

LO TA'AMOD AL DAM REYECHA

To What Extent Do We Go to Save Lives?

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 shiur we will examine a passage of the Talmud about saving lives and explore some of the Talmudic literature that answers such **key questions** as:

KEY QUESTIONS

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

CLASS OUTLINE

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Case 6. The Unnecessary Rescue Mission – Who Pays?

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Case 7. The Turkish Earthquake Volunteer – Can You Endanger Yourself to Save Another?

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

SECTION I The Obligation to Save Lives

Case 1. The Bystander Effect and the Mitzvah to Save a Life - Minimal Effort

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 last Sunday morning 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)

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 bound to save him? We learn it from the verse (Vayikra/Leviticus 19:16), "Do not stand aside when your fellow's blood is being shed."

מִזֵּן לְרוֹאֶה אֶת חֲבִירוֹ שֶׁהוּא טוֹבֵעַ בְּנֶהָר אוֹ חִיָּה גּוֹרְרֵתוֹ אוֹ לְסֻטֵּין בָּאֵין עָלָיו שֶׁהוּא חָיִיב לְהִצִּילוֹ? תְּלַמּוּד לּוֹמֵר, "לֹא תִעָמוּד עַל דַּם רֵעֶךָ."

Source 2. Sanhedrin 37a

Therefore man was created alone, to teach you that anyone who destroys one life is considered by the Torah as if he has destroyed the entire world, and anyone who preserves one life is considered by the Torah as if he has preserved the entire world.

לְפִיכָּךְ נִבְרָא אָדָם יְחִידִי, לְלַמְּדֶךָ שֶׁכָּל הַמְּאַבֵּד נֶפֶשׁ אַחַת מֵעֲלָה עָלָיו הַכָּתוּב כְּאִילוֹ אֵבֶד עוֹלָם מְלֵא, וְכָל הַמְּקַיֵּים נֶפֶשׁ אַחַת מֵעֲלָה עָלָיו הַכָּתוּב כְּאִילוֹ קִיַּם עוֹלָם מְלֵא.

Source 3. Rabbi Akiva Tatz, M.D., Dangerous Disease and Dangerous Therapy in Jewish Medical Ethics , Targum Press 2010, p. 33

In the hierarchy of Torah values, the saving of life is a priority. It supersedes virtually all other obligations and mandates virtually unlimited effort,..

(i) *even where the risk to life is small or unclear* – virtually any risk to life mandates extreme effort to avert that risk;

(ii) *even where there is no guarantee that the life at risk will be saved* – even a small chance of success mandates extreme effort to save that life;

and even when (i) and (ii) co-exist; that is, where the risk to life is small or indefinite and where success is unlikely in the event that the risk turns out to be real;

(iii) *even where the life to be saved is of “low quality”*;

(iv) *even where the life to be saved is expected to be of short duration*;

and even when (iii) and (iv) co-exist; that is where a life of very poor quality can be extended only for a very short period.

Case 2. 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?

Can you come up with a reason that it is not just nice for her to give, but that she must?

Source 4. 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/Deuteronomy 22:2)?”

וְהָא מְהֵכָא נִפְקָא ? !
מְהֵתָם נִפְקָא [בבא
קמא פא :] : “אַבְדַת
גופו מַנִּין תְּלַמוּד לֹא
מֵר וְהִשְׁבֵּתוּ לוֹ.”

The answer is: 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 מְהֵתָם הִנֵּה אֲמִינָא
הִנֵּי מִלִּי בְּנִפְשֵׁיהּ
אַבָּל מִיִּטְרַח וּמִיִּגַר
אַגְוָרִי אִימָא לֹא. קָא
מִשְׁמַע לָן.

Source 5. Shulchan Aruch Choshen Mishpat 426:1

(a) One who saw another drowning, or threatened by robbers or by a wild animal, and could have either saved him himself or hired others to save him – and he did not – or (b) someone who heard that gentiles or informers are plotting against someone or preparing to entrap him – and he did not reveal this to his friend and tell him – or (c) someone who knew that a gentile or violent man was approaching his friend, and he could have appeased him and changed his attitude towards his friend – and he did not appease him – in all such situations, he has transgressed, “Do not stand aside when your fellow’s blood is being shed.”

הַרְוָא אֶת חֲבִירוֹ טוֹבַע בֵּימָם
אוֹ לִיֶּסְתִים בְּאֵין עָלָיו אוֹ חֲתִיה
רָעָה בָּאָה עָלָיו, וְיִכּוֹל לְהַצִּילֹהוּ
הוּא בְּעֵצְמוֹ אוֹ שְׂיִשְׁכַּר אַחֲרֵיהֶם
לְהַצִּיל וְלֹא הִצִּיל, אוֹ שְׁשִׁמַּע
עֲבוֹרָם אוֹ מוֹסְרִים מִחֲשָׁבִים
עָלָיו רָעָה אוֹ טוֹמְנִים לוֹ פֶּחַח
וְלֹא גִילָה אֶזְנֵן חֲבִירוֹ וְהוֹדִיעֵהוּ,
אוֹ שְׂיָדַע בְּעֲבוֹרָם אוֹ בְּאִנְסָה
שֶׁהוּא בָּא עַל חֲבִירוֹ וְיִכּוֹל
לְפַיְסוֹ בְּגַלְלֵי חֲבִירוֹ וְלְהַסִּיר
מֵהּ שְׂבָלְבוֹ וְלֹא פִּיִּסּוֹ וְכִי
צָא בְּדַבְרֵיהֶם אֵלָיו, עֵבֶר עַל לֹא
תַעֲמוּד עַל דַּם רַעְדָּה.

Case 3. The Suri Feldman Case – Extensive Personal Effort

“Brooklyn Girl is Found Safe in Woods in Massachusetts,”

Joseph Berger, www.nytimes.com

STURBRIDGE, Mass., May 6, 1994 – Displaying survival skills that impressed local people familiar with the outdoors, a 14-year-old Chasidic girl from Brooklyn who disappeared on Wednesday when a school outing in a Connecticut state park went awry was found today by the police in dense, swampy woods, frightened and tired but praying by the side of a tree.

Suri Feldman had carefully rationed her sandwiches so that they sustained her for the two days and two nights she was lost. She found ledges to keep her dry during occasional drizzles. When search helicopters flew overhead, she tried to signal them with the flash on her camera.

The thin, slight teenager had wandered along forest roads more than three miles from the point in Bigelow Hollow State Park where she became separated from her classmates. News that she was alive and well set off jubilation in her neighborhood in Brooklyn and by the mixture of black-suited and bearded Chasidim and local volunteers who had searched the woods for her. At a firehouse that was the command center for the search, the Chasidim began dancing in a circle, holding high an umbrella-shielded Torah that they had brought in case they had to stay in the area during the Sabbath.

The searchers, more than 1,000 according to the police, had picked up clues – an empty container of kosher vanilla pudding, a fresh tissue – that Suri was alive and in the woods.

*The search attracted **more than 600 Chasidim from as far away as Montreal and Washington**, bringing truckloads of kosher food that they shared with non-Jewish volunteers. “It says in the Bible that to save a life is to save the entire world,” said Isaac Fortgang of Boston, explaining why he traveled so far to help.*

SECTION II Spending Your Money to Save Others

We have seen that a person must expend effort to save a life. Must a person also spend money? If the answer is yes, then how much? Must a person sell his house to pay for someone's life-saving operation?

Case 4. 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.

What do you think?

Should Max have to pay for the helicopter, since he is the one who called and hired the Search & Rescue Helicopter?

Source 6. Sanhedrin 74a

A pursuer chasing after an assailant in order to save the victim is exempt from payment for vessels that he broke in the process – whether they belong to the attacker or the victim or anyone else. This is not based on strict legal principles of damages [but is a special exemption]. If we did not rule this way, no one would save his friend from an attacker.

וְרוֹדֵף שֶׁהֵיָהּ רוֹדֵף אַחֵר רוֹדֵף
לְהַצִּילוֹ וְשִׁבַּר אֶת הַכֵּלִים בֵּין
שָׁל רוֹדֵף בֵּין שָׁל נֶרְדָּף בֵּין שָׁל
כָּל אֶדָם פְּטוּר וְלֹא מִן הַדֵּיין
שָׂאֵם אִי אֶתְהָ אוֹמֵר כֵּן נִמְצָא
אִין לָךְ כָּל אֶדָם שֶׁמִּצִּיל אֶת
חֲבִירוֹ מִיַּד הַרוֹדֵף :

Source 7. Yad Ramah Sanhedrin 73a

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 (“Do not stand aside when your fellow’s blood is being shed”) 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.”

וּמִסְתַּבְּרָא לָן דְּהִיכָא דְטָרַח
וְאָגַר אַגוּרֵי וְאַצְלִיָּה שְׁקִיל
מִיָּנְיָה. דְּעַד כָּאן לֹא חִיבֵיהּ
רַחֲמֵנָא אֲלָא לְמַטְרַח בְּלֵהֲדוּרֵי
בְּתַר אַגְרֵי, אֲבָל לְאַצְוִלִּיָּה
בְּמִוּנְיָה לֹא, מְדַאֲמְרִינָן “אִי
מְהֵתָם הִנִּי מִלִּי בְּנִפְשֵׁיהּ אֲבָל
מְטַרַח וְיִמְיָגַר אַגוּרֵי לֹא קָא
מְשַׁמַּע לָן” וְלֹא אֲמַרִּינָן אֲבָל
בְּמִוּנְיָה לֹא קָא מְשַׁמַּע לָן:

Source 8. Rosh, Sanhedrin 73a

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.

וְהַנִּצְוֹל חַיִּיב לְפָרַע לְמַצְיֵל
מֵה שְׁהוּצִיא. דְּאִין אָדָם מְחוּיָב
לְהַצִּיל נַפְשׁ חֲבִירוֹ בְּמִוּנָו הִיכָא
דְּאִית לֵיהּ מְמוּנָא לְנִצְוֹל.

Source 9. Rashi, Kedushin 59a

When someone redeems his friend from captivity, the one who was redeemed must compensate him if he has the financial means.

הַפּוֹדֶה חֲבִירוֹ מִן הַשְּׂבִיָּה חַיִּיב
לְשַׁלֵּם לוֹ אִם אֵית לֵיהּ לְשַׁלֵּם.

Source 10. Shulchan Aruch HaRav Laws of Bodily Damages 7

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.”

הַרְוָאָה אֶת חֲבִירוֹ טוֹבַע בְּיָם אוֹ
לְסָטִים בָּאִים עָלָיו וְיָכוֹל
לְהַצִּילוֹ הוּא בְּעַצְמוֹ אוֹ לְשֹׁכֵר
אַחֵרִים לְהַצִּילוֹ חַיִּיב לְטַרַח
וְלְשֹׁכֵר וְלְהַצִּילוֹ וְחֹזֵר וְנִפְרַע
מְמוּנָו אִם יֵשׁ לוֹ וְאִם לֹא לֹא
יִמְנַע וְאִם נִמְנַע עוֹבֵר עַל לֹא
תַעֲמוּד עַל דַּם רַעְדָּה.

Case 5. The \$36,000 Hospital Bill – How Much Money Do You Have to Spend to Save a Life?

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?

How much money must one spend to save a life?

Ask yourself the following challenging question: **How much money are you willing to spend to save a life?**

Source 11. Minchat Asher Bereishit 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 Shabbat in order to save a life even though one has to be willing to lose all his money to avoid desecrating Shabbat? (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.)

According to a number of halachic authorities, one must enter possible danger in order to save another (who is in certain danger – see 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 נִטְיַת הַלֵּב הַבְּרוּרָה דְעַל
הַצֵּלַת הַנֶּפֶשׁ צָרִיךְ לְהוֹצִיא כָּל
מָמוֹנוֹ. דִּהְיָא מְצֻנָּה זֶה דְּוִתְהָה כָּל
הַתּוֹרָה כְּלָהּ, וְהֵלֵא מְחַלְלֵי שַׁבָּת
לְפָקֵחַ אֶת הַנֶּפֶשׁ אִף שְׂצָרִיךְ לְבַזְזֵי
כָּל הוֹנוֹ שְׂלֵא לְחַלְלֵי אֶת הַשַּׁבָּת.

וְלִשְׂטִיטַת מְקַצֵּת הַפּוֹסְקִים (חֲשׂוֹן
מִשְׁפָּט סִימָן תכ"ד) צָרִיךְ לְהַכְנִס
לְסִפְקַ סְכָנָה כְּדֵי לְהַצִּיל חֲבִירוֹ,
וְקַל וְחוֹמֵר הַדְּבָרִים וְמָה אִם סִפְקַ
סְכָנָה נִדְחִית מִשּׁוֹם הַצֵּלַת הַנֶּפֶשׁ,
כָּל שְׂכָן שְׂחִיב לְהוֹצִיא כָּל מָמוֹנוֹ
לְהַצִּיל נֶפֶשׁ חֲבִירוֹ דְּכָל אֲשֶׁר לוֹ
יִתֵּן בְּעַד נַפְשׁוֹ ...

Source 12. Chafetz Chaim (Rabbi Yisrael Meir Kagan), Ahavat Chesed 20:2

It seems that this (one-fifth limit on tzedakah [charity] spending) applies in a situation that does not relate to actually saving a life. But if it relates to someone whose life is truly in danger – where, for instance, the captive is on the verge of death, or the hungry person is in danger of death because of his hunger – the limit of one-fifth is not applicable. And Bava Metzia 62 only states that one's life takes precedence over another's (where one is faced with the tragic option of either saving his own life or another's), but we have not found that one's wealth takes precedence over another's life.

אהבת חסד כ:ב
ונראה דמיירי באופן שאין
נוגע לפקוח נפש ממש, אבל
אם נוגע לפקוח נפש ממש
כגון שהשבוי עומד למות או
הרעב יכול לבוא לידי סכנה
על ידי רעבונו אין שיהיה
שיעור חמש ולא אמרו בכבא
מצייעא ס"ב רק דחיי קודם
לחיי חבירו אבל דעשרו קודם
לחיי חבירו לא מצינו.

Source 13. Minchat Asher Bereishit p. 249

Indeed, this (obligation to spend all your money to save a life if needed) is only in an extreme 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.

מנחת אשר בראשית עמוד רנב
... אמנם זה רק במקרה קיצוני
שהוא לבדו יכול לעזור אבל
ברור ופשוט שאין האדם חייב
למכור ביתו וכל אשר לו להציל
חולה וכדומה פשיש רבים
המצויים להציל ומהיכא תיתי
יתחייב הוא ולא אחרים,
שמצוות התורה מוטלת גם
עליהם, וזה ברור ופשוט.

Case 6. The Unnecessary Rescue Mission – Who Pays?

Now, think about a third possible outcome of the Andes Falling Incident. Once again, Jose was out of contact, Max called the rescue helicopter, and Ray and Max waited. Then, twenty-five minutes into the wait, Jose began to move. They saw him stand up, and he managed to locate a path. Ray and Max tried to call off the rescue professionals, but there was now no reception.

Jose emerged on the trail smiling, just in time to meet the rescue team, who were happy to know that their services were not actually needed – but three weeks later, the same \$3,600 charge for the helicopter flight appeared on Max's credit card bill.

Jose thinks that Max should pay for the bill. He thinks Max acted too hastily by calling, and, he says, why should he pay for an unnecessary rescue mission? But Max counters that he feels he acted responsibly, and does not regret calling, but does not feel obligated to pay.

What do you think?

Source 14. Rabbi Baruch Rubanowitz, "In Case of Emergency: Who Pays the Bill?", www.dinonline.org

[What is the law of yored?] In many areas of halachah we find that when Reuven provides an unsolicited, and unanticipated service, or improvement to the value of Shimon's assets (at a cost to himself), Reuven is entitled to some payment provided that Shimon benefits. However, if the unsolicited and unanticipated action is ineffective, Reuven receives nothing for his expenses or opportunity costs since Shimon did not benefit ... For example, Reuven enters Shimon's abandoned home, buys black paint, and paints Shimon's house without his permission. Reuven is not entitled to be reimbursed for the cost of the paint. Since there was no benefit to Shimon, Shimon does not need to pay the expenses (based on Nesivos 264:7).

Source 15. Rosh Responsum 85:2

It seems to me that logic dictates that they should not lose out, just because the sick man did not instruct them to make these expenses. For it is a well-known practice that when a person falls ill and is not able to care for himself that relatives try to find him a cure... Additionally, someone who tried to find a cure for a sick person, even if the ill person did not direct him to do so, should not lose out in such a case, for it involves saving a life, and it is praiseworthy to take action. Therefore, if it is known through witnesses that someone laid out money while the sick relative was alive and it was not yet reimbursed, he should be compensated by the estate of the orphans...

נְרָאָה לִי דְמַהֲאֵי טַעְמָא לֹא
 יִפְסִידוּ, בְּשִׁבִיל שְׁלֹא צְנָה
 שְׂיַעֲשׂוּ לוֹ אֵלּוּ הַהוֹצָאוֹת.
 כִּי מִנְהַג יְדוּעַ כְּשֶׁאָדָם נוֹפֵל
 לְמִשְׁכָּב וְאֵינוֹ יָכוֹל לְסַיֵּעַ
 עֲצָמוֹ, שֶׁהַקְרוֹבִים מְשַׁתְּדְּלִים
 לְהַמְצִיא לוֹ רְפוּאָה ... וְאֶפִּילוּ
 אִינִישׁ דְּעֵלְמָא שֶׁהָיָה מְשַׁתְּדֵל
 לְהַמְצִיא רְפוּאָה לְחוּלָה, בְּלֹא
 צְוִי הַחוּלָה, נְרָאָה שְׁלֹא יִפְסִיד,
 דְּפִקּוּחַ נַפְשׁ הוּא, וְכָל הַזְרִיז הָרִי
 זָה מְשׁוּבָח. לְכֵן, אִם יְדוּעַ הַדְּבָר
 בְּעֵדִים שֶׁהוֹצִיאוּ יְצִיאֹת בְּחַיָּו
 וְשִׁלָּא נִפְרְעוּ בְּחַיָּו, תִּפְרְעוּ
 מִנְכֶסֶי הַיְתוּמִים ...

Source 16. Rabbi Boruch Rubanowitz, “In Case of Emergency: Who Pays the Bill?”, www.dinonline.org

If the unsolicited service or improvement was anticipated (i.e., the circumstances suggest that such service or improvement would likely have been employed) then the helper is considered to have been hired *ex post facto* by the recipient and earns a wage according to the market price of the service or improvement he provided. Whenever someone is hired (explicitly or by implication) for a certain job, once he fulfills his responsibility, he has earned his wage, regardless of the usefulness to the employer...

In our society, it is reasonable to assume that should any situation arise that looks to most people like an emergency, people would count on others to act on their behalf and contact the emergency services as their agent. Should they call for help as an implied agent of the victim, the victim will be responsible for the costs regardless of whether he benefited from the call or not...

SECTION III 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?

Case 7. The Turkish Earthquake Volunteer – Can You Endanger Yourself to Save Another?

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?

Source 17. Yerushalmi Terumot 47a

Rabbi Ami was kidnapped and held in Sifsifa. Rabbi Yonatan 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.

רבי אמי איתפצד בסיפספה.
אמר ר' יונתן "יכרוך המת
בסדינו." אמר ר' שמעון בן
לקיש, "עד דאנא קטיל אנא
מתקטיל אנא איזיל ומשיזיב
ליה בחילא." אזל ופייסון
ונהבניה ליה...

Source 18. Kesef Mishneh Laws of Murder and Saving Life 1:14

The Hagahot Maimoniyot 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.

כסף משנה הלכות רוצח
ושמירת נפש א: יד
כתב בהנהגות מיימוניות,
"... בירושלמי מסיק אפילו
להכניס עצמו בספק סכנה
חייב עד כאן לשונו. ונראה
שהטעם מפני שהלה ודאי
והוא ספק:

Source 19. 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 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.

ערוך השלחן חושן משפט
תכו: ד
הפוסקים הביאו בשם ירושלמי
דחייב אדם להכניס את עצמו
לספק סכנה כדי להציל חברו.
והראשונים השמיטו זה מפני
שבש"ס שלנו מוכח שאינו
חייב להכניס את עצמו. ומיהו
הכל לפי הענין ויש לשקול
הענין בפלס ולא לשמור
את עצמו יותר מדאי ... וכל
המקיים נפש מישראל כאלו
קים עולם מלא.

Source 20. Meshech Chachmah Shemot (Exodus) 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
מצרים, אף על פי שכל
ישראל צריכים אליו אינו צריך
להכניס עצמו בסכנה.

Source 21. Yoma 85b

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.”

אמר רב יהודה אמר שמואל
אי הואי התם הוה אמינא דידי
עדפא מדידהו: ”וחי בהם”
ולא שימות בהם.

**RECOM-
MENDED
ADDITIONAL
READING**

“In Case of Emergency: Who Pays the Bill?” by Rabbi Baruch Rubanowitz at www.dinonline.org/2010/06/27/in-case-of-emergency-who-pays-the-bill/

“Does Jewish law permit donating a kidney? What about selling one?” by Daniel Eisenberg, M.D. at www.aish.com/ci/sam/48954401.html

“At What Cost Saving Lives?” by Rabbi Chaim Steinmetz at www.jlaw.com/Commentary/whatcost.html

Dangerous Disease and Dangerous Therapy in Jewish Medical Ethics, by Rabbi Akiva Tatz, M.D. (Targum Press 2010, 352 pages)

Saving Another’s Life, by Rabbi Eliezer Melamed, at <http://e.yeshiva.org.il/midrash/shiur.asp?cat=371&id=700&q=>

“May a Doctor Refuse to See Patients?” by Rabbi Avrohom Blaivas, in the Journal of Halacha and Contemporary Society Volume XXXVIII; Fall 1999 - Sukkot 5760 www.daat.ac.il/daat/english/journal/blaives-1.htm

“His Money or Her Life? Heinz’s Dilemma in Jewish Law,” by Rabbi Mark Dratch, in the Journal of Halacha and Contemporary Society Volume Vol. XX. Fall 1990.

"Physicians' Strikes," by Rabbi Judah David Bleich, in his Contemporary Halachic Problems Vol. III, pp. 18-25.

"Sale or Donation of Human Organs," by Rabbi Alfred Cohen, in the Journal of Halacha and Contemporary Society, 2006
[www.hods.org/pdf/Journal_of_halachot\[1\]\(1\).pdf](http://www.hods.org/pdf/Journal_of_halachot1.pdf)

"Physicians' Strikes and Jewish Law," by Fred Rosner, M.D., in the Journal of Halacha and Contemporary Society, Fall 1993
www.daat.ac.il/daat/english/journal/Physicians-2.htm