In the second volume of his Guide for the Perplexed, Maimonides discusses reasons for the commandments, and he sorts them into categories based on various criteria. Chapter Thirty-Seven of this volume is the introduction to the section that discusses the commandments pertaining to the prohibition of and “deliverance from the errors of idolatry” and any related practices that would lead Israel along the path to idol worship. Included among the commandments enumerated in this section are the prohibitions regarding the practice of magical acts. Maimonides defines magic as anything that is “said to be useful, but is not required by speculation concerning nature” – namely, any practice whose performance could not be demanded based on logic and scientific reasoning, or anything “in accordance with occult properties.” In other words, any act in which “reasoning cannot judge nor can the intellect cognize as true” is considered to be an act of magic and is therefore expressly forbidden by Jewish law. Any magical practice requires at least one of the following three elements: beings, time, and human action. The element of human action would encompass any variety of strange behaviors including “clapping hands…burning something…or muttering a speech understandable or not” [1]. All of this falls under the category of what Maimonides classifies as Amorite usages.

Maimonides explains his reasoning: The prohibition of those acts that are “things not required by reasoning concerning nature” is because they “lead to magical practices” and eventually to idolatry [1]. Any activity that had no logical basis for its performance was forbidden by law; as engagement in such an activity would lead to involvement in magical acts and, consequently, to the worship of false gods. However, Maimonides states explicitly, quoting the Babylonian Talmud, that, “[all] that pertains to medicine does not pertain to the Amorite usages” and further clarifies that the Rabbis permitted any actions “required by speculation concerning nature,” with regard to medical procedures while “other practices are forbidden” [2,1]. He allows the implementation of any activities deemed necessary by logic or science, especially then the practice was related to medicine and healing.

Maimonides’ position is uncompromisingly clear as he “[insists] that repudiation of all magical practices be motivated by the rational conviction that such practices are worthless.” David Horwitz, in his article regarding Rashba’s positions concerning various halachic and scientific scenarios, highlights Maimonides’ “disavowal of sham magical cures” in his interest of preserving and protecting human health [3]. Horwitz quotes Isadore Twersky, who emphasizes Maimonides’ prohibition of occult rituals and contrasts it with his endorsement of magical practice for medicinal purposes, thereby presenting the competing principles within Maimonides’ philosophy [4]. Maimonides’ unfavorable opinion of “magical practices” was limited, however; he disallowed only what was not proven to be effective. Horwitz writes:

Three categories of cures existed according to [Maimonides]: effective ones based upon the laws of natural science, sham cures of occult virtue, and the nebulous category of “empirical medicine”…Any cure that is part of the third category which truly “works” would be permitted, and ultimately, with advancement of scientific thought, will also be classified with cures of natural science [3].

This incredible loophole within the laws of healing allows for great flexibility in terms of what would and would not be permissible in the name of medicine. In light of this, it can be inferred that Maimonides clearly “[concedes] the validity of empirical medicine” as well as its permissibility “even though [its] causes [remain] unknown” [3].

Permitting the practice of medical treatments that have been proven effective is a principle that has been accepted since the time of the Talmud. Giuseppe Veltri, a scholar and professor of ancient Judaism and medieval philosophy, notes that both the Babylonian and Palestinian Talmuds list the popular medicinal amulets of the times and repeatedly underscore the accepted “magic-medicinal principle according to which ‘like cures like’” [5]. The Rabbis clearly believed in their power but only allowed the practice once the charms had been proven effective, thereby limiting their use in a fashion similar to the way that Maimonides eventually would.

The Rabbis implemented a further restriction on contemporary methods of healing, particularly in the area of “conjurings” or “whispering.” They believed in the inherent power of “whispering as a remedy,” and they permitted the practice; however, they specifically forbade the recitation of Biblical verses. This was done not because the muttering of the words was itself a forbidden act, but rather to prevent the use of Biblical texts as incantations. Veltri suggests that this may have been forbidden “due to the fear of abuse by bibilomancy,” and he reaffirms that the decree was certainly not intended to absolutely abolish the practice of muttering or whispering [5].

Maimonides states, “it is allowed to use all remedies…that experience has shown to be valid even if reasoning does not require them...[for] they pertain to medicine” [1]. The significance of this statement cannot be understated - Maimonides explicitly allows any and all forms of treatment to be implemented so long as they have been proven effective. Veltri expands on this idea and asserts that so long as a practice was proven to be an effective cure, it was acceptable. He maintains that, “the usefulness of a cure is the criterion for its ‘scientific’ value” and adds that “[foreign] and barbarian procedures, too, can be of proven medical value.” Broadly speaking, any healing practice would be considered acceptable so long as it was proven effective. However, “[the] inventions of the magic, on the other hand, are only ‘deceits’
because these cannot be proved empirically” and are nothing more than shams, Maimonides’ second category of cures. Such ineffective practices were outlawed on the basis of their uselessness. It is unanimously agreed that if there is no evidence to support the validity of an occult practice, meaning it “cannot be verified,” then it should not be given any credence, nor should it be allowed, as it is nothing more than “magic and superstition” [5].

Rashba has an intriguing approach for assessing various questionable medical practices. Horwitz explains Rashba’s rationale as hinging on his definition and usage of the word “science.” If one takes science to refer to any subjects dealing with the natural world, medicine would by necessity follow the laws of nature. Any medical practices would, therefore, be classified as legitimate if they conformed to the laws of nature and as fraudulent rituals if they did not. The other use of “science” is in reference to contradictions between halacha and contemporary science. Medicine would then be defined as anything that is effective; there is no need to conform to the laws of nature and as such, no deviation from legitimacy [3]. The validity and permissibility of various practices would then depend on the precise definition of “science” according to Rashba, and on an understanding of contemporary science. Horwitz acknowledges that “[the] tension between these two views of medicine continued into the medieval period” and that it “continues today in areas such as acupuncture” [3].

In keeping with the second interpretation of “science,” Rashba signed a ban on philosophical studies in 1305 but pointedly and unequivocally permitted the study of medicine. If one were to infer Rashba’s intentions from this document, one would find that Rashba wholeheartedly encouraged the study of medicine, “presumably with all its concomitant astrological studies and occult cures,” and the practice of anything that was presumed to be an effective treatment. [3] His remarkably liberal ruling regarding the permissibility of such practices can be applied back to Talmudic discussions regarding the use of amulets and charms. Schwartz writes, “Rashba acknowledged the reality of spirituality brought down upon amulets” and “points out that both Talmuds contain an abundance of magical material that violates no religious precept.” Schwartz references the aforementioned ban, signed during a period of immense controversy during which Rashba “refused to issue an absolute ban on the medicinal use of astral magic”, as additional proof of Rashba’s position. [6]

Not surprisingly, there were those who disagreed with Rashba’s approach. Abba Mari, an early fourteenth-century religious and philosophical figure, maintains that “all scholars are unanimously inclined towards prohibition” of any magical-astral acts, even those related to medicine. [7] Rashba refutes this position and responds that Abba Mari did not “properly understand the sources and especially not Maimonides.” Rashba argues, based on the principles of Maimonides, that so long as a practice is proven to be effective, it is permitted. He “entertained no doubts as to the reality of astral magic and accordingly permitted its use for medicinal purposes” [6]. Nothing, not even practices with absolutely no logical foundation according to the laws of nature, posed a problem to Rashba in the face of the possibility of saving a human life.

Veltri emphasizes this same underlying theme surrounding the responses to this issue, that “the Rabbinic practice stresses the principle of healing as being much higher than the danger of idolatry,” that human healthiness in its strongest condition is of utmost value [5]. The importance of healing trumps any perceived risks and any possible associations with idol-worship in the eyes of the Rabbis of the Talmudic era, Maimonides, Rashba, and countless others. The magnitude of the responsibility for the maintenance of human well-being cannot be overemphasized, and it is our duty to do everything within our power to ensure that our actions distinctly emphasize this code.

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References: