

FEBRUARY 16, 2009

## Parashat Mishpatim

### Compassionate Medicine

**Verapo yerapei - “And he shall cause him to be thoroughly healed” (Exodus 21:19)**

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The Talmud derives the directive to engage in the practice of healing from this first Biblical mention of medicine. “From here [we learn] that permission was given for the doctor to heal.” (Baba Kama 85a) Rabbi Baruch Epstein, in his book *Tosefet Brachah*, notes that in the *amidah*'s prayer for health we refer to God as a “compassionate and reliable healer.” He explains that in the practice of medicine compassion and reliability can often conflict. The process of healing may be painful and doctors must make the choice between comfort and the proper prescribed course of treatment, which while reliable can cause pain. A doctor's desire for compassion, to avoid inflicting pain and discomfort on a patient, could compromise the patient's care and his best chance for a complete recovery. Therefore, during the *amidah* we pray for both a compassionate and complete recovery for the sick.

Israel, viewing the practice of medicine as a means of bridging gaps and building trust, has always provided medical treatment without making that fateful choice between compassion and integrity. The Jewish State has always provided medical treatment without making distinction of race, religion or ideology.

While Israel provides world-class care to the sick, regardless of nationality, some of Israel's adversaries reject her compassion for political reasons. Recently, Israel was forced to close a medical clinic it had opened to offer medical care to the people of Gaza because the Gazans boycotted the clinic and the health care that it could have provided them. In addition, The New York Times reports that the Palestinian Authority removed dozens of patients under medical care in Israeli hospitals. Palestinian Health Minister Fathi Abu Moghli said that he was examining the entire referral procedure because he was tired of adding to what he called Israel's “oil well,” referring to the payments for Palestinian patient care. Specifically, he said he had no desire to see the wounded from Operation Cast Lead receive Israeli care. In contrast, Director of Pediatric Hematology-Oncology at Hadassah University Hospital Dr. Michael Weintraub told to the New York Times, “There are no politics in our wards. Twenty percent of our patients are Palestinians, and we have one common enemy: cancer. The rest is immaterial.”

Israeli efforts to provide medical care to Palestinians truly demonstrates Israel's desire to heal with both the compassion to provide treatment to any patient, and the reliability of medical care on par with the best facilities in the world. Hopefully, the Palestinian Authority will once more seek the best medicine for their people and stop holding their own sick as hostages in a cynical game of politics. ■

### The Roots of Democracy

**Lo tihyeh acharei rabim lera'ot – “You shall not follow a multitude to do evil” (Exodus 23:2)**

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The Talmud Sanhedrin derives two important lessons from this verse. First, we learn that a court cannot issue a guilty verdict in a capital case by a majority of one, but rather that such a small majority of judges suffice only for acquittal. Further, in the second half of the verse, *velo ta'aneh al riv*, “nor shall you bear witness in a dispute,” the Torah writes the word *riv* as *rav*, which can be read as “You shall not disagree with he who is greater.” If this is the case then how

can a younger judge ever express his opinion? How would a judge feel free to share his thoughts while being mindful not to challenge a more senior judge? Rashi (on verse 2) explains that the youngest judges were made to give their opinions first in order to state their views without any fear of contradicting their elders.

These two laws may seem disconnected, but in fact together they lay the roots of democratic government. While the Torah places the burden of proof in capital cases squarely on the prosecution, it introduces the notion of majority rule – a primary tenet of democratic elections. Secondly, Jewish law dismisses the notion that a greater scholar – or a wealthier or more powerful judge – should have greater sway in a verdict. Each judge, from the youngest to the oldest must voice his opinion – an expression of the fundamental principal of “one man, one vote”.

Today, the Jewish value of democracy continues and it is this shared ethic which is the basis for the special relationship between the United States and Israel. These two countries have shared a special bond since the establishment of the modern Jewish state in 1948. Since President Harry Truman provided Israel with critical international legitimacy by recognizing the state a mere 11 minutes after its establishment, American presidents and lawmakers from both parties have continued to stand by Israel. The two countries have developed a resilient friendship-based on shared values and interests-that transcends which political parties are in power either in Washington or Jerusalem. For more information about the U.S.-Israel relationship click [here](#).

Like the judges of the Sanhedrin, people in both the United States and Israel respect the rule of the majority, and vigorously enforce the principle of “one man, one vote.” These shared values of freedom and democracy are the basis for the ongoing special relationship which has remained strong for more than 60 years. ■

## Proactive Pitfall Protection

### **Vechi yiftach ish bor – “If a man should open a pit...” (Exodus 21:33)**

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In our *parashah* we learn that a fine is charged to one who leaves an open pit into which a neighbor’s animal falls. The Torah instructs that, “If a man uncovers a pit, or if a man digs a pit, and does not cover it, and an ox or a donkey falls into it; the owner of the pit must pay. He must compensate its owner with money.” (21:33-34) We infer from this law an important value, that one must take responsibility to ensure that his or her actions do not cause harm to others. Moreover, one must look ahead and consider situations that could be potentially harmful to others and attempt to preclude them. Thus, we must look to cover the pits in life that can present unnecessary dangers to innocent people.

Today, this principal of working to prevent potential disasters serves as the basis for several recent Israeli technological advances. Due to Israel’s constant security threats, finding ways to prevent future calamities is a major priority of the Israeli security industry.

High-rise buildings are a primary target for terrorists. In an emergency, victims trapped in a building can often find the emergency stairwells inaccessible. In an attempt to alleviate this problem, six-year-old Israeli company Escape Rescue Systems has developed a revolutionary external evacuation system, the website Israel21c reported. This innovative system allows emergency responders to rescue people caught on the upper levels of a skyscraper without the use of elevators or stairwells. The safe and efficient system, already in use in a 21 story building in Israel, relies on collapsible cabins which are kept on the roof of the building. In an emergency these cabins can take 30 people down to ground level on the outside of a building every eight minutes. “This is a remarkable thing – nothing like I’ve seen or even heard of anywhere in the globe,” said John Oxendine, the Insurance and Fire Safety Commissioner for the State of Georgia. “I hope we can have this in the United States soon.”

Following through on the underlying values of thinking ahead and averting calamity, innovators in Israel have transformed the lessons of a possible “pitfall” into a potential life-saving device. ■