

The Value of Life Appendix II

1. Ramban. Laws of the Murderer Ch 16

If a person is chasing another to kill him, even if the pursuer is a child, all Israel are commanded to save the one being chased even if it means killing the pursuer.

This is known as Din Rodef. In what context did Din Rodef get a lot of attention?

2. Talmud Bavli. Sanhedrin 72a: If someone comes to slay you, arise early and slay him first.

How does this idea relate to the ethic of "turn the other cheek"?

3. Rambam Laws of the Murderer 1.14

Whoever sees someone drowning in the sea, or armed thieves or a wild animal coming upon the person, and can save him or hire others to save him and does not transgresses on "Don't stand by the blood of your friend."

4. Sanhedrin 74a

Rabbi Yochanan said in the name of Rabbi Shimon ben Yehotzedek: for all the sins in the Torah (except three: idol worship, incest and murder) if they say to a man "Transgress so that you will not die" (i.e. "transgress or else we will kill you") he should transgress and not die... Why? It says, "Keep My decrees and which, if a man do, he shall live by them" (Vayikra 18:5) and not die by them.

Is this text saying that life is more important than all the religious laws of Judaism? Than anything?

5. Rabbi Bleich.

The commandments concerning war are unique. Warfare by virtue of its nature, demands that a participant's life be placed in danger... Since that is the very essence of the obligation, the mitzvah cannot be suspended in the face of possible danger.

6. Rabbi Waldenberg (Av Bet Din Jerusalem)

There is no obligation to put oneself in possible danger in order to save another person from certain danger. Not only that, one who does this is an overly pious fool, because his possible danger is better than the other's certain danger... In war however, there is a different law... A man has to erase from his heart his individual memory and act united as one central body with all his fellow soldiers in the battle area. Each must save his friend in danger, even if he puts himself in danger. He must do so not only if his friend is in certain danger, but also even if he is in possible danger.

7. Yitchak Kaufman. The Army according to Halacha

Sometimes the dangers in certain goals are tied to additional considerations.... The matter is subject to the judgment of the commander.

8. The question of who is "innocent" in the context of war is difficult to qualify precisely. One can be a pursuer in situations where the law does not label one a "murderer" in Jewish law; thus a minor (Sanhedrin 74b), and according to most authorities, an unintentional murderer both may be killed to prevent the loss of life of another. So too, it would appear reasonable to derive from Rambam's rule that **one who directs the murder even though he does not directly participate in it is a murderer, and may be killed**. So too, it appears that one who assists in the murder, even if they are not actually participating in it directly is not "innocent"; see comments of the Maharal of Prague on Genesis 32. From the comments of the Maharal one could derive that any accomplice to murder should be treated as a murderer.

Does this justify killing the people who send and aid suicide bombers? Targeted liquidations? What about collateral damage when Hezbollah hide their rocket launchers among civilian populations? What are the Halachic and moral obligations in this instance?