

"Maimonides and the Art of Charity"

Jacob Rader Marcus, *The Jew in the Medieval World*, New York, 1999

and

"Maimonides' Responsum to Obadiah, the Proselyte"

Curt Leviant, *Masterpieces of Hebrew Literature*, New York, 1969

Maimonides on Art and Charity

1180

THE following recommendations and prohibitions are taken from the *Mishneh Torah*, the famous law code published in Hebrew about 1180 by the great Maimonides.

The first selection deals with charity. The point of view expressed here is that of Maimonides, although it is based in large part on Talmudic precedents.

The second selection deals with the medieval attitude to the plastic arts. The second commandment states specifically (Exodus 20:4): "Thou shalt not make unto thee a graven image, nor any manner of likeness, of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth." It seems to have been this injunction which prejudiced the medieval Jew against the plastic arts. Statues and figures in earlier times had been associated with Greek and Roman idolatry, and during the Middle Ages sculpture was linked in the mind of the average Jew with Christian worship. However, it should be borne in mind that Maimonides' pronouncements were not accepted unconditionally by all Jews. Some rabbis were more strict, others more lenient in their views.

I. GIFTS TO THE POOR

¶ There are eight degrees in the giving of charity, one higher than the other. The highest degree, than which there is nothing higher, is to take hold of a Jew who has been crushed and to give him a gift or a loan, or to enter into partnership with him, or to find work for him, and thus to put him on his feet so that he will not be dependent on his fellow-men. Concerning this it is said [Leviticus 25:35]: "Then shalt thou *uphold* him." *Uphold* him, so that he should not fall and become a dependant.

Lower in degree to this is the one who gives charity [in Hebrew, "righteousness"] to the poor, but does not know to whom he gives it, nor does the poor man know from whom he receives it. This is an unselfish meritorious act comparable to what was done in the

Chamber of the Secret in the Temple where the charitable would deposit [alms] secretly and the poor of better family would help themselves secretly. Related to this degree is the giving to the [public] alms-chest. One should not give to the alms-chest unless he knows that the officer in charge is reliable, wise, and a capable administrator, like Hananiah ben Teradion, for example. [This martyr, (d. about 135), was very scrupulous with charity funds.]

Lower in degree to this is when the giver knows to whom he gives, but the poor does not know from whom he receives. An example of this are the great scholars [of Talmudic times] who used to go about in secret and leave their money at the door of the poor. This is proper practice, particularly meritorious when the officers in charge of charity are not administering properly.

Lower in degree to this is when the poor knows from whom he receives but the giver does not know to whom he gives. An example of this are the great scholars who used to tie up their money in [the corner of] their cloaks and throw them back over their shoulders. The poor would then come and take it without being put to shame.

Lower in degree to this is when one gives even before he is asked.

Lower in degree to this is when one gives after he has been asked.

Lower in degree to this is when one gives less than he should, but graciously.

Lower in degree to this is when one gives grudgingly.

The great scholars used to give a coin to the poor before every prayer and then they would pray, for it is said in the Bible [Psalm 17:15]: "As for me, I shall behold Thy face in 'righteousness' [that is, through 'charity']".

II. *Art and Idolatry*

¶ It is forbidden to make images to serve as ornaments even though they are not to be used for idolatry, because it is said in the Bible [Exodus 20:20]: "Ye shall not make with Me—gods of silver, or gods of gold, ye shall not make unto you." This includes even images of silver and gold which are only made for ornament, lest fools be misled by them and think they are for purposes of idolatry. However, this prohibition against fashioning ornaments applies only to the form of the human being, and hence one is not allowed to fashion any human form either in wood or plaster or in stone. This holds

when the form is raised like a design or a mural relief found in a reception hall and the like. When one fashions these he is to be punished. However, if the form were to be engraved or painted like sketches on panels or boards, or be like the figures that are woven into a rug, behold these are permitted. [There is no objection to paintings.]

It is forbidden to wear a ring that has a seal on it in the form of a human being, if the form projects, but one may use it for sealing. If, however, the form is engraved it is permitted to wear it, but it is forbidden to seal with it, inasmuch as the impression made from it would consist of a raised form. Similarly it is forbidden to form, even on a panel, the likeness of the sun and moon, stars, planets, and angels, for it is written in the Bible: "Ye shall not make with Me," that is to say, you shall not make the likenesses of My servants who minister before Me on high. [The painting of the heavenly bodies is forbidden.] One may fashion images of cattle and all other living beings with the exception of man; likewise the forms of trees, plants, and similar things even though the image protrudes.

BIBLIOGRAPHY

READINGS FOR ADVANCED STUDENTS

- Abrahams, I., *Jewish Life in the Middle Ages*, 1932, Chap. xvii, "Private and Communal Charities. The Relief of the Poor"; Chap. xviii, "Private and Communal Charity (Continued); The Sick and the Captive."
- Frisch, E., *An Historical Survey of Jewish Philanthropy*. Part II, "From the Fall of the State to the Beginnings of Emancipation."
- Lowenthal, M., *A World Passed by: Scenes and Memories of Jewish Civilization in Europe and North Africa*. This delightfully written book is the nearest approach in English to a guide-book to extant Jewish antiquities and art materials.
- JE, "Alms"; "Art, Attitude of Judaism toward"; "Charity and Charitable Institutions."

ADDITIONAL SOURCE MATERIALS IN ENGLISH

- Abrahams, I., *Hebrew Ethical Wills*, 2 vols. These volumes contain a great deal of material throwing light on the medieval Jewish concept of philanthropy.

BIBLIOGRAPHICAL ADDITIONS

SURVEYS

- Baron, 2:269-74 ("Social Welfare"), 6:99-107 ("Maimonides' 'Second Torah'");
Stow, 149-53; *EJ*: "Charity," "Art: Jewish Attitudes to Art to 1800," "Maimonides."

STUDIES

- Baron, S. W., "The Economic Views of Maimonides," *Ancient and Medieval Jewish History* (New Brunswick: Rutgers University Press, 1972). pp. 149-235 [1941].
Neuman, Abraham, *The Jews in Spain*, 2 vols. (Philadelphia: JPS, 1944), 2:161-81: "Charities."
Twersky, Isadore, *Introduction to the Code of Maimonides (Mishneh Torah)*, (New Haven: Yale University Press, 1980). See esp. pp. 423-29 on compassion and charity.
Kochan, Lionel, *Beyond the Graven Image: A Jewish View* (New York: NYU Press, 1997). The influence of the image-ban on Jewish thought, including extensive material on Maimonides.

ADDITIONAL SOURCE MATERIALS

- Cronbach, Abraham, "Social Thinking in the *Sefer Hasidim*," *HUCA* 22 (1949): 46-145. A large selection of passages with social import from a major work of Ashkenazic Jewry contemporary with Maimonides.
Birnbaum, Philip, *Mishneh Torah: Maimonides' Code of Law and Ethics* (New York: Hebrew Publishing Company, 1974) [1944].
The Code of Maimonides (Mishneh Torah), Books 3-14 (New Haven: Yale University Press, 1949-1979).
Khadduri, Majid, *Islamic Jurisprudence: Shafi'i's Risala* (Baltimore: Johns Hopkins University Press, 1961), pp. 163-66: "The Zakat (Legal Alms)." Comparative material on the Muslim obligation of charity.

RESPNSUM

MAIMONIDES TO OBADIAH, THE PROSELYTE

QUESTION:

The question which Obadiah, the righteous proselyte, asked of our teacher, Moses, of blessed memory, and his answers. [Since his father was not a member of the house of Israel, he wants to know if in his prayers he may say "God of our fathers."]

ANSWER:

Says Moses the son of Maimon of the children of the exile of Jerusalem in Spain [as a compliment to Obadiah the Proselyte, Maimonides describes himself in a phrase taken from the prophet Obadiah 1:20], may his memory be a blessing [the responsum was copied after the death of Maimonides].

There has come to us the questions of our teacher and rabbi, Obadiah, the learned and intelligent proselyte. May God repay him and may his reward be perfect from the God of Israel, since he came to seek shelter

under his wings. You ask concerning procedure with regard to benedictions and prayers. When you pray privately or with the congregation, may you say, "God of *our* fathers, who has sanctified *us* by His commandments, and Who has separated and chosen *us* and has given inheritance to *our* fathers and brought *us* out of the land of Egypt and did miracles to *our* fathers," and all such similar phrases [i.e., that appear frequently in the prayer book]? You must say all of these as they are; and you must not change a single word; but just as a born Israelite prays and blesses, so must you bless and pray whether you are praying privately or are the cantor of the congregation.

The essence of the matter is this: Abraham, our father, taught all people and brought them wisdom and told them of the true faith and the unity of God and rejected idols and made void their service and brought many under the wings of the Divine Presence; he instructed them and commanded his sons in his household after him to guard the path of God, as it is written in the Torah [Gen. 18:19]: "For I know him [God says], that he will command his sons and his household after him to guard the way of God." Therefore, every one to the end of all generations [i.e., at all times in the future], who becomes a proselyte and whoever declares the name of God as One, as it is written in the Torah, is a disciple of Abraham, our father, upon whom be peace, and they are all children of his household. It is he who turned them to the good path, just as he [Abraham] turned the men of his generation by his own word of mouth and by his teachings. Thus is he the one who converts all who are destined to become proselytes through his mandate which he commanded his sons and his household after him. Thus we see that Abraham our father is the father of his worthy descendants who walk in his paths, the father of his disciples and of every proselyte who comes to join Israel.

Therefore, you must say [in your prayers], "Our God and God of our fathers"; for Abraham, on whom be peace, he is your father and you can say [in the prayers] "who has given as inheritance to our fathers . . ."; for to Abraham was given the Land, as it is said [Gen. 13:17]: "Arise, walk through the land through its length and its breadth, for to thee I give it." However, as to the phrases, "who has brought us out of Egypt," or "who has performed miracles to our fathers," if you wish to change them and say, "who has brought Israel from Egypt," or "has done miracles to Israel," you may say it that way.

[Maimonides means that the proselyte is direct kin to Abraham but perhaps cannot be described as being kin to the later generations who were in Egypt. But he does not stress this distinction, since he continues as follows:]

But if you do not change the phrase, no harm has been done at all; for, since you have entered under the wings of the Shekhina [The Divine Presence] and are joined with Him, there is no difference at all between

us and you, and all the miracles that were done are as if they were done for you as well as for us. Thus Scripture says: "Let not the stranger who is joined unto the Lord say, 'God has set me apart from His people.'" [Isa. 56:3]. There is no difference at all between us and you in any matter. There is no question but that you must read the blessing: "who has chosen us," and "who has given us an inheritance," and "who has set us apart," because the Creator has already chosen you and set you apart from the Gentiles and given *you* the Law; for the Torah was given both to us and to the proselytes, as it is said:

"As for the congregation, one statute there is for you and for the proselyte, an eternal law for your generations, for you and for the proselyte before the Lord; one law and judgment shall be for you and for the proselyte." [Nu. 15:15, 16]. Know thou that our fathers who came out of Egypt were, the majority of them, idolators. In Egypt they intermingled with the Gentiles and learned their ways, until the Holy One, blessed be He, sent Moses, on whom be peace, the teacher of all prophets, and set us apart from the other peoples and brought us under the wings of the Shekhina, for us and for all the proselytes, and gave us all one Law.

Let not your genealogy be deprecated in your own sight. If we [born Jews] trace our genealogy to Abraham, Isaac, and Jacob, you are related to Him who created the world, for thus it is clearly said in Isaiah [44:5]: "One will say I am the Lord's and another will call himself with the name of Jacob."

And all that we have said to you with regard to the benedictions, that you should not change their form [i.e., that you should not omit the words, "God of our fathers," etc.], for all of it there is a proof in the tractate Bikkurim [1:4]. There we learn that the proselyte who brings [first fruits] does not read the statement prescribed, because he cannot say, [the Land] "which God swore to give to our fathers;" but when he prays privately, he must say, "Our God and the God of the fathers of Israel," and when he is in the synagogue, he says, "Our God and the God of our fathers."

This is the anonymous Mishna and is the opinion of Rabbi Meir [this is according to the general principle stated in the Talmud [Sanh. 86a], that all anonymous parts of the Mishna are to be ascribed to Rabbi Meir]. But this is not the law, as is made clear in the Jerusalem Talmud [Bik., end of ch. 1], where it is said, "It is taught in the name of Rabbi Judah; the proselyte himself can bring and do the reading. Why? (i.e., why is he permitted to say, 'God of our Fathers?')"

For (God said to Abraham) "I have made thee into a multitude of nations" [Gen. 17:5]. In the past you were father to Aram [as in the Palestinian Talmud text]; from now on you will be father to all living creatures. Rabbi Joshua son of Levi says that the law is according to Rabbi Judah [i.e., that a proselyte may say "God of our fathers"]. An actual case came before Rabbi Abbahu and he decided it according to Rabbi Judah [thus far the quotation from the Palestinian Talmud].

Hence it is made clear to you that you must say, "Which God swore to our fathers to give us," that Abraham is your father and ours, and of all the righteous who walk in his way. The same applies to all the other benedictions and prayers. Do not change any of them at all.

Thus writeth Moses the son of Maimon.