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חירות ואחריות

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"Taking Responsibility for Torah"

NO JEW IS AN ISLAND

By Rabbi Aryeh Klapper

Two people are walking in the desert. One of them holds a canteen of water. Neither can survive without drinking the entire canteen. Bar Petora taught: "Let them both drink, and let neither see the death of the other". This position held sway until Rabbi Akiva came and taught: "*And your brother will live with you* – meaning that your life takes precedence over your brother's life". (Bava Metzia 62a)

What if the canteen belongs to a third party? The Talmud (Sanhedrin 74a and elsewhere) reports Rava's ruling that if an overlord orders X to murder Y on pain of death for failure or disobedience, X may not kill Y, because "what says that your blood is redder?!" This ruling is fundamental to Jewish ethics.

R. Akiva's *derashah* nonetheless establishes an exception. But since R. Akiva's exception does not apply to third parties, they presumably must give each traveler half the water.

But that means both travelers die! Maybe instead we should interpret Rava as forbidding us to act in a way that values one life more than another. If so, making the choice random, for example flipping a coin, might be sufficient.

What if the third party has a deep relationship with one of the travelers? A question Dov Weinstein asked me last year made me rethink whether Rabbi Akiva's exception can be expanded. The Talmud (Bekhorot 35b and elsewhere) rules that "His wife is like his own body" – might Rabbi Akiva allow a third party to give the water to their spouse over a stranger? If yes, might this exception extend to children, parents, or best friends?

This sort of question is addressed by Tosafot in the context of the mitzvah to redeem captives. Mishnah Gittin 45a teaches that "We must not redeem captives at more than their cash-value, for the sake of *tikkun haolam*". Yet a beraita on Ketubot 52b teaches:

If (a wife) was captured and they ask up to ten times her cash-value,
the first time – (her husband) must redeem her; thereafter – he may redeem her if he chooses to.

Rabban Shimon ben Gamliel says:

We must not redeem captives for more than their cash-value,
because of *tikkun haolam*.

Tosafot ask: If overpaying for captives contradicts *tikkun haolam*, how can we require the husband to overpay the first time, and permit him to do so thereafter?! Tosafot's first answer is that the decree was never intended to prevent a person from overpaying to save their own life, and "his wife is like his own body".

Tosafot then ask further. Here on Gittin 45, the Talmud attempts to prove that the decree against overpaying for captives does not apply to private parties from the case of Levi bar Darga, who redeemed his daughter at an exorbitant price. Abayyay responds that Levi may have acted in violation of that decree. Why not answer instead that the decree was never intended to apply to daughters?! Tosafot's response is that children are not extensions of parents in the same way that spouses are extensions of each other.

Ramban suggests a different resolution. Levi bar Darga followed the anonymous first position in the beraita in Ketubot, against Rabban Shimon Ben Gamliel, and he understood that position to permit overpaying for wives **and** daughters, because spouses **and** children are part of one's self.

Reading Ramban's resolution into Rabbi Akiva would permit choosing spouses and children over third parties in cases where Rabbi Akiva permits choosing oneself over others. Where would the line be? Should we allow the extension even to first-degree blood relatives, or to friends?

It seems hyperliteral to argue that Rabbi Akiva's verse *and your brother will live with you* excludes "brothers" from our selves. A better reading of the verse is that it promotes all human beings toward whom one has an obligation *lebachayot* (= to sustain their life) to the status of brother, and forbids you to choose between them.

But granting that one can't choose one "brother" over another, and that one can choose oneself over a brother, any extension of Rabbi Akiva's exception past the physical self raises the question of whether one may choose among "selves".

That question may depend on whether Rabbi Akiva is generating an obligation or rather a permission. If Rabbi Akiva mandates choosing one's own life, but otherwise asks "who says that X's blood is redder than Y's?", he probably forbids choosing among selves. If Rabbi Akiva permits but does not mandate choosing one's own's life, he probably allows choosing among selves.

We can also ask: If Rabbi Akiva is generating a permission, then may I also choose my brother's life over mine?

Tosafot and Rambam famously disagree as to whether one is permitted to give up one's life rather than violate prohibitions other than "the big 3" of *avodah zarah*, *gilui arayot*, and *shefikbut damim*. A fair statement of the halakhic outcome of this machloket might combine Hume on free will with Churchill on socialism: Everyone with a mind rules like Rambam in advance that voluntary martyrdom is forbidden, and no one with a soul rules after the fact that a sincere voluntarily chosen martyrdom was a sin. Another framework might be Rambam's own distinction between the *chakham* and the *chasid*: the *chakham* engages in behavior that is universalizable, whereas the *chasid* acts in accordance with the subjective needs of their own soul. The sincere *chasid's* actions ought to be admired but rarely if ever emulated. (I say this as the grandchild of incredible men who acted on their *chasidut* with regard to Shabbat-observance during WWII, in Berlin and Siberia respectively.)

But our question is not whether one may give up one's life for Hashem, but rather whether one may give up one's life for the life of another human being.

Toward the end of Yabia Omer 10:6 ("the Entebbe teshuvah"), Rav Ovadiah Yosef asks whether the Israeli government is permitted to risk soldiers' lives in missions to rescue hostages rather than negotiating a prisoner exchange.

The practical answer is certainly yes, because the captors may not keep their promises, and released prisoners may kill again. But we must nonetheless ask the question, to emphasize that Israeli soldiers are human beings toward whom the state, its citizens, and the Jewish people have moral and halakhic obligations.

One function of the state is to risk some lives for the sake of others. Anyone willingly serving in the military accepts being subject to that risk. We owe enormous gratitude to them for accepting that risk, especially if we have not served ourselves.

In a halakhic sense, we might expand our sense of self to include them, and those whose selves already include them. But carrying our fellow's burden (*nosei b'ol chaveiro*) must not become a claim of ownership. This attitude must not detract from the unique anxiety, and HaMakom yenachem the grief, of spouses, family, and friends.

I suggest this is more true for American Jews than Israelis. Many Israelis experienced October 7 as a collective breach of duty toward the hostages that radically heightened their responsibilities toward them, above and beyond those toward other human beings. This heightening is a form of *chasidut*. American Jews, however deeply we connect to the hostages and their fate, are not part of that in the same way.

Donne wrote that

No man is an island . . .
Any man's death diminishes me,
Because I am involved in mankind.
And therefore never send to know for whom the bell tolls;
It tolls for thee.

Real people are neither islands nor equally involved in every other human life. We have stronger and weaker relationships. Rava sought to prevent those subjective differences from affecting our recognition of the objectively equal value of each human life. That is where those obligated to be *chakhamim* must stake ourselves, without judging the best of *chasidim* for acting otherwise.

Shabbat shalom!

This dvar torah was written last year Parshat Bo l'ilui nishmat Zechariah Haber ז"ל, and for the consolation of his parents Abaron and Miriam, his immediate and extended family, and the Yeshivat Har Etzion community. The revisions this year are dedicated to the safety and healing of all our ransomed hostages and of all those who accepted the risks inherent in ransoming them.

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