

THE LIGHT OF THE ETERNAL PEOPLE
Presented by Rabbi Shmuel Irons

Series I Lecture #13

THE ALLOCATION OF SCARCE MEDICAL RESOURCES

I. Can We Refuse Treatment Because of Cost?

A. One who sees someone drowning or being attacked by a wild animal or bandit is required to save him as it is written, "Do not stand idly by as your neighbor's blood is being spilled." (Leviticus 19:16) This requirement extends to making the effort to hire help if need be. **Babylonian Talmud Sanhedrin 73a**

B. One is required to give up all his wealth if need be to avoid violating a negative commandment. **Ramo-Shulchan Aruch Yoreh Deah 157:1 based on the opinion of Ran, Rashba, Raavad and Rivosh Responsa 387.**

C. Is one required to give up all his wealth to redeem a captive who is in mortal danger?

1. **Marcheshes Responsa 43:10 and Ahavas Chesed II:20:2**

2. **Ramah Sanhedrin 73a and Tosphos HaRosh Sanhedrin 74a**

3. **Opinion of Tzitz Eliezer**

II. How Do We Determine Priority In Treatment?

A. Regarding setting priorities of offering interest free loans). The poor come before the rich. The poor of your city come before the poor of another city. Babylonian Talmud **Bava Metziah 71a**

B. (Regarding the dispersion of charity). Those with greater needs take precedence. Your paternal (half) brother takes precedence over your maternal (half) brother. Those of your city take precedence over those of another city. The poor of Israel take precedence over the poor (outside of your city [Shach, Bach]) who live outside Israel. **Sifri. Deuteronomy 15:7**

C. One should (use charity money to) support one's parents (if they are needy). With the remaining money (if any) one should support one's brothers and sisters. With any remaining money one should support his wider family. With any remaining money one should support his immediate neighbors. With remaining money one should support the people of his own street. **Tana Dvai Eliyohu 27.**

D. If a boy and girl orphan come for financial assistance, we assist the girl first and then the boy because a boy finds it easier and more natural to beg from door to door. If a boy and girl orphan come for financial assistance to make a wedding, we help the girl first because the shame and embarrassment that the girl experiences is much more intense than the boy's. **Babylonian Talmud Kesuvos 67b**

E.

1. The needs of a woman take precedence over that of a man regarding providing clothing and redeeming her from captivity.
2. If someone is in captivity together with his mother, he is required to arrange the release of his mother before his own.
3. Saving a great scholar comes before saving a king.
4. Saving a priest of a higher position in the hierarchy comes before a lesser priest.
5. A Priest precedes a Levite, a Levite precedes a regular Jew.
6. A scholar even if he be a Mamzer (born of an adulterous or incestuous relation) comes before a High Priest who is not learned. **Babylonian Talmud Horios 13a**

III. Extending Life Temporarily versus Obtaining a Cure

A. Two people were on a road with only one canteen of water. If they both drink, they will both eventually die. If only one person would use the canteen, however, he would be able to make his way to a populated area with more water. Ben Petura taught that it is preferred that they should both drink and eventually die than have one witness the death of his comrade. Rabbi Akiva taught that preserving one's own life takes precedence over preserving his comrade's. **Babylonian Talmud Bava Metziah 62a**

B. One whose prognosis is in doubt may not use a doctor who is suspect of murder. However, if the patient is definitely going to die if treatment is not administered, he is allowed to use such a doctor. We are not concerned with the possible cessation of his "temporal" life. **Babylonian Talmud Avodah Zara 27b**

C. If someone was presented with the option: assassinate that person or we will kill you, he is required to remain passive and not commit murder. **Babylonian Talmud Pesachim 25b**

D. If the intended victim was a fetus or someone with a fatal wound (treifa), according to Minchas Chinuch 296 there may be grounds to allow the murder.

E. One may kill someone who is terminally ill in order to save a life, according to Tiferes Yisrael Yoma Chapter 8

F. The dissenting opinion of Rabbi Shlomah Zalman Auerbach