

## פרשת משפטים

"רק שבתו יתן ורפא ירפא" – The Pasuk describes the obligation of a man who strikes and injures another man. He must pay for his loss of work and his doctor fees. The Gemarah learns from the words ורפא ירפא, that a doctor is indeed allowed to treat and heal a sick person. One may have thought "what right does a doctor have to treat a patient"? Hashem has decreed that this person be sick, what right does the doctor have to interfere with Hashem's plan and make the person healthy?! Hashem says מחי "be sick" - but the doctor says מי "be healed" - how can this be?! The Pasuk therefore says ורפא ירפא - he shall indeed heal, a doctor **does** have permission from the Torah to treat and heal. Incidentally, the Torah gives the doctor the right to **heal**, but **not** the right to discourage a sick person by telling them that they have no hope and no chance of recovery! Ultimately it is all in the hands of Hashem and everyone should have hope and rely on the mercy of Hashem. (There is a story of a man who came to his Rabbi looking very sad. His Rabbi asked; what is wrong? He replied that he had just gotten back from the doctor who had told him that he had 6 months to live. The Rabbi told him you are very lucky! Why? The man asked. The Rabbi explained; I don't even know if I will live until tomorrow and you just got a guaranteed six months!!)

There is a Gemarah in Kedushin 'דף פב' that says: "טוב שברופאים לגיהנום"- literally; "the best of doctors go to Gehinom" (incidentally, a hint that this Gemarah is found on page 82- is that the last letters of טוב שברופאים לגיהנום are מ-מ-ב which numerically equal 82). What is meant by this statement- the best of doctors go to Gehinom! How could this possibly be?? Many great sages including the רמבם and Rabbis of the Gemarah were doctors, can we possibly say that this statement refers to them?! Obviously this statement has a deeper meaning and should be analyzed and understood at more than just face value. The Rabbi gave 18 different ways to understand this statement!

- 1) The Gemarah is really referring to the doctors that are goyim, who over the course of time have been known to secretly attempt to murder Jews in there administering of various "treatments". Originally the Gemarah clearly mentioned that it was only referring to the goyim doctor's, but over the years the Gemarah had been

censored in order not to cause conflict between us and the goyim. (An example a Gemarah causing conflict is the Gemarah that says that Jews are called בני אדם humans, implying that the Goyim do **not** have this title. This caused the Jews major problems. Therefore the Rabbis reviewed and censored many statements that they felt will cause problems with the nations.)

- 2) Rashi explains that it is referring to a doctor that thinks that he is “above” Hashem’s help. He only intakes healthy food and drink and does not fear becoming sick, therefore he does not humble himself before Hashem. This is the doctor that goes to Gehinom. This is illustrated in a story of a famous fitness guru that proclaimed on television that he was in such good shape he was practically “invincible”! During the commercial he suffered a massive heart attack and dropped dead. Imagine the surprise of the viewers when the commercial was over they were told that the perfectly fit guru was dead!
- 3) Rashi gives a second explanation that it is referring to a doctor that through his negligence he kills some of his patients. We have even heard of “death doctors”- doctors killing people **willingly** so that they can take there organs or for other various reasons!!
- 4) Rashi gives an additional explanation, the statement is referring to those doctors who only treat patients that are wealthy enough to pay for the treatments, but he does **not** treat those that do not have the means to pay. (Unfortunately today the first and most important question many doctors ask is which insurance do you have? They must confirm first that they will get their money before they even look at the patient no matter how dire the situation)
- 5) Maharsha explains that it refers to a doctor that thinks that he is too good-טוב-to ask advice from his colleagues, he feels that he himself knows everything and since he refuses to ask advice he puts the live of his patients at risk. These are the doctors that go to Gehinom. Everyone should ask advice, even the great Rabbis in their study of Torah ask of other Rabbis how they understood the portion they are studying.
- 6) A doctor needs to be רחמן ונאמן- he needs to have mercy but at the same time must be relied upon to administer the proper treatment, even though it is not

pleasant to administer painful treatment to a sick patient. The doctor must do so anyways, in order to properly heal him. A doctor that is too kind and “good”-טוב- to administer a painful treatment to a patient is actually acting very cruel to him, since the patient needs this treatment in order to be healed. It is these doctors that the Gemarah is referring to when it says they go to Gehinom.

- 7) It is **not** to be understood that the best of doctors go to Gehinom, it is actually describing a good doctor. טוב שברופאים-the **good** doctors are the ones who feel like Gehinom is “open” under them, as they treat a patient. Like a judge, who is supposed to visualize that Gehinom is open under him as he is giving a judgment, because if he rules incorrectly he will improperly give one man’s money to the other man and this is comparable to theft! Therefore the judge is very careful and cautious during judgment. So too a doctor has to realize that even a slight error can endanger the life of his patient and when he is this careful, and imagines that Gehinom is under him, he is called טוב שברופאים-a good doctor.
- 8) Hacham Baruch z'l would answer that in the Amidah we have 18 Berachot. One of them is Refaeinu- the blessing that we ask Hashem for a Refuah Shelemah. A doctor may be tempted to skip this Berachah since this is not good for business!! If everyone was healed then he would be out of a job! So when it says טוב שברופאים it really is referring to this doctor who skips the blessing of Refaeinu and would prefer people to be sick. This is hinted to in the word טוב which is numerically 17 showing that the doctors who only say 17 Berachot in the Amidah- because they omit Refaeinu- are the ones that go to Gehinom!
- 9) It is referring to a doctor that when he sees a room full of sick patients in his office he exclaims; very good! He is excited about the money he stands to make from all the sick people. If that is his mentality- that he thinks, טוב –good – that he has so many sick patients. He goes to Gehinom!
- 10) It is referring to the doctor who actually has or knows of medications that can heal people, but withholds the medication in order to maximize his profits. Much like we see with some of the large pharmaceutical companies that actually have all the necessary medication for a certain ailment but only release one type of the medication, then only after a few months would release a more powerful “extra strength” dose so that people obviously will be forced to repurchase their

medication, and so on... These doctors that keep the טוב-good- medications to themselves in an effort to increase profits, they go to Gehinom.

11) There are people that are born under a certain Mazal or constellation that is called מאדים. Their nature is for some type of activity that entails the involvement of blood. King David was born under this Mazal and he used it to wage wars and battle the enemies of the Jews. Eisav Harasha on the other hand, was also born under this Mazal and became a murderer. Someone who is born under this Mazal is encouraged to use this for a positive and constructive purpose, such as becoming a doctor or butcher (both entail blood). However someone that is **not** born under this Mazal is encouraged not to get involved with the “blood” entailed in these jobs. A person who is not born under this Mazal, and nonetheless becomes a doctor is what the Gemarah is referring to when it says they go to Gehinom.

12) Being a doctor is very time consuming and difficult. Very often, a doctor does not have the time to devote to Torah and religion. However when a doctor comes along and manages to devote the proper time and focus on Torah and Misvot, he in effect is “Mehayev”-obligates all other doctors. Since if **he** could do it why couldn't they do it?! The excuse of being too busy is lost since this doctor was also very busy but managed to devote the proper time to Hashem! If he could do it you can do it! (Much like Hillel was Mehayev the poor people to study Torah. He was so poor that he could not afford the entry fee for the Midrash so he climbed up to the skylight to hear the words of שמעיה ואבטליון and ended up needing to be revived since he froze on the roof! Hillel obligated all the poor people and “took away” their excuse of being too poor to learn Torah. Yosef obligated all handsome men to learn Torah, since he was the most handsome of men but still remain devoted to Torah. Yosef took away their excuse of being so busy pursuing their lusts that they had “no time” to devote to study Torah. R' Elazar Ben Hisma obligated all wealthy man to study Torah, since he was fantastically wealthy (the Gemarah describes in detail his vast wealth) and was still devoted to the Torah. He took away the excuse of being “too busy” tending to his many assets to study Torah. These three are hinted to in the Pasuk ; רבות מחשבות בלב ; “many are the thoughts of man but what Hashem decides stands” the word היא stands for אלעזר, יוסף, הלל. Many are the thoughts of man- they think they have good excuses for not following the Torah- but in reality- היא

תקום - the three Sadikim אלעזר, יוסף, הלל, obligate them and render their excuses invalid!) טוב שברופאים - the **good** doctor- that studies Torah and does misvot – obligates the other doctors that do not do so, and therefore sends **them** to Gehinom.

- 13) Sometimes the medication or treatment that a doctor administers to a patient “burns” the patient like “Gehinom”. It is the proper medication and it will eventually heal the patient. A doctor that knows of this treatment and gives it, thereby healing his patient is considered טוב-a good doctor. טוב שברופאים - who is a **good** doctor? The one that administers the proper medication that **feels to the patient** as “uncomfortable as Gehinom”.
- 14) Who is the real doctor? The Rabbi who teaches Torah to his students. The Torah is called טוב - as it says "כי לקח טוב נתתי לכם תורת אל תעזבו" - and the Torah saves people from Gehinom. טוב שברופאים - the “doctor”(rabbi) who teaches טוב-Torah – are the **real** doctors since they save people **from** Gehinom.
- 15) One who embarrasses his fellow Jew is actually given all the sins of the one he embarrassed. He “wipes his slate clean” from sin. We say in the Birkat Hamazon: "רפואת הנפש ורפואת הגוף" this shows us there are two kinds of Refuah, a physical one and a spiritual one. One who has all his sins removed is spiritually healed- רפואת הנפש. When a man embarrasses his fellow, he takes away all his sins thereby spiritually healing him. טוב שברופאים - the best of **spiritual** doctors- the ones that heal by insulting someone thereby removing his sins- לגיהנם-are the ones that go to Gehinom for this act of embarrassing their fellow! They are the “best” spiritual doctors, but they go to Gehinom for the sin of embarrassing their fellow Jew!
- 16) The statement is referring to a doctor that indeed is an excellent doctor, but refuses to share his knowledge and expertise with anyone else. His desire is that he alone remain the best in his field and therefore deprives other doctors from learning from him and potentially saving lives. Man was created to share his knowledge, especially in Torah as it says "ללמד על מנת ללמד" - “a man should learn in order to teach”. This is hinted in the statement "אדם לעמל ילד" literally: “man was created to toil” the word לעמל-stands for על מנת ללמד that’s what man’s purpose is, to learn so that he may teach others. A doctor that withholds his

knowledge from other doctors in an effort to remain טוב שברופאים- the “best” doctor- is the one that goes to Gehinom.

17) This Gemarah alludes to the upcoming holiday of Purim. The next statement after טוב שברופאים לגהנום is “והכשר שבטבחים שותפו של עמלק” “The best butcher is the partner of Amalek”. The Gemarah in Megillah יד' דף says that the act of Ahashverosh taking off his ring (to give to Haman) was even more powerful than the warnings of the 48 male and 7 female prophets! The Jews were so frightened by Ahashverosh’s giving of his ring to Haman, that they did complete Teshuvah. This was more effective in making the Jews repent than all the warnings of the prophets. Ahashverosh was considered “kosher” in contrast to the other wicked kings since Ahashverosh only had **planned** to harm the Jews but did not actually harm them. Whereas the other kings did actually harm them. טוב שברופאים לגהנום- the best spiritual “doctor” that saved the Jews from **Gehinom** (since he caused them to repent) was א-כשר שבטבחים-Ahashverosh- who was called טבחים- “kosher butcher” (in comparison with other kings who were called literal טבחים- “butchers” since they murdered Jews) שותפו של עמלק- he was the partner of Haman (who was from Amalek). In his act of handing over his ring to Haman, Ahashverosh caused the Jews to be saved from Gehinom, since he caused them to do complete Teshuvah.

18) “Good” doctors are the ones whose lives are like “Gehinom” in that they are constantly on call for their patients and deprive themselves from leisure or “time off”. A normal business man has hours that he works but after hours he is “off” and is free to do as he pleases. A good doctor however is **always** on call and often interrupts his sleep, or his vacation, or his “family” moments for the sake of the sick people that need him. He is truly considered praiseworthy and admirable. Like many of the wonderful doctors and volunteers of our community, they are **always** “on call”. טוב שברופאים- the best doctors- לגהנום-are the ones whose lives are like “Gehinom” in that they deprive themselves of rest and relaxation, since they are always available to those that need them.