

ABSTRACT

MAIMONIDES AND THE MUSLIM THEOLOGIAN MUHAMMAD AL-GHAZALI
ON THE GENERALITY OF LAW AND THE DOCTRINE OF DISTINCTION

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This article sheds new light on Maimonides' theory of the generality of law as expounded in his philosophical work *Guide for the Perplexed* (part 3, chapter 34) and his responsum to the people of Aleppo (*Maimonides Responsa*, ed. Y. Blau, revised 2nd edition, Jerusalem 1986, Siman 224).

Scholars to date have treated Maimonides' theory of the generality of law as derived from the philosophy of Plato and Aristotle, which is summed up in the first part of the article. I argue that in trying to understand this theory we must consider his polemic against Muhammad Al-Ghazali as a representative of Sufi Islam and its 'doctrine of distinction'. According to this doctrine, there is no generality of law and each case must be judged on its own merits. The Sufis cited this doctrine in connection with *sama* (group singing), which was an integral part of the Sufi mystical experience. *Sama* was a widespread practice discussed in Sufi literature from its earliest days. Al-Ghazali devotes two chapters of his epic work *Ihya ulum al-din* ('The Revival of Religious Science') to the laws governing *sama*.

I maintain that Maimonides was familiar with Al-Ghazali's treatise and argued against his doctrine of distinction, which would explain why he brings up music when discussing the generality of law. Three additional factors support my claim: (a) Muslim religious scholars who lived in Maimonides' day were also critical of Al-Ghazali's doctrine, and it follows that Maimonides was part of this discourse; (b) Maimonides employs many Sufi terms in his writing, especially on matters related to singing; and (c) other issues that Maimonides addresses in his responsa, such as bans on singing, conventions on the singing of women and the use of various musical instruments, also appear in Al-Ghazali's treatise. Furthermore, the five categories of song (*Ahkam al-khamsa*) discussed by Al-Ghazali crop up in Maimonides' commentary on the Mishnah (*Avot* 1, 16).

The subject of the generality of law is only one in a long list of parallel themes which, according to scholars cited in the article, connect the teachings of Maimonides to the theological-philosophical doctrines of Muhammad Al-Ghazali.