

Risk Management

Excerpted and adapted from a *shiur* by Rav Eliezer Gewirtzman

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https://baishavaad.org/wp-content/uploads/2023/07/DEV77_002_Vaeschanan.mp3

But you should take great care for your souls, for you did not see any likeness on the day Hashem spoke to you at Choreiv from the midst of the fire.

Dvarim 4:15

This *pasuk* is commonly understood as a mitzvah *de'Oreisa* to protect our lives and avoid danger. This is based on the Gemara (Brachos 32b) in which a chasid did not interrupt his *Shmoneh Esrei* to respond to a general's greeting and was told by the general that he violated this mitzvah and the earlier "*hishamer lecha ushmor nafshecha me'od*" (Dvarim 4:9). The *chasid* answered that he would not stop davening to the King of Kings to greet a human king, but the Gemara indicates that these *psukim* do indeed refer to protecting one's health. The Maharsha and the Ramban (Dvarim 4:15) note that the *psukim*, in context, address not forgetting the Torah (4:9) and not worshipping *avodah zarah* (4:15). The Maharsha therefore says that when the Gemara says they refer to health, it's only an *asmachta*.

The Rambam (*Rotzeiach* 11:4) writes that *hishamer lecha* is a mitzvas *asei* to avoid danger, and one who fails to do so violates this *asei* and the *lo sa'aseh* of "*velo sasim damim beveisecha*." The Minchas Chinuch questions the Rambam's interpretation in light of the fact that the *psukim* refer to other matters. He answers (in Kometz Hamincha) that Chazal had a mesorah that these *psukim* were to be understood this way, as evident from the Gemara (Shvuos 36) that cites *hishamer lecha* as the source that one may not curse himself, on account of the danger.

The Shulchan Aruch (427:8,10) says that a person must mind his health, and he receives *makas mardus* if he doesn't, which implies that the *issur* is *deRabanan*. But the Sma and the Levush say such a person violates the *issur de'Oreisa* of *hishamer lecha*.^[1]

[1] Some *poskim* say one violates the *issur de'Oreisa* only if the risk is great.