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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 Sma (C.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 Acharonim concur, including the Shulchan Aruch HaRav (O.C. 329) and Mishna Berura (329.19), Igros Moshe (Y.D. 2:174), and Tzitz Eliezer (9:45). The Bais Yosef (C.M. 426) cites the Hagahos Maimonios'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 Shulchan Aruch HaRav, however, citing the Gemara in Yuma that the principle of rov doesn't apply in matters of pikuach 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. It 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, *pikuach 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 *passuk* 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 mitzvos 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 HaChinuch writes that one who desists from doing so violates those commandments unless his life would be threatened by fulfilling them. The Minchas Chinuch objects, pointing out that these mitzvos 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 *Bais Din Shel Ma'ala* only on his deeds of the last month?

Seforim explain that judgment with regard to eternal reward takes place after we die. Rosh Hashana is about allocation of resources—*parnasa*, 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 Hachaim Hakadosh (Shemos 1:6) explains how

spotlight

AMI MAGAZINE TO FEATURE THE BAIS HAVAAD

The Ami Magazine launched this week 'The Beis Din,' a new column, featuring real life dinei Torah from the Bais 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 Klal Yisroel from every *oyaiv v'oreiv.*

Klal Yisrael became enslaved to Mitzraim. 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.

Bais 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 *teshuva.* As we prepare for Rosh Hashana, may we recognize our own greatness and live up to it.

BAIS HAVAAD KEHILLA EVENTS

Bais HaVaad on the Parsha-Sefer Devarim-soon to be available!

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

Now in its fifth year, the Bais HaVaad on the Parsha consists of a brief halachic shiur on a practical topic of halacha related to the parsha, 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 Simchas Torah.

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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?

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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

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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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BAIS HAVAAD
HALACHA CENTER

RABBI YEHOSHUA WOLFE, MENAHEL
RABBI YEHOSHUA GREENSPAN, SAFRA D'DAYNA
105 River Ave, #301, Lakewood, NJ 08701
1.888.485.VAAD (8223)
www.baishavaad.org

MIDWEST DIVISION
RABBI DOVID ARON GROSS
A 3718 SHANNON ROAD CLEVELAND, OH 44118
P 216.302.8194
E MIDWEST@BAISHAVAAD.ORG

BROOKLYN DIVISION
RABBI DOVID HOUSMAN
A 2238 85TH STREET BROOKLYN, NY 11214
P 718.285.9535
E RDHOUSMAN@BAISHAVAAD.ORG

SOUTH FLORIDA DIVISION
RABBI YOSEF GALIMIDI, MENAHEL
RABBI MEIR BENGUIGUI, SAFRA D'DAYNA
A SAFRA SYNAGOGUE
19275 MYSTIC POINTE DR
AVENTURA, FL 33180
E BD@BAISHAVAAD.ORG