

Norman Lamm  
Fe:The-mean.fox

July 27, 1990

### MAIMONIDES AND THE LAW OF THE MEAN

The following material is abstracted (with my own comments in parentheses) from Marvin Fox's Interpreting Maimonides: Studies in Methodology, Metaphysics, and Moral Philosophy (Chicago and London: University of Chicago Press, 1990), primarily chapter 5, entitled "The Doctrine of the Mean in Aristotle and Maimonides: A Comparative Study," pp.93-123.

This is meant for further work on the law of the mean or "Moderationism" and, especially, in conjunction with my Hebrew article in the Belkin Memorial Volume on "The Sage and the Saint in Maimonides."

Fox begins by showing that there are two exegetical schools concerning Maimonides' vision of the law of the mean: those who consider nothing but a rehash of the view of Aristotle, and those who deny that it bears any but the most remote and insignificant resemblance to Aristotle. Fox concludes the chapter by saying both are wrong. In his general theoretical formulation, Maimonides does indeed accept the structure of Aristotle, but in establishing the rationale for it and applying it to the particularities of the human situation, he is completely the Jew and departs from the Greek philosopher.

Although the doctrine of the mean is one of the most popular of Aristotle's teachings, it widely misunderstood. Standard criticisms: the doctrine of the mean is nothing but Aristotle's adaptation of an old Greek folk rule ("nothing to excess"); it is not at all a philosophical principle but rather a restatement of the common sense of the ages; it is merely an affirmation of the proprieties of social convention; it leaves the solution of every problem to "positive morality and positive law." Kant contemptuously dismissed it as tautological.

Another objection cited by Fox (p. 97) is that it is lacking in an objective standard, and this is evident from the fact that the mean is not determined arithmetically and thus is not the same for all, but must be applied only with full cognizance of the particular circumstances and in relation to the individual moral agent.

(I find this criticism of Aristotle particularly interesting, because my own criticism of Maimonides is in the exact opposite direction, namely, that the doctrine of the mean as Maimonides expounds it is too mathematical and therefore too removed from the life of the individual moral agent in its existential particularity. Indeed, a careful reading of Maimonides will show that he is far more mathematical than Aristotle, or at least as Fox quotes his Nichomachean Ethics in this chapter. This is worth pursuing!)

Fox maintains that Aristotle can be correctly understood only if we understand how seriously he takes the medical model for his ethical philosophy (Maimonides follows him in this). Medical treatment is based upon certain fixed and universal principles which accord with human nature, but they are meaningless unless they are applied to very specific and individual cases by a learned physician. Like medicine too, ethics is not meant to be a study for its own sake, but has a clear practical telos. The phronimos (in Hebrew, and for Maimonides, the hakham) or moral teacher cannot rely on general knowledge, but must have the capacity to deal with specific cases. His judgment will, to some degree, have to depend on nomos, the accepted patterns of the society of the "patient."

Man is not a purely rational being; he is a rational animal, i.e., an animal that has the capacity for rationality. True virtue consists of the fullest realization of this telos--a life in which not only his contemplative powers but also his actions and passions are directed by reason. For Aristotle that means a state in which action and passion follow the doctrine of the mean.

Maimonides follows Aristotle in the theoretical structure but diverges from him when it comes to specific ways of understanding the doctrine of the mean. For Aristotle moral virtue is a case of art imitating nature, i.e., man directs his actions in a way that conforms with nature which operates according to the rule of the mean. For Maimonides, however, the ideal and standard for human virtue is imitatio Dei. What is divine behavior like so that it be imitated in order to achieve moral virtue? The answer is: Torah and mitzvot, for the Torah is the Middle Way. Hence, whatever the Torah commands is the Middle Way. Hence, if the Torah makes an exception to the doctrine of the mean and teaches divergence from the Middle Way, that divergent way constitutes the way of virtue. For Aristotle's reliance on nomos as interpreted and applied by the phronimos, Maimonides substitutes the law of the Torah as expounded by the Sages of Israel. Thus, while Aristotle's nomos has the element of changing convention, Maimonides' Torah has the element of fixity and permanence.



(Fox mentions, but does not adequately explain, the principle common to both Maimonides and Aristotle, that there are times one must bend towards an extreme such as when one has erred in the direction of the other extreme--based, in both cases, on the medical paradigm.)

For Aristotle, the highest product of "art imitating nature" is not only the individual moral man, but the moral state, the polity. In the various aspects of the life of the city-state, the Middle Way is the most desirable model. The structure and life of the state must accord with the doctrine of the mean in order to achieve its own proper perfection.

(This accords completely with what I have written in Tradition and elsewhere in interpreting Maimonides, namely, that the doctrine of the mean applies equally--and perhaps more so--than to the individual!)