

## Customs and Laws from the Parsha: Massai

---

A version of this article first appeared in Daf HaShavuah published by the Rabbinical Council of the United Synagogue.

*... they shall be cities of refuge for you, and a murderer who killed a person unintentionally shall flee there.* (Bamidbar 35:11)

While contemporary health and safety laws may not be popular, the Torah strongly implies that killing someone through negligence, albeit unintentional is a serious sin. The Torah generally mandates the promotion of health and safety laws (Deuteronomy 4:9 and Berachot 32b). These include the command to build a ma'akeh (guardrail) around one's roof to prevent someone from falling off (Deuteronomy 22:8). This also applies to similar scenarios such as building a fence around a swimming pool or pond.

Other Talmudic examples include the father's obligation to teach his children to swim (Kiddushin 29a), that it is prohibited to use a shaky ladder (Rosh Hashana 16b), slice bread or meat in the palm of one's hand (Brachot 8a) or drink water without checking for contaminants such as leeches (Avodah Zarah 12b). Contemporary prohibitions include driving recklessly (Rabbi Shmuel Wosner, Shevet Halevi 6:112) and smoking (Rabbi Eliezer Yehuda Waldenberg, d. 2006, Tzitz Eliezer 15:39).

The Chief Officer of Medical Ethics for the Israeli Ministry of Health, Rabbi Dr. Mordechai Halperin goes further to suggest that since every inhalation damages the lungs, smoking maybe akin to murder. Passive smoking is also a major consideration. Since the Shulchan Aruch (Code of Jewish Law) rules that one may not injure another person (Choshen Mishpat 420:1), Rabbi Moshe Feinstein (d. 1986) ruled that those harmed by passive smoking were entitled by Jewish Law to sue for damages (Iggerot Moshe, Choshen Mishpat 2:76).

Rabbi Feinstein also ruled that it is also forbidden to take illegal drugs. He indicates that becoming addicted is part of the prohibition since we learn from the 'wayward son' (Deuteronomy 21:18-21) not to develop damaging habits (ibid., Yoreh Deah 3:35).

In addition, indulging in unnecessary high-risk activities such as extreme sports also constitutes reckless endangerment which would be prohibited under the same set of laws. The Torah demands that we take responsibility for ourselves and others to prevent harm and promote health in every area of our lives. We must not only safeguard the spiritual, but the physical as well which is a prerequisite to responsible living.

If you have enjoyed this article and would like to donate to help the Mah Shetashiv team, please use your smartphone to scan the QR code, or visit our website at:

<https://mahshetashiv.com/donate-to-mah-shetashiv/>

© Mah Shetashiv 2023

