



The 5776 (2015-2016) cycle of Dvar Tzedek is a special one. To commemorate AJWS's 30th anniversary, we are sharing a selection of some of our favorite commentaries from past years. Each legacy commentary will be introduced with a related reflection on AJWS's work and contemporary issues.

Introductory Reflection

In *Parashat Ki Tetze*, we are given a simple command to build a fence around our roof. Since someone might fall, we need to protect against that possibility. In his Dvar Tzedek from 2006, Aaron Dorfman explains how Maimonides expanded on that commandment, saying: "Any obstacle which could cause mortal danger, anyone, not just the owner, has a positive commandment to remove it."¹ This means that all of us are now responsible for ameliorating any potentially dangerous situation that we see.

In today's world, where the internet and global media make us aware of the dangers and suffering faced by people thousands of miles away, this responsibility could easily extend far beyond our roofs, neighborhoods and communities. Since this can be overwhelming, Dorfman emphasizes that we only have the obligation to intervene where we can make a difference. Though, as he notes, "if ...one can intervene globally, one's responsibility extends that far."

In the face of all of this need, Ruth Messinger—now AJWS's Global Ambassador—[often says](#), "We can't retreat to the convenience of being overwhelmed."

On a recent Study Tour to Cambodia with AJWS President and CEO Robert Bank and actor Mandy Patinkin, Ruth expanded on this idea: "We must look the world's problems in the face and dig our heels in and say that we will be part of the solution—whether through philanthropy that supports some of the poorest people in the world to achieve change in their own communities; or through advocacy and political action here in the U.S. that influences our own policymakers to do something about the poverty and injustice in the world."

[Read more of Ruth's conversation with Mandy and Robert here](#) and delve deeper into *Ki Tetze* with Aaron Dorfman's Dvar Tzedek below.

Parashat Ki Tetze 5776

By Aaron Dorfman
September 17, 2016
(Reprinted from *September 2, 2006*)

Parashat Ki Tetze offers one of the first instances of building code in human history—the precursor to restrictions on asbestos insulation and circuit breaker requirements. At a moment in time when houses had flat roofs, the Torah tells us, "When you build a new house, you shall make a parapet for your roof, so that you do not bring bloodguilt on your house if anyone should fall from it."¹ It's a simple principle—a flat roof, where family and friends might hang

¹ Deuteronomy 22:8.

out and barbecue, is an inherently dangerous place. We should anticipate that danger and build a railing so no one falls.

This is an intuitive proposition, but we shouldn't fail to note one innovative implication. The parapet requirement provides a practical application of the more abstract principle of *lo ta'amod al dam rei'echa*—"You shall not stand idly by the blood of your neighbor."² Beyond demanding that we not perpetrate sins of commission against one another, the Torah now concretely prohibits a sin of omission. It's not enough for us simply to refrain from pushing someone off of a roof, we must anticipate and proactively protect against that danger.

It's not an especially radical leap to apply the principle more generally—if we can easily foresee that something we own may cause danger, we should take precautionary action to mitigate the danger. It's in the spirit of this verse that American law has seen fit to regulate some of the most mundane details of home ownership. Homeowners must clear their sidewalks of ice and snow so postal workers won't slip and fall. Swimming pool owners are required to cover their pools when they're not in use to prevent wandering children from falling in and drowning. And in many jurisdictions, it is unlawful to dispose of a refrigerator without first removing the door—children have suffocated while playing in discarded refrigerators.

These are sensible precautions and represent a reasonable approach to assigning responsibility and accountability. The Rambam,³ however, expands the principle dramatically. In his legal commentary on this verse, he writes:

Both the roof and any other object of potential danger, by which it is likely that a person could be fatally injured, require that the owner take action... just as the Torah commands us to make a fence on the roof... and so, too, regarding any obstacle which could cause mortal danger, one, not just the owner, has a positive commandment to remove it... if one does not remove it but leaves those obstacles constituting potential danger, one transgresses a positive commandment and negates a negative commandment "Thou shall not spill blood."⁴

Here, the Rambam builds upon the radical step already taken by the Torah. In addition to being responsible for acts of omission as well as commission, we are now responsible not only our own property, but "any other object of potential danger." Our universe of obligation now encompasses everyone, even people we can't see, and we are bound to anticipate potential dangers and preemptively protect people against them—poverty, violence, disease, hunger.

The potential applications of this principle are myriad. Take malaria, the most widespread of transmissible diseases in the world. Each year, malaria causes over 300 million acute illnesses and over one million deaths. In sub-Saharan Africa, the World Health Organization has documented a 20% decrease in child mortality among families that use insecticide-treated mosquito-nets over their sleeping areas. By the Rambam's logic, a malarial mosquito seems a

² Vayikra 19:16.

³ Rabbi Moses ben Maimonides, the great medieval synthesizer of Jewish law.

⁴ Rambam, Mishneh Torah, Laws of the Murderer and Protecting Life, 11:4.

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perfect extrapolation from an unfenced roof and we should be bound to provide mosquito nets for all people living in regions affected by malaria.

But where would such responsibility end? If we take the principle to its logical extreme, we run the risk of being paralyzed by compassion fatigue—the feeling of our inadequacy measured against the overwhelming needs we face around the world. It can't be that the Torah and the Rambam would set us up for such an exercise in frustration.

The tradition offers a couple of solutions to this dilemma. First, in a well-known Talmudic passage, we read:

Whoever can prevent his household from committing a sin but does not, is responsible for the sins of his household; if he can prevent his fellow citizens, he is responsible for the sins of his fellow citizens; if the whole world, he is responsible for the sins of the whole world. (Babylonian Talmud 54b)

The key word here is “can” (*efshar* in Hebrew). If one *can* intervene only in one's household, that is the purview in which one is responsible. If however, one can intervene globally, one's responsibility extends that far. The Talmud's assertion can be summed up by Uncle Ben's admonition to Peter Parker in “Spiderman”: “With great power comes great responsibility.”

Second, in response to a question about the extent of a person's obligation to save a human life, Rabbi Shlomo Zalman Auerbach offers an alternate possibility. R. Auerbach considers two situations. In the first, the questioner is the sole potential savior of a person at risk of dying. In the second, the questioner is one among many people who could intervene to save a life. He writes:

As to what to do in our case: it looks to me certain that in a case such as this, where one sees his friend drowning in the river and there is no one to save him, he has to spend all his resources to save him. But when the matter is publicly known to everyone, we rely on the lenient opinion, and one is not obligated to give more than his fair share.⁵

Instead of assigning responsibility in proportion to power, R. Auerbach imposes a “flat tax” approach to responsibility. Everyone has a fair share, presumably based on the distributed allocation of need among all the people capable of contributing.

When we look at the world, at all the roofs left unguarded, all the dangers that imperil people, the implications are daunting. As we begin the season of personal reflection of the high holidays, the question of how much responsibility each one of us bears becomes paramount. We must think deeply about whether we have acted to prevent others' wrongdoing and we must begin the work of constructing parapets, of institutionalizing precautions against destruction, willful or accidental. It's hard work, but if we truly want to avoid “standing idly by the blood our neighbor;” it must be done.

⁵ R. Shlomo Zalman Auerbach, *Minchat Shlomo*, V. 2, 86:4.

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