



## May I Use My Friend's Body as a Resource for Saving My Own life?

*'And Moshe called to all the elders of Yisrael and he said to them 'draw forth and take for yourselves a sheep for your families, and slaughter the Pesach offering'*

*(Shemos 12:21)*

The Mitzva of offering a Korban Pesach is attested by the Medrash to have the aim of distancing Am Yisrael from idol worship and bringing them close to Avodas Hashem.

*'and so it is found with regards to Yisrael. When they were in Mitzrayim they would serve idols and would not discard them as it says in the Possuk (Yechezkel 20:8) 'No man of them cast away the detestable idols of their eyes'. Hashem said to Moshe, 'all the while that Yisrael are serving the gods of the Egyptians, they will not be redeemed'. 'Instruct them to abandon their evil deeds and reject idolatry.' This is what is meant by the verse 'draw near and take for yourselves' – 'draw away your hands from idolatry' 'and take for yourselves a sheep – and slaughter the gods of Egypt and make a Pesach offering'. Through this Hashem will skip over you.'*

The Medrash moreover speaks at length about the following well-known Halacha: *'With all items one may heal oneself, aside from those of idol worship, immorality and murder'*. The Gemara includes this Halacha as part of the general rubric of the 'three gravest sins', for which one must give up one's life rather than transgress them. For in the same manner that were somebody to force a person to transgress one of these sins on pain of death, he would be obligated to give up his life, so it is in the circumstances that he finds himself in a critically ill state. Even though he could be healed through the medium of one of these grave sins, he nevertheless must refrain from doing so, even at the cost of his life.

In our Parsha the Medrash imparts a new perspective on this Halacha. Not only, it argues, is it forbidden to make use of these items in order to heal oneself, but it is also improbable that a cure will be borne from them. In the case of murder, the Torah stated 'somebody who spills the blood of man, his own blood shall be spilled'. Is it likely that somebody about whom the Torah pronounced that his blood shall be spilled, will be able to be healed through the vehicle of idol worship?



In the case of immorality, the Torah stated 'will a man stoke a fire in his chest, and his clothes not be burned? – So it is with somebody who has relations with the wife of his friend, anybody who touches her he will not be forgiven'. And now that immorality has this status, how could it act as a medium to give life to a sick person? For this reason, one does not use it to heal oneself.

Likewise, is the status of idol worship. Said Ha'Kodosh Boruch Hu, 'since the idol is an inanimate stone, devoid of any being, and others need guard it so that it not be stolen, how could it be the vehicle to give life to a sick person?' Therefore it is forbidden to heal oneself from anything related to it.

In modern day medicine, in contrast to ancient remedies, it is hard to find practical cases in which **idol worshipping** plays a part.

With regards **immorality**, the Poskim discuss the extent of what may be forbidden in a case where a patient is being treated by the opposite gender. Certainly in general the caregiver in question is considered to be 'immersed in their work' and therefore any physical touch they impose upon the patient is unlikely to be forbidden in the circumstances. This is assuming that a mere touch is even included in the rubric of 'the dust of immorality' that is so stringent (and which itself would be subject to many conditions).

**Murder** of another human being, as one would imagine, can barely be of relevance in a medical setting.

In the following paragraphs we will attempt to drill down into the Halachic concepts that are relevant to the prohibition to heal oneself through murder.

This Halacha relates firstly to a man who finds himself in mortal danger. By understanding it he will know where to draw the line in terms of what he may use to heal himself and what he mayn't.

On the other hand, there are on the side of the potential saver of this man's life, many relevant Halachos as well. These Halachos help such a person define the extent of their obligation to help save another person's life, the scope of which can extend from expending all of their earthly, financial resources on it to risking their own life in order to do so.



In general, we tend to consider the Halachos of the person in danger and the person who is to save him as two separate questions, comprising different concepts. Nonetheless they do have one law in common; that *all sins of the Torah may be overridden in the pursuit of saving a life aside from the three gravest sins.*

One question that may arise regarding a person charged with saving a life concerns his possible obligation to donate a part of his body to the person in danger. Were he in so doing to significantly endanger his life, it would certainly be prohibited, after all his own life takes precedence. Indeed, it is forbidden for the person in danger to even attempt to convince him to do so. If he were to be treated in such a fashion, he would thereby be curing himself through 'spilling blood'.

But what of a case where the danger to himself is slighter? Is such a circumstance comparable to other such situations of danger to a potential saver (such as involvement in an attempt at an armed rescue or a rescue from stormy waters) where some Rishonim in fact obligate him to endanger his life?

Let us look at another example.

Imagine there was a person in imminent, mortal danger. In order to save him we need to remove stem cells the umbilical cord of an unborn fetus. Such an act would certainly bring about a miscarriage.

Based on the rules that apply to cases where there is danger to life one would assume that unless we speak of actual murder then all other sins in the Torah could be overridden. If so then were it to be true that bringing about a miscarriage wouldn't be considered murder in the strictest sense (which is far from clear), would it be permitted to in fact do so in order to save somebody else's life?

Let us examine the first question first and use that to help us with the second question presently.

The majority of the Poskim take on that a person is not obliged to tolerate a physical injury, such as the loss of a limb in order to save another person. Unlike donating blood that causes no damage to the body, as the body soon recovers that which it lost (and indeed may well be an obligation in some circumstances according to many), assuming irreversible damage to the body, cannot be required of a person.



None other than the Radvaz (Volume 3, Teshuva 627) argued as such when asked about an extraordinary case where a man was told by a violent aggressor to give up one of his limbs (in a way that wouldn't endanger his life) or else his friend would be killed. Having clarified that losing the limb in question wouldn't in fact place him in any danger, the Radvaz then contends as follows:

*'Furthermore, it says in the Possuk (that describes the Torah) 'it's ways are ways of pleasantness'. This means that the laws of the Torah must by definition be consistent with basic logic and reason. How then could it occur to us to say that a person should allow his eyes to be blinded or his arm or leg to be amputated in order that somebody not kill his friend?'*

*'Therefore I do not see a reason for to rule that he must lose a limb in order to save his friend. To do so would be nothing more than an act of extra piety. Fortunate is the lot of the person who would stand up to such a test and indeed do so.'*

*'Moreover if there is any possibility of there being danger to himself through the losing of the limb then to acquiesce would be the act of a pious fool.'*

What is the 'basic logic and reason' referenced by the Radvaz? We ought not forget that there are Poskim who rule that a person is obligated to give up *all his money* in order to save a life. Doing so is no voluntary act, but a most serious obligation. Why then in cases where no actual danger to life will ensue, is a person not obligated to donate a limb to save the life of his stricken friend?

Moreover, if the man in danger were to unilaterally 'snatch' a limb from another person in order to save his life, would he be wrong for doing so? Indeed a person may not heal himself from the proceeds of *murder* as cited above, but in this case no murder is perpetrated?

Perhaps with a new perspective on the extent of a person's obligation to save lives (or in fact to perform any of the Mitzvas) we can bring some clarity to this matter.

When a person finds himself in difficulty there may be many resources that are relevant for us to make use of in order to help him. We must certainly look into each one of



them thoroughly. A Jew must not spare any effort be it physical, mental or indeed financial at another Jew's time of need. This applies to all 'relevant *resources*' that are attainable.

A person's body, by contrast, is not an inanimate article that can be considered a resource thrown at the goal of saving a life. Rather **it has a mission and purpose of its own which is none other than *life itself***. This purpose must grasp all facets of man, every limb in his body – even those that wouldn't endanger his life were they to be lost.

His body in this manner is comparable to Hekdesh – consecrated property and has an automatic identity that urges and obligates it relate to the world and act within it. And indeed saving the lives of others is a wonderful part of its mandate but not at the expense of its very self.

This relationship between a person's body and the world around him can equally be applied to the unborn fetus in our question above. Most people would intuitively oppose the use of the fetus for the purposes of saving another life, but why? A fetus is not a 'Nefesh' in the classic sense, but a 'Chai' – a living being (as outlined by the Sma) and may therefore not carry the prohibition of murder. Why then the opposition to using it to save a life? Based on our thoughts above though, we can readily understand the natural inclination to not harm the fetus as follows.

A fetus, as much as he is not considered a 'Nefesh', is as mentioned, still considered a 'Chai' – a living being. His life, as it is now, allows us and indeed obligates us to relate to his future that we hope will come about. Seeing as he, in the normal way of things, would expect to be born and become a proper person, his mission and individual purpose apply to him now, just like any person. **If so then he too cannot be considered a 'resource' to be used on the altar of saving lives.**

*This perspective<sup>1</sup> on the life of an unborn fetus can also be seen in the words of the Rishonim who discuss whether we ought desecrate Shabbos in order to save it if it is in danger.*

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<sup>1</sup> It is important to note that in one sense a fetus is 'worth less' than a person already born. When a fetus and another person (usually its mother) are endangered then all the while that the fetus's head has not yet come out the law is that one may even 'cut up the fetus in her womb' in order to save the mother. The Rishonim contend whether this law is based on a consideration that the fetus can be considered a 'Rodef' (a person pursuing another person in order to kill him), be it an unintentional one, and therefore the mother's life takes precedence or whether this is a manifestation of a notion that the life of a person who has already been born takes precedence over the life of one who hasn't. This is only the case however when the fetus's continued existence jeopardizes the life of another person. In a case where his life has no connection with another man being in danger and we merely wish to use him as a resource to save the other man, we may not do so as we have explained.



*For the Rishonim who argue that we do in fact desecrate Shabbos, do not cite the usual source for such a ruling which is 'V'Chai Bahem' but rather the alternative ruling of 'desecrate one Shabbos for it, in order that it will observe many future Shabbosos' (Yumo 85b).*

*The reason that they do so, we may say, is that it's true that the fetus in its current state is no 'Nefesh' to which we could attribute a concept of 'Pikuach Nefesh' which would in turn involve the law of 'V'Chai Bahem'. Nonetheless being that it is a 'Chai' – a living being, we must estimate its worth based on its future. Since if it will live it will have the opportunity to observe many Shabbosos, that already warrants that we act to preserve its life as its mission and purpose are already applicable to it.*

