

S·E·P·H·A·R·D·I·C HALACHA JOURNAL

Family, Business, & Jewish Life Through the Prism of Halacha



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RISKY BUSINESS

Must Professional Lifesavers Risk Their Lives?

Adapted from a shiur by Rav Yosef Greenwald

Broward County, Florida sheriff's deputy Scot Peterson was assigned to protect Marjory Stoneman Douglas High School in Parkland. When a former student entered the school in February and began a murderous rampage, Deputy Peterson didn't intervene and remained safely outside the building. Other deputies who arrived on the scene during the shooting did likewise. Under suspension by the sheriff's office and facing an internal investigation, Peterson, 55, retired and now collects a publicly-funded pension of \$104,000 a year.

Would Halacha require a school guard to risk his life to save his charges? Can a police officer refuse to intervene because doing so would be dangerous? Would those police officers be correct who say, infamously, that their #1 job is to come home safe each night?

The Torah commands (VaYikra 19:16), "Do not stand idly by your fellow's blood." The S'ma (H.M. 426:2) says that this mitzvah doesn't require that one risk his life, as that duty is restricted to the three cardinal sins of murder, idolatry, and immorality. Other Aharonim concur, including the Shulhan Aruch HaRav (O.C. 329) and Mishna Berura (329:19), Igrot Moshe (Y.D. 2:174), and Tzitz Eliezer (9:45). Maran in Bet Yosef (C.M. 426) cites the Hagahot Maimoniot's reading of the Yerushalmi to the effect that though one is not required to lay down his life, he must risk it. The Radbaz (627) understands this to mean that where death is likely (a 51% chance, perhaps), one may stand down, but a lesser risk must be endured. The Shulhan Aruch HaRav, however, citing the Gemara in Yoma that the principle of rov - majority - doesn't apply in matters of *pikuah nefesh*, rules that risking one's life isn't required.

The Radbaz can perhaps be understood in the light of the famous Gemara in Bava Metzia 62a:

Two people are traveling and one has a flask of water. If both drink, both will die. If one drinks, he will reach town. Ben Petura argued, "Better that both drink and die and neither sees his friend die." Until Rabbi Akiva came and taught: "And your brother shall live with you" (VaYikra 25:36): your life precedes that of your friend.

Though the Halacha doesn't follow his opinion, we need to understand Ben Petura. It would appear that in his view, *pikuah nefesh* is not about saving as much life as

possible, but about upholding the sanctity of life. Drinking one's water and watching his friend perish violates this principle. Better give him to drink, too, although mutual death will ensue. Rabbi Akiva can agree conceptually, though he maintains that the *pas-suk* excludes this particular application.

With this we might well understand the Radbaz: The sanctity of life demands that we incur risk to preserve it, even if other non-cardinal mitzvot are set aside even for small risks to life.

We are commanded to wage war against Amalek and against the seven Canaanite nations. The Sefer HaHinuch writes that one who desists from doing so violates those commandments unless his life would be threatened by fulfilling them. The Minhat Hinuch objects, pointing out that these mitzvot are inherently dangerous, so danger can't be an exemption. It would seem that a police offi-



Highlights of a shiur by Dayan Shlomo Cohen

MONETARY TESHUVA: MAKING RIGHT, ON THE MONEY

If Rosh Hashana is the *Yom Hadin*, what then is the judgment we face after death? Suppose a man dies a month after Rosh HaShana. Is he judged in the *Bet Din Shel Ma'ala* only on his deeds of the last month?

The *Sefarim* explain that judgment with regard to eternal reward takes place after we die. Rosh HaShana is about allocation of resources—*par-nasa*, health, etc.—for the coming year.

A businessman assesses the performance of his various business units at intervals to determine where his time and money would be best spent in the next period. Likewise, Hashem evaluates his creations yearly to determine how well we've used his gifts and how much of each to grant us in the year to come. We need to show Him that we're a good investment.

An essential step in the *teshuva* process is to recognize our own value.

The Or HaHayim
HaKadosh
(Shemos 1:6)
explains
how

spotlight

AMI MAGAZINE
TO FEATURE THE
BET HAVAAD

The Ami Magazine launched this week "The Beis Din", a new column, featuring real life Dine Torah from the Bet HaVaad. This groundbreaking serial gives the public a front row seat to the drama and proceedings of real DinTorah, and we are excited to partner with the prestigious magazine. Get your copy now.

cer, whose very job is to confront danger and protect the public, is similarly situated.

May Hashem protect Am Yisrael from any Oyev – enemy, V'Orev – predator. Amen.



Klal Yisrael became enslaved to Mitzrayim.

Initially, the Egyptians viewed the Jews as their superiors. After Yosef died, they saw us as equals. When the other brothers died, they considered us inferior. But this, he says, was an insufficient condition for enslavement; that could only happen when we too came to share their view of us.

Bet Din warns witnesses in a capital case of the

value of a human life. We would assume that the purpose of this caution was to remind the witnesses of the value of the life they are proposing to take.

Rashi, however, explains differently: We are reminding them of the value of their own lives! Before they might do something so heinous as to testify falsely that a man must die, we implore them to desist by seeing the value and greatness inherent in themselves.

This is the path to *teshuvah*. As we prepare for Rosh HaShana, may we recognize our own greatness and live up to it.

The Daf in Halacha

Bring the Daf to Life!

מסכת מנחות

This Week's Topics

RAV YOSEF GREENWALD
RAV SHMUEL WILHELM
RAV YOSEF FUND

- דף כ"ח Crafting the Keilim
- דף כ"ט Concepts in Stam
- דף ל' Megillah Margins
- דף ל"א The Tail-Shaped Mezuzah
- דף ל"ב Parsha of Mezuzah: Open Or Closed?
- דף ל"ג Follow the Hinge
- דף ל"ד Tefilin on One Parchment or Two?

BET HAVAAD EVENTS

Bet HaVaad on the Parasha-Sefer Devarim-soon to be available!

The Bet HaVaad Educational Division is now putting the final touches on Sefer Devarim, the latest offering in the Bet HaVaad on the Parasha series.

Now in its fifth year, the Bet HaVaad on the Parasha consists of a brief halachic shiur on a practical topic of halacha related to the parasha, viewed through the prism of halacha. Sefer Devarim will be available to the public in hard copy and online on our website www.baishavaad.org in time for the beginning of the new cycle on Simhat Torah.

NOW IS THE TIME TO SETTLE ALL ACCOUNTS.

During these *Aseres Yemei Teshuva*, the Dayanim of the Bais HaVaad will be available daily to settle unresolved disputes and financial matters, at no charge. They will also be available to review your *Heter Iska*, *Shabbos*, *Issurei Hana'ah* Agreements and other documents, to ensure their compliance with *halacha*.

8:00 PM - 10:00 PM

עשרת ימי תשובה WEDNESDAY (צום גדלי), THURSDAY, SUNDAY, MONDAY
P 732.276.1306 · E OFFICE@BAISHAVAAD.ORG

אם יש דין
למטה
אין דין למעלה

'It is proper [at this time] to arbitrate amongst individuals so that they will be in harmony on Yom Kippur.' [Levush]



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