

The Jewish Priority of Saving a Life

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Since the beginning of this pandemic crisis, you have frequently heard me refer to “saving a life” as “Judaism’s primary *mitzvah*,” our highest religious obligation. It is not, however, our only obligation

In the United States today, and in much of the world, policy makers—in government, in business, and even in our congregation—must balance priorities. Millions of Americans have lost their jobs, at least temporarily, threatening our neighbors’ ability to pay the rent or mortgage, utility bills, and for basic groceries. Thankfully, government assistance has helped—tremendously, in many cases. Still, public assistance may not last forever. Business owners must be able to recommence operations at some point, or job losses that might have been temporary may become permanent, and we may be facing a depression to rival the great one.

In that context, investigating the details of the *mitzvah* of saving life becomes not only relevant but critical. When we isolate at home and keep businesses closed, we are balancing two critical values: Keeping people safe from coronavirus, on the one hand, and risking the well-being of our neighbors who cannot survive long term without work.

In recent weeks, I was privileged to study—via livestream, of course—with my teacher, Dr. Elana Stein Hain of the Shalom Hartman Institute. She explored with us the traditional texts that establish the priority of *pikuach nefesh*, saving a life.

Admittedly, our rabbis did not consider the balance between saving lives and jobs. Instead, as Dr. Hain explains, they asked what should happen when a religious obligation, a spiritual matter, comes into conflict with saving a life.

Our rabbis pondered a pile of rubble, discovered on Shabbat, with the possibility that a person, buried underneath, could be saved. Clearing the rubble would, under normal circumstances, be a grave violation of the Sabbath. However, Dr. Hain explains, our rabbis permitted that—even if they could not be certain that a person was buried underneath, let alone any assurance that a life could actually be saved.¹ Even in cases of doubt, our rabbis placed saving a life over other values they held dear.

Many of us are aware that *Brit Milah*, the Covenant of Circumcision, is supposed to take place on the eighth day, even if it falls on Shabbat—or, for that matter, Yom Kippur. The rabbis bring that priority as evidence that saving a life comes first, asking rhetorically, “If we violate the Sabbath for one limb[—in this case, the foreskin—]shouldn’t we violate the Sabbath for an entire body?”ⁱⁱ The answer, for the rabbis, is clear.

Rabbi Akiva takes the argument even further. He notes that a danger to human life is sufficient to override even the sacrifices in the ancient Temple.ⁱⁱⁱ Dr. Hain emphasizes that Akiva has now elevated life-saving. It is no longer merely an act that overrides religious obligations. Saving a life is a way of serving God, a *mitzvah* even more important even than the sacrifices that our sages took most seriously.

You may know that the law about saving lives comes with exceptions: *Tosefta*, the third century text that lays out these laws, explains, “There is nothing that overrides saving a life except for idolatry, illicit sexual unions and murder.”^{iv} Elsewhere we learn, though, that the average Jew, faced with choosing between worshiping false gods or death, should go ahead and feign idolatry.^v

Some may agree that saving lives is primary, but understandably ask, “Who should decide what constitutes ‘saving a life?’” In our current predicament, most of us are free to make our own decisions about the level of risk we can tolerate. Many of us follow the advice of national experts or our own doctors in making those decisions. We certainly hope that our state and federal leaders are making decisions on the basis of infectious disease and epidemiological expertise. Often, we learn, as on the front page of this morning’s *Democrat-Gazette*, that even guidelines developed by the Centers of Disease Control are reportedly shelved out of sight on orders from the highest levels of our federal government.^{vi}

The Talmud also asks “who decides” about saving a life, specifically: “Who decides whether a sick person is required to eat on Yom Kippur, in order to sustain their life?” Their answer: If either the patient or the doctor says that the patient must eat in order to survive, then that person must eat, even on our most solemn fast day. In short, we follow whoever would take the more stringent steps to save lives.^{vii}

In the end, of course, Jewish tradition cannot tell us when we may appropriately eat in a restaurant, get our hair cut, or gather in worship. Specific standards must be established by experts, as the Talmud suggests. For example, professionals tell us that fourteen days of sustained decline in new infections should allow one level of reopening; while full return to “normalcy” requires

development of a vaccine and reliable treatment, with several other steps in between.

As for the Temple: In recent weeks, our musicians, Eileen and others who make the live stream happen, Carol, candle lighters, and I have all brought Friday night worship to you from our homes. Government restrictions never forced that. The more stringent standard was our own sense of what was necessary to protect ourselves. With slowing of infections locally, five of us have felt comfortable gathering in the Sanctuary tonight to bring worship to you from this sacred place—observing, in some ways you could notice and others you could not, the rather stringent guidelines for worship laid out by our Governor.

I, for one, cannot wait to welcome worshipers back into our Sanctuary. Jewish tradition calls on us to worship in the presence of a *minyan*, at least ten Jewish adults, a standard we well exceed on Friday nights and comfortably meet on Saturday mornings. Yes, participants via livestream “count.” Still, let’s admit it: nothing is the same as being here together. In the words of Carol Parham, felt at a very deep level, “I miss seeing everybody!”

Perhaps, though, Rabbi Natan put it best, many centuries ago, when he wrote, “Violate one Sabbath for someone[, to save their life] so that they will keep many Sabbaths in the future.”^{viii} For Judaism and our Jewish religious practice—and, I would argue, for much else in our lives—doing everything we can to protect our lives and the lives of others takes precedence.

Our Torah portion this week, *Parashat Emor*, describes observance of all of our major holy days in the ancient Temple—Shabbat, Rosh Hashsanah, Yom Kippur, Sukkot, Passover, and Shavuot. We have already observed several Sabbaths during this pandemic, and we celebrated, Passover, too. We have found creative ways to continue and even enhance our Jewish lives at this difficult time, and we shall continue to do so—even, if necessary, on the High Holy Days. Then, may we celebrate countless future Sabbaths and Holy Days here, together, in our sacred Sanctuary, in good health. *L’chaim*, to life!

Amen.

ⁱ Tosefta Shabbat 15, as elucidated by Elana Stein Hain, Ph.D., “Pikuach Nefesh: The Primacy of Saving a Life,” Hartman@Home, Talmud from the Balcony, April 22, 2020.

ⁱⁱ Ibid.

ⁱⁱⁱ Ibid.

^{iv} Ibid.

^v Sifra Acharei Mot 8:13, as elucidated by Elana Stein Hain, Ph.D., “Pikuach Nefesh: The Primacy of Saving a Life,” Hartman@Home, Talmud from the Balcony, April 22, 2020.

^{vi} “Sources: CDC report on reopening tabled,” Arkansas *Democrat-Gazette*, May 8, 2020.

^{vii} B. Yoma 82a-83a, as elucidated by Elana Stein Hain, Ph.D., “Pikuach Nefesh: The Primacy of Saving a Life,” Hartman@Home, Talmud from the Balcony, April 22, 2020.

^{viii} Mekhilta d’Rabbi Ishmael Ki Tissa, Masekhta de-Shabbata Parasha 1, as elucidated by Elana Stein Hain, Ph.D., “Pikuach Nefesh: The Primacy of Saving a Life,” Hartman@Home, Talmud from the Balcony, April 22, 2020.