
❧ JEWISH PERSPECTIVES ON HEALTH, NUTRITION, FITNESS, AND EXTREME SPORTS ❧

Many think that religion is confined to the realm of other-worldly matters. Yet, Judaism rejects this sharp division between secular and religious spheres, and urges us to sanctify the mundane. The ordinary elements of our life, including our recreational activities, can be raised to a higher, more elevated – even spiritual – level.

Judaism does not offer specific instructions for all human behavior. However, we can find general guidance in Jewish sources to help us navigate our personal decisions in all aspects of life. For example, the Talmudic jurisprudence we use to analyze the Torah's laws of compensation for damages can also provide guidance for the physical activities we engage in, whether for fitness or for fun.

In this class we will explore the Jewish approach to health, fitness, and recreational activity. Judaism teaches that we have a religious duty to maintain our health and to avoid potential hazards to it. Even an activity that does not harm anyone else may still not be permissible. In order to understand why, we will need to address the following questions:

- ❧ What does Judaism have to say about keeping healthy?
- ❧ Do Jewish thinkers recommend a particular diet or lifestyle?
- ❧ What is the Jewish perspective on the importance of healthy living?
- ❧ If we believe in God and Divine Providence, why do we need to take steps to ensure health and avoid danger? Doesn't God take care of us anyway?
- ❧ Which sports and recreational activities does Judaism condone, and which does it condemn?

CLASS OUTLINE:

- Introduction: **Life Is a Great Balancing Act**
- Section I: **The Mitzvah to Maintain Health and Avoid Danger**
 Part A. Keeping Well
 Part B. Guard Your Life
 Part C. Staying Out of Harm's Way
- Section II: **Rambam's Recommended Regimen**
 Part A. Supersize Me
 Part B. Exercise
 Part C. Waste Management
- Section III: **The Philosophy of Healthy Living**
 Part A. Whose Body is It?
 Part B. Serving the Creator
- Section IV: **Activities that Endanger Oneself**
 Part A. Real Danger
 Part B. Divine Scrutiny
- Section V: **Recreation and Recklessness**
 Part A. Risky Business
 Part B. Being Normal

INTRODUCTION: LIFE IS A GREAT BALANCING ACT

Imagine that you are the custodian of a delicate building, such as the recently re-opened leaning Tower of Pisa. You are asked to guard it from decay, destruction, and all other threats to its future. You know that the building will not last much longer without constant monitoring and upkeep. You could surround it with concrete barriers and steel girders, but that would hide the beauty of the building, making it virtually unusable. And even this could not prevent the eventual loss of the building. How do you balance the need to use the building with the need to protect it?

This presents an interesting metaphor. Judaism teaches that God gave each person a body to use, but we are required to protect it. This is a difficult balancing act. If we are overly cautious, we limit our activities and opportunities in life. Yet if we are reckless, we risk destroying the very body we were given to protect. What is the prudent course and what are the limitations? (www.aish.com, "Taking a Risk" by Daniel Eisenberg, M.D.)

We can easily recognize the value in healthy living, eating right and getting sufficient exercise. However, many people these days find it difficult to strike a healthy balance. Overeating can be detrimental, but excessive dieting may be just as harmful. Exercise is beneficial to the body in many ways, yet extreme sports can be hazardous to our health. How can we be sure to get it right, to distinguish between what is healthy and fun versus what is risky and dangerous?

The Jewish approach is that a person must navigate the fine line between a healthy or hazardous lifestyle. The boundaries emerge from the recognition of our obligation to maintain good health, and at the same time, to avoid danger. We will begin our exploration of this topic with the mitzvah of staying healthy and avoiding danger to life and limb.

SECTION I. THE MITZVAH TO MAINTAIN GOOD HEALTH AND AVOID DANGER

PART A. KEEPING WELL

1. Bereishit (Genesis) 2:7 and Talmud Bavli, Taanit 22b – Keep your soul alive!

And the Lord God formed man of dust from the ground, and He breathed into his nostrils the soul of life, and man became a living soul.

and man became a living soul – (meaning) the soul that I gave you – keep it alive!

וַיֵּצֵר יְהוָה אֱלֹהִים אֶת הָאָדָם אֶת הָאָדָם עֹפֶר מִן הָאֲדָמָה
וַיִּפַּח בְּאַפִּיו נִשְׁמַת חַיִּים וַיְהִי הָאָדָם לְנֶפֶשׁ חַיָּה:

וַיְהִי הָאָדָם לְנֶפֶשׁ חַיָּה - נִשְׁמָה שֶׁנִּתְּנָה בְךָ הַחַיָּה.

The instruction to “keep the soul alive” implies that it is our obligation to do so.

2. Midrash Vayikra Rabba 16:8 – It is up to us to keep sickness away.

Rabbi Acha said: People need to take precautions to protect themselves from becoming susceptible to disease. How do we know this? Rabbi Acha cited the verse, “The Lord will keep all illness away from you” (Devarim/Deuteronomy 7:15); and interpreted it as: it is from you [i.e. dependent on you] that illness should not come upon you.

אמר רבי אחא מאדם יהא שלא יבאו חליים עליו מאי טעמא דאמר ר' אחא (דברים ז) והסיר ה' ממך כל חולי, ממך הוא שלא יבואו חוליים עליך.

3. Talmud Bavli, Ketuvot 30a – We are responsible for our own health.

Everything is in the hands of Heaven, except for [negligence due to overexposure to] the cold or heat.

הכל בידי שמים, חוץ מצינים פחים.

We are expected to guard and avoid endangering ourselves by applying common sense. For example, in normal circumstances one can avoid hypothermia by making sure to dress warmly when going out when it is freezing. Likewise, one can avoid dehydration by making sure to drink sufficiently in hot, dry weather. These are basic steps we must take to stay healthy.

PART B. GUARD YOUR LIFE

Aside from the general obligation to take care of our health, the Torah also tells us to make sure we stay away from danger. As such, it is considered forbidden to purposely expose oneself to threats of life and limb.

The Torah tells us to “guard your souls,” but from the context, it does not seem to be talking about avoiding danger.

1. Devarim (Deuteronomy) 4:9, 15 – God tells us to take care of ourselves.

Just beware and **guard yourself** (lit. your soul) very well, lest you forget the things that your eyes saw, and lest these things depart from your heart, all the days of your life, and you shall make them known to your children and to your children's children.

And you shall **guard yourselves** (lit. your souls) very well, for you did not see any image on the day that the Lord spoke to you at Horeb from the midst of the fire.

רק השמר לך ושמר נפשך מאד פן תשכח את הדברים אשר ראו עיניך ופן יסורו מלבבך כל ימי חיך והודעתם לבניך ולבני בניך:

ונשמרתם מאד לנפשתיכם כי לא ראיתם כל תמונה ביום דבר ה' אליכם בחרב מתוך האש:

The Talmud makes a link between the verses above and the obligation to avoid danger.

2. Talmud Bavli, Berachot 32b-33a – A Roman officer gives us a Bible lesson.

It is related that once, when a certain pious man was praying by the roadside, a non-Jewish official came by and greeted him, but he did not return his greeting. So he waited for him until he had finished his prayer. When he had finished his prayer, he [the officer] said to him, “Fool! Is it not written in your Torah (Deuteronomy 4:9), ‘Beware and guard yourself very well,’ and isn’t it also written (Deuteronomy 4:15), ‘And you shall guard yourselves very well?’ When I greeted you, why did you not return my greeting? If I had cut off your head with my sword, who would have demanded justice for your blood from me?”

He replied to him, “Be patient and I will explain to you. If, [he went on], you had been standing before a mortal king and your friend had come and given you greeting, would you have returned it?” “No,” he replied. “And if you had returned his greeting, what would they have done to you?” “They would have cut off my head with a sword,” he replied. He then said to him, “Then in this case it is certainly so. If [you would have behaved] in this way when standing before a mortal king who is here today and in the grave tomorrow, how much more so I, when standing before the supreme King of kings, the Holy One, blessed be He, who endures for all eternity?” The official was appeased immediately, and the pious man returned to his home in peace.

מעשה בחסיד אחד שהיה מתפלל בדרך, בא הגמון אחד ונתן לו שלום ולא החזיר לו שלום, המתין לו עד שסיים תפלתו. לאחר שסיים תפלתו אמר לו: ריקא, והלא כתוב בתורתכם [דברים ד'] רק השמר לך ושמור נפשך וכתוב [דברים ד'] ונשמרתם מאד לנפשותיכם, כשנתתי לך שלום למה לא החזרת לי שלום? אם הייתי חותך ראשך בסייף מי היה תובע את דמך מדי?

אמר לו: המתן לי עד שאפייסך בדברים. אמר לו: אילו היית עומד לפני מלך בשר ודם ובא חברך ונתן לך שלום - היית מחזיר לו? - אמר לו: לאו. ואם היית מחזיר לו, מה היו עושים לך? - אמר לו: היו חותכים את ראשי בסייף. - אמר לו: והלא דברים קל וחומר; ומה אתה שהיית עומד לפני מלך בשר ודם שהיום כאן ומחר בקבר - כך, אני שהייתי עומד לפני מלך מלכי המלכים הקדוש ברוך הוא שהוא חי וקיים לעד ולעולמי עולמים - על אחת כמה וכמה! מיד נתפייס אותו הגמון, ונפטר אותו חסיד לביתו לשלום.

The Talmud even writes that physical danger to life is more severe than a Torah prohibition.

3. Talmud Bavli, Chulin 10a – We must treat danger more strictly than things forbidden by the halachah.

Physical danger is more severe than the violation of Torah prohibitions.

חמירא סכנתא מאיסורא.

PART C. STAYING OUT OF HARM'S WAY

From the verses above and their Talmudic explanation, Jewish law establishes that it is a mitzvah to avoid danger.

1. **Rambam (Maimonides), Hilchot Rotzeach VeShemirat HaNefesh 11:4-5 – We are not at liberty to take risks.**

Similarly, it is a positive mitzvah to remove any obstacle that could pose a danger to life, and to be very careful regarding these matters, as Deuteronomy 4:9 states: Beware and guard yourself very well.

Our Sages forbade many matters because they involve a threat to life. Whenever a person transgresses these guidelines, saying: "I will risk my life, what does this matter to others?" or "I am not careful about these things," we are to beat him as a punishment [corporal punishment that a rabbinical court is authorized to administer].

וכן כל מכשול שיש בו סכנת נפשות מצות עשה להסירו ולהשמר ממנו ולהזהר בדבר יפה יפה שנ' [דברים ד' ט'] השמר לך ושמור נפשך.

הרבה דברים אסרו חכמים מפני שיש בהם סכנת נפשות וכל העובר עליהן ואמר הריני מסכן בעצמי ומה לאחרים עלי בכך או איני מקפיד על כך מכין אותו מכת מרדות.

The issue of steering clear of danger is not limited to mortal threats; even the possibility of getting physically injured needs to be avoided.

2. **Sefer HaChinuch, Mitzvah 538 – One must avoid activities that bring to physical harm.**

The Sages forbade many activities to protect a person from accidents and from physical damage. It is improper for an intelligent person to endanger himself. As such, it is only fitting that a person should be careful to avoid all those things that can cause him harm.

והרבה דברים אסרו זכרונם לברכה כדי להשמר מן הנזקים ומן המקרים הרעים, שאין ראוי לו לאדם שיש בו דיעה לסכן בנפשו ועל כן ראוי שיתן לבו לכל הדברים שאפשר להגיע לו נזק בהם.

The prohibition of endangering oneself does not depend on personal preference: Being an "adventurer" doesn't permit risking life and limb.

3. **Shulchan Aruch, Choshen Mishpat 427:9-10 – Even someone who does not mind the risk still does not have the right to endanger himself.**

The Sages prohibited many things on account of their threat to life... Anyone who transgresses these things or anything

הרבה דברים אסרו חכמים מפני שיש בהם סכנת נפשות ... כל העובר על דברים אלו וכיוצא בהם, ואמר: הריני מסכן בעצמי ומה לאחרים עלי בכך,

like them, saying to himself, "I'm just endangering myself, why is it anyone else's concern?" or, "I do not mind [the danger]," should be punished with lashes. And one who avoids these situations will be blessed with goodness.

או: איני מקפיד בכך, מכין אותו מכת מרדות, והנהדר מהם עליו תבא ברכת טוב.

4. **Shulchan Aruch (Rema), Yoreh Deah 116:5 – Even the possibility of danger must be avoided.**

A person should also be careful regarding anything that might put him in a situation of danger, for we are stricter regarding danger than we are regarding Torah prohibitions, more concerned about possible danger than possible transgression. Therefore, it is forbidden to go to a dangerous place such as alongside a dilapidated wall or out at night alone, etc... These things are all prohibited since they are dangerous. One who cares for his soul will distance himself from them, and it is forbidden to rely on miracles or to endanger oneself in any such manner.

וכן יזהר מכל דברים המביאים לידי סכנה, כי סכנתא חמירא מאיסורא ויש לחוש יותר לספק סכנה מלספק איסור, ולכן אסור לילך בכל מקום סכנה כמו תחת קיר נטוי או יחידי בלילה... וכל אלו הדברים הם משום סכנה, ושומר נפשו ירחק מהם ואסור לסמוך אנס או לסכן נפשו בכל כיוצא בזה.

The obligation to avoid danger includes steering clear of unhealthy foods and lifestyles.

5. **Rabbi Shlomo Ganzfried, Kitzur Shulchan Aruch 32:1 – Avoiding danger necessitates a healthy lifestyle.**

A person must distance himself from those things which harm or weaken the body, and instead accustom himself to things that promote health and strengthen the body. This is the meaning of the verse, "And you shall guard yourselves very well."

צריך האדם להרחיק את עצמו מדברים המאבדין את הגוף, ולהנהיג את עצמו בדברים המברין והמחלימים את הגוף, וכן הוא אומר ונשמרתם מאד לנפשותיכם.

At the same time, one needs to use common sense to find the fine line between one aiming for a "healthy lifestyle" and somebody whose health concerns bring him to imbalance.

6. **Rabbi Moshe Chaim Luzzato, Mesillat Yesharim (The Path of the Just), Ch. 9 – Use your common sense.**

Another factor that detracts from steadfast service of God is being overly frightened

עוד ממפסידי הזריזות הוא רוב הפחד וגודל המורא מן הזמן, כי פעם יירא מהקור או מהחום,

and cautious. A person might be afraid of the cold or the heat, another time from getting hurt, another time from becoming ill and another time from the wind. About this behavior the verse declares (Tehillim/Psalms 37:3), “Trust in God, and do what is good”...

Be aware that there is appropriate cautiousness, and there is an inappropriate level of fear that is based on senselessness. There is proper trust in God, and there is plain foolishness. God made man with common sense and intelligence so that he can conduct himself in a positive manner and avoid things that might harm him. If someone chooses not to act wisely and exposes himself wantonly to danger, this is not considered trust – it is foolishness. This person is a sinner for going against God’s will, for He wants people to protect themselves.

Caution based on common sense is proper, whereas fear based on senselessness leads one to add measure upon measure of caution.

The rule to differentiate between proper and improper caution is what our Sages taught (Pesachim 8b), “Wherever harm is likely to occur, it is different.” That is, one must take caution when the situation is likely to cause harm, but in a situation where it is unlikely, there is no basis for fear. One must follow one’s own wisdom to judge each situation.

ופעם מהפגעים ופעם מן החולאים ופעם מן הרוח.... על זה נאמר בטח בה' ועשה טוב....

דע כי יש יראה ראויה ויש יראה שוטה. יש בטחון ויש הוללות. כי הנה האדון ברוך הוא עשה את האדם בעל שכל נכון וסברא נכוחה לשינהג עצמו על דרך טוב וישמר מן הדברים המזיקים... ומי שירצה שלא ינהג עצמו בדרך החכמה ויפקיר עצמו לסכנות, הנה אין זה בטחון אלא הוללות. והנה הוא חוטא במה שהוא עושה נגד רצון הבורא, שרוצה שישמר האדם את עצמו....

וזאת היראה המיוסדת על הנהגת החכמה והשכל היא הראויה ... אך היראה השוטה היא שיהיה האדם רוצה להוסיף שמירות על שמירות....

והכלל להבחין בין שתי היראות הוא מה שחלקו חז"ל באמרם היכא דשכיח היזיקא שאני. כי מקום שההיזק מצוי ונודע, יש להשמר. אך מקום שאין ההיזק נודע, אין לירא.... ואין לו לחכם אלא מה שענינו רואות.

KEY THEMES OF SECTION I

- ☞ The Torah tells us to maintain our health and avoid danger. Matters of danger are treated with even greater severity than transgressions of Torah law.
- ☞ We are not at liberty to take risks to life and limb by putting ourselves in dangerous situations. Even a minimal possibility of danger must be avoided if there is a genuine likelihood of harm or injury involved.
- ☞ Included in the requirement to avoid danger is the obligation to develop a physically healthful lifestyle.

SECTION II. RAMBAM'S RECOMMENDED REGIMEN

Having seen that it is a mitzvah to keep well and avoid danger, we will now examine some specific health advice from one of Judaism's greatest sages, Rambam (Maimonides). Rambam was a doctor and regularly treated the local Egyptian ruler, Sultan Al Malik al-Afdal – the eldest son of Saladin.

Rambam offers a wealth of advice for healthy living both in his magnum opus *Mishnah Torah*, as well as in a work composed for the Sultan called *Hanhagot Ha-Bri'ut*.

It is important to note that whereas it is a full mitzvah to maintain health and avoid danger, the specific recommendations found in Rambam's works are by his own admission "recommended behaviors" and not absolute obligations (see Hilchot Deot 4:21; Rabbi Moshe Feinstein, Igrot Moshe, Choshen Mishpat 2:76). They cannot be absolute, because over the generations practitioners have learned more about the body and how to stay healthy, and particular details are constantly updated.

Without dwelling excessively on detailed prescriptions, Rambam's works, nonetheless, remain a valuable resource for the fundamentals of good health and nutrition.

PART A. SUPERSIZE ME

A chubby young girl stands with her arms crossed facing the camera. "WARNING: It's hard to be a little girl if you're not," reads the stark copy below her photograph. This striking message is just one of a series of anti-obesity advertisements dubbed "Stop Sugarcoating," released by the Strong4Life campaign and Children's Healthcare of Atlanta.

ABC News reported that the health organization produced these ads after surveying parents in two Georgia towns. They discovered that 75 percent of parents with obese children were not aware that their children were overweight, while 50 percent of parents didn't realize that childhood obesity was a problem to begin with. And in a state where nearly 40 percent of children are overweight or obese – Georgia is in 2nd place for childhood obesity rates nationwide, only behind Mississippi – these statistics are problematic. (Huffington Post, January 12, 2012, by Emma Gray)

These days, obesity is a big problem (no pun intended). Childhood obesity was the first issue that Michele Obama set out to address upon entering the White House as First Lady. And it's not just an issue for children. Today, over a third of American adults are said to be obese, and the numbers are climbing across the developed world. Although there are many theories as to the cause of the problem – overeating, food choice, lack of exercise – everyone agrees that the problem has become epidemic.

The Sages of the Talmud gave much advice on types of food conducive to good health. These teachings, scattered throughout the Talmud, discuss how the type of food eaten, as well as the time and manner in which it is consumed, plays a part in health maintenance (see Chulin 84a; Berachot 40a, 54b; Shabbat 10a, 33a, 41a, 188b, 140b, and 152a; Pesachim 108b and 112a, to list just a few.)

Rambam teaches us that how we eat is at least as important as what we eat.

1. **Rambam, Hilchot Deot 4:1 – Listen to your body for what it needs.**

A person should never eat unless he is hungry, nor drink unless thirsty.

לעולם לא יאכל אדם אלא כשהוא רעב, ולא ישתה אלא כשהוא צמא.

2. **Ibid., 4:2 – Do not overeat.**

One should not eat until his stomach is full. Rather, [he should stop when] he has eaten to approximately three-quarters of full satisfaction.

לא יאכל אדם עד שתתמלא כריסו אלא יפחות כמו רביע משבעתו.

3. **Ibid., 4:15 – Overeating is dangerous for one's general health.**

Overeating is like poison to anyone's body. It is the major cause of all illness. Most illnesses which afflict a person are caused by harmful foods or by his filling his stomach and overeating, even of healthy foods.

ואכילה גסה לגוף כל אדם כמו סם המות, והוא עיקר לכל החלאים, ורוב החלאים שבאים על האדם אינם אלא או מפני מאכלים רעים, או מפני שהוא ממלא בטנו ואוכל אכילה גסה אפילו ממאכלים טובים,

This was implied by Solomon in his wisdom, "Whoever guards his mouth and his tongue, guards himself from distress" (Mishlei/Proverbs 21:23); i.e., "guards his mouth" from eating harmful food or eating his fill and "his tongue" from speaking [about things] other than his needs.

הוא ששלמה אמר בחכמתו שומר פיו ולשונו שומר מצרות נפשו, כלומר שומר פיו מלאכול מאכל רע או מלשבוע, ולשונו מלדבר אלא בצרכיו.

PART B. EXERCISE

The lack of exercise is now causing as many deaths as smoking across the world, a study suggests.

The report, published in the Lancet to coincide with the build-up to the Olympics, estimates that about a third of adults do not engage in sufficient physical activity, causing 5.3m deaths a year.

That means that about one in 10 deaths from diseases such as heart disease, diabetes and breast and colon cancer can be attributed to the lack of exercise.

Researchers said the problem was now so bad it should be treated as pandemic. And they said tackling it required a new way of thinking, suggesting the public needed to be warned about the dangers of inactivity rather than just reminded of the benefits of being active. (BBC.co.uk, 18 July 2012, by Nick Triggle)

Rambam long ago recognized how vital exercise is for healthy living. What is interesting about his approach to exercise is that his recommendations are minimal by today's standards. He defines exercise as an activity that increases one's breathing pace.

1. **Rambam, Regimen of Health, Ch.1 – Exercise is defined as activity that increases one's pace of breathing.**

Exercise counters the damage caused by most bad habits adopted by most people. But not all movements are considered exercise. Exercise is defined as either vigorous or mild movements, which if practiced repeatedly causes one's breathing to become heavier. If someone exercises even more vigorously, this is called exertion – very strong movement – but not everyone can bear such effort, nor is it necessary.

It is not proper to engage in physical exercise unless one's stomach is empty, and after emptying the body of its waste, both urine and stool. One should not exercise when it is very hot or very cold. The best time for exercise is in the morning, just after awakening from one's sleep and after cleansing the body of its waste as mentioned above.

וההתנועעות ידחה נזק רוב ההנהגות הרעות אשר יתנהגו בהם רוב האנשים ואין כל תנועה התנועעות ואולם תקרא התנועעות התנועה בחזקה או חלופה הכוללת לשניהם והיא התנועה הכבדה אשר תשתנה ממנה הנשימה ויתחיל האדם להרבות נשימתו ומה שיוסף על זה הוא יגיעה ר"ל התנועעות החזקה מאד תקרא יגיעה ולא כל אחד יסבול היגיעה ולא יצטרך אליה ג"כ ...

ואין ראוי שתהיה ההתנועעות כי אם על ריקות האצטומכא ואחר הנקוי מן המותרות ר"ל השתן והצואה לא יעשה התנועעות לא בחום החזק ולא בקור החזק' והטוב שבעתים להתנועעות תחילת היום אחר אשר יעור האדם משנתו ואחר הניקוי מן המותרות כמו שזכרנו'.

PART C. WASTE MANAGEMENT

In several places, the Talmud teaches about proper habits regarding voiding body waste and personal hygiene. Rambam sees this issue as a fundamental element of good health maintenance.

1. **Rambam, Hilchot Deot 4:1 – Not to delay.**

One must never postpone relieving oneself, even for one minute. Rather, as soon as one has the urge to urinate or defecate, he should do so.

ואל ישהא נקביו אפילו רגע אחד, אלא כל זמן שצריך להשתין או להסך את רגליו יעמוד מיד.

2. **Ibid., 4:13 – Maintain bowel regularity.**

One must always keep his bowels loose, throughout his life. One should ideally be in a state closer to diarrhea than to

לעולם ישתדל אדם שיהיו מעיו רפין כל ימיו ויהיה קרוב לשלשול מעט. וזה כלל גדול ברפואה כל זמן שהרעי נמנע או יוצא בקושי חלאים רעים

constipation. A key principle in medicine is that whenever a person holds in his body wastes or when it is difficult to void, difficult illnesses are likely to come.

באים.

Rambam continues with his own prescriptions to cure constipation.

3. **Ibid., 4:14 – A general prescription for health.**

Another rule given for physical health: As long as someone exercises regularly and strenuously, does not eat to satiation and maintains regular bowel movements, no illness will befall him, and he will continue to be strong even if he eats harmful foods.

ועוד כלל אחר אמרו בבריאות הגוף. כל זמן שאדם מתעמל ויגע הרבה ואינו שבע ומעיו רפין, אין חלי בא עליו וכחו מתחזק, ואפילו אוכל מאכלות הרעים.

KEY THEMES OF SECTION II

- ⌘ Rambam presents a regimen for healthy living based on basic principles of nutrition, self-control and exercise.
- ⌘ Rambam warns against the dangers of over-eating, telling us to never eat to full satiation.
- ⌘ Rambam also prescribes exercise as fundamental to healthy living, although he does not see a need for extreme exertion. He considers any physical action that causes a person to breathe more heavily as exercise.
- ⌘ One key area of Rambam's regimen that would not be intuitive to us today is his focus on regular and prompt relief of bodily waste.

SECTION III. THE PHILOSOPHY OF HEALTHY LIVING

We have seen that it is a mitzvah to keep healthy and that Jewish sources even provide guidelines for doing so. But let us ask the following question: Why are we obligated to keep ourselves healthy and avoid sickness? After all, it's my body and my life – why can't I do with it what I please? Who's stopping me?

Judaism's answer is that God tells us what we can and cannot do with our bodies. God gave us a body and breathed the soul of life into it. And He did so for a purpose, not for nothing. We simply do not have the right to damage or destroy the body that was lent to us, as it were, to fulfill our task in this world.

PART A. WHO'S BODY IS IT?

This kindness will I show:

Go with me to a notary, seal me there

Your single bond; and, in a merry sport,

If you repay me not on such a day,

In such a place, such sum, or sums, as are

Express'd in the condition, let the forfeit

Be nominated for an equal pound

Of your fair flesh, to be cut off and taken

In what part of your body pleaseth me.

(William Shakespeare, The Merchant of Venice, Act I, Scene III)

With these words, Shakespeare's famous Jewish character Shylock presents the conditions of a loan to Bassanio. He will lend him free of interest, but if Bassanio defaults on the loan, then his friend Antonio will have to repay Shylock with a pound of his flesh. Would such a condition be valid in Jewish law?

The answer is a categorical NO! Judaism teaches that our bodies are not our own; they are on loan from God. For that reason, not only are we not allowed to repay a loan with a pound of flesh, we are not allowed to injure ourselves intentionally, even minimally.

1. **Talmud Bavli, Bava Kamma 91b – We are not allowed to purposefully injure ourselves.**

A person is not allowed to injure himself.

אין אדם רשאי לחבל בעצמו.

A fascinating outgrowth of this principle relates to a law of due process. Rambam, based on a Talmudic ruling, writes that a person who confesses to having committed a sin (in spite of there being no witnesses) is not punished by the court.

2. **Rambam, Hilchot Sanhedrin 18:6 – A Jewish court will not administer punishments on the basis of self-incriminating testimony.**

The Sanhedrin may not execute or administer lashes to a person who confesses committing a transgression, since it may be that this person has become insane. He might be one of those embittered people who are anxious to die and thrust swords into their bellies or throw themselves from the rooftops. Likewise, this person might confess committing a sin that he did not commit, hoping to be executed.

הסנהדרין אין ממיתין ולא מלקין המודה בעבירה שמא נטרפה דעתו בדבר זה, שמא מן העמלין מרי נפש הוא המחכים למות שתוקעין החרבות בבטנם ומשליכין עצמן מעל הגגות שמא כך זה יבא ויאמר דבר שלא עשה כדי שיהרג.

Radvaz (a prominent commentary on Rambam) explains why capital or corporal punishment is different, with regard to confessions, than monetary punishments.

3. Ibid., Commentary of Rabbi David ben Solomon ibn Zimra (Radvaz) – Although a person is believed in admissions of monetary debt, for matters of life and limb, a person lacks authority to cause himself injury.

A person's life is not his own property; it belongs to God, as the verse says "the souls are mine" (Yechezkel/Ezekiel 18:4). Therefore, a person's confession cannot affect that which belongs to someone else, the punishment of lashes being a partial form of execution. A person's money, however, is his property. In monetary cases we say that a person's confession has the strength of the testimony of a hundred witnesses. But just as a person does not have the right to kill himself, so he cannot cause himself to receive capital or corporal punishment by confessing a crime. His life is not his property.

אין נפשו של אדם קניינו אלא קנין הקב"ה שנאמר הנפשות לי הנה (יחזקאל י"ח, ד) הילכך לא תועיל הודאתו בדבר שאינו שלו ומלקות פלגו דמיתה הוא אבל ממונו הוא שלו ומש"ה אמרינן הודאת בעל דין כמאה עדים דמי וכי היכי דאין אדם רשאי להרוג את עצמו כן אין אדם רשאי להודות על עצמו שעשה עבירה שחייב עליה מיתה לפי שאין נפשו קניינו.

The implications of this concept for medical treatment are far-reaching, and beyond the scope of this class. For more on this topic see Rabbi Dr. Akiva Tatz, *Dangerous Disease and Dangerous Therapy in Jewish Medical Ethics*.

An interesting example of this halachic question is the issue of cosmetic surgery, which involves injuring oneself for a constructive purpose. Is this permitted? In practice, because of the constructive purpose of the injury, most authorities are lenient concerning this question (see Rabbi Moshe Feinstein, *Shut Igrot Moshe, Yoreh De'ah*, Vol. 2, No. 66).

A similar question arises concerning dieting: Is it permitted to cause oneself pain by withholding food, when this is done for cosmetic purposes (of looking slimmer)? This question was addressed by Rabbi Moshe Feinstein, one of the foremost Torah authorities of the twentieth century. After explaining that a diet recommended by a doctor for health reasons is not only permissible but mandatory, Rabbi Feinstein goes on to address the issue of dieting for looks.

4. Rabbi Moshe Feinstein, Igrot Moshe, Choshen Mishpat Vol. 2 No. 65 – The pain of dieting is offset by the pleasure of looking better.

The issue we need to address is whether it is permissible to cause oneself pain by dieting if the diet is only for the sake of enhancing appearance. See what I wrote earlier (in *Choshen Mishpat* Vol. 1 No. 103),

ורק על אלו נשים שנוהגות בד"ע רק בשביל נוי ויופי שי"ך לידון אם מותר מאחר שמצטערות. אבל ע"ן במה שכתבתי בספר אגרות משה חו"מ ח"א סימן ק"ג דדבר פשוט שבשביל הרוחת ממון ושאר הנאות מותר להצטער במניעה

namely that it is permissible to abstain from drinking wine for monetary profit or some other benefit. This is because the person does not experience any discomfort. On the contrary, he is pleased to be gaining the money he earns or other benefits he receives thereby. The supposed discomfort is the result of his desire to drink wine, but his desire to earn money is stronger, which is obvious since he agreed to forgo wine, and this is therefore not considered discomfort.

This point is self-evident. The same applies to women who diet. They are happy to abstain from eating for the benefit of losing weight and becoming more attractive.

משתית יין משום דלא נחשב זה מצטער כלל מאחר דהוא שמח אדרבה מהממון שמרויח ומשאר הנאות שאית לו ע"ז מאחר דכל הצער הוא מצד שמתאוה ליין והרי מתאוה יותר להרויח כדחזינן שבשביל זה הוא נמנע מיין.

והוא פשוט וברור וממש כן הוא הנאת האשה ממה שתהיה יותר נאה ויפה... וכדחזינן שרוצות יותר בהדייעט ולא משגיחות על שמצטערות מזה בשביל הנאתם מהנוי.

Again, we must remember that life is a balancing act. Rabbi Feinstein is not speaking about the kind of cosmetic dieting that leads to health problems or eating disorders. This type of dieting is certainly unjustified by the perceived gain, because of the very real damage it causes.

PART B. SERVING THE CREATOR

While we have no right to let ourselves get sick, it must be remembered that being healthy is not an end unto itself. It serves a greater goal – that of fulfilling the purpose of our creation and existence.

1. **Rambam, Hilchot Deot 4:1 – Being healthy is required for intellectual achievement.**

Maintaining a healthy and sound body is part of the formula for serving God – for when one is ill, he cannot understand the Creator or attain any knowledge of Him. Therefore, one must avoid anything harmful to the body and develop healthy habits that strengthen the body.

הואיל והיות הגוף בריא ושלם מדרכי השם הוא, שהרי אי אפשר שיבין או ידע דבר מידעת הבורא והוא חולה, לפיכך צריך להרחיק אדם עצמו מדברים המאבדים את הגוף, ולהנהיג עצמו בדברים המבררים והמחלימים.

2. **Rabbi Yaakov ben Asher, Arba'ah Turim, Orach Chaim 155 – One needs to be healthy in order to serve God.**

It is a mitzvah to conduct oneself in a balanced manner and behave in a way that preserves health, so that he will be healthy and have the requisite strength to serve the exalted Creator.

ומצוה להנהיג עצמו במדה טובה ונהגה טובה לשמור בריאותו כדי שיהא בריא וחזק לעבודת הבורא יתעלה.

3. Rabbi Moshe Rivkes, Be'er HaGolah, Choshen Mishpat 427:10:90 – Putting oneself in danger reveals disregard for the purpose of creation.

In my humble opinion the reason why the Torah commands us to guard our lives is because the Holy One, blessed is He, created the world in His kindness to bestow good upon His creations – so that they might recognize His greatness and perform His service in fulfilling His mitzvot and keeping the Torah. As the verse states, “All that is called in My name, I created for My honor” (Yishaya/Isaiah 43:7). This is ultimately in order to give them reward for their effort.

When someone places himself in danger, it is as if he is rejecting the will of his Creator, as if he desires neither His service nor His reward, and there is no greater dishonor and impudence than this.

נלע"ד הטעם שהזהירה התורה על שמירת הנפש הוא מטעם שהקב"ה ברא את העולם בחסדו להטיב להנבראים שייכירו גדלותו ולעבוד עבודתו בקיום מצותיו ותורתו כמו שאמר הכתוב כל הנקרא בשמי לכבודי בראתיו וכו' וליתן להם שכר טוב בעמלם.

והמסכן את עצמו כאילו מואס ברצון בוראו ואינו רוצה לא בעבודתו ולא במתן שכרו ואין לך זילזול ואפקירותא יותר מזה.

KEY THEMES OF SECTION III

- ⌘ Judaism teaches that we do not own our bodies, and therefore we are not at liberty to harm them. We cannot take our own lives or put them in peril.
- ⌘ Rather, our bodies are “on loan” to us from God, Who gave them to us for a reason. Putting our lives in danger indicates indifference for the purpose God had in giving them to us in the first place.

SECTION IV. ACTIVITIES THAT ENDANGER ONESELF

We have seen that we are charged with maintaining our health, and we are not permitted to cause ourselves harm. The principles outlined above raise the question of engaging in activities with a high risk of injury or death: In which cases is it permitted to engage in such activities, and when will this be included in the obligation to guard ourselves from harm?

Before we answer this question, we will address a fundamental problem related to risk-related activity: As believers in an all-powerful God, why should we worry about getting harmed at all? Insofar as we believe in Divine Providence – meaning that all that happens is purposeful, without any random element – why should we worry about getting hurt in dangerous situations?

The concept of danger implies that the chances of getting hurt in one situation are greater than another. But if we do not believe in chance, and realize that God runs the show, why should we be obligated to avoid situations that appear dangerous?

PART A. REAL DANGER

Judaism maintains that our world functions according to the laws of nature as God determined. It is beyond the scope of this class to explain why this is so (see the Morasha classes on Hashgacha Pratit and Free Will). What this means for our purposes, however, is that danger is a reality.

1. **Sefer HaChinuch, Mitzvah 538 – God expects us to follow the laws of nature and not to rely on miracles.**

God pays attention to each detail of every individual. He is aware of all their deeds. All that happens to anyone, whether good or bad, follows His decree and command according to [the person's] merit or sin, as our Sages say (Chulin 7b): No person even bangs his finger unless it has been decreed so from above.

Nevertheless, each person must protect himself from natural harmful happenings. God created the world and built it on the foundations of natural law. He decreed that fire consumes and that water extinguishes a flame. Likewise, nature decrees that if a large rock falls on a person's head it will crush his skull; and that if someone falls off a high roof to the ground he will die. God graciously infused the bodies of men with souls and intelligence with which he can guard himself from harm, and He placed both body and soul within the domain of natural processes that control and activate them. God made it such that the human body is subject to the laws of nature, as His wisdom saw fit, and He commanded man to protect himself from danger. This is because nature – which he is part of – will act upon him if he does not take precautions to protect himself...

Consequently, the Torah has commanded us to guard our homes and environs in

השם ברוך הוא משגיח בפרטי בני אדם ויודע כל מעשיהם וכל אשר יקרה להם טוב או רע בגזירתו ובמצותו לפי זכותו או חובו, וכענין שאמרו זכרונם לברכה [חולין ז' ע"ב] אין אדם נוקף עצבעו מלמטה אלא אם כן מכריזין עליו מלמעלה.

אף על פי כן צריך האדם לשמור עצמו מן המקרים הנהוגים בעולם, כי האל ברא עולמו ובנאו על יסודות עמודי הטבע, וגזר שתהיה האש שורפת והמים מכבין הלהבה, וכמו כן יחייב הטבע שאם תפול אבן גדולה על ראש איש שתרוצץ את מוחו או אם יפול האדם מראש הגג הגבוה לארץ שימות, והוא ברוך הוא חנן גופות בני אדם ויפח באפיו נשמת חיים בעלת דעת לשמור הגוף מכל פגע ונתן שניהם הנפש וגופה בתוך גלגל היסודות והמה ינהגם ויפעלו בהם פעולות. ואחר שהאל שעבד גוף האדם לטבע, כי כן חייבה חכמתו, מצד שהוא בעל חומר, ציוהו לשמור מן המקרה, כי הטבע שהוא מסור בידו יעשה פעולתו עליו אם לא ישמר ממנו.

ועל כן תצוו התורה לשמור משכנותינו ומקומותינו לבל יקרנו מות בפשיעותינו ולא

order that we do not die through our negligence. We may not put our lives in danger and rely on miracles. In fact, our Sages say that if a person relies on a miracle to save him, a miracle will not occur (Torat Cohanim, Parshat Emor, 8).

נסכן נפשותינו על סמך הנס, ואמרו זכרונם לברכה [תורת כהנים אמור פרשתא ח'] שכל הסומך על הנס אין עושין לו נס.

Since we live in a natural world, which functions based on natural laws, we are susceptible to harm. Therefore, we are charged with taking necessary precautions to protect ourselves. In fact, God has given us the ability to avoid getting hurt and to avoid situations that are likely to cause us injury.

2. **Talmud Bavli, Ketuvot 30a with Commentary of Tosafot – In most instances a person can avoid getting hurt by taking simple precautions.**

Everything is in the hands of Heaven, except for [negligence due to overexposure to] the cold or heat.

The Talmud says, “A person should never place himself in a dangerous place,” and this implies that people are capable of protecting themselves from harm. So too (regarding the Talmudic statement whereby) it is forbidden to walk alongside a shaky wall. These rulings imply that a person can protect himself from the consequences of his own negligence. Certainly, it is within a person’s power to cause himself to die. When someone is forced into a dangerous situation, however, he is powerless to protect himself. But no one is forced to suffer hypothermia or dehydration – a person can usually choose to protect himself from such things.

הכל בידי שמים, חוץ מצינים פחים.

והא דאמרי' (שבת דף לב.) לעולם אל יעמוד אדם במקום סכנה אלמא יכול לשמור עצמו מן הפורענות וכן קיר נטוי דאסור לעבור תחתיו התם מן הפשיעה יכול לשמור עצמו דהא ודאי שבידו להמית עצמו אבל כשמביאין עליו מן השמים באונס אי אפשר לו לשמור אבל צינים פחים לעולם אל יבואו עליו באונס אם רוצה ליזהר.

We can avoid getting sick or hurt by avoiding situations in which such things are liable to happen. If we are negligent, however, then we will be guilty of causing our own suffering. In the following section of this class, we will discuss the parameters of responsible behavior and negligent behavior. First, we will look at another reason why it is forbidden to endanger oneself.

PART B. DIVINE SCRUTINY

There is also a more spiritual reason that makes us susceptible to harm in dangerous situations. Since danger is real, the way God judges us in times of danger differs from the norm. When someone exposes himself to danger, it is as if he has invited God to scrutinize whether or not he deserves to be saved from that danger. He might need special merits to come out unscathed.

1. Talmud Bavli, Shabbat 32a – During times of danger, people are more likely to be punished for their sins.

And when are men's deeds examined? – Said Resh Lakish: When they cross a bridge. Is a bridge the only instance? – This means any situation similar to a bridge.

Rabbi Yannai would examine [the stability of a bridge] and then cross over. Rabbi Yannai thus [acted] according to his personal teaching, for he taught, "A man should never stand in a dangerous place saying that a miracle will be wrought for him, for the miracle might not occur. And if a miracle does occur, it will reduce his merits."

וגברי היכא מיבדקי? – אמר ריש לקיש: בשעה שעוברים על הגשר. גשר ותו לא? אימא: כעין גשר.

רבי ינאי בדיק ועבר. רבי ינאי לטעמיה, דאמר: לעולם אל יעמוד אדם במקום סכנה לומר שעושין לו נס – שמא אין עושין לו נס. ואם עושין לו נס – מנכין לו מזכויותיו.

2. Ibid., Commentary of Rashi – Circumstances of danger arouse Divine scrutiny of mitzvot and transgressions.

When a woman is healthy, there are times when her merits will suffice and the accusing angel will not be able to draw attention to her sins. But when she is on the threshold of danger and needs a miracle [during childbirth], then her sins and actions are taken into account to determine whether or not she deserves a miracle.

האשה כשהיא בבריאות, פעמים שזכויותיה תולין, ואין כח במקטרג להזכיר עונה, אבל משהגיעה לפתח הסכנה וצריכה לנסים – שם מזכירין עונותיה ומעשיה, אם ראויה היא לנס אם לאו.

We find another example of this principle concerning other forms of danger.

3. Talmud Bavli, Rosh HaShanah 16b – Being in danger brings one's transgressions to God's attention.

Rabbi Yitzchak said: There are three things that cause a person's transgressions to be scrutinized: [walking alongside] a shaky wall...

ואמר רבי יצחק: שלשה דברים מזכירין עונותיו של אדם, אלו הן: קיר נטוי...

This principle is also at play in the biblical account of Yosef and his brothers. When Yosef insisted that his brothers go home to fetch their youngest brother Binyamin and bring him down to Egypt, their father Yaakov was hesitant to send Binyamin down to Egypt, fearing that he might suffer an accident along the way. There was more reason to fear for his safety on the road than had he remained safe at home.

4. Bereishit 42:4 with Commentary of Rashi – Yaakov is afraid to send Binyamin into a dangerous situation.

But Yaakov did not send Yosef's brother Binyamin along with the others, "lest misfortune befall him," he said.

Rashi: Even at home, could not misfortune befall him? Rabbi Eliezer ben Yaakov said: From here [we learn] that Satan accuses [a person] at times of danger (Bereishit Rabbah 91:9).

ואת בנימין אחי יוסף לא שלח יעקב את אחיו כי
אמר פן יקראנו אסון:

ובבית לא יקראנו אסון, אמר רבי אליעזר בן יעקב
מכאן שהשטן מקטרג בשעת הסכנה:

KEY THEMES OF SECTION IV

- ⌘ A basic Jewish belief is Divine Providence over all that happens to man. Yet, there is also a clear recognition that we live in a physical world that functions according to the laws of nature – which is also the Divine will. Therefore, danger is a reality to be reckoned with.
- ⌘ In dangerous situations, we are liable to get hurt or killed just by virtue of being in the wrong place at the wrong time. It is up to us to make sure not to be negligent in submitting ourselves to risks that we don't need to take.
- ⌘ Danger is risky for an additional reason: It arouses Divine scrutiny. When in a dangerous situation, a person's merits are reviewed to determine whether or not he deserves to come out unscathed.

SECTION V. RECREATION AND RECKLESSNESS

Recreational pastimes that involve physical activity are popular in today's society. Sometimes they are done for purposes of exercise, and sometimes just for recreation and fun. These activities can include sports that are somewhat dangerous, like skiing, mountain biking and kickboxing.

While most common sports such as football, soccer and basketball are generally safe, they still carry risks of injury. Some activities, like skydiving, bungee jumping and BASE jumping, are appealing precisely because they challenge our fear of death. Are any of these activities sanctioned by Torah law? Where should we draw the line between recreation and recklessness?

Several factors determine whether a person is permitted to place himself in a dangerous situation. Since our focus here is on sports and recreation, we will stick to those factors that may be relevant to our discussion. As such, we will explore two key issues: risking safety to earn a livelihood and taking “reasonable” risks.

PART A. RISKY BUSINESS

Mark Sutton, the stuntman who parachuted into the opening ceremony of the 2012 Olympics in London dressed as James Bond, was killed on Wednesday in a wing-diving accident in the Swiss Alps. He was 42. Mr. Sutton, a former Gurkha rifle officer for the British Army, died after jumping from a helicopter and crashing into a mountain ridge only minutes from the French border near Trient, Switzerland, the Swiss police said. Wing-diving is an extreme sport that involves using a special jumpsuit with wings that allow the wearer to glide. Wing-divers usually end their jump using a parachute. (Mark Sutton, Parachuting Stuntman at Olympics, Dies at 42, Reuters, August 15 2013).

Tests performed on a group of retired NFL players revealed that more than 40 percent suffered from problems such as depression and dementia, adding to a growing pile of evidence that repeated sports-related head traumas can lead to lasting neurological issues.

Analyzing 34 ex-professional football players (average age 62) on benchmarks such as memory, reasoning, problem-solving and behavior, researchers from the Center for Brain Health at the University of Texas at Dallas found that 20 tested normal while the rest suffered from depression, various deficits in memory/thinking or a combination of these issues. (Maureen Salamon, US News & World Report, June 29, 2012)

As indicated in the article above, professional football has its risks. Because of these risks, the popularity of tackle football among youth has decreased in recent times. A report from nytimes.com (Ken Belson, May 11 2014) says: “Amid widespread and growing concerns about the physical dangers of the sport, the school board here approved plans in February to shut down the district’s entry-level, tackle-football program for seventh graders in favor of flag football. There was little objection.”

Jewish law will advise that recreational activities recognized as dangerous should be avoided, unless precautions can be taken. However, halachah relaxes its prohibition against danger when a person’s livelihood is at stake.

1. **Devarim 24:15 and Bava Metzia 112a – One is allowed to engage in risky behavior for the sake of one’s livelihood.**

You must give him his wage on the day it is due, and not let the sun set with him waiting for it. He is a poor man, and he risked his life for it. Otherwise, he will complain to God about you, and you will be accused of sin.

ביומו תתן שכרו ולא תבוא עליו השמש כי עני הוא ואליו הוא נשא את נפשו ולא יקרא עליך אל ה' והיה בך חטא.

“...and he risked his life” – Why did this man ascend a ladder, suspend himself from the tree, and risk death itself? Wasn't it for his wages?

ואליו הוא נשא את נפשו, מפני מה עלה זה בכבש ונתלה באילן ומסר את עצמו למיתה - לא על שכרו?

The wording of the Torah thus indicates that a person may risk his life for the sake of his livelihood.

In the next source we will see that an endeavor that might be too dangerous for sport is still permitted for the sake of one's livelihood. The following legal opinion from the 18th century analyzes this issue in regard to hunting. After discussing the issues of causing pain to animals, wasting them as a resource, and developing the character trait of cruelty, Rabbi Yechezkel Landau turns to the issue of safety.

2. **Rabbi Yechezkel Landau, Noda B'Yehudah (Tinyana), Yoreh Deah 10 – Hunting is permissible for livelihood but not for sport.**

I have thus far discussed the matter of distancing oneself from hunting from the perspective of proper conduct. Now I wish to add that there might be an actual sin involved, too, since anyone who hunts must enter forests, exposing himself to great danger from the many beasts lurking there. The Torah says, “And you shall guard yourselves very well.”... So how can a Jewish person place himself where wild animals roam?

Yet, even here, somebody who is poor and needs to hunt for his livelihood is permitted by the Torah to do so, just as merchants who travel the seas. Whatever a person needs to do for his livelihood must be permitted, as the Torah says, “...and he risked his life for it.” And our Sages say: Why did this man ascend a ladder, suspend himself from the tree, and risk death itself? Wasn't it for his wages?

But somebody whose intent is not for purposes of sustenance, but simply wants to satisfy the whims of his heart by going where wild animals lurk, and thus endangers himself, fails to fulfill the dictum: “And you shall guard yourselves very well.”

ועד כאן דברתי מצד יושר ההנהגה שראוי לאדם להרחיק מזה ועכשיו אני אומר אפילו איסורא איכא שהרי כל העוסקים בזה צריכין להכנס ביערות ולהכניס עצמם בסכנות גדולות במקום גדודי חיות ורחמנא אמר ונשמרתם מאוד לנפשותיכם... ומעתה איך יכניס עצמו איש יהודי למקום גדודי חיות רעות?

ואף גם בזה מי שהוא עני ועושה זו למחייתו לזה התורה התירה כמו כל סוחר ימים מעבר לים שכל מה שהוא לצורך מחייתו ופרנסתו אין ברירה והתורה אמרה ואליו הוא נושא את נפשו ואמרו רז"ל מפני מה עלה בכבש ונתלה באילן ומסר עצמו למיתה לא על שכרו כו'?

אבל מי שאין עיקר כוונתו למחייתו ומתאוות לבו הוא הולך אל מקום גדודי חיות ומכניס עצמו בסכנה הרי זה עובר על ונשמרתם מאוד כו'.

Based on this premise, professional tackle football will actually be *less of a problem* than amateur football (**see below**), even if the danger element is actually greater. The issue of danger in professional sport is addressed in a ruling given by Rabbi Moshe Feinstein.

3. **Rabbi Moshe Feinstein, Igrot Moshe, Choshen Mishpat Vol. 1 No. 104 – One may play a professional sport that involves some risk to both players.**

I was asked if it is permissible to play ball professionally despite the danger of getting hurt, as happens to one in several thousand players who all expose themselves to such a risk. I answered that it seems to me to be permissible based on what the Talmud says in Bava Metzia 112 on the verse “and he risked his life for it” ... This implies that it is permitted to engage in a livelihood even if it involves a slight risk. Also, it should be permitted when there is a remote danger of killing others, for what is the difference between the prohibition against killing others and the prohibition against killing oneself? Killing oneself is also prohibited as murder, but it is permissible to take the risk for the sake of livelihood when the chances are minimal.

Seeing as such is the case, it is also permitted when the minimal risk involved concerns injuring someone else. If this would not be so, how would it be permitted for the owner of a tree to hire a worker to climb it? Yet, this reasoning is only true if the other person takes the risk willingly. Otherwise, it would not be permitted to put others in even the slightest risk, if they are unaware of it or if it is against their will.

נשאלתי מאחד אם מותר להתפרנס ממשחק זריקת הכדורים שנקרא באל בלע”ז שיש לחוש לסכנה כדאירע לאחד מכמה אלפים שנסתכן. והשבתי שלע”ד יש להתיר דהא מפורש בב”מ דף קי”ב על קרא דואליו נושא נפשו... אלמא דמותר להתפרנס אף כשאכא חשש סכנה לאופן רחוק. וממילא אף כשיש חשש שיהרג אחרים באופן רחוק כזה מותר דמאי שנא מחשש דליהרג בעצמו דגם להרוג את עצמו יש איסור לא תרצח ומ”מ מותר בחשש רחוק כזה לצורך פרנסה.

א”כ גם בחשש סכנת אחרים נמי יש להתיר בחשש רחוק כזה וגם אם לא נימא כן לא היה רשאי בעל האילן לשכור אותו. אבל ודאי מסתבר שהוא דוקא כשהאחר ג”כ נכנס לזה ברצונו דודאי אין לו רשות להכניס אף בספק הרחוק כזה את אלו שלא ידעו או לא רצו להכנס אף בספק רחוק כזה.

We are permitted to pursue a livelihood even if it involves danger. Becoming a professional athlete would certainly qualify under this category. Now, what if I want to play football without joining the NFL? Assuming that there is some risk of injury at the recreational level, will this be permitted?

PART B. BEING NORMAL

Forbes.com ranked the top 10 sports using the estimated number of injuries for people of all ages. The rankings do not take into account varying participation rates, which partly explains why many popular sports yielded the greatest number of injuries.

The numbers show, surprisingly, that of all the activities you might participate in this summer, or throughout the rest of the year, basketball had the highest estimated number of injuries, with more than 529,000 during 2006, followed by bicycling, at over 490,000 and football, at over 460,000. Rounding out the top five are riding an ATV, moped or mini-bike, with more than 275,000 injuries, and playing baseball or softball, with over 274,000 injuries. The injuries reported ranged from getting elbowed in the mouth during a basketball game to a fractured femur following an ATV rollover. (Allison Van Dusen, "Most Hazardous Sports," www.forbes.com, May 29, 2008)

Many people get hurt playing basketball. Does this mean it should be classified as a "hazardous sport" that Jewish law will forbid? Does the popularity of playing basketball change its legal status? The general rule for these matters is that it is permitted to act in the normal ways of our society, even if doing so poses some risk of injury.

1. **Talmud Bavli, Yevamot 72a (see also: Shabbat 129b, Ketuvot 29a, Avodah Zarah 30b, Nidah 45a) – It is permitted to rely on Divine protection and engage in an activity whose danger is disregarded by most people.**

These days, since the masses disregard the danger, "God protects the fools" (Tehillim 116).

והאידינא דדשו בה רבים, [תהלים קט"ז] שומר פתאים ה'.

When enough people willingly engage in an activity that might otherwise be considered dangerous, it becomes normative behavior. True, the behavior might be foolish, but because it is the social norm, it is permitted to rely on Divine protection and do as the Romans do.

2. **Rabbi Elchonon Wasserman, Kovetz Shiurim, Ketuvot 136 – Since we must function as normal human beings, any danger posed by normative behavior is considered "unavoidable."**

A person is not obligated to refrain from acting in what is considered normal behavior. As a result, it is as if people are incapable of protecting themselves from this danger, and therefore God protects him. In cases where a person is capable of protecting himself, however, he is not considered an innocent [whom God protects]. If such a person does not protect himself, then he is guilty of endangering his life, and he may not be protected by God.

אין אדם חייב להמנע ממנהג דרך ארץ, וממילא הוי כאילו אין בידו לשמור את עצמו ואז נשמר מן השמים, אבל היכא שבידו להזהר אינו בכלל פתאים, ואם לא ישמור את עצמו הוא מתחייב בנפשו ולא יהא משומר מן השמים.

The Talmud does not say that normal behavior isn't dangerous. Rather, the principle is that we are permitted to expose ourselves to danger when it is normative behavior. Statistically, driving a car is probably more dangerous than any sports activity – but it is permitted because society has decided that this is a “reasonable risk.”

3. **Rabbi Mordechai Yaakov Breish, Chelkat Yaakov, Choshen Mishpat 31:8 – We can rely on Divine protection to engage in everyday behavior even though it might be dangerous.**

It is clear that one can rely on the verse, “God guards the foolish,” as the Talmud says. Would it occur to you that because of the prohibition against entering a dangerous situation we should prohibit traveling in a car or airplane even though we know how many accidents and mishaps happen to those who travel in them? Rather, since a great number of people engage in these activities, they are permitted.

יש לסמוך על הכתוב שומר פתאים וכן אמר בגמרא. הגע בעצמך, הכי יעלה על הדעת לאסור על פי דין תורה לנסוע באוטו או באוירון, אף שענינו רואות ויודעים מכמה אסונות ומקרים רעים דמתרחשו כמה פעמים עם נוסעים הללו, ויתסרו מטעם אל יעמוד אדם במקום סכנה, רק כיון דכבר דשו בו רבים מותר.

This brings us back to sports. Some of the most common sports have the highest injury rates. For instance, basketball, bicycling and baseball account for the most frequent number of injuries. Nevertheless, the high degree of participation in these activities will categorize them as “normal” behavior, despite the risks involved. If a person wishes to play basketball for his recreation (as well as for his fitness), it is therefore permitted for him to do so.

It will likewise be permitted to go skiing. Although not *everybody* does it, society sees skiing as something entirely normal, something that many enjoy doing. This being the case, and in spite of the risk of injury, skiing will come under the category of permitted.

By contrast, extreme car racing is far from being a social norm, and it will not be permitted to go racing – unless this is the way one makes a living.

An interesting distinction in this matter is raised by Rabbi Yaakov Ettlinger (Germany, nineteenth century).

4. **Rabbi Yaakov Ettlinger, Binyan Zion 137 – There is a difference between behavior that presents an immediate danger, and behavior that may present a future danger.**

How is it permitted to travel on the seas or through a desert, two of the activities for which a person is obligated to publically thank God for having been saved? How is it permitted to purposely enter into a situation of danger and to transgress the verse “And you shall guard yourselves very

אין מותר לירד לים ולצאת למדבר שהם מהדברים שצריך להודות על שנצלו ואין מותר לכתחלה לכוון לסכנה ולעבור על ונשמרתם מאוד לנפשותיכם אע”כ כיון דבאותה שעה שהולך עדיין ליכא סכנה הולכין אחר הרוב.

well”? It must be that since initially the danger had not yet presented itself, we can rely on statistics (most people who engage in these activities are not injured).

According to Rabbi Ettlinger, permission is only given to social norms that do not involve imminent danger. Going on a sea journey poses a danger in case of a storm, but not if the seas remain calm.

Because on embarkation there is no *imminent danger*, we rely on the majority of people. Even according to this distinction, it will remain permitted to ski or even to skydive (if that is a social norm!), since there is no *imminent danger* in either of these activities.

It is noteworthy that Rabbi Moshe Feinstein (Igrot Moshe, Choshen Mishpat 2:76) wrote that smoking should be discouraged, as should all other unhealthy habits, yet it cannot be prohibited outright. The reason for this is that only a minority of smokers are afflicted by health problems, and for such circumstances the “God protects the fools” principle applies.

Yet, if smoking was a well-trodden path in 1964, when Rabbi Feinstein’s first teshuvah (responsum) on the topic was written, it is far less trodden today. Society today no longer regards smoking as a tolerable risk, and even outlaws smoking in all public places, including bars. Moreover, we know today that smoking will damage the smoker’s health in a majority of cases. The “social norm” argument will therefore not apply to smoking today (Teshuvot Rivevot Efraim 8:586). We cannot apply the “God protects the fools” principle where the fools are clearly not being protected (Rabbi Avigdor Neventzhal, Asyah 5:261).

KEY THEMES OF SECTION IV

- ✧ It is permitted to pursue a livelihood that involves some risk of injury or death. Included in this category are professional sports.
- ✧ We are also allowed to engage in “normal behavior” even when it is risky. Once an activity becomes a social norm, it is considered as if people are incapable of protecting themselves from the danger, and they can, therefore, rely on God protecting them.
- ✧ Unlike in the past, smoking today is not a social norm, and it will not fall under the category of “God protects the fools.”

CLASS SUMMARY:

WHAT DOES JUDAISM HAVE TO SAY ABOUT KEEPING HEALTHY?

- The Torah instructs us to keep healthy and avoid danger to life and limb. It is our own responsibility to take care of our health and stay out of harm's way.
- The Torah tells us to "guard ourselves," to make sure that we do not get hurt or killed. That means we need to avoid dangerous situations or things that can harm us. As such, we need to stay away from health hazards.

DO JEWISH THINKERS RECOMMEND A CERTAIN DIET OR LIFESTYLE?

- The Talmud in many places gives recommendations of types of foods to eat and kinds of behavior conducive to healthy living.
- Based on the Talmud and his knowledge as a doctor, Rambam developed a regimen for healthy living, the key features of which are: controlling food intake, exercise, and regular bowel movements.

WHAT IS THE JEWISH PERSPECTIVE ON THE IMPORTANCE OF HEALTHY LIVING?

- The obligation to maintain one's health stems from the notion that our bodies are not our own; they are on loan from God. He created them to be used for a certain purpose and places responsibility for their upkeep on us.
- Since we are here for a purpose, the most productive way to fulfill that purpose is in a state of good health.

IF WE BELIEVE IN GOD THEN WHY DO WE NEED TO TAKE STEPS TO ENSURE HEALTH AND AVOID DANGER? WON'T GOD JUST TAKE CARE OF US ANYWAY?

- God created a physical world that runs for the most part according to the laws of nature that He determined. Therefore, physical danger is a reality of the world we live in. Someone who ignores this will pay the consequences.
- Additionally, because danger is real, a person needs extra Divine assistance to be saved from it. Therefore, someone in a dangerous situation is judged as to whether or not he deserves that extra help. The humble person will realize that it is not a good idea to submit himself to such Divine scrutiny.

WHICH SPORTS AND RECREATIONAL ACTIVITIES DOES JUDAISM CONDONE, AND WHICH DOES IT CONDEMN?

- While it is generally forbidden to do something that is dangerous, Judaism recognizes the need to earn a living. As such, someone whose profession comes with health hazards is still allowed to keep the job. Hence, professional athletes are permitted to play dangerous sports.
- Even if sport is not your profession, it is still permitted to engage in sports. It is permitted to do something considered a normal activity in one's society.
- This permission will not apply to those activities that society sees as being dangerous, and only done by "danger freaks." In addition, the principle won't apply to smoking today.

ADDITIONAL RECOMMENDED READING & SOURCES

Rabbi Yosef Yitzchak Lerner, *Shmirat Ha-Guf Ve-Ha-Nefesh*, Vol. I, Introduction

Rabbi Dr. Avraham Steinberg, *Encyclopedia of Jewish Medical Ethics*, Entry: Preventative Medicine

Rabbi Shlomo Cohen-Duras, *Sikun Atzmi Le-Matarot Sport* in *Techumin*, Vol. 22