

Pikuach Nefesh After a Suicide Attempt

“You shall not stand over the blood of your friend.” (Vayikra 19:16)

This Posuk serves as one of the sources for the Mitzva of saving human life (*Sanhedrin* 74a). Elsewhere, *Chaza”l* derive this Mitzva from the Mitzva of *Hashavas Aveida* – the obligation to return the lost possessions of another person. If one is obligated to return possessions, one is certainly obligated to return life.

The Gemara and Poskim make a number of distinctions between these two obligations relating to various areas of Halacha. This essay will focus on the discussion of the obligation to save the life of a person who has attempted suicide. Although it is both obvious and axiomatic that the practical Halacha absolutely obligates lifesaving efforts in that situation, the Halachic discussion is nonetheless fascinating and enlightening.

The *Minchas Chinuch* (Mitzva 237, *Kometz Hamincha*) discusses the question of whether one is obligated to save a person from committing suicide. In his view, it is obvious that there isn’t an obligation to save his life based on the Mitzva of *Hashavas Aveida* as the Mitzva does not apply when a person willingly dispenses with his own possessions (*Shulchan Aruch, C.M.* 261:4). Similarly, there would be no Mitzva to save his life if he is willingly trying to end it¹.

The *Acharonim* explain that the *Minchas Chinuch* considers a person to have “ownership” of his body. Therefore, there is no obligation of *Hashavas Aveida* to rescue him if he has decided to destroy his body, notwithstanding the grievous sin that he is committing by doing so².

Minchas Chinuch also suggests that the Mitzva of “*Lo Sa’amod Al Dam Rei’echa*” would similarly not apply to a person attempting suicide. However, this contention is a far greater *Chiddush*³. The simple understanding of this Mitzva is that the Torah places an

¹ Another application of the *Dinim* of *Hashavas Aveida* to the area of *Pikuach Nefesh* is the *Chachmas Shlomo’s* (*C.M.* 426) ruling that a respected person who is able to save somebody’s life is exempt from the Mitzva of *Pikuach Nefesh* if it would require him to act in a way that was not befitting his stature (“*Zakein V’eino Lefi Kevodo*”). This is because the Mitzva of *Hashavas Aveida* does not apply to a “*Zakein V’eino Lefi Kevodo*”.

² See *Bereishis* 9:5, *Rashi* and *Ibn Ezra* ad. loc. and *Rambam* (*Rotzeach* 2:2-3). See also *Sefer Chasidim* (675 & 677) who writes that this prohibition also applies to a person who puts himself in dangerous situations. See also *Pesikta Rabbasi* (Introduction to Chap. 24) where it states “*Lo Sirtzach*” (*do not murder*), “*Lo Sizrach*” – “*do not cause oneself to be murdered*”. See also *Minchas Chinuch* (Mitzva 44) and *Marcheshes* (3:29) who discuss whether a person who commits suicide has actually violated *Lo Sirtzach*.

³ The two obligations do not necessarily always follow one another. The Gemara in *Sanhedrin* *ibid.* clearly draws a distinction between the two as we will soon see.

objective value on human life and therefore obligates each person to actively save lives where possible. It shouldn't matter whether the life in question is in danger because of an external cause or the person's own volition.

Perhaps the Minchas Chinuch understood that “*Lo Sa'amod Al Dam Rei'echa*” is a complementary Mitzva to *Hashavas Aveida*, and that both exist within the framework of *Mitzvos Bein Adam Lechaveyro*. The Mitzva of *Hashavas Aveida* obligates each person individually to look out for the possessions – and the life – of his fellow man⁴ while the Mitzva of “*Lo Sa'amod Al Dam Rei'echa*” is a basic social principle that the plight and suffering of a fellow person cannot be ignored. According to the Minchas Chinuch, the Mitzva of *Lo Sa'amod* does not mean that human life must be protected and rescued because it has inherent infinite value. The Mitzva of *Lo Sa'amod* may not apply to a person who attempts suicide because he does not consider himself in distress and does not feel that he needs to be saved. Therefore, the potential rescuer has no *Mitzva Bein Adam Lechaveyro* to not ignore the “plight” of a fellow man.

The same is implied by the *Sefer haChinuch* (ibid.) who writes that the basis of the Mitzva of “*Lo Sa'amod Al Dam Rei'echa*” is *to ensure the continued population of the world*. For this reason, the Torah commanded that each person endeavor to save the life of others so that they, in turn, will endeavor to save his life in return. This explanation clearly depicts the Mitzva of “*Lo Sa'amod Al Dam Rei'echa*” as one of the *Mitzvos Bein Adam Lechaveyro*⁵.

Nevertheless, there is still a Halachic difference between these two Mitzvos. The Halacha is that one has no obligation to suffer a loss in order to perform the *Mitzvas Aseh* of *Hashavas Aveida*. The same applies to saving his life – where the obligation stems from *Hashavas Aveida*, the potential rescuer need suffer no loss. However, according to the majority of opinions, the *Mitzvas Lo Sa'aseh* (prohibition) of *Lo Sa'amod* obligates a person to use all of his possessions in order to save a life (*Sanhedrin* ibid.).

The reason for this distinction is that the Mitzva of *Hashavas Aveida* is a part of each person's personal obligation to look out for the welfare of his fellow. Each person bears this responsibility towards every other person. To obligate one person to suffer a loss in order to help his fellow avoid a loss is counterintuitive as his fellow has a similar responsibility towards him!

⁴ In that sense it is analogous to the prohibition to damage another person or his property, although the obligation to return a lost object is certainly less than the obligation to avoid causing a financial loss. The *Acharonim* discuss this subject at length but it is beyond the scope of this essay.

⁵ The *Ramban's* comments to *Devarim* 6:18 imply that he possibly shares a similar approach. He lists several Mitzvos that he considers to be *Mitzvos Bein Adam Lechaveyro*, one of which is *Lo Sa'amod Al Dam Rei'echa*.

However, the Mitzva of *Lo Sa'amod Al Dam Rei'echa* certainly obligates a person to suffer a loss in order to save his fellow's life as the purpose of the Mitzva is to compel a person to fulfill a moral obligation to help his fellow who is in distress. Therefore, all financial considerations ought to be set aside.

Support for the *Minchas Chinuch's* position can be found in the comments of the *Ran* in *Maseches Kesubos* (67a, 29b *Midafey Ha'Rif*). The Gemara records the opinion of the Chachamim that a person who claims money from Tzedaka despite having enough of his own money to support himself, "is not provided with Tzedaka funds *and if he dies, he dies*".

According to *Aruch haShulchan* (Y.D. 253:17), the Gemara's words are not to be taken literally. If the man in question literally starves himself to the point of death, we must feed him and then claim the money from his assets. Seemingly, the *Aruch haShulchan* felt that while this man has no rights to Tzedaka, we cannot ignore him if his life is in danger. However, the *Ran* appears to have understood that the words of the Gemara are to be taken literally and that we would leave him to actually starve himself to death⁶. This implies that there is no Mitzva of *Lo Sa'amod Al Dam Rei'echa* if a person has endangered his own life.

The *Shevus Ya'akov* (1:16) also appears to have taken a similar position to the *Minchas Chinuch*. He rules that one may not desecrate Shabbos to save the life of a person who placed his life in danger⁷. In his *Sefer Iyun Ya'akov* he explains that this is in fact alluded to in the famous story of *Hillel haZakein* who lay on top of the roof of the Beis Hamedrash in order to hear the Divrei Torah that were being said within. Eventually, as snow fell, Hillel fell unconscious and when the Chachamim realized what had happened they brought him inside and revived him. In order to do so they needed to desecrate Shabbos, but they said "it is fitting to desecrate Shabbos *for this person*". *Iyun Ya'akov* explains that the words "*for this person*" imply that usually one wouldn't desecrate Shabbos to save the life of a person who endangered his own life. Only in the case of Hillel, who acted purely for the honor of the Torah, was it permitted to do so. *Chachmas Shlomo* (O.C. 329) also rules similarly.

⁶ Some explain that the *Chachamim* understood that if we refrain from giving him Tzedaka, eventually he will relent and will use his own money to sustain himself. The *Ran* does not appear to have understood the Gemara in that way. See *Yam Shel Shlomo* (*Gittin* 4:72).

⁷ This Halacha probably stems from the previous one – since there is no Mitzva to save the life of a person who is placing himself in danger, there is therefore no basis to desecrate Shabbos on his behalf. See *Or Gadol* (1), *Mirkeves Ha'Mishna* (2, *Yesodey Ha'Torah* 5), *Even Ha'azel* ad. loc. and HaRav Perlow's *Hagahos* on the *Sefer haMitzvos* of Rav Saadia Gaon (Mitzva 28).

Many of the *Acharonim* in fact disagreed with the *Minchas Chinuch*. The *Chelkas Yo'av* (*Kaba D'Kushaysa* 1)⁸ contended that one cannot possibly compare a person's willful destruction of his monetary possessions, over which he has actual ownership, to the deliberate abandon of his body which he does not own. The *Rambam* (*Rotzeach* 1:4) explains that a *Go'el Hadam* (who may kill a person who has carelessly killed his relative) may not take a compensation payment instead because “*the soul of the person who was murdered is not a possession of the Go'el Hadam but of haKadosh Baruch Hu*”⁹.

Moreover, the idea that a person who attempts suicide is not viewed as “a fellow person in distress” which would obligate others in *Lo Sa'amod*, is surely flawed. A person who has taken such a drastic step is surely in emotional turmoil and mental distress. There is certainly an obligation upon others to make efforts to save him from his plight and help him recover.

Therefore, the majority of the Poskim rule against the *Minchas Chinuch* on this issue concluding that there is indeed a Mitzva to save a person who attempts suicide. This was the conclusion of the *Mahari"l Diskin zt"l* (*Shu"t, Kuntrus Acharon* 5:34), Rav Moshe Feinstein *zt"l* (*Igros Moshe O.C.* 127, *Y.D.* 2, 174:3 and *Y.D.* 3, 90) and Rav Elyashiv *zt"l* (*Kovetz Teshuvos* 41:6-124) and is also the opinion of *yblc"h* haGaon haRav Asher Weiss *Shlit"a*. In fact, some cite as proof the ruling of the *Mahara"m m'Rottenberg* (Prague 39) that there is a Mitzva to save a person in danger *even if he is shouting that he doesn't wish to be saved*¹⁰.

⁸ Rav Moshe Feinstein *zt"l* (*Igros Moshe Y.D.* 2:174:3) makes a similar argument.

⁹ See also *Radvaz* (*Hagahos* to the *Rambam, Hilchos Sanhedrin* 18:6), *Minchas Chinuch* (Mitzva 34 & 48), *Shulchan Aruch Harav* (*Hilchos Shemiras Haguf Vehanefesh* 4 and *Kuntrus Acharon S.K.* 1), *Mor U'ketzia* (on the *Magein Avraham* 328:6), *Kli Chemda* (*Ki Seitzei* 6), *Shu"t Mishpat Kohen* (144:2-3) and *Ma'asei Ish* (4 p211).

¹⁰ See also *Shu"t Radva"z* (4:16) and *Matteh Efraim* (618).