

Rabbi Isaac Elchanan Theological Seminary

Yarchei Kallah

**Inyanei Eretz Yisrael at this Crucial
Moment in History,
Shemittah and Har HaBayit,
Conflict and Community**

Bystander Action and Inaction- Psychological and Jewish Perspectives for Social Responsibility



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***Bystander Inaction:
The Failure of Empathy and Lost Opportunity for Chesed***
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15 לא תעשו עול במשפט לא תשא פני דל
ולא תהדר פני גדול בצדק תשפט
עמיתך. 15 Ye shall do no unrighteousness in
judgment; thou shalt not respect the person
of the poor, nor favour the person of the
mighty; but in righteousness shalt thou
judge thy neighbour.

16 לא תלך רכיל בעמיה לא תעמד על דם
רעה אני יהוה. 16 Thou shalt not go up and down as a
talebearer among thy people; neither shalt
thou stand idly by the blood of thy
neighbour: I am the LORD.

Vayikra 19:15-16

“We stand shoulder to shoulder with the rest of civilized society over against an order which defies us all”. We must protect human rights and aid the needy, for such obligations are “implicit in human existence”. – Shatz, Waxman & Diamant, (1997) quoting from Rav Joseph Soloveitchik’s “Confrontation” , Tradition, 6:2

The God who created the world in love calls on us to create in love. The God who gave us the gift of freedom asks us to use it to honour and enhance the freedom of others. God, the ultimate Other, asks us to reach out to the human other. More than God is a strategic intervener, he is a teacher. More than he does our will, he teaches us how to do his. Life is God’s call to responsibility. – Rabbi Lord Jonathan Sacks (2005, To Heal a Fractured World, p.3).

18 ועשית הישר והטוב בעיני יהוה למען ייטב
לך ובאת וירשת את הארץ הטבה אשר
נשבע יהוה לאבותיך. 18 And thou shalt do that which is right and
good in the sight of the LORD; that it may be
well with thee, and that thou mayest go in and
possess the good land which the LORD swore
unto thy fathers,

Nahmanides in his comment to the biblical command to do “the right and the good in the eyes of God (Deut 6:18) – It is impossible, he explains to specify in advance all the challenges of the moral life. They are too contextual and situational. Therefore the Bible does two things: it gives concrete examples (“Do not be a tale-bearer”, “Do not take vengeance”, “Do not stand idly by the blood of your neighbor”) and general

principles, like "Love your neighbor as yourself" and "Do the right and the good".
_Rabbi Lord Jonathan Sacks, *ibid*, p. 13.

Furthermore, the very language of the neighbor's blood verse warns us not "to stand" on another's blood. Standing is a passive act. And we are not permitted to remain passive. . . there is no such thing in Jewish law as an "innocent bystander." - Rabbi Mark Dratch <http://www.jsafe.org/pdfs/ResponsibilitytoAct.pdf>

כל היכול להציל ולא הציל עובר על לא תעמוד על דם
רעך. וכן הרואה את חברו טובע בים. או ליסטים
באים עליו. או חיה רעה באה עליו. ויכול להצילו הוא
בעצמו. או ששכר אחרים להצילו ולא הציל. או ששמע
עובדי כוכבים או מוסרים מחשבים עליו רעה או
טומנין לו פח ולא גלה און חברו והודיעו. או שידע
בעובד כוכבים או באונס שהוא בא על חברו ויכול
לפייסו בגלל חברו להסיר מה שבלבו ולא פייסו וכל
כיוצא בדברים אלו. העושה אותם עובר על לא תעמוד
על דם רעך.

If one person is able to save another and does not save him, he transgresses the commandment *neither shalt thou stand idly by the blood of thy neighbor* (Leviticus 19:16). Similarly, if one person sees another drowning in the sea, or being attacked by bandits, or being attacked by wild animals, and, although able to rescue him either alone or by hiring others, does not rescue him; or if one hears heathens or informers plotting evil against another or laying a trap for him and does not call it to the other's attention and let him know; or if one knows that a heathen or a violent person is going to attack another and although able to appease him on behalf of the other and make him change his mind, he does not do so; or if one acts in any similar way - he transgresses in each case the injunction, *neither shalt thou stand idly by the blood of thy neighbor...* (*ibid.*) Although there is no flogging for these prohibitions, because their breach involves no action, the offense is most serious, for if one destroys the life of a single Israelite, it is regarded as though he destroyed the whole world, and if one preserves the life of a single Israelite, it is regarded as though he preserved the whole world (Maimonides, *Torts*, "Murder and Preservation of Life" 1:14, 16).

Thus, the Maimonidean formulation of the Jewish law of the Good Samaritan does not restrict the duty to rescue to outsiders *witnessing* or *finding* a person in distress. It extends the duty to anyone informed or aware of the danger to another's life. The essential criterion is "if one person *is able* to save another." Ability is determined by a combination of factors: geographic proximity, mental awareness, know-how and physical disposition. Nor does Jewish law distinguish between a natural danger and a man-made one. An innocent bystander is required to go to great personal effort, even to suffer hardships and to incur serious financial loss, in order to save the life of his fellow. On the other hand, he

is not duty-bound to give his own life or limb to save his fellow. - Aaron Kirschenbaum, J.D. Professor of Jewish Law, the Interdisciplinary Center of Herzliah Professor Emeritus, Faculty of Law, Tel Aviv University

כל מי שאפשר למחות לאנשי ביתו ולא מיחה נתפס על אנשי ביתו באנשי עירו נתפס על אנשי עירו בכל העולם כולו נתפס על כל העולם

“Whosoever has the capacity to protest to prevent his household from committing a crime and does not do so is accountable for the sins of his household; if he could do so for his fellow citizens, he is accountable for the crimes of his fellow citizens; if the whole world, he is accountable for the whole world.” (Talmud Shabbat 54b)

Conformity

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| וַיַּעֲלוּ בְּנֵגֶב וַיָּבֹאוּ עַד חֶבְרוֹן וְשֵׁם אַחִימָן שֵׁשִׁי וְתַלְמִי יְלִידֵי הָעֵנָק וְחֶבְרוֹן שְׁבַע שָׁנִים נִבְנְתָה לִפְנֵי צֵעַן מִצְרַיִם. | 22 And they went up into the South, and came unto Hebron; and Ahiman, Sheshai, and Talmi, the children of Anak, were there.— Now Hebron was built seven years before Zoan in Egypt.— |
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Bamidbar – 13:22 וַיָּבֹאוּ בְּנֵגֶב וַיַּעֲלוּ עַד חֶבְרוֹן

and they went up on the south side and came in unison to Hebron– the singular וַיָּבֹאוּ is striking. According to Sota 34v it refers to Caleb, who went there to pay on the grave of the forefathers for strength to stand up against the intentions of his colleagues. . . . וַיָּבֹאוּ is put in the singular to indicate that up to Hebron they came “as one man” in complete unison in feeling and unanimity of mind and purpose . . . Until Hebron the predominating influence of Caleb kept them all in the same mood of courage, determination and fait. In Hebron, Caleb felt the beginning of difference between himself and the others, and this caused him to go alone to the grave of the forefathers to pray for resisting strength and courage. - Rav Shimshon Raphael Hirsch

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| וְעַבְדִּי כָלֵב עִקֵּב הָיְתָה רוּחַ אַחֲרֵת עִמּוֹ וַיִּמְלֵא אַחֲרֵי וְהִבִּיאֲתִיו אֶל הָאָרֶץ אֲשֶׁר בָּא שָׁמָּה וְזָרְעוּ יוֹרְשָׁנָה. | 24 But My servant Caleb, because he had another spirit with him, and hath followed Me fully, him will I bring into the land whereinto he went; and his seed shall possess it. |
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Bamidbar 13:24 - But my servant, Caleb
His faithful fearless standing up for following God’s behests made him worthy of the highest designation of a human being working for God.
הָיְתָה חוֹר אַחֲרֵת עִמּוֹ - probably means: - a different spirit supported him, a different way of looking at things and a different will saved him from the sin of his comrades

Bystander Apathy

13 וַיֹּאמֶר מֶרְדֳּכָי לְהָשִׁיב אֶל אֶסְתֵּר אֶל תְּדַמֶּי
בְּנַפְשֶׁךָ לְהִמָּלֵט בֵּית הַמֶּלֶךְ מִכָּל הַיְּהוּדִים.
13 Then Mordecai bade them to return answer
unto Esther: 'Think not with thyself that
thou shalt escape in the king's house, more
than all the Jews.

14 כִּי אִם הִסְרָשׁ תְּחַרְיִשִּׁי בְּעֵת הַזֹּאת רוּחַ
וְהִצָּלָה יִצְמֹד לַיהוּדִים מִמָּקוֹם אֲחֵר וְאַתָּה
וּבֵית אָבִיךָ תֵּאבְדוּ וְיָמֵי יוֹדֵעַ אִם לְעֵת
כְּזֹאת הִגַּעַת לְמַלְכוּת.
14 For if thou altogether holdest thy peace at
this time, then will relief and deliverance
arise to the Jews from another place, but
thou and thy father's house will perish; and
who knoweth whether thou art not come to
royal estate for such a time as this?

Megillat Esther

Dehumanization of Victims

11 וַיְהִי בַּיָּמִים הָהֵם וַיִּגְדַּל מֹשֶׁה וַיֵּצֵא אֶל
אֶחָיו וַיֵּרָא בְּסִבְלָתָם וַיֵּרָא אִישׁ מִצְרִי מַכֶּה
אִישׁ עִבְרִי מֵאֶחָיו.
11 And it came to pass in those days, when
Moses was grown up, that he went out unto
his brethren, and looked on their burdens;
and he saw an Egyptian smiting a Hebrew,
one of his brethren.

12 וַיִּפֹּן כֹּה וְכֹה וַיֵּרָא כִּי אֵין אִישׁ וַיִּךְ אֶת
הַמִּצְרִי וַיִּטְמְנֵהוּ בַחֹל.
12 And he looked this way and that way, and
when he saw that there was no man, he
smote the Egyptian, and hid him in the
sand.

A preson can't understand what good is until he sees the evil. When you see evil at its worst, that's when you understand what good is. A nation can't understand va'ahavtem es ha'geir unless ki geirim he'yisem b'eret Mitzrayim. Rav Joseph B Soloveitchik, (2010), The Rav Thinking Aloud On the Parasha, Bereishit, p. 213.

Judaism was and remains the world's great religion of protest. The heroes of faith did not accept; they protested. They were willing to confront God himself. Abraham said, "Shall the Judge of all the earth not do justice?" (Gen. 18: 25). Moses said, "Why have you done evil to this people?" (Ex. 5: 22). Jeremiah said, "Why are the wicked at ease?" (Jer. 12: 1). That is how God wants us to respond. Judaism is God's call to human responsibility. . . . The responsible life is a life that responds. The Hebrew for responsibility, achrayut, comes from the word acher, meaning an "other." Our great Other is God himself, calling us to use the freedom He gave us, to make the world that is more like the world that ought to be. The great question, to which the life we lead is the answer, is, which voice will we listen to? The voice of desire, as in the case of Adam and Eve? The voice of anger as in the case of Cain? Or the voice of God calling on us to make this a more just and gracious world? - Rabbi Lord Jonathan Sacks

I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.” — Elie Wiesel