

Mishpatim 2016

1.

Does one need to go to the doctor?

“...and a doctor will heal him” (21, 19)

"ורפא ירפא."

The Gemara in Bava Kama (85a) derives from this pasuk that doctors were given permission to heal people. The Tur and Shulchan Aruch (Yora Deah siman 336) say it's actually a mitzvah for them to heal someone.

The Ibn Ezra and the Rabbeinu B'chaya say that a doctor can only heal external wounds, something that was caused by man. However, for internal wounds sent by Hashem, we shouldn't go to a doctor.

Conversely, Tosfos (Bava Kama (85a)) argues and asks; why is there a repetitive language in the pasuk? One might incorrectly think that for an internal wound you shouldn't go to a doctor; therefore, the repetition teaches us that even for internal wounds you should go to a doctor.

The Mateh Moshe (chelek 4 perek 3) also says that you need to go to a doctor regardless if the wound is internal or external. He adds that someone who goes to the doctor quickly is praiseworthy and if a doctor doesn't heal someone when they can, it's considered murder. Therefore, he says, **one shouldn't refrain from going to a doctor; but we still have to realize it's all coming from Hashem and that the doctor is merely a shliach (messenger) from and of Hashem.** If the doctor is an expert he can also give advice and medications.

The Rashba (shilos veteshuvos HaRashba (chelek aleph siman 413)) writes that you can't rely on a miracle and say 'I will get healed without going to a doctor'. The Chovos Halevavos (shar habetachon perek daled) says this as well. The reason for this is based on a Gemara. The Gemara in Shabbos (32) says that the miracle might not happen, and even if the miracle does happen, maybe it will detract from your merits. Instead, you need to follow the rules of nature and go to a doctor if you are sick or hurt.

Rav Waldenberg (Tzitz Eliezer chelek 5 siman 20 os 4) says that **nowadays you can't just rely on a miracle and assume that you will be healed; you need to go to a doctor. It's an issur (prohibition) not to go to the doctor. It's also religious arrogance; you are saying that you're better than all the gedolim (great people) of past generations who went to doctors. He quotes the Shevet Yehudah who says it's essential that one goes to the doctor. Going to a doctor has a source in the Torah. It's an obligation to go and get the best doctor possible. Anyone who is lenient with this is considered a fool, is being negligent, and will be judged on his decision.** He says it's just like when a person guards himself from the heat or the cold. Meaning, just like you wouldn't walk outside when its ten degrees with shorts on, so too you need take care of yourself and to go to a doctor if need be.

The idea is that you want to stop a fire while it is still small, so it doesn't reach a point where it becomes a blazing fire and is a lot harder to put out!

2.

Why is meat and milk prohibited?

“you shall not cook a kid in the milk of its mother.” (23, 19)

"לא תבשל גדי בחלב אמו."

Why is it forbidden to consume milk and meat together?

(1) The reason is **based on kabbalah**. (For an elaboration see Rabbeinu B'chaya and Chinuch mitzvah 92.)

(2) Others, amongst them the Ibn Ezra (Shemos 23, 19) and Kli Yakar, say that **this din (law) is a chok**. **There are certain mitzvos that we just don't know the reason for; we do it solely because Hashem told us to**.

(3) The Rambam (Moreh Nevuchim chelek 3 perek 48) writes that the minhag (custom) of the goyim (gentiles) was to worship their avoda zara (idolatry) and then eat it. **Their idolatry consisted of a mixture of basar v'chalav (meat and milk)**. **Therefore, the Rambam says, we need to be careful about eating basar v'chalav together since it was a way they used to worship their idolatry**. That's why this pasuk is located in the area of all the Chagim (holidays), to show us that we shouldn't do this on our Chagim.

(4) The Ibn Ezra continues and gives a different, deeper answer. He says **its cruel (and disgusting) to cook a kid in its own mother's milk**. As the pasuk in Vayikra (22:28) informs and instructs us of the prohibition of slaughtering a parent and its child on the same day because it's cruel. The same logic applies to sheluach hakan (meaning, rather than taking the child in front of its mother's eyes, the pasuk requires us to first send away the mother bird and then subsequently we are permitted to take the child.); these are all in order not to be cruel. (As stated in Devarim (22, 6)) Nowadays, we don't have our own cattle that we use as a food source. Instead, we go to the market to buy our food. **Even though it might be a farfetched claim, and something that is highly unlikely, to say that the milk and the meat that we buy come from the same family, it could be possible, and in case of a doubt with a Torah prohibition we are stringent (ספק דאורייתא לתומרא), therefore we don't have meat and milk**.

(5) The Rashbam (23, 19) says (similar to the aforementioned Ibn Ezra.) that **it's disgusting to eat meat and milk together and it's like a glutton stuffing his face**. Eating meat and milk together is animalistic behavior.

(6) The Chinuch (mitzvah 92) comments that the source for this issur (prohibition) is similar to the reason for the prohibition of witchcraft. Why is witchcraft forbidden? **We are not allowed to make these unnatural 'mixtures.'** Witchcraft is against Hashem's will. **Hashem wants the world to act according to nature and not be changed; He doesn't want us interfering and**

changing things from the way He created them. The Chinuch additionally offers the same reasoning (mitzvah 244) for the prohibition of having different animals working or mating together (Kelayim/Keli behamos) (see also Vayikra 19, 19). Similarly, (mitzvah 245) (Devarim perik 22, 11) this reason applies to the prohibition of planting different seeds together (Keli zerim/Keli hakerem); and also by shatnez (mixtures of wool and linen). These are all ‘mixtures’ that should not be created. So too, by eating meat and milk together; we have this problem of going against nature. Nature is being altered in an unnatural manner. That’s why there is a prohibition to cook meat and milk together, even if you are not going to eat this mixture! We need to distance ourselves from anything that resembles unnatural mixtures.

The Kli Yakar elaborates and writes that the skin of the child has some of its parent’s blood. Similarly, the milk of an animal comes from its blood: the blood of the animal turns into milk. Accordingly, it is from the blood of the parent that the milk and the child came. It is therefore incorrect to subsequently mix and ‘reunite’ them together again. When one cooks or eats them together you are now blending these bloods to a point where they are inseparable, which is incorrect. This is why we are not allowed to eat milk after we consumed meat. Since meat takes a longer time to digest, if we eat dairy within a certain timeframe, they will end up meeting in your stomach and you would have mixed the meat and the milk!

(7) Lastly, meat is considered very chashuv (important). Milk and cheese, as well are the most chashuv dairy product. Perhaps a reason for the prohibition of mixing them together alludes to the importance of perishus, or abstention. We shouldn’t overindulge and enjoy all the pleasures of this world like gluttons; rather, we should be satisfied with what we have.

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