



Pikuach Nefesh Principles, Part II: Public Pikuach Nefesh

לעילוי נשמת
יואל אפרים בן אברהם עוזיאל זלצמן ז"ל

Introduction: These days, the precious need to save lives is on our minds. We will now present some of the halachic and practical underpinnings of the laws that *pikuach nefesh* (saving a life) takes precedence over almost all of the Torah's *mitzvot* and prohibitions. Now we look at the distinction between public and private *pikuach nefesh* decisions and contemplate some ramifications, especially regarding Shabbat.

Presentation: The following approach to the unique qualities of *pikuach nefesh* decisions for matters decided on a communal and especially a national level are based on the writings of our mentor, Rav Shaul Yisraeli *zt"l* (see Amud Hayemini, *siman* 17). Rav Asher Weiss presented the same basic approach in a question and answer session after the outbreak of the war.

As we mentioned last week, a danger can be too remote to count for *pikuach nefesh* dispensations. Let us say, for example, that the potential danger from a specific situation is only 1 out of 10,000 and that this would not qualify to justify an individual violating Shabbat. A halachically-guided police force would need to have a policy about what to do if they are called to neutralize the danger, in

this or equivalent cases – do they drive there on Shabbat or refuse to do so? The policy they decide upon will be applied indefinitely, in every police station, week after week. Therefore, although any specific case is highly unlikely to cause loss of life, the cumulative effect of a decision not to drive is statistically very likely to cause loss of life. (Additionally, if criminals know the police will not come, it will increase the occurrence of such crime, which can also endanger life.) Because the decision is made by and for public policy, not on individual basis, we include all, including future, situations that are affected by the policy decision, in the equation for the halachic decision-maker to address. This will often lead him to conclude that *pikuach nefesh* applies.

An apparent fallacy of this cumulative view approach is that to save a tiny number of lives, many thousands of *chillulei Shabbat* must be performed, whereas in the decision regarding an individual case, limited *chillul Shabbat* would be needed. Rav Yisraeli responded that in the face of even one life we need to save, there is no limit on the number of people or actions involved in violating Shabbat. When the decision is correctly viewed broadly, we do not distinguish between many *chillulei Shabbat* stemming from different situation

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and many stemming from one.

Rav Yisraeli also explained the idea of *machshilan le'atid lavo* (see Rosh Hashana 21b; Eiruvin 44b; Rambam, Shabbat 2:23). If someone went to save a life, he may violate Shabbat (to what extent is a *machloket*) in returning so that people will agree to save lives on future *Shabbatot*. *Chazal* deemed this as a case where we should view the future danger from the reaction to a strict halachic ruling in the present as a concern to consider in the present.

How should an individual citizen act in the realm of situations like these? Certainly, one with a public role **must** follow leniencies that stem from the public outlook. For example, a soldier on guard duty must not refuse to violate Shabbat to do this, even if he is correct that the chance of a dangerous infiltrator around his post are extremely low. If he did, **the system would not work!** Even regular citizens, for example, during Covid, were required to avoid infection as instructed, even if by age/health, they were not significantly endangered by the virus, because they

were endangering others. Even regarding protecting only one's own life, especially as part of a war effort, the rules of safety that citizens are **demand**ed to take as part of the home front element of the war are binding and justify *chillul Shabbat*. However, in most cases of safety recommendations for individuals (which Halacha generally views positively), Shabbat violations are not justified if the danger involved is objectively tiny and the average person is not concerned about it (I purposely avoid examples).■

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