

CLASS 39 - MISHPATIM

by Rabbi Heshy Grossman

"...V'Rapoh Y'Rapeh - and he [who harms another] shall pay the medical expenses. (Shemos 21:19)

"Tanna D'Bei Rebbe Yishmael: From here [we learn] that permission is granted the doctor to heal."
(Babba Kamma 85a)

When G-d chooses to strike a person with illness, it is the Divine will that he suffer pain and hardship. The Torah must give special dispensation allowing a doctor to alleviate his patient's pain, as he endeavors to cure the disease, otherwise, by what right does he interfere with G-d's plan?

The advisability of seeking medical assistance to resolve health-related issues is a subject of debate among the Rishonim. In our shiur this week, we will present two different approaches to this question, and explain the appropriate extent of worldly efforts that man should expend on his own behalf.

1

The Ramban describes the situation of Klal Yisrael while in their glory:

"When the Jewish people were whole and perfect, they did not direct their matters according to nature at all, not in regards to their physical selves, nor in regards to their land. Not as a group, nor as individuals. For Hashem blessed their bread and water, and had removed all sickness from their midst, until there was no need for doctors, nor for them to guard themselves at all according to medical advice, as it says: 'For I am G-d who heals you.'

"And this what the righteous individuals did during the times of prophecy, even when sin brought about illness, they did not inquire of doctors, but only of prophets (as Chizkiyah did when he took ill).....and what place is there for doctors in the home of one who does G-d's will...."

"....and if they would not have chosen the path of medicine, man would take ill in accordance with the punishment for his sin, and be healed with the will of G-d. But, they followed medicine, and Hashem left them to natural circumstances."

"And this is their intent when they said: 'V'Rapoh Y'Rapeh - From here [we learn] that permission is granted the doctor to heal.' They didn't say that permission is granted to the sick person to be healed, but rather, if one takes ill and comes to be healed, for he has taken the path of medicine and is not one of the congregation of G-d whose portion is life, the doctor is not obligated to forbid

himself from treating him...."

"...but for G-d to find favor with the ways of man, he should not involve himself with doctors."
(Ramban, VaYikra 26:11)

The Rambam apparently takes a different approach.

"The book of medicines was a book whose subject was to cure oneself with things that the Torah did not allow one to be cured with....and when man corrupted their ways, and were curing themselves with those things, Chizkiyahu HaMelech removed and hid it."

"And I have elaborated on this subject, because I have heard, and others have explained, that Shlomo [HaMelech] authored a book of cures. When any person took ill, or occurred any sickness to a person, his intent was to that book, and he did everything it says therein, and was then cured. When Chizkiyahu saw that people were not relying on G-d, he removed this Sefer, and hid it."

"Listen, now, how deficient that opinion is, and how mistaken. How can they attribute such foolishness to Chizkiyahu? According to their light-headed and mistaken view, a man who was hungry, and went to eat bread, undoubtedly would be cured from that strong sickness - hunger. If so, he despairs from relying on G-d? Rather, we say to them: Listen, fools - just as we acknowledge G-d when we eat for providing what satisfies me, and removing my hunger, that I may live and be sustained, so too, I acknowledge Him for providing a cure that heals my sickness when I take ill...."
(Rambam, Commentary to the Mishna, Pesachim, Chapter 4)

These two opinions appear to be in total contrast.

The Ramban states that those who look towards G-d should not inquire into medicine, and doctors have no place in a Jewish home.

Rambam, on the other hand, holds this approach to be foolish, with medical assistance no different than normal nutrition. According to his view, pursuit of good medical care is not a sign of deficient faith, rather, it is advisable to take medical help, and then acknowledge G-d who has provided the cure.

Let us now explain why, actually, there is no disagreement at all.

2

It is inconceivable that matters of fundamental faith should be the subject of rabbinic dispute. In nearly every instance, the argument that appears to be irreconcilable merely expresses two sides of the same coin, different perspectives that disagree only on the definition of prevailing circumstance.

The current case is a classic example.

On a certain level, man would have no need for food or drink, no requirement to heed the laws of nature. Moshe Rabbeinu, a flesh-and-blood human being, climbs Har Sinai to receive the Torah, and

for forty days he stays atop the mountain. Taking no food or water, he still descends in perfect health.

With this, the Rambam does not disagree.

For a man such as this, turning to doctors at a time of crisis would betray a lack of faith. Fully aware of the all-encompassing nature of Divine providence, he knows that any pain he endures is a Divine summons to repentance, and the answer to his problem lies squarely in G-d's hand. A call to the doctor can mean only that he hopes to bypass G-d's will. As Yonah, who attempts to flee G-d's wrath, he too tries to ignore His incessant demand, and for this he deserves the critique of the Ramban.

The average person however, is far from Moshe Rabbeinu.

Most of us are quite aware of the nature of a physical existence, cognizant of every pang of hunger, all discomfort and pain. Would it be right to expect G-d's supernatural assistance, a miraculous salvation from illness and distress? Do we ourselves ever rise above the natural pull of worldly desires, or ignore the call of our bodily needs?

Were we to rely solely on a miraculous Divine salvation, we would be deluding only ourselves. Because we have previously jettisoned that type of relationship, we are unworthy of direct intervention. Suddenly pretending to be on a higher grade would be fraudulent, and would not accurately reflect our spiritual consciousness. To act as if we expected Divine help rather than medical assistance would not be a true service of G-d, but one that mirrored our false view of ourselves. A true approach to G-d must be complete and internally held, compatible with the beliefs, values, and behavior of our everyday existence.

This is the Rambam's objection.

While agreeing in principle with Ramban's admonition, he still holds that this approach is for present-day fools. Claiming to be spiritual saints, they abhor the use of artificial support, professing total belief in Heaven above. But, in all actual likelihood, they merely hope to save the cost of the doctor's billings, for they never were known to sacrifice much else to further G-d's will.

Both Rambam and Ramban are totally correct, for they address different situations. While the righteous man relies only on the help of Hashem, the vast majority of individuals must direct their daily affairs in accord with natural law, turning to the expert for technical subsistence, while recognizing that success and achievement remain in G-d's hands.

3

All the above brings us to an important conclusion.

Man has the ability to determine the level of Divine providence and intervention he will see in his own life.

Every man lives in his own world, a spiritual dimension of his own creation. For this reason, man is referred to as a 'Tzelem Elokim' - the Biblical name of Creation - for he manifests the image of G-d as Creator.

Man lives with his own G-d, and if he chooses to ignore Heaven's hand, aware only of the chance circumstance of a natural world, G-d will deal with him accordingly, revealing a universe that operates by chance, subject to the random whims of statistical occurrence.

On the other hand, the man who is aware of G-d's omnipotent control, who recognizes all failure and pain as a Divine call to improve his ways, will deserve a clear and direct relationship with Hashem. His prayers will be answered and his repentance noted.

It is little wonder then, that present day skeptics can openly deny G-d's presence. Having opted to play the percentages, providence mirrors their choice, a cruel world of innocent victims, where nature knows no favorites.

On a practical level, modern man has no recourse other than the ardent pursuit of medical assistance in times of distress. To believe otherwise is to invite disaster, for in his personal life, he will be unable to match the standard of a world beyond nature.

At the same time, he dare not forget that his physical efforts are a mere charade, an offering to the devil, but the secret of success is still firmly in Divine control.

A number of years ago, a couple I am acquainted with was experiencing serious infertility problems. They chose to visit a renowned specialist in this field.

After treating them without success, he called them in for consultation.

"Perhaps, you should consider adoption", he suggested.

"Tell me, doctor", the young husband asked, "Were we to have children normally, would you consider it to be a miracle?"

"No, two-percent chance", was the doctor's response.

This young man was a great believer in Hashgacha Pratis. After hearing the doctor's opinion, he reassured his wife that there was nothing to fear, for in the absence of any need for miraculous intervention, their situation was no different than any other couple.

"Does G-d need to respond to percentages? If He wills it, we will have children, and if He refuses, we won't, is there any other way that children are brought into this world?"

Yes, we need to seek out good doctors, and certainly, we must work hard to support our families, but we dare not be fooled: our worldly efforts are a gallant facade. Concealed beneath the mask of our world, the awesome presence of G-d drives all of life towards a different sort of goal.

"....for man has no portion in the Torah of Moshe Rabbeinu unless he believes that all our matters and happenings are completely miraculous, there is no nature or ways of the world, whether as a community, or as individuals. Rather, if one fulfills the Mitzvos, he will find successful reward, and if he violates them, his punishment will cut him off, everything by Heavenly decree...." (Ramban, Shemos 12:16)

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