

On The Ownership and Sharing of Collected Data in Jewish Law

"Big data" is often discussed in contexts of privacy and malpractice, where the focus of the discourse is centered around misuse by companies of collected data. However, I would instead like to focus on a different aspect of this new phenomenon: ownership. Who exactly owns the data that is collected? Is it the company that collects the data? Is it the user about whom the data was collected?

In order to examine this question correctly, first I will lay out the basics of what I mean by "big data" and will point out some technical aspects that will be important in determining ownership. Only then will I begin to analyze ownership from the perspective of the Torah and other sources. Then, I will briefly discuss the issue of Privacy in Halacha.

I

Technological Background

Oracle, the corporation behind the popular software language Java, offers the following definition of big data:

The definition of big data is data that contains greater variety, arriving in increasing volumes and with more velocity. This is also known as the three Vs. Put simply, big data is larger, more complex data sets, especially from new data sources. These data sets are so voluminous that traditional data processing software just can't manage them. But these massive volumes of data can be used to address business problems you wouldn't have been able to tackle before.¹

They also describe a useful brief history of Big Data:

Although the concept of big data itself is relatively new, the origins of large data sets go back to the 1960s and '70s when the world of data was just getting started with the first data centers and the development of the relational database.

Around 2005, people began to realize just how much data users generated through Facebook, YouTube, and other online services. Hadoop (an open-source framework created specifically to store and analyze big data sets) was developed that same year. NoSQL also began to gain popularity during this time.

The development of open-source frameworks, such as Hadoop (and more recently, Spark) was essential for the growth of big data because they make big data easier to work with and cheaper to store. In the years since then, the volume of big data

¹ <https://www.oracle.com/big-data/what-is-big-data/#value>

has skyrocketed. Users are still generating huge amounts of data—but it's not just humans who are doing it.

With the advent of the Internet of Things (IoT), more objects and devices are connected to the internet, gathering data on customer usage patterns and product performance. The emergence of machine learning has produced still more data.

The key insight here is that users, or their devices, are the real subjects and producers of the data. In nearly all cases, the user is entirely unaware that their behavior is being monitored, much less stored and used to target them in the future. In the case of some corporations, including Google, even when users opted out of having their data collected, the companies continued to collect data. A lawsuit brought by the Attorneys General of Oregon and Nebraska that Google settled for \$400 million alleges that “Google misled its users. Those users turned location tracking off, but the company was still collecting that data.”²

How Data Is Collected And Stored

One of the key technologies used by companies to collect and store big data is a distributed database. This is a type of database that is spread across multiple servers, allowing for the efficient storage and processing of large amounts of data. Distributed databases can be structured or unstructured, depending on the type of data being collected. For example, a company might use a structured distributed database to store and process customer data from online transactions, while an unstructured distributed database might be used to store and process data from social media posts.

Once the data has been collected and stored in a distributed database, companies use a variety of tools and technologies to analyze it. One of the most common tools used is data mining software, which allows companies to identify patterns and trends in the data. This can be used to make predictions about customer behavior, identify market trends, or detect fraudulent activity.

Machine learning algorithms are another common tool used for analyzing big data. These algorithms allow companies to automatically learn from the data and make predictions or recommendations based on the patterns they identify. For example, a company might use a machine learning algorithm to make personalized product recommendations to customers based on their browsing and purchasing history.

In addition to data mining and machine learning algorithms, companies also use a variety of other technologies to analyze big data. These include natural language processing, which allows companies to understand and analyze text data from social media posts or customer feedback, and visual analytics, which allows companies to visualize and explore large amounts of data to identify trends and patterns.

Overall, the process of collecting and using big data involves a combination of specialized technologies, such as distributed databases and data mining software, as well as advanced analytics tools and algorithms. By leveraging these technologies, companies are able to gain valuable insights from their data and make more informed decisions that can improve their products and services, and drive business growth.

II

Dina D'Malchusa Dina

When exploring ownership in Halacha, we will first explore *Dina D'Malchusa Dina* - “the law of the king is the law”. While *Dina D'Malchusa* is found in the Talmud to refer to the right of a non-Jewish government to collect taxes, there are also examples in the Talmud where we see that the laws of the non-Jewish government work within Halacha to effect ownership, even by Jews. For example, the Talmud in tractate Bava Basra³ comes to the conclusion that according to Shmuel, a Jew will acquire land simply with the transfer of money to the non-Jew, despite the lack of a kinyan by the Jew, because of *Dina D'Malchusa Dina*. There is another example in tractate Gittin⁴, where Shmuel says that despite a document detailing a gift being signed only by non-Jews and given over in a non-Jewish court, it works to effect an acquisition by Jews because of *Dina D'Malchusa Dina*.

Within the Rishonim, there are many understandings of how *Dina D'Malchusa* works. The Rambam⁵ wrote that Jews are allowed to utilize property expropriated by a monarch because the law of the king is the law. He goes on to explain that this is only when the king has been accepted by his subjects - as they have shown their agreement to be his slaves, and him their master. The Shulchan Aruch⁶ decides in accordance with this opinion of the Rambam. He writes further that one who does not pay taxes violates the Torah prohibition of stealing.

The Rashbam, in explaining the Talmud in Bava Basra quoted earlier, writes that *Dina D'malchusa* takes effect in Jewish law as all citizens of the territory accept upon themselves, of their own accord, the laws and judgments of the king. Therefore, it is completely law.

Rabbeinu Asher (commonly referred to as the Rosh) writes⁷ that we only apply *Dina D'Malchusa* with respect to taxes levied on lands as the reason *Dina D'malchusa* works is that the land is owned by the king and he is entitled to collect taxes from his subjects as if they were rents. The Rama decides against this opinion of the Rosh⁸.

³ Bava Basra 54b

⁴ Gittin 10b

⁵ Mishneh Torah, Hilchot Gezela v'Aveidah 5:17-18

⁶ Shulchan Aruch Choshen Mishpat 369:6

⁷ Rosh Nedarim 4th Perek

⁸ Shulchan Aruch Choshen Mishpat 369:8

The Rashba⁹ and the Ran¹⁰ write that since the land is owned by the sovereign, one who continues to live in the land has shown his willingness to abide by the king's laws, whether with respect to land or anything for that matter.¹¹

Rabbeinu Tam writes¹² that it is simply a Rabbinic decree and that the Rabbis decided to judge monetary cases based on the customs of the kingdom. In the sefer Dina D'Malchusa Dina, the author is of the opinion that Rabbeinu Tam can be explained by the writing of the Chachmei Provance, who writes that society could not function unless its citizens follow the laws.¹³

There is also the further question of whether Dina D'Malchusa applies to governments other than monarchies. Seemingly, it is dependent on the reasons for Dina D'Malchusa given earlier. I should note that the following analysis is not my own but can be sourced in the aforementioned Sefer Dina D'Malchusa Dina.

With respect to the opinion of the Rashbam that Dina D'Malchusa works because the people who live in the land accept the laws of the land, it is logical to say that by a democracy the same holds true. Further, the opinion of Rabbeinu Tam that there is a rabbinic decree to decide monetary cases based on the local customs would also lend itself to applying to a democracy.

With respect to the opinion of the Rambam, there are two ways one can explain the Rambam: 1) the Torah granted a special allowance to kings to dictate monetary laws but not democratic rulers 2) the reason a king is granted the power to determine monetary law is that the people have accepted his kingship. Similarly, one can apply that to a democracy.

The opinion of the Rashba and Ran (that the land is owned by the king and therefore anyone who continues to live in the land shows a willingness to follow the laws of the king) perhaps lends itself to the notion that Dina D'Malchusa would not apply today. The author of the Sefer Dina D'Malchusa is of the opinion that even according to the Rashba and Ran, Dina D'Malchusa would apply as the fact that land is owned privately is only for private use but really the land is owned by the country. While I find this argument to be less than unequivocal, the author perhaps has support for his argument from such laws as eminent domain whereby we see a government having some element of control over private property, even if not to the extent that kings had. A similar line of reasoning would apply to the opinion of Rabbeinu Asher who also writes that Dina D'Malchusa works through the king owning the land.

As the author of the Sefer Dina D'Malchusa writes, most poskim nowadays assume Dina D'Malchusa applies even to democracies.¹⁴ That would imply that we can look to secular law regarding ownership of data to determine halachic ownership.

⁹ On Gemara Nedarim 28b

¹⁰ On Gemara Nedarim 28b

¹¹ Of note: According to the Rosh cited earlier, and this opinion of the Rashba and Ran, in land of Israel which is not owned by a king, one cannot say there is Dina D'Malchusa.

¹² Shalos v'Teshuvos Baalei HaTosfos Siman 12

¹³ <https://www.daat.ac.il/daat/vl/dina/dina01.pdf>

¹⁴ See pg. 376

American Jurisprudence on Ownership of Data

As of now, the United States doesn't have a singular law that covers the privacy of all types of data. Instead, it has a mix of laws that go by acronyms like HIPAA, FCRA, FERPA, GLBA, ECPA, COPPA, and VPPA.¹⁵ This leads to some noteworthy conclusions about the state of the law: In most states, companies can use, share, or sell any data they collect about you without notifying you that they're doing so. No national law standardizes when (or if) a company must notify you if your data is breached or exposed to unauthorized parties. If a company shares your data, including sensitive information such as your health or location, with third parties (like data brokers), those third parties can further sell it or share it without notifying you. Certainly, this paints the picture that in the United States, companies own the data they collect about you.

However, this is not the case globally. In May 2018, the European Union passed a law known as GDPR, the toughest privacy and security law in the world. One notable part of the law is that companies are required to ensure the data subject "gave you specific, unambiguous consent to process the data. (e.g. They've opted into your marketing email list.)."¹⁶ Further, it guarantees an individual the right to access, delete, or control the use of that data. EU law certainly gives the impression that the data subject is the owner of the data and that they can allow a company to use that data.

There are 3 states that have passed data privacy laws: California, Virginia, and Colorado. Interestingly, California takes a similar approach to that of the E.U. in that the burden is on the company collecting the data to seek the permission of the data subject, while Virginia places the burden on the subject to opt out of having their data collected.

Given that American Jurisprudence is not definitive in that there is a lack of a singular governing law, we will return to other Halachic sources to determine ownership.

Does Creation Imply Ownership

In his writings at the beginning of Bava Kamma, Rav Shimon Shkop discusses why one is liable for damages caused by a pit he dug in a public domain - after all, he does not own the pit and therefore should not be liable for the damages he causes. Rav Shkop answers that when a person creates something, he inherently owns that object. He extends this idea and writes further that one is not only responsible for the harm of his creations but also owns them with respect to their value.

In one particular respect, the question of Big Data ownership is effectively asking about intellectual property. While intellectual property is not necessarily a topic discussed at the times of the Talmud, there are more recent discussions in the contemporary halachic authorities.

One of the main issues with asserting ownership over intellectual property is that intellectual property is a *davar she'ein bo mamesh*. A person can only do acquisition on a *Davar*

¹⁵ <https://www.nytimes.com/wirecutter/blog/state-of-privacy-laws-in-us/>

¹⁶ <https://gdpr.eu/what-is-gdpr/>

She'yesh Bo Mamesh, which we say is something similar to a human body in that it has a length, width, and depth. However, one cannot perform an acquisition on a davar she'ein bo mamesh.¹⁷ For example, one cannot sell a pleasant scent or taste.

However, some contemporary poskim say that one can own intellectual property, despite the fact that it is a davar she'ein bo mamesh. The Shut Shoel Umayshiv¹⁸ writes that regarding authorship of books a person who publishes an original work retains ownership for eternity. His contemporary, the Beis Yitzchok¹⁹, disagreed, instead claiming that a person has no right in Halacha to his intellectual property and that any rights were sourced in Dina Dmlachusa Dina.

Seemingly, we can apply the same argument to Data ownership in that the Beis Yitzchok would hold any ownership stems from Dina D'Malchusa (see earlier discussion) while the Shoel U'mayshiv might suggest that the company that writes the data owns it.

On a somewhat related note, there is a Mishnah in Gittin²⁰ that discusses laws that were enacted "*mpnei darkei shalom*" - roughly speaking to foster peace. One of these laws is the case of a poor person who risks his life for *hefker* fruits. The Mishnah states:

If a poor person gleans olives at the top of an olive tree and olives fall to the ground under the tree, then taking those olives that are beneath it is considered robbery on account of the ways of peace. Rabbi Yosei says: This is a full-fledged robbery.

The Talmud explains that had the poor person actually picked the fruits by hand, it would be full-fledged theft as he had already made an acquisition. Thus, the Mishnah is meant to be understood as dealing with a case where he merely knocked down the fruits. Thus, we see from the Mishnah a rabbinic prohibition of theft applied to a case where one exerted effort.

However, the applicability of this source is not clear. I remain unsure if the Rabbis assigned a rabbinic level of ownership to the poor person or simply created a rabbinic prohibition on others from taking the fruits. While there are potentially many differences in halacha depending on how we decide, the application to our case would be whether we can ascribe a rabbinic level of ownership to a company that collects data. If the understanding of the Talmud is that the rabbis intended to protect poor people from being impoverished, it is unlikely that we can apply that rabbinic enactment to our case. However, if the understanding of the Gemara is that anyone who exerts effort into producing something has a rabbinic level of ownership, then a company that collects the data should seemingly have a claim to that data.

Davar Shelo Ba L'olam

In practice, most companies will require users to agree to terms and conditions in order to use their products. In these terms and conditions, there is a language that allows companies to

¹⁷ Rambam Hilchos Mecirah 22:13, Tur Shulchan Aruch Choshen Mishpat 212

¹⁸ Shoel Umeishiv 1:44

¹⁹ Beis Yitzchok Yorah Deah 75

²⁰ Tractate Gittin 59a-b (Mishnah Gittin 5:8)

collect data simply by a customer's use of the service. For example, Amazon begins their privacy policy with the following bolded disclaimer:

This Privacy Notice describes how Amazon.com and its affiliates (collectively "Amazon") collect and process your personal information through Amazon websites, devices, products, services, online and physical stores, and applications that reference this Privacy Notice (together "Amazon Services"). **By using Amazon Services, you are consenting to the practices described in this Privacy Notice.**²¹

Amazon is hardly alone. Many companies use a similar language to allow them to collect data from consumers. However, there are some companies that have terms and conditions that differ in language from Amazon. For example, Apple has the following language in its privacy policy:

Apple uses your personal data only when we have a valid legal basis to do so.

Depending on the circumstance, **Apple may rely on your consent** or the fact that the processing is necessary to fulfill a contract with you, protect your vital interests or those of other persons, or to comply with law. We may also process your personal data where we believe it is in our or others' legitimate interests, taking into consideration your interests, rights, and expectations.

When exactly this consent is given is unclear but elsewhere in the document, it seems to be referring to the terms and conditions the user agreed to when making an Apple account. If so, there is a potential problem with Apple relying on that consent to use your data: that over *Davar Shelo Ba L'Olam*.

While Amazon's language allows it to collect information from a user each time the user does an action, Apple's language relies on consent from the user for future collection of data, including instances where a user is not actively using an Apple service (such as location data). If so, that would mean that the customer would have to be *makneh* (give over) a *davar shelo ba l'olam* as, at the time of consent, they would be handing over their data that has yet to be produced.

The Mishnah in *Kedushin*²² rules that a person cannot transfer an entity that has yet to come into existence. There are Tanaim, famously Rav Meir, who disagree and say *Adam Makneh Davar Shelo Ba L'olam* - a person can transfer an entity that has yet to come into existence. The *Shulchan Aruch*²³ paskens like the former that one cannot transfer an entity not yet in existence writing there is no difference for a sale or gift, giving as an example selling fruits that a field will produce.

Given this, the language in Apple is problematic in that it resembles the language of selling fruits (data) that a field (user) will produce in the future. If correctly identified as a *davar shelo ba lolam*, that would render Apple's acquisition of the right to collect the data invalid meaning they have no right to use the data.

²¹ <https://www.amazon.com/gp/help/customer/display.html?nodeId=GX7NJQ4ZB8MHFRNJ>

²² Found on 62a

²³ Choshen Mishpat 209:4

Consent and Asmachta

A question arises further whether terms and conditions can really effect an acquisition. In order for the acquisition to take effect in Halacha, there must be a *gemiras daas* - that is there must be a complete acceptance of the terms by the parties involved.

The Gemara in Bava Metzia²⁴ (one of several such discussions) discusses the law of an *Asmachta*. The Talmud states:

There was a certain man who received land from another to cultivate. He said: If I fail to work the land and instead let it lie fallow, I will give you one thousand dinars. He let one-third of it lie fallow. The Sages of Nehardea said: The halacha is that he gives him 333⅓ dinars, one-third of the stipulated amount, as compensation for neglecting one-third of the field. Rava said: This kind of agreement is a transaction with inconclusive consent [*asmachta*]. And since an *asmakhta* does not effect acquisition, he need not pay.

The Rambam and Shulchan Aruch pasken like Rava.^{25 26} The Shulchan Aruch and others are of the opinion that an *Asmachta* is any condition one makes to delay the acquisition. Rama²⁷, however, disagrees and has a more restrictive definition of *asmachta*, one part of which I would like to highlight. Rama writes there are two types of *asmachta*: one where the party makes a condition dependent on others or when he makes a condition dependent on himself but clearly exaggerates.

The bottom line from the poskim is that one who does not actually intend to follow through with a condition does not effect acquisition. The question regarding terms and conditions is whether they meet the definition of *asmachta*. On the one hand, most would agree that should a company insert a ridiculous clause into the terms, allowing them to commandeer a user's house for instance, the condition would not be binding and would classify as *asmachta*. However, if there are reasonable conditions, even if the user is unaware of what they are signing over, perhaps it is not an *asmachta*.

Summary

There are claims on behalf of both the company and the individual to ownership over the data collected.

The company has the more clear-cut argument in that they obtained the right from users to collect their data, which by Dina DMalchusa grants them ownership of the data. However, there are many jurisdictions in which ownership of data is not specified in law and thereby we have to rely purely on Halachic sources to determine ownership. Perhaps there is room to say that merely by going through the effort to collect the data, the company has gained a rabbinic level of ownership. This theory is, however, highly questionable.

²⁴ Bava Metzia 104b

²⁵ Mishnah Torah Hilchos Schiros 8:13

²⁶ Shulchan Aruch Choshen Mishpat 207:13

²⁷ Rama Choshen Mishpat 207:13

With respect to the consumer, the fact that data is a *davar she'in bo mamesh* perhaps suggests that it is not something they can transfer the rights to. Further, the language employed by some companies perhaps does not effect a valid act of transfer.

III

Privacy in Halacha

There are also ethical concerns with sharing information even if the company is a valid owner of the data.

A natural place to start when discussing issues of privacy is the *Cherem d'Rabbeinu Gershom* against opening others' mail. But, there are perhaps even sources that suggest that there is an *issur doraissa* prohibiting the practice of selling private data so that a third party may then view it.²⁸

The Mishnah in Bava Basra gives several examples of the right to visual privacy. The first Mishnah in Bava Basra discusses the responsibility of partners in a field to build a wall such that one cannot see into the property of the other. Mishnah of Bava Basra 3:7 states: "A person may not open an entrance opposite another entrance or a window opposite another window toward a courtyard belonging to partners." The *Tosfos Yom Tov* explains that "the reason for this *din* is *Tzniyut* (privacy)." One may think that this law only extends to not building a permanent structure which will result in inevitable privacy violations. However, the *Rama* extends this law and states that there is an *Issur* to stand by your window and look into your neighbor's property.²⁹ All of these sources are with respect to visual privacy but give a clear impression that there is an inherent right to privacy.

The Mishnah in Sanhedrin 3:7 learns from a *Pasuk* in *Mishlei* that judges may not reveal their deliberations after a verdict is reached. The *Gemara Sanhedrin* 31a recounts the story of a student expelled from the *Yeshiva* by *Rav Ami* for revealing a discussion from 22 years prior.

However, the most convincing argument for privacy is that of the *Talmud Yoma* 4b. The *Talmud* states:

"*Rabbi Musya*, the grandson of *Rabbi Masya*, said in the name of *Rabbi Musya* the Great: From where is it derived with regard to one who tells another some matter, that it is incumbent upon the latter not to say it to others until the former explicitly says to him: Go and tell others? As it is stated: "And Hashem spoke to him from within the Tent of Meeting, saying [*lemor*]." ³⁰ *Lemor* is a contraction of *lo emor*, meaning: Do not say. One must be given permission before transmitting information.

The *Talmud* is unambiguous: one clearly must obtain the right to relay information, even if it is obtained lawfully.

²⁸ Much of the following analysis is based on the following compilation:
<https://www.myjewishlearning.com/article/the-right-to-privacy-in-judaism/>

²⁹ *Rama*, *Choshen Mishpat* 154:7

³⁰ *Vaykira* 1:1

Also of relevance is why one is prohibited from sharing secrets in the first place. One may think that it is because of the harm caused to the reputation of the subject. This is perhaps supported by Rambam, who writes the following³¹:

A person who collects gossip about a colleague violates a prohibition as [Leviticus 19:16] states: "Do not go around gossiping among your people."

Even though this transgression is not punished by lashes, it is a severe sin and can cause the death of many Jews. Therefore, [the warning]: "Do not stand still over your neighbor's blood" is placed next to it in the Torah [*ibid.*]. See what happened [because of] Doeg, the Edomite.

Who is a gossip? One who collects information and [then] goes from person to person, saying: "This is what so and so said;" "This is what I heard about so and so." Even if the statements are true, they bring about the destruction of the world.

There is a much more serious sin than [gossip], which is also included in this prohibition: *lashon horah*, i.e., relating deprecating facts about a colleague, even if they are true.

[*Lashon horah* does not refer to the invention of lies;] that is referred to as defamation of character. Rather, one who speaks *lashon horah* is someone who sits and relates: "This is what so and so has done;" "His parents were such and such;" "This is what I have heard about him," telling uncomplimentary things. Concerning this [transgression], the verse [Psalms 12:4] states: "May God cut off all guileful lips, the tongues which speak proud things..."³²

The impression from the Rambam is first that we are dealing with extremely serious prohibitions that are not to be taken lightly. The Rambam also leaves the impression through the examples given that the core problem is reputational harm.

However, perhaps we can suggest that the core issue extends beyond reputational harm. The Shulchan Aruch quotes a Cherem from the Geonim against saying *lashon hara* about dead people.³³ By its very nature, the prohibition cannot be one of reputational harm to the extent that it damages a person. Further, the Talmud in Tractate Brachos³⁴ relates a discussion regarding slandering dead people that gives the impression that the central issue is not whether there is reputational harm but whether the subject cares that he is being spoken about.

Rabbi Yitzhak said: Anyone who speaks negatively after the deceased is as if he speaks after the stone [meaning he has done no harm]. The Gemara offers two interpretations of this: Some say this is because the dead do not know, and some say that they know, but they do not care that they are spoken of in such a manner. The Gemara asks: Is that so?

Didn't Rav Pappa say: There was once someone who spoke disparagingly after the death

³¹ Hilchos Deos 7:1-2

³² This translation of the Rambam is taken from Sefaria

https://www.sefaria.org/Mishneh_Torah%2C_Human_Dispositions.7.1?lang=bi&with=all&lang2=en

³³ Shulchan Aruch Orach Chaim 606:3

³⁴ Brachos 19a

of Mar Shmuel and a reed fell from the ceiling, fracturing his skull? (Obviously, the dead care when people speak ill of them.) The Gemara rejects this: This is no proof that the dead care. Rather, a Torah scholar is different, as God Himself demands that his honor be upheld.

With respect to data collected from consumers, the relevancy of these sources is unclear. While the Talmud in Yoma 4b clearly establishes one may not share information, even information obtained lawfully, without the express consent of the party involved, the situation we are dealing with is slightly dissimilar. In the vast majority of cases, companies will obtain the consent of users, through terms and conditions of use, to use and sell their data. That alone might obviate the Halachic concern.³⁵

However, I do not believe the case to be so unequivocal. As mentioned earlier, the Rama states that there is an Issur for one to look into the property of his friend from his window. If so, perhaps even if a company retained permission from the consumer, there would still be an issur involved in looking at personal data.

Responsibility to Share?

Until now, we have discussed a company's responsibility to safeguard the data collected to prevent other parties from accessing the information. But are there instances in which a company would have a responsibility to share consumer data, perhaps even against their permission? To take it further, does a company have a responsibility to be "looking" for data patterns that may detect harmful activities?

Say that a company has become aware through the data they have processed of an impending terror attack. Does the company have the right, or even responsibility, to alert the authorities? And while the terrorism case is likely to find wide support for the cause of alerting the authorities, there is a very blurred line of what exactly is too much. Should the authorities be alerted upon the detection of petty theft? Harassment? "Dangerous" political views? One need not be a doomsayer to see the troubling places where this may lead.

With respect to cases such as loss of life, it seems intuitive that a company should have to share information to prevent loss of life. Indeed this is substantiated in the writings of the Rambam in Sefer Hamitzvot³⁶ where he writes:

He prohibited us from being negligent about saving the life of someone when we see him in mortal danger, or [in a case of] loss, and we have the ability to save him - such as if he was drowning in the river and we know how to swim and are able to save him; or if a robber is trying to kill him and we are able to foil his plan or repel his injury. And the prohibition comes with His saying, "you shall not stand by the blood of your neighbor" (Leviticus 19:16).

³⁵ See earlier section titled *Consent and Asmachta* for discussion of whether consent here is valid

³⁶ Sefer Hamitzvot Negative Commandments 297

Some modern poskim, including Rav Ovadya Yosef, have used this Rambam in contemporary cases. For instance, Rav Ovadya Yosef and Rav Yitzchok Zilberstein wrote that a doctor has a responsibility to inform the Department of Motor Vehicles of a patient who has poor eyesight and would potentially harm others by driving.³⁷

However, less intuitive are the cases where the loss of money is involved. However, the Rambam mentions the loss of money as well writing: “For he sees the money of his fellow destroyed and he is able to return it to him by saying the truth. And also already appearing about this is, "if he does not tell, he shall bear his iniquity" (Leviticus 5:1).” Seemingly, an individual who is aware of a loss of money and does not inform the harmed party is violating a negative commandment according to the Rambam.

Concluding, it seems that the only cases in which there seems to be a “responsibility to share” are those in which others are harmed. That would certainly include loss of life, but even loss of money. However, there is no indication that there is a responsibility to share extremist political opinions, in which case the law would revert to a prohibition against revealing secrets.³⁸

³⁷ <https://aish.com/48881087/> (unable to find exact source)

³⁸ See Rambam Mishneh Torah Hilchos Deos 7:1-2