

DON'T STAND IDLY BY

Parashat Ahare Mot – Kedoshim 5773

טו לא-תִלַּךְ רַכִּיל בְּעַמֶּיךָ,
לא תִעֲמֵד עַל-דַּם רֵעֶךָ :
אֲנִי, יְהוָה.

Leviticus 19:16 Thou shalt not go up and down as a talebearer among thy people; neither shalt thou stand idly by the blood of thy neighbor: I am the LORD.



In the early hours of the morning of March 14, 1964, a young woman named Kitty Genovese was attacked on her way home in Queens, New York. The unknown assailant made several separate attacks on her over a period of about forty minutes, and she finally died of the stabs he had inflicted on her. As the police subsequently ascertained, at least thirty-eight neighbors had heard her screams for help, some may have also seen her struggle, yet no one intervened - not even to call the police.

*"As far as normative criteria are concerned, the obligation to save life is established in the codex of Jewish law as a legal obligation which obligates whoever happens to chance upon a situation where he can intervene and save life."
Eliezer Ben-Shlomo, "The Obligation to Save Life"*

"From where do we learn that if you are in a position to offer testimony on someone's behalf, you are not permitted to remain silent? From "Do not stand idly by while your neighbor's blood is shed." – Sifra Leviticus on 19:16.

*First they came for the communists,
and I didn't speak out because I wasn't a communist.
Then they came for the socialists,
and I didn't speak out because I wasn't a socialist.
Then they came for the trade unionists,
and I didn't speak out because I wasn't a trade unionist.
Then they came for the Jews,
and I didn't speak out because I wasn't a Jew.
Then they came for me,
and there was no one left to speak for me.*

Martin-Niemöller

fairly. ¹⁶Do not deal basely with your countrymen. Do not profit by the blood of your fellow: I am the LORD.

¹⁷You shall not hate your kinsfolk in your heart. Reprove your kinsman but incur no guilt because of him. ¹⁸You

תַּעֲמֹד עַל-יְדֵי רֵעִי אֲנִי יְהוָה: ¹⁷ לֹא-תִשָּׂא אֶת-אֲזְנוֹתֶיךָ בְּלִבְבְּךָ הַזֶּה תִּזְכֹּינָה אֶת-עַמִּיתְךָ וְלֹא-תִשָּׂא עָלָיו חֲטָא: ¹⁸ לֹא-תִקַּם וְלֹא-תִשָּׂא

may be known as *nesu' panim*, literally "one whose face is uplifted," or *nasi'*, literally "one elevated, raised above others," hence "a prince."¹⁴

or show deference to the rich Hebrew *gadol* means "a great person," but the context favors translating "rich" in contrast to *dall*, literally "one lacking in resources, poor."

judge your kinsman fairly On the sense of Hebrew *'amit*, "neighbor," see Comment to 18:20.

16. Do not deal basely with your countrymen Rather, "Do not act as a merchant toward your own kinsmen." This dictum remains ambiguous. Hebrew *rakhil* has usually been related to *rokhel*, "merchant."¹⁵ The idiom *lo' telekh rakhil* has been interpreted to mean that one should not move about in the manner of a merchant, who is presumed to be privy to secret dealings and gossip. This is how the sense of talebearing developed in postbiblical Hebrew.

In Jeremiah 6:28 and Ezekiel 22:9, *rakhil* is equated with acts of corruption and betrayal, even with murder.¹⁶ As a consequence, many traditional commentators, among them Ibn Ezra, Ramban, Rashbam, and Rashi, relate the verbal root *r-kh-l* to *r-g-l*, "to spy."

The Sifra preserves the following interpretation: "That you not act as a merchant who merely loads up his horse and departs."¹⁷ Now, Hebrew *be-'ammekha* means "among, with your kinsmen." Perhaps the sense is that in dealing with one's own kinsmen one should not be "all business," interested solely in profit, but, rather, considerate and friendly. Merchants were often foreigners who felt no close ties to those with whom they did business. The passage, nevertheless, remains problematic.

Do not profit by the blood of your fellow This part of the verse is also difficult to interpret because of the problems in ascertaining the sense of the Hebrew idiom *lo' ta'amod 'al*, literally "do not stand over, by, near."

There have been three principal suggestions. The first, "to stand aside, to stand by," has the sense that one ought not to stand by inactively when one's neighbor's life is in danger. This is the interpretation of the Sifra, followed by Rashi and others. Targum Yerushalmi understands this statement in a similar way: "Do not be silent concerning the 'blood' of your comrade when you know the truth in a legal case." The second suggestion takes the Hebrew to mean "to conspire against, act against." Thus, Targum Onkelos reads: "Do not rise up against the life of your comrade" (Aram. *la' tekum 'al dama' de-havvrah*). This is similar to the interpretation of Ibn Ezra: "One ought not to join forces with murderers." "To stand over" has this sense in several biblical passages. The third explanation of the Hebrew is "to survive by means of, subsist, rely on." Ehrlich compares Ezekiel 33:26: *'amadta 'al harbekha*, "You have relied upon your sword for survival," with Genesis 27:40: *'al harbekha tihyeh*, "Yet by your sword shall you live."¹⁸ This last interpretation is the one expressed in the translation, and it best fits the immediate context. One ought not pursue one's own livelihood in a manner that endangers another or at the expense of another's well-being.

17. You shall not hate your kinsfolk in your heart Verses 17-18 constitute a unit. The context suggests the interpretation that an individual should not allow ill feelings to fester; rather, he should confront his kinsman and admonish him directly, in this way avoiding grudges and vengeance that breed hatred. Moreover, a proper attitude promotes love for one's neighbor. The opening statement (v. 17) contrasts with the conclusion (v. 18) as hate contrasts with love.

Reprove your kinsman but incur no guilt because of him Rather, "Reprove your neighbor so that you will not incur guilt on his account." As the sages put it: "Woe unto the wicked person, and woe unto his neighbor!" One may eventually suffer by being closely involved with wrongdoers, and it becomes necessary to protect oneself when close associates go astray. There is also the suggestion that, beyond self-interest, civic responsibility requires a person to admonish others out of concern for others and for the community as a whole. This line of interpretation is adopted by

NJPS 15You shall not render an unfair decision: do not favor the poor or show deference to the rich; judge your kinsman fairly. 16Do not deal basely with your countrymen. Do not profit by the blood of your fellow: I am the LORD.

OJPS 15Ye shall do no unrighteousness in judgment; thou shalt not respect the person of the poor, nor favor the person of the mighty; but in righteousness shalt thou judge thy neighbor. 16Thou shalt not go up and down as a talebearer among thy people; neither shalt thou stand idly by the blood of thy neighbor: I am the LORD.

שני [חמישין] לֹא-תַעֲשֶׂוּ עִוְלָה בְּמִשְׁפֵּט לֹא-תִשָּׂא פָנֶי-ךָ לְ וְלֹא תִהְדָּר פָּנֶי גָדוֹל בְּצַדִּיק תִּשְׁפֹּט עַמִּיתָךְ: 16 לֹא-תִלְךָ רֵכִיל בְּעַמִּיךָ לֹא תַעֲמֹד עַל-יְדֵם רֵעֶךָ אֲנִי יְהוָה:

RASHI or bad. He can always disclaim responsibility by pretending that his intentions were for the best. "You shall fear your God," therefore, who knows what you were thinking. Wherever a person's true intentions can be concealed from others, this phrase is invoked.

RASHBAM *heresh* is the same as that of *ivver*, "blind," or *gibben*, "hunchback," differing (in the first vowel) only because one cannot double an *r* in Hebrew.

15 You shall not render an unfair decision. Rather, an unrighteous, illegitimate one. A judge who does so is a loathsome reptile. For this word "unrighteousness" (see OJPS) is associated with abomination: "Everyone who does those things, everyone who deals dishonestly, is abhorrent to the LORD your God" (Deut. 25:16), and elsewhere we learn, "You must not bring an abhorrent thing into your house, or you will be proscribed like it; you must reject it as abominable and abhorrent, for it is proscribed" (Deut. 7:26). **Do not favor the poor.** Do not think, "This fellow is poor, and his rich adversary is obligated to support him anyway; I will award the verdict to him and he can get his support without embarrassment." **Or show deference to the rich.** Do not think, "This fellow is rich and comes from a powerful family; how can I embarrass him in public? It might come back to haunt me!" **Judge your kinsman fairly.** This means what it says. But another reading explains it outside the judicial realm: judge your fellow man "in righteousness" (OJPS)—give him the benefit of the doubt.

16 Do not deal basely with your countrymen. Rather, do not "go up and down as a talebearer" (OJPS). Do not go back and forth from town to town carrying evil reports from one to another. The Aramaic verb used by Onkelos (which sounds like "eating") actually refers to "announcing" one's gossip, as does Dan. 3:8. This we learn from the Aramaic translation of "the LORD thundered forth from heaven" (2 Sam. 22:14), which

16 Do not deal basely with your countrymen. Rather, "Thou shalt not go up and down as a talebearer among thy people" (OJPS). I understand this word *rakil*, "a talebearer," in the sense of *ragil*, "regular," which is related also to *regel*, "foot." For gossipers and purveyors of strife regularly go from house to house, to spy on their friends so that they can later retail whatever nasty little thing they have seen or heard. You will find that this particular word for talebearing is always used along with the verb "to go" (e.g., Jer. 6:28), while other expressions concerning harmful speech do not use that verb (e.g., Ps. 12:4, 101:5, 120:2). I think, therefore, that "going about" is an essential component of "talebearing"—note also the relationship with the verb *l'ragel*, "to spy." For *k* and *g* frequently interchange, as is the case with all sounds that are produced in the same place in the mouth: *b* and *p*, *f* and *v*, *g* and *k* and *q*, *n* and *l*, *z* and *tz*. Note that the *r-g-l* verb is used with regard to evil speech in 2 Sam. 19:28 and Ps. 15:3, just as *r-k-l* is used here. Elsewhere, the word *rokel* is used for a merchant who goes about (*m'ragel*) in search of trade

IBN EZRA 15 **You shall not render an unfair decision.** This verse is directed both at the judges and the witnesses. **The rich.** Literally, "the great" (see OJPS "the mighty"). But NJPS has correctly understood the implication. We find King David's friend Barzillai too described as "great" in a context that makes clear that it means "great in wealth": "Barzillai was very old, eighty years of age; and he had provided the king with food during his stay at Mahanaim, for he was a very *wealthy* man" (2 Sam. 19:33).

NAHMANIDES sense of the prohibition is that one is forbidden to insult a deaf person even though he himself cannot hear and will therefore not get angry. It goes without saying that a hearing person *would* be embarrassed and angry. **Or place a stumbling block before the blind.** Again the text is dealing with a real-life problem. People insult the deaf or place a stumbling block before the blind because they can do so without fear—such people by their nature "neither know nor understand" (Ps. 82:5). But **you shall fear your God.** For He sees what is hidden from others.

16 Do not deal basely with your countrymen. Rather, "Thou shalt not go up and down as a talebearer" (OJPS). The Hebrew word literally refers to commerce: "They shall plunder your wealth and loot your *merchandise*" (Ezek. 26:12); "all the powders of the *merchant*" (Song 3:6). Just as the merchant buys from this one and sells to that one, so a slanderer tells this one what he heard from that one. **Do not profit by the blood of your fellow.** Rather, "do not take a stand against the blood of your fellow"—do not conspire with violent men against him. It is obvious that many people have been murdered and otherwise killed on account of talebearing. If you need proof

16 Do not deal basely with your countrymen. See Rashi's comment about "eating some bites." There is no accounting for taste, but Rashi's comments here are certainly not to mine. I simply do not understand the point of "eating" in this context. Nebuchadnezzar did what he did to Shadrach, Meshach, and Abed-nego in Daniel 3 at their own explicit instruction, not on the basis of eating with the slanderers, for he asked them, "Is it true that you do not serve my god or worship the statue of gold that I have set up?" (Dan. 3:14), and they refused to do so. The same is true in the story of Daniel and Darius. There, in fact, "by order of the king, those men who had slandered Daniel were brought and, together with their children and wives, were thrown into the lions' den" (Dan. 6:25). Even if they did in fact do this "eating" back in those days, that is not what our text is talking about, so why would Onkelos mention such a stupid custom? The Aramaic idiom he uses simply means "to make a noise." It is quite common in rabbinic literature, and Targum Jonathan uses it in many places. The expression means to make a noise that expresses what you want without actually articulating any words. Talebearers come before the public or the authorities, and they clear their throats and wink to indicate that they have something to tell; finally the others urge them to say it and they do so. It is this noise they make in their throats

ADDITIONAL COMMENTS 15 **You shall not render an unfair decision.** The Hebrew expression (see OJPS) refers not only to rendering an unfair decision, but also to deliberately delaying a decision in order to harm the cause of one of the parties (Gersonides). You shall not treat those who come before you unfairly, being lenient with one and tough on another, making one stand and allowing another to sit (Sforno).

16 Do not deal basely with your countrymen. If you *do* "go up and down as a talebearer" (as this really means), you will "stand idly by the blood of your neighbor" (see OJPS)—if you tell a man that So-and-So is slandering him, he may well kill him. If the commandment not to "stand idly by" were introduced with *and*, I would understand that it was a separate commandment; as written, it is

NJPS 17You shall not hate your kinsfolk in your heart. Reprove your kinsman but incur no guilt because of him. 18You shall not take vengeance or bear a grudge against your countrymen. Love your fellow as yourself: I am the LORD.

OJPS 17Thou shalt not hate thy brother in thy heart; thou shalt surely rebuke thy neighbor, and not bear sin because of him. 18Thou shalt not take vengeance, nor bear any grudge against the children of thy people, but thou shalt love thy neighbor as thyself: I am the LORD.

לֹא-תִשְׁנֵא אֶת-אָחִיךָ בְּלִבְבְּךָ הוֹכֵחַ 17
תוֹבִיחַ אֶת-עַמִּיִּתְךָ וְלֹא-תִשָּׂא עָלָיו
קָטָא: 18 לֹא-תִקֵּם וְלֹא-תִטּוֹל אֶת-בְּנֵי
עַמְּךָ וְאֶהְרַת לְרַעַת בְּמוֹךְ אָנֹכִי יְהוָה:

RASHI (see, e.g., 1 Kings 10:15, Song 3:6). Onkelos here uses the Aramaic idiom “to eat some bites,” found also in Dan. 3:8, “certain Chaldeans came forward to slander the Jews.” [D] (You can find the same idiom in the Talmud, for example, on B. Ber. 58a, where R. Shila is “accused” of sitting in judgment without governmental authority.) It seems to me that this expression comes from the custom of such people to have a bite to eat in every house where they went to retail their gossip—for eating together is taken as a sign of trustworthiness. This “bite” was literally called “winking food”; “bite” and “wink” are related in Hebrew (see Prov. 6:13, “winking his eyes, shuffling his feet, pointing his finger”). Gossips are always winking to hint at something that those who do not get the wink will not understand. **Do not profit by the blood of your fellow.** Rather, “neither shalt thou stand idly by” (OJPS). You may not simply stand and watch him die if there is a possibility that you might be able to save him—for example, if someone is drowning, or being attacked by a wild animal or a robber. **I am the LORD.** I can be relied on to grant reward and to inflict punishment.

17 But incur no guilt because of him. Do not make him blanch in public.

18 You shall not take vengeance or bear a grudge. Suppose someone asks his friend, “Lend me your knife,” and the other man turns him down. The next day the second man says, “Lend me your shovel.” If the first man says, “I won’t lend it to you, just as you wouldn’t lend your knife to me”—that is “vengeance.” And what is bearing a grudge? As follows: The first man says, “Lend me your shovel,” and the other one refuses. Next day,

[D] The original text of this verse is in Aramaic, not in Hebrew.

NAHMANIDES that is the source of the Aramaic phrase. Onkelos translates idiomatically, as he always does. The Hebrew idiom, however, sees talebearing not as “eating” but as “gadding about.” That is the point of prohibiting it “among your people” (see OJPS), for such a person goes around to everyone carrying his tales. That is why our verse does not use the verb form, which simply refers to engaging in commerce, but a noun in a specific form used to indicate something about the character of the person who does it. He therefore bears his tales “not knowing his life is at stake” (Prov. 7:23), for what he does will redound against him.

17 You shall not hate your kinsfolk in your heart. For people who hate have a tendency to conceal their hatred in their heart: “An enemy dissembles with his speech, inwardly he harbors deceit” (Prov. 26:24). Our text is not saying that it is all right to hate openly; it is prohibiting the more common thing. Notice that one who hates his fellow violates a prohibition, while one who loves his fellow (v. 18) fulfills a positive commandment. **Reprove your kinsman.** This is a separate commandment. You are supposed to inform him when he has done wrong. **Incur no guilt because of him.** For you would owe a guilt offering if he is going to sin and you fail to reprove him. The language used by Onkelos also inclines toward this interpretation of the phrase.

It seems to me, though, that our verse is using the word “reprove” in the same way as when “Abraham reproached Abimelech for the well of water which the servants of Abimelech had seized” (Gen. 21:25). When your fellow does something to you that you do not like, you must not keep your dislike inside, but must reproach him: “Why did you do that to me?” You must not commit the sin of harboring enmity for him and not telling him. When you do reprove him, he will either explain his behavior to you or will apologize for what he did, and you will forgive him. The text goes on to say that you must not “take vengeance or bear a grudge” (v. 18) against him for what he did. It is, of course, quite possible to forgive but not forget. So the text insists that one must wipe one’s fellow’s misdeed out of one’s heart along with one’s former hatred for him. Then it will be possible to “love one’s fellow as oneself.”

18 You shall not take vengeance or bear a grudge. Our Sages have already explained this as referring to slights such as refusal to lend one’s tools—not to monetary disputes, for in those cases one is permitted to sue in court for one’s money: “as he has done so shall it be done to him” (24:19). He is completely obligated to pay. Even more so must one take vengeance for the life of one’s slain relative, albeit by legal means, through a court that hands down judgments in accordance with the teachings of the Torah. **Love your fellow as yourself.** This is hyperbole. One cannot literally be commanded to feel the same love for someone else as one does for oneself. In practical terms,

ADDITIONAL COMMENTS clearly a result of violating the commandment against talebearing (Bekhor Shor). Such talebearing is not excused by the tale being true, if the teller’s purpose is to spark hatred and rivalry (Gersonides).

18 You shall not take vengeance. For your wrath may gain mastery over you. But, as Nah. 1:2 tells us, “The LORD is vengeful and a master of wrath” (Hizkuni). How is it possible that in such a small, confined space as the heart—half full of blood and half of breath—

RASHBAM uses the same verb in the sense of “making something heard.” **Do not profit by the blood of your fellow.** Rather, do not “stand” idly by (OJPS). For it is permissible to save him even at the cost of his pursuer’s life.

17 You shall not hate your kinsfolk in your heart. If he has mistreated you, do not pretend to love him “but lay an ambush for him in your heart” (Jer. 9:7). That is not the right thing to do. Do not hate him secretly, but rather **reprove your kinsman** for whatever it was that he did to you. From this open reproof, peace will result, and you will **incur no guilt because of him.** Rather, you will no longer “carry this wrong feeling about him” in your heart.

18 You shall not take vengeance. By doing wrong to him as he did to you. **Or bear a grudge.** Even in your heart. You

IBN EZRA of this, see 1 Samuel 22, where Doeg the Edomite rats on David, telling Saul where to find him, with the result that an entire town is wiped out. **I am the LORD.** I am aware of what you do in secret.

17 You shall not hate your kinsfolk in your heart. Au contraire! You must “love your fellow as yourself” (v. 18). Note that these two commandments are matters hidden in the heart, not external actions—yet the Israelites would only be able to remain settled in the land by keeping them. For the Second Temple was destroyed on account of gratuitous hatred. **Reprove your kinsman.** Reprove him openly, for perhaps your suspicion is ungrounded. **Incur no guilt because of him.** You would be punished on his account if you suspected him unfairly and did not bring the matter out into the open.

18 You shall not take vengeance or bear a grudge. This is explained in rabbinic literature. [E] **Love your fellow as yourself.** The translations follow the predominant opinion, which is that the *l-* preposition on “your fellow” here is (unusually)

[E] See Rashi’s comment.

מניין לרואה את חבירו שהוא טובע בנהר, או חיה גוררתו, או לסטין באין עליו, שהוא חייב להצילו - תלמוד לומר לא תעמד על דם רעך

Whence do we know that if a man sees his neighbor drowning, mauled by beasts, or attacked by robbers, he is bound to save him? From the verse, 'Thou shalt not stand by the blood of thy neighbor.'

And whence do we know that he who pursues after his neighbor to slay him must be saved [from sin] at the cost of his own life? From the verse, 'Thou shalt not stand by the blood of thy neighbor.'
Babylonian Talmud Sanhedrin 73a

One day on a crowded boat, one passenger begins to drill a hole under his seat. When the others object, he retorts, "What complaint do you have? After all, I'm drilling the hole under my own seat. It's got nothing to do with you!"

Finally, a wise man answers him, "Mishugenah, we are all in the same boat. The hole may be under your seat, but the water that comes in will make the boat sink with all of us in it."

In a spiritual sense -- and in a very real one at work -- we are all in the same boat. Every act of our own affects the others.

"The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." Martin Luther King (2/25/67, Los Angeles, CA)

Bystander effect

From Wikipedia, the free encyclopedia

This article is about the psychological phenomenon. For the bystander effect in radiobiology, see Bystander effect (radiobiology).

The **bystander effect** or **Genovese syndrome** is a social psychological phenomenon that refers to cases where individuals do not offer any means of help in an emergency situation to the victim when other people are present. The probability of help has often appeared to be inversely related to the number of bystanders; in other words, the greater the number of bystanders, the less likely it is that any one of them will help. The mere presence of other bystanders greatly decreases intervention. In general, this is believed to happen because as the number of bystanders increases, any given bystander is less likely to notice the situation, interpret the incident as a problem, and less likely to assume responsibility for taking action.^[1]

Lo Ta'amod 'al Dam Re'ekha Law, 5758 -1998¹ Enacted by the Israeli Knesset on 28 Sivan 5758 (June 22, 1998)

1. (a) A person is obliged to proffer assistance, when able to do so without endangering himself or his fellow, to a person who, in close proximity, and following a sudden event, is subject to a serious and immediate danger to his life, his person, or his health.
- (b) If that person notifies the authorities or calls upon another person who can proffer the

**The Duty of
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 Proffer
 Assistance**

required assistance, then he shall be deemed as though he proffered assistance for the purposes of this Law: in this Section, "authorities" - the police, the ambulance services [Magen David Adom], and the fire-fighting services.

- | | |
|--|--|
| <p>2. (a) The provisions of Section 5 of the Unjust Enrichment Law, 5739-1979,¹ shall apply, notwithstanding that the person providing the benefit acted in accordance with his obligation under Section 1.</p> <p>(b) The Court may order the party responsible for causing the danger that the rescued person was subject to, including the rescued person himself if he caused the danger, to indemnify the person who proffered assistance according to his obligation under Section 1, for reasonable costs and expenses that he incurred.</p> | <p>Refund of Expenses and Damages</p> |
| <p>3. Save as otherwise provided by Section 2 (a) of this Law the provisions of this Law shall not derogate from the provisions of any other enactment.</p> | <p>Saving of Powers</p> |
| <p>4. A person in breach of the provisions of Section 1 of this Law shall be subject to a fine.</p> | <p>Penalties</p> |
| <p>5. The Minister of Justice is charged with the implementation of this Law.</p> | <p>Implementation</p> |
| <p>6. This Law shall come into force upon the expiration of 90 days from the date of its publication [in Reshumot].</p> | <p>Commencement</p> |

Binyamin Netanyahu
Prime Minister

Tzahi Ha-Negbi
Minister of Justice

Ezer Weizmann
President of the State

Dan Tichon
Knesset Speaker

Explanatory Notes: *Lo Ta'amod 'al Dam Re'ekha* Bill, 5753-1992

Hanan Porat, Knesset Member

From the draft bill of former Knesset member Hanan Porat, submitted to the Knesset Speaker and Deputies and set before the Knesset on 19 Kislev 5753 (December 14, 1992).

This bill is founded upon the command of the Torah, which stipulates the great moral rule, "You shall not stand idly by when your fellow man is in danger of harm; I am the Lord."³

The Gemara explains this rule in graphic terms:

From where arises the obligation for one who sees his fellow man drowning in a stream or a wild animal mauling him or robbers attacking him, that he is obligated to save him? From the verse: "You shall not stand idly by when your fellow man is in danger of harm."⁴

Furthermore, the Talmud learns from this verse that the duty of rescuing one's fellow man also applies when this involves great efforts and financial expense on his part, and such is the halakha according to Rambam.⁵ *Tur, Hoshen Mishpat* adds that if the rescued person has the means, he is obligated to pay his rescuer.⁶

The bill, thus, is intended to anchor this principle of Jewish law in the laws of the State and to involve the State with responsibility for and the application of these moral principles, both in the monetary field - by stipulating that if the rescued person lacks the means to pay the rescuer, then the State shall bear the costs - and in the area of punitive measures - by providing that if rescue is knowingly withheld from one's fellow man who is in close proximity, then that person shall be subject to a penalty of up to one year's imprisonment.

Indeed, it is not usually the case that provision is made for punishment for an offense that is committed by omission - by "inaction." However, "standing idly by" is not merely standing passively by; rather, it is a blunt and serious expression of estrangement from and disregard for human life, and it therefore deserves a suitable punishment, where necessary.

DONATING BLOOD as a fulfillment of Leviticus 19:6

<http://dafyomi.co.il/sanhedrin/insites/sn-dt-073.htm>

OPINIONS: The Gemara discusses the prohibition of "Lo Ta'amod Al Dam Re'echa" (Vayikra 19:16), the injunction not to let one's fellow man die. The Gemara explains that one who stands by idly as his fellow Jew drowns, is attacked by an animal, or is threatened with death by robbers, transgresses this prohibition. Does this prohibition apply even when one must put himself in danger in order to help his fellow man, or only when he is able to help without putting himself in danger?

The **RADVAZ** (3:627) writes that a person who puts himself even in a *possible* danger in order to save his fellow Jew is called a "Chasid Shoteh" -- "a pious fool."

Does this mean that the Halachah views with disfavor a Jew who donates blood?

(a) The **TZITZ ELIEZER** (16:23) writes that even if a Jew will die unless a person donates blood to him, there is no obligation to do so, although it is meritorious to do so. He explains that a person is never required to give up his own blood, about which the Torah says, "Ki Nefesh ha'Basar ba'Dam Hi" -- "For the soul of the flesh is in the blood" (Vayikra 17:11). The only situation in which one is required to give up his own blood is when he is threatened with death if he does not commit one of the three cardinal sins, in which case he must give up his life and not sin.

The Tzitz Eliezer says compares the question of donating blood to the question posed to the Radvaz. The Radvaz was asked about a person who was given an ultimatum: give up one of your limbs or I will kill your friend. The Radvaz uses the term "Chasid Shoteh" to describe the person who gives up a limb to save his friend. If, however, the person assessed that it was highly unlikely that he would die due as a result of the loss of his limb, he is considered *righteous* for giving up his limb to save his friend. The Radvaz adds that he knows of someone who had small incisions made in his ear and subsequently bled to death. Although such a case was unusual, the Tzitz Eliezer asserts that the rule that the Torah never makes a person give up his life includes giving up his blood. A similar opinion is expressed by the **MISHNEH HALACHOS**, as quoted by the **KUNTRES B'DAMAYICH CHAYI**, and the **DIVREI YETZIV** (CM 79).

(b) The **KUNTRES B'DAMAYICH CHAYI** quotes many contemporary Poskim, including **RAV SHMUEL WOSNER** shlit'a, **RAV CHAIM PINCHAS SHEINBERG** shlit'a, who rule that a person is obligated to give blood if he knows that a fellow Jew's life is in danger and he can save him by donating blood. Rav Wosner comments that it is clear from the Gemara in many places that in ancient times, bloodletting was viewed as a healthy practice. (The Tzitz Eliezer refutes this proof by quoting various Gemaras which teach that when a person let blood, he needed to be careful to eat only specific foods and to take care of himself in certain other ways in order that he not become ill due to the bloodletting.)

All of the Poskim agree that it is a meritorious act to give blood. (See Tzitz Eliezer *ibid.* for a discussion of donating platelets and other anatomical entities which involve more complex issues.) It is well known that **RAV SHLOMO ZALMAN AUERBACH** zt'l used to tell people to go to a certain Rav in Eretz Yisrael to receive a Berachah, because that Rav had given blood for many years in order to help fellow Jews. (Y. Montrose)



8

Rambam, Mishneh Torah, Laws of Gifts for the Poor 8:10

ransom | redeeming captives | Civil/Human Rights | Conflict & Emergency | Governance & Leadership | Tikkun Olam | Tzedakah | Legal Text

רמב"ם הלכות מתנות עניים ח:י

Original Text:

פדיון שבויים קודם לפרנסת עניים ולכסותן, ואין לך מצוה גדולה כפדיון שבויים שהשבויה הרי הוא בכלל הרעבים והצמאים והערומים ועומד בסכנת נפשות, והמעלים עיניו מפדיונו הרי זה עובר על לא תאמץ את לבבך ולא תקפוץ את ירך ועל לא תעמוד על דם רעך ועל לא ירדנו בפרך לעיניך, ובטל מצות פתח תפתח את ירך לו, ומצות וחי אחיך עמך, ואהבת לרעך כמוך, והצל לקוחים למות והרבה דברים כאלו, ואין לך מצוה רבה כפדיון שבויים.

Translation:

10. The redemption of captives held for ransom takes precedence over sustaining the poor and clothing them. You do not find a mitzvah greater than the redemption of captives, for captivity is in the same category as famine, drought, or exposure, and one stands in danger to one's life. One who averts his eyes from redeeming [the captive] transgresses [the commandment], (Deut. 15:7) Do not harden your heart and shut your hand, and (Lev. 19:16) Do not stand upon the blood of your neighbor, and (Lev. 25:53) He shall not rule ruthlessly over him in your sight, and nullifies the commandment (Deut. 15:8) You must open your hand, and the commandment, (Lev. 25:36) Let him live by your side as your kinsman, and (Lev. 19:18) Love your fellow as yourself, and (Proverbs 24:11) If you refrained from rescuing those taken off to death, [those condemned to slaughter--if you say, "We knew nothing of it," surely He who fathoms hearts will discern], and many such sayings. You cannot find a greater mitzvah than the redemption of captives.

Suggested Discussion Questions:

1. Who do you think counts as a captive?
2. Why do you think there is no greater mitzvah than redeeming the captives?

Time Period: Medieval (Geonim through the 16th Century)
Type: Legal Text
Categories: Tzedakah, Tikkun Olam, Governance & Leadership, Conflict & Emergency, Civil/Human Rights
Keywords: redeeming captives, ransom
Related Texts:

THE OBLIGATION TO SAVE A FELLOW JEW

SHULCHAN ARUCH

HOShEN MISHPAT

INTRODUCTION

In this, the next to last chapter of *Shulchan Aruch*, *Hoshen Hamishpat*, Rabbi Yosef Karo writes of the requirement that a Jew must save a fellow Jew. It is to be noted, and it is beyond the scope of this work, that very often what is said of a Jew's obligations to his fellow Jew also obligates the Jew to act in the same way towards the non-Jew in his midst. This concept is known as "*darkhei shalom*."

This chapter is based on a Torah command that is one of several related commandments:

You shall not be a gossipmonger among your people, you shall not stand aside while your fellow's blood is shed—I am God. You shall not hate your brother in your heart; you shall reprove your fellow and do not bear a sin against him. You shall not take revenge and you shall not bear a grudge against the members of your people; you shall love your neighbor as yourself—I am God.¹

TEXT

The Torah commandment to save a fellow Jew

If a Jew is in a position to save a fellow Jew and fails to do so he transgresses the Torah commandment "*not [to] stand aside while your fellow's blood is shed.*"

If Ruven sees Shimon drowning in the sea and Ruven is a good swimmer and does not save Shimon, Ruven has transgressed the same negative commandment not to stand idly by while his brother's blood is being shed. The same holds true if bandits threaten Shimon's life or if Shimon is threatened by wild animals and Ruven can save him but fails to do so. Likewise, if Ruven hears people plotting to do evil against Shimon, planning to inform to the government against Shimon, or laying a trap against him, and in all of these and similar instances Ruven fails to help Shimon, Ruven has transgressed the commandment.

The same holds true if Ruven sees Sarah about to be raped or Shimon about to be killed and he fails to save them, Ruven has transgressed the commandment.

Helping a fellow Jew includes lending him money when he is in dire need. Failing to lend him money may be similar to shedding his blood.

A visitor must be escorted a safe distance from the host's house so that he will find his way home safely. Some of the later commentators hold that with the advent of modern means of transportation this law may entail taking someone to his automobile, train, or bus station.

There is no flogging for transgressing this commandment, since it does not involve an action and flogging is reserved for those whose transgressions entailed action on their part. Nevertheless, this is a most serious offense. If one destroys the life of any Jew he is regarded as if he has destroyed the whole world and if one preserves the life of a single Jew it is as if he has preserved the entire world.²

One can only speculate what the reality would have been like if Jews would have cried out more loudly to save Jews in the Holocaust.

1. Leviticus 19:16-19:18.

2. See Mishnah *Sanhedrin* 4:5.

Why First Responders Are Jewish Heroes

Those who ran to help in Boston embody the ideal of 'walking in God's ways'

By Shai Held | April 16, 2013 5:02 PM



There is an image from the yesterday's nightmare in Boston which I cannot get out of my mind, probably because it's at once both horrific and holy. As first responders ran towards the victims of the bombing, the "cruel irony," as reporter Charles Pierce put it ^[1], was that "the barricades meant to protect the spectators briefly prevented the EMTs from reaching the injured." I see the footage ^[2], and I can almost sense their desperation, knowing that people need help, and that mere seconds can be the difference between life and death. And yet I'm filled with awe. Just who *are* these people, doing the holiest thing a human being can do: running towards the injured and dead instead of running away from them.

There is something about seeing first responders going about their work that restores our hope in humanity. Just as importantly, there is something about seeing them that can teach us a lesson in theology.

In Jewish theology, the highest human ideal is to “walk in God’s ways.” The Book of Deuteronomy mentions this lofty mandate five times, but curiously, it never spells out what it means. Modern Bible scholars tend to think that “walking in God’s ways” is just another way of talking about obeying God’s commandments, but the Talmudic Sages understood it differently. Their interpretation is something I suspect many first responders understand in an intuitive, almost visceral way—which is why, from a Jewish perspective, they are theological heroes.

What does being godly consist of, according to the rabbis? A well-known Talmudic text puts it this way: “Just as God clothes the naked, so should you; just as God visited the sick, so should you; just as God comforted the mourners, so should you; and just as God buried the dead, so should you” (Sotah 14a). To walk in God’s ways, in other words, is to act in the ways that the Torah describes God as acting. Just as God is present when people are vulnerable and suffering, so should we be.

Yes, for religious people, study is important, prayer is important, and ritual, too. But what this text, and others like it, suggests is this: If you want to really serve God, and not just go through the motions, then learn to care for people in moments of profound pain. In many ways, it is easier to study, or pray, or build a sukkah—or whatever. In telling us that offering care and comfort to people in pain is the very highest human ideal, Judaism alerts us to the fact that it can be intensely hard work. But it is also the heart of authentic religion and spirituality: To bring a little bit of God’s love and compassion to the widow, the orphan, the Alzheimer’s patient, and the bombing victim.

Notice something about the Talmud’s list. The naked are vulnerable, but their situation is reversible; the sick are vulnerable, but at least sometimes they can heal. Mourners have sustained an immense loss; nothing can bring back their loved ones. And the dead are... dead, and never coming back. Their situation is the very paradigm of irreversibility. Each situation the Talmud invokes is more irreversible than the one before, and hence, I think, also more frightening. Yes, the Talmud appears to be saying, these people’s circumstances are scary. Stay with them instead of fleeing.

Faced with a situation that makes us stare the depth and extent of our vulnerability in the face, most of us want to flee. Here, then, is Judaism’s message: You want to serve God? Run towards the very people and places you most want to run away from. You want to be religious? Learn to be present for other people when they are in pain. All the rest is commentary.

This is what first responders do. Without calling attention to themselves or congratulating themselves, they run towards human suffering instead of running away from it. To walk in God’s ways is to walk in their ways, too—towards people in pain and not away from them.

In the days ahead, let’s appreciate and thank the first responders—yes. But let’s also ask: How can we internalize something of their ethos, and their capacity for courage and compassion and care? We can pay them no greater tribute than that. And we can offer God no greater service either.

Rabbi Shai Held is co-founder, dean and chair in Jewish thought at Mechon Hadar. His book, Abraham Joshua Heschel: The Call of Transcendence is due out from Indiana University Press