**Tov Shebarof’im le-Geihinom:**
The Best of Doctors to Geihinom

*Rabbi Tzvi Sinensky*

I. Introduction

The *Mishnah Kiddushin* 82a records:  
Abba Guryon of Tzadyon said in the name of Abba Gurya: One should not teach his son to become a donkey-rider, camel-rider, potter, sailor, shepherd or shopkeeper, for these are a bandit’s professions. Rabi Judah said in his name: The majority of donkey-riders are evil-doers; the majority of camel-riders are innocent; the majority of sailors are righteous; the best of doctors are [destined] to hell; and the kosher (upright) among butchers is the partner of Amalek.

The *Mishnah* is ambiguous in a number of respects. On the most basic level, the *Mishnah* fails to clarify why it

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1 Several Hebrew articles have been written on this topic, and are available online. One article that I found to be of particular value is Dr. Shmuel Kotek, *Tov Shebarof’im Le-Geihinom*, available at www.medethics.org.il/articles/ASSIA/ASSIA2/R0021021.asp.

   Additionally, this paper was originally presented as a class at the Albert Einstein College of Medicine Synagogue. I would like to thank all those in attendance who enhanced the quality of this presentation through their insights and observations. Many of those comments have been integrated into this presentation.

2 See also the parallel source in *Masechet Sofrim* 15:9.

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is that doctors descend to hell. What is wrong with practicing medicine?  

Second, although it is clear that Rabbi Judah quotes Abba Gurya as discouraging one from entering the medical profession, Abba Guryon does not record a negative opinion regarding medicine, even as he discourages one from entering various other professions. Indeed, it is clear that R. Judah and Abba Gurya disagree with respect to the camel-rider and the sailor; R. Judah offering a negative judgment and Abba Gurya viewing these professions in a positive light. Perhaps we are to infer that Abba Guryon disagrees with Rabbi Judah with respect to \textit{tov shebarof'im} as well.

Third, it is interesting to note that whereas the doctor is referred to as “\textit{tov},” “good,” the butcher is called “\textit{kasher},” which carries more of a religious connotation. Perhaps we should conclude that the \textit{Mishnah} refers not to a righteous doctor, but to a doctor who possesses a high degree of expertise. What is the significance of this textual subtlety?

Finally, it is significant that R. Judah does not formulate his judgment in \textit{halakhic} terms; his comment seems more along the lines of an \textit{eitza tovah}, sagely advice, rather than a strict statement of \textit{halakha}. Moreover, R. Judah does not explicitly deter every individual from entering these fields; he merely offers a judgment regarding a sizeable segment of the population. He speaks of the majority of donkey-riders and camel-riders, the best of doctors and butchers. Are we to infer that even R. Judah does not mean to discourage one from entering the field of medicine?

\footnote{One possible thesis, which we will not explore here, is that the \textit{Mishnah} refers specifically to the widespread problem of charlatans, which plagued ancient Greece and Rome. This interpretation would lend an ironic meaning to the term “\textit{tov}.” Thanks to Rabbi Raphy Hulkaner for raising this possibility.}
Moreover, the *Mishnah* is not only unclear, it also seems to be problematic. After all, Jewish law and philosophy assign medical practice the status of a mitzvah. The *Gemara* *Bava Kama* 85a deduces from the phrase “*ve-rapo yerapeh* – he shall surely heal,”[^4] the permissibility of medical practice. Although the *Gemara* seems to assume that one might have thought that it is prohibited to provide medical treatment,[^5] the *Gemara*’s conclusion seems to assert the full permissibility of such treatment. Furthermore, the *Mishnah Nedarim* 4:4 implies that one who practices medicine is not only permitted to do so but indeed fulfills a Biblical commandment! Rambam,[^6] building off a passage in *Sanhedrin* 73a which states that one who saves a life fulfills the mitzvah of *hashavat aveida*, returning a lost object, asserts that one who heals another person also fulfills this mitzvah. Ramban[^7] asserts that the source for this mitzvah is the verse “*ve’ahavta le-rei’acha kamocha*,” you shall love your friend as yourself. It is thus clear that one who administers medical treatment fulfills a Biblical obligation. In light of these sources, it is jarring that the *Mishnah* would discourage one from entering the field of medicine. Does a doctor fulfill a Biblical obligation or does he descend to hell? There would appear to be an outright contradiction.

Before proceeding to the next section, it is also worth noting that a similar though different formulation appears in *Avot de-Rabbi Natan:*[^8]

[^4]: Exodus 21:19
[^5]: See Rashi s.v. *nitna*, Tosafot s.v. *she-nitna*, Rashba s.v. *ve-rapo* ad loc.; see, however, Tosafot ha-Rosh Berachot 60a s.v. *mi-kan*
[^6]: Commentary to the *Mishnah*, ad loc.
[^7]: *Torat Ha’Adam*, Kitvei Ha-Ramban II pg. 48
[^8]: Chapter 36
Seven lack a share in the world to come: a clerk, a scribe, the best of doctors, a city judge, a sorcerer, a chazzan⁹ and a butcher.

This source both parallels and differs from the Mishnah. On the one hand, Avot de-Rabbi Natan preserves the phrase tov shebarof‘im. Additionally, it too mentions the butcher alongside the doctor. On the other hand, the doctor here is grouped with a number of well-regarded professionals, such as the scribe, judge, and chazzan. As in the case of the Mishnah, while on the surface Avot de-Rabbi Natan censures all doctors, there are perhaps indications to the contrary.

In light of these observations, let us survey the range of views found in the classical commentators. We will first address the spiritual danger attendant to the medical practitioner, and we will then turn to reconciling tov shebarof‘im with the bulk of rabbinic literature.

II. Where Can the Doctor Go Wrong?

Broadly speaking, the traditional commentators adopt two general approaches to our Mishnah. Many view the potential pitfall facing the doctor as an aveirah she-bein adam la-chaveiro, a sin between man and his fellow man, whereas others view the Mishnah as expressing a concern for sinfulness bein adam la-makom, between man and G-d.

Tosafot Ri ha-Zaken, Maharsha, Tiferet Yisrael, and Meiri¹⁰ adopt the bein adam la-chaveiro perspective. Specifically, they all point to the possibility that if a doctor missteps, he is liable to cause a patient’s death. Tosafot Ri ha-Zaken, for example, simply states “she-memitin ha-choleh,” because

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⁹ This refers to either a cantor or sexton.

¹⁰ Kiddushin ad loc.
they kill the sick. Along similar lines, *Shulchan Aruch*\(^{11}\) writes that one who is unqualified to provide treatment and does so anyway is considered as one who has spilled blood. The Vilna Gaon\(^{12}\) explains the *Shulchan Aruch* by invoking the phrase *tov shebarof’im*, implying that the *Mishnah* intends to say that irresponsible medical treatment can lead to death.

Within this camp we find a number of variations. Mahar-sha stresses that the *Mishnah* refers specifically to an individual who claims an unattained level of expertise. Such an individual, in his arrogance, may come to kill an innocent patient.

Tiferet Yisrael notes that the *Mishnah* employs the term “*tov,*” which is to be contrasted with the *Mishnah’s* usage of the word “*kasher*” in reference to the butcher. Tiferet Yisrael explains that this refers to a doctor who is smug in his superiority, and therefore “fails to consult with his colleagues, as befits one in whose mouth and pen reside life and death.” Furthermore, following Ramban and Tash-betz, Tiferet Yisrael goes on to stress that the *Mishnah* does not intend to dissuade one from entering the medical profession so much as to warn him of the pitfalls that endanger one who enters the field.\(^{13}\)

Meiri\(^{14}\) adds two underlying causes for malpractice on the part of doctors, in addition to that of hubris: “The best of doctors [descends] to hell, because often he spills blood due to despair, and because he does not invest sufficient effort in the craft of medicine.” Meiri identifies two scenarios: a doctor who despairs too quickly in the possibility of a patient’s

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11 Y.D. 336:1
12 ibid. note 4
13 See also *Tzitz Eliezer* 5:22, who quotes Tiferet Yisrael approvingly.
14 *Kiddushin* ad loc.
recovery, and a doctor who fails to invest sufficient time and energy into determining the proper course of treatment.

An interesting variation with regard to the concern of malpractice is adopted by R. Eliezer Waldenberg. R. Waldenberg understands the Mishnah to be condemning very specific types of egregiously unethical experimental medical practices, in which patients are killed in the interests of developing treatments that on only rare occasions extend the lives of other patients. Such a doctor, claims R. Waldenberg, is “tov,” because he is only interested in earning recognition. Ultimately such an individual is a fame-seeking murderer and is therefore sharply censured by the Mishnah.

In contrast to the above commentators, Rashi introduces not only a bein adam la-chaveiro perspective, but a bein adam la-makom concern as well. His language is worth quoting in full:16

“The best of doctors goes to hell – He does not fear illness, his food is that of the robust, he does not break his heart before G-d, sometimes he causes people to die, and he has the ability to heal the poor but does not.”

Although Rashi mentions a number of factors, it seems that Rashi means to isolate two general dangers, one bein adam la-makom and the other bein adam la-chaveiro. First, the doctor’s lack of dependency upon G-d is evident in his lack of concern for his health as well as his high dining style. Significantly, Rashi is the first commentator we have seen to highlight a bein adam la-makom dimension to tov shebarof’im.

15 Tzitz Eliezer 17:66:6
16 Kiddushin ad loc. See also Tosafot Yom Tov ad loc., whose words are identical to those of Rashi.
Second, in similar fashion to other commentators, Rashi introduces the concern for malpractice. Even here, Rashi adds a dimension that is omitted by others: not only might the doctor come to kill an innocent patient, but he will also withhold treatment from those who are in need of such assistance.

Interestingly, R. Moshe Feinstein\(^\text{17}\) distinguishes between the final two elements mentioned by Rashi. The case of a patient who dies refers to one whose doctor accidentally caused the death, while the final clause in Rashi refers to a doctor who intentionally withholds treatment. According to R. Feinstein, the difference between the two final elements in Rashi’s commentary relates not only to the result (death vs. any treatment that is not provided), but also to the doctor’s underlying intent (unintentional vs. intentional).

A further bein adam la-makom perspective is added by Maharal.\(^\text{18}\) Maharal suggests that tov shebarof’im refers to a doctor who views medicine from a purely material rather than spiritual perspective, thereby denying divine providence as a crucial element in human health. Such an individual perceives reality only from the material of the material, which is ultimately comprised of nothingness, and therefore has acquired a portion in hell, a place of nothingness.

### III. Squaring Tov Shebarof’im With Other Traditional Texts

However, we must still address the problem of reconciling the Mishnah with the generally favorable rab-

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\(^{17}\) *Igrot Moshe* Y.D. 3:36  
\(^{18}\) *Netzach Yisrael* 30
binic view of medicine. In grappling with this apparent contradiction, commentators adopt three different approaches: 1) Some distinguish between appropriate and inappropriate instances of medical practice; 2) Others accept the simple reading of the Mishnah, but dismiss *tov shebarof’im* as a minority view; 3) Yet others reinterpret the Mishnah to be more compatible with the predominant rabbinic perspective.

R. Yonatan Eibeshutz\(^ {19} \) falls squarely in the first camp, resolving the contradiction by invoking the singular view of R. Avraham Ibn Ezra. In his commentary to Exodus,\(^ {20} \) Ibn Ezra forwards the remarkable thesis that although human intervention is permissible in the case of human-induced injury (e.g. a wound), such treatment is impermissible in the case of a naturally-contracted disease, as one would thereby contravene the divine will.\(^ {21} \) Similarly, claims R. Eibeshutz, the Mishnah in Kiddushin refers specifically to a naturally-contracted disease, and it is only in that case that a doctor is subject to divine censure. However, the verse “*ve-rapo yerapeh*” and the Mishnah Nedarim 4:4 refer specifically to medical treatment for human-induced injuries.

The second approach posits that *tov shebarof’im* is to be rejected as a non-normative view. This thesis is forwarded by R. Yaakov Tzahalon (*Otzar HaChaim*), the 17\(^ {th} \)-century Roman rabbi and doctor, who asserts that Abba Guryon indeed debates the principle *tov shebarof’im le-geihinom*. Moreover, we do not accept the view of R. Judah, whose quotation is to be rejected as a minority opinion.

\(^{19} \) *K’reiti u-Pleiti* 128:5

\(^{20} \) *Peirush Ha-Katzar* 21:19

However, a third group of commentators attempt to resolve the contradiction by opting to read the *Mishnah* in a less literal fashion. Interestingly, in his treatment of the laws of medicine, R. Jacob Ba’al Ha-Turim asserts that a doctor who knows how to heal but refrains from doing so “is certainly liable to descend to *geihinom.*” In a sense, *Tur* is forwarding precisely the opposite perspective as does the *Mishnah*: one who refrains from healing will descend to *geihinom.* This inversion of the *Mishnah* highlights the difficulty many commentators had with the literal rendering of the *Mishnah.*

Directly addressing our *Mishnah,* Ramban argues that the *Mishnah* does not preclude one from entering the medical profession, but simply serves as a reminder of the dangers involved. Indeed, a doctor who avoids the pitfall of *tov shebarof’im* receives an even greater measure of reward for avoiding the temptations that cause others to stumble. In a responsa, Tashbetz argues similarly that the *Mishnah* only refers to those who engage in medical malpractice, but those who avoid sin earn an extra measure of reward.

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22 *Tur* 336

23 See *Beit Yosef* ad loc., who suggests a source for the *Tur* from the Jerusalem Talmud

24 *Torat Ha’Adam,* Kitvei Ha-Ramban II pg. 48. It is difficult that R. Eibeshutz, quoted above, fails to address the views of Ramban. Indeed, R. Waldenberg (*Tzitz Eliezer* 11:42:2) suggests that R. Eibeshutz simply did not see Ramban’s comments in *Torat Ha’Adam.*

25 Ramban’s stated approach here is consistent with his own biography, as he practiced medicine professionally. In general, many medieval Spanish commentators – from both Muslim Spain and Christian Spain – practiced medicine, including such luminaries as Chasdai ibn Shaprut, Ra’avad I (Ibn Daud), Rambam, Rabbeinu Nissim and R. Yehuda ha-Levi. For a comprehensive treatment of the social conditions that led to this development, cf. Joseph Shatzmiller, *Jews, Medicine and Medieval Society.*

26 3:82
Shlomo Verga, a 15th-16th century Jewish philosopher, historian and statesman similarly argues that the Mishnah in fact does not mean to discourage one from entering the medical profession. In a creative interpretation, Verga suggests that R. Judah means to say that a doctor should always proceed with caution, as if hell is open before his feet. In other words, a doctor must constantly remind himself that the burden of life and death lies upon his shoulders. Thus, the Mishnah provides a strategy for the doctor to ensure that he will discharge his duties properly, but in no way opposes entry into the profession.

We have seen a wide range of sources that grapple with the meaning and implication of tov shebarof’im le-geihinom. Embedded in those commentaries are not only interpretations of the Mishnah, but also implicit philosophical statements regarding the value of medicine, as well as cautionary notes that any responsible doctor should bear in mind. It is my hope and prayer that through our study of this topic we will merit to fulfill the words of the doctor’s blessing, as it appears in Responsa Yachel Yisrael: “May I not be included among the tov shebarof’im le-geihinom; rather... by caring for the souls of the Jewish nation, and by saving people from death, may I merit with G-d’s help to enjoy and see the goodness of your choosing... for I have come [before you] to earn merit and to purify myself.”

27 Shevet Yehuda; this view is quoted in Otzar HaChaim, ibid.

28 According to this interpretation, tov shebarof’im parallels Chazal’s admonition that a judge must view himself “as if a sword is placed between his legs, and the entrance to hell is open before him.” See Tzitz Eliezer 11:42:2.