
Between Truth and Trust: The False Prophet as Self-Deceiver?

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The human capacity and obligation to discern and convey the truth is a subject of fascination within numerous disciplines, including philosophy, psychology, religion, politics, and law. What constitutes knowledge and how is deception and self-deception avoided? Whom should we trust to speak truthfully in public life and how do we distinguish the authentic visionary from the misguided idealist or the dangerous zealot? What are the obligations of those who hold themselves out as transmitters of knowledge or true information in society and what virtues do we insist they possess? Each discipline offers a subtly different vision of where truth is lodged, how best to access and acquire it, and how to guard against the human susceptibility not only to external pressures such as popular sentiment but also internal forces of wishful thinking and fantasy.

These questions are among the most interesting and perplexing issues at the heart of biblical and rabbinic discussions of true and false prophecy. The complexity of prophecy in the rabbinic tradition, and the conceptual power it offers for thinking through these questions, has been largely missed by Western political and philosophic thought, which tends to slight the prophet's crucial epistemic role in society. In mainstream Western thought, prophecy has come to mean, instead, something very close to what it means in Christian biblical scholarship. To call someone a prophet is generally to imply that the speaker poses a moral or spiritual challenge to a complacent world. In ordinary language, the most common understanding of prophecy is simply a prediction, an equation deriving from the longstanding association of prophecy with apocalyptic texts. In the rabbinic tradition, by contrast, a crucial feature of prophecy is the reception and disclosure of divine information. As carriers of divine information, prophets are people who impart knowledge of the truth to society. Yet, as the biblical text already warns, a prophet may "presume to speak in God's name a word that God did not command him to utter" (Deut. 18:20).

The possibility of false as well as true prophecy thus raises a set of

issues that lie at the crossroads of epistemology, psychology, and legal and political theory. Are there reliable methods for identifying the true prophet or a true prophecy? Who should we regard as credible in matters of speech and the reporting of private experiences? These epistemological and evidentiary questions intersect with issues of moral and legal responsibility. Is there a duty to investigate the truthfulness of a prophet or the truth of a prophecy and on whom does that duty fall? Does even the sincere prophet have an obligation to question his own experience? The issue can also be framed as one of trust and authority in political life. Can the prophet's claim of divine knowledge provide a valid basis for legal or political authority?

This essay explores several of these issues through a close reading of two texts, one from the Babylonian Talmud, which deals with the prophet's obligation to examine his prophecy, and the other from Maimonides's *Mishneh Torah*, which deals with the basis for prophetic authority. The two texts are linked by a third, from the Palestinian Talmud, which launches a legal analogy between false prophets and false witnesses, one that is artfully reworked by Maimonides. I analyze these texts in detail not only because they raise several rich legal and textual issues but also in order to show their intricate relationship to one another and to the biblical record. My primary aim, however, is to bring to light the implicit rabbinic debate about truth and trustworthiness that underlies these texts and to illuminate the variety of legal concepts invoked to deal with the possibility of deception and self-deception in prophecy and with the uncertainty inherent in claims of knowledge of revelation.¹

I. FROM THE BIBLE TO MODERN UNCERTAINTY

The biblical text already exposes the basic dilemma of prophecy. On the one hand, prophets have privileged knowledge of absolute truth, the word of God. At the same time, the biblical text itself points to a variety of ways prophecy is potentially unreliable and untrustworthy. The Bible juxtaposes prophecy to sorcery (Deut. 18:14-15). The nations resort to soothsayers, diviners, and augurs. To Israel, however, God assigns the prophet. Yet, the prophet does not invariably convey the words of God. A prophet may "presume" to speak in God's name a word that God "did not command him to utter" or speak "in the name of other gods" (Deut. 18:20). Earlier, in Deuteronomy 13:2-6, the text addresses those who incite others to idolatry and the prophets are the prime example. Deuteronomy attempts to address this issue of untrustworthiness and uncertainty, but succeeds only in raising further difficulties. On

1. A preliminary study of these texts appears in Suzanne Last Stone, "Commentary, Prophecy and Trust" in Michael Walzer, Menachem Lorberbaum and Noam J. Zohar (eds.), *The Jewish Political Tradition*, vol. I (New Haven: Yale University Press, 2000), 231-235.

its face, the biblical text addresses only the question how to discern a false prophet. The question how to recognize a true prophet is not addressed, except by negative implication.² The biblical text stipulates two tests of false prophecy. A prophet who incites idolatry or speaks in the name of other gods is, by definition, false. As for all other prophets, Deuteronomy 18:21-22 declares: "And should you ask yourselves, 'How can we know that the word was not spoken by the Lord?' – if the prophet speaks in the name of the Lord and the word does not come true, that word was not spoken by the Lord; the prophet has uttered it presumptuously; do not stand in dread of him." The falsification of prophecy is thus remitted to the judgment of history. It is only in the canonical process, however, that the test of history emerges as a meaningful concept. Prophecies that were preserved in the scriptural canon, by definition, survived the test of history. The test of history is of no use, however, at the critical juncture when action by the community is required. By negative implication, the text implies that a prophet whose message survives the test of history is regarded as true. But the text does not exclude the possibility that additional tests of true prophecy may be required. Thus, at various points, the Bible implies that the prophet will produce a sign or wonder, as did Moses, the paradigmatic prophet, as evidence that he has been sent by God. Deuteronomy warns, however, that God may test the nation by sending a prophet or a 'dreamer of dreams' who incites idolatry and yet produces a sign or wonder, raising the question whether the production of a sign is irrefutable proof of true prophecy in other cases.

Cases of false prophecy are rampant in the prophetic books. The biblical books of Kings, Jeremiah, as well as Ezekiel, initiate a psychological reflection on the problem. False prophets are not only people who speak in the name of foreign gods. They are prophets who offer accommodating oracles to those who solicit them and are paid for their services. They are pretenders who pass off the prophecies of others as their own. They are prophets who are led astray by a lying spirit sent by God to foster the divine plan of history or bearers of messages of hope and consolation, led astray by their dreams and wishful thinking. "The affabulations of their heart," their dreams, are the equivalent of a lie, according to Jeremiah (Jer. 23). The description of false prophets as dreamers of dreams or as those who experience a lying spirit seems to enlarge the category of false prophets to encompass not only intentional deceivers and charlatans but also those who are deluded, self-deceived, or even innocently mistaken.

Despite the cloud of doubt surrounding prophecy, Deuteronomy 18 vests the prophet with authority. Whether the prophet is granted authority over legal as well as political matters is a contested issue in the history of Jewish thought, an issue that cannot be discussed in detail here. The rabbinic debate

². See Gerald Blidstein, "On the Institutionalization of Prophecy in the Halakhic Writings of Maimonides" (Heb.), *Da'at* 43 (1999), 31.

about prophetic access to legal information is prefigured in Deuteronomy 18. Immediately after ordaining a court system, the text promises that prophets "like" Moses will appear. Yet, the prophet's function is not clear. The context stresses the clairvoyant function of the prophets, for the promise to raise up prophets from within Israel follows the instruction not to turn to foreign diviners. Yet, in verse 16, Scripture refers to legal matters as within the prophet's competence. The people at Sinai feared to hear the word of God directly and requested mediation through a prophet. Verse 16 implies that God will send prophets to utter, like Moses, "that which God commands." The basis for the prophet's authority is equally ambiguous. In verse 15, the prophet is endowed with what appears to be institutional authority created by the initial revelation to Moses. "God will raise up a prophet like me [Moses]; him you shall heed." The prophet's authority thus appears to be created and guaranteed by the initial revelation to Moses. As such, later prophecy may be subordinated to and coordinated with all the other guarantees of the initial revelation. In verse 20, however, there is no reference to the authority of the prophet himself; rather, what is authoritative is the word of God that the prophet conveys. Israel is obliged to heed "the words the prophet speaks in My [God's] name." The prophet's authority stems from the authority of divine communication itself, which is logically authoritative whenever God speaks. Thus, the prophet potentially has the authority to annul, alter, or supersede the initial revelation. That authority is deeply problematic, however, given the possibility of false prophecy. Yet, limiting the prophet's authority because of uncertainty about the prophet's status is equally troublesome. First, mistaking a true prophet for a false one is tantamount to rejecting God's word. Moreover, the concession of uncertainty about the genuineness of prophecy casts a shadow not only on the authority of later prophecy but also on the authority of the initial revelation to Moses as prophet.

Several modern thinkers have mined the biblical portrayal of true and false prophecy for its conceptual power in thinking through such issues of political and moral authority. Within modern biblical criticism itself, the classical prophets are often analyzed with an eye toward identifying the characteristics that mark a 'true' political or moral visionary. The biblical description of the uncertainty of true prophecy also plays a critical role in modern philosophical and political treatments of the validity of appeals to revelation as a ground of judgment or authority. Both Kant and Hobbes argue that prophecy can only bind the prophet who personally experiences the revelation because prophecy lacks the requisite objectivity or certainty to bind others. For Kant, the problem is epistemological. There is no method for evaluating claims of truth that have their ground in the "particular character of the subject."³ A judgment that has

3. Immanuel Kant, *Critique of Pure Reason*, translated and edited by J.M.D. Meiklejohn (London: George Bell and Sons, 1890), chapter 2, section 3, at 497.

its ground in private experience, such as belief, is a persuasion and has only private validity because it is impossible to show "its validity for the reason of every man."⁴ Hence, revelation, as a private experience that is not open to question, cannot have the status of a conviction. In his comments on the Akedah, the Genesis narrative of the binding and almost sacrifice of Isaac, Kant pursues this point to question even prophecy's private validity. Because prophecy is uncertain and may be true or false, the prophet has a moral duty to question his own experience. He frames the Akedah as one of a conflict between certain and doubtful propositions, juxtaposing the absolute certainty of the moral imperative not to slay one's child with the uncertain appearance of God. Accordingly, Abraham should have questioned whether the command to slay Isaac was really from God.⁵

Hobbes views the problem of true and false prophecy as a political one, and uses it to dispute the claim of all revelation to authority.⁶ For Hobbes, the danger lies in mistaking a false prophet for a true one, causing men to be "led by some strange Prince; or by some of their fellow subjects, that can bewitch them . . . into rebellion," reducing order, government, and society "to the first chaos of violence."⁷ Hobbes's scrutiny of Scripture reveals two defects in prophecy, which deprive it of the requisite certainty to bind anyone but the prophet himself. First, even the extraordinary prophets "took notice of the words of God no otherwise than through their Dreams or Visions, which is to say their imaginations . . . which imaginations in every true prophet were supernatural; but in false prophets were either natural or feigned. . . ."⁸ Therefore, each individual must use his own judgment to determine whether a message originated in a true or false prophet. Second, even Moses, who in contrast to the later prophets may have received the commandments directly from God, was reporting a private experience, not witnessed by others. But Scripture cannot be made law by someone else's claim that it is revealed by God. Because no one can be certain of the genuineness of prophecy or the existence of revelation unless they experienced it directly, revelation provides too shaky a foundation for the authority of the law. Hobbes's solution is to ground the authority of Scripture in the Sovereign. Moses's authority arises only after the people enter into a social contract with Moses and make him the sovereign. Hobbes uses Scripture to subordinate the Bible to the absolute sovereignty of the Leviathan.

4. Id.

5. From *Streit der Fakulteten*, Volume 7 (Prussian Academy Edition), 63, quoted in Jerome I. Gellner, *The Fear, The Trembling and the Fire* (Lanham: University Press of America, 1994), 3, 20, n.4.

6. For a full discussion, see Moshe Halbertal, *People of the Book: Canon, Meaning and Authority* (Cambridge: Harvard University Press, 1997), 137-141.

7. Thomas Hobbes, *Leviathan*, C.B. MacPherson (ed.) (Oxford: Penguin Classics, 1985), 469.

8. Id. 461.

Yet, in pursuit of his political program, Hobbes exposes with great precision the problems the biblical text bequeathed to its rabbinic readers as well.

Both Kant and Hobbes stress the private and uncertain nature of the claim of prophetic experience. No such admissions about the uncertainty of revelation and of private experience could become possible, it is often claimed, until modernity, when faith and an uncritical approach to authority as given gradually waned; a fuller image of the private human agent, whose intentions are concealed or subject to unconscious processes, emerged; and the limitations of evidence were widely admitted. The turn to trust as a basis for social and political interaction, rather than faith in the divine or confidence in institutional roles, is traced to this shift. Trust appears on the heels of the turning of the problem of faith into a problem of sufficient evidence, "bringing an element of risk into Christian apologetics that brought them firmly into the modern world."⁹ Moreover, trust, as opposed to faith in the divine or confidence in institutions of role or professional actors, is aimed at the mundane individual, whose experiences, character, and intentions are private and opaque and cannot be entirely confirmed.¹⁰ Thus, "risk, as an aspect of social relations," along with metaphysical doubt, characterizes modern society, and trust is seen as its "solution."¹¹

Discussion of true and false prophecy in the rabbinic tradition offers an interesting and early recognition of uncertainty and the limitations of evidence, of the private human actor whose experiences and intentions cannot be entirely confirmed, and of the concept of trust. These discussions anticipate the modern critique of prophecy while proposing quite different solutions, which draw not only on various religious assumptions and modes of thought but also on universal legal categories and concepts. For prophecy, like every other human experience, is analyzed within the framework of the halakhah's legal categories and is subjected to the fine scrutiny of the rabbinic legal mind. The discussion is primarily theoretical and not practical, for the rabbinic tradition assumes that the age of prophecy has ended. Yet, the subject was not entirely moot. Prophetic claimants have appeared periodically throughout Jewish history, and the need to safeguard against false prophecy retained varying urgency.

II. PROPHECY, TRUTH, AND TRUST IN B.T. SANHEDRIN 89a

The problem posed by prophecy is well-captured by the following comparison between rabbinic and prophetic authority, which appears in the Palestinian Talmud:

9. Adam B. Seligman, *The Problem of Trust* (Princeton: Princeton University Press, 1997), 169.

10. Id. 21.

11. Id. 170.

The prophet and sage – whom do they resemble? A king sends supervisors to one of his territories. Of one he wrote to the subjects in that territory: if he does not show you my seal, and my insignia, do not trust him. Of the other, he wrote: even if he does not show you my seal and my insignia, trust him. So with regard to prophets, He wrote: “and he give you a sign or a wonder” (Deut. 13:2). But with respect to the sages, “According to the law which they shall teach you” (Deut. 17:11).¹²

Unlike rabbinic discourse, which is trustworthy by virtue of its public teaching, the truth of prophecy is hidden in the prophet’s private experience and cannot be trusted, absent authentication that the prophet’s speech is from God.

This dilemma, how to identify true or false prophecy, has potential relevance in three different situations: First, how does the community recognize when to listen to the prophet and when to ignore him? Second, what constitutes proof of false prophecy sufficient to impose punishment? Third, how does the prophet identify whether his prophecy is true or false before uttering or suppressing it? Although the Palestinian Talmud here invokes the standard test for true prophecy implied by the biblical text, the production of a miracle, other tests for true and false prophecy are not ruled out by the biblical text. One such additional test of true and false prophecy, rarely discussed in post-talmudic literature, appears in the Babylonian Talmud, *Sanhedrin* 89a, which sharpens the problem by focusing not only on the issue of punishment but also on the dilemma of the prophet.

According to Deuteronomy 18, those who ignore the words of the prophets are subject to divine punishment, while the false prophet is put to death by the court. The Talmud elaborates that the obligation to heed a prophecy falls not only on the community but also on the prophet, who is forbidden to transgress or suppress his own prophecy. If the prophet suppresses a true prophecy, he risks death by heaven. If he utters a false prophecy, however, he risks execution. But what of the prophet who may be mistaken about the nature of his prophecy? Is prophecy subject to error and, if so, how is punishment justified, given Deuteronomy’s description of the false prophet as acting with intent?

The *locus classicus* of this problem, which becomes the focus of the talmudic discussion, is in 1 Kings 22:2-38. Ahab, the king of Israel, invites the king of Judah, Jehoshaphat, to go into battle with him. Four hundred prophets prophesy in unison success in battle. One of them, Zedekiah son of Kenaanah, provides himself with iron horns and says: “With these you shall gore the

12. P.T. *Sanhedrin* 11:4 (30b).

Arameans till you make an end of them" (22:11). Jehoshaphat, however, asks for another prophet and Micaiah son of Imlah is summoned. Micaiah is told: "Look, the words of the prophets are with one accord [literally, "one mouth"] favorable to the king. Let your word be like that of the rest of them" (22:13). Micaiah, however, prophesies disaster, and he justifies his prophecy by detailing his prophetic vision. "I saw the Lord seated upon his throne. . . . The Lord asked: 'Who will entice Ahab so that he will march and fall at Ramoth-gilead?' A certain spirit came forward and said: I will entice him . . . I will go out and be a lying spirit in the mouth of all his prophets" (22:19-23). The kings, nonetheless, go into battle and Ahab is lured to his death.

Zedekiah is identified by the Talmud as an exemplar of the false prophet who prophesies "what he has not heard" from God and he incurs the punishment of death for his false prophecy. But the circumstances of his false prophecy make Zedekiah a tragic figure, a victim of divine ruse, far from the classic image of the false prophet as a dangerous charlatan or cunning deceiver. His punishment presents a moral dilemma for the court. "What could he have done?" the Talmud asks, "the lying spirit was misleading him." The Talmud searches for a legal justification for punishing Zedekiah. Zedekiah's fault, the Talmud concludes, was in failing to suspect his experience and test whether he received a genuine prophecy. The Talmud states:¹³

He ought to have scrutinized the matter in light of what Rabbi Isaac said. For Rabbi Isaac said: One communication [lit. *signon*] may come to several prophets, yet no two prophets convey their communication in the same way [lit. in one *signon*]. For example, Obadiah (1:3) said, Your arrogant heart has seduced you, while Jeremiah (49:16) said, Your horrible nature has seduced you, your arrogant heart. In the case of these four hundred prophets, however, since they were all speaking identically, it could be concluded that their speech is worthless. – But perhaps he [Zedekiah] did not know the teaching of Rabbi Isaac? – Jehoshaphat was present and he told them.

According to Rabbi Isaac, God may send identical messages to several prophets. A genuine prophet, nonetheless, expresses the message with stylistic variation, in language distinguishable from that of his predecessors or contemporaries. The moral implications of punishing Zedekiah impel the Talmud to reconstruct a torturous and improbable chain of transmission of Rabbi Isaac's halakhic statement from Jehoshaphat to Zedekiah. Jehoshaphat judged the four hundred

13. B.T. *Sanhedrin* 89a.

prophets in light of this criterion and concluded that, as they spoke identically, "their speech is worthless." In the case of Jehoshaphat, the Talmud is seizing on a gap in the account in Kings. For Jehoshaphat asks whether there is "no other prophet of the Lord" immediately after hearing the four hundred, when history had not falsified their oracle, implying that he could judge from their speech that their prophecy was untrue. The assumption that Jehoshaphat told Zedekiah of this test solves the local concern of locating Zedekiah's guilt. Zedekiah, too, should have "scrutinized" the matter in light of Rabbi Isaac's legal test, of which Zedekiah had knowledge. In other words, Zedekiah was obligated to engage in a rigorous examination of the prophetic message he received before uttering his prophecy in the first instance, given that it was identical with the prior prophecy uttered by the four hundred.

This talmudic passage is a hybrid of halakhah and aggadah. The question of Zedekiah's guilt is a legal one. Yet, its legal resolution depends on the narrative imagination. Still, both the imposition of culpability on Zedekiah and the normative implication of Rabbi Isaac's statement beg further analysis. What picture of prophecy is presupposed here? Why does even the sincere prophet have an obligation to question his prophecy and why is the failure to take account of external legal criteria of true and false prophecy regarded as the equivalent of an intentional act of false prophecy meriting the death penalty? Moreover, how does Rabbi Isaac's test bear on the truthfulness or trustworthiness of the prophecy? Is the prophet's unique speech a mark of a true prophetic message or of a trustworthy prophet?

A. Prophecy and Error

In adopting Rabbi Isaac's tradition as a normative test of true prophecy, one that is binding on the prophet himself, the Talmud launches a new model of prophecy, in which prophecy is uncertain even for the prophet.¹⁴ Standard critical biblical scholarship tends to accept the common view of the false prophets described in Jeremiah and Ezekiel as either delusional or wicked charlatans. Maimonides, who conspicuously ignores the talmudic passage under scrutiny here, also seems to recognize only these two classes of false prophets. In his *Epistle to Yemen*, he implies that false prophets are either presumptuous charlatans who should be killed or delusional sick people who do not merit punishment.¹⁵ And in his comments on the Akedah, Maimonides emphasizes that "all that is seen in a vision of prophecy" is certain; the prophet has no doubts in any

14. I am grateful to Professor Shalom Carmy for sharing his thoughts and sources on this topic.

15. In his *Epistle to Yemen*, Maimonides describes a messianic pretender, who is treated as a prophetic figure. He would be worthy of death, Maimonides writes, had he acted "presumptuously." Since he is, rather, delusional, he must be treated like a sick person. Maimonides, *Epistle to Yemen* in Abraham Halkin (trans.), *Epistles of Maimonides: Crisis and Leadership* (Philadelphia: Jewish Publication Society, 1985), 126.

way concerning anything in it.¹⁶ The Babylonian Talmud, however, suggests here that the category of false prophets encompasses sincere prophets who err, who mistake a false prophecy for a true one. Thus, prophecy is no longer a spontaneous experience that can be relied on. Because prophecy may be erroneous, the prophet cannot take his sincere apprehension of prophecy as true. Rather, the prophet must act as an objective, third party observer of his prophecy, abandoning the positional privilege of first person immediacy and authority. He, and not solely his audience, must check his prophecy in light of external, objective, and normative criteria of true and false prophecy. This re-conception of prophecy raises a series of interesting questions about the nature of prophecy and the obligation to avoid self-deception. We may put the issue in modern terms as well. Do those who hold themselves out as transmitters of knowledge or true information in society have a duty to avoid not only external pressures of deception such as popular sentiment but also internal forces of self-deception, fantasy, and wishful thinking?

Although the Talmud does not elaborate, logically, error may occur at two points. The sensory evidence of prophecy may be ambiguous or deceptive, raising questions about the prophet's observational sensitivity. Prophecy, in the talmudic conception, is a visual, perceptive experience that must be grasped or interpreted. As such, it may be viewed as subject to the kinds of ambiguity that plague dreams and other pictorial texts. (It is this ambiguity in the visual sense data of prophecy that Maimonides, however, is at pains to deny.) In the later neo-Aristotelian conception of prophecy, the imaginative faculty, of which prophecy is the highest perfection, becomes, for several medievalists such as Ibn Daud, the source of prophetic error.¹⁷ Imagination, Ibn Daud writes, "sometimes creates a false form . . . and sometimes brings forth a true form."¹⁸ Some things that are imagined will be true and others false. Thus, prophecy, like dreams, which may be supernatural or natural and thus deceiving, has its origin either in God or in the creative imagination of the prophet. According to Hasdai Crescas, the false prophet Hananiah, who Jeremiah castigated, was not guilty of lying or deceit. Crescas describes Hananiah as one who "erred in the measure of the force of his imagination; he imagined that his dream about the king of Assyria was a prophetic dream."¹⁹ Here, as Alan Cooper points out,

16. Maimonides, *The Guide of the Perplexed*, Shlomo Pines (trans.), (Chicago: University of Chicago Press, 1963), 3:24, 501-502.

17. See Alan Cooper, "Imagining Prophecy," in James L. Kugel (ed.), *Poetry and Prophecy* (Ithaca: Cornell University Press, 1990), 26, 38-41.

18. Ibn Daud, *Ha-Emunah ha-Ramah*, p. 73, quoted in Cooper, "Imagining Prophecy," 39.

19. Hasdai Crescas, *Or Adonai* (Wien: Druck und Verlag von Adalbert della Torre, 1859), 2.4.3, p.44b, discussed in Cooper, "Imagining Prophecy," 40.

ancient biblical and medieval psychology comport with modern psychological findings.²⁰ Actual perception and mental imagination are virtually indistinguishable and the human ability to perceive the difference between the two is fragile. Alternatively, the error may be classified, as in the standard account of knowledge, as one of unjustified true belief. The attribute of concern here is objectivity, the drawing of appropriate conclusions from sensory experience.²¹ The prophet may have an actual sensory experience, but the prophet, like Zedekiah, is not justified in concluding that the experience is "from God," as opposed to another external source, such as the lying spirit.

That prophecy may be subject to error, however, does not resolve the question whether the sincere but mistaken prophet is legally culpable. To bridge the gap between innocent error and culpability, the prophet must have both the capacity and duty to avoid mistake. With respect to Zedekiah, the Talmud posits both the capacity to avoid mistake, by stipulating that Zedekiah was made aware of Rabbi Isaac's test of true and false prophecy, and a duty to do so. Yet, Zedekiah sincerely believed that his prophecy was true. Given his sincere belief, why is the failure to avoid mistake, even granted the capacity to do so, viewed as an intentional act of false prophecy, which merits the death penalty, rather than merely a case of "professional negligence"?

The sincere but mistaken prophet may be analogized to one who is self-deceived. The question whether self-deception is a voluntary and culpable act is at the crux of philosophical studies of the coherence of applying the concept of intentional deception to the self. The "epistemological paradox" of self-deception, namely that the "self-deceiver 'in his heart' knows what he sincerely denies . . . generates moral paradox since ignorance and blindness exculpate, whereas knowledge, insight and foresight inculcate."²² A critical moral attitude toward the self-deceiver, one who acts in bad faith as Sartre puts it, is possible if self-deception is viewed as an intentional resistance to taking account of relevant evidence or aspects of the real world that would alter one's beliefs.²³ Crescas insists that a true prophet can identify an experience of divine origin "by the force of its impression on his imagination" and may rely on it.²⁴ Although Crescas describes Hananiah as one who erred, he does not dispute Hananiah's guilt. For Crescas, erroneous prophecy, although not consciously

20. See Cooper, "Imagining Prophecy," 37.

21. On objectivity as a credibility attribute in personal observation testimony, see David A. Schum, "Hearsay From a Layperson," *Cardozo Law Review* 14 (1992), 1-77; David A. Schum, *The Evidential Foundations of Probabilistic Reasoning* (London: John Wiley & Sons, 1994), 109-112.

22. Herbert Fingarette, *Self-Deception* (Berkeley: University of California Press, 2000), 135.

23. See L. Jonathan Cohen, *An Essay on Belief and Acceptance* (London: Oxford University Press, 1992), 133-150.

24. Crescas, *Or Adonai*, 2.4.3, p.44b, quoted in Cooper, "Imagining Prophecy," 39.

deceitful, nonetheless seems to involve an intentional failure to know what can be known. Thus, Crescas seems to go even farther than the Talmud in imposing culpability on the sincere but erroneous prophet. Even absent external evidence or interpretive norms against which the prophecy can be assessed, the prophet is capable of identifying a false prophecy. In the Talmud, by contrast, self-deception arises because of the prophet's failure to re-assess his sincere belief in light of relevant, external evidence. Thus, the failure to take account of Rabbi Isaac's tradition is an act of deliberate self-deception.

The view of self-deception as an intentional act places emphasis on how coming to know the truth is possible. It is best explained by contrasting two different ways of describing the acquisition of knowledge and beliefs. Passive accounts of acquiring knowledge are expressed in spontaneous visual metaphors such as seeing, while active volitional accounts are expressed in metaphors such as saying or doing.²⁵ In placing emphasis on the process of self-scrutiny that the prophet could have engaged in before uttering his prophecy, the Talmud implicitly portrays prophecy as a two-fold process corresponding to these two accounts. Prophecy consists of a spontaneous, subjective experience followed by an intentional act of suppressing or uttering a prophecy. Thus, the distinction between having a prophecy and uttering or suppressing a prophecy may be analogized to the distinction Bernard Williams draws between having a belief, a private experience, and avowing or disavowing a belief, an intentional act directed at others. It is precisely this distinction that allows Williams to argue that accuracy and not only sincerity is implicated in the transmission of beliefs, knowledge, or truthful information in society.²⁶ Williams contrasts the two. Sincerity involves spontaneity, "to come out with what one believes, which may be encouraged or discouraged but is not itself expressed in deliberation and choice." Accuracy, in contrast, "involves the will," implying intention and choice.²⁷ Accuracy, Williams argues, is a dimension of truthfulness because the "[s]elf-conscious pursuit of the truth requires resistance" not only to external pressures such as popular sentiment but also to self-deception, wishful thinking, and fantasy. When it is a question of conscientiously acting "in circumstances of trust" to give others who rely on him true information, an agent has a duty to engage in effective investigation of his own sincerely-held beliefs by using methods of inquiry that are "truth-acquiring."²⁸

Williams's argument illuminates the Talmud's position. Error may occur, despite the sincerity of the prophet, because the apprehension of prophe-

25. Fingarette, *Self-Deception*, 34.

26. See Bernard Williams, *Truth and Truthfulness* (Princeton: Princeton University Press, 2002), 123-148.

27. *Id.* 45.

28. *Id.* 125.

cy is subject to deception from both external and internal forces. External forces of deception are represented here by the lying spirit. There also may be inner obstacles that promote self-deception. Wishful thinking, the need to express the agreeable, and "resistance to the world as is" also accounts for false prophecy that has its origin in the imagination or dreams of the prophet. Because the prophet holds himself out to society as the conveyor of God's words, the Talmud imposes a duty on the prophet to question his prophetic experience for error before uttering his prophecy, in light of objective norms that the law deems truth-acquiring.

Prophecy thus becomes a site of doubt, questioning, and struggle, rather than an uncritical submission to the experience of perceiving God's words. This theme is brought out in later rabbinic reflection on the Akedah. Both Saadiah Gaon and Gersonides allude to the possibility that God's command to Abraham was ambiguous.²⁹ The Talmud's imposition of a duty on the prophet to investigate his truth claim for error, in light of Rabbi Isaac's normative test of true and false prophecy, opens the possibility that prophecy also must be measured against additional standards of truth-acquisition known to the prophet, such as legal or ethical norms. This is the gist of modern debates about the inherent contradiction and paradox of the Akedah, and of its seeming exclusion of autonomous ethics from religious consciousness. How does one reconcile the Abraham who questions God's justice in the story of Sodom and Gomorrah with the Abraham who "submits unquestioningly" to divine authority? And how can Abraham commit murder, and of his son, the very son through whom God promised the establishment of a nation?³⁰ The talmudic emphasis on testing prophecy in light of normative standards of truth-acquisition, supports the idea that a prophet who is commanded to violate halakhic or ethical norms also must engage in self-scrutiny and examine his own prophetic experience. Whether it is possible, however, to relate to one's inner experience in this manner – to be objective toward oneself and one's experiences – without risking disassociation or alienation, raises further interesting issues about self-knowledge.³¹ Hasidic masters, Jerome Gellner points out, touch on just such existentialist themes in describing the process of self-scrutiny, doubt, and alienation that Abraham experienced at the Akedah. In the hasidic tradition, however, Abraham's greatness is located precisely in his overcoming the temptation to use external standards of rationality as a self-deceptive strategy to avoid the

29. For a fuller discussion, see Gellner, *The Fear, the Trembling, and the Fire*, 28-31.

30. See David Hartman, *A Living Covenant* (New York: The Free Press, 1985), 44; Shalom Carmy, "Paradox, Paradigm, and the Birth of Inwardness: On R. Kook and the Akedah" in Yaakov Elman and Jeffrey S. Gurock (eds.), *Hazon Nahum* (New York: Yeshiva University Press, 1997), 459-478.

31. See Richard Moran, *Authority and Estrangement: An Essay on Self-Knowledge* (Princeton: Princeton University Press, 2001).

command.³² Thus, in treating prophecy as subject to error, the Babylonian Talmud intensifies the biblical presentation of prophecy as an uncertain phenomenon susceptible to self-deception, which therefore demands active critical reflection by the prophet himself.

B. Individual Speech, Truth, and Trustworthiness

The Babylonian Talmud's focus in this passage is narrow. It concentrates on linguistic formulation alone as a normative test of true and false prophecy, inviting reflection on the relationship of truth and trust to individual expression. Is individual expression a mark of true prophecy or of a true prophet? Is it the divine insignia of a genuine message from God or a measure of the qualities of mind or character that those who are trusted to convey God's words must possess?

Critical biblical scholarship often draws on modern aesthetic and political criteria of truth and authenticity, which emphasize individuality and self-expression,³³ to explain why the classical prophets whose speech is preserved in the canon were regarded as 'true.' Originality of thought and expression, a critical moral voice, and iconoclasm become the outstanding features of the true classical prophets, a conception of prophecy familiar in Western political thought. Rabbi Isaac's stress on the prophet's individual speech comports well, at first glance, with the modern conception of prophecy. The individual prophet who speaks in his own voice, formulating the message he receives in language compelling to his audience and the needs of the times, has the capacity to inspire ethical and political action and can be trusted to stand up to the reigning powers or the masses. Like the nonconforming Micaiah, who calls the king to account before the kingdom of God, the prophet who speaks in his own voice announces that his words are impelled by God alone and so can be trusted to represent God's will. The "smooth words in unison" of the four hundred is, by contrast, "worthless" in that each is the product of a conformist, group mentality, motivated by the desire to please the king.³⁴

These strong aesthetic and political criteria of truth, developed in a different time and culture, must be sharply modified, however, given the talmudic picture of prophecy. For, in the Talmud, an original work is the essence of false prophecy. The Talmud proposes two legal categories of false prophecy: an invention, on the one hand, and a copy, on the other. Even minor variations in the language of one prophecy from another suffice to assure that the prophecy

32. Gellman, *The Fear, the Trembling, and the Fire*, 23-44.

33. See generally Lionel Trilling, *Sincerity and Authenticity* (Cambridge: Harvard University Press, 1972).

34. "Introduction," in Walzer (ed.), *The Jewish Political Tradition*, vol. I, 203.

is neither an invention nor a copy and, thus, authentic. To understand why this is so, one must reconstruct the larger legal debate. The talmudic discussion refers back to the Mishnah in *Sanhedrin* 11:5. According to the Mishnah, the false prophet "prophesies what he has not heard or what was not told to him," implying two different situations. The sages link the Mishnah's ruling to an anonymous *beraita* in *Tosefta Sanhedrin* 14:14, which opens the talmudic discussion. The *beraita* identifies three types of false prophets: one who delivers a message not heard from God (the Mishnah's first case), one who delivers a message sent by God but to another prophet (the Mishnah's second case), and one who speaks in the name of idols. The rabbis offer examples of each category, culled from the literary record of true and false prophecy already before them in the prophetic books. In this context, Rabbi Isaac's tradition – that prophets may receive the same message yet express it differently – is cited by the sages not only to justify Zedekiah's punishment but also to clarify how the literary record of true and false prophecy comports with the *beraita's* categories of false prophecy, now understood as invention and copy.

The second category, a message sent by God to another prophet, is represented by Hananiah, who plagiarized Jeremiah's prophecy word for word. Why, then, is a prophecy that appears to cite a prior prophecy but with minor variation in wording – as in the case of Obadiah and Jeremiah, both, according to the literary record, true prophets – not a case of plagiarism? The two prophecies refer to the same subject matter, the kingdom of Edom, and are framed in nearly identical language, with minor stylistic discrepancies. Rabbi Isaac's tradition answers this question. Several prophets may receive the same message from God and so their utterances will be similar yet stylistically diverse. Obadiah and Jeremiah received the same message, yet each expressed it differently. If Rabbi Isaac's tradition holds true (as it now must to explain Obadiah and Jeremiah), the case of the four hundred – a single message expressed identically by prophets speaking in unison – must fall within the first category. As it was not a genuine message sent by God to another prophet, it is a message not heard from God, the legal category of an invention.

Yet, what precisely is the relationship between the verbal formulation of the prophecy and its truth, if even minor stylistic variation suffices to guarantee that the prophecy is not a copy or an invention? This question is all the more difficult to answer because the talmudic discussion does not clarify whether the verbal formulation of the message is the work of the prophet or of God. Rabbi Isaac's statement can be understood in at least three different ways.

UNIQUE EXPRESSION AS A MARK OF TRUE DIVINE COMMUNICATION

The careful phrasing of Rabbi Isaac's statement suggests that it is a comment on the nature of true divine revelation, which inevitably results in varied formulations of even a single divine message. Divine communication produces multiple formulations of a single divine message because divine revelation is multifaceted and not capable of being fully captured or replicated in human speech. The individual speech of the prophet is thus a mark of true divine communication. This interpretation comports well with other comments about the nature of divine speech and divine creativity that pervade talmudic and midrashic materials. Rabbi Isaac's statement recalls the numerous descriptions of the overflow of meaning in a single divine statement. The verse "Once God has spoken, but twice I have heard," (Psalms 62:12) is explained by Abbaye: "A single verse has several senses, but no two verses ever hold the same meaning."³⁵ Rabbinic descriptions of the initial divine revelation at Sinai emphasize this overflow of meaning in divine language as a way to explain legal and interpretive controversy. This rabbinic understanding of revelation reverses Jeremiah's description of prophetic communication. Jeremiah describes true prophecy as a hammer that shatters a rock into pieces (Jer. 23:29). In its original context, as a polemic against false prophets, the verse refers, as noted above, to the clarity, certainty, and univocity of true prophecy. The rabbis, however, seize upon this metaphor as a proof-text for the splitting of a single word of God into multiple languages³⁶ or to explain the multiple implications or interpretations of a single divine scriptural verse,³⁷ implying that interpretive pluralism, the hallmark of the rabbinic project, parallels God's pluralism.³⁸ God's pluralism is also mirrored in prophetic communication to the prophet. The unique mark of divine, as opposed to human, speech is precisely the capacity to engender multiplicity from singularity. The Mishnah in *Sanhedrin* identifies the capacity to produce multiplicity from singularity as the mark of divine creation as well. Human and divine creativity differ radically: "Man produces many coins with a single stamp [mold], and each is a replica of the other. But God produced each human with the stamp [in the mold] of the First Adam – [in whose image humans were created] – and yet not a single person resembles his fellow."³⁹

35. Id.

36. B.T. *Sabbath* 88b.

37. B.T. *Sanhedrin* 34a. See David Stern, *Midrash and Theory* (Chicago: Northwestern University Press, 1996), 15-38.

38. This point is made by Hanina Ben Menahem, "Controversy in Jewish Law" (unpublished paper), 12-14.

39. Mishnah *Sanhedrin* 4:5.

The varied formulations of a single message from God are one more example of the multiplicity engendered from singularity that is a mark of divine communication. Thus, unlike Jeremiah's description of God's words as clear, certain, and univocal, for the rabbis all true prophecy exhibits the same multiplicity and pluralism engendered by the initial divine revelation and divine creation. Hence, identical divine messages will engender multiple and varied formulations. A true prophecy from God cannot engender replicas or copies. Rabbi Isaac thus uses the same word to signify both the message and its verbal formulation: *signon*. In talmudic-midrashic literature, this word connotes a visual sign, banner, or an identifying mark, recalling the divine insignia, the stamp of God, which the prophet must bring.⁴⁰

UNIQUE EXPRESSION AS A MARK OF A TRUE PROPHET

Although biblical criticism tends to view the classical prophets through the lens of criteria of truth and authenticity that only gained wide acceptance in modernity, even talmudic-midrashic sources acknowledge the human contribution to prophecy. The true prophet does not function merely as a mechanism for transmitting God's words; rather, the prophetic relationship is dialogic. Thus, the prophet's individual expression may be viewed as a sign of a genuine divine-human encounter. In Deuteronomy, the prophet is arguably depicted as a transparent medium. God describes true prophecy as putting "My words in [the prophet's] mouth" (Deut. 18:18). Yet, in Kings, the placing of words in the mouth of the prophets is transformed into a sign of false prophecy. Thus, the lying spirit is put in the mouth of the false prophet, implying a form of possession rather than a true prophecy. In contrast to the lying spirit, which places words directly in the mouth of the prophets who do not hear or see the prophecy, God sends to Micaiah a divine vision. Thus, the text of Kings implies that God does not communicate *through* a prophet but *to* a prophet. The prophet does not function as a transparent medium, as one who is possessed by a spirit. Rather, God delivers a communication to a human agent, a prophet who retains his personality and brings his individuality to bear on the content of the revelation. That the prophet maintains his personality even during the prophetic experience is critical to the fulfillment of his mission. God communicates to the prophet and, in turn, the prophet speaks to God, interceding on behalf of the people.

The human contribution to prophecy evidenced by individual speech

40. See Marcus Jastrow, *Dictionary of the Targumim, Talmud Babli, Yerushalmi and Midrashic Literature* (New York: Jastrow Publishers, 1967) s.v. *signon*.

may be conceived in more radical and less radical ways.⁴¹ The bolder conception is that prophets freely composed the wording of their prophecies, bringing their different talents, personalities, and education to bear on the content of the divine message. This conception is found in the medieval commentaries of Abarbanel, who was influenced, Moshe Greenberg notes, by the "humanism of Christian Europe, with its renewed emphasis on the individual and self-expression."⁴² According to Abarbanel, Rabbi Isaac's dictum presupposes that the prophets "perceived the general purport of the matter communicated to them . . . and then related it and wrote it down in their own language."⁴³ In doing so, they often couched their prophecies in the language of their prophetic predecessors. As Rabbi Isaac observed, Jeremiah and Obadiah received the same message. Jeremiah borrowed the language of his prophecy from the verses of Obadiah with which he was familiar, adding his own interpolations.

The intermediary position conceives of prophecy as a mediated experience, in which the prophet's personality and perceptive capacities inevitably, although passively, interact with the divine communication, producing different prophetic formulations of the same message. Central to this conception is the visual nature of the mediated prophetic experience. In Maimonides's writings, a prophetic vision (like a dream) is interpreted, not repeated. Yet, the prophet's choice of language and metaphor is not conscious and free. As Maimonides puts it, an interpretation is "straightaway impressed" upon the prophet's mind.⁴⁴ At the same time, Maimonides stresses the individuality of each prophet, noting that the prophets varied in their prophetic capacities.⁴⁵ Just as a picture is perceived differently by each viewer, depending on her perspective and distance, the prophetic vision is perceived differently, depending on the life experiences and talents of the individual prophet. This conception of prophecy is common in medieval writings. Albo summarizes it as follows: "Different effects may arise from the same agent, depending on the nature of the recipients."⁴⁶ Because the prophetic utterance is the product of diverse personalities with varying capacities of perception interacting with the visual content of reve-

41. The topic is thoroughly explored in Moshe Greenberg, "Jewish Conceptions of the Human Factor in Biblical Prophecy," in Moshe Greenberg, *Studies in the Bible and Jewish Thought* (Philadelphia: Jewish Publication Society, 1995), 405-419.

42. Id. 413.

43. Don Isaac Abarbanel, Comment to Jeremiah 49:16. As Greenberg notes, Abarbanel gives more weight to the conscious human contribution to prophecy in his commentary on the Bible than he does in his commentary on Maimonides's *Guide of the Perplexed*. There, Abarbanel follows Maimonides in viewing the prophet as a passive recipient of prophecy who does not contribute to the prophecy he apprehends. Greenberg, *Studies in Jewish Thought*, 418, n.21.

44. Maimonides, *Mishneh Torah*, Foundations of the Torah, 7:3.

45. Id. 7:2.

46. Joseph Albo, *Book of Principles*, edited and translated by I. Husik (Philadelphia: Jewish Publication Society, 1946), 3:76-84.

lation, no two prophets will perceive an identical message in the same way – and so its formulation must vary. But this conception also has deep roots in the talmudic and midrashic understanding of both the visual, mediated nature of non-Mosaic prophecy and of the differing perceptive capacities of the prophets. The literary record of prophetic visions already prompted the early rabbis to contrast Mosaic prophecy, which is clear, to non-Mosaic prophecy which is “through a darkened mirror.” Prophets may receive the same vision, yet describe it differently given their differing perceptive capacities, as with the throne visions of Isaiah and Ezekiel.⁴⁷

UNIQUE EXPRESSION AND THE LAWS OF WITNESSES

A third interpretation of Rabbi Isaac’s statement is suggested by a passage in the Palestinian Talmud, which focuses on the evidentiary signs a prophet must bring in order to be accepted as a true prophet. In this passage, the Palestinian Talmud mentions Zedekiah as an exemplar of false prophecy without further elaboration, omitting all discussion of the four hundred prophets and the lying spirit. Nor does the Palestinian Talmud cite Rabbi Isaac’s test of prophetic style. Nonetheless, when viewed in light of the Palestinian Talmud, Rabbi Isaac’s statement emerges as a simple application of the laws of testimonial witnesses to prophetic speech, rather than a comment on divine language or divine-human encounter.⁴⁸ This passage also serves, as traditional commentators already noted, as a crucial source for Maimonides’s reformulation of prophecy in the *Mishneh Torah*.⁴⁹

The Palestinian Talmud draws a legal analogy between the prophet and the judicial witness. In discussing the case of the prophet who incites idolatry, the Palestinian Talmud quotes Rabbi Yossi b. Haninah’s statement that “such a prophet is included within the legal category of one who bears false witness.”⁵⁰ The prohibition against false testimony does not carry the death penalty, however; for this reason the punishment of the false prophet is specified. The analogy of false prophecy to false testimony is suggestive and may be elaborated even further. Both the prophet and the judicial witness report about private experiences they have observed, which are not subject to common knowledge or any other means of independent verification. In both cases, the credibility or trustworthiness of the reporter is at issue and judgments must be made to accept

47. B.T. *Hagigah* 13b.

48. P.T. *Sanhedrin* 11:6 (30c).

49. See *Pri Hadash*, *Hilkhot Avodah Zarah* 5:4.

50. It is noteworthy that the term false prophet, literally, a lying prophet, is used for the first time in the Mishnah and nowhere appears in the biblical text. Although scholars have speculated that the term was borrowed from the Greek Septuagint translation of Scripture, which uses the term *pseudoprophetes*, it is possible that the term originates in the analogy of the lying prophet to the lying witness, a term found in Scripture.

such testimony, despite the limited capacity of humans to ascertain the truth of the matter. Thus, the issue at hand is not the truth of the prophecy itself, but, rather, the credibility of the prophet who announces that he has received a message from God.

Indeed, the Palestinian Talmud seems to extend the analogy in precisely this direction. Immediately after quoting Yossi b. Haninah, the Palestinian Talmud returns to the question of the signs a prophet must bring. The Palestinian Talmud posits, as quoted earlier, that the prophet must produce a sign or wonder attesting to his prophetic status. In the course of discussing whether a sign or wonder is always necessary, the Talmud poses a case in which two prophets, either together, or separately yet in a single city, announce the same message (although not in identical language). Rabbi Isaac and Rabbi Hoshaya disagree whether such signs are necessary when two prophets are in agreement. Commentary on this text suggests that the view dispensing with the requirement of a sign or wonder, presumably that of Rabbi Isaac, is based on the application of the laws of witnesses to the case. According to biblical law, the testimony of two conforming witnesses is presumptively credible and must be accepted as true. Because the prophets corroborate each other, reporting the same message, their prophecy must be accepted as true and they need not bring any additional signs of their prophetic authenticity.

Conceiving the prophet as a judicial witness also enables a re-conception of Rabbi Isaac's test of prophetic style. Individual speech is an external sign of the prophet's credibility. In assessing the credibility of speakers, the law recognizes the evidentiary significance of individual human speech. The Palestinian Talmud cites Rav Huna's practice of strictly examining witnesses whose testimony is worded in identical language. Witnesses whose testimony is worded identically are subject to intense 'scrutiny' by the court because of the suspicion that they colluded and invented their testimony.⁵¹ The disqualification of prophecy that is worded identically, one traditional commentator notes, is a simple application of this evidentiary rule.⁵² Variation in wording is legally significant, just as in the case of testimonial evidence. Identical utterances are scrutinized as collusive inventions. Only a message conveyed in distinctive language is exempt from the suspicion of plagiarism or collusive invention. Thus, Rabbi Isaac's tradition can be understood as a normative criterion of suspect prophecy, parallel to the evidentiary rule of the laws of witnesses. Hence, the legal term of art employed in the Babylonian Talmud: Zedekiah should have "scrutinized" his prophecy and disqualified himself, as does the judge who "scrutinizes" the testimony of witnesses.

51. P.T. *Sanhedrin* 3:8 (21c). See also *Tur Hoshen Mishpat* 24:4.

52. Samuel Eliezer Edels (Maharsha), B.T. *Sanhedrin* 89a.

Three different conceptions of trust follow from the three preceding interpretations of Rabbi Isaac's tradition. Pursuant to the first interpretation, individual speech serves to identify divine speech, a true prophecy. Trust is not a function of the character or trustworthiness of the prophet but, rather, a function of authenticating and recognizing the divine origin of the prophet's speech. Pursuant to the second interpretation, individual speech serves to identify a true prophet, whose individuality is a crucial contribution in the prophetic encounter. Trust follows from the character or trustworthiness of the person who conveys God's words. Pursuant to the third interpretation of Rabbi Isaac's tradition, as the application of the laws of testimonial witnesses to prophetic speech, trust is formal and institutional. It is a function of formal legal criteria delineating when reports of private knowledge are accepted as credible.

III. MAIMONIDES ON PROPHECIC AUTHORITY

The Palestinian Talmud's analogy of prophecy to judicial testimony receives its most striking and artful reformulation in Maimonides's treatment of prophecy in the *Mishneh Torah* as a problem of epistemology and evidence. The aim of Maimonides here is not to advance the discussion of how to arbitrate between true and false prophecy. His purpose, instead, is to retain prophecy as a ground for the authority of Mosaic law while, at the same, undermining the authority of all later prophecy.⁵³ Maimonides's treatment of prophetic authority has far-reaching importance for the understanding of the relationship between truth and authority and what constitutes a proper basis of trust. Taken to its logical conclusion, uncertainty about the reliability of prophetic claims of divine knowledge threatens the authority of the initial revelation conveyed through Moses's prophecy. Hobbes, as noted, used this insight to great effect. Prophecy or revelation, he argued, is too uncertain a basis on which to ground the authority of law, action, or correct beliefs altogether. Because prophecy is a private experience incapable of independent verification, the truth of any prophecy will be the subject of doubt. Moreover, revelation cannot guarantee political order or provide a stable basis for government because revelation cannot be temporally confined. Maimonides well understood the radical implications that could be drawn from the lack of reliable criteria to distinguish between true and false prophecy and he proceeded to undertake a comprehensive defense of Mosaic prophecy while insisting that all later prophecy was

53. See also Blidstein, "Institutionalization of Prophecy," 25-42. Blidstein notes, as well, the talmudic sources for Maimonides's assertion that one prophet can vouch for another. But he connects these sources to Maimonides's depiction of the 'chain of prophecy,' rather than to the analogy Maimonides draws between prophets and judicial witnesses. See id. 29. On Maimonides's deployment of the legal analogy of judicial witnesses, and its relationship to Islamic thought, see id. 39.

uncertain. In so doing, he transforms the usual understanding of the basis of prophetic authority and thereby succeeds in maintaining the unity of truth and order achieved in the initial revelation to Moses.

According to Maimonides, a key function of the prophet is to fulfill a political mission.⁵⁴ When charged with a mission, the prophet is given "an evidential sign so that the people know that God has truly sent him."⁵⁵ (Maimonides reads the word 'sign' [*ot*] as a synonym for 'witness' [*ed*], a transposition common in Scripture. The miracle serves as a corroborating witness to the prophet's assertion that he is a prophet.) Maimonides does not claim that prophetic experience itself is uncertain or subject to error. In the *Guide of the Perplexed*, he asserts that the true prophet, such as Abraham at the Akedah, does not experience doubt. But a prophet may satisfy all the conditions for proving prophetic status and yet be a false prophet, a sorcerer.⁵⁶ Maimonides's emphasis on independent reason leads him to conclude that none of the conventional signs of the prophet's authenticity are determinative. Miracles may be trickery and predictions may materialize through the course of natural events. Just as one can never be certain that a judicial witness is truthful, one can never be certain that the signs and wonders performed by a prophet are not illusions. "For whoever believes on the basis of signs necessarily entertains doubts, since a sign can be produced by secret art and sorcery."⁵⁷ We do not believe Mosaic prophecy because of the signs Moses brought. The "doubt-free validation of [Moses's] prophecy" rests on public witnessing of the revelation. "We rather witnessed it with our own eyes, and heard it with our own ears, just as he did."⁵⁸ Before this public witnessing, Israel believed in Moses "with a trust that remained susceptible to suspicion and second thoughts." After Sinai, however, Moses is the object of a "perdurable trust."⁵⁹ Mosaic authority is validated by "the certainty of sight," as Maimonides refers to it in the *Guide*.⁶⁰

Establishing the certainty of Mosaic prophecy allows Maimonides to make two more interrelated claims. First, Maimonides argues that the certainty of Mosaic prophecy requires the community to disregard a prophecy that annuls any Mosaic law. Scripture, it will be recalled, stipulated that only a

54. Maimonides, *Mishneh Torah*, Foundations of the Torah 7:7.

55. Id.

56. See Maimonides, *Epistle to Yemen*, 112-13.

57. Maimonides, *Mishneh Torah*, Foundations of the Torah 8:1.

58. Id. 8:3.

59. Id. 8:1.

60. Maimonides thus consistently emphasizes the reliability of personal experience or 'certainty of sight' – whether that of the community who witnessed Mosaic revelation, that of the judge who sees the very event about which witnesses report, and that of the true prophet who sees a divine vision. This emphasis is necessary to establish the certainty of Mosaic prophecy and also may explain why Maimonides ignores the Babylonian Talmud's model of prophecy as subject to prophetic error.

prophet who incites idolatry is, by definition, false. The talmudic rabbis debated whether prophets could annul other laws and some granted the prophet authority to do so. Maimonides rejects this possibility because later prophecy, which is subject to doubt, must logically be subordinated to Mosaic law, which is certain.⁶¹ Maimonides compares later prophecy that annuls or alters Mosaic law to the testimony of judicial witnesses. If judicial witnesses tell a person who saw something with his own eyes that it was not as he in fact saw, the person has no choice but to disregard the testimony. His own personal observation proves the witnesses false.⁶²

Second, Maimonides reconceives the nature of Israel's obligation to heed the words of the prophet. We believe post-Mosaic prophets, not because they convey the word of God but because Moses commanded that we must "heed" them. After all, we cannot be certain that the prophet is true or false, even if he brings an evidential sign. The command to "heed" the prophet who brings signs is comparable to the presumption of truthfulness Mosaic law obliges the court to extend to the testimony of two competent witnesses, even though the witnesses may, in fact, be lying. Since we listen to prophets solely because Moses so commanded, "how could we possibly accept, on the basis of a sign, someone who comes to deny the Mosaic prophecy?"⁶³ Maimonides is thus claiming that the obligation to listen to a true prophet arises only because Mosaic law so requires.⁶⁴ Yet, the source of authority of the true prophet, God's word, is the same and independent source of authority as that of Mosaic law itself. Why then must one refer back to the original Mosaic legislation? Maimonides's explicit response is that only the first revelation is certain in the eyes of the community and therefore validated as authentic. Implicitly, however, Maimonides is offering a new conception of prophetic authority.

To understand Maimonides's innovative approach to prophetic authority, we can distinguish initially between two conceptions of authority. In the first, authority is lodged in a factual event that is outside any system that the event generates. Revelation, for example, is a factual event that expresses the will of God. "Will is a psychological metaphor for the showing forth of the sovereign."⁶⁵ The sovereign may be conceived of as God, the king, or the people and may show itself in different ways. God makes an appearance through revelation while the people appear through an act of consent or of revolution,

61. This is the argument Kant later employs in subordinating Abraham's prophecy, which is uncertain, to the certain command not to kill.

62. Maimonides, *Mishneh Torah*, Foundations of the Torah 8:3.

63. Id. 7:7.

64. See Moshe Halbertal, "Maimonides's Book of Commandments: The Architecture of the Halakhah" (Heb.), *Tarbiz* 59 (1990), 463.

65. See Paul Kahn, *The Reign of Law* (New Haven: Yale University Press, 1997), 188.

which is the closest secular analogue to revelation. The factual event of revelation is the source of authority of its content, the words of God. This factual event, however, precedes and is outside any system generated by the content of the revelation, such as a political or legal order. Similarly, the factual event of the consent of the people or of revolution is the source of authority of government or law that the event precedes and generates. This factual event can be replicated at any time and cannot be temporally confined. Each time revelation occurs or the sovereign, whether God or the people, makes an appearance, new content, new political structures, and new law may be generated.

Alternatively, authority may be conceived as constitutive, constituted by and internal to the system initially generated. The comprehensive character of the rule of law is an expression of this form of authority. In *Marbury v. Madison*, for example, the United States Constitution is presented as "fundamental and paramount law." This law now becomes the authority for and source of the whole political order and all later political action is referred back to and judged by this law. The original, external act of constitution-making subsumes all later external political acts under its rule, even though these later external acts may be based on the same factual activity that authorized the initial Constitution. Thus, authority no longer derives from and has its source in a factual event outside the system that can appear again at any time. Instead, authority is now lodged in the object that the initial founding event generated, the Constitution.

These two different conceptions of authority are already hinted at in the Deuteronomic text. As noted, two readings of Deuteronomy 18 are possible. In one reading, the authority of the prophet derives from and has its source in revelation, the divine words the prophet conveys. Thus, as formulated in verse 20, there is no obligation to heed the prophet but, rather, to heed "the words the prophet speaks in My [God's] name." What is authoritative is not the prophet but, rather, the appearance of the will and word of God through the medium of the prophet. Revelation is a factual event that is authoritative whenever it appears, and remains outside the system of law or political institutions that revelation may generate. Each appearance of revelation through the medium of a prophet has, therefore, the capacity to alter or annul the prior law, generate new authoritative systems of law, or new political institutions. Divine truth prevails over order. But in verse 15, the prophet is endowed with what appears to be institutional authority created by the initial revelation to Moses. "God will raise up a prophet like me (Moses); him you shall heed." In this conception, the authority of the prophet is derived from and constituted by Mosaic prophecy in which authority is now lodged. This conception of authority subordinates prophecy to law, and truth to order. All later prophecy must come

under the rule of law created by the initial authorizing revelation and will have to be coordinated with and subject to the authority of the system of law or governance generated by the initial revelation to Moses.

Maimonides adopts the second conception of authority implied by verse 15. Thus, he cites verse 15 ("To him [the prophet] you shall heed") and never mentions verse 20. Prophetic authority is now constituted by or internal to the system generated by the initial revelation and all later appearances of the divine will through revelation are subject to the authority of the system that the initial revelation generated. Maimonides's early elaboration of a constitutive theory of authority enables him to accomplish what Hobbes also intended – the creation of a permanent law and a stable basis for government – without, however, sacrificing the truth revelation promises. Moreover, Maimonides remains more faithful to the text of Scripture, which portrays the Sinai theophany as a public, exoteric event and not, as Hobbes claimed, a wholly private experience.

Although Maimonides solves the issue of guaranteeing Mosaic revelation despite the cloud of doubt that envelops prophecy, one gap remains in his reworking of prophecy. He leaves open the possibility that a prophet will come forward who produces a sign. Such a prophet must be obeyed, provided he does not seek to annul Mosaic law, even though that prophet may, in fact, be false. Maimonides proceeds to close this gap, again by analogy to the laws of evidence. By placing prophecy within the paradigm of judicial testimony, Maimonides is able to assert that, as in the case of judicial witnesses, the presumption of trustworthiness extends only to those who are first judged competent. Witnesses are deemed incompetent to testify if they are sinners, disreputable, or lack personal rectitude. Such individuals cannot be trusted to be truthful in matters of speech. Prophets also must pass a standard of competence entitling them to the presumption of trustworthiness. They must be within the class of possible prophets. For Maimonides, these are the wise and righteous who are "worthy of the prophetic gift."⁶⁶ The focus on the prophet's moral character emerges naturally from Deuteronomy 13 and Jeremiah 23, and is pursued as well in the Talmud.⁶⁷ But it is particularly emphasized by Maimonides. In doing so, Maimonides virtually collapses the once distinct categories of prophet and sage.⁶⁸

66. Maimonides, *Mishneh Torah*, Foundations of the Torah 7:7.

67. See, e.g., B.T. *Shabbat* 92a.

68. On the parallels between prophets and sages in Maimonides's *Mishneh Torah*, see Blidstein, "Institutionalization of Prophecy," 25-36. On the parallels between false prophets and rebellious elders in the Talmud and Qumran literature, see Aaron Shemesh, "Halakhah and Prophecy: The False Prophet and the Rebellious Elder" (Heb.) in Avi Sagi and Zvi Zohar (eds.), *Renewing Jewish Commitment: The Work and Thought of David Hartman*, Vol. II (Tel Aviv: HaKibbutz Hameuchad Publishing, 2001), 923.

Maimonides is forthrightly responding to the critical question: Who deserves our trust when the truth is unverifiable? In the end analysis, after offering two bases for trust – trust based on communal participation in the revelation, in other words, plain truth; and, trust as a function of formal criteria, the legislative command to heed the prophet – Maimonides links trust and authority to the character of the one who is trusted.

IV. CONCLUSION

One may argue that the inevitability of false prophecy coupled with the absence of clear criteria for authenticating prophecy with absolute certainty, caused the failure and demise of prophecy altogether. The talmudic rabbis gave voice to this perception when they declared that the age of prophecy had come to an end, inaugurating the process of canonizing Scripture. Scholars debate whether the perception that the age of prophecy had passed, that somehow the Gates of Heaven had closed, was responsible for the canonization of Scripture or whether the process of interpreting a canonical scripture led to the abandonment of prophecy as a means of gaining knowledge about the law. Canonization, it is argued, forced the sages to rely on interpretive methods and intellectual endeavor to ascertain the law. Moreover, prophecy itself had gradually undergone transformation, increasingly resembling inspired interpretation rather than direct communication of the words of God.⁶⁹

But the unreliability of prophecy as a means of gaining access to the truth, given the lack of criteria to authenticate true prophecy, no doubt contributed to, if not caused, the growing sense that human intellection was no more certain or reliable a means of gaining knowledge of the truth, at least in the legal context, as resort to prophecy. Uncertainty about the law became the condition of man, and the sages struggled to articulate why legal rulings that may not necessarily reflect the true will and intent of the sovereign were nonetheless binding. In so doing, the sages self-consciously chose to forego possible access to truth for the sake of order and stability.

These elements conjoin in the famous talmudic narrative of the Oven of Akhnai, which I have analyzed in detail elsewhere.⁷⁰ There, Rabbi Eliezer and the sages argued over the purity of an oven. Rabbi Eliezer refused to accede to the reasoning of the majority of sages and, after producing a variety of miracles, appealed to heaven to sustain his position. A divine voice issued and declared that Rabbi Eliezer's opinions are "everywhere the rule." Rabbi

69. On the "end of prophecy" and prophecy's transformation, see Suzanne Last Stone, "The Transformation of Prophecy," *Cardozo Studies in Law and Literature* 4 (1992), 167, 169, 172-175.

70. See Suzanne Last Stone, "In Pursuit of the Countertext: The Turn to the Jewish Legal Model in Contemporary American Legal Theory," *Harvard Law Review* 106 (1993), 813-894, 841, 855-865.

Yehoshua argued against the divine voice on the ground that Scripture already stipulated that "the Torah is not in Heaven" and that "the majority should be followed."⁷¹ The sages agreed and excommunicated Rabbi Eliezer for continuing to rule in opposition to the majority decision. Rabbi Yehoshua's rejection of the divine voice may be understood in a variety of ways. In one reading, he is asserting that prophecy offers unreliable access to God's will, because there is no clear means to establish the authenticity of a prophet. Alternatively, one may read Rabbi Yehoshua's statement as a claim that the text is now autonomous, detached from its author, and only the text, the object of the initial revelation, is authoritative. If the will of God is now lodged in the text, prophecy is irrelevant. Moreover, the story continues, the sages were correct in rejecting the divine voice and banning Rabbi Eliezer because this stabilized the legal system.

This solution was only partial, however. As with most talmudic statements, controversy continued to persist over these very points. In other places in the Talmud, divine voices arbitrate between the opinions of the competing schools of Hillel and Shammai. Moreover, various rabbinic teachings that were thought to emanate from a form of prophetic experience and prophetic techniques, such as dreams and the spontaneous utterance of verses, continued to be used to render rulings in unclear cases, a practice that continued into the medieval period.

Debates about the merits and defects of prophecy in contradistinction to rabbinic legal reasoning continued in the medieval period. Two contrasting models of prophecy emerge. According to the first model, prophecy provides certain and monolithic access to God's will. Jeremiah evokes this conception of prophecy when he describes God's words as fire or a hammer that shatters rock (Jer. 23:29). The clarity and univocity of prophecy is in stark contrast to rabbinic discourse, which is subject to doubt and marked by controversy and pluralism.⁷² The Me'iri emphasizes this prophetic advantage in tracing the emergence of legal controversy to the cessation of prophecy,⁷³ and it also forms the cornerstone of Rabbi Zadok HaKohen's fascinating reconstruction of the history of prophecy. "For Rabbi Zadok, certain, clear, reliable knowledge comes not from the intellect but from divine, prophetic or mystical, illumination . . . reason unaided is untrustworthy."⁷⁴ In contrast, talmudic and midrashic texts exalting controversy and pluralism as both desirable and a truer reflection of the

71. B.T. *Baba Metzia* 59b.

72. This point is brought out by Haniṅa Ben Menahem, "Controversy in Jewish Law," 12-14.

73. Menahem Ha-Me'iri, *Beit ha-Behirah on Mishnah Avot* (Jerusalem: Machon ha-Talmud ha-Yisraeli ha-Shalem, 1964), Introduction, 20.

74. Yaakov Elman, "Reb Zadok HaKohen of Lublin on Prophecy in the Halakhic Process," in *Jewish Law Association Studies Towro Conference, Volume I* (Leiden: Brill Publishing, 1985), 1, 6.

pluralism inherent in revelation can be seen as attempts to establish the sage's superiority to the prophet, given this model of prophecy.⁷⁵

But, according to the second model that I focus on here, prophecy provides uncertain and unreliable access to God's words. Just as we do not know whether witnesses are lying or mistaken, we cannot tell when a prophet is speaking the truth. Prophets are human actors subject to the human propensity for deceit and self-deception. They may distort the truth intentionally, as a result of wishful thinking and illusion, or even innocently, as a result of mistake. Halakhic discourse, in this view, offers more certainty and reliability than prophecy, given the hiddenness of truth and of people. It is for this reason, Rabbi Nissim of Gerondi asserts, that the Torah prefers the halakhic decision-making process over prophetic inspiration.

This latter model of prophecy offers a powerful conceptual model for thinking through a variety of contemporary legal, political, and philosophic questions. Among the most challenging is the question: What makes legal, political, or religious actors worthy of trust and, hence, authority? Is trust a function of truth, of the substantive truth of a message conveyed? Is it a function of the use of modes of reasoning that are truth-acquiring, such as those that can be held up to scrutiny, questioning, and debate? Or is trust a function of the actor's character? In our modern culture, with its deep skepticism that objective truth exists at all, the value rabbinic texts assign to character and to modes of reasoning that are truth-acquiring deserves renewed attention.

75. See B.T. *Baba Batra* 12a ("A sage is superior to a prophet").

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