

Dear Rabbi Fried,

In that tragic mine collapse in Utah where 3 rescuers have died and six injured attempting to rescue the six trapped miners, they have proclaimed that since the trapped miners are already probably already dead, they're not going to risk the lives of any more rescuers. The relatives of the six have criticized the CEO and the Mine Safety and Health Administration of giving up on their loved ones. I've been considering a different moral dilemma. Even if the six were known to be alive, but to attempt to rescue them would put the lives of the rescuers in danger, would it be morally correct to put their own lives in danger for the sake of saving other lives?

Landon B.

Dear Landon,

This is truly a penetrating dilemma. A similar question was discussed by a leading sage, the Radvaz, the 16<sup>th</sup> century Chief Rabbi of Egypt. A Jew was going to be killed by a gentile authority, unless one of his friends who allow their hand to be cut off instead. The rabbi responded that he was not obligated to give up his hand for his friend's life, although he would be considered exceedingly pious to do so. The Radvaz finished by saying this would apply only if amputating the hand would not constitute a danger to his own life. To put his own life in danger to save his friend would render him a "pious fool".

The leading halachic authority of the last generation, Rabbi Moshe Feinstein ob"m, (*Igros Moshe* Yoreh Deah 2 Ch. 174:4) uses this precedent in discussing the obligation, or permissibility, for a live person to donate an organ such as a kidney to save the life of another. To donate a kidney constitutes a certain level of danger to one's own life. His final decision is that although one is not be *obligated* to put his own life in danger to save another, one is *permitted* to do so. This is only because the danger to his own life is not *clear*, but to put one's own life into a *clear danger* is prohibited even to save the life of another.

What is considered a *clear* danger is complicated discussion. Although some authorities maintain that below a 15% risk is considered an unclear risk and permitted, Rabbi Y.S. Elyashiv, the preeminent authority of our generation, disagrees. Based upon an earlier ruling (*Mishkenos Yakov* Yoreh Deah 17) he maintains that up to a 5% danger to life is an unclear danger, above that is a clear danger and prohibited to put one's life in that danger for another. (An exception to this rule would be in the military, where the entire situation is that of imminent danger to life, and one constantly puts himself into clear danger to save others).

Based upon these rulings, the mining company in Utah is making the right decision not to send more rescuers. Although the level of danger may have been unclear when the first group was sent down and they would be allowed to take that calculated risk, certainly after the second collapse the level of danger became clear and they may not be allowed to put their lives in such imminent danger to save others. All the more so if it's unclear if the original miners are even alive themselves.