads, learnt (*ḥafiẓa*) the Qur'ān, is attested in the Muslim sources; cf., for instance, Ibn Abī Uṣaybiʿa, *ʿUyūn al-Anbāʾ fī ṭabaqāt al-aṭibbāʾ*, ed. Nizār Riḍā (Beirut: *Dār Maktabat al-ḥayāt*, n.d.), p. 530. This evidence is discredited by Davidson, in whose view "the notion of Maimonides' having memorized the Quran and studied Muslim law lacks the ring of truth. Maimonides never reveals familiarity with either subject." cf. H. A. Davidson, *Moses Maimonides, The Man and His Works* (Oxford 2005), p. 19. Contrary to Davidson's claim, however, Maimonides' familiarity with both subjects is amply attested in his writings; see, for example, W. Z. Harvey, "Averroes and Maimonides on the Duty of Philosophical Contemplation (*iʿtibār*)," *Tarbiz* 58 (1989): 75-83 (in Hebrew); "Was Maimonides an Almohad Thinker?", in D. J. Lasker and H. Ben-Shammai (eds.), *Alei asor: Proceedings of the Tenth Conference of the Society for Judaeo-Arabic Studies* (Beer Sheba, 2009), pp. 151-171 (in Hebrew); J. L. Kraemer, "How (not) to Read *The Guide of the Perpelexed*," *Jerusalem Studies in Arabic and Islam*, 32 (2006), pp. 350-409, on note 93. My assumption that Maimonides also read the Gospels (in Arabic), on the other hand, is based only on his intellectual profile, and his own repeated insistence on his vast, uncensored readings.

their understanding, their religion was concerned with teaching metaphysical truths. Maimonides himself might have thought this declaration false, but he nonetheless instructs his reader to look at the *declared* intentions of these religions when examining them.

Furthermore, in his *Treatise on Logic* (usually considered to have been written in his youth),[62] Maimonides also makes the distinction between *nomoi* and divine law. The distinction he makes there points to a chronological divide, between the ancient *nomoi* and the divine commandments (*awāmir ilāhiyya*) by which 'people' are governed in his days. As noted by Joel Kraemer, in this context the word 'people' seems to denote human beings in general, which would mean that, like the Jews, the Christians and Muslims of Maimonides's days are also governed by divine commandments rather than by *nomoi*.[63]

The polemical edge of the paragraph in *Guide* II, 40 may therefore be aimed not only at the Christians and Muslims. If so, its additional target is disclosed by his description of the *sharīʿa* he discusses as *nāmūsiyya*. Although the combination appears here as subject and predicate, it presupposes a noun and epithet construct: Maimonides does not say that this *sharīʿa* is a *nomos* , but rather, that it belongs to the kind which is properly described as (*sharīʿa*) *nāmūsiyya*. Kraemer, who points to the appearance of the same terminology in the *Epistles of the Sincere Brethren*, insists that its proper translation should be "the nomic law"; "*not* 'the nomic religious law' which is a self-contradiction."[64] In the case of Maimonides, however, such a contradiction would, I believe, be appropriate. Rather than a clumsy translation, it would faithfully reflect the tension created by grafting *nāmūs* on *sharīʿa*, both legal terms, but coming from two different cultural realms and

---

[62] But see H. A. Davidson, "The Authenticity of Works Attributed to Maimonides," *Me'ah She'arim*, English section, pp. 111-33, on pp. 118-25; *idem*, *Moses Maimonides*, pp. 313-322. Davidson discards the Treatise as apocryphal, and regards the notion that Maimonides composed it in his teen years as fanciful, the fruit of "a singularly unfettered imagination." Further on this, see S. Stroumsa, *Maimonides in His World: Portrait of a Mediterranean Thinker* (Princeton, forthcoming), Chapter 5.

[63] Cf. Kraemer, "Naturalism and Universalism," pp. 47-8.

[64] Kraemer, "Naturalism and Universalism", pp. 50-51.

invoking different and contradictory worlds. Although *sharīʿa*, as Kraemer shows, may also mean (civil) law, its religious, revelatory aspect is emphasized when it is juxtaposed with *nāmūs*. Moreover, when both terms are used within the framework of discussing the function of religion, it may indeed be in order to add a civil dimension to the (essentially religious) *sharīʿa*. But it may also serve to show how the (essentially civil) *nāmūs* presumes to harness religion to its service. The fact that a parallel use of the oxymoron *sharīʿa nāmūsiyya* is found in the *Epistles of the Pure Brethren* may not be accidental, as it seems to have been closely associated with the attempt to bridge over the gap between *nāmūs* and *sharīʿa*. In this context, one can better understand the words of the tenth century Abū Sulaymān al-Sijistānī who, responding to the *Ikhwān al-ṣafāʾ*, points out that the Greeks had no prophet, and that they only turned to their philosophers, who composed a *nāmūs* to govern the polity.[65] In the case of Maimonides, at any rate, rendering the incongruous *sharīʿa nāmūsiyya* by the self-contraditory 'nomic religious law' would probably fit his understanding and intention. By using this term Maimonides insinuates that both non-religious law and false religious law represent, in some ways, civil religions: a *nāmūs* disguised as a *sharīʿa*, a *sharīʿa* whose main purpose is to provide a *nāmūs*.[66] Maimonides's argument with false prophetic religions assumes that some leaders will find it advisable to present their man-made law as a religion. One may thus say that Maimonides is aware of the idea of organizing a society around a religion, where the sole purpose of the religious presentation is in fact civil.

A parallel distinction used by Maimonides may highlight his distinction between the true prophet and the simple lawgiver claiming to speak as a prophet in order to give additional clout to his rule and stabilize society. In *Guide* III, 27 Maimonides presents a twofold taxonomy of the aims of the lawgiver.[67] The first aim is the acquisition of mental perfection, which includes apprehending

---

[65] Abū Ḥayyān al-Tawḥīdī, *Kitāb al-Imtāʿ waʾl-Muʾānasa*, ed. Aḥmad Amīn and Aḥmad al-Zayn (Cairo, 1944), II, p. 22.

[66] Kraemer, "Naturalism and Universalism", pp. 50-51. In this context, it is interesting to recall the caption with which Majid Fakhry introduced his discussion of the Brethren: "Philosophy, the Handmaid of Politics" (cf. Fakhry, *History of Islamic Philosophy*, p. 163).

[67] *Guide,* III 27 (*Dalāla*, p. 371-373; Pines, pp. 510-512; Schwarz, pp. 516-518 and notes there).

metaphysical truths. Although first in thought, this aim is temporally posterior to the second aim: the acquisition of physical perfection, which entails the establishment of a just, properly functioning society. Here again, Maimonides's most probable source for this taxonomy is the *Epistles of the Pure Brethren*.[68] The implication of this taxonomy as used by Maimonides is, first of all, that he is aware of the idea of a religion serving first and foremost a civil function, namely the creation and maintenance of a stable society. It also implies that, rather than being the covert aim of prophetic religion, civil religion is a primitive, necessary step toward the more sophisticated stage of prophetic religions.

CONCLUSION

The texts examined above indicate that both Judah Halevi and Maimonides were familiar with the idea of what we would call "civil religion," which they conceptualized and whose rationale they clearly presented. While Halevi explicitly identifies this idea with the philosophers, Maimonides associates it with false prophets, who create false religions; and while Halevi's model for this idea was probably the handful of freethinkers of Islam, Maimonides seems to have been drawing on other sources, among them the *Epistles of the Pure Brethren*. Both of them, however, rejected this idea sharply, deeming it insufficient to guarantee either true human perfection or a truly perfect society.

---

[68] *Rasāʾil ikhwān al-ṣafāʾ wa-khillān al-wafāʾ* (Beirut, n.d), *al-Risāla al-ūlā fī'l-ārāʾ wa'l diyānāt*, vol. III, pp. 472-78; Italian translation in C. Baffioni, *L'epistola degli Ihwan al-Safa 'Sulle opinioni e le religioni'* (Napoli,1989). On the political philosophy of the *ikhwān al-ṣafāʾ*, see Daiber, "Political Philosophy" (note 13 above), pp. 849-851. The influence of the Ismāʿīliyya on Maimonides was pointed out by A. L. Ivry, "Isma'ili Theology and Maimonides' Philosophy," in D. Frank (ed.), *The Jews of Medieval Islam: Community, Society and Identity* (Leiden, 1995), pp. 271-299. For the possible influence of the Ismāʿīliyya on al-Fārābī, see note 15 above.