



# Pikuach Nefesh and Sexual Abuse

— ASHER LOVY

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## The Torah in Leviticus 18:5 tells us:

וּשְׁמַרְתֶּם אֶת־חֻקֵי וְאֶת־מִשְׁפָּטַי אֲשֶׁר יַעֲשֶׂה אִתְּם הָאָדָם וְחַי בָּהֶם וְלֹא יָמוּת בָּהֶם אֲנִי יְהוָה  
 You shall observe My statutes and My ordinances, which a man shall do and live by them. I am the Lord.

The Talmud in Tractate Avodah Zarah, page 27b makes an inference from this verse's words "live by them": וְחַי בָּהֶם וְלֹא יָמוּת בָּהֶם—you should live by them, not die by them. It is from this inference that the rabbis derived the laws of *pikuach nefesh*, a moral principle that underpins the entirety of Jewish law. Saving and preserving life takes precedence over all the laws of the Torah (with the exception of three "cardinal" sins that Jews are forbidden from violating under any circumstances). The power of the principle of *pikuach nefesh* is clear.

To underscore the seriousness of the mandate to violate any other aspects of halacha in order to save a life, the Talmud in Yoma 84b says that one should neither stop to ask permission from a court nor delay in any way, but, rather, someone who violates other laws when hurrying to save a life is praiseworthy. The Talmud then discusses a few cases to illustrate its point:

If one sees a child fall into the sea on Shabbat, they should spread a net to retrieve the child, even if in doing so they catch a few fish (though trapping or catching an animal would normally be forbidden on Shabbat).

If one sees a child fall into a pit on Shabbat and the child cannot get out, they should dig around the well to pull the child out, even if in doing so he constructs a step (also normally forbidden).

If one sees a child trapped behind a locked door on Shabbat, they should break the door, even if they have in mind that they will later use the broken boards of the door. (Here the principle of *pikuach nefesh* extends to severe emotional distress that could threaten the child's life since we are concerned about the child feeling terrified at being trapped.)

The Talmud then explains the need to mention all these cases. They are not merely examples. If the first case had been mentioned without the other two, one might think that only when there is imminent danger of losing the opportunity to save the child must one hurry to save a life on Shabbat by any means necessary. Thus comes the second case, where the child is not at further immediate risk, to teach us that in any case of *pikuach nefesh*, one must always act as quickly as possible to save a life, without pausing to consult someone regarding whether the act is permitted.

The Talmud then offers the reason for including the third case. If the Talmud had mentioned just the first two cases, one might think that one is only allowed to violate Shabbat without stopping to consult when the possibility of losing the opportunity is great or when there is no other way than violating Shabbat to save a terrified child. We might have thought that when a child is trapped behind a locked door, perhaps one wouldn't be allowed to violate Shabbat to save the child if they could talk to the child through the door and calm the child down. Thus the Talmud mentions the third case to tell us that if there is even the possibility of a life being in danger, even if one can possibly mitigate the danger by some other means, they should not delay in violating Shabbat to save a life.

Beyond the strict halachic rulings in this passage, the Talmud teaches a very important lesson regarding how seriously we must take any threats to human life. Not only do we have a paramount imperative to act quickly and decisively to preserve and protect life, without considering other concerns (spiritual, religious, personal, or institutional), but the requirement to act in violation of other halakhic norms applies even when the danger to a human life is only a possibility, not an inevitability. The third case emphasizes the importance of psychological and not exclusively physical threats to one's life, which is especially relevant to our focus on sexual abuse, which has physical but also profound psychological effects.

*Pikuach nefesh* as a category doesn't necessarily require an immediate, active danger to life. It acts to mitigate risk as well. The cases related in the gemara explicitly aren't situations of immediate, active danger; they are situations that may become dangerous.

We must understand sexual abuse in the context of *pikuach nefesh*, as a danger to the life of its victims. Survivors of sexual abuse can experience any or all of the following: depression, suicidal ideation, post-traumatic stress disorder (PTSD), self-harm, STIs transmitted by the abuser (who may be HIV-positive), eating disorders, unwanted pregnancy, sleep disorders, nightmares, flashbacks, substance abuse, anxiety disorders, dissociation, impaired ability to trust, impaired ability to build healthy relationships, social disorders, borderline disorders, increased risk of future victimization, and suicide.

Our response to sexual abuse can be nothing but swift and decisive. We must not allow any other concerns to enter our minds when we consider how to respond to sexual abuse. Lives are in danger if we do not act swiftly to stop sexual abuse, report it to the proper authorities, and support its survivors in the

aftermath. If we do not take decisive action, we are failing to abide by the moral mandate of the Torah to preserve and protect life above all else.

Our only consideration in approaching the issue of sexual abuse must always be the preservation and protection of human life. We must not allow misplaced pity for abusers and their reputations, financial or reputational considerations of institutions, or twisted understandings of the concepts of *tzniut* (personal modesty) to deter us from acting, in whatever ways we are able, to respond to known abuse. These actions include reporting abusers to proper authorities and supporting survivors of abuse to aid in their healing. We must prevent abuse, with all its threats to human life, from taking place.

## Discussion Questions

1. What meaning do you derive from the idea that Jewish law mandates violating most of the other particulars of Jewish law when a person's life is at stake?
2. What does introducing the concept of *pikuach nefesh* add to your understanding of sexual abuse?
3. As you think about your organization or community, how would a focus on *pikuach nefesh*—and the wider concern it reflects for human life—shift or change current policy and practice? Unofficial norms of behavior?

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