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WHO HEALS THE SICK — GOD OR MAN?

INTRODUCTION

Does man have a part in shaping his future? Is man's lifespan on this earth predetermined or can man alter the course of events during his stay in this world. The predetermination of a person's lifespan, or lack thereof, has been discussed at length by philosophers and theologians including Jewish savants such as Rav Hai Gaon¹, Rav Saadia Gaon² and Moses Maimonides³ with most scholars concluding that the duration of life is not predetermined. What can man do, then, to lengthen his life? One way is to behave in the manner prescribed by God and receive as a reward "added years." Another way is to improve one's health so as to live longer. These alternatives pose the following questions: Does a sick person have the right to secure healing of his body or should the illness run its course without interference? Should a person rely solely on Divine providence for his physical as well as spiritual healing? These questions pertain to the patient. From the physician's standpoint, a similar series of questions can be raised. Is a mortal allowed by Jewish law to become a physician and practice medicine or does such an act constitute "interference with the deliberate designs of Providence?"⁴ Does a physician play God when he practices medicine? Part I of this paper deals with the duties of the physician; Part II discusses the role of the patient.

In a Midrashic story⁵ Rabbi Ishmael and Rabbi Akiba were walking through the streets of Jerusalem and met a sick man. The ill person asked: "Masters, tell me how I can be cured?" They answered: "Do thus and thus until you are cured." He

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said to them: "And who afflicted me?" "The Holy One, Blessed be He," they replied. He said: "And you interfered in a matter which is not your concern. God afflicted you and you wish to heal?" The Rabbis asked: "What is your vocation?" He responded: "I am a tiller of the soil. Here is the vine-cutter in my hand." They queried: "But who created the vineyard?" "The Holy One, Blessed be He," he answered. "You interfered in this vineyard which is not yours? He created it and you cut away its fruits?" they asked. "Do you not see the vine-cutter in my hands? Were I not to go out and plow and till and fertilize and weed, the vineyard would not produce any fruit," he explained. They said: "Fool, from your own work you have not learned what is written (Psalms 103:15): '*As for man his days are as grass.*' Just as the tree, if not weeded, fertilized and ploughed will not grow and bring forth its fruits . . . so it is with the human body. The fertilizer is the medicine and the healing means, and the tiller of the earth is the physician."

PART I

"FOR I AM THE LORD THAT HEALETH THEE" (Exodus 16:26).

The extreme viewpoint, namely, total rejection of the permissibility of human healing, was espoused by the Karaites who vehemently objected to medicine and physicians. They relied entirely on prayer for their healing as (*Shabbat* 32a):

Man must ever pray not to become ill for if he becomes so, it is demanded of him to show merit in order to be healed.

The Karaites must further have adhered to the literal interpretation of the following Biblical phrase (Exodus 16:26):

And he said: if thou wilt diligently hearken to the voice of the Lord, thy God and wilt do that which is right in His eyes, and wilt give ear to His commandments and keep all His statutes, I will put none

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of the diseases upon thee, which I have put upon the Egyptians, for I am the Lord that healeth thee.

The last phrase "for I am the Lord that healeth thee" literally translated from the original Hebrew means *for I am the Lord thy physician*. In fact, Rabbi Abraham Ibn Ezra, in his commentary, states that just as God "healed" the undrinkable waters at Marah for the Israelites, so too God will remove or heal all plagues on the earth and there will be no need for physicians. This perhaps is the basis for the Karaitic objection to human healing and medicine.

Alternate interpretations of the above Scriptural verse are possible. The Talmud (*Sanhedrin* 101a) asks if we are told that God "will put none of the diseases upon thee," what need is there for a cure? Rabbi Yochanan answers that the verse means as follows: "If thou wilt harken (to the voice of the Lord), I will not bring disease upon thee, but if thou wilt not, I will; yet even so, *I am the Lord that healeth thee*." Rabbi Baruch Halevi Epstein in his *Torah Temimah* explains that the intent of this Biblical phrase is to show that the illness of the Egyptians was incurable as it is written (Deut. 28:27): "the boil of Egypt . . . wherefrom one cannot be healed." However, afflictions of the Israelites can be healed by God.

The father of all Biblical commentators, Rashi, explains "for I am the Lord that healeth thee" to mean that God teaches the laws of the Torah in order to save man from these diseases. Rashi uses the analogy of a physician who says to his patient not to eat such and such a food lest it bring him into danger from disease. So too it is stated, continues Rashi, obedience to God "will be health to thy body and marrow to thy bones" (Prov. 3:8). In a similar vein, the extra Talmudic collection of Biblical interpretation known as the *Mechilta* asserts that the words of Torah are life as well as health as it is written (Prov. 4:22): "For they are life unto those that find them and health to all their flesh." Other commentators (*Sifsei Chachamim*, and Rabbi Samson Raphael Hirsch among others) extend this thought by propounding that the Divine Law restores

health, and certainly prevents illness from occurring, thus serving as preventive medicine against all physical and social evil.

Rabbi Jacob ben Asher, known as the *Ba'al Haturim*, states that heavenly cure comes easily whereas earthly or man-made cures come with difficulty. Finally, Rabbi Meir Leib ben Yechiel Michael, known as *Malbim*, in his commentary on the phrase "for I am the Lord that healeth thee" speaks of mental illness. He asserts that the Laws of the Torah were given by God to Israel not like a master ordering his slave but like a physician ordering his patient. In the former case, the master benefits, not the slave. In the latter case, the patient and not the physician is healed from illness. Similarly, God's statutes are for our benefit, not His.

The multitude of interpretations of the Scriptural phrase "for I am the Lord that healeth thee" indicates that this verse is not to be understood literally. There is no prohibition inherent in this verse against a mortal becoming a physician and healing the sick. In fact, specific permissibility and sanction for the physician to practice medicine is given in the Torah as described below. The physician, however, must always recognize that God is the true healer of the sick and that a doctor is only an instrument of God in the ministrations to the sick.

"AND HEAL HE SHALL HEAL" (Exodus 21:19).

Compensation for personal injuries is described in the Bible in the following verses (Exodus 21:19-20):

And if men quarrel and one smiteth the other with a stone or with his fist and he die not, but has to keep in bed . . . he must pay the loss entailed by absence from work and cause him to be thoroughly healed.

The last phrase translated literally reads "and heal he shall heal." The Talmud (*Baba Kamma* 85a) interprets this duplicate mention of healing as intended to teach us that authorization was granted by God to the physician to heal. Rashi extends the words of the Talmud when he asserts "lest it be said that God smites and man heals." Thus he implies that a need exists for

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specific Biblical sanctioning of human healing.

Many Biblical commentators including Rabbi Samson Raphael Hirsch and Rabbi Baruch Halevi Epstein (*Torah Temimah*) echo the above Talmudic teaching. That is, by the insistence or emphasis expressed in the double wording, the Torah uses the opportunity to oppose the erroneous idea that having recourse to medical aid shows lack of trust and confidence in Divine assistance. The Torah takes it for granted that medical therapy is used and actually demands it.

Other commentaries on the Scriptural phrase “and heal he shall heal,” including those of the *Mechilta* and Rabbi Meir Leib ben Yechiel Michael (*Malbim*), explain that the repetition of the word “heal” means that the patient must be repeatedly healed if the illness or injury recurred or became aggravated. In discussing the above case concerning personal injury, the Talmud (*Baba Kamma* 85a) also requires that where ulcers have grown on account of the wound and the wound breaks open again, the offender would still be liable to heal it (*i.e.*, pay the medical expenses) even repeatedly.

The most popular interpretation of “and heal he shall heal” (*Rashi*, *Targum Onkelos*, Talmud *Baba Kamma* 85a and others) is that compensation for the injury must be paid by the offender. Such compensation consists of five items: the physician’s fees and medical bills, payment for loss of time from work, the shame incurred by disfigurement, the pain suffered, and the physical damage produced. All agree, however, that human healing is sanctioned by this phrase of the Bible, if not explicitly, at least implicitly.

Rabbi Abraham Ibn Ezra seems to place a restriction on the permissibility for a physician to heal when he states that only external wounds can be healed by man. Internal wounds or ailments should be left to God. However, there is nearly universal acceptance that the sanctioning to the physician to heal is all inclusive, encompassing all internal and external physical and mental illness. In fact, a commentary on the Talmud by *Tosafot* specifically states (*Baba Kamma* 85a) that not only is it permitted to heal man-induced wounds but even heavenly-induced sicknesses and afflictions, *i.e.*, all illnesses.

“AND THOU SHALT RESTORE IT TO HIM. (Deut. 22:2).

The above Scriptural phrase refers to the restoration of lost property. Moses Maimonides says that this law also includes the restoration of the health of one's fellow man, if he has lost it. Thus, Maimonides derives the Biblical sanction for human healing from a different phrase in the Scriptures than most other Jewish savants. Rabbi Baruch Halevi Epstein (*Torah Temimah*) in two separate places (Deut. 22:2 and Exodus 21:19) asks why Maimonides totally omits the phrase “and heal he shall heal” as a warrant for the physician to heal. Epstein offers an answer to his own question when he states that the verse in Exodus only grants permission for a physician to heal whereas “and thou shalt restore it to him” makes it obligatory.

Maimonides' reasoning is probably based upon a key passage in the Talmud (*Sanhedrin* 73a) where it states: “whence do we know that one must save his neighbor from the loss of himself? From the verse ‘and thou shalt restore it to him’.” Thus, not only if one is sick is a physician required but also if someone is attempting suicide, one must provide psychiatric or other competent assistance to save the person's life and health. Maimonides' major pronouncement on this matter is found in his *Commentary on the Mishnah* (Nedarim 4:4). He states:

It is obligatory from the Torah for the physician to heal the sick and this is included in the explanation of the Scriptural phrase “and thou shalt restore it to him,” meaning to heal his body.

“NEITHER SHALT THOU STAND IDLY BY THE BLOOD OF THY NEIGHBOR” (Levit. 19:16).

Duties toward our fellowmen are described in Leviticus 19:11-16. According to Hertz,⁶ these precepts restate the fundamental rules of life in human society that are contained in the Second Tablet of the Decalogue. These moral principles were expounded by the Sages and applied to every phase of civil and criminal law. One example, cited in the Talmud (*Sanhedrin*

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73a) is:

Whence do we know that if a man sees his neighbor drowning or mauled by beasts or attacked by robbers, that he is bound to save him? From the verse "thou shalt not stand idly by the blood of thy neighbor."

Maimonides codifies the above Talmudic passage in his *Mishneh Torah* (*Hilkhot Rotzeach* 1:14) where he states:

Whoever is able to save another and does not save him transgresses the commandment "neither shalt thou stand idly by the blood of thy neighbor" (Levit. 19:16). Similarly, if one sees another drowning in the sea, or being attacked by bandits or being attacked by a wild animal and is able to rescue him . . . and does not rescue him . . . he transgresses the injunction "neither shalt thou stand idly by the blood of thy neighbor."

Such a case of drowning in the sea is considered as loss of one's body and therefore, if one is obligated to save a whole body, one must certainly cure disease which usually afflicts only one part of the body.

CODE OF JEWISH LAW AND MEDICAL PRACTICE.

From the discussion so far, it seems evident that permission for the physician to heal is granted in the Torah from the phrase "and heal he shall heal." Some scholars, notably Maimonides, claim that healing the sick is not only allowed but is actually obligatory. Rabbi Joseph Karo, in his Code of Jewish Law (*Shulchan Arukh*, *Yoreh Deah* No. 336) combines both thoughts.

The Torah gave permission to the physician to heal; moreover this is a religious precept and it is included in the category of saving life; and if he withholds his services, it is considered as shedding blood.

Rabbi David ben Shmuel Halevi, known as *Taz*, asks: If it is a religious precept to heal, why did the Torah have to grant

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specific permission for the physician to do so? His answer is that true healing lies only with God, but God gives the physician the wherewithal to heal by earthly or natural means. Once permission has been granted, then it is a commandment on the physician to heal. A similar thought is expressed by Rabbi Abraham Maskil Le'aytan, known as *Yad Avraham*, who states that permission is only granted if the physician heals with his heart toward heaven.

Rabbi Shabtai ben Meir HaKohen, known as *Sifsei Kohen*, offers an alternate reason for the Torah granting permission to heal — that is in order to avoid the physician saying “who needs this anguish? If I err, I will be considered as having spilled blood unintentionally.” In a similar vein, Karo, in his *Beth Yoseph* commentary on Jacob ben Adher's Code of Jewish Law called the *Tur* (*Yoreh Deah*, No. 336), quotes Nachmanides, himself a physician, who says that without the warrant to treat, physicians might hesitate to treat patients for fear of fatal consequences “in that there is an element of danger in every medical procedure; that which heals one may kill another.”

The Jewish attitude toward the physician and his medical art, as well as the patient's responsibility to seek medical aid is beautifully depicted by Ben Sira (Eccles. 38) who perceived in the physician an instrument of Providence as he expresses it:⁷

Honor a physician before need of him
Him also hath God apportioned.
From God a physician getteth wisdom
And from a king he shall receive gifts.
The skill of a physician shall lift up his head
And he shall stand before nobles
God bringeth out medicines from the earth
And let a prudent man not refuse them.
Was not water made sweet with wood
For to acquaint every man with His power?
And He gave man understanding
To glory in His might.
By them doth the physician assuage pain
And likewise the apothecary maketh a confection,
That His work may not fail
Nor health from among the sons of men.
My son, in sickness be not negligent

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Pray unto God, for He will heal.
Flee from iniquity, and from respect of persons
And from all transgressions cleanse thy heart.
Offer a sweet savor as a memorial
And fatness estimated according to thy substance.
And to the physician also give a place
And he shall not remove, for there is need of him likewise,
For there is a time when in his hand is good success.
For he too will supplicate unto God
That He will prosper to him the treatment
And the healing, for the sake of his living.
He that sinneth against his Maker
Will behave himself proudly against a physician.

PART II

From the three Biblical citations cited and from Part I, it is perfectly clear that the Torah gave specific sanction to the physician to heal and, according to some authorities, made it obligatory upon him to provide his medical skills to cure disease. It is not evident from the above, however, that the patient is permitted by Jewish law to seek human healing. Is an individual who asks a physician to treat him denying Divine Providence? Is such an individual transgressing the Biblical teaching "For I am the Lord that healeth thee" (Exodus 15:26)? Is a person's illness an affliction by God that serves as punishment for wrongdoing? And does such a person remove his atonement for sin by not accepting the suffering imposed by Divine judgment? Should there be, or is there a distinction between heavenly afflictions and man-induced sickness in regard to the patient seeking medical aid? How does one define heavenly illness? What is cancer—God induced (*i.e.*, genetic) or man induced (*i.e.*, drugs, viruses, irradiation), or both? The number of such questions is endless and lengthy prose could be written attempting to analyze them.

The two sides of the question are illustrated in the Talmud (*Berakhot* 60a) where it states that on going to be phlebotomized, a person should recite the following prayer:

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May it be Thy will, O Lord my God, that this operation may be a cure for me and mayest Thou heal me for Thou art a faithful healing God and Thy healing is sure since men have no power to heal but this is a habit with them.

From this passage it would appear that conflicting viewpoints could emerge. The fact that the Talmud describes a patient going to a physician for an operative procedure can be interpreted to mean that certainly this is permissible. The only requirement is for the patient to recognize that the physician is acting as an agent of the Divine healer. In fact, *Rashi* explains the Talmudic passage to mean that the afflicted person should have prayed for Heavenly intervention rather than human healing and perhaps the bloodletting might not have been necessary.

On the other hand, the Talmudic statement continues with an assertion by Abaye to the effect that a patient should not utter such a prayer because, in fact, the Torah gave specific consent for human healing in the phrase "and heal he shall heal." Therefore, says Abaye, a patient should seek the help of a physician. A similar but not identical prayer is found in the Codes of Jewish Law of Maimonides (*Hilkhot Berakhot* 10:21) and Rabbi Joseph Karo (*Shulkhan Arukh Orach Chayim* No. 230:4).

A rather negative attitude to the question of the patient obtaining medical assistance is taken by Nachmanides who, in his commentary on the Scriptural phrase "and My soul shall not abhor you" (Levit. 26:11), states that God will remove sickness from among the Israelites as he promised "for I am the Lord that healeth thee" (Exodus 15:26). The righteous, continues Nachmanides, during the epochs of prophethood, even if they sinned and became ill, did not seek out physicians, only prophets. What therefore is the need for physicians if God promised to remove all sickness from man? To advise which foods and beverages to avoid in order not to get sick, answers Nachmanides, himself a physician. He explains the phrase "and heal he shall heal" to mean that the physician is allowed to practice medicine but the patient may not seek his healing but must turn to Divine Providence. Only people who do not believe in the healing powers of God turn to physicians for their cure, and for

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such individuals the Torah sanctions the physician to heal. The latter should not withhold his healing skills for fear lest the patient die under his care nor should he say that God alone heals.

Other than the Karaites who strongly objected to physicians and medicines, Nachmanides seems to stand alone in his apparent prohibition for patients to seek medical aid. It is possible that he refers only to the righteous who are free of illness because of their piety and who do not require human healing. Perhaps the general populace, however, even devout believers in God, are allowed to seek human healing. Such an interpretation of Nachmanides' discussion is found in the commentary of Rabbi David ben Shmuel Halevi (popularly known as the *Taz* or *Turei Zahav*) on Karo's Code of Jewish Law (*Yoreh Deah* No. 336:1). It may also be that Nachmanides refers only to heavenly illnesses, but for man-induced wounds and sicknesses healing may be sought.

Karo does not seem to make such a distinction when he states (*Orach Chayim* No. 571) that

He who fasts and is able to tolerate the fast is called holy; but if not, such as if he is not healthy and strong, he is called a sinner.

It appears evident from this quote that it is an obligation upon man to take all possible action to insure a healthy body, and this includes the services of a physician. A less likely interpretation of Karo's statement is that if a person is able to tolerate sickness or pain, just as in the case of the fast, he should do so and not seek medical aid.

Another source that can be interpreted either in support or against the permissibility for a patient to obtain human healing is the following story related in the Talmud (*Berakhot* 5b). Rabbi Yochanan once fell ill and Rabbi Chanina went to visit him saying "Are your sufferings welcome to you?" Rabbi Yochanan replied "neither they nor their reward," implying that one who lovingly accepts sufferings in this world will be greatly compensated in the world to come. Rabbi Chanina then said "Give me your hand" which Rabbi Yochanan did, and he cured

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him. Why could not Rabbi Yochanan cure himself, asks the Talmud? The reply is "because the prisoner cannot free himself from jail," meaning the patient cannot cure himself. On the one hand, we see that Rabbi Yochanan required healing from Rabbi Chanina, and yet he did not use human healing as he cured Rabbi Yochanan by touching his hand.

The strongest evidence from Jewish sources that gives the patient permission to seek treatment from a physician is found in Maimonides' *Mishneh Torah*. He states (*Hilkhot Deot* 3:3) that a person should

set his heart that his body be healthy and strong in order that his soul be upright to know the Lord. For it is impossible for man to understand and comprehend the wisdoms (of the world) if he is hungry and ailing or if one of his limbs is aching . . .

He also recommends (*ibid.* 4:23), as does the Talmud (*Sanhedrin* 17b), that no wise person should reside in a city that does not possess a physician. Maimonides' position is further stated (*ibid.* 4:1) as follows:

Since when the body is healthy and sound (one treads in) the ways of the Lord, it being impossible to understand or know anything of the knowledge of the Creator when one is sick, it is obligatory upon man to avoid things which are detrimental to the body and acclimate himself to things which heal and fortify it.

An English translation of this entire chapter in Maimonides' Code that deals with hygienic principles is available for the interested reader (*Journal of the American Medical Association*, Vol. 194:1352-1354, Dec. 27, 1965).

There are numerous Talmudic citations which support the position that not only allows but requires the patient to seek medical aid when sick. We are told (*Baba Kamma* 46b) that he who is in pain should go to a physician. Further (*Yoma* 83b), if one is bitten by a snake, one may call a physician even if it means desecrating the Sabbath because all restrictions are set aside in the case of possible danger to human life. Similarly (*Avoda Zara* 28b), if one's eye becomes afflicted on the Sab-

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bath, one may prepare and apply medication thereto, even on the Sabbath. When Rabbi Judah the Prince, compiler of the *Mishnah*, contracted an eye disease, his physician Samuel Yarchina'ah cured it by placing a vial of chemicals under the Rabbi's pillow so that the powerful vapors would penetrate the eye (*Baba Metzia* 85b). The Talmud also speaks (*Ketubot* 75a) of another physician curing a patient. Finally (*Baba Kamma* 85a), in a case of bodily injury where the offender says to the victim that he will bring a physician who will heal for no fee, the victim can object and say "a physician who heals for nothing is worth nothing." If the offender offers to bring a physician from far away, the victim may say "my eye will be blind before he arrives." If the injured person says to the offender "Give me the money and I will cure myself" the latter can retort "you might neglect yourself and remain a cripple." From these and other Talmudic passages, it seems evident that an individual is undoubtedly permitted and probably required to seek medical attention when he is ill.

Further support for this contention is mentioned by the present Chief Rabbi of Great Britain, Immanuel Jakobovits, who cites the 15th century philosopher Isaac Arama's work *Akedath Yitzchak*. Rabbi Arama proves from Biblical narratives such as the Patriarchs' efforts to save themselves when in danger, and legislation such as the duty to construct parapets around roofs (Deut. 22:8) for the prevention of accidents, that man must not rely on miracles or Providence alone, but must himself do whatever he can to maintain his life and health.

Rabbi Chayim Azulai, an 18th century commentator on Karo's *Code of Jewish Law*, writing under the pen name of *Birke Yoseph*, summarized Jewish thought and practice relating to our question. His views are cited in *Jewish Medical Ethics* as follows:

Nowadays one must not rely on miracles, and the sick man is in duty bound to conduct himself in accordance with the natural order by calling on a physician to heal him. In fact, to depart from the general practice by claiming greater merit than the many saints (in previous) generations, who were cured by physicians, is almost sinful on account of both the implied arrogance and the reliance on miracles

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when there is danger to life . . . Hence, one should adopt the ways of all men and be healed by physicians . . .

One might arrive at the same conclusion if one were to literally interpret the Pentateuchal admonition "Take ye therefore good heed unto yourselves" (Deut. 4:15).

NOTES

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