

Physician Risk and the Halachic Duty to Heal

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Abstract. *Avi Abrams examines whether halacha obligates physicians to treat patients when doing so may place the physician at personal risk, especially in the context of infectious disease and reasonable protective measures.*

Healthcare professionals often face complex ethical challenges to determine how, when, and where to administer care. These questions are intensified by many physicians' sense of duty to go above and beyond for patients when they need it most. One particular example is the question of caring for patients when doing so poses a risk to the well-being of the provider. This question has a variety of presentations but has traditionally been addressed in the context of treating infectious diseases.

Any Halachic analysis of medical ethics must begin with the Torah's baseline obligations, followed by an assessment of nuances that may change based on the specific circumstances of each case. This paper argues that while Halacha does not appear to impose an absolute obligation on physicians to endanger their own lives, it nevertheless encourages the provision of medical care when reasonable safety measures are in place—particularly when the risk to the physician is indirect, uncertain, or not immediately apparent.

Obligation to Heal

There are many instances where Chazal speak to the centrality of preserving life^[2]. The Gemara in Sanhedrin^[3] derives the mitzvah from two biblical verses. Firstly, the gemara explains that restoring one's health is an extension of the mitzvah to return a lost object. Secondly, the Gemara derives from a different commandment that one is even obligated to incur financial losses if it will ensure the survival of another.

This is codified in Shulchan Aruch^[4] where the *Mechaber* rules that one is obligated to save someone from drowning or secure their release from prison even at a personal financial loss^[5]. While this establishes a strong obligation to intervene on behalf of another's life, the precise limits of that obligation—particularly when intervention entails personal physical risk—remain the subject of significant Halachic debate.

Personal Risk vs. Saving a Life

Notably, the Shulchan Aruch does not rule how to act in an instance whereby saving someone else from certain danger exposes the rescuer to a potential danger. This exact case is however discussed by the Bais Yosef^[6] in the name of the Yerushalmi that obligates the rescuer to even risk potential danger to try to save someone else. The absence of this law in Shulchan Aruch indicates to most of the commentators to understand that this position is not accepted as Halacha. Yet as indicated in Bais Yosef, this rule is explicit in the Yerushalmi. Rather, the Mechaber held that the Bavli inevitably rejects the ruling of the Yerushalmi, and following the typical methodology, the

accepted rule follows the opinion of the Bavli.

One explanation for the Bavli's apparent dispute with the Yerushalmi is the based on the Halacha to treat any possible danger (*Safeik sakana*) with the same stringencies as if it was certain (*vadai sakana*). It is this principle which is the foundation of the commandment to violate Shabbos^[7] or other stringent Halachos to preserve life. Based on this principle, the Issur v'Heter^[8], that just as it is forbidden to give up your own life to save another^[9] it would also be forbidden to even endanger yourself to save someone else.

The *Minchat Chinuch*^[10] raises an additional objection to the *Yerushalmi* based on the principle of *shev ve'al ta'aseh*—the distinction between passive inaction and active transgression. He argues that when an individual passively chooses to preserve their own safety rather than intervene in another's definite danger, such inaction may be Halachically permissible.

Even if the Bavli rejects the premise that one is obligated to endanger themselves to save someone else, the Bavli may still allow someone to do so voluntarily. This is the opinion of the Netziv^[11] who maintains that one may voluntarily place himself at risk if doing so can save someone else. The *Minchas Asher*^[12] further supports based on a story in the *Yerushalmi*^[13] that *Reish Lakish* acted to save a life in the face of possible danger. Although we have documented a dispute between the Bavli and *Yerushalmi* on this matter, the *Minchas Asher* deduces from the documented actions of *Reish Lakish* that even the Bavli would not prohibit such behavior.

Medical Professional

While the above analysis has focused on a layman's obligations, there are additional factors when considering the case of a medical professional. First, Halachic authorities assume a case where there is an almost assured outcome from the actions of the rescuer. In contrast, modern medical practice frequently involves complex comorbidities, uncertain prognoses, and outcomes that are far from assured, even with optimal care. Accordingly, the modern application of this question may be better phrased as to whether one may assume personal risks for the *possibility* of saving someone's life.

Second, physicians have a professional responsibility to treat patients, as set forth in the *pasuk* of *virapoh yirapeh*^[14] from which Chazal derive both permission—and, to some extent, responsibility—for physicians to heal. This professional responsibility may allow more latitude to a professional to endanger oneself in an attempt to save others than would be provided to the general population.

The Tzitz Eliezer (9;17:5) raises yet another distinction between defined dangerous behavior such as jumping into the water and infectious disease, where although there is a probable danger, the spread of disease is less direct and often mitigated by protective measures. From a *Halachic* standpoint, he reasons that this is not self-endangerment and is permitted.

The Tzitz Eliezer further argues that the responsibilities of a physician differ from those of a layperson. While Chazal understand from *virapoh yirapeh* that a physician is instructed to treat patients, they do not quantify a level of risk where we expect them to abstain from treating patients. Accordingly, once someone has taken the responsibility to be a healer, they are expected to treat others despite the possible risks. While this is not an absolute mandate, it is Halachically praiseworthy for a physician to work under these circumstances^[15].

An additional consideration is that medical practice constitutes the physician's livelihood. Halacha permits engagement in other inherently risky occupations, such as hunting or tree-cutting, for the sake of earning a living^[16]. By extension, the assumption of manageable risk in medical practice may be viewed similarly.

Conclusion

In summary, multiple Halachic considerations support permitting—but not obligating—a physician to treat patients despite potential personal risk, including exposure to dangerous pathogens. The applicability of each rationale depends on the specific context, the degree of risk, and the availability of reasonable protective measures. Areas of further analysis include voluntary medical missions, where arguments based on livelihood or professional obligation may be less compelling, while the distinctions between direct and indirect actions would still apply.

Ultimately, authorities such as the Tzitz Eliezer, Minchas Asher and Nishmat Avraham conclude that it is Halachically permissible, and even commendable, to provide medical care under conditions of potential risk. The act of healing others is regarded as a great mitzvah, and, citing the *Noda BiYehuda*, the *Tzitz Eliezer* recommends that one engaged in such work offer a prayer that their actions be protected from harm and not deemed improper.

[1] Avi entered medical school after earning bachelor's degrees in Talmudic Law from Ner Israel Rabbinical College and in Medical Humanities from Stevenson University. He is committed to integrating ethics, law, and humanistic inquiry into his medical training, with the goal of becoming a community-centered physician. Drawn to George Washington University for its emphasis on scientific rigor alongside leadership, service, and public engagement, Avi values the program's integration of education, health policy, and public service. He is particularly enthusiastic about training at LifeBridge Health in Baltimore, where he grew up, as an opportunity to give back to the community that shaped him, and appreciates the balance of close mentorship within a diverse academic environment.

[2] Yoma 83A, 85A Sanhedrin 37A, 74A

[3] 73A

[4] Choshen Mishpat 426:1

[5] Although the Rama rules in Y.D 252 that the rescuer should be reimbursed by the beneficiary, he clearly says that this is only if the beneficiary can afford to do so. However, the inability of the beneficiary to pay does not absolve the rescuer of his obligation. See Nishmas Avraham C.M. 426;A for a discussion on this topic.

[6] The Beis Yosef is a commentary on the Tur, authored by Rabbi Yosef Karo who also wrote the Shulchan Aruch

[7] Yoma 83A

[8] 59;34

[9] As the Gemara in Sanhedrin 87a rules, *How do you see that the blood of your fellow is redder?* And that one may not kill someone else to prevent being killed.

[10] 237:2

[11] Haamek Shaila 129;4

[12] Shu"t Minchas Asher Vol 1 Resp 115

[13] Terumos 47A

[14] Exodus 21;19

[15] This follows the Halachic idea of *Lifnim mishuras hadin* or acting more righteously than technically obligated. This is a Halachic principle that can be loosely associated with good character and ethics but is nevertheless still a Halachic principle. (Bava Metzia 30B)

[16] See Noda B'Yehuda Y.D. 2;10

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