



the rabbinic call for human rights

266 West 37th Street, Suite 803 New York, NY 10018
212-845-5201 • www.truah.org • @truahrabbis
www.Facebook.com/TruahRabbis

A NATIONAL CALL for MORAL REVIVAL

ECOLOGICAL DEVASTATION AND HEALTH: CLEAN AIR, CLEAN WATER, AND HEALTHCARE FOR ALL

Rabbi Suzanne Singer

When we think about health, we often think narrowly in terms of access to affordable, quality healthcare and health insurance. That is, of course, necessary but not sufficient, and this text study aims to broaden the conversation to include all the things people need to be healthy, both in the short and long term.

I. THE FOUNDATIONS OF HEALTH

A. Babylonian Talmud, *Sanhedrin* 17b

A scholar [of Torah] should not reside in a city where [any of] the following 10 things is missing: 1. A court of justice that [has the power to] impose flagellation and decree monetary penalties; 2. A *tzedakah* fund collected by [at least] two people and distributed by [at least] three; 3. A synagogue; 4. Public baths; 5. A privy; 6. One who performs circumcisions [a *mohel*]; 7. A physician; 8. A scribe [who also functions as a notary]; 9. A [kosher] butcher; 10. And a schoolmaster. Rabbi Akiva is quoted as including also several kinds of fruit [in the list] because they illuminate the eyes.

ותניא כל עיר שאין בה עשרה דברים הללו אין תלמיד חכם רשאי לדור בתוכה בית דין מכין ועונשין וקופה של צדקה נגבית בשנים ומתחלקת בשלשה ובית הכנסת ובית המרחץ וביהכ"ס רופא ואומן ולבלר (וטבח) ומלמד תינוקות משום ר' עקיבא אמרו אף מיני פירא מפני שמיני פירא מאירין את העינים :

What does this text teach about the basic elements necessary for dignified, healthy living? Does anything in the list surprise you? What is missing?

B. *Midrash Bereshit Rabbah* 13:3

In Hebrew the words for rain (*matar*/מטר), earth (*aretz*/ארץ) and humanity (*adam*/אדם) each consist of three letters.

Rabbi Shimon ben Yohai said: Three things are equal in importance: earth, humanity, and rain. Rabbi Levi ben Hiyya said: And these three each consist of three letters, to teach that without earth there would be no rain, and without rain there would be no earth; while without either humanity could not exist.

אמר רבי שמעון בן יוחאי ג' דברים שקולין זה כזה, ואלו הן ארץ ואדם ומטר, אמר רבי לוי בר חייא ושלשתן מגי אותיות, ללמדך שאם אין ארץ אין מטר ואם אין מטר אין ארץ, ואם אין שניהם אין אדם.

How do the rabbis of this midrash add to your picture of what is necessary for health?

C. Ezekiel 34

18 Isn't it enough for you to keep the best of the pastures for yourselves? Must you also trample down the rest? Isn't it enough for you to drink clear water for yourselves? Must you also muddy the rest with your feet? **19** Why must my flock eat what you have trampled down and drink water you have fouled? **20** "Therefore, this is what the Sovereign LORD says: I will surely judge between the fat sheep and the scrawny sheep. **21** For you fat sheep pushed and butted and crowded my sick and hungry flock until you scattered them to distant lands. **22** So I will rescue my flock, and they will no longer be abused. I will judge between one animal of the flock and another.

(יח) המעט מכם המרעה הטוב תרעו ויתר מרעיכם תרמסו ברגליכם ומשקע מים תשתו ואת הנותרים ברגליכם תרפשו: (יט) וצאני מרמס רגליכם תרעינה ומרפש רגליכם תשתינה: (כ) לכו פה אמר אדני ה' אליהם הנני אני ושפטתי בין שה ברנה ובין שה רזה: (כא) וען בצד ובקתף תהדפו ובקרניכם תנגחו כל הנחלות עד אשר הפיצותם אותנה אל החוצה: (כב) והושעתי לצאני ולא תהינה עוד לבז ושפטתי בין שה לשה:

What does Ezekiel add to the discussion thus far? To whom do you imagine he is speaking in this prophecy?

II. RESTORING LOST HEALTH

A. *Shulchan Aruch, Yoreh De'ah 336:1*

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

נתנה התורה רשות לרופא לרפאות. ומצוה היא. ובכלל פקוח נפש הוא. ואם מונע עצמו, הרי זה שופך דמים...

Where does this text place the responsibility for a person's health? What do you like about that approach? What bothers you about it?

B. *Babylonian Talmud, Ta'anit 21b*

Then he [Abba, the expert bleeder] had a certain place where his fee for bleeding was deposited, and which was so arranged that as soon as it was touched a bell was heard; but he never looked at the amount deposited, and, those that had not the necessary amount would merely touch the place and depart. If a young scholar came to him to be bled, he would not only refuse to accept money, but would give him money, saying: 'Take this and become well, for after bleeding a good meal should be eaten.'

ואית ליה דוכתא דצניעא דשדי ביה פשיטי דשקיל דאית ליה שדי ביה דלית ליה לא מיכסוף כי הוה אתרמי ליה צורבא מרבנן אגרא מיניה לא שקיל ובתר דקאי יהיב ליה פשיטי ואמר ליה זיל בריא נפשך

How would you describe Abba's approach to healthcare?

III. COMMUNAL RESPONSIBILITY

A. *Shulchan Aruch, Yoreh De'ah 249:16*

There are those who say that the commandment to [build and support] a synagogue takes precedence to the commandment to give tzedakah. [That is incorrect.] The commandment to give money to the youth to learn Torah or to the sick among the poor takes precedence over the commandment to build and support a synagogue.

יש מי שאומר שמוצות בית הכנסת עדיף ממוצות צדקה, ומוצות צדקה לנערים ללמוד תורה או לחולים עניים עדיף ממוצות בית הכנסת.

Why do our sages give precedence to the youth and the sick over building a synagogue?

If you were to generalize this text to a broader American context, what might the synagogue stand for? What priorities is it setting, and how do you see those reflected or not reflected in America today?

B. CCAR Responsa 5754.18 Physicians and Indigent Patients **Physicians alone should not bear the burden:**

“...Still, the duty to save life does not necessarily fall upon the physician as an individual. The commandment of *pikuach nefesh* [saving a life] is addressed to all of us, not just to a particular class of persons; the physician has no greater obligation than does anyone else to save life. This is a key element in the Jewish legal theory which permits physicians to be paid for their work:¹ when a positive commandment is incumbent upon all members of the community, no one person can be required to perform it for free.² Physicians are entitled to reasonable compensation because, though they render a service that only trained professionals are allowed to administer,³ they are the agents of the community. The *mitzvah* they perform is our *mitzvah*, not just theirs. Like others who provide vital public services, they are the means by which each of us fulfills the individual responsibility to save life. **Thus, if it costs money to perform the *mitzvah*, that expense ought to be borne by the community, by all of us together, and not by doctors alone.**⁴ **It is arguably unfair to require that physicians treat indigent patients without adequate compensation.**” (emphasis added; footnotes in original)

How does it feel to read that it is a *mitzvah* incumbent on all of us to care for the sick? In what way do you see, or might we come to see, healthcare providers (doctors, nurses, nursing assistants, and so on) as our agents in fulfilling this *mitzvah*?

C1. Shulchan Aruch Yoreh De'ah 252:4

We do not redeem captives for more than their worth out of considerations of fixing the world, so that the enemies will not dedicate themselves to take them captive. An individual, however, may redeem himself for as much as he would like...

אין פודין השבויים יותר מכדי דמיהם,
מפני תקון העולם, שלא יהיו האויבים
מוסרים עצמם עליהם לשבותם. אבל אדם
יכול לפדות את עצמו בכל מה שירצה...

C2. Rabbis Elliot N. Dorff and Aaron L. Mackler, “Responsibilities for the Provision of Health Care,” Committee on Jewish Law and Standards of the Rabbinical Assembly, Teshuvah, 1998.⁵

“While this source speaks of redemption from captivity and not health care, the duty to redeem captives is based on the danger to their lives in captivity...[T]his rule about financing a person’s freedom is thus a reasonable source for determining whether an individual has a financial responsibility for his or her own health care as well, and the ruling makes it clear that one does...In the provision of health care as in other areas, the Jewish tradition does not enforce a ceiling of the resources one may spend for one’s own benefit, but rather seeks to establish a floor that, at a minimum, assures at least the basic needs for all.”

What does it mean to you to assign a monetary value to a human life?

Is it fair for a wealthy person to be able to spend unlimited resources on his/her own health care while the community is limited in how much it can spend on someone without means? Is there any way to balance this out?

¹ Can one be paid for performing a *mitzvah*? Not precisely, say the rabbis; but one may be compensated for the expense incurred in doing that *mitzvah* as well as for the time which one might otherwise have spent in gainful employment. See SA, YD 336:2.

² Ramban, Torat Ha-Adam, p. 45; Isserles, SA, YD 336:3.

³ SA, YD 336:1.

⁴ See R. Eliezer Waldenberg, Responsa *Tzitz Eliezer*, v. 5, Ramat Rachel, ch. 24, # 6. On this reasoning, R. Shlomo Goren permits doctors to strike. So long as they provide medical treatment at a reasonable cost, the responsibility for meeting that cost rests upon the government. See *Sefer Assya*, v. 5, 1986, pp. 41-54.

⁵ www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/19912000/dorffmackler_care.pdf