



On the Air with Rav Aviner - #126

From Ha-Rav's weekly radio program in Israel and more

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Endangering Soldiers to Save a Wounded Soldier

Question: Is it proper to endanger the lives of many soldiers to rescue a wounded soldier?

Answer: Certainly, this is part of the halachot of the army. Without acting in this manner, the army cannot function. In civilian life, this is truly a question – is a person obligated to endanger his life in order to save another person? The Radvaz writes that you only need to save him without endangering yourself as is known: "Your life takes precedence over your fellow's life." This is based on the Gemara in Baba Metzia (62a) which discusses the case of two people traveling in the desert, and only one of them has a jug of water. If both drink, both will die. If one drinks, he will make it to civilization. The Halachah is that one person drinks, i.e. a person need not save another people while endangering his own life. This is all-the-more-so true when one has the water, he is not obligated to give it to the other person. The Radvaz therefore said that it is certainly a mitzvah to save another person but one does not have to

endanger himself since the ways of the Torah are pleasant (Shut Ha-Radvaz 3:625 and brought in Pitchei Teshuvah, Yoreh Deah 157:15). But doubtful danger to your life does not take precedence over certain danger for another person (Shulchan Aruch Choshen Mishpat 426), i.e. if you do nothing he will definitely die and if you do act, perhaps you will die. And even to the authorities who hold like the Radvaz, that a person need not save another people while endangering his own life, agree that it is permissible if there is only a slight danger. This is written in the Mishnah Berurah (Orach Chaim 329:19).

For example, Ha-Rav Eliezer Waldenberg (Shut Tzitz Eliezer 10:25 #7) ruled that we do not permit donating a kidney from a living person, since there are risks involved during and after the surgery, and there is a concern of the proper functioning of the remaining kidney. But Ha-Rav Ovadiah Yosef (Shut Yechaveh Da'at 3:84) disagrees with him and holds that since there is only minimal risk and a great mitzvah involved, it is possible to donate a kidney while still alive. But this all applies to civilian life. In the army, the calculations are completed differently: All for one and one for all. Although this expression does not appear in the Gemara, but in the "Three Musketeers" by Alexander Dumas, it holds true in the army.

We endanger ourselves in the army for a national purpose, obviously as little as possible, but if it is necessary – we endanger ourselves. We do not leave the wounded on the battlefield, even at the risk of endangering other soldiers.

A soldier who fights with self-sacrifice knows that he is not alone and that his comrades-in-arms will not abandon him. He gains the strength to fight based on this understanding. Without this ideal, there is no army.

In civilian life, life-threatening situations are infrequent, but the army is fraught with danger. The enemy is dangerous. Entering battle in order to kill has within it the risk of being killed. This risk is part of being in the army. We therefore take a risk in order to save our wounded fellow soldier.

Perhaps you will say: What is the logic of endangering many people for one person?! In war, the concept of "And carefully guard your souls" (Devarim 4:9-10) is different (Ha-Rav Shaul Yisraeli in his book "Amud Ha-Yemini" and the Netziv on Bereshit 9:5), i.e. we endanger ourselves when need be.

And may it be Hashem's will that He sends us peace and always returns our soldiers in peace.

Text Message Responsa

Ha-Rav answers hundreds of text message questions a week. Some appear in the parashah sheets "Ma'ayanei Ha-Yeshu'ah" and "Olam Ha-Katan." Here's a sample:

Q: Is it permissible to place one's fingers in the cracks and crevices of the Kotel?

A: The book "Mishkenot Le-Avir Yaakov" forbids it since it is forbidden to enter the Temple Mount when impure and the Kotel is considered part of the Temple Mount (chapter one of Massechet Tamid). Many authorities are therefore strict in this matter (Ha-Rav Joseph Soloveitchik in Nefesh Ha-Rav p. 101 and the Chazon Ish in Pe'er Ha-Dor vol. 2 p. 48). But the Avnei Nezer (vol. 2 Yoreh Deah 450-451) permits it because the Kotel does not possess the holiness of the Temple Mount, and even if we say that the Kotel is part of the Temple Mount, entering with one's fingers is a "Bi'ah Bemiktzat" (a partial entrance) and is not considered entering; and even if we say that a "Bi'ah Bemiktzat" is considered entering, it is not entering in the usual manner, since people enter through the gates and not through the walls. And this is the ruling of many authorities (Ha-Rav Ovadiah Yosef in Ha-Kotel Ha-Ma'aravi Halachot U-Minhagim pp. 74-75 note 47 and Ha-Rav Shlomo Zalman Auerbach said that the great Rabbis of Israel were not concerned about this). But it is proper to be strict. And our Rabbi, Ha-Rav Tzvi Yehudah, was careful not to place his fingers between the stones of the Kotel and refrained from kissing a stone of the Kotel, which was not protruding.

Q: The evil inclination causes me to sin. How do I get rid of him?

A: Read a lot of Mesilat Yesharim.

Q: An alternative medicine doctor told me to put rice on my calloused hand and bury it in dirt. My father told me not to listen to him. What should I do?

A: Do not do it. Superstition.

Q: Should I refrain from reserve duty in Tzahal because of the expulsions?

A: There is no connection. Our army is a good army which protects our Nation and Land. (Rambam, Hilchot Teshuvah 3:2)

Q: Is it forbidden to sit opposite a mirror?

A: Superstition.

Q: Do parents have to pay for something a child breaks?

A: Yes, to save him from heavenly punishment when he reaches adulthood, and to save him from the Beit Din that has to punish him. (Shut She'eilat Shlomo 3:454)

Q: I am Charedi but am pulled towards the Religious-Zionist community. What should I do?

A: Find a Religious-Zionist community which is also Charedi.

Q: I want to stop working for a year in order to learn Torah. Should I do this and have faith that Hashem will provide for me?

A: Faith is believing that Hashem will fulfill that which He promised, but since Hashem promised you nothing in this case, it is impossible for you to decide for Him. From the book "Le-Oved Hashem" by Rabbenu Avraham ben Ha-Rambam.

Q: There is a problem for a couple to have the same first name?

A: There is no problem.

Q: Does one have to return an immodest book to someone who lost it?

A: No, it is not a kindness.

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