

Halacha and Healing

**Rabbi Eliyahu Bakshi-Doron, The Rishon
LeZion, Former Chief Rabbi of Israel**

Medicine and *halacha* are not merely two concepts that have some connection between them, which support each other and coexist amicably. Rather, *halacha* and medicine are one and the same because all of medicine is *halacha* and the two should not be separated. As a Jerusalemite I still think of the Shaare Zedek Hospital by its former name, the "Wallach Hospital," named after its founder. The personalities of Dr. Moshe Wallach and of Dr. Falk Schlesinger, were living proof that medicine and *halacha* are two concepts that should be combined and therefore it is only natural that the Schlesinger Institute for Medical-Halachic Research should have been founded at the Shaare Zedek medical center.

In order to understand the inseparable link between medicine and *halacha*, we need to examine the first paragraph of the Laws of Medicine in the *Shulchan Aruch*, *Yoreh De'ah* sec. 336, because this is the foundation for our understanding of *halacha* in medicine. It states:

“The Torah gave permission to the doctor to heal, and it is a commandment, included in the principle of *pikuach nefesh* (saving of human life), and a person who refrains from doing so is considered as if he were a murderer.”

Before its definition of any medical action as a commandment and an obligation based on *pikuach nefesh*, the *Shulchan Aruch* opens with the introductory statement, “The Torah gave permission to the doctor to heal,” based on *Chazal's* commentary on the verse in the Torah: “And he shall cause him to be thoroughly healed.” This introduction comes to teach us that despite the fact that medicine involves the very important commandment and obligation of *pikuach nefesh*, nevertheless medical practice requires permission.

Why is this so? If the Torah hadn't given us this permission, we might well forbid any medical action, whether on the basis of its inherent danger, or because of human holiness and the holiness of life, which are beyond the grasp of mortals. Only because the Torah

gave permission to the doctor to heal is it a commandment and obligation to do so, based on *pikuach nefesh*. However, this permission has clear limitations. The Torah gives permission – but only to a doctor, and only to heal. Only a doctor should engage in medicine, and he should treat the human body only in order to heal it, and therefore the *Shulchan Aruch* continues with the following conditions: “Only someone who is knowledgeable in this field should be engaged in it, otherwise this falls in the category of murder.” On the other hand, someone who is able to be engaged in healing and does not do so is also considered as a murderer.

From the *Shulchan Aruch* it becomes clear that any medical question is in fact a purely *halachic* issue. Any action performed on the human body can fall into the category of either *pikuach nefesh* or murder; either assistance to a patient or harm to the supreme value of human holiness and the respect due to every individual. Therefore a doctor is not only limited and guided by the *halacha*, but rather involved entirely in *halacha*, and all his actions are in fulfillment of a commandment, because he is involved in the important mitzvah of *pikuach nefesh*. It is natural that every doctor needs the guidance of a Rabbi, and every Rabbi needs the expertise of a doctor in order to teach *halacha* concerning *pikuach nefesh*.

The interdependence of medicine and *halacha*, or – more precisely – of rabbis and doctors, was recognized throughout previous generations. Rabbis and doctors had no need for conferences such as this, because many of the greatest *halachic* authorities were actually practicing doctors. The greatest of the Amoraim, Rav and Shmuel, were doctors as were many of the Rishonim including the Rambam and Ramban, Rabbi Yehuda HaLevi, and others. Their medical knowledge testified to the importance of medicine as a mitzvah. Quite possibly they had no choice in the matter, for the greatest *halachic* authorities among Israel, by virtue of their great knowledge, were obliged to involve themselves in medicine. Anyone with a vast knowledge of *halacha* needs to acquire extensive knowledge of medicine. The *halachot* of *pikuach nefesh* on Shabbat and Yom Kippur, *halachot* of what physical conditions make an animal unfit for kosher consumption, *halachot* of blemishes pertaining to the sacrifices, etc. gave the great *halachic* authorities a vast amount of medical knowledge, and for this reason they were involved in medicine for, as we have seen, the *halacha* teaches us that someone who possesses the knowledge

and refrains from engaging in medicine is compared to a murderer. An example of medical knowledge acquired in the wake of *halachic* study is found in the *Gemara*: Rabba said of himself, “I spent eighteen months among the herdsmen in order to learn the difference between a transient blemish and a permanent one.” – After such skilled training, he was certainly able to use his knowledge not only in *halacha* but also for practical medicine.

Today our level of learning is not what it once was, and the rabbis who are engaged in medicine are few and far between. But we are fortunate to have the Falk Schlesinger Institute, the doctors and researchers who update the rabbis, and strengthen and intensify the connection between the rabbis and contemporary medical knowledge, so that more information is exchanged to the benefit of all. Medical development presents us with difficult questions which previous generations never dreamed of – an overview of the topics dealt with today, proves convincingly that the need to research and to delve into *halacha* certainly exists in order to provide the correct answers.

As the introduction and key to the various questions which are to be examined from the perspective of medicine, ethics and *halacha*, we should remember the fundamental rule that *halacha* holds the essence of medicine beyond the scope of mortals, since the supreme value accorded by *halacha* to human life is unlike the concept of medicine held by law or tradition. When we read the *halachic* formula, “Anyone who saves one life is compared to one who saves an entire world,” we understand that the value of human life is supreme, and therefore nothing in the world is equal in importance to even one human life. It must be remembered that human conceptions are temporary and based on short-term vision, but Torah concepts are eternal, based on the perspective of Him who sees all generations. For instance, murder is a very serious issue from a moral point of view, but in terms of eternity we cannot begin to estimate its significance. Only God, who understands concepts and their eternal significance, is able to do so. After the first murder in the Torah, Cain is told: “The blood of your brother calls out to me from the earth,” and “blood” is written in the plural form. Our Sages explain that the blood of Abel as well as the blood of all his descendants for all generations was crying out. This is the element which we do not see, and we are unable to estimate the damage and the loss in terms of eternity. We cannot know how

many generations and their blood are crying out. It is the same idea which stands at the base of the dictum that “Anyone who saves one life is compared to one who saves an entire world.” From here we derive all the medical concepts with which we are dealing. There is a fundamental difference between the narrow conception of man as a living being and the eternal concept which we derive from the Torah and which is anchored in *halacha*. There is a fundamental difference between the idea of fatherhood and parenthood as understood in human terms and its significance in terms of eternity. The same applies to birth, prolonging life, and all the other associated ideas.

Source: **The First International Colloquium on Medicine, Ethics & Jewish Law,**

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