

# VOLUME II: NUMBER 16: PAYMENT FOR SAVING A LIFE

*by Rabbi Aron Tendler*

## Question:

Reuven was experiencing chest pains in middle of the night. He called his neighbor Shimon, who happens to be a taxi driver, and asked Shimon to drive him to the emergency room. After Reuven was released from the hospital, Shimon requested payment for driving him to the hospital, based on the mileage and fare for that hour.

Reuven feels that he should not be obligated to pay for two reasons. First of all, Shimon was off duty at the time that he drove him. Therefore, his asking him to drive him to the hospital should not be considered as if he had hired him to do work, rather it should be considered a favor, as is commonly done between neighbors in situations of medical emergency.

Secondly, even if Shimon would be considered to be working in his capacity as a taxi driver, even a taxi driver is obligated to save someone's life! Since it was a Mitzvah to take him to the hospital, we know that we are not permitted to charge for doing a Mitzvah, as long as no revenue is lost in the process!

Who is correct?

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## Answer:

Reuven must pay Shimon the full fare for the trip to the hospital in middle of the night.

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## Sources:

The SM"A (Choshen Mishpat 264:19) writes that if a prisoner is escaping from jail, and the prison guards are chasing him, and he comes to a river that can only be crossed by ferry - the fugitive must pay the full fare for the ferry ride, even if at that time the ferry would not be transporting anyone

else. This is true even if the ride on the ferry is going to save his life. The SM"A elaborates on this by explaining that since all year the ferry owner receives a fare for this type of work, i.e. transporting people across the river, this person should not be any different just because he needs the transportation to save his life.

We can infer from his words that although it is a Mitzvah to help our fellow man and not expect to get paid for it, e.g. saving a life or returning a lost item, this is only if the person doing the Mitzvah does not usually make a livelihood doing this act. This is because a person may not benefit from the performance of a Mitzvah, even when there is expense involved, as is discussed in the Choshen Mishpat 265. However, if in the performance of a Mitzva a worker provides a service that he usually does for his livelihood, payment for this is not considered payment for a Mitzvah, rather it must be considered payment for the service rendered.

Therefore, in our case, since the neighbor's livelihood comes from transporting people in his taxi, the money that he is taking should not be considered payment for a Mitzvah, rather it is payment for a service. This directly parallels the case of the ferry, where the SM"A has determined that the passenger must pay even though his life is being saved.

It is very obvious that a taxi driver, electrician, plumber, or any other workman that is asked to provide their service at a time that is technically after hours have the right to expect payment for the service provided. They can not be considered volunteers when they engage in work that they usually get paid for, unless this is expressly stated before the work is done.

As we said above, the ruling of the SM"A also applies to the Mitzva of Hashavas Aveidah, returning a lost article. Therefore, if a person requests that a newspaper run an advertisement that he has lost something, although they are assisting in a Mitzvah, they have no obligation to run the advertisement for free. This is their livelihood, and the whole purpose of publishing advertisements is to make a profit off of ads such as these. Similarly, if the editor would receive two advertisements, one publicizing the loss of an expensive item, and one publicizing that the very same item has been found, if he is an employee he would not be permitted to call the owner of the lost item and tell him that it has been found until after the ads have run, unless he is sure that no loss of livelihood will come to the newspaper owner through his actions. Obviously, if the newspaper owner indicates that he doesn't mind him doing so, he may. This is discussed at length in our class "Lost and Found Advertisements" (Vol. I No. 15).

However, if the newspaper owner or employee, while walking down the street, finds something that someone has lost, they would be obligated to return it to the owner for free, even though there is a chance that they may lose out on a newspaper advertisement. The difference between this and the above case is that at the moment that they became obligated in the Mitzvah, they were not engaged in an action from which they derive their livelihood. Whereas in the case of the two advertisements, the Mitzvah came along as they were engaged in pursuing their livelihood.

Feedback is appreciated! It can be sent to [toatendler@torah.org](mailto:toatendler@torah.org).

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This week's class is based on a column by Rabbi Tzvi Shpitz, who is an Av Bais Din and Rosh Kollel in the Ramot neighborhood of Jerusalem. His Column originally appears in Hebrew in Toda'ah, a weekly publication in Jerusalem. It has been translated and reprinted here with his permission and approval.

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***Please Note: The purpose of this column is to make people aware of Choshen Mishpat situations that can arise at any time, and the Halachic concepts that may be used to resolve them. Each individual situation must be resolved by an objective, competent Bais Din (or Rabbinic Arbitrator) in the presence of all parties involved!***