

## Parshat Kedoshim:

### "Do not stand idly over the blood of your fellow" (Vayikra 19:16)

- a correspondence from the Ha'aretz newspaper

This shiur is a little unusual. I'm not sure that I would really call it a shiur at all. The basis for this "shiur" emerged from a series of correspondence in the letters column of the Israeli newspaper Ha'aretz. I will bring you some of the correspondence to read and you will see how it relates to Parshat Hashavua.

But its not only Parshat Hashuva that drew me to this unusual exchange of views. I was rather enchanted by this ongoing discussion in the newspaper, because for me , it really encapsulates much of what Israel is for me. Here we have a simple discussion in Israel's leading quality- paper which discusses social and moral ethical philosophy and people are arguing about halachot in the Rambam and then relating it all to Israeli politics. The people who get involved include one of Israel's top professors in Jewish philosophy, an Israeli Reform rabbi and many others who were bothered enough by the discussion to send in their letters. The very fact that an issue of this kind can be argued out in the daily newspaper simply boosts for me the very reality of living in the Jewish State - despite all the frictions, tensions and hardships - that the discussions here can be conducted in OUR vocabulary, our ideas, our social reality.

In honour of Yom Ha'atzmaut and Shabbat Parshat Kedoshim, I present this Torah based discussion (not really a shiur at all.) I hope it will get your moral sensitivities ticking over.

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#### SOURCES FOR CHAVRUTA STUDY

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Before we begin, it might be good to look at the pesukim independent of the discussion here. Parshat Kedoshim is surely one of the most variegated parshiot in the Torah. It contains an enormously wide range of mitzvot which touch and affect every area of human existence.

1. Read through Chapter 19.

Can you denote a structure here? (pay attention to the repeated/recurrent words)

2. You will notice how the parsha is divided by the repeated appearance of "Ani Hashem!". This would seem to define the text into sub-units.

- See Rashi on this phrase. How does he understand its meaning? See passuk 10, 14 (veyareita me'elokeicha), 16, 25 and also cf. 3

3. Look at our sub-unit passuk 15 and 16.

How do all the elements contained within these two verses connect? Are they connected or distinct? - Is there a common theme?

4. "Lo Ta'amod al dam Re'echa"

JPS translation: Do not profit by the blood of your fellow.

Hirsch translation: Thou shalt not stand inactive by the blood of thy neighbour.

Jerusalem Bible: Thou shalt not ... stand aside when mischief befalls your neighbour.

Which do you think is correct? How did they translate it so differently?

See Rashi , Rashbam and the Ibn Ezra and Sephorno on this passuk.  
- How do they each interpret/translate the phrase?

5 . See the Rambam, Hilchot De'ot 7:1 (and if possible read through 'til Halacha 6 - or the entire perek)

- How does he relate to "Lo Ta'amod al dam Re'echa"?

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#### THE SHIUR SECTION:

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On March the 13th of this year, the "Ethics" column of Ha'aretz turned its attention to an incident which had recently been published in the Ha'aretz magazine. The story was contained in excerpts from Kathy Edwards' book, "Just for the Love of It." Kathy Edwards writes about her experiences as a mountain climber and specifically her climb to the peak of Mt. Everest in 1998. Here are some sections of that "Ethics" discussion. (My translation)

"On that mission, her climbing party - close to the peak of Everest - came across a lone climber stranded on the ascent path. The climber was wounded. They had a dilemma as to whether to abandon their mission to the peak, and to save her (the climber was a woman) life, or alternatively, to abandon the climber and to continue to the peak. They chose the latter. (They were kind enough to give her extra oxygen!)

Two considerations guided their decision. The first; a basic norm of the sport of mountain climbing which states that every climber can rely in situations of distress or danger, on their own group/party and on them alone. He too is obligated towards his fellow party members and to them alone. This norm is grounded in the desire not to throw away "money, time and thousands of vertical feet of physical and emotional effort", the expectations of sponsor organisations and the unrelenting desire of the members of the climbing party to conquer the peak. The second issue related to the deteriorated health of the injured climber. The party assessed her chances of survival as extremely slim. It is possible that an attempt to lower the woman to safety would have endangered the lives of the climbers themselves."

#### A CAUSAL RELATIONSHIP?

In the ensuing analysis, the ethics columnist, Ovadia Ezra, refers to the works of an American philosopher, Joel Feinberg (Jewish maybe?).

"He presents a number of examples using them to examine the extent to which one person has an obligation to save the life of another in a variety of circumstances. In the first example; a casual passer-by sees a person drowning in the sea. He argues that the passer-by is NOT obligated to risk his/her life to save the person in the water. However, if the "passer-by" was in some distant manner, the cause of the drowning - for example if he had, even mistakenly, told the person in the water that it was fine to go swimming because there was no danger - then the passer-by would be obligated to expend effort to save the drowning individual. Even so, there would not be an obligation to risk ones life to save them. That is, unless he was the direct cause. If he had pushed him actively off the deck of a ship into the water then he would be obligated to save him at all costs (even his life). This because his free and conscious action had caused the situation of distress.

Feinberg concludes that the extent of a person's (A) obligation to save another individual (B) is dependent upon the degree to which A is responsible for B's need to be saved by A. According to this analysis there was no ethical obligation upon the party of mountain climbers to save the woman's life since none of them were responsible for her distress."

But Ovadia is bothered by this conclusion. He realises that the average person will have a serious aversion to this line of thinking. He wonders

whether the ethical line is the final word on the issue.

"A focal element of social existence and of ethical judgement's that are made within its context are actions that are performed "beyond the call of duty" i.e. out of altruistic motives. These are called acts of "supererogation". Within this classification we might find acts of charity, assistance to strangers and also saving the life of a stranger at risk to one's own life, for example hiding fugitives from their pursuers. Our disappointment from the climbers' decision comes from their decision to refusal to act beyond the call of duty...."

#### IN THE NAME OF THE TORAH, I PROTEST!

A response was not long in coming. It came from Aviezer Ravitsky who happens to be the head of the Jewish Philosophy Dept. in Hebrew University and a leading Modern-Orthodox liberal. He attacks Ovadia Ezra's assertion that the only obligation might be found "beyond the call of duty." Here are sections from his letter (19th March 2000):

"... The columnist did not intend to say so, but his words contain a great danger. Soon we will find people amongst us who are willing to leave injured car-crash victims (who were driving too fast anyway) at the side of the road, who will turn a deaf-ear to the cries of a person drowning in the sea (they were bathing in a place without a lifeguard!) and they will leave every reckless individual to die without lending a helping hand! They will say: We never accepted upon ourselves to act beyond duty's call.

Are we indeed exposed to this danger? Ezra supported his view on the American philosopher Joel Feinberg. However, as I understand it, this view does not go along with other central philosophical traditions (from the Utilitarians to Kantians) and this view clearly contradicts Jewish tradition and indeed the law of the State of Israel. All of these call in a clear voice: 'Do not stand inactive over the blood of your fellow.'

The Talmud puts it in the following way: 'How do we know that a person who sees another drowning in a river, or an animal mauling him, or being attacked by muggers that one must go and save him? The Torah teaches 'Do not stand inactive over the blood of your fellow.' This is how the Rambam legislated and this law is codified in the Shulchan Aruch. This is also legislated by modern Israeli law : "One is obliged to assist a person who one sees - in the wake of a sudden incident - in a state of serious and immediate danger to his life, body or health" (Lo Ta'amod Al Dam Re'echa Law 1998). The Israeli legislator adopted the caveat of the Halakha that the obligation is not without limits; one is not obliged to endanger his own life to save the life of another. But unlike Feinberg, he is obliged to act even when the person (the victim) placed his own self in danger.

It is disturbing that modern Israeli debate fails to direct the philosophically intelligent individual to the classic Jewish sources. In this instance, the omission was particularly prominent. This fact threatens even the depths of language and its poetic resonance. Just see (feel) the difference in emotive impact of the phrase 'One is ethically obligated to assist a person even where one is not responsible for his plight' as opposed to the phrase: 'Do not stand idly over the blood of your fellow.'"

This was not the only response. A similar letter appeared on the same day by Prof. Shimon Glick of the Lord Immanuel Jakobovits Centre for Jewish Medical Ethics who emphasises the point:

"The saving of another is not an altruistic act, but rather an elementary obligation."

#### THE ETHICAL RAMBAM?

Follow-up letters took the discussion in a different direction. Yisrael Shahak of Jerusalem took issue with Ravitsky's depiction of the Rambam as representative of a higher moral standard:

"I object to Aviezer Ravitsky's partial quote of the Rambam and the Shulchan Aruch ... after all, the Rambam's words apply only to the saving of observant religious Jews exclusively. In reference to Jewish heretics and gentiles the Rambam states:

' The Apikores (heretic) ... he who sins to demonstrate rejection of Torah law, even if he just ate non-slaughtered meat or wore sha'atnez as a protest is an Apikores, and those who deny the Torah or prophecy, it is a mitzva to kill them. If there is an opportunity to execute them publicly, one performs a public execution. If not, one comes against him with all types of ploys until he brings about his death. For example; If a man fell into a (dry) well and there was a ladder in the well, one may remove the ladder and tell him, sorry! I have to take my son off my roof and then I will return it to you etc. Non-Jews ... one must not save if they are in danger of their lives. If they fall into the sea, one does not save them, as it states: 'Do not stand inactive over the blood of your fellow.' This is not your fellow." [Rambam: Mishne Torah: Law of murder and protection of life 4:10-11]

... Ravitzky, using selective quotations, hides the fact that according to Maimonides, Jews should abandon most of the human race and let them die, and in addition, should actively seek to kill or bring about the death of most Jews alive today!

This partial quote is worse than a lie, to my mind. It means that for the secular public (chilonim,) one cannot rely on religiously observant experts when they quote the Halakha in order to make it look good ... I recommend to all the secular public that in regard to any current issue, (territorial compromise for example,) that they not rely on those who are so-called "experts" on Judaism, but rather listen to the statements that poskim such as Rav (Ovadia) Yosef and Rav Elyashiv make to their own followers." (Letters : 22/3/00)

One reader, a Reform Rabbi from Ashdod, wrote in to identify with these sentiments. He asserted that unacceptable statements by the Rambam such as these simply reinforce the policy of the Reform movement not accept the Rambam or any other ancient scholar as an unquestionable authority. Rather Reform will view these figures as worthy of study and as sources of inspiration in situations where their views conform with the current thinking. Otherwise they will be rejected. Another reader, Yaakov Bergman, responded to Yisrael Shahak, the author of this letter in an attempt to try to put things right for the Rambam:

"Yisrael Shahak ... does not quote the end of the Rambam, in Halacha 12! There, the Rambam states 'When is all the above true? For a Jew who sins with a particular command and is persistent in his sin repeating it with frequency. But a Jew who ... simply sins to suit his lifestyle, for example not eating kosher for culinary reasons, there is a mitzva to save him and one is forbidden to stand back and watch him die'.

The passages quoted by Yisrael Shahak are directed - and this is the predominant view of all commentators and poskim - towards gentiles in earlier ages, for example those during the "inquisition", and to heretics in times gone by. For these people, their sinning was a tool with which to provoke and crush the Jewish nation and its religion. About these people, it is said that there

is no obligation to save them. Even the Chazon Ish (founder of the modern charedi world) writes that these laws do not apply to gentiles in the modern era nor to today's secularists but rather to earlier ages, under the legal framework of the principle 'He who comes to kill you, you may defend yourself by direct attack.'

contemporary applications of the mitzvot of Torah.

Just this week, In Jerusalem, I participated in an important conference about the problems of drug and substance abuse in Yeshivot and schools. About 150 educators and Rabbanim, social workers and communal figures gathered together to learn and discuss the growing problems of drug abuse within the Orthodox community and its institutions. The statistics are rather frightening and it would appear that the disease of addiction is firmly rooted in our midst, even in the best places. What is worrying is that we are only just beginning to admit the extent and depth of the problem and comprehensive solutions elude us at the present time.

How does "Lo ta'amod al dam re'echa" apply to someone who has a friend, co-worker, or fellow student who is using drugs? We all know the dangers that are possible with drugs. Can we, as a community, and specifically as individuals just say that it is not our business? The Torah tells us that we must be careful not to see our friends' blood being spilt - in this case, contaminated - and stand by and watch. The professionals are there. The addiction organizations are waiting for calls. At times the kindest thing might be to alert the attention of professionals even to close family or to close friends whose life might be in danger. You might just be fulfilling this mitzva de'oraita in its most modern application.

Shabbat Shalom.

## CARE OR JUSTICE

The final correspondent on these pages appeared a week later. Esther Eilam from Tel Aviv responds to Ovadia Ezra's original column and ignores all the "Rambam" polemic that had been fought out in the letter page. This lady writes her letter responding to the ethical/moral principles set down by Ezra. She wishes to suggest a different rubric under which to consider the issue.

"Ovadia Ezra suggests that our moral responsibility to save an endangered life be conditioned upon the degree of our involvement in the situation at hand ...

These assumptions lower the value of human life to a value which is relative, changing according to the conditions. This stand[point] ignores the principle of "Care" according to which moral actions are guided by a relationship of empathy to the other upon the principle of "You shall love your neighbour as yourself."

.... Actions based upon a principle of "Justice" (according to which if a person has not caused the injury, he is not obligated to endanger himself to resolve or avert the injury) are supposedly based upon a hierarchy of "objective" criteria which can, at times, go against the well-being of the individual whose fate is hanging in the balance. But actions which are based upon the Care principle require first and foremost a consideration of the well-being of the other. Paradoxically, the very principle of abstract Justice which puts forward values detached from their context and reality allows at times for a distortion of those very values when the principles are reapplied into the real-life situation. Care, which connects between values and the circumstances of the actualisation of those values in the real world facilitates human conduct which is true to those values.

Sandra Harding, who works in the field of philosophy of science, claims that the precisely the desire for neutrality and objectivity that has characterised western scientific thinking in the modern era, has led to the adoption of ethnocentric, racist and sexist approaches. ...Only through a Care approach can there be global responsibility which does not create hierarchies based allotting varying value to human life dependent on the conditions, and relative moral directives by the same token."

## CLOSING COMMENTS

In my introduction, I mentioned that I had two aims in presenting this correspondence. On one level, I read this exchange and my Zionist consciousness beams a happy smile. In a regular daily newspaper, we are discussing values of life and death using philosophers, pesukim, Rabbanim, Knesset law. This discussion encapsulates much of what I love about living in the Jewish State. We don't need to be embarrassed to have a high-level discussion about the Rambam in the daily newspaper.

At the level of Parshat Hashavua, we have not presented a standard shiur at all. If you study the sources provided, you will gain a comprehensive understanding of the pesukim and of the issues behind this particular law of "Lo ta'amod al dam re'echa." What is interesting, however, is to see this halakha brought "up to date" in the most relevant way. Here is a halakha which we might feel is distant to our lives, but this article illustrates to us how we must grapple with