

Lo Ta'amod al Dam Reyecha
To What Extent Do We Go to Save Lives?
Should Israel Intervene in the Syrian Genocide?

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:

- To what extent is a bystander obligated to take proactive measures to save a life?
- Do I have to endanger myself to save someone else who is in danger?
- Should Israel intervene to prevent further genocide in Syria?

Class Outline

Section I. The Obligation to Save Human Life

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Note: This shiur 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).

Section I. The Obligation to Save Lives

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

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

<p>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.”</p>	<p>מַנִּין לְרוֹאֵה אֶת תְּבִירוֹ שֶׁהוּא טוֹבֵעַ בְּנֶהָר אוֹ חִיָּה גּוֹרְרֵתוֹ אוֹ לְסִטִּין בָּאֵין עָלָיו שֶׁהוּא חַיִּיב לְהִצִּילוֹ? תְּלַמּוּד לּוֹמֵר, “לֹא תַעֲמוּד עַל דַּם רֵעֶךָ.”</p>
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Source 2. Sanhedrin 37a

<p>Therefore man was created alone, to teach you that anyone who destroys one life is considered by the Torah as if he has</p>	<p>לְפִיכָךְ נִבְרָא אָדָם יְחִידִי, לְלַמְדֶּךָ שֶׁכָּל הַמַּאֲבֵד נֶפֶשׁ אַחַת מֵעֲלָה עָלָיו הַכְּתוּב כְּאִילוֹ אֲבֵד עוֹלָם מְלֵא, וְכָל הַמְקַיִּים נֶפֶשׁ אַחַת מֵעֲלָה עָלָיו הַכְּתוּב כְּאִילוֹ</p>
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destroyed the entire world, and anyone who preserves one life is considered by the Torah as if he has preserved the entire world.	קיים עולם קלא.
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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)? ”

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].

וְהָא מְהֵכָא נִפְקָא !? מְהֵתָם
נִפְקָא [בבא קמא פא :]: “אַבְדַת
גופו מִנֵּין תִּלְמוּד לומר
וְהִשְׁבַּתוּ לוֹ.”

אי מְהֵתָם הוּא אָמִינָא הֵינִי מִיְלִי
בְּנִפְשֵׁיהּ אַבְל מִיִּטְרַח וּמִיִּגְר
אגורי אימא לא. קא מְשַׁמַּע 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

הַרוּאָה אֶת חֲבִירוֹ טוֹבַע בַּיָּם או
לִיסְטִים בָּאִין עָלָיו או תִּיהַ רָעָה
בָּאָה עָלָיו, וְיִכּוֹל לְהַצִּילוֹ הוּא
בְּעֵצְמוֹ או שִׁישְׁפֹּר אַחֲרָיִם
לְהַצִּיל וְלֹא הִצִּיל, או שִׁשְׁמַע
עֲבוּרִים או מוֹסְרִים מִחֻשְׁבִּים
עָלָיו רָעָה או טוֹמְנִים לוֹ פַּח וְלֹא
גִילָה אֶזְנֵן חֲבִירוֹ וְהוֹדִיעֵנו, או
שִׁדְעַע בְּעֲבוּרִים או בְּאֲנָסִי שֶׁהוּא
בָּא עַל חֲבִירוֹ וְיִכּוֹל לְפִיִּסּוֹ בְּגִלְלַת
חֲבִירוֹ וְלִהְסִיר מֵהּ שְׂבָלָבוּ וְלֹא
פָּיִסּוֹ וְכִיּוֹצֵא בְּדַבָּרִים אֵלָיו, עֵבֶר
עַל לֹא תַעֲמוּד עַל דַּם רֵעֶךָ.

stand aside when your fellow's blood is being shed.”	
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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. Endangering Your Life to Save Others

So far we have seen that a person must make efforts and sacrifices to save a fellow life. Even money must be spent towards this purpose (see Section II of the

NLE Thinking Gemara Shiur, *Lo Ta'amod al Dam Reyecha*). 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 4. 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 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 6. Yerushalmi Terumot 47a

<p>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.</p>	<p>רַבִּי אַמִּי אֵיתְצַד בְּסִיפְסִיפָהּ. אָמַר ר' יוֹנָתָן "כָּרַךְ הַמֵּת בְּסִדְנֹו". אָמַר ר' שְׁמַעוֹן בֶּן לָקִישׁ, "עַד דְּאָנָּא קָטִיל אָנָּא מְתָקִטִיל אָנָּא אֵיזִיל וּמְשִׁיזִיב לִיהּ בְּחֵילָא." אָזַל וּפְיִיסוּן וַיִּתְּבוּנִיהּ לִיהּ...</p>
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Source 7. Kesef Mishneh Laws of Murder and Saving Life 1:14

<p>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</p>	<p>כִּסְף מִשְׁנֵה הַלְכוֹת רוּצַח וּשְׁמִירַת נֶפֶשׁ אֶת יָד כָּתַב בְּהִגָּהוֹת מֵיִמוֹנִיּוֹת, "... בִּירוּשָׁלַיִם מִסִּיק אֶפְיִלוּ לְהַכְנִיס עֲצָמוֹ בְּסִפְק סִפְנָה חַיִּיב" עַד כָּאֵן לְשׁוֹנוֹ. וְנִרְאֶה שֶׁהַטַּעַם</p>
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is only in possible danger.	מִפְּנֵי שֶׁהִלָּה וְהָאֵי וְהוּא סָפֵק:
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Source 8. Aruch Hashulchan Choshen Mishpat 426:4

<p>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.</p>	<p>ערוך השלחן חושן משפט תכו:ד הפוסקים הביאו בשם ירושלמי דחייב אדם להכניס את עצמו לספק סכנה כדי להציל חברו. והראשונים השמיתו זה מפני שבש"ס שלנו 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 קים עולם מלא.</p>
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Source 9. Meshech Chachmah Shemot (Exodus) 4:19

<p>“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.</p>	<p>”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 שקל ישראל צריכים אליו אינו צריך להכניס עצמו בסכנה.</p>
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Source 10. 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>אמר רב יהודה אמר שמואל אי הוא התם הנה אמינא דידי עדיפא מדידהו: “וחי בהם” ולא שימות בהם.</p>
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Section III. Savings Others from Genocide

Case 5. Should Israel Intervene in the Syrian Genocide?

Dozens Suffocate in Syria as Government Is Accused of Chemical Attack

BEIRUT, Lebanon — Dozens of Syrians choked to death after a suspected chemical attack struck the rebel-held suburb of Douma, east of Damascus, with aid groups on Sunday blaming President Bashar al-Assad's government for the assault and Western governments expressing outrage.

Rescue workers in Syria reported finding at least 42 people dead in their homes from apparent suffocation, and antigovernment activists circulated videos of lifeless men, women and children sprawled out on floors and in stairwells, many with white foam coming from their mouths and nostrils.

The suspected chemical attack on a Syrian rebel stronghold near Damascus on Saturday was the latest in a string of similar deadly assaults, including one in 2013 that killed more than 1,400 and shocked the world's conscience.

In September 2013, the United States and Russia reached an agreement that called for Syria's arsenal of chemical weapons to be removed or destroyed by the middle of 2014. (The Geneva Protocol of 1925 banned the use of chemical weapons in war but did not outlaw their development or stockpiling.) Ben Hubbard, Yonette Joseph, and Christina Caron, New York Times, April 8, 2018.

Does Israel have an obligation to assist Syrian rebel communities threatened by such inhumane attacks?

Source 11. Chief Sefardic Rabbi of Israel, Rabbi Yitzchak Yosef, April 8, 2018.

There is now cruel widespread murder of Syrian rebel communities, including women and children, by weapons of mass destruction. As Jews who have experienced genocide, as Jews whose Torah is a light to the nations, it is our moral obligation to try and stop this murder. It is an obligation no less important than the moral obligation to having destroyed the nuclear reactor in Syria [in Year 2007].

בסוריה מתרחש רצח עם
אכזרי גם של נשים וילדים עם
נשק להשמדה המונית.
כיהודים שעברו השמדת עם,
כיהודים שתורתם היא אור
לעמים, החובה המוסרית שלנו
היא לנסות למנוע את הטבח.
זוהי חובה שאינה פחותה
מהחובה המוסרית שהייתה
להשמדת הכור בסוריה.

Source 12. Ner Le'Elef Training Institute, April 11, 2018.

Chief Rabbi Yitzchak Yosef has declared something that is awe-inspiring: every Jew needs to be concerned with the genocide in Syria. On the one hand, there is no specific halachic source that obligates Israel to intervene in Syria. The principle of "kill someone first who is coming to kill you" does not apply because the Assad regime is not now firing upon Israel. The mitzvah of "Lo ta'amod" taught in Source 1, "Do not stand aside when your fellow's blood is being shed" applies to fellow Jews. The mitzvah of "You shall love your neighbor as yourself" does not apply if your life will be endangered. On the other hand, with great depth and foresight, Rabbi Yosef sees a danger to the world. There is the possibility that without intervention, the current situation can escalate, G-d forbid, and lead to the launching of weapons of mass destruction.

A nation such as ours, the Jewish people, who suffered greatly during and after the Holocaust, can especially understand this dangerous situation, and Israel must do what is in her means to stop these atrocities.