

Mind Your Own Business! And When Not to

Are You Your Brother's Keeper?

Your naïve, young nephew is about to enter into a business venture that your experienced business acumen tells you is doomed to failure.

Your elderly mother-in-law would do far better in a senior care facility, but she emotionally – and, in your opinion – foolishly refuses to be transferred.

All of your well-intentioned words fall on deaf ears and your constructive advice goes unheeded.

Can you take action? *Must* you take action[1]?

An Obligation To Intrude:

Many people do not like to intrude in the lives of others, especially when the intrusion is unsolicited and unwelcome. But, at times, minding your own business is not a halachic option.

At first glance, there are four obligations from the Torah to intervene into another Jew's affairs:

1. If someone is about to perform an action that is prohibited by the Torah, there is an obligation *l'afreshai me'isura*, to forestall from sin.
2. If someone is about to do something that will lead to a loss of money, we must stop them as part of our obligation of *hashavas aveida*. [Although, literally, *hashavas aveidah* means returning a lost object, the commandment also applies to saving an individual from any type of financial loss.]
3. If someone is about to do something that will lead to a significant loss, monetarily or otherwise, we are commanded "*Lo saamod al dam rei'acha*," do not stand by while your brother's blood is being spilled.
4. There is a general commandment of "*Ve'ahavta l'rei'acha kamocha*," to love your friend as yourself, meaning that you should not allow anything to happen to him that you would not wish upon yourself and you must save him from a situation that you would not want to be in yourself.

When To Back Off:

Nevertheless, a deeper look at these obligations reveals that intruding on the affairs of others is not always the proper thing to do.

1. Even when you witness someone about to transgress a prohibition, there are Achronim who say you do not have to stop him if he is aware that he is doing an *aveirah* and chooses to do it anyway.
2. Regarding the obligation of *hashavas aveidah*, the Rambam[2] states clearly that an *aveidah mida'as*, the property of one who is consciously careless with his property, does not necessitate *hashava*. (An exception to this would be where the owner is clearly not in his right mind[3].)
3. Regarding the prohibition of "*Lo saamod al dam rei'acha*," the Minchas Chinuch[4] surprisingly suggests that this prohibition does not apply for one who is committing suicide, based on the above rule of *aveidah mida'as*. In other words, if someone is willingly and knowingly throwing away his life, you have no responsibility to stand in his way.

While many Rishonim and Achronim disagree[5] with this ruling, they do not disagree with his reasoning. Rather, they list three reasons why the reasoning of *aveidah mida'as* does not apply: 1. The victim is also

transgressing a prohibition of *Lo Sirtzach*, murder, and one must step in to save someone from being murdered. 2: The victim does not “own” his life and has no right to terminate it. Therefore, his conscious decision to kill himself is not valid. 3. We must assume that the victim is not in his right mind and did not make this decision rationally.

Consequently, in other instances where these three arguments do not apply, even if the repercussions may be significant, it is likely that all opinions would agree that one does not have to prevent someone from suffering a severe loss if he made a knowing decision to that effect.

4. Concerning the mitzva of “*Ve’ahavta l’rei’acha kamocha*”, there are various factors that have to be considered. The rule is that before we jump to the conclusion that we would certainly want to be “saved” if we were in our friend’s situation, we must introspect and ask ourselves if this really true. Would we really want some well-meaning friend or relative intervene against our will just because they are convinced that they know what is good for us better than ourselves?

Based on the above, it would seem that this very mitzvah of loving our friend as ourselves should *prevent* us from intervening. We certainly would want others to make every effort to explain to us why they feel we are mistaken, but ultimately, we would like to choose our own destiny and not be pushed to act against our will.

On the flip side, if the individual cannot execute his ‘poor’ decision alone, you certainly may not help him. That would be a flagrant violation of the prohibition of “*Lifnei ivair lo sitain michshol*”.

Refusing Treatment:

There is a fascinating ruling from Rav Moshe Feinstein *zt”l*[6].

Rav Moshe was asked about a patient who refused to undergo a treatment that his doctors felt would be beneficial to his health. Rav Moshe ruled that if the patient refuses to go through with it because of the momentary pain or has simply given up on life, then his refusal is considered infantile and irrational and may be coerced. If the patient is of the opinion that the doctors are incorrect, then they must attempt to find someone that will convince him otherwise.

If, however, there is any danger involved in the procedure, even if medically it appears the lesser of two evils, the patient has the right to opt out and may not be coerced.

As always, a competent Rov should be contacted in each particular case.

[1] Note that in some situations there are legal considerations as well. This article does not address them.

[2] Gezeilah 11:11. See also Ketzos Hachoshen 261:1 and Nesivos Hamishpat *ibid*.

[3] See Sanhedrin 48a, Yoreh Deah 349:3.

[4] Kometz L’mincha 237:1.

[5] See Igros Moshe, Yoreh Deah 2, Siman 174, and Kli Chemda Parshas Ki Seitzei.

[6] Choshen Mishpat 2 Siman 73.