Plastic Surgery

חבלת עצמו

Yona was sick of his nose! It was just too big and out of place. He decided from the time he was a young teenager that the second he turned 18, he was going to get a nose job.

Finally the day had come, his 18th birthday. Even though Yona's parents were adamantly against his decision, Yona had saved up enough money and was determined to fix his nose.

That night, between the afternoon and evening prayer, the Rabbi of the shul was giving his usual fifteen minute Torah discussion. However, this one seemed all too "coincidental" for Yona, considering the circumstances, The Rabbi spoke about the laws of the negative commandment of hurting one's self. Someone from the back of the shul piped up during the speech, "How does this apply to us"? The Rabbi quickly answered back that this topic is very commonly discussed regarding plastic surgery.

Yona couldn't believe it! He felt like the wind had just been taken out of him. Yona now knew exactly where he was heading after the evening prayer; straight to the Rabbi to discuss his next move!

Sources

[1] Gemara Bava Kama 91b

[2] Tosfos, ibid.

[3] Shitah Mekubetzes, ibid.

[4] Rambam Hilchos Chovel U'Mazik 5:1

[5] Igros Moshe: Chosen Mishpat 2:66

החובל בעצמו אע"פ שאין רשאי פטור. תימה מאי מיעט שייך למיעוט עוונות ותוכחתיה מוחזקת לה מייב משום קונן אמאי רשאי פטור לאו היינו פטור ממלקות להא דמייב משום קונן שאין רשאי לחבול בעצמו ואפילו הכי פטור ממלקות דכתיב (דברים כה) לא תחבל אחיך ולא אחיך ממש אלא כל שבא לחבול בחבירו ולא חבל ומיהו קשה לרבי יהודה דאמר (מכות דף כב.) חבל בחבירו ולא חבל בעצמו חייב ולרבי יוסי דאמר (שם) חבל בחבירו ולא חבל בעצמו פטור ולרבי יהודה אפילו חבל בחבירו ולא חבל בעצמו חייב ולרבי יוסי אפילו חבל בעצמו ולא חבל בחבירו פטור ולרבי יהודה אפילו חבל בעצמו ולא חבל בחבירו חייב ולרבי יוסי אפילו חבל בחבירו ולא חבל בעצמ

Gemara Bava Kama 91b [1]

It's an argument between the Tana'im. One says it's forbidden to hurt one's self, while the other holds it permissible to hurt one's self. Who is the one who holds it's forbidden to hurt one's self? If you want to tell me it's the same Tanah that taught us in a Baraisah ["*ve'ach es dimchem lenafshoseichem edrosh* (however your blood for your soul I will seek out)" Rabbi Eliezer says this means one who kills himself G-D will seek out his blood (hold him liable for doing so)], I'll tell you that it's different than our case. Maybe murder is different. Rather it's this Tanah who taught us in a Baraisah [you're allowed to rip your clothes (as a sign of mourning) over the death of someone, and it's not considered acting in the ways of the gentiles. Rav Elazar says he once heard that someone who rips more than necessary gets lashes for violating the negative commandment of do not waste]. The Gemara infers that it's all the more so that one may not cause more pain than necessary to his body. The Gemara refutes this by saying maybe clothes are different due to the loss of the clothes that can't be reversed (whereas the body can heal). The Gemara brings a proof to this from Rav Yochanon who called his clothes honorable. Rav Chisdah once was walking through the thorns. He lifted his clothes above his legs and said "this one heals (his skin), while this one doesn't (his clothes). The Gemara suggest a different Tanah (to be the one who holds one may not afflict himself) who taught us in a Baraisah. [Rav Elazar Hak'far the son of Rebbi said what is the passage teaching us when it says in regarding a Nazir (someone who vows not to drink wine or come in contact with a corpse) *"vechi'per a'luv me'asher chatoh al hanefesh* (and he will be atoned for that which he sinned against a person)". Which person did he commit a sin against? The person he sinned against was himself by holding back the ability to drink wine. Is it not obvious then to deduce from this, one who denies himself of nothing but wine is called a sinner, all the more so if he denies himself of anything else (inflicts pain to himself).

Tosfos, ibid. [2]

Tosfos asks: What is the Gemara thinking at this stage? Does the Gemara need to bring a proof that one who rips his clothes is transgressing the negative commandment of don't waste!

The Ri answers: The Gemara is only bringing a proof that it's forbidden to inflict a wound to himself even if there is a need. For example, a woman who inflicts a wound on her head. Also one who kills himself due to something he's afraid of, or one who rips his clothes for mourning are cases of need.

Shita Mikubetzes on Bava Kama 91b [3]

רב חסדא כי הוה מסגי ביני קוצי הוה מדלי מאניה וכו׳ שמעית מינה דאדם רשאי לחבול בעצמו ואינו רשאי לאבד ממונו וקיימא לן כרב חסדא דבתרא הוא. הרמ״ה ז״ל בפריטיו.

Rav Chisdah would lift up his clothes when walking through the thorns: We see from here one may inflict damage to himself, but may not throw away his money. We go according to Rav Chisdah's reasoning because he was one of the later Rabbinic scholars (which we normally go with in determining the law).

Rambam Hilchos Chovel U'Mazik 5:1 [4]

א אסור לאדם לחבול בין בעצמו בין בחבירו. ולא החובל בלבד אלא כל המכה אדם כשר מישראל בין קטן בין גדול בין איש בין אשה דרך *נציון הרי זה עובר בלא תעשה שנאמר לא יוסיף להכותו אם הוהירה תורה מלהוסיף בהכאת החוטא קל וחומר למכה את הצדיק:

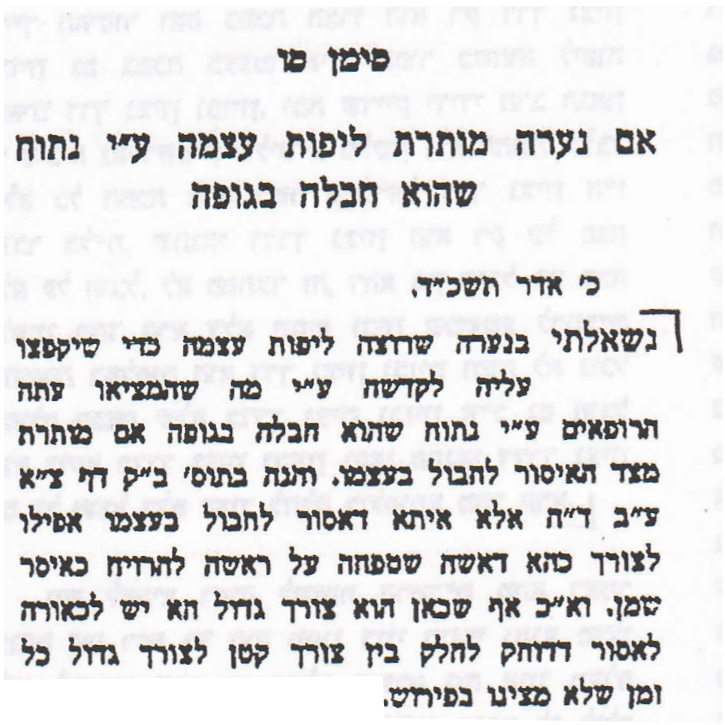
It is forbidden for one to inflict damage to himself or his friend. Not just one who damages, but anyone who hits a "kosher" Jew (someone who isn't in the category of evil), whether an adult or a minor, man or woman, in a fighting manner transgresses a negative commandment in the Torah of not increasing to hit. If the Torah warns one against increasing his hitting of a sinner (when he is going through his punishment in the Rabbinical court), all the more so to a righteous person.

Igros Moshe Chosen Mishpat 2:66 [5]

I've been asked about a young girl who wants to beautify herself in order to become more attractive for marriage. She wants to do it through plastic surgery, which is inflicting a wound on one's self. She wants to know if it's permissible even though she's inflicting herself with a wound.

In Tosfos in Bava Kama he writes it's forbidden to wound one's self even if there's a need for it. For example, a woman who inflicts a wound to her head in order to gain a certain amount of oil (that she couldn't afford otherwise). If so, even though this plastic surgery is a great need, it seems it would be forbidden. It's hard to say that this case is different because it's a great need (whereas Tosfos is talking about a small need), as long as we don't see him say it explicitly.

The Rambam writes (chapter of Hachovel) about the transgression of hitting someone who is a kosher Jew, that it's only if done in a fighting manner. Another printing has it written if it's done in an embarrassing way. If so, in this case where the wound is there in order to make her look more attractive, that cannot be considered fighting or embarrassing. If this is so regarding hitting someone else, for sure it's the same regarding wounding one's self also if it's not done in these two ways. My great friend Rav Tuvia Goldstein deduces from the way the Rambam writes the law that this stipulation of hitting in a fighting or embarrassing manner only applies to hitting, and not wounding. However, this is not logical, because whether fighting or just plain wounding, it's all learned out from the same source in the Torah (and must be the same by both). Since it seems from the Rambam that hitting is only forbidden when done in these two ways, wounding will have to be the same too.



סימן סו

אם נערה מותרת ליפות עצמה ע"י נתוח שהוא חבלה בגופה

כ' אדר תשכ"ד.

נשאלתי בנערה שרוצה ליפות עצמה כדי שיקפצו עליה לקדשה ע"י מה שהמציאו עתה הרופאים ע"י נתוח שהוא חבלה בגופה אם מותרת מצד האיסור לחבול בעצמו. והנה בתוס' ב"ק דף צ"א ע"ב ד"ה אלא איתא דאסור לחבול בעצמו אפילו לצורך כהא דאשה שטפחה על ראשה להרזיח כאיסר שמן. וא"כ אף שכאן הוא צורך גדול הוא יש לכאורה לאסור דהחק לחלק בין צורך קטן לצורך גדול כל זמן שלא מצינו בפירוש.

אבל הרמב"ם הוא כתב ברפ"ה מחובל באיסור הכאה לאדם כשר מישראל שהוא במכה דרך נציון ולחד גירסא דרך בזיון ע"ש, וא"כ בעובדא זו שהחבלה הוא ליפותה הרי אינו דרך נציון ובזיון שלא שייך האיסור ואם במכה חברו הוא רק דרך נציון ובזיון גם במכה בעצמו אין לאסור כשהוא ליפות שאינו דרך נציון ובזיון. ומה שדייק ידידי הרב הגאון ר' טוביה באלדשטיין שליט"א מלשון ולא תחובל בלבד אלא כל המכה אדם כשר מישראל דרך נציון ה"ז עובר בל"ת, שתנאי דדרך נציון הוא רק על מכה ולא על חובל, לא מסתבר זה, דהא בין חובל בין מכה ילפינן מחד קרא דלא יוסיף וכיון שמשמע לרמב"ם דהוספה במלקות הוא דרך נציון ובזיון ומזה לא נוכל לשלול הכאה שלא בדרך נציון ובזיון א"כ גם חובל הוא דוקא בדרך נציון ובזיון וקאי התנאי דדרך נציון גם על חובל דלא שייך לחלק בילפותא מחד קרא.

CONCLUSION

DISCLAIMER:

The views and opinions presented in this sourcesheet should not be taken as *halachah l'maaseh*.
Before applying these halachos to real-life situations, one must consult with a competent halachic authority.