

## CONGREGATION AGUDAS ACHIM – SOCIAL ACTION/SOCIAL JUSTICE INITIATIVES HEALTHCARE

1 Sivan 5779/4 June 2019 - Rabbi Gail Swedroe

<https://theaustinsynagogue.org/2019/02/22/caa-social-action-initiatives>

### **1a) Leviticus 19:16**

Do not stand by the blood of your neighbor.

### **1b) BT Sanhedrin 73a**

How do we know that one who sees one's neighbor drowning in the river, or being dragged by a wild beast, or being attacked by robbers, is obligated to save this person? The Torah says, "Do not stand by the blood of your neighbor."

### **2a) Deuteronomy 22:1-3**

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

If your fellow does not live near you or you do not know who he is, you shall bring it home and it shall remain with you until your fellow claims it; then you shall give it back to him.

You shall do the same with his ass; you shall do the same with his garment; and so too shall you do with anything that your fellow loses and you find: you must not remain indifferent.

### **2b) Rambam commenting on Deuteronomy 22:1-3 on the Mishnah on Nedarim 4**

This verse includes returning a person's body, for if one sees him dying and can save him, one should save him, whether physically or with money or with knowledge.

### **2c) Ramban, Kitvei Ha'Adam in Kitveinu Moshe ben Nachman, p.44-45**

Concerning physicians' compensation, it appears to me that he is allowed to accept payment for his loss of time and for his trouble, but may not receive payment for teaching [the patient about the illness since it is a matter of the loss of the patient's body, about which the Torah says, "You shall restore it to him." And in regard to the fulfillment of mitzvot, we apply the principle that "Just as God acts gratuitously, so too you should act gratuitously (Talmud, B'khorot 29a). Therefore, it is forbidden to receive payment for one's medical knowledge or instruction.

### **3) Shulchan Arukh, Yoreh De'ah 336:3**

If one has medicine that a sick person needs, it is forbidden to charge more than the appropriate price for this medicine. Furthermore, even if the sick person agreed to a high price out of urgent need, as the medicine is nowhere else to be found, one can still only accept the appropriate price.

### **4) BT Shabbat 32a**

Rav Yitzhak, son of Rav Yehuda, said: A person should always pray that he will not become ill, as if he becomes ill they say to him: Bring proof of your virtue and exempt yourself. It is preferable for a person not to be forced to prove that he merits staying alive, as he might not be able to prove it. Mar Ukva said: What is the verse that alludes to this? As it says: "When you build a new house, then you shall make a parapet for your roof, that you bring not blood upon your house, if the fallen falls *mimenu*" (Deuteronomy 22:8). He explains: *Mimenu*, from him proof must be brought. When one falls from his previous situation, it is his own responsibility to prove his innocence and emerge unharmed.

### **5)BT Nedarim 39b**

The mitzvah of visiting the ill has no fixed measure. The Gemara asks: What is the meaning of: “Has no fixed measure?” Rav Yosef thought to say: There is no fixed measure for the granting of its reward. Abaye said to him: And do all other mitzvot have a fixed measure for the granting of their reward? But didn't we learn in a mishnah (Avot 2:1): Be as meticulous in the observance of a minor mitzvah as a major one, as you do not know the granting of reward for mitzvot.

Rather, Abaye said: There is no fixed measure for the disparity between the ill person and his visitor, as even a prominent person pays a visit to a lowly person and should not say that doing so is beneath a person of his standing.

Rava said: There is no fixed measure for the number of times that one should visit the ill, as even one hundred times a day is appropriate.

Rav Aḥa bar Ḥanina said: Anyone who visits an ill person takes from him one-sixtieth of his suffering. The Sages said to him: If so, let sixty people enter to visit him, and stand him up, and restore him to health. Rav Aḥa bar Ḥanina said to them: It is like the tenths of the school of Rabbi Yehuda HaNasi, who said that each of one's daughters inherits one-tenth of his possessions. His intent was that each daughter would receive one-tenth of the remainder after the previous daughter took her portion. Here too, each visitor takes from the ill person one-sixtieth of the suffering that remains, and consequently a degree of suffering will always remain with the ill person. Furthermore, visiting is effective in easing the suffering of the ill person only when the visitor is one born under the same constellation as the ill person.

### **6) BT Nedarim 40a**

Rabbi Akiva went out and taught: With regard to anyone who does not visit the ill, it is as though he is spilling blood, as it could be that the sick person has no one to care for him. If there are no visitors, no one will know his situation and therefore no one will come to his aid.

When Rav Dimi came from Eretz Yisrael to Babylonia he said: Anyone who visits the ill causes that he will live, and anyone who does not visit the ill causes that he will die. The Gemara asks: In what way are his actions the cause of that result? If we say that anyone who visits the ill pleads for mercy from God that he will live, and anyone who does not visit the ill pleads for mercy that he will die, does it enter your mind that he would pray that the sick person will die? Rather, anyone who does not visit the ill does not plead for mercy for him, neither that he will live nor that he will die. Since he might have saved the sick person with prayers had he visited, his failure to visit is tantamount to causing his death.

### **7) Proverbs 24:17–18**

“Rejoice not when your enemy falls, and let not your heart be glad when he stumbles; lest the Lord see it, and it displease Him, and He turn away His wrath from him.”

### **8) Tosefta Bava Metzia 11:12**

Inhabitants of a city force each other to build a synagogue, to buy a Torah scroll and book of prophets, and the heads of the city are permitted to make stipulations about weights and measures, and about workers' wages... Wool workers and dyers are permitted to say "we will all split all business that comes into the city." Bakers are permitted to reach an agreement [setting the price of bread]. Donkey drivers are permitted to say, "anyone whose donkey dies, we will give him a new donkey." If it died in hiding, they do not need to give him a new donkey. If it died in the open, they need to give him a new donkey. And if he said: "give me [the money] and I will buy myself a new donkey," they do not heed him, rather they take the money and give him a new donkey. Ship drivers are permitted to say, "anyone whose ship is destroyed, we will give him a new ship." If it was destroyed in hiding, they do not need to give him a new ship. If it was destroyed in the open, they need to give him a new ship. If he went on a voyage to a place where people do not usually go on voyages, they do not need to give him a new ship.

### **9) Tzitz Eliezer, Ramat Rachel (5:24)**

The wages of a doctor, and whether we force a doctor to heal those who cannot afford to pay for free: ...When the sick person cannot afford to heal himself, the obligation falls on the court, because they are the hand of the poor, and their obligation to heal the poor has the force of Torah law, as it says "you shall give it back to him" --this 7 including the loss of his body (i.e. his health). And in any event, since this obligation falls on them, they can force the doctor to go heal the poor person for free, as is the case with circumcision (i.e. that the court can force a mohel to circumcise a poor person's son for free). And they can rebuke him (i.e. the doctor) for not wanting to do mitzvot, and showing himself as almost not even a descendant of Abraham our father, who pursued justice and lovingkindness... And it is worth emphasizing that this innovation is that there is not an obligation to take money from the charity collection to pay the doctor...we do not say that they should collect money on behalf of the sick person or take more from the charity collection and give the doctor his requested wages. Rather, we obligate the doctor with the force of the obligation to save the sick person's body because he knows the work of healing and should heal him for free. But in a place where there is more than one doctor, it is impossible to place the obligation to heal for free on one more than on his fellow...So then, the council or the community must pay him from the charity collection, or collect money to pay him the appropriate wage, or, by the force of the court and the community, organize a rotation of the doctors so that each of them will heal for free as needed, when it is his turn. And when the community is able to do it, the best and most praiseworthy manner is to set a fixed monthly income for doctors for their healing the poor of the community for free, in exchange for a note that the sick person will bring stating his inability to pay. And how good and pleasant are these Health Maintenance Organizations in their diverse and many iterations, which exists here in our holy land, that carefully preserve and symbolize at once the three great markers by which our nation is known and recognized: compassionate, humble, and doers of lovingkindness!