



A Torah to Live By

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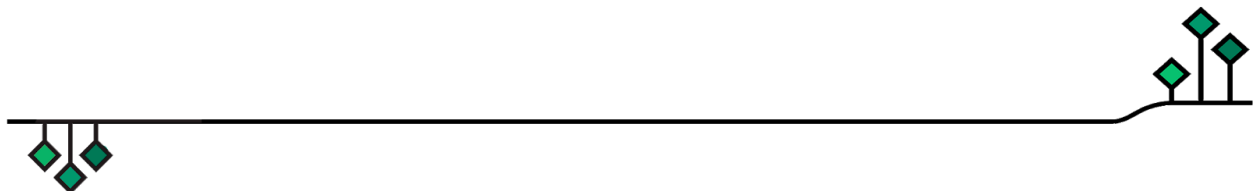
In the Damascus Covenant charter of the Jewish sect that lived in Qumran, it specifically states that if a person falls into water and is drowning on Shabbat, it is forbidden to pull them out. Presumably the rescue is forbidden because it would involve actions that violate the restrictions of Shabbat.¹ We know from the Book of Maccabees that a group of Hasidim of those days were attacked on Shabbat and killed because they refused to save their lives by fighting the Greek army and thereby desecrating the Shabbat (I Maccabees 2:38).

However, the Rabbis of the Talmud ruled that one should do whatever it takes to save a life on Shabbat.² To the Rabbis it was self-evident that saving a life overrides all but three of the laws of the Torah.³ Even if there was only a **possibility** that a life is at stake, despite the uncertainty, one should override all the laws and act to prevent death.

¹ “But should any man fall into water or fire, let him not be pulled out with the aid of a ladder or rope or (some such) tool” Damascus Document XI, translation from G. Vermes, *The Complete Dead Sea Scrolls in English* (Maryland, 1968), p.113.

² See for example, Babylonian Talmud Sanhedrin 74a and ff.

³ Sanhedrin 74a.



The Talmud records a discussion between three leading Rabbis and their students as to what is the legal justification for this ruling. Each gives a legalistic argument, of which the most persuasive is Rabbi Shimon ben Menasia's suggestion that one is permitted to violate one specific Shabbat to enable that person to observe many more Sabbaths going forward.⁴

In the end, the Talmud sweeps aside all these legalistic arguments and logical justifications for doing life-saving actions on Shabbat. The supremacy of life is not based on casuistic interpretation of the laws of Shabbat. The Talmud says that overriding Shabbat to save a life (or even only possibly save a life) is based on a fundamental principle of the Torah in our *parashah*, one that undergirds all the laws of the Torah. "You shall observe my statutes and rulings [in the Torah] which a person shall do and **live by them**. I am the Lord" (Leviticus 18:5). Says the Talmud: "You shall **live by them** (= the commandments) and **not die by them**" (Babylonian Talmud Yoma 85b). The laws of the Torah were given to people to live by them. If observance of a law will lead to death, then the law is suspended because God bestows the Torah to give us life, not death.

This principle is so fundamental that, according to Maimonides, one should not ask a Gentile adult or a Jewish child to break Shabbat in order to save a life (Mishneh Torah, Sefer Zemanim, Hilkhot Shabbat 2:3). This work should preferably be done by the leaders of the community and Torah scholars. To ask someone not obligated to take the fall would imply we are looking for a technicality to minimize the violation of Shabbat. Such an approach truly belittles the weightiness of Shabbat observance. Actually, Shabbat laws remain

⁴ Rabbi Akiva cited the fact that priests did their sacred sacrificial work every day of the week including Shabbat; the sacrifice worship overrode Shabbat. Nevertheless, if the priest was needed to testify in a capital punishment case and his testimony might save the life of the accused by tilting the case toward acquittal, then he was called away from divine service. If a possible long shot saving a life overrode a service weightier than Shabbat then how much more so should one do on Shabbat the medical actions needed that could save a life. Rabbi Elazar cited the case of circumcision. Circumcision is performed on the eighth day of the baby's life—even on Shabbat. If taking care of one limb of the body overrides Shabbat, then taking care and saving the whole body certainly overrides the laws of Shabbat. Others offer additional such rationales. See Talmud Yoma 85b.

sacrosanct—but the principle that the Torah laws are given “to live by and not die by,” suspends them for the sake of saving a life. Important religious role models should step up and do the lifesaving tasks on Shabbat to make clear the supremacy of life in Torah.

Maimonides adds: If observing a Torah law (such as Shabbat) leads one to allow a human being to die, then that would imply that God is a vengeful authoritarian Lord who gives laws that bring vengeance or cruelty into the world. On the contrary, the Torah’s laws are given to bring more “compassion, loving kindness, and peace into the world.” Therefore, those people who would describe life-saving actions as “violating the Shabbat” turn the Torah’s laws into the curse that the prophet Ezekiel placed on wayward Israel: “I [God] gave them [Israel] statutes that were no good, commandments that one **cannot live by**” (Ezekiel 20:25).

The people that Maimonides is disagreeing with are offering an alternative interpretation of the nature and purpose of the Torah’s commandments. They see the commandments as the rules of service of God. God is a divine ruler who gives orders to his servants. Theirs is not to question why. Human obedience is an acknowledgement of God’s sovereignty. Sometimes a law has harsh or damaging impact on a person, but out of respect for divine authority, one upholds it. Shabbat was not meant to cost lives, but if it turns out that upholding Shabbat costs a life, then that constitutes honoring God and taking commandments seriously. Giving one’s life when our religion is under attack is an honored behavior. Being a martyr is the highest form of loyalty and sacrifice. In a sense, this case of upholding a law at great personal cost is on the spectrum of martyrdom.

This past year, many people were perplexed by the haredi response to the COVID-19 pandemic. They continued to learn and pray in groups although this led to increased infections and many deaths. Did not the haredi Rabbis know what is common knowledge, that life saving overrides most of the Torah’s commandments? Well, a theology of commandments much like

the one delineated in the above paragraph accounts for much of this behavior. The haredi rulings to go on with group religious activities accepted that illnesses and deaths would increase but that this is a form of martyrdom, that is, sacrificing lives to stand up for God and honor God's sovereignty.

I should add here that Maimonides would reject my presentation of the haredi interpretation as too respectful. He calls these people *apikorsim* (heretics) because they consider life-saving actions done on Shabbat to be some form of violation of the Torah. They are heretics not because they advocate anti-traditional views, but because their teaching misrepresents the true nature of God. God is not so self-centered as to sacrifice human lives for the sake of upholding the honor and authority of God. God wants humans to be good to each other, to save each other's lives—to just plain live more. The Torah was given to live by.

I embrace Maimonides' view that the commandments are a gift of love from God for humans. They are intended to give people better and richer lives, to guide them to healthier living, and to make them safer from death. In his *Guide of the Perplexed*, Maimonides comments on the verse in Deuteronomy (10:12-13): "...What does the Lord, Your God ask of you... to keep the commandments of the Lord and His statutes which I command you this day **for your good.**" The Torah is telling us that the commandments are given for the sake of improving your quality of life including your health and your well-being. If observance of the law is having a negative impact on your life, says Maimonides, then you should revisit the law. You are likely misinterpreting it. (If re-interpretation does not redress the negative impact on your life, he says, then probably you have a wrong understanding of what is good for you).⁵

To me the stress on *mitzvot* as given to evoke obedience to God comes across as upholding a heavy-handed exercise of authority, more appropriate to a human ruler who wants to assert

⁵ See Maimonides, *Guide of the Perplexed*, part 3, chapter 28.

power for the sake of self-aggrandizement. I would argue that the commandments are all about guiding human beings and helping them live better. A classic *midrash* captures this approach: “Do you think it matters at all to the Holy One, the Blessed, whether one properly slaughters an animal and eats, or if one kills the animal by cutting its neck from the back [and then eats]?”⁶ The commandments were given to refine people” (Sifra Shemini, Chapter 12).⁷ The Torah is refining human nature, trying to remove or minimize selfishness and *schadenfreude*, trying to reduce negative character traits that prevent us from doing right by other people. This is not about control. These instructions are intended to make people more loving, compassionate, ethical, sensitive.

The popular focus on the supremacy of life-saving actions and their priority over all but three of the commandments is probably too narrow an understanding of Torah.⁸ I thank God that, in Judaism, human life is more precious than ritual actions, even those that honor God. However, the deeper teaching is that God gives the Torah to help humans **live more**—more lovingly, more vibrantly, more joyfully, more justly. This should guide us not only to save others’ lives when they’re in danger. It is equally important to enrich lives—others’ and our own—all the time. We should interpret the laws to make life more livable. We should apply them to build a society that improves the lives of more people. Our science, medicine, and national policies should be guided by Torah and designed to extend life expectancy and enable people to live more healthy, productive and fulfilling lives.

⁶ In *shehitah*, the knife cut is from the front of the neck to cut the jugular vein and esophagus and instantly cut off the flood of blood and air so the animal loses consciousness immediately.

⁷ Also see Beresihit Rabbah 44:1 and Vayikra Rabbah 13:3. The Hebrew phrase is *le-tzoref et habriyot* (= to refine people). The verb, *le-tzoref* is used in metallurgy for the process in which copper or other impurities are removed in order to yield pure gold.

⁸ This is hinted at in the Talmud’s statement that even a situation when there is a **remote possibility of saving a life** triggers all the necessary work to be done including overriding all Shabbat restrictions. The point is that we are commanded to uphold life and not just act in a case where a life will be lost immediately.

In the words of the classic Amidah (standing, silent prayer): “By the light of Your Face, You [God] have given us **a Torah of life**, of loving kindness, of righteousness and blessing, of compassion and life and *shalom* (peace/wholeness).”⁹ It is our generation’s task to develop this Torah of life to guide all our actions toward increasing life. That would make the Torah what it wants to be—in all its details—a Torah to live by.¹⁰

⁹ Adapted from *The Koren Siddur* (Jerusalem, 2015), p. 132.

¹⁰ Where the present application of Torah constricts life, or degrades forms of life or reduces equality and dignity of people, it is our task to bring it up to the standard “shall live by them and not die by them” (wholly or in degree).