The Mitzvah of Medicine, Part 2

The Freehof Institute of Progressive Halakhah

Twelve-Minute Shiur #28

Mishnah N'darim 4:4

מודר הנאה מחבירו ונכנס לבקרו עומד אבל לא יושב ומרפאהו רפואת נפש אבל לא רפואת ממון

If one is forbidden by vow to benefit from his fellow, and the fellow visits him [i.e., to perform the *mitzvah* of *bikur ḥolim*], his fellow may stand but not sit, and his fellow may heal his life but not his property.

Rambam, Commentary to M. N'darim 4:4

ולא נאסר זה לחולה עצמו מפני שהיא מצוה כלומר שחייב הרופא מן הדין לרפאות חולי ישראל והרי הוא בכלל אמרם בפירוש הכתוב והשבתו לו לרבות את גופו שאם ראהו אובד ויכול להצילו הרי זה מצילו בגופו או בממונו או בידיעתו.

This medical treatment is not forbidden to the patient because it is a *mitzvah*, that is to say the physician is obligated (*ḥayav*) under Torah law to heal Jews who are ill. The Sages derive this *mitzvah* in their understanding of the verse (Deuteronomy 22:2) "you shall restore it to him." This means one is obligated to save the life of another. Thus, if one sees another in danger and has the ability to save him, he must do so, whether through physical action, with money, or with his knowledge.

Deuteronomy 22:1-2

לְאֹ־תִּרְאֶהْ אֶת־שׁוֹר אָחִידּ אָוֹ אֶת־שִׂיוֹ נִדָּחִים וְהִתְּעַלַמְתָּ מֵהֶם הָאֵב תְּשִׁיבֶם לְאָחֵידּ : וְאִם־לֹא קָרָוֹב אָחֵידּ אֵלֶידּ וְלָא יְדַעְתִּוֹ וַאֲסַפְּתּוֹ אֶל־תִּוֹדְ בֵּיתֶּדְ וְהָיָָה עִמְּדְּ עַד דְּרָשׁ אָחִידּ אֹתוֹ <mark>וַהְשֵּׁבֹּתְוֹ</mark> לְוֹ :

If you see your fellow's ox or sheep gone astray, do not ignore it. You must take them back to your fellow.

If your fellow does not live near you or if you do not know who he is, you shall bring it into your home. It shall remain with you until your fellow claims it, and you shall return it to him.

31	B. Sanhedrin 73a
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34	מנין לרואה את חברו שהוא טובע בנהר או חיה גוררתו או לסטין באין עליו שהוא חייב להצילו?
35	תלמוד לומר לא תעמד על דם רעך.
36	והא מהכא נפקא! מהתם נפקא: אבדת גופו מניין - תלמוד לומר והשבתו לו!
37	אי מהתם הוה אמינא: הני מילי - בנפשיה, אבל מיטרח ומיגר אגורי - אימא לא, קא משמע לן.
38	
39	How do we know that one is obligated to rescue his fellow whom he sees drowning in the
40	river, being attacked by a wild beast, or beset by robbers? Scripture says (Leviticus
41	19:16): you shall not stand idly by the blood of your neighbor.
12	
1 3	Does the obligation stem from that verse? Doesn't it stem from here: how do we know
14	that one is obligated to restore [i.e., to save] the life of one who is threatened (aveidat
1 5	gufo)? Scripture says (Deuteronomy 22:2): you shall restore it to him.
16	graph, and the same of the sam
1 7	If we only had the Deuteronomy verse, I might have learned from it that one is obligated
48	to save another only when he can do it personally but that one is not obligated to take the
19	additional step of hiring hire another rescuer if one cannot personally save the victim.
50	Therefore, the Torah gives us the Leviticus verse.
,0	Therefore, the Total gives as the Devideus verse.