The Anatomy of Halakha: A supplement to the Encyclopedia of Jewish Medical Ethics

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Introduction

The now classic encyclopedia of Dr. Steinberg, in its second expanded edition, has become ubiquitous in the world of medical halakha, and its breadth and thoroughness are legion. Dr. Steinberg has done for medical halakha what Julius Preuss did for Biblical and Talmudic medicine. He has written the definitive work. There is virtually no aspect of medical halakha that he has left unexhumed or unexplored. There will, of course be new developments in medicine that will require analysis and halakhic response, but with respect to existing issues, limited options are left for those who follow this expansive work. One option is to expand upon the existing topics in the encyclopedia from an halakhic and historical perspective. It is this option that I exercise below. Placing the rabbinic literature in its proper historical context not only allows for better interpretation and appreciation of the original sources, it also facilitates more accurate extrapolation from pre-modern sources to modern medical halakhic discourse. There is a rich literature in both general and Jewish medical history that unfortunately runs parallel to the world of medical halakha. Intersection of these disciplines stands to benefit the student of medical halakha.

Anatomical Observations- Fleshing out existing material

One of the prominent entries in Dr. Steinberg's invaluable magnum opus is devoted to autopsies and anatomical dissection in halakha. The brief historical introduction, discussing the general history of anatomical dissection, is followed by a halakhic analysis and bibliography of the topic. The essay below explores the impact and relationship of the history of autopsy and dissection on Jewish history and rabbinic literature. Familiar sources will be viewed in a new, rarified light, and new sources, both historical and halakhic, will be presented. The section below should be considered a supplement to the entry: *Nituchai Metim*.

The Historical Period of the Halakhic Discussions on Anatomy

The earliest teshuvot to address autopsy and anatomical dissection appeared in the eighteenth century by Rabbi Yaakov Emden and Rabbi Yechezkel Landau (more on these below). The oft-ignored question about these anatomical teshuvot is the historical period in which they first appear. Why does Rambam, the ultimate rabbi/physician, make no mention of the halakhic issues of dissection or autopsy in any of his medical or halakhic works? Rabbi Yosef Karo, while covering all aspects of human existence, including burial practices and bodily exhumation, likewise makes no reference to autopsy or dissection. The reason for these omissions lies not in their neglect but in the historic

reality. Systematic human cadaver dissection, while briefly practiced in antiquity,[1] and sporadically performed throughout the centuries, did not become an integral part of medical student training until the Renaissance.

The figure most often credited with establishing anatomical dissection as part of medical training, is Andreas Vesalius (1514-1564).[2] The relationship of Vesalius to the Jews, albeit limited, deserves mention. The anatomical terms detailed in his works, the *Tabulae Anatomica* and the later, classic *De Humani Corporis Fabrica* , are presented in multiple languages, including Hebrew.[3]

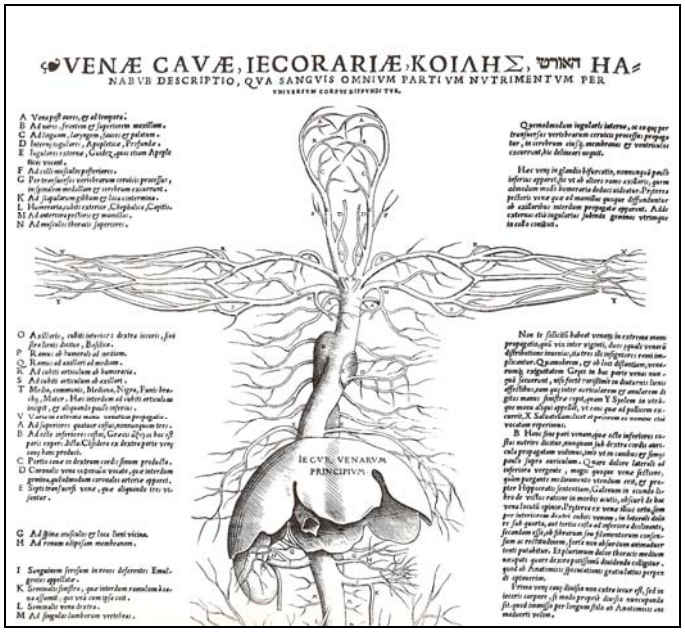

Illustration from De Humani Corporis Fabrica (1543)

[1] Mundinus (1270-1326) is recognized to have been the first to incorporate human anatomical dissection into the medical curriculum. See, for example: C.D. O'Malley, *Andreas Vesalius of Brussels* (Berkeley, 1964), 1-20; Ludwig Edelstein, "The History of Anatomy in Antiquity," in *Ancient Medicine* (Baltimore, 1967), 247-302; Charles Singer, *A Short History of Anatomy and Physiology From the Greeks to Harvey* (New York, 1957); Mary Niven Alston, "The Attitude of the Church Towards Dissection Before 1500," *Bulletin of the History of Medicine* 16:3 (October 1944): 221-38; T. V. N. Persaud, *Early History of Human Anatomy: From Antiquity to the Beginning of the Modern Era* **(**Charles C. Thomas Pub. Ltd., 1984).

[2] On Vesalius, see C. D. O'Malley, Andreas Vesalius of Brussels (University of California Press: Berkeley, 1964). The classic bibliography of Vesalius by Harvey Cushing has been recently updated by Maurits Biesbrouck, *Vesaliana: An Updated Bibliography* (Roeselare, 2006).

[3] On the use of Hebrew in medical literature throughout history, see the excellent survey of H. Friedenwald, "The use of the Hebrew language in medical literature," *Bulletin of the Institute of the History of Medicine* 2(1934), 77-111. See also J. J. Barcia Goyanes, Medieval Hebrew anatomical names: A contribution to their history," *Koroth* 8:11-12(1985), 192-201; A. Goldstein, "Historical development of Hebrew medical terminology," *Koroth* 3:11-12(May, 1966); idem., 4:1-2(December, 1966), 122; 4:5-7(December, 1967), 452; 4:11-12(December, 1968), 773. On the use of Hebrew in universities during this period, see, for example, Z. Y. Flashkas, The Hebrew language in the universities of the Middle Ages," (Hebrew) *Koroth* 2:9-10(May, 1961), 494-495.

Exactly who is responsible for the assisting with the Hebrew translations for the *Tabulae Anatomica* is unknown. There is speculation that Vesalius may have attended lectures on the Hebrew language by Joannes van Campen at the Pedagogium Trilingue during his time in Louvain.[4] With the Hebrew terminology for the *Fabrica*, however, Vesalius received some assistance, which he duly acknowledges:

> I have decided to give in the index principally a simple list of the names of the bones, first presenting those I use in the text; then the Greek; then, any others in Latin taken from authoritative writers, and all that in such way that it may have value. After these will follow the Hebrew, but also some Arabic, almost all taken from the Hebrew translation of Avicenna[5] through the efforts of Lazarus de Frigeis, a distinguished Jewish physician and close friend with whom I have been accustomed to translate Avicenna.[6]

The nature of this Hebrew contribution has been the subject of study by both historian and linguist alike.[7] Some have been less than complimentary about the quality of this work, as one scholar notes:

> If, however, we are to suppose that both the Hebrew equivalents and their transliterations were written for Vesalius by his Hebrew friend Lazarus de Frigeis… then we must credit the latter with little knowledge of Hebrew since some of the grammatical mistakes are inexcusable for a connoisseur of the language.[8]

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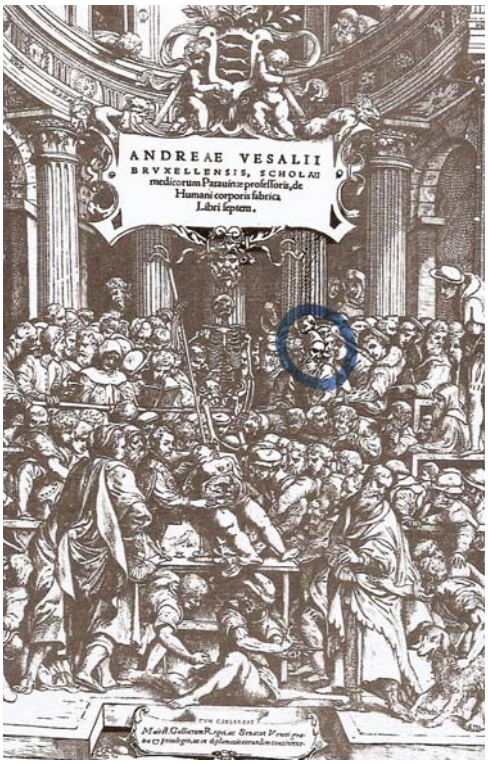
[4] O'Malley, op. cit., 33. For a list of professors of Hebrew language at the Collegium Trilingue (Univ of Leuven) during Vesalius's stay there, see Valerius Andreas, *Fasti Academici Studii Generalis Lovaniensis* [List of the Academics of the University of Louvain] (Lovanii, apud Hieronymum Nempaeum, 1650), 284. I thank Dr. Maurits Biesbrouck, author of Vesaliana, for graciously providing me with a copy of the relevant passage from this reference.

[5] On Avicenna (AKA Ibn Sina) in Hebrew, see J. O. Leibowitz, "The preface of Nathan Ha-Meati to his Hebrew translation (1279) of Ibn-Sina's Canon," *Koroth* 7:1-2(April, 1976), 1-7; idem., "Ibn Sina in Hebrew," *Koroth* 8:1-2(June, 1981), 3; B. Richler, "Manuscripts of Avicenna's Kanon in Hebrew translation: a revised and up-to-date list," *Koroth* 8:3-4(August, 1982), 145-68; S. Kottek, "The Hebrew manuscript of Avicenna's Canon," *Medicina nei secoli* 8:1(1996), 13-29. (French).

[6] *De Humani Corporis Fabrica* (1543), p. 166, translated in O'Malley, op. cit., 120.

[7] M. Etziony, "The Hebrew-Aramaic element in Vesalius' Tabulae Anatomicae Sex," *Bulletin of the History of Medicine* 18(1945), 413-424; M. Etziony, "The Hebrew-Aramaic element in Vesalius: A critical analysis," *Bulletin of the History of Medicine* 20(1946), 36-57; Jacques Pines, "La nomenclature Hebraique dans le oeuvres anatomiques d'Andre Vesale," *Le Scalpel* 118(1965), 85-92; Juan Jose Barcia Goyanes, "Los terminos osteologicos de la 'Fabrica' y la evolucion del lenguaje anatomico Hebreo en la Edad Media," *Sefarad* 42(1982), 299-326.

[8] M. Etziony, "The Hebrew-Aramaic element in Vesalius: A critical analysis," *Bulletin of the History of Medicine* 20(1946), 36.



Frontispiece of De Humani Corporis Fabrica (1543) with the supposed face of Lazarus de Frigeis circled

Vesalius credits Lazarus de Frigeis, "a distinguished Jewish physician and close friend," with assisting him with the Hebrew translation in the *Fabrica*.[9] While some evidence has come to light about this Jewish friend of Vesalius, his exact identity still eludes scholars.[10] De Frigeis is believed to be depicted in the classic illustration on the frontispiece of the *Fabrica*, wearing characteristically Jewish garb.[11]

Another relationship between Vesalius and the Jews[12] is inferred from his tenure as lecturer at the University of Padua.[13] This famous university[14] was one of the only

[9] For unclear reasons, the phrase "distinguished Jewish physician" was omitted from the second edition of the *Fabrica*. See O'Malley, op. cit., 120.

[10] S. Franco, "Ricerche su Lazzaro ebreo de Frigeis, medico insigne ed amico di Andre Vesal," *La Rassegna Mensile di Israel* XV(1949), 495-515; J. Pines, "Lazarus Hebraeus of Frigeis, collaborator and close friend of Andreas Vesalius," *Scalpel (Brux)* 117(January 4, 1964), 5-12. (French); Balazs Bugyi, "Rilievi critici sul medico traduttore di Vesalio, Lazarus de Frigeis," *Acta Medicae Historiae Patavinae* 11(1964-1965), 203-205; B. Bugyi, "Critical notes about Lazarus de Frigeis: Vesalius's advisor in Hebrew terminology," *Koroth* 3:11-12(May, 1966), 613-615; Francesco Piovan, "Nuovo documenti sul medico ebreo Lazzaro 'De Frigeis' collaboratore di Andrea Vesalio," *Quaderni per la Storia Dell'Universita di Padova* 21(1988), 67-74; D. Carpi, "Alcune nuove considerazione su Lazzaro di Raphael 'de Frigiis'," *Quaderni per la Storia Dell'Universita di Padova* 30 (1997), 218-226.

[11] See O'Malley, op. cit., 142.

[12] Vesalius also addresses a Jewish anatomical tradition in his work- the famous illusive luz bone, which, according to the *Midrash*, is an indestructible bone that will be the nidus, or origin, of the resurrection of the body in Messianic times. He attributes this notion to an Arabic or magical tradition. He rejects this belief as not verifiable or consistent with anatomical observation. See E. Reichman and F. Rosner, "The Bone Called Luz," *Journal of History of Medicine and Allied Sciences* 51:1 (January 1996), 52-65.

[13] See O'Malley, op. cit., 73-110.

institutions of higher learning in the Medieval and Renaissance periods that allowed the admission of Jews.[15] Most universities required graduates to avow their belief in Christianity as a prerequisite to obtaining their degree and subsequent licensure, thereby effectively precluding Jews from the licensed practice of medicine. The University of Padua, despite its proximity to the Vatican, was part of the free Venetian state and relaxed this requirement. As a result, many European Jews attended.[16] This university, one of the greatest in European history, was home to the likes of William Harvey (1578-1657), Galileo (1564-1642), and Giovanni Battisti Morgagni (1682-1771),[17] in addition to Vesalius. It is more than likely that Jews attended the classic dissections of Vesalius. As we shall see presently, the Jewish medical students at the University of Padua had to go to great lengths to prevent Jewish bodies from reaching the dissection table.[18]

In addition, some of these Jewish medical students may have left the anatomical theater of Vesalius to attend a shiur in the yeshiva of the Meir ben Isaac Katzenellenbogen, the Maharam MiPadua (1473-1565).[19] Avtalyon Modena,[20] a brilliant Talmudist and student at the University of Padua Medical School, learned with the Maharam MiPadua.[21] Rabbi Yehuda Arye DeModena, another prominent Italian rabbinic figure, also significant had contact with the Jewish medical students of Padua.[22]

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[14] On the University of Padua in general, see, for example, H. Rashdall, *The Universities of Europe in the Middle Ages* (3 volumes) (Oxford University Press, reissued, 1987); L. Rosetti, *The University of Padua: An outline of its history* (trans. Alice W. Maladorno Hargraves) (Edizioni Lint: 1987).

[15] On the Jews and the University of Padua see, A. Ciscato, *Gli Ebrei in Padova* (1300-1800) (Arnaldo Forni Editore, 1901); Cecil Roth, "The Medieval University and the Jew," *Menora Journal* 9:2(1930),128-41; S. Dubnov, "Jewish students at the University of Padua," *Sefer Hashanah: American Hebrew Yearbook* (1931), 216-219; Jacob Shatzky, "On Jewish Medical Students of Padua," *Journal of History of Medicine* 5(1950), 444-47; Cecil Roth, "The Qualification of Jewish Physicians in the Middle Ages," *Speculum* 28(1953), 834-43; David B. Ruderman, "The Impact of Science on Jewish Culture and Society in Venice (with Special Reference to Jewish Graduates of Padua's Medical School) in *Gli Ebrei e Venezia* Secoli xiv-xviii (Atti del Convegno Internationale Organizzato D'all'lnstituto di Storia della Sociata e della Stato Veneziano dell a Fondatione Giorgio Cini, Venezia, 1983), 417-48 reprinted in idem., Jewish Thought and Scientific Discovery in Early Modern Europe (New Haven, 1995); S. Massry, et. al., "Jewish medicine and the University of Padua: contribution of the Padua graduate Toviah Cohen to nephrology," *American Journal of Nephrology* 19:2(1999), 213-21; S. M. Shasha and S. G. Massry, "The Medical School of Padua and its Jewish graduates," *Harefuah* 141:4 (April, 2002), 388-394. (Hebrew)

[16] For a list of Jewish graduates of the University of Padua from past centuries, see Abdelkader Modena and Edgardo Morpugo, *Medici E Chirurghi Ebrei Dottorati E Licenziati Nell'Universita Di Padova dal 1617 al 1816* (Bologna, 1967); E. V. Ceseracciu, "Ebrei laureate a Padova nel cinquecento," *Quaderni per la storia dell'Universita di Padova* 13(1980), 151-168.

[17] Morgagni's *The Seats and Causes of Diseases* (Venice, 1771) established him as the father of modern anatomical pathology. The diploma of Cervo Conigliano, a Jewish medical student at the University of Padua, bears the signature of Morgagni. See Bruno Kisch, "Cervo Conigliano: A Jewish graduate of Padua in 1743," *Journal of the History of Medicine* 4(1949), 450-459.

[18] A Ducal document from 1549, the period of Vesalius's tenure in Padua, condemns grave robbing, but does not single out the Jews. See A. Ciscato, op. cit., 297. Later documents, as discussed below, address this issue of body snatching in the Jewish community specifically.

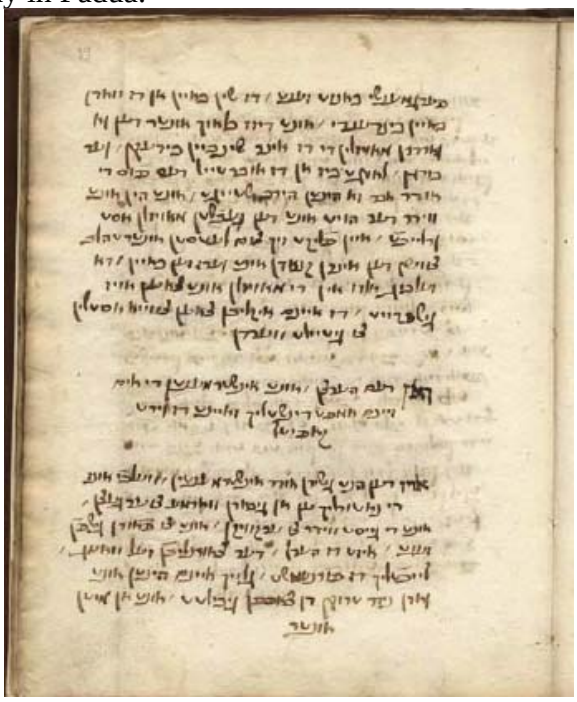
[19] Rabbi Katzenellenbogen's own grandson, Shaul Wahl, attended the University of Padua. See Byron L. Sherwin, *Sparks Amidst the Ashes: The Spiritual Legacy of Polish Jewry* (Oxford University Press: 1997), 68.

[20] Avtalyon is the uncle of Rabbi Yehuda Arye DeModena mentioned below.

[21] See Judah Saltaro Fano, *Mikveh Yisrael* (Venice, 1607), 35a and 36b.

[22] M. R. Cohen, ed. and trans., *The Autobiography of a Seventeenth-Century Venetian Rabbi: Leon Modena's Life of Judah* (Princeton University Press; Princeton, 1988), 30 and 190. Rabbi Modena also

There is more direct evidence that Jewish medical students and physicians studied the works of Vesalius from the existence of a rare manuscript of Vesalius in Yiddish translation dating from the late 1500's.[23] Its survival is clear proof of the interest in Vesalius amongst the Jews, and this very manuscript may have used by students studying anatomy in Padua.



Page of the Yiddish translation of Vesalius- late 16th century (from http://www .textmanuscripts.com/hom e/archives/archivesdescrip tion.php?m=251#)

To return to our initial question about the historical period of the first responsa on anatomy, based on the foregoing discussion, it is clear why neither Rambam nor Rabbi Yosef Karo addressed the issue of dissection. It simply was not routinely practiced during these historical periods. Since the study of anatomy only became popular in the Renaissance, it is understandable that the first recorded responsa on dissection did not appear before this time. Supplemental information about these early responsa is provided below.

Notes on the Earliest Responsa on Anatomical Dissection

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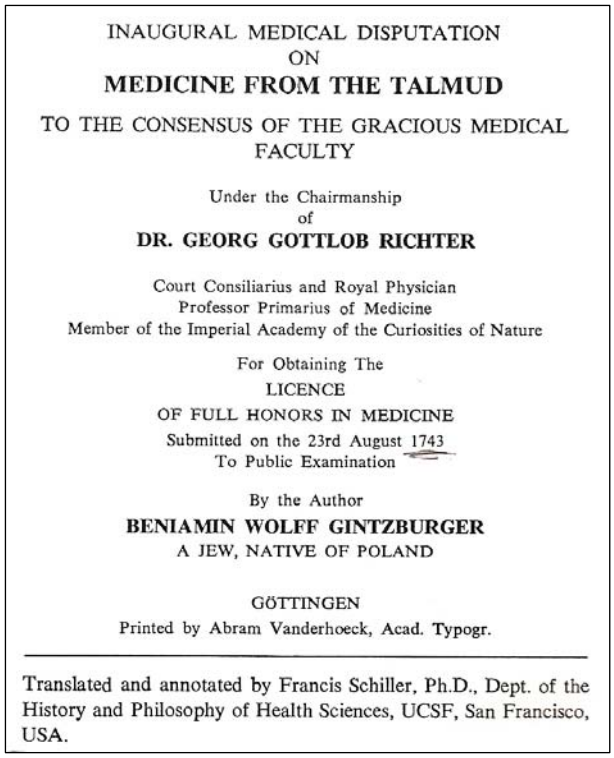
edited a volume of poems and letters on the occasion of the graduation of Joseph Hamitz from the medical school in Padua. See Cohen, 126 and 233. Composition of poems and songs for such occasions was not uncommon in Renaissance Italy. See, for example, M. Benayahu, "Songs on the occasion of the graduation of the physician Yehuda Matzliach Padova," *Koroth* 7:1-2(April, 1976), 39-49. In the introduction to his *Ziknei Yehudah*, Rabbi Modena mentions a number of physicians with whom he had contact. Perhaps his most famous student was Yosef Shlomo Delmedigo, the author of *Sefer Elim*. On Delmedigo, see D. A. Friedman, "Joseph Shelomoh Delmedigo," *Medical Leaves* 4(1942), 83-95; G. Alter, *Two Renaissance Astronomers* (Czechoslovakia Acadamy, 1958); I. Barzilay, *Yoseph Shlomo Delmedigo (Yashar of Candia): His Life, Works and Times* (Brill Academic Publishers, August 1997).

[23] http://www.textmanuscripts.com/home/archives/archivesdescription.php?m=251#, accessed May 3, 2007. According to this website, this extremely rare manuscript of a unique and unpublished Yiddish translation of Vesalius's work on anatomy is one of only 50 surviving manuscripts in Yiddish dating before 1600, of which only five are on medical subjects, the other four containing medical recipes and folkloric cures.

The first of the two responsa on anatomical dissection was posed to Rabbi Yaakov Emden by a medical student at the University of Gottingen, in Germany.[24] The masterfully poetic prose of the question, as well as the attempt at halakhic analysis, is testimony to the quality of the student's education. The student queried whether he could participate in anatomy lab on Shabbos, and details how, when human cadavers were not available, animals were often substituted. (This shortage of human cadavers for the training of medical students is a matter we will return to later.) Oft ignored in the medical halakhic literature is the identity of this student. The student, Benjamin Wolff Gintzburger, is known to us from another source as well.



INAUGURAL MEDICAL DISPUTATION
ON
MEDICINE FROM THE TALMUD
TO THE CONSENSUS OF THE GRACIOUS MEDICAL FACULTY

Under the Chairmanship
of
DR. GEORG GOTTLOB RICHTER

Court Consiliarius and Royal Physician
Professor Primarius of Medicine
Member of the Imperial Academy of the Curiosities of Nature

For Obtaining The
LICENCE
OF FULL HONORS IN MEDICINE
Submitted on the 23rd August 1743
To Public Examination

By the Author
BENIAMIN WOLFF GINTZBURGER
A JEW, NATIVE OF POLAND

GÖTTINGEN
Printed by Abram Vanderhoeck, Acad. Typogr.

Translated and annotated by Francis Schiller, Ph.D., Dept. of the History and Philosophy of Health Sciences, UCSF, San Francisco, USA.

Title page of the English translation of the dissertation of Benjamin Wolff Gintzburger

The common practice to this day in universities of higher learning is to require the completion of a dissertation as a prerequisite to graduation. Ginzburger's dissertation for the completion of his medical studies at the University of Gottingen, was a study of Talmudic medicine, one of the earliest contributions of its kind in the history of medical halakhic literature.[25] The work is extant and has been translated into English[26]

[24] *She'ilat Yavetz*, 41.

[25] Benjamin Mussafia, a graduate of the medical school of Padua, wrote *Dicti Sacro-Medicae Sententiae* (Hamburg, 1640), the earliest known work by a Jewish physician on the Bible, collecting and explaining medically related passages from *Tanakh*. See H. Friedenwald, *The Jews and Medicine* 1(Ktav Publishing House, 1967), 112. Benedetto Frizzi, a physician in Mantua in the late eighteenth century, wrote a number of works on biblical and Talmudic medicine published from 1787-1799. See S. Simonsohn, *History of the Jews in the Duchy of Mantua* (Kiryat Sefer; Jerusalem, 1977), 649, n. 226; Friedenwald, op. cit., 115.

[26] F. Schiller, "Benjamin Wolff Gintzburger's dissertation on Talmudic medicine," *Koroth* 9:7-8(Fall 1988), 579-600. For biographical notes on Gintzburger, see N. M. Gelber, "History of Jewish physicians in Poland in the eighteenth century," (Hebrew) in Y. Tirosh, ed., *Shai Li-Yeshayahu: Sefer Yovel L'Rav Yehoshua Wolfsberg*," (HaMercaz le-Tarbut shel ha-Poel ha-Mizrachi; Tel Aviv, 5716), 347-371, esp. 356;

The other, better known, responsum to address autopsy is by Rabbi Yechezkel Landau in his *Noda BiYehuda*.[27] The case presented to R' Landau was of a patient who died after an operation for "cutting of the stone." Many erroneously consider to this to be a case of gallstones, but in fact, it was clearly a case of urinary bladder stones.[28] Perhaps not coincidentally, surgeons in England, from whence the responsum originated, were experimenting with new techniques for cutting the stone during this period.[29] There is potential halakhic relevance to this disease identification. R' Landau famously concluded that the prohibitions and obligations that devolve upon the human body after death can be waived if there is a "*choleh lifaneinu*," i.e., a patient who can directly and immediately benefit from the information gleaned.

The application of this principle in the modern context remains a matter of rabbinic debate and interpretation. Some argue that if the disease were prevalent, this would constitute a "*choleh lifaneinu*" and justify violation or suspension of Torah prohibitions according to Rabbi Landau. Indeed, this was the extrapolation of the *Chazon Ish* in applying R' Landau's principle in a time of plague.[30] Dr. Abraham cites in the name of Rabbi Shlomo Zalman Auerbach that the" Chazon Ish meant that even if the seriously ill patient was not present, if the disease was so prevalent that a similar patient was certain to present elsewhere and could immediately be helped by the autopsy, it would be permitted."[31] It should therefore be noted that bladder stones were indeed an extremely prevalent condition in the eighteenth century, and stone removal was one of the most commonly performed surgeries.[32] Yet, R' Landau still prohibited the autopsy. This might lead one to limit, rather than expand, the applicability of Rabbi Landau's responsum. How one defines "prevalent" is the issue. This information may be helpful for the *posek* in extrapolating from the opinion of Rabbi Landau to today's medical reality. To be sure, one could clearly distinguish between a case plague, which is a highly contagious condition likely to affect people in the same geographical area, and which could arguably constitute a "*choleh lifaneinu*", and bladder stones, which, although

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Koroth 9(Special Issue, 1988) [Proceedings of the Third Symposium on Medicine in the Bible and Talmud], 255-261.

[27] *Mahadura Tinyana*, Y. D. 210.

[28] See E. Reichman, "A tale of two stones: The impact of medical history on contemporary medical halakha," *BDD* 5(Summer 1997), 33-35. For a review of the rabbinic literature dealing with stones in the urogenital system, see Abraham Ofir Shemesh , "*Choleh ha-even: Avanim bi-darkei ha-sheten*," Assia 79-80(January, 2007), 57-76.

[29] See, for example, William Cheselden, "A remarkable case of a person cut for the stone in the new way," *Philosophical Transactions* 44(1746). Cheselden is famous for the invention of the lateral lithotomy approach to remove bladder stones, which he first performed in 1727, and which had a short duration (minutes instead of hours) and a low mortality rate (less than 10%).

[30] *Chazon Ish*, *Ohalot* 22:32. In the Jubilee volume of *Hapardes* in 1951 (pgs. 138-141), Rabbi Shlomo Yitzchak Levin of Mineapolis, Minnesota argues for the performance of an autopsy where the patient died of a contagious disease, possibly affecting his living relatives. He neglects to site the *Chazon Ish* in his support. He also considers generally expanding Rabbi Landau's permissive ruling in the case of "choleh lifaneinu," as the results of an autopsy could be broadcast on the radio, a fact that could potentially lead to other lives saved. This argument could obviously be made with greater force today, with the development of communications systems far superior to the radio.

[31] Abraham S. Abraham, Nishmat Avraham 2(Mesorah, 2003), 337.

[32] On the general history of bladder stones, including surgical interventions and prevalence of the disease, see H. Ellis, *A History of Bladder Stone* (Blackwell Scientific Publication: Oxford, 1969).

highly prevalent at that time, is not contagious. The history of the understanding of contagion in rabbinic sources is another possible supplement to the encyclopedia.[33]

Anatomical Dissection and Body Snatching

With the incorporation of systematic anatomical dissection into medical training in the Renaissance, there rapidly developed a need for the supply of human cadavers. As there was initially no legal means of obtaining such specimens, the universities employed novel procurement methods. In certain cases, the medical students were obliged to provide cadavers from their respective communities. This impacted on the Jewish medical students and broader community, who were obviously opposed to the desecration of the body for this purpose.

In Padua, the Jewish medical students suffered harassment at the hands of the other medical students, who requested Jewish cadavers for dissection.[34] To prevent this, the Jewish students in the University of Padua received special dispensation from the Senate to exempt and protect the bodies in the Jewish cemeteries. For this privilege, they paid handsomely. However, these measures were not sufficient and a number of incidents are recorded describing attempts to kidnap Jewish bodies and violate Jewish cemeteries. In 1624, students interrupted a Jewish funeral and began removing the body from the coffin. Only the protestations of the citizen onlookers prevented the completion of the crime. In February of 1680, following the murder of a young Jew, Graziadio Levi, a gang of armed students stormed the Ghetto in great numbers and demanded the corpse. Again, much effort was marshaled to preserve the body. A ducal letter dated 27 February of that year expressed great sadness about the incident and reconfirmed the commitment to protect the bodies from the Jewish community.[35]

It reached a point where seriously ill patients would be transported out of Padua for fear of being dissected upon their death.[36] The dead were buried under the cover of

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[33] See, for example, *Ramban* to *Bereishit* 19:17, *Rabbeinu Bachya* to *Bamidbar* 16:21; *Yoreh Deah* 116:5, *Sh"ut Beit David*, 22; *Nishmat Kol Chai*, C. M., 49; *Shvut Yakov* 2:97.

[34] For the following, see Antonio Ciscato, op. cit., 209-212; Cecil Roth, *Venice* (Philadelphia, JPS; 1930), 286-287.

[35] See Ciscato, op. cit., 299-300 for text of the ducal. See also *Hebraische Bibliographie* 16(1876), 37, where this event is also discussed. The murdered Jew is there identified by his Hebrew name, Chananel ben Israel ha-Levi. The year of this reference is cited incorrectly as 1874 in Shatsky, op. cit., and again in Ruderman, op. cit. The reference in *Hebraische Bibliographie* discusses an unpublished manuscript by Chaim (Vital) Moshe ben Elisha Cantarini that details this incident. I have as yet been unsuccessful in locating this manuscript. Cantarini, member of an illustrious Italian family comprised of many rabbi/physicians, was a graduate of the medical school in Padua, and apparently taught in a yeshiva there as well.

[36] If such patients were gravely ill, this might have constituted a prohibition of moving a gosses. A similar question was posed to Rabbi Moshe Stern in his *B'er Moshe* 8, nos. 239, 240, 241, 243. The question was whether one could move a critically ill patient out of the hospital for fear that upon his death his body would be taken for autopsy and dissection without family consent. He ruled in the negative. A similar question about the permissibility of violating prohibitions in order to prevent dissection or autopsy was asked of Rabbi Moshe Lemberger in Ateret Moshe Y. D. 2:244 about whether a kohen physician could expose himself to tumah in order to establish the cause of death of a patient and prevent a likely autopsy. He argues that it is obligatory for the kohen to expose himself to impurity in this case, as it is akin to a *met mitzvah*.

night in other cities.[37] In the Ghetto, the Jews were compelled to construct a secret hiding place in which, in cases of necessity, the bodies could be concealed until the funeral. As late as 1721, a confirmation of the ancient Jewish immunity was required.[38]

When a sufficient number of cadavers could not be obtained from the student body, the schools often relied on the services of grave robbers or body snatchers.[39] The impact of this practice on the Jewish community has not been well documented.

The demand for Jewish bodies continued into the twentieth century throughout Europe. In Warsaw, in the 1920's, the medical school requested Jewish bodies for dissection- a request some members of the community were willing to grant out of concern that refusal would lead to exclusion of Jewish students from medical training, or worse, to larger anti-Jewish backlash.[40] Rabbi Chaim Elazar Spira (1871-1937), the Munkatch Rebbe, was vehemently opposed to this.[41] A similar question arose in Denver at the Tuberculosis Hospital in 1916, where American rabbis likewise refused to provide Jewish bodies for dissection.[42]

Grave Robbing by Jews

There are at least two sources, one literary, one historical, that implicate the Jews themselves as being involved in the heinous practice of providing bodies to the medical schools. The first source is found in an important novel of the Elizabethan period by Thomas Nashe (1594), "The Unfortunate Traveler or the life of Jack Wilton,"[43] where we read the following: (spelling modernized)

> It was then the law in Rome, that if any man had a felon fall into his hands, either by breaking into his house, or robbing him by the highway, he might choose whether he would make him his bondman, or hang him. Zadoch (as all Jews, covetous) casting himself he should have no benefit by casting me off the ladder [hanging] had another policy in his head. He

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[37] *Hebraische Bibliographie* 16(1876), 37.

[38] Roth, op. cit.

[39] On the history of this practice, see Norman Adams, *Dead and Buried: The horrible history of body snatching* (Aberdeen University Press: 1972); J. M. Ball, *The Body Snatchers: Doctors, Grave Robbers and the Law* (Dorset Press; New York, 1989); Martin Fido, *Bodysnatchers: A history of the Resurrectionists, 1742-1832* (Academy Chicago Pub; Reissue edition, 1992); Ruth Richardson, *Death, Dissection and the Destitute* (Weidenfeld & Nicholson, 2001); Suzanne Shultz, *Body Snatching: The robbing of graves for the education of physicians in early nineteenth century America* (McFarland and Company; London, 1992); M. Sappol, *A Traffic of Dead Bodies: Anatomy and Embodied Social Identity in Nineteenth Century America* (Princeton University Press; Princeton, 2002).

[40] See M. Graber, *Nituach ha-Meitim li-Tzarchei Limud vi-Chakirah* (Palestine, 1948) for a discussion of the situation in Poland and Germany in the early 20th century regarding the acquisition and dissection of Jewish bodies for medical training. This work contains a wealth of information about the halakhic discussions of this period, including the famous cases from Warsaw and Denver.

[41] *Minchas Elazar*, addendum to 4:28. See also Dovev Meisharim 1:58.

[42] On the Denver chapter, see Graber, op. cit., 41ff. For a scathing critique of the American rabbinate's handling of the Denver case, see Chaim Hirschensohn, *Malki ba-Kodesh*, 3:4. See also Yosef Goldman, *Hebrew Printing in America 1735-1926: A history and annotated bibliography* (Brooklyn: YG Books, 2006). I thank Menachem Butler for this reference.

[43] This work has been described by some as the most important novel produced during the Elizabethan era.

> went to one doctor Zacharie the Pope's physician,[44] that was a Jew and his country-man likewise, and told him he had the finest bargain for him that might be. It is not concealed from him (said he) that the time of your accustomed yearly anatomy is at hand, which behooves you … to provide for. The infection is great and will hardly get you a sound body to deal upon: You are my countryman, therefore I come to you first. … I have a young man at home fallen to me for my bondman… you are an honorable man, and one of the scattered children of Abraham, you shall have him for five hundred crowns…

Another account, of historical nature, appears in the late nineteenth century in the *Diary of a Resurrectionist*.[45] This work is a genuine daily diary of a year in the life of an early nineteenth body snatcher, believed to be Joshua Naples. The author of this diary was a leader in the body trade. He and his cronies scouted out others who sold bodies to the medical school in an attempt to sabotage them. In August of 1812 we find the following entries regarding Jewish involvement in the body trade.

<u>1812- Monday, August 24</u>
me and Ben went in the cart to different places to look out. coming back from Charing Cross met the Jews Drag. touted till dark and lost scent. came home.

<u>1812- Tuesday, August 25</u>
understood the Jew had brought a male to Bartholomew. met by appointment at the above place.

J. B. Bailey, the publisher of the diary in 1896, identified this unnamed Jew as Israel Chapman, a Jew who was known to be involved in the grave-robbing trade.[46] According to historians,[47] it is not known whether Chapman dealt only in Jewish bodies, but these were certainly highly sought after by the schools. The ideal bodies for the dissection table were those that were buried soon after death. As the Jewish practice is to bury as soon as possible after death, based on the biblical commandment of "you shall surely bury him on that day," the Jewish cemeteries were preferred for grave robbing. In

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[44] Despite repeated papal decrees that Christians should not be treated by Jewish physicians, many popes throughout history maintained a Jewish physician on staff. See J. Pines, "Des medecins juifs au service de la Papaute du XII au XVII siecle," *Le Scalpel* 114(May, 1961), 462-470.

[45] James Blake Bailey, *Diary of a Resurrectionist: 1811-1812* (Swan Sonnenschein, 1896). The grave robbers or body snatchers were also called resurrectionists, as they raised the bodies from their graves.

[46] On Chapman's activities as a resurrectionist, see Fido, op. cit., multiple references in the index. At the time of the writing of this diary, Chapman was 18 years old. Six years later, on January 14, 1818, at age 24, Chapman was sentenced to death for highway robbery, but the sentence was commuted to transportation to Australia. See *The Proceedings of the Old Bailey* Ref: t18180114-25. In Australia, Chapman became a famous figure in Jewish history and is recognized as the first detective in Australian history. On Chapman see G. F. J. Bergman, "Israel Chapman (1794-1868) Australia's first police detective and Noel Chapman, Chief Constable," *Journal of the Australian Jewish Historical Society,* Vol VI, Part 7, December 1969, 392-410; J. S. Levi and G. F. J. Bergman, "Izzy the 'noted trap man'," in their *Australian Genesis: Jewish Convicts and Settlers 1788-1860* (Melbourne University Press, 2002), 69-77 and notes at 335-336; Grace Karskans, "Resurrecting Chapman," *Journal of the Australian Jewish Historical Society,* Vol XVIII, Part 1, June 2006, 8-21.

[47] Richardson, op. cit., 62.

an anonymous address to the public in 1829 it states, “as the Jews bury early, their cemetery [yields] the best and freshest subjects, equal in freshness to the body sent to the venal undertaker, who having interred sand, inwardly chuckles at the solemn words, ‘dust to dust’.”[48]

Methods to Prevent Body Snatching

In response to the epidemic of body snatching, the Jewish community was forced to take measures to prevent violation of the sacred graves. One approach was to expand the role of the keeper of the burial ground and require his presence on the burial grounds after sunset.[49] This did not prove sufficient, so other means were adopted.

In his History of the Great Synagogue, Cecil Roth writes:

> A mere ground-keeper was found later on to be an insufficient safeguard. It was the age of the "resurrection men", who removed recently-interred corpses and sold them to the medical schools for dissection. Accordingly, as with other cemeteries, Christian as well as Jewish, a system of watch and ward was devised. A sort of wheeled sentry-box was provided which was moved about the ground and placed near newly-made graves, which were watched from it so long as was necessary. At the Great Synagogue, a law was passed to the effect that all members of the congregation between the ages of eighteen and seventy were to be obliged to lend their services in rotation. Each night, therefore, three of them, armed with blunderbusses, performed this cold and rather gruesome duty, from as early as four o'clock on winter evenings to seven in the morning. At intervals, they had to ring the bell of the watch-tower to show they were alert: in some grounds, they were supposed to walk about every hour and to call "All's well" if they found nothing amiss. Among the Synagogal records there are preserved rosters of the roll of service, "for the guarding of the House of Life". It was possible to obtain exemption only on the payment of a substantial fine, of which too the records are preserved. This system continued to obtain until well on in the nineteenth century.[50]

[48] Richardson, op. cit., 62.

[49] Jessica Wyman, “*West London Synagogue of British Jews*,” (issued by West London Synagogue in commemoration of 150th anniversary). Accessed on May 15, 2007 at http://www.jewishgen.org/jcr-uk/London/wls/history.htm.

[50] Cecil Roth, *History of the Great Synagogue London 1690-1940* (Goldstone Publishers, 1950).

Ticket issued to Shlomo Schneider, a member of the Great Synagogue in London, in 1794, obligating him to serve watch over the community cemetery. (University of Southampton MS116/100 AJ248)

The wealthier Jews were able to provide from their estates for a watchman over their grave. According to the Times of February 10, 1800, the Jew A. de Matto Mocatta left 200 Guineas to have his grave in the burial ground of the Spanish and Portuguese Jews watched for twelve months.[51]

The practice of grave robbing was by no means restricted to Europe. The Jewish communities in America faced similar issues. Rabbi Schachne Isaacs, originally from Liubava, Lithuania, was a congregational rabbi in Cincinnati in the late nineteenth century.[52] He wrote the following question to Rabbi Ben Tzion Sternfeld of Calveria.

> In our city (Cincinnati) there is a plague, the mere mention of which will cause one to guard his ears. In our city there are many medical schools with students studying anatomy, for which they require human cadavers. It has come to light that they have removed hundreds, perhaps thousands of bodies from their graves. This is also a source of commerce, as they preserve the bodies and send them to different states. The gentiles have made caves adjacent to the cemetery wherein they carve out cavities to place the bodies temporarily until re-interment in the summer. The wealthy people in our community arrange for watch guards over their grave for some time … but this is at great expense. Even this is for naught, as we have spoken with the physicians who state that even two to three weeks after burial the bodies are still useful for the dissection table. We therefore ask if we can do like (the gentiles). Since this is a novel matter, we do not wish to do this on our own authority, though we believe it to be permitted. … We would like to build a special structure with caverns to deposit the body temporarily, until permanent burial can take place in the summer.[53]

[51] Roth, Great Synagogue, op. cit.
[52] On Isaacs, see Jonathan D. Sarna and Nancy Klein, *The Jews of Cincinnati* (Center for the Study of the American Jewish Experience: 1989), Leo Jung, Men of the Spirit (Kymson Publishing Company: 1964), 575-76. I thank Professor Jonathan Sarna for these references.
[53] *Sha'arei Tzion*, 31. translation by author.

Following the Civil War, there was an unprecedented enrollment in the medical colleges of Ohio.[54] This led to a great demand for cadavers. With no other recourse, medical schools turned to the services of professional body snatchers, or resurrectionists. According to rough estimates, roughly five thousand bodies were exhumed in Ohio in the nineteenth century for the dissections of the medical schools, corroborating the statement of Rabbi Isaacs in his question. A number of unique patents for devices designed to prevent grave robbing were submitted from Ohio. These included the Terra Cotta burial case, and the torpedo coffin, the latter of which was rigged with explosives, set to detonate upon disturbance of the coffin.[55]

Nineteenth century advertisement for a coffin designed in Cincinnati, Ohio specifically for the purpose of preventing grave robbing.

Faced with the likelihood of bodies from Jewish cemeteries being stolen for this purpose, Rabbi Isaacs considered the possibility of allowing temporary interment above ground, in a mausoleum, with subsequent burial in the earth for the members of his community, a practice adopted by the gentiles. This would accomplish at least two objectives. One could wait for full burial until after the university semester, when the need for cadavers would diminish. Secondly, the appeal of the Jewish cemeteries was the "freshness" of the cadaver. Delaying formal burial would make the bodies less desirable. Such a deviation from normal traditional Jewish burial practices presented halakhic concerns, and while considered appropriate by Rabbi Isaacs, he sent the question to Rabbi Ben Zion b. Arye Leib Sternfeld, the rabbi of the European community adjacent to his city of origin.

[54] For what follows, see L. F. Edwards, "Body snatching in Ohio in the nineteenth century," *Ohio History* 59:4(October, 1950), 330-351.

[55] The classic example of this is the so called mortsafe tomb, a covering over the grave built from wrought iron bars. Graves of this kind from the nineteenth century can be seen today in Greyfriars graveyard in Edinburgh, England.

Rabbi Sternfeld addressed the prohibition of delaying burial,"*lo talin*", since the temporary burial in an above ground mausoleum might not constitute halakhic burial.[56] However, he recalls the historical tradition of burying in caves (*kukhin*)in antiquity. Thus, burial in a mausoleum, similar to a *kukh*, might be considered an appropriate primary halakhic burial. As to the subsequent moving of the body for later re-interment, Rabbi Sternfeld notes that this is expressly permitted in the *Shulkhan Arukh*,[57] as long is this was the original intent. In conclusion, Rabbi Sternfeld concurred with the permissive ruling of Rabbi Isaacs, given the extenuating circumstances. He added a stipulation that there be some earth placed direct over the body and that the casket should rest on earth as opposed to stone.

Rabbi Sternfeld also apparently sent his conclusions to another great rabbinic figure, Rabbi Yitchak Elchanan Spektor, for review and approval.[58] While there is no evidence from Rabbi Sternfeld's published responsum that he was forwarding it to anyone else, nor is there any mention of the name of the questioner in *Ein Yitzchak*, it is clear from the provided information that this is in response to Rabbi Sternfeld.[59] Rabbi Spektor likewise concurred with the temporary burial suggested by Rabbi Isaacs, but added that it is not necessary for the casket to rest on earth, as stone is also halakhically considered as connected to the ground. He also preferred that the earth placed upon the deceased should derive from Israel.

The Preservation of the Human Body

The resurgence of anatomical dissection led to a number of responsa about the preservation of human bodies. Two responsa deal with buildings that housed preserved

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[56] Rabbi Sternfeld labels the practice of grave robbing as a form of "*chatutei shichvi*". One finds the expression "*chatutei shichvi*" in Yevamot 63b, and in subsequent halakhic literature. This phrase could be loosely translated as body snatchers, and may erroneously be assumed to refer to grave-robbing for anatomical dissection. However, this phrase primarily refers to desecration of Jewish cemeteries or graves by non-Jews as a form of anti-Semitism. It is found in responsa literature throughout the centuries, and has been used to describe the practice in the current state of Israel to move cemeteries or graves during the course of construction. It is however possible that the teshuvot that used the term in the 19th century could have been referring to this form of grave robbing as well. For example in *le-Yitzchak Raiyach* (Yitzchak ben Shmuel Ibn Donan, Livorno, 1902), letter "*shin*", s.v., "*kevura*" (the fourth entry) we find a question of a man's wife who was buried, but subsequently exhumed by "*chatutei shichvi*". He notes that the shrouds were removed. The question is whether reburial is obligatory for the husband. He refers to the oft quoted *Tashbetz* 2:111 on this exact question. The practice of removing shrouds was common for grave robbers, as the law forbade the stealing of the property of the deceased, but not the human body itself. The grave robbers therefore removed all clothing and took only the body. This could be referring to a case or grave robbing. This requires further study. The case cited by *Tashbetz*, in the fourteenth century, prior to anatomical grave robbing, also involved removal of the shrouds.

[57] 363:1.

[58] *Ein Yitzchak* vol. 1, Y. D., 33.

[59] To my knowledge, the connection between these two responsa has not been made before. For example, in Ephraim Shimoff's *Rabbi Isaac Elchanan Spektor- His Life and Works* (1959), he writes, "an American rabbi also sought Rabbi Isaac Elchanan's counsel in an unusual problem which concerned the pilfering of cemeteries. The name of the community nor the name of the rabbi is mentioned in the responsum. It seems, however, that the rabbi came from a large city, since the inquirer states that there are many medical schools in his community. Evidently, it must have been a large city." In fact, the original question came from Rabbi Isaacs in Cincinnati to Rabbi Sternfeld in Kalvaria. From the context, it appears that Rabbi Sternfeld forwarded his conclusions to Rabbi Spektor for approval. I thank Menachem Butler for this source.

human remains. The halakhic issues here relate to kohanim who traverse these enclosures and possibly expose themselves to tumah. In the responsa of Aryeh Leib Grossnass we read:

> I was asked by some kohanim, who are students of a certain university in England, if they are permitted to traverse the halls of the university out of concern for the presence of tumah therein. The body of a certain non-Jewish professor, one of the founders of the university, rests in a large wooden cabinet adjacent to the wall in the hallway. And the story that transpired is as follows:[60] …..

The unnamed professor in question is the famous philosopher, Jeremy Bentham (1748-1832), and his body was still in this location when I visited it some years ago. The story of how Bentham's body ended up in the hall of University College in London is related to the history of anatomy.[61] Bentham was directly responsible for the development of the Anatomy Act of 1831 in England, which laid the foundation for the legal provision of bodies to medical schools.[62] American legislation followed suit. A staunch advocate of dissection, Bentham stipulated in his will that after death his body be dissected in a public forum and that the elite of British society be invited to the event.[63] He further requested that after dissection his bones be rearticulated and dressed in the clothes, hat and cane that he designated for this purpose, and then placed in a display case. His wishes we carried out as requested and his clothed skeleton was ultimately placed on display. The "auto-icon," as it is referred to, ultimately found its resting place at end of the South Cloisters of the main building of University College, which precipitated the question to Dayan Grossnass. It remains there to this very day.

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[60] *Lev Arye*, 15. While Bentham died in 1832, the body was housed for a number of years, in the office of Thomas Southwood Smith, the physician who performed the public autopsy on Bentham. From there, it was transferred into storage at University College, London. It only became a halakhic concern some years later, when the body went on public display.

[61] C.F.A. Marmoy, "The 'auto-icon' of Jeremy Bentham at University College London," *Medical History* 2 (1958), 77-86; Ruth Richardson and Brian Hurwitz, "Jeremy Bentham's self image: An exemplary request for dissection," *British Medical Journal* 295(18 July, 1987), 195-198.

[62] Ruth Richardson, "Bentham and bodies for dissection," *The Bentham Newsletter* 10(June, 1986), 22-33.

[63] The test of the invitation read as follows.

Sir,

It was the earnest desire of the late Jeremy Bentham that his Body should be appropriated to an illustration of the Structure and Functions of the Human Frame. In compliance with this wish, Dr. Southwood Smith will deliver a Lecture, over the Body, on the Usefulness of Knowledge of this kind to the Community. The Lecture will be delivered at the Webb-street School of Anatomy and Medicine, Webb-street, Borough, Tomorrow, at three o'clock; at which the honour of your presence, and that of any two friends who may wish to accompany you, is requested.

Friday, 8th June, 1832.

The auto-icon of Jeremy Bentham, with his preserved head at his feet. This showcase is housed in the main hallway of University College, London.

The body of Bentham sits in a double enclosure of glass and wood. In addition, the display head was formed of wax, while the original was placed in another case at the foot of the body. The issues considered by Rabbi Grossnass included whether non-Jewish bodies generate *tumat ohel* (impurity under the same enclosure); whether the enclosure prevents escape of *tumah* (*chotzetz bifnei ha-tumah*); whether the display case itself has the halakhic status of a grave; the halakhic status of glass with respect to tumah; and the staus of the case enclosed head. After lengthy analysis of these issues, taking into consideration their status as Rabbinic or Biblical in nature, Rabbi Grossnass ruled that, in cases of great need, it was permissible for kohanim to enter the hall of the university.[64] Rabbi Grossnass cites the responsum of Rabbi Spektor (above) as support that burial above ground, as was the case with the Bentham auto-icon, may still be considered, under certain circumstances, a halakhically valid burial.[65]

The Bentham case, is not the only recorded question about preserved human remains and the concern for exposure to *tumah* for a kohen. With the renaissance in anatomical training, and the proliferation of medical schools in the eighteenth and nineteenth centuries, came the frequent public display of human remains and development of the anatomical museum.[66] Most such museums were an integral part of

[64] Rabbi Grossnass discussed his conclusions with Rabbi Dov Ber Weidenfeld, author of *Doveiv Meisharim*, Chief Rabbi of Tchebein, and later resident of Jerusalem. Rabbi Weidenfeld informed him of a similar teshuva of the *Maharsham* (Rabbi Sholom Mordechai Schwadron: 1835-1911), 1:215. The question, from Rabbi Chanoch Ehrentreu of Munich (1854-1927), was about an exhibit in Germany which included ancient Egyptian mummies under a glass enclosure. The Maharsham permitted kohanim to enter adjoining rooms, though not the mummy exhibit itself, based on analyses similar to those employed by Rabbi Grossnass.

[65] *Lev Arye*, 15, section 6.

[66] See F. J. Cole, *History of the Anatomical Museum* (Constable, 1914). English popular anatomical museums are discussed in Richard D. Altick's *The Shows of London* (Cambridge, Mass., 1978). For the development of anatomy museums in the United States during this period, see M. Sappol, *A Traffic of Dead*

medical schools, but many were independent. In addition, the lay public had an unquenchable curiosity for anatomical knowledge, ranging from normal anatomy to the most grotesque human deformities. As a result, many universities, institutions and public buildings housed human remains, presenting halakhic concerns for kohanim traversing these locations.

Rabbi Moshe Zvi Fuchs (1843-1911) received an inquiry from Rabbi Shimon Krauss in Hungary about whether a kohen student could enter a school/university building which housed a complete human skeleton.[67] He ruled in accordance with the opinion that non-Jewish bodies convey *tumat ohel* (impurity under the same enclosure) and prohibited the entry of a kohen into the building. Rabbi Tzvi Pesach Frank was asked whether a kohen can occupy the room of a school next to the place where a human skull is housed if the door between them is closed.[68]

Other responsa address the permissibility of preserving human remains for display. Two other halakhic discussions relate to the preservation of fetal specimens. The attendant halakhic issues here include the obligation of burial, the prohibition of deriving benefit, and the generation of tumah from a *nefel*. Rabbi Yakov Ettlinger (1798–1871) was asked whether a Jewish physician could preserve the formed fetus of one of his Jewish patients who had miscarried. It was intended to be "preserved for a long period for teaching purposes, as is the practice of physicians."[69] Rabbi Ettlinger delineates three possible halakhic concerns for this practice. The first two, the obligation to bury, with its attendant prohibition of *lo talin*, and the prohibition of deriving benefit from a cadaver, are both discounted as not being applicable to the *nefel*. The third concern, however, that the fetus begets *tumat ohel*, and would constitute an impediment for a kohen who enters the same enclosure, is sufficient for Rabbi Ettlinger to forbid the practice.

While the aforementioned example reflects the development of anatomical museums associated with the medical profession, the second speaks to the interest amongst the lay public. There was a widespread craze for so-called "cabinets of curiosity" during this period. These small exhibitions were often displayed in the houses of wealthy collectors and would include strange, beautiful and outlandish objects. These exhibits included preserved bodies, oftimes fetuses, and were often accompanied by the stuff of fairytales - mermaids, dragons, or the clothes or footsteps of giants. Collections frequently included examples of rare and misunderstood deformities. Frederik Ruysch (1638-1731) was a Dutch botanist and anatomist, remembered for his developments in anatomical preservation and the creation of dioramas or scenes incorporating human parts, many of which derived from fetuses.[70]

Bodies: Anatomy and Embodied Social Identity in Nineteenth-Century America (Princeton University Press, 2002), 274-312.

[67] *Yad Ramah*, Y. D., 129.

[68] *Har Tzvi*, Y. D., 283

[69] *Binyan Tzion*, 119 and 120.

[70] On Ruysch, see A. M. Luyendijk-Elshout, "Death enlightened: A study of Frederik Ruysch," *Journal of the American Medical Association* 212:1(April, 1970), 121-126.

Amsterdam, 1744. National Library of Medicine. Frederik Ruysch (1638-1731) Ruysch's "repository of curiosities" included displays of infant and fetal skeletons, placed in landscapes of human and animal body parts.

During this period, Rabbi Yonatan Eybeschutz (1690-1764) discusses the case of a man whose wife miscarried a grossly deformed fetus. The man, being destitute, wished to exhibit the fetus for money. Rabbi Eybeschutz forbade the practice as constituting a violation of deriving benefit from a cadaver, which in his opinion includes the fetus as well.[71]

While few permanent anatomical museums exist today,[72] the tradition continues with the proliferation of exhibits on the human body comprised of genuine human specimens. The "Body Worlds" exhibit of Gunther Von Hagen, and the "Bodies" exhibit, both of which have toured the world for the eyes of millions of visitors. While these exhibits, especially designed to convey the impression of motion or normal, human activity, are perceived by the modern observer to be novel, they are indeed direct descendants of their eighteenth century predecessors.[73]

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[71] *Binah Le'ittim* (Lvov, 5617), 12a (*Hilchot Yom Tov*,1:23).

[72] The Mutter Museum (Philadelphia); The Hunterian Museum (London Warren Anatomical Museum (part of the Countway Library of Medicine's Center for the History of Medicine in Boston); Army Medical Museum (Washington, DC); Wellcome Museum of Anatomy and Pathology; The Harry Brooks Allen Museum of Anatomy and Pathology associated with the University of Melbourne; Pathological-Anatomical Museum (Vienna). Another result of the dearth of bodies for dissection from the Renaissance and onwards was the use of wax anatomical models in lieu of human cadavers. A number of museums house these historical specimens- La Specola: The Museum of Wax Anatomical specimens (Florence); University Citadel of Cagliari Museum. See T. N. Haviland and L. C. Parish, "A brief account of the use of wax models in the study of medicine," *Journal of the History of Medicine and Allied Sciences* 25:1(1970), 52-75; M. Lemire, "Representation of the human body: The colored wax anatomical models of the 18th and 19th centuries in the revival of medical instruction," *Surgical and Radiologic Anatomy* 14:4(1992), 283-291.

[73] For a comparison of the anatomical displays of the Body Worlds exhibit to strikingly similar 18th century anatomical displays, see J. Simon, "The Theater of Anatomy: The anatomical preparations of Honore Fragonard," *Eighteenth Century Studies* 36:1(2002), 63-79.

"Horseman of the Apocalpyse" in the Fragonard Museum in Paris. The display was completed by Honore Fragonard between 1766-1771.

Rabbi Bleich has recently addressed the halakhic ramifications of these displays,[74] focusing on the halakhic issues of deriving benefit from a corpse.

Conclusion

The understanding of the human body is an integral part of the practice of medicine. Since the introduction of formal anatomical training into the medical curriculum in the sixteenth century, a wide variety of halakhic issues have arisen in rabbinic literature. There is little doubt that related issues will arise in the future, for as long as there are humans, there will be those interested in their composition. It is therefore important to place these issues in their appropriate historical and halakhic context.

[74] J. D. Bleich, "Cadavers on display," *Tradition* 40:1(Spring 2007), 87-97. In his discussion about "unusual" benefit as it relates to a corpse, Rabbi Bleich cites *Radbaz* and *Mishneh L'Melech*. As in most halakhic discussions, the conclusions are analyzed, but reference to the original question is absent. Both the aforementioned sources address the use of a medicinal substance called mumia, which, during a limited period in history, derived from ancient Egyptian embalmed mummies. The very word mummy owes its origin to the bituminous substance known in antiquity as mumia. For the history of the use of this substance and its treatment in rabbinic literature, see E. Reichman, "The impact of Medieval medicine on medical halakha: The case of mumia," in F. Rosner, *Pioneers in Jewish Medical Ethics* (Jason Aronson, 1997).