POLITICS AND THE LIMITS OF LAW

SECULARIZING THE POLITICAL

IN MEDIEVAL JEWISH THOUGHT

MENACHEM LORBERBAUM

Stanford University Press · Stanford, California

CONTENTS

PREFACE XI

INTRODUCTION: DIVINE LAW AND SECULAR POLITICS *1* The Polity, *3*; Biblical and Talmudic Background, *6*; Synopsis, *13*

PART 1: MAIMONIDES

- THE NATURAL FOUNDATIONS OF POLITICS 17
 "Man Is Political by Nature," 18; Modern Interpretations, 24; Polity and Society, 25; Medieval Interpretations, 28; Naturalizing Divine Law, 30
- 2 THE INSUFFICIENCY OF LAW 35 Maimonides on Law, 35; From Law to Politics, 41
- 3 THE CODE ON THE PRIORITY OF POLITICS 43 Monarchy—A King Must Be Appointed and Honored, 44; The King and the Sanhedrin, 47; The King's Right to Command, 51; The King's Right to Punish, 55; Royal Law, 61; Consent, 65; The Maimonidean Monarchy— Instrumental or Natural?, 67

 CONSTITUTIONAL CRISIS AND MESSIANIC RESOLUTION 70 The Maimonidean Polity, 70; Politics and Religion, 72; Tension, 75; The Messianic Polity, 77; The Utopian Vision, 83; The Messianic Age and the Utopian Vision, 87; Conclusion, 89

PART 2: GERONDI

- THE KAHAL AS A POLITY 93 The History of Public Law, 95; Communal Authority, 100; Nahmanides, 106; Solomon ibn Adret (Rashba), 112; Conclusion, 122
- 6 THE AUTONOMY OF POLITICS 124 Politics, 127; The Structure of the Polity, 134; Divine Law, 138; Impasse, 143

CONCLUSION: SECULARIZING POLITICS 151 Turning to Modernity, 156

NOTES 163 BIBLIOGRAPHY 193 NAME INDEX 209 GENERAL INDEX 213