

To What Extent Do We Go to Save Lives?

"לא תעמוד על דם רעך"

Saving lives is one of the most basic and obvious acts of human goodness, and is of paramount importance in Jewish practice. Moreover, the Torah considers saving lives an absolute obligation, and not merely a “good deed.” But how far does the obligation to save lives extend? In this session we will examine a passage of the Talmud about saving lives and explore some of the Talmudic literature that answers such **key questions** as:

- To what extent is a bystander obligated to take proactive measures to save a life?
- Does the Torah require spending money to save a life? If so, up to how much money?
- Who pays the bill for a rescue mission? What about a rescue mission that turns out to be unnecessary?
- Do I have to endanger myself to save someone else who is in danger?

Note: This session it is not intended as a source of practical *halachic* (legal) rulings. For matters of *halachah* (practical details of Jewish law), please consult a qualified *posek* (rabbi).

INTRODUCTION – THE BYSTANDER EFFECT

One may think that the moral ethic of saving lives is universal, but do we always see that in practice?

In April 2010, Hugo Alfredo Tale-Yax was a thirty-one-year-old man who had jumped to the aid of a woman attacked on 144th Street at 88th Road in Jamaica, NY at 5:40 AM. In attempting to save her life, he chased the assailant, but was stabbed. He collapsed onto the sidewalk.

An hour and twenty minutes later his dead body was accidentally found by firefighters, who were responding to another 911 call for a non-life-threatening injury. A shocking surveillance video revealed that as Mr. Tale-Yax lay in the street, nearly twenty-five people indifferently strolled past him. Some of the passersby paused to stare at Hugo Alfredo Tale-Yax and others leaned down to look at his face.

In the wake of the attack, a man came out of a nearby building and took a cellphone photo of the victim before leaving. And in several instances, pairs of people gawked at Tale-Yax without doing anything.

Policemen said they received four 911 calls at around the time of the attack reporting a woman screaming, but found nothing. They received no other 911 calls.

(Based on an April 25, 2010 New York Post article)

In 1968, social science researchers John Darley and Bibb Latané coined the term “bystander effect” for such cases where onlookers do not come to the aid of a victim. In fact, they discovered that the more bystanders who witness an emergency, the less chance they will actually help out!

How does the Torah teach us to react if someone’s life is in danger?

1 – THE OBLIGATION TO SAVE LIVES

Source 1. Sanhedrin 73a

From where do we know that one who sees someone drowning, being dragged by a wild animal, or being threatened by robbers, is obligated to save him? We learn it from the verse (Vayikra 19:16), “Do not stand aside when your fellow's blood is being shed.”

מַנִּין לְרוֹאֵה אֶת חֲבִירוֹ שֶׁהוּא טוֹבֵעַ
בְּנֶהָר אוֹ חִיָּה גּוֹרְרָתוֹ אוֹ לְסֻטִין
בָּאֵין עָלָיו שֶׁהוּא חַיִּיב לְהִצִּילוֹ?
תְּלַמּוּד לֹאמַר, "לֹא תַעֲמֹד עַל דַּם
רֵעֶךָ."

The Torah teaches that a person must not stand idly by when his fellow's blood – his life – is at stake. In one sentence, the Torah gives us a very clear directive. The Gemara interprets this verse as applying to bystanders witnessing an emergency situation or crime threatening someone's wellbeing.

How far does this obligation go?

Source 2. Sanhedrin 73a

(Question): Is the imperative to save a life really derived from [Vayikra 19:16], “**Do not stand aside** when your fellow's blood is being shed?” Is it not derived from the following teaching [Baba Kama 81b] – “What is the source that one must restore another's body if it is in danger of being lost? The Torah teaches us this by saying, '**You should return it** (not only his lost object but also his endangered body) **to him**' (Devarim 22:2)? ”

וְהָא מְהֵכָא נִפְקָא?! מִהֵתָם נִפְקָא
[בבא קמא פא:] "אַבְדַּת גּוֹפּוֹ מַנִּין
תְּלַמּוּד לֹאמַר 'נְהַשְׁבַּתּוּ לוֹ'."

(Answer): If we had learned the obligation to save an endangered person only from the verse, "You should return it to him," I might have mistakenly thought that my responsibility is limited only to when I can save someone by myself, but there is no necessity to exert oneself and hire others. The Torah, therefore, writes the verse [Vayikra 19:16], "Do not stand aside..." [which teaches a greater level of responsibility for saving lives, by hiring others to do so, when I am personally unable].

אִי מִהֵתָם הִנֵּה אֲמִינָא הֵנִי מִיְלֵי
בְּנִפְשֵׁיהּ אֲכַל מִיטְרַח וּמִיגַר אֲגוּרֵי
אִימָא לֹא. קָא מִשְׁמַע לָן.

The obligation to save another's life can be derived from the obligation to return lost property. The Torah includes within this mitzvah not only the obligation to return another's physical possessions, but his physical self as well. Even so, the Torah records a specific obligation to save a life, “**Do not stand aside** when your fellow's blood is being shed. This "extra" instruction teaches us that a person is required to make an effort and go out of his way to do so, *including* hiring others to save a life!

2 – SPENDING MONEY TO SAVE OTHERS

We have seen that a person must expend much effort to save a life. He must even spend money. However, is one required to spend their *own* money to save another's life? If the answer is yes, then how much? Must a person sell his house to pay for another's life-saving operation?

A – Spending One's Own Money

Source 3. Yad Ramah Sanhedrin 73a

<p>It makes sense to us that where one went to the trouble of hiring workers [in attempts to rescue a life], he can reclaim the money from the person he saved. The All-Merciful One only commanded him to go through the effort of hiring people, but not to pay for the rescue. The conclusion of the Gemara implies this, because when it asks what the second verse (“<i>Do not stand aside when your fellow's blood is being shed</i>”) teaches us, it only answers, “to go to the trouble of hiring people,” but it does not say “to save him with his own money.”</p>	<p>וּמִסְתַּבְּרָא לָן דְּהֵיכָא דְטָרַח וְאָגַר אֲגוּרֵי וְאַצְלִיָּה שְׁקִיל מֵיגִיָּה. דְּעַד כָּאן לֹא חִיבִיָּה רַחֲמָנָא אֱלָא לְמִטְרַח בְּלֵהֲדוּרֵי בְּתַר אֲגִירֵי, אֲבָל לְאַצְוִלִּיָּה בְּמִמוֹנִיָּה לֹא, מְדַאֲמְרִינָן "אֵי מִהֶתֶם הֲגֵי מִיִּלֵּי בְּנַפְשֵׁיָּה אֲבָל מִטְרַח וּמִיגַר אֲגוּרֵי לֹא קָא מְשַׁמַּע לָן" וְלֹא אֲמְרִינָן 'אֲבָל בְּמִמוֹנִיָּה לֹא קָא מְשַׁמַּע לָן':</p>
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On the one hand, according to the Yad Ramah, the rescuer can **reclaim his expenses** from the one who is saved. On the other, he must, apparently, **put up the money** during the rescue effort.

But what about a destitute accident victim that does not have the funds to finance rescue workers? Are those present still obligated to save him? The Rosh addresses this issue.

Source 4. Rosh, Sanhedrin 73a

<p>The one who is saved must compensate the one who saved him. A person is not obligated to save his friend using his own funds where the rescued person has money.</p>	<p>וְהַנִּצְוֹל חַיִּיב לְפָרַע לְמַצִּיל מֵהוּצֵיא. דְּאִין אָדָם מְחֻיָּב לְהַצִּיל נַפְשׁ חֲבֵירוֹ בְּמִמוֹנוֹ הֵיכָא דְאִית לֵיה מְמוֹנָא לְנִצְוֹל.</p>
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The Rosh's formulation “*where the rescued person has money*” implies that a rescue party must save someone in danger even if he does not have money. The Shulchan Aruch Harav rules (based on the above ruling of the Rosh) that one is required to save a life even if the victim does not have the ability to compensate for the rescue costs:

Source 5. Shulchan Aruch HaRav Laws of Bodily Damages 7

<p>One who sees his friend drowning in the sea or threatened by robbers and has the ability to save him, either by himself or by hiring others, must exert himself, hire rescue personnel, and save him. Later on, if the one who was saved has money, he should compensate the savior. If he does not, it is forbidden to refrain from helping, and if he does, he transgresses, “Do not stand idly by while your fellow's blood is at stake.”</p>	<p>הַרְוָאָה אֶת חֲבֵירוֹ טוֹבַע בַּיָּם אוֹ לְסֻטִים בָּאִים עָלָיו וְיָכוֹל לְהַצִּילוֹ הוּא בְּעַצְמוֹ אוֹ לְשֹׁכֵר אֲחֵרִים לְהַצִּילוֹ חַיִּיב לְטָרַח וְלְשֹׁכֹר וְלְהַצִּילוֹ וְחוֹזֵר וְנִפְרַע מִמֶּנּוּ אִם יֵשׁ לוֹ וְאִם לֹא לֹא יִמְנַע וְאִם נִמְנַע עוֹבֵר עַל לֹא תַעֲמוּד עַל דַּם רַעְדָּה.</p>
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B - How much money must one spend?

For the purpose of fulfilling mitzvos in general, the Halacha is that one need not spend more than one-fifth of one's assets. This principle applies specifically to fulfilling a positive mitzvah, but for a negative mitzvah, one must spend all of one's money to avoid transgressing the prohibition.¹

The question is how to look at the Torah instruction of "Do not stand aside when your fellow's blood is being shed."

- ➔ On the other hand, the Torah writes the mitzvah in the negative form, and therefore it might receive the status of a negative mitzvah, for which one must spend all of one's money.
- ➔ On the one hand, this instruction obligates a person in a positive action, unlike most negative mitzvos which are fulfilled passively (such as the command "do not murder"). The expenditure might therefore be limited to one-fifth of one's assets, like other positive mitzvot.²

Rabbi Asher Weiss, a leading halachic authority today, sides with the first position:

Source 6. Minchas Asher, Bereishis p. 249

My clear inclination on this issue is that to save a life one would have to expend all of his money if needed. After all, this mitzvah (saving a life) supersedes the whole Torah. Does one not desecrate Shabbos in order to save a life even though one has to be willing to lose all his money to avoid desecrating Shabbos? (i.e. Even though one must lose all one's money so as to avoid the desecration of Shabbat, nonetheless one desecrates Shabbat to save a life. Therefore, all the more so must one spend all one's money to save a life.)

Moreover, according to a number of halachic authorities, one must enter possible danger in order to save another (who is in certain danger – see section 3 below for more details). If one is permitted and obligated to endanger himself to save a life, he certainly is obligated to spend all of his money to save another's life, for (paraphrasing Job 2:4) all one has, he will give for his life ...

וְהִנֵּה נְטִיטַת הַלֵּב הַבְּרוּרָה דְעַל הַצֵּלָת
הַנֶּפֶשׁ צָרִיךְ לְהוֹצִיא כָּל מְמוֹנּוֹ. דִּהְיָא
מִצְוָה זוֹ דוֹחָה כָּל הַתּוֹרָה כְּלָהּ, וְהֵלָא
מִחֲלָל שַׁבָּת לְפָקֵחַ אֶת הַנֶּפֶשׁ אַף שְׂצָרִיךְ
לְבַזְבֵּז כָּל הוֹנּוֹ שְׂלֵא לְחַלֵּל אֶת הַשַּׁבָּת.

וְלִשְׁיטַת מְקַצַּת הַפּוֹסְקִים (חֲשׂוֹן מִשְׁפָּט
סִימָן תכ"ד) צָרִיךְ לְהַכְנִס לְסִפְקַ סְכָּנָה
כְּדִי לְהַצִּיל חֲבִירוֹ, וְקַל וְחֹמֶר הַדְּבָרִים
וּמָה אִם סִפְקַ סְכָּנָה נִדְחִית מִשׁוּם הַצֵּלָת
הַנֶּפֶשׁ, כָּל שְׂכֵן שְׂחִיב לְהוֹצִיא כָּל מְמוֹנּוֹ
לְהַצִּיל נֶפֶשׁ חֲבִירוֹ דְּכָל אֲשֶׁר לוֹ יִתֵּן
בְּעַד נַפְשׁוֹ ...

¹ Rema, on Shulchan Aruch 656:1

² This position was expressed by Rabbi Yosef Shalom Elyashiv (cited in Kol Ha-Torah Vol. 43, p. 232).

To summarize Rabbi Weiss's argument:

1. It is permitted and obligatory to desecrate Shabbos for the sake of saving a life.
2. Desecration of Shabbos is a negative mitzvah, for which one must spend all one's money to avert.
3. At the same time, we know that the ethical and religious value of saving a life takes precedence even over Shabbos desecration (for which one must spend all one's money to avoid).
Therefore,
4. If desecration of Shabbos takes precedence over all one's money, and saving a life takes precedence over the desecration of Shabbos, it follows that one must also spend all one's money for saving a life!!

One Last Important Point

Practically, however, Rabbi Weiss concedes that under ordinary circumstances, one would never have to sell one's house for the purpose of saving a life.

The reason for this is that the obligation to save a life does not apply specifically to *one* person, but to the entire community. If all share the burden, nobody will have to sell their houses.

Source 7. *ibid*

Indeed, this (obligation to spend all your money to save a life if needed) is only in an extremely rare case where he is the only person who can save someone. But it is clear and obvious that a person is not obligated to sell his house and all his belongings to save a sick person and the like when there are many available to save (along with him). And how could you ever say that he is obligated and not they, for the mitzvot of the Torah are also incumbent upon them. This is clear and obvious.

... אַמְנָם זֶה רַק בְּמִקְרָה קִיצוֹנֵי שְׁהוּא
לְבַדּוֹ יָכוֹל לְעֲזוֹר אֲבָל בְּרוּר וּפְשׁוּט
שְׂאִין הָאָדָם חַיִּיב לְמַכּוֹר בֵּיתוֹ וְכָל
אֲשֶׁר לוֹ לְהַצִּיל חוֹלָה וְכַדּוּמָה כְּשֵׁיט
רַבִּים הַמְצוּיִים לְהַצִּיל וּמִהִכָּא תִּיתִי
יִתְחַיֵּב הוּא וְלֹא אֲחֵרִים, שְׂמֻצּוֹת
הַתּוֹרָה מוּטְלָת גַּם עֲלֵיהֶם, וְזֶה בְּרוּר
וּפְשׁוּט.

3 – ENDANGERING YOUR LIFE TO SAVE OTHERS

So far we have seen that a person must make efforts and sacrifices to save a fellow life; we have also seen that money must be spent towards this purpose. What, however, is the halachah where saving a life involves placing oneself in danger? Does one have to go so far as endangering oneself in order to save someone else's life?

A – The Opinion of the Yerushalmi Talmud

The question of risking one's life to save another's is the subject of an incident recorded in the Talmud Yerushalmi, and subsequently cited by rabbinic authorities.

Source 8. Yerushalmi Terumot 47a

<p>Rabbi Ami was kidnapped and held in Sifsifa. Rabbi Yonasan said, "Wrap up the dead in his sheet (meaning, there is no hope of saving him)." Rabbi Shimon son of Lakish said, "I will either kill or be killed. I am going and will release him by force." Rabbi Shimon son of Lakish went and appeased the kidnappers, and they handed over Rabbi Ami.</p>	<p>רבי אמי איתצד בסיפספה. אמר ר' יונתן "יכרד המת בסדינו." אמר ר' שמעון בן לקיש, "עד דאנא קטיל אנא מתקטיל אנא איזיל ומשיזיב ליה בחילא." אזל ופייסון ונהבניה ליה...</p>
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The story implies that Rabbi Shimon son of Lakish felt it was *permissible* to risk his life ("I'll kill or be killed") in order to save Rabbi Ami. Rabbi Yonasan did not stop Rabbi Shimon and seemed to condone the action – though his initial statement ("Wrap up the dead in his sheet") implies that he did not *obligate* it.

The following source, however, derives that one is actually *obligated* to place oneself in danger for the sake of saving a life.

Source 9. Kesef Mishneh Laws of Murder and Saving Life 1:14

<p>The Hagahos Maimoniyos writes, "... In the Yerushalmi they conclude that one is even obligated to enter into a possibly dangerous situation in order to save another." It seems that the reason for this is that the victim is in certain danger (he will certainly die), whereas the rescuer is only in possible danger.</p>	<p>כתב בהגהות מיימוניות, " ... בירושלמי מסיק אפילו להכניס עצמו בספק סכנה חייב" עד כאן לשונו. ונראה שהטעם מפני שהלה ודאי והוא ספק:</p>
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B – The Opinion of the Talmud Bavli

Notwithstanding the previous source from the Talmud Yerushalmi, the Aruch Hashulchan points out that this approach was **not** preserved in normative halachah:

Source 10. Aruch Hashulchan Choshen Mishpat 426:4

The halachic authorities quoted the Yerushalmi as saying that one is obligated to enter a possibly dangerous situation in order to save another. The Rishonim (early authorities) left this out of the halachic codes, because it is clear from our Talmud (i.e. Talmud Bavli) that one is **not** obligated to endanger himself to save another.

However, every situation must be dealt with in context, and one must weigh this matter extremely carefully and not be overprotective of oneself ... And anyone who saves one Jew is as if he saved a whole world.

הפוסקים הביאו בשם ירושלמי דחייב אדם להכניס את עצמו לספק סכנה כדי להציל חבירו. והראשונים השמיטו זה מפני שבש"ס ש'לנו מוכח שאינו חייב להכניס את עצמו. ומיהו הפל לפי הענין ויש לשקול הענין בפלס ולא לשמור את עצמו יותר מדאי ... וכל המקיים נפש מישראל כאלו קיים עולם מלא.

According to the Aruch Hashulchan there is dispute between the two Talmuds about whether to enter a possibly dangerous situation in order to save another from a clearly dangerous situation. Whereas Rabbi Shimon son of Lakish in the Yerushalmi endangered himself to save Rabbi Ami, a number of sources in the Babylonian Talmud indicate that one does not have to endanger oneself in saving another's life.

A Proof for the Bavli

In his classic Meshech Chochmoh commentary on the Torah, Rabbi Meir Simchah of Dvinsk proves from the Torah itself that one is **not** obligated to endanger oneself to save another. After fleeing from Pharaoh, Moshe was in Midian waiting to fulfill God's command to save the Jewish people. Pharaoh had previously attempted to kill Moshe after Moshe had smitten an Egyptian who was torturing a Jew. When God gave him the go-ahead to begin his mission, the verse offers an interesting addition.

Source 11. Meshech Chochmoh, Shemos 4:19

“Return to Egypt, for all the people that were trying to kill you have died.” – It is clear from here that if they were still alive, he (Moshe) would not have needed to go to take the people of Israel out of Egypt. Even though all of Israel would have needed him, he would not have been required to enter a dangerous situation.

"לך שוב מצרים כי מתו כל האנשים המבקשים את נפשך" - מוכח דאם היו חיים המבקשים את נפשו לא היה צריך לילך להוציא בני ישראל ממצרים, אף על פי שכל ישראל צריכים אליו³ אינו צריך להכניס עצמו בסכנה.

³ עיין משך חכמה בשלמותו ומה שציין לדברי עצמו בספרו האור שמח דמבואר התם דס"ל דבני ישראל היו במצב של פיקוח נפש ממש

C – Understanding the Debate

What is the conceptual debate? What is behind these two approaches?

The Hagahos Maimoniyos explains his approach (based on the Yerushalmi) with the words “*It seems that the reason for this is that the victim is in certain danger (he will certainly die), whereas the rescuer is only in possible danger.*” We are presented with a conflict between two probable outcomes: Inactivity will result in the victim’s certain death, whereas a rescue mission will only result in the rescuer’s possible death. We must opt for the rescue mission.

What is the rationale behind the dissenting position? The Minchas Chinuch (Mitzvah 237) suggests the following:

With very few exceptions, mitzvot are not obligatory when they involve loss of life, *even possible* loss of life. This will include even the obligation of “Do not stand aside when your fellow's blood is being shed.”

The rule of "living by mitzvos" rather than "dying by mitzvos" appears in a Talmudic passage that cites a biblical source for eating on Yom Kippur when fasting would be life-threatening.

Source 12. Yoma 85b

<p>Said Rabbi Yehudah in the name of Shmuel, “If I had been there (when the earlier rabbis quoted biblical sources permitting transgressing a mitzvah to save a life), I would have said that my source is better than theirs: [You must only fulfill the mitzvot in order to] ‘Live by them,’ but not that you should die through them.”</p>	<p>אָמַר רַב יְהוּדָה אָמַר שְׁמוּאֵל אִי הָוָא הֵתָם הָוָה אֲמִינָא דִּינִי עֲדִיפָא מְדִידָהוּ: "נָחִי בְּהֵם" וְלֹא שְׂיָמוּת בְּהֵם.</p>
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Thus, even though the victim faces certain death, whereas the rescuer only faces possible death, the mitzvah of “do not stand aside when your fellow's blood is being shed” is not obligatory when it involves possible danger of death.

This, indeed, is the halachic ruling given by leading halachic authorities (see Radvaz, no. 1582, on the Rambam; Shulchan Aruch Harav, Nizkei Guf 7; Eliyah Rabbah 329:8).

Practical Cases:

Case 1. The Blood Drive – Moderate Effort

*The Hillel director at Hartley University had to undergo emergency surgery Sunday evening. Rina and Sara set up a Sunday blood drive. Because the director's blood type is rare, finding appropriate donors was not an easy task. Late in the day, still in need of more donations, they found themselves trying hard to convince Miri, who has the right blood type, to donate. But Miri objected, explaining that she gets extremely queasy around blood, and once even fainted after donating blood. Besides, she said, she would be having a very important final the next morning and was on her way to the library to study. She felt it was not fair for them to pressure her into doing something that should be left up to her personal discretion. **Can you make a case for Miri not having to give blood?***

Case 2. The Fallen Climber in the Andes – Who Foots the Bill for the Rescue Mission?

Ray, Jose, and Max – hiking in South America, far from their native Canada – were climbing Ojos Del Salado, on the border of Chile and Argentina. Rather high into the climb Jose lost his footing along a narrow path and tumbled down a steep, snowy ravine. Ray and Max saw that Jose was not getting up or moving, and did not respond to screams or cellphone rings. They realized that trying to reach him themselves was too risky, and Max (a native Spanish speaker) decided to call Search and Rescue Operations. They answered right away but said that they think it will take them about thirty-five minutes to gather together their team, and reach the location by helicopter. They asked Max for a credit card number, and he gave his own.

*The helicopter landed, the team saved Jose, and the hike went on. But three weeks later, a \$3,600 charge for the helicopter flight appeared on Max's credit card bill. Max thinks Jose, the accident victim, should pay the bill. Jose thinks Max should pay for the bill he initiated. **Should Max have to pay for the helicopter, since he is the one who called and hired the Search & Rescue Helicopter?***

Case 3. The \$36,000 Hospital Bill

Now, let us imagine that the Andes falling incident had a much more serious outcome. Instead of being merely rescued by a helicopter, Jose was found unconscious and needed to be flown to an Argentinian hospital. The emergency care unit saved his life, and he required a week-long hospital stay, followed by another week in rehabilitation that led to a full recovery.

*What about payment? Max gave his credit card number at the hospital, saying to himself, "Jose's insurance will pay for everything, anyways." But Jose's insurance plan does **not** cover the foreign hospital stay, and four weeks later a whopping **\$36,000** hospital charge shows up on Max's credit card! Neither Jose nor his family has the money to pay the bill. **Should Jose's family sell their home to cover the bill? If, not, should Max?***

Case 4. The Turkish Earthquake Volunteer

Rob was invited in 1999 to join student teams traveling to Izmit, Turkey, to provide assistance immediately after an earthquake that registered 7.6 on the Richter scale. A number of students openly refused to join because of the danger involved. Besides fires, disease, and collapsing buildings, there is also a serious danger of aftershocks – smaller earthquakes that often unexpectedly follow a major quake.

*One particularly vocal student leader began convincing others **not to join rescue efforts**. He mentioned that a number of foreign helpers had already met their own deaths since the beginning of the earthquake rescue mission. He felt that not only are they not morally obligated to go, but that they are morally **prohibited** from going. "Who says," he asks Rob, "I can put my own life at risk to save others?"*

How should Rob respond?