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The Yom Kippur Debate 5779

Can we *ever* choose one life
over another?



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Motion:

**This House believes
that you should kill one person
to save the lives of
many others.**



INTRODUCTION

Welcome to the Yom Kippur Debate 5779!

This is an immense opportunity to capture the imagination of the many youth and students who fill our shuls on Yom Kippur so that we can discuss contemporary issues within the framework of our Jewish community.

This year, rather than providing a single debate motion, we have for the first time expanded the debate resources to include three stand-alone topics which can be used during Rosh Hashanah and Yom Kippur, or at any other time.

The debate motions are:

- 1)** This House believes that a young person brainwashed by a terrorist group is not responsible for their actions.
- 2)** This House believes that you should kill one person to save the lives of many others.
- 3)** This House believes that structured prayer is out of date

Each topic has its own set of materials which consists of: **a)** A promotional clip for you to share on social media in advance of the debate; **b)** An information pack which contains notes for the debate moderator and presenters; and **c)** A short movie clip which summarises the topic, for you to share on social media after Yom Kippur.

The key theme of the High Holydays is **teshuvah**. Commonly translated as 'repentance', *teshuvah* literally means 'return'. These discussions provide a forum in which we can return to a reflective space at the start of the year and spend time considering principles that will help to guide us in the coming months.

Tremendous thanks to Rabbi Gideon Sylvester, the United Synagogue Israel Rabbi, for his expertise in writing the information booklets; to Oliver Anisfeld of JTV and his team for producing the clips; to Rebbetzen Lauren Levin, Luis Herszaft and the students and staff of JFS, for participating in the filming; and to Rabbi Michael Laitner, David Collins and Sharon Radley for reviewing and contributing to the debate content. I also want to acknowledge David Turner, the Chairman of South Hampstead Synagogue and the young people of the South Hampstead community for helping me to initiate the Yom Kippur debate project.

I hope you have stimulating conversations, an engaging communal experience and a meaningful Yom Kippur!

Shana Tova!

Rabbi Eli Levin

INTRODUCING OUR TOPIC

You are an engineer working on a new railway project. You see a train speeding down the track about to kill a team of people working there. You can pull a lever which will divert the train to another track where there is only one person working and so limit the collateral damage. Should you pull that lever?

This dilemma is known as the "trolley dilemma" and it was first posed by Philippa Foot in the 1960's. Since then, some philosophers have criticised this thought exercise. They view it as theoretical, unrealistic and negative; forcing people to choose between options all of which lead to rather gruesome deaths. If every way we turn will lead to death, how is that a real moral dilemma?



For Jews, however, this is wishful thinking. The dilemma of having to choose between the value of the lives of two people is one that we have faced repeatedly and continue to encounter.

The first recorded case took place in Biblical times. Sheba son of Bichri launched a rebellion against King David. Having declared his rebellion, he fled to the city of Bichri with Yoav, King David's military commander, in hot pursuit. Yoav was anxious to capture the rebel, so he laid siege to the city and built ramparts ready to overrun it. While the siege was underway, a wise woman called for him through the walls. She begged him not to destroy a loyal city and all its inhabitants. Instead, she took it upon herself to ensure that the rebellious Sheba would be executed and his head thrown over the ramparts. Yoav accepted her offer, and having seen King David's enemy executed, he ended the siege and returned to Jerusalem. Many thousands of years ago, this story and the rabbinic commentaries that it spawned became the focus of the discussion about taking one life to save many.

Tragically, the trolley dilemma was often a practical question. Anyone who ran a soup kitchen in the Warsaw Ghetto with limited resources, faced this dilemma. Was it better to feed just a few people and let the rest die or to feed everyone, knowing that no one would get enough food to survive.

When the Germans asked for a specific number of people to be taken to a death camp, would one hand them over in the hope that they could save the rest, or did they refuse to cooperate so as not to be party to such a heinous crime?



NOTES FOR MODERATOR

When moderating this debate, it is perhaps important to point out that while some philosophers dismiss this motion as overly theoretical, for Jews it is a practical issue. It has been a feature of history, in particular through the terrible years of the Holocaust. And while it was grotesque to confront such decisions, it was not the rabbis who created these situations but their brutal oppressors.

Even today, health professionals regularly confront similar kinds of questions. Do they use their limited resources to buy one expensive machine that will treat a few people suffering from a rare disease or sacrifice those people to purchase cheaper medicines which can cure many more individuals?

Much of our debate will centre around the story of King David, his military commander Yoav and the rebellious Sheba ben Bichri. You may want to read or summarise the details which appear in the appendix on page 9. Interestingly, this short Biblical story about an ancient conflict provided the platform for halachic authorities to wrestle with a major philosophical issue with life and death consequences. The narrative describes how the issue was resolved by a character referred to as "a wise woman". She provided the solution to a conundrum so complex that few rabbis would dare to rule upon it. It's also worth pointing out that these are terrible dilemmas and all of us pray never to be tested with them.

At first glance, this specific dilemma may seem relatively simple. Of course, we want to save as many lives as possible. This is called a utilitarian approach in which one tries to ensure the greatest happiness for the greatest number of people.

But utilitarian approaches are not necessarily the most ethical. Judaism considers every single life with its hopes, dreams, loves and ambitions to be as valuable as a whole world (Mishnah Sanhedrin 4: 5). If a person is worth an entire world, do I really have the right to decide to extinguish their life, murdering them because I wish to save others?

In attempting to understand the example of the killing of Sheba ben Bichri, we will need to understand why Yoav and successive generations of scholars approved of his killing. Was it simply to save the lives of the other people in the city? Or was it because he was already facing a death sentence for his treachery to King David, in which case there was significantly less reason to save his life? Through our debate, we will explore these themes further.

Let the debate begin!

In summing up the debate, the moderator may wish to point to broader themes which emerge from it. Two possible directions would be:

1. The enormous gratitude that we have for the State of Israel whose defence forces defends the Jewish people and means that we no longer have to face such appalling dilemmas.
2. The philosopher Peter Singer uses similar debates to point out that most of us care deeply about human life and the importance of saving people wherever we can. Yom Kippur is a day when we are taught to treasure the lives of everyone, as exemplified by the story of Jonah in which God takes pity on the wicked people of Nineveh. God sent Jonah on a mission to get these people to improve their behaviour and even when Jonah tried to avoid it God was determined that the task would be fulfilled because He cared about the people and wanted to enable their lives to be enhanced. So it might be worth reminding ourselves, that each and every day across the world between a hundred and a hundred twenty thousand people die because of poverty. It does not cost much to buy a bag of rice or a malaria injection and therein a life can be saved.

ARGUMENTS FOR THE MOTION

We contend that the solution to this problem is very straightforward. A person has the option of allowing one person to die in order to prevent the deaths of five people. We know that the death of that person is tragic. It is the loss of a whole world. We appreciate that they will be deeply mourned by their friends and family. But given the options, which is worse for one innocent person to die or for five innocent people to die? Which scenario will produce greater grief and greater mourning?

Our side draws support from the Bible. When Sheba ben Bichri was a rebel against King David who sought to bring down the kingdom. When his crimes were discovered he fled to a place called Abel Beit Maachah. King David's general Yoav pursued him and laid siege to the city. A standoff took place. It looked like the whole city might be destroyed for the sake of capturing this one man. The impasse was resolved when a wise woman made a deal with Yoav. She would ensure the execution of the rebel in return for his ending the siege. Yoav accepted the deal and returned to Jerusalem. The woman's willingness to sacrifice one man to save the city, shows that we should take this approach to the dilemma.

Our position is backed by Rabbi Yochanan in the Jerusalem Talmud. He argued that even an innocent man may be surrendered, if it will save an entire city from capture by gentile marauders (Jerusalem Talmud, Trumot 8: 10).

Our position is also supported by the horrific dilemma that was posed to rabbis during the Holocaust. On 27 October 1941, the Council of Elders in Kovno was ordered to post notices calling on the residents to assemble in the Democratic Plaza. The elders had no doubt, that by posting the notices and sending the people to the square, a proportion of them would be rounded up, placed on trains and sent to their deaths. On the other hand, if they refused the order, there was the chance that the Nazis would seek revenge and massacre the entire ghetto. Should they sacrifice part of the town to save the rest? The elders were stumped by the gravity of the question and in the middle of the night, they went to consult with the Chief Rabbi, Avraham Dov Ber Kahane Shapiro. He was elderly and asleep at the time. But his wife woke him up and put the question to him. After devoting the rest of the night to a study of the sources, the rabbi ruled as follows.

"If an evil decree has been enacted against a Jewish community and there is a chance to save part of the community, the leaders are obligated to act with courage and responsibility. They must do whatever they can to save as many as possible."

On this basis, the elders posted the notices. The rabbi had answered their question in line with his understanding of the ruling in Jewish law. We must do whatever we can to save as many lives as possible.

ARGUMENTS AGAINST THE MOTION

While we see the logic behind the case made by the proposers of this motion, we believe that it is dangerously flawed. We do not think that you can calculate the value of lives through simple arithmetic. Each life is of infinite value and we have no right to start evaluating the relative value of peoples' lives. More importantly, we do not have the right to deflect the course of the trolley and thereby murder an innocent person, because we wish to save the lives of others.

The proposers of this motion cited the biblical story of Sheba ben Bichri in their attempt to prove that one person can be sacrificed in order to defend the many. But this is only one interpretation of the story and not necessarily the most accurate.

For while it is true that Rabbi Yochanan argued (Jerusalem Talmud, Trumot 8:10) that an innocent man may be handed over to save the city, Rabbi Shimon Ben Lakish disagreed. He argued that the only reason that Sheba ben Bichri could be handed over was that he was already under a death sentence. Had he been an innocent man, no one would have had the right to sentence him to death in order to save someone else. This is the ruling of Maimonides (1135 – 1204), the great scholar, philosopher and physician, who goes even further by ruling that we should do everything we can to save the life of the wanted man, only handing him over if we see no other way to save the people of the city.

The proposers of the motion brought a case from the Holocaust in which a revered and scholarly rabbi ruled that it was permitted to put up posters encouraging Jews to go to the square from which many would be taken to their deaths, in order to prevent the rest of the town being massacred. Collaborate in the death of some to save the many. Such discussions are incredibly sensitive. We have no doubt that the rabbi made the best decision possible based on the available information. But the information he received was incomplete. We now know that the idea that some Jews would be sent to their deaths while others would survive was an illusion. In fact, the Nazis planned to murder every Jew, so enabling the sacrifice of some Jews, or sending them to their deaths would not bring to salvation the rest. Cooperating with the murderous Nazis did not save anyone; it simply assisted them in their genocidal plans.

Indeed, this was the position of the rabbis of Vilna who in 1941 sent a delegation of four rabbis to Jewish people who the Nazis had appointed as heads of the ghettos to inform them that in line with the ruling of Maimonides, it was forbidden to select Jews to go to their deaths. Likewise, Rabbi Michael Laskier, of Bedzin in Poland, refused to comply with Nazi demands to hand over Jews for resettlement. He argued that there was no precedent at all in Jewish history for a Jewish community to hand over its members to the enemy for extermination.

In Auschwitz itself, in August 1944 on the eve of Rosh Hashanah, the Nazis rounded up 1,400 young boys who were not deemed big enough or strong enough to work. They were placed in a cellblock with no food or drink with a death sentence hanging over them. One anxious parent approached Rabbi Zvi Hirsch Meisels of Veitzen, Hungary, asking whether it was permitted to bribe the Jewish kapos to release his son, knowing that another child would be taken in his place. The rabbi implored him not to ask the question, which the father understood as a no. This father felt compelled to stand by helpless rather than save his own son at the expense of someone else.

The father faced the most abominable dilemma, one that is so cruel that no one should have to face it. But we humbly contend that he did the right thing. We may not become murderers, even to save someone else's life.

Appendix: Sources

Samuel 2, Chapter 20

1 Now a troublemaker named Sheba son of Bikri, a Benjamite, happened to be there. He sounded the trumpet and shouted, "We have no share in David, no part in Jesse's son! Every man to his tent, Israel!" 2 So all the men of Israel deserted David to follow Sheba son of Bikri. But the men of Judah stayed by their king all the way from the Jordan to Jerusalem . . . 6 David said to Avishai, "Now Sheba son of Bikri will do us more harm than Absalom did. Take your master's men and pursue him, or he will find fortified cities and escape from us." 7 So Yoav's men and the Kerethites and Pelethites and all the mighty warriors went out under the command of Avishai. They marched out from Jerusalem to pursue Sheba son of Bikri.

14 Sheba passed through all the tribes of Israel to Abel Beth Maachah and through the entire region of the Bikrites, who gathered together and followed him. 15 All the troops with Yoav came and besieged Sheba in Abel Beth Maakah. They built a siege ramp up to the city, and it stood against the outer fortifications. While they were battering the wall to bring it down, 16 a wise woman called from the city, "Listen! Listen! Tell Yoav to come here so I can speak to him." 17 He went toward her, and she asked, "Are you Yoav?"

"I am," he answered.

She said, "Listen to what your servant has to say."

"I'm listening," he said.

18 She continued, "Long ago they used to say, 'Get your answer at Abel,' and that settled it. 19 We are the peaceful and faithful in Israel. You are trying to destroy a city that is a mother in Israel. Why do you want to swallow up the Lord's inheritance?"

20 "Far be it from me!" Yoav replied, "Far be it from me to swallow up or destroy! 21 That is not the case. A man named Sheba son of Bikri, from the hill country of Ephraim, has lifted up his hand against the king, against David. Hand over this one man, and I'll withdraw from the city."

The woman said to Yoav, "His head will be thrown to you from the wall."

22 Then the woman went to all the people with her wise advice, and they cut off the head of Sheba son of Bikri and threw it to Yoav. So he sounded the trumpet, and his men dispersed from the city, each returning to his home. And Yoav went back to the king in Jerusalem.

The Rambam's ruling on handing over innocent people – Hilchot Yesodey HaTorah V:5 (adapted from Chabad.org)

<p>If gentiles tell [a group of] women: "Give us one of you to defile. If not, we will defile all of you," they should allow themselves all to be defiled rather than give over a single Jewish soul to [the gentiles].</p> <p>Similarly, if gentiles told [a group of Jews]: "Give us one of you to kill. If not, we will kill all of you," they should allow themselves all to be killed rather than give over a single soul to [the gentiles].</p> <p>However, if the gentiles single out a specific individual] and say: "Give us so and so or we will kill all of you," different rules apply: If the person is obligated to die like Sheva ben Bichri, they may give him over to them. Initially, however, this instruction is not conveyed to them. If he is not obligated to die, they should allow themselves all to be killed rather than give over a single soul to [the gentiles].</p>	<p>הנשים שאמרו להם עובדי כוכבים תנו לנו אחת מכן ונטמא אותה ואם לאו נטמא את כולכן יטמאו כולן ואל ימסרו להם נפש אחת מישראל וכן אם אמרו להם עובדי כוכבים תנו לנו אחד מכם ונהרגנו ואם לאו נהרוג כולכם יהרגו כולם ואל ימסרו להם נפש אחת מישראל ואם יחדוהו להם ואמרו תנו לנו פלוני או נהרוג את כולכם אם היה מחוייב מיתה כשבע בן בכרי יתנו אותו להם ואין מורין להם כן לכתחלה ואם אינו חייב מיתה יהרגו כולן ואל ימסרו להם נפש אחת מישראל</p>
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