

Ebola: May a Doctor Endanger Himself by Treating Patients?

The 2014 Ebola outbreak in West Africa was the largest such epidemic in history, with over 28,000 cases of the disease reported and over 11,000 deaths confirmed, mainly in Guinea, Liberia, and Sierra Leone. The Ebola virus causes internal and external hemorrhaging, resulting in the death of an estimated 50% of patients. It is very contagious, transmitted through virtually all bodily fluids, including saliva, sweat, urine, vomit, and blood. As bleeding and vomiting are common symptoms of the disease, it can spread rapidly. There is currently no vaccine to immunize against the Ebola virus, or specific medication to cure patients. However, Ebola mortality rates can be significantly reduced through intensive treatment of the symptoms and rehydration therapy to compensate for lost fluids.

Several humanitarian organizations, such as Doctors Without Borders, sent healthcare professionals to West Africa to treat patients and help curb the spread of the deadly disease. Unfortunately, several professionals contracted the disease over the course of their work. New York resident Dr. Craig Spencer, a physician at New York Presbyterian Hospital who worked in Guinea as part of Doctors Without Borders, returned to the United States on October 17, 2014. Several days later, on October 23, he was rushed to Bellevue Hospital Center after developing a high fever. After testing positive for Ebola, he was placed in isolation. Thankfully, Dr. Spencer was discharged from the hospital twenty days later, on November 11, with a clean bill of health.

The humanitarian disaster wrought by the Ebola epidemic, and the sense of duty felt by many in the international healthcare community who wanted to help, raises the difficult question of whether one should expose himself to risk for the sake of saving lives. Treating Ebola patients was an urgent necessity both for the patients and for the world at large, which could have otherwise faced an international epidemic. Thus, the professionals who endangered themselves for the sake of treating patients were, rightfully, hailed as courageous heroes. From a halachic standpoint, however, the question arises as to whether one is permitted to put his life at risk in order to save others. Would it have been permissible for a physician to travel to West Africa to treat patients, or would it have been forbidden for him to risk his life for this purpose?

השמר לך ושמור נפשך מאד

The prohibition against exposing oneself to danger is explicitly codified by the Rambam in *Hilchos Rotzei'ach* (11:4), where he writes that one is required to remove all life-threatening hazards from his property and protect himself from them:

כל מכשול שיש בו סכנת נפשות מצות עשה להסירו ולהשמר ממנו ולהזהר בדבר יפה יפה...

Any hazard that poses a risk to life — there is an affirmative command to eliminate it, to protect oneself from it, and to exercise extreme care with regard to it...

The Rambam writes that one who has in his possession something dangerous violates the command of *השמר לך ושמור נפשך מאד* — “Guard yourself, and protect your life vigilantly” (*Devarim* 4:9) — as well as the prohibition of *ולא תשים דמים* — “Do not place bloodguilt upon your home” (*Devarim* 22:8). The source for this interpretation of the first of these verses as referring to protecting oneself from harm is a story told by the Gemara in *Maseches Berachos* (32b) about a certain pious man who refused to interrupt his prayer to respond to the greeting of a government official. The official questioned the man's refusal to return his greeting, as he thereby endangered his life, in violation of *השמר לך ושמור נפשך מאד*.

In the next paragraph (11:5), the Rambam writes that “the Sages forbade” various kinds of dangerous activities. The Rambam proceeds to list such activities, including drinking water that may have been contaminated with toxins. Later (12:6), the Rambam lists other forbidden dangerous activities, such as walking on an unstable bridge or next to an unstable wall. Both passages are cited by the *Shulchan Aruch* (C.M. 427:8–9).

Several *Acharonim* noted the apparent contradiction in the Rambam's comments, as he cites a Biblical source for this prohibition, while also establishing that “the Sages forbade” engaging in dangerous activities, suggesting that this prohibition applies only on the level of Rabbinic enactment, as opposed to Torah law.¹ The *Be'er Ha-Gola* (C.M. 427:70) suggests that this prohibition is in fact Rabbinic in origin; the verse cited by the Gemara — and the Rambam — was intended merely as an *אסמכתא* (an allusion in the Biblical text to a law enacted later by *Chazal*). By contrast, Rav Alexander Sender Shor (*Tevuos Shor* 13) writes that the prohibition against engaging in dangerous activities clearly applies on the level of Torah law, as evidenced by the common Rabbinic dictum *חמירא סכנתא מאיסורא* — matters of safety and health are treated more seriously than halachic

1. See *Minchas Chinuch*, mitzva 547; *Kiryas Sefer* in *Hilchos Rotzei'ach*; *Sema*, C.M. 427:12; and *Chasam Sofer*, *Avoda Zara* 30a.

violations. The Rambam writes אסרו חכמים — that these activities were proscribed by the Sages — only because these prohibitions are not stated explicitly by the Torah, but are rather established on the basis of *Chazal's* exegesis of the imperative רק השמר לך ושמור נפשך מאד. The Rambam did not mean that these prohibitions were introduced by the Sages, but rather that the Sages interpreted the Biblical text as forbidding such activities.²

ספק סכנה

Regardless, it is clear that *halacha* forbids knowingly entering into a dangerous situation, either on the level of Torah law or by force of Rabbinic enactment, and the question thus becomes whether this prohibition is overridden by the concern for human life. Certainly, one is not required — or even allowed — to surrender his life to save another (unless he is ordered to kill or be killed). But in the case of an infectious disease, the doctors are asked not to surrender their lives, but to expose themselves to risk. Is this exposure permissible for the sake of saving patients who would otherwise die, or does the halachic obligation to care for one's own physical wellbeing override the obligation to save human life?

At first glance, this question hinges on the well-known debate among the *poskim* as to whether one may or should place himself in a situation in which he might lose his life in order to rescue someone who would otherwise definitely lose his life. The *Beis Yosef* (C.M. 426), citing the *Hagahos Maimoniyos*, rules that *halacha* requires rescuing someone who would otherwise certainly die, even if this entails endangering oneself. As long as the rescuer needs to place himself in a situation of only ספק סכנה — in which he is exposed to the risk of death, as opposed to a situation in which he would certainly die — he is required to act to rescue a person who would otherwise definitely die. The *Sema* (426:2), however, notes that other *poskim* seem to disagree, and do not require a person to endanger himself in order to rescue somebody from death. The *Radbaz*, in one of his responsa (3:627), writes that it is forbidden to endanger oneself to rescue another person, and one who does so falls under the category of חסיד שוטה (a “pious fool”).

2. The context of the *Tevuos Shor's* discussion is the prohibition of בל תשקצו (Vayikra 11:43), which *Chazal* understood as forbidding activities that are deemed revolting. In reference to this prohibition as well, the Rambam speaks of *Chazal* proscribing these activities: אסרו חכמים מאכלות ומשקין שנפש רוב בני אדם קיהה מהן. This led several *Acharonim* to conclude that the Rambam considered this a Rabbinic prohibition. The *Tevuos Shor* contends, however, that the Rambam in fact speaks here of a Torah prohibition; the Rambam writes that the Sages forbade these activities only because they are established on the basis of *Chazal's* interpretation of the verse.

Elsewhere (*Shu"t Le-Leshonos Ha-Rambam, Hilchos Rotzei'ach 1:14*), the Radbaz concedes that if the risk is slight, then one must expose himself to the danger for the sake of rescuing his fellow. The Radbaz adds that for this reason *Chazal* establish the obligation to rescue one's fellow from danger with the example of הרואה חבירו טובע בנהר — where someone is drowning. Jumping into a river to save someone from drowning entails a small degree of risk, and *Chazal* therefore noted this example in order to instruct that the obligation to rescue someone from danger applies even when this entails exposing oneself to slight danger.

Seemingly, the permissibility of a healthcare professional traveling to areas ravaged by the Ebola epidemic to treat patients would depend upon this debate. Ebola patients who do not receive adequate medical care would all but certainly die, whereas the doctors who treat them only face the possibility of contracting the virus. At first glance, this situation is a classic example of exposing oneself to danger for the sake of rescuing people from certain death, and the *halacha* would thus depend on the different views cited above.

Upon further consideration, however, it would appear that even the *Sema* and Radbaz would concede that treating contagious patients is permissible, and perhaps even obligatory. To explain why, we need to explore the precise parameters of the prohibition against exposing oneself to danger.

Why is Overseas Travel Permitted?

It is clear from the examples of dangerous activity given by the Rambam that this prohibition applies even to situations in which the risk of danger is remote. The Rambam mentions in his list drinking from natural bodies of water in the dark of night, when one cannot check to see if leeches are present in the water; drinking water that had been left uncovered, and thus may have been poisoned with a snake's venom; placing coins in one's mouth, which is deemed hazardous because they may have been infected with germs; and keeping a knife thrust into a fruit or vegetable such that its blade is concealed, which could endanger somebody who leans on the fruit or vegetable. In all these examples, there is only a remote possibility of life-threatening danger, and yet the Rambam forbids these actions because they expose one (or others) to danger.³

3. Rav Zevulun Graz, former Chief Rabbi of Rechovot, offered a clever insight to explain why in virtually all areas of *halacha* we may rely on a statistical majority (רוב) to permit that which might perhaps be forbidden, yet when it comes to matters involving personal safety, we must avoid even remote chances of harm. The Ramban (*Chullin 2b*) writes that hallowed food — *teruma* and sacrifices — is not subject to the rule of ספק טומאה ברשות

How can we reconcile this prohibition with the fact that since time immemorial, people have engaged in potentially dangerous activities that were deemed perfectly acceptable? The *Shulchan Aruch* (O.C. 219:1), based on the Gemara (*Berachos* 54b), lists the four types of people who must recite ברכת הגומל to thank God for protecting them from harm, two of which are those who traveled through a desert and those who traveled overseas. The clear assumption, of course, is that these are considered dangerous situations in which one depends upon the Almighty's special protection. Thus, upon emerging safely from these situations, one is required to offer a special blessing of thanksgiving. Yet, nowhere in halachic literature do we find any mention of a prohibition against traveling due to the dangers involved! Indeed, the *Shulchan Aruch* (O.C. 248) addresses the prohibition against embarking on a sea voyage close to Shabbos, clearly indicating that traveling at other times is perfectly acceptable.⁴ Why is one allowed to travel, if this is considered dangerous?⁵

This question was already raised by Rav Malkiel Tzvi Tannenbaum of Lomza (*Divrei Malkiel* 5:35), and he concedes that it is unclear where the line is drawn between permissible and forbidden exposure to danger:

הרי מצינו שיורדי הים צריכים להודות...משום דשכיחא סכנתא, ומ"מ ודאי מותר לירד בים ולא מיקרי מאבד עצמו לדעת. ואם צריך לירד לים כדי לקיים איזה מצוה בודאי מחוייב לירד ואסור לו למנוע משום חשש סכנה. הרי חזינן שמותר להכניס א"ע בחשש סכנה היכא שאינו רק חשש בעלמא. ויש להאריך בזה ולבאר הגבול לזה, אך אין העת מסכמת.

We find, after all, that sea travelers are required to thank [God upon the safe completion of their voyage]...because danger is common [when traveling by sea], yet it is certainly permissible to sail at sea, and this

הריבית טהור. Normally, when uncertainty arises concerning a person or object's status of purity, we may consider it pure if this occurred in a public location. When it comes to *teruma* and sacrifices, the Ramban asserted, this rule does not suffice, because the Torah (*Bamidbar* 18:8) commands משמרת חרומותי — that we must safeguard hallowed food. Whenever the Torah requires "guarding" something, we must avoid even situations of uncertainty. By the same token, then, when the Torah commands us to safeguard our personal wellbeing — השמר לך ושמור נפשך מאד — it means that we must avoid even potential hazards.

4. This point is made by the *Shem Aryeh*, in the passage cited below.
5. The Talmud Yerushalmi (*Pesachim* 4:1) cites the view of Rabbi Yehuda, who forbids traveling overseas, and the commentators explain this ruling as based upon the risk of danger. However, the *Ohel Moshe* (1) asserts that Rabbi Yehuda speaks of very specific instances, when sea voyages are especially dangerous. Regardless, the commentators to *Maseches Moed Katan* (14a) note that the Talmud Bavli understood Rabbi Yehuda as forbidding not sea travel per se, but rather leaving *Eretz Yisrael*. In any event, common practice clearly permits overseas travel.

is not considered knowingly killing oneself. And if one must travel by sea to fulfill a certain *mitzva*, he is certainly obligated to travel, and it is forbidden for him to refrain because of the possible danger. We thus see that it is permissible to place oneself in a situation of possible danger, as long as there is only a remote risk. Elaboration is needed to explain the limits in this regard, but time does not allow.

Traveling overseas is not dangerous enough to be forbidden, but it remains unclear just how dangerous something must be to be prohibited by force of the command of רק השמר לך.

Other sources also indicate that *halacha* permits placing oneself in situations that present a very slight risk. The *Magen Avraham* (316:23) condemns those who allowed killing a certain type of lizard on Shabbos, noting the very low level of risk posed by this creature. Similarly, Rav Aryeh Leibush Lifshitz, in a responsum published in his *Shem Aryeh* (Y.D. 28), notes that in *Sefer Chasidim* Rabbeinu Yehuda Ha-Chasid lists numerous activities from which one should refrain due to safety concerns, yet these are not mentioned in later halachic works. The *Shem Aryeh* suggests that since the risk presented by these activities is very slight, they are not strictly prohibited.

However, in contradistinction to the *Divrei Malkiel*, the *Elya Rabba* (O.C. 219) asserts that sea travel is actually **more** dangerous than activities that *halacha* forbids due to danger. The *Elya Rabba* notes that *halacha* does not require reciting הגומל after safely emerging from other dangerous situations, such as passing underneath an unsteady wall or walking over an unsteady bridge. The *Elya Rabba* explains that the level of risk in these situations is not high enough to warrant an obligation to give praise upon emerging safely. According to the *Elya Rabba*, then, passing under an unstable wall, which *halacha* clearly forbids, is less dangerous than traveling overseas, which *halacha* clearly permits. How can we explain this anomaly?

מנהגו של עולם

The answer to this question is expressed by the *Shem Aryeh* in the aforementioned responsum:

ודע דאף בדברים שיש בהם סכנה, מ"מ בדבר שהוא מנהגו של עולם ודרך הכרח אין לחוש, דהרי ארבעה צריכים להודות, וב' מהם הולכי מדברות והולכי ימים. הרי דאיכא בהם סכנה, ומ"מ מותר לפרוש בספינה ולילך במדבר... ולמה לא נאסור משום סכנה... אלא ודאי בדברים כאלו אשר הם לצורך העולם אין איסור כלל.

You should know that when it comes to things that entail danger

— nevertheless, if it is something that is the way of the world and a necessity, there is no concern. After all, “four people are required to give thanks,” and two of them are desert travelers and travelers at sea. Thus, they entail danger, and yet it is permissible to voyage out to sea and to travel in the desert... Why do we not forbid [this] due to danger?... Rather, it is clear that when it comes to things such as these, which are necessary for the world, there is no prohibition whatsoever.

Although traveling overseas and through deserts is considered dangerous, it is nevertheless permissible because it falls under the category of מנהגו של עולם — common and conventional human activity. Societies establish which behaviors and activities are acceptable despite their posing certain risks, and *halacha* does not forbid such activities.

One simple example might be highway driving, which clearly entails some degree of danger due to the possibility of fatal accidents, yet has been accepted by modern society as an essential part of day-to-day living. Since travel is regarded as a vital part of life, it is permissible, even though it poses greater danger than other activities that *halacha* forbids, since they can be avoided without disrupting one’s normal mode of living.

This approach was similarly formulated by Rav Elchanan Wasserman (*Kovetz Shiurim, Kesubos* #136) in explaining the Gemara’s remark in several contexts that שומר פתאים ה’ — certain potentially dangerous practices are permissible because “God protects the fool-hearted.”⁶ Rav Elchanan writes:

צ”ל דאין האדם חייב להמנע ממנהג דרך ארץ, וממילא הוי כאילו אין בידו לשמור את עצמו, ואז נשמר מן השמיים. אבל היכא שבידו להזהר אינו בכלל פתאים, ואם לא ישמור את עצמו הוא מתחייב בנפשו ולא יהא משומר מן השמיים.

We must explain that a person is not required to refrain from ordinary conduct, and hence one is considered unable to protect himself, and he is then protected by God. But when one is able to be careful, he is not in the category of the “fool-hearted,” and if he does not protect himself, he puts his life at risk and will not be protected by God.

When we engage in dangerous activities that are accepted as part of daily living, we are not considered to be acting recklessly. Rather, we are considered as having been placed in a potentially dangerous situation against our will, and we may thus rely on God’s protection.⁷

6. The source of the phrase שומר פתאים ה’ is *Tehillim* 116:6.

7. This approach is also developed at length by Rav Yehuda Unterman, *Shevet Mi-Yehuda*, vol. 1, *Mahadura Kama*, p. 50. Additionally, it is cited in the name of the *Chazon Ish* by

Applying this principle to the area of professional healthcare, it would certainly appear that treating contagious patients would be permissible — and perhaps even obligatory — in light of the fact that this falls under the category of מנהגו של עולם — conventional practice. Despite the risk entailed, it is accepted that healthcare professionals treat contagious patients, obviously taking reasonable precautions, and it is thus permissible, if not obligatory, for the sake of saving lives.

אליו הוא נושא את נפשו

Another reason to permit physicians to treat infected patients arises from the Gemara's comment in *Maseches Bava Metzia* (112a) that appears to permit one to risk his life for the sake of earning a livelihood. The Torah in *Sefer Devarim* (24:15) issues the command to pay one's workers on time, and explains, כי עני הוא — literally, "for he is poor, and he makes his life dependent on it [his salary]." The Gemara explains the phrase אליו הוא נושא את נפשו to mean that an employee, in many instances, is forced to risk his life in order to satisfy his responsibilities to his employer and earn his wages:

מפני מה עלה זה בכבש ונתלה באילן ומסר עצמו למיתה — לא על שכרו?

For what did this [worker] climb up a ramp and hang onto a tree, subjecting himself to [the risk of] death — was it not for his wages?

As Rashi explains, certain jobs — such as harvesting fruits from trees — require climbing to high places and risking one's life, and thus an employer who fails to pay his workers commits a grave offense. The clear implication of the Gemara's comment is that it is acceptable for an employee to put himself at risk when this is necessary to earn his wages.

This point is made by Rav Eliezer Waldenberg (*Tzitz Eliezer* 9:17, *Kuntres Refua Be-Shabbos* 5:9), who concludes that one may place himself in a potentially

Rav Avraham Farbstein. Rav Yehoshua Neuwirth (*Shemiras Shabbos Ke-Hilchasa*, ch. 32, n. 2) also advances this theory, noting that this was the view of Rav Shlomo Zalman Auerbach. It should be noted, however, that the formulation in *Shemiras Shabbos Ke-Hilchasa* differs somewhat from the way it is presented in the aforementioned sources. Rav Neuwirth asserts that the determining factor is whether people commonly consider the given activity dangerous, rather than whether the activity is regarded as part of ordinary life. This subtle but significant distinction could yield important ramifications, particularly with regard to the question at hand concerning treating contagious patients, which on the one hand is considered part and parcel of the medical profession and a physician's responsibility, but yet is regarded as a dangerous activity.

hazardous situation when this is required for his profession, as in the case of a doctor treating contagious patients. Rav Waldenberg writes:

נלפענ"ד דבהיות דהרופא עושה כן ליטפל בחולים עבור פרנסתו א"כ מותר לו משום כך ליכנס גם בספק סכנה, ובדומה למה שהתירה תורה לפועל ליכנס למקומות סכנה עבור פרנסתו כדכתיב ואליו הוא נושא את נפשו... הרי דמותר לאדם למסור את עצמו למיתה דהיינו ליכנס למקומות מסוכנים שיתכן שיהרג שם לשם פרנסתו... וא"כ ה"ה גם ברופא העובד לשם פרנסה, ובפרט כשחוק המדינה הוא שאם לא יתנהג בכזאת ויתרשל ליטפל בחולים כאלה ישללו ממנו רשיונו ותישלל פרנסתו ממנו.

It seems, in my humble opinion, that since a physician treats patients for the sake of his livelihood, he is allowed to expose himself to potential risk for this purpose, similar to the Torah's allowing a worker to enter dangerous places for his livelihood, as it says, ואליו הוא נושא את נפשו... indicating that it is permissible for a person to expose himself to the risk of death — meaning, to enter dangerous places, where he might be killed — for the sake of his livelihood... Therefore, the same would apply to a physician who works for his livelihood, especially when the country's laws are such that if he does not conduct himself this way, but rather neglects the treatment of these patients, his license will be revoked and he will lose his livelihood.

This point is also made by Rav Moshe Feinstein (*Iggeros Moshe*, C.M. 1:104), who permits earning a livelihood from an athletic career, even if one plays a sport that entails a small risk to one's life or to the lives of other players. Citing the Gemara's comments concerning an employee's exposing himself to risk for his job, Rav Moshe asserts that for the sake of earning a living, one may expose himself to a level of risk, and even expose others to risk, as long as they chose to place themselves in that situation, as is the case when playing professional sports.

Rav Moshe makes reference in this context to a responsum of the *Noda Be-Yehuda* (*Mahadura Tinyana*, Y.D. 10), who forbids hunting for sport, both because of its unbecoming nature and due to the life-threatening dangers entailed, but then adds that hunting is allowed for the sake of earning a living:

מי שהוא עני ועושה זו למחייתו, לזה התורה התירה כמו כל סוחר ימים מעבר לים שכל מה שהוא לצורך מחייתו ופרנסתו אין ברירה, והתורה אמרה ואליו הוא נושא את נפשו.

Someone who is poor and does this for his sustenance — this the Torah allowed, as is the case regarding all merchants who sail overseas, because

regarding all that is required for one's sustenance and livelihood, there is no alternative, and the Torah said, ואליו הוא נושא את נפשו.

The reason for this exception likely relates to the aforementioned principle — namely, that one is permitted to expose himself to risks that have been societally accepted as part of normal life. Certain occupations that are necessary for the greater good entail a degree of risk, and society has accepted these risks for the benefit of both the employers and employees, as well as for the benefit of people generally. Therefore, for example, *halacha* allows roofers to install rooftops and construction workers to work on scaffoldings near the top of skyscrapers, and homeowners and contractors are allowed to commission this kind of labor, despite the hazards involved. Since such jobs are integral to modern living and are deemed acceptable by society, they are halachically permissible.

By the same token, society looks to and relies upon doctors to treat infectious diseases and contain deadly outbreaks of illness. Exposure to infected patients is, of course, an unavoidable component of this process, and so the risk of infection is one that has been accepted as part of normal life. It would thus stand to reason that a doctor may, and in fact should, treat infected patients even if this entails exposing himself to the risk of contracting the disease.

Rav Asher Weiss⁸

I am writing to you quickly, due to the urgency of the matter.

A Jewish doctor who specializes in microbiology was offered to join a medical delegation that is going to Africa to treat patients infected with the Ebola virus. Is it permissible for him to join, and is he commanded to do so, or is it perhaps forbidden for him to join because he is not allowed to endanger himself to save others? He says that the risk of contracting the disease is about 8%. This virus is especially dangerous, and thus far, about half the people who were infected by the disease have died.

I have already addressed at length in several contexts the important question of whether a person is allowed to expose himself to a certain degree of risk in order to save his fellow from grave danger. I explained, based on the responsa of the Radbaz, that three different categories exist in this regard:

- 1) When dealing with a remote, negligible risk, whereas one's fellow faces grave danger, it is certainly permissible to endanger oneself, and this constitutes a מדת חסידות (measure of piety). It may possibly even be obligatory.

8. In a letter written to this author; translated from Hebrew.

- 2) When dealing with a real danger, but where it is more likely that he will be safe, then it is permissible to endanger oneself, but this is certainly not obligatory.
- 3) When dealing with an actual risk, then even if one's fellow is in greater danger, it is forbidden to put himself at risk.

As I have elaborated on this subject in several places in my books, I will not elaborate here; you can access the information there (*Shu"t Minchas Asher* 1:115; *Minchas Asher, Bamidbar*, 73).

Regarding that which you wrote, that perhaps he is allowed to endanger himself in order to earn a livelihood, as written in the *Noda Be-Yehuda* (*Tinyana*, Y.D. 10) — I have already expressed my view in several places (*Minchas Asher, Devarim* 7; *Minchas Asher, Shabbos* 87:2; *Haggadas Minchas Asher, Sha'arei Teshuva* 19:3) that in truth, there is no specific dispensation allowing one to endanger himself for his livelihood. After all, nowhere do we find that earning a living overrides the concern for human life. Rather, there is a general rule that one is permitted to expose himself to a certain degree of risk in order to improve his quality of life, and one is therefore permitted to climb a tree and set sail in the ocean for the purpose of his livelihood. Indeed, this happens every day, as people engage in all kinds of activities that entail some small degree of risk for enjoyment, such as riding motorcycles, parachuting from planes, skiing, and many other such activities that certainly expose one to greater risk than staying at home or walking. Since this entails only a remote risk, there is no prohibition.

However, I do not believe this is relevant to our issue, as anything that poses a risk of several percentages is a discernible risk and is forbidden.

Therefore, it would seem, at first glance, that the man should not join this delegation.

I wonder, however, if there is truly an 8% chance of infection. Seemingly, the main risk factor is people's negligence in taking the protective measures necessary to avoid infection, and if a person strictly and carefully abides by appropriate safeguards, I would imagine that the danger is very remote. If, indeed, it can be determined that he can take safety measures that would lower the risk of infection to a minimum, it would seem that there is room to allow him to join the delegation in order to save human life and be מקדש שם שמיים.

יה"ר שלא ניכשל בדבר הלכה

With much admiration and with blessings for a good, sweet year,

Asher Weiss

Exchange with Rav Yitzchak Zilberstein *shlit"א*⁹

I was approached with a question by a physician who lives in our area and has great expertise in the field of infectious diseases (microbiology), and who was asked by his hospital's administration to travel together with a delegation of doctors to an African country to treat patients infected with the Ebola disease, as the country [the United States] has taken upon itself, together with several other countries, to send doctors to treat this dreadful disease in order to prevent it from spreading and to treat and cure the patients who have already been infected. Based on what he told me, someone who is infected with this disease faces grave danger, as so far approximately 50% of the infected patients have died. This physician, who is religiously observant, asked whether it is forbidden for him to expose himself to possible danger due to the chance that he will be at risk (in his view, the chance of a doctor contracting the disease from patients under his care is approximately 8%), and he would be in violation of *אך את דמכם וכו'*. While there are those (*Beis Yosef*, citing the *Hagahos Maimoniyos*) who maintain that one is even required to place himself in a situation of possible danger to save a fellow Jew — and even among those who disagree, some consider such a person “pious” for doing so — nevertheless, we are dealing here with rescuing non-Jews (who are not idol-worshippers), and so perhaps it is halachically forbidden for him to get involved in this.

When he came to me, I noted that his refusal to travel with the delegation might cause a *חילול ה'* and possibly arouse enmity. He responded, however, that in his view, there is no reason why it would be known that his reason is because he is a religiously observant Jew.

It also occurred to me that perhaps this should be allowed because this is his livelihood, and we might apply to this case that which *Chazal* said in *Bava Metzia* (112), *מפני מה עלה זה בכבש וכו'*, as discussed by the *Noda Be-Yehuda, Mahadura Tinyana*, Y.D. 10.

I have therefore brought this question before the Rav *shlit"א* to receive his guidance and *דעת תורה*. And even if his conclusion is that this is forbidden, nevertheless, perhaps we must be concerned about the possibility of arousing enmity, though I am uncertain if this concern is grounds for allowing him to endanger himself.

Respectfully,
Dovid Lichtenstein

9. Elul 5764 (2014). Translated from Hebrew.

Rav Zilberstein's response:

An 8% risk that the doctor will become ill is considered a possible danger. Although the risk is not great, nevertheless, one must be concerned and one cannot belittle such a risk. The *Mishkenos Yaakov* (Y.D. 17, in the context of the risk of abrasions and *tarfus*) writes that a 10% chance qualifies as *מיעוט המצוי* (a minority occurrence that is common) [meaning, if ten of a group of 100 animals are found to be *tereifos*, this is considered a *מיעוט המצוי* and all the animals must be examined]. I heard from my teacher and father-in-law, Rav Yosef Shalom Elyashiv *zt"l*, that a 5% chance would likely be considered a *מיעוט שאינו מצוי* (uncommon minority) [and less than that would be a minority that is not common at all].

Although the *poskim* disagree as to whether it is permissible for a person to place himself in a situation of possible danger to save another person facing certain danger, and the *Mishna Berura* (329:19) rules that one is not obligated to place himself in a situation of possible danger to save his fellow from certain danger, nevertheless, he added, citing *poskim* (*Pischei Teshuva*, C.M. 426), that the situation must be carefully assessed to determine whether there is truly a possible risk, but one should not be too exacting, as the saying goes, *המדקדק עצמו, בכך בא לידי כך* (if a person is too concerned about something, it will happen).

In this case, where the risk is 8%, which is a risk of danger but not a great risk, a person should expose himself to this amount of risk for the sake of saving a fellow Jew from certain danger.

Similarly, the *Noda Be-Yehuda* (*Tinyana*, Y.D. 10) allowed hunting animals for the purposes of livelihood, despite the dangers entailed. For no one was greater and more proficient in hunting than Esav, of whom the verse testifies, "Esav was a man who knew hunting, a man of the field" (*Bereishis* 25:27), and yet he said about himself, "Behold, I am going to die" (25:32), and the Ramban explained the plain meaning of this to be that Esav endangered himself every day among the legions of animals. This is because the Torah allows endangering oneself for the sake of livelihood, just as it is permissible for merchants to cross oceans for their livelihood. The Torah (*Devarim* 24:15) says, *ואליו הוא נושא*, *את נפשו*, and *Chazal* explain in *Bava Metzia* (112a), "For what did this [worker] climb up a ramp and hang onto a tree, subjecting himself to death — was it not for his wages?"

A similar question was posed to my teacher and father-in-law, Rav Yosef Shalom Elyashiv *zt"l* — as mentioned in *Chashukei Chemed* on *Bava Metzia* (112b) — as to whether a Rosh Yeshiva was allowed to travel on a road that was targeted by shooting attacks in order to teach students, which was necessary for his livelihood. He replied that since it says in *Bava Metzia* (112a) about an

employee, ואליו הוא נושא את נפשו, we see that the Torah permits a worker to endanger himself somewhat for the purpose of his livelihood, for this is the decree of the King of the world. In a similar vein, it is explained in *Iggeros Moshe* (C.M. 1:104) that it is permissible to earn a living through ball-playing, as they said, ואליו הוא נושא את נפשו.

In our case, however, the question concerns a doctor who has a livelihood, and he wants to endanger himself in order to earn extra money. May a person put himself in danger even under such circumstances?

The answer is that it is permissible, because even extra livelihood is considered a *mitzva*, just as a person is permitted to leave *Eretz Yisrael* for the purposes of his livelihood, and it is permissible to leave even to earn extra money. As explained in *Mo'ed Katan* (14), one who goes on a trip abroad and returns on *Chol Ha-Mo'ed* may not cut his hair, even if he was unable to do so on Erev Yom Tov, since he was not allowed to leave. If, however, he had left for the purposes of his livelihood, even just to earn extra money, then he is allowed to cut his hair.

Similarly, the *Shulchan Aruch* (O.C. 248:4) draws halachic distinctions between one who leaves by boat or in a caravan on Erev Shabbos for the purpose of a *mitzva*, and one who leaves to tend to optional matters. The Rama writes that leaving for business is considered leaving for the sake of a *mitzva*, and the *Mishna Berura* (248:34) adds that this includes traveling to earn extra money.

Conclusion: If the risk is only 8%, then strictly speaking, it is permissible for the physician to travel with a medical delegation to try to stop the plague. However, if he would ask for our advice, we would advise him not to go, because 8% is not a small risk.

Doctor Contracts Ebola in Sierra Leone, Will be Flown to Nebraska for Treatment

November 13, 2014

A surgeon from Sierra Leone and a permanent resident of the United States who contracted Ebola while working in West Africa will be flown to the United States to receive treatment for the deadly virus, according to a government official.

Dr. Martin Salia is expected to arrive in the United States on Saturday and will receive treatment at Nebraska Medical Center, the official told ABC News.

It is unclear how he contracted Ebola, but the official said he was in Sierra Leone at the time.

A hospital spokesman would only say that he would soon be evaluated for possible treatment. He would not give any other details.

In a statement, Jen Psaki, a spokeswoman for the State Department, said they were working "in consultation with the Centers for Disease Control and Prevention" and were "in touch with the family of a U.S. legal permanent resident working in Sierra Leone who has contracted Ebola.

"His wife, who resides in Maryland, has asked the State Department to investigate whether he is well enough to be transported back to the University of Nebraska Medical Center for treatment," the statement added.

This comes two days after Dr. Craig Spencer, who contracted Ebola treating patients in West Africa, was discharged from a New York City hospital Ebola-free. Spencer, 33, who treated Ebola patients in Guinea for Doctors Without Borders, spent 20 days in isolation at Bellevue Hospital in Manhattan after testing positive for Ebola there on Oct. 23.

Spencer was the fourth person to be diagnosed with Ebola in the United States and the ninth Ebola patient to be treated in this country. Only Thomas Eric Duncan, the Liberian national who was diagnosed in Dallas, Texas, in late September, has died of the virus in the United States.



Dr. Craig Spencer is seen in this undated LinkedIn profile photo.

More than 5,000 people have died in the Ebola outbreak that is ravaging parts of West Africa, the World Health Organization reported on Wednesday.

This is the largest Ebola outbreak ever recorded — the vast majority in the West African countries of Liberia, Guinea and Sierra Leone.

Copyright © abcnews.go.com