

Untested Treatments 1

Assumption:

Patients are informed, and volunteering

Question:

Endangering short-term survival for the sake of long-term survival

We have no measuring stick for "life", to gauge its value and importance...

Rabbi Shlomo Zalman Auerbach, Minchat Shlomo 1:91:24

Untested Treatments 2

Regarding the case of two patients, one for whom doctors estimate that they can only provide short-term healing, extending life as much as possible, or perhaps removing pain, but he needs immediate treatment, and the second whom they estimate that they can heal, but they don't know whether he needs immediate care like that provided in the hospital's ER, and there is only one bed in the unit...

It appears, in my humble opinion, that if both arrive simultaneously, meaning they have yet to bring either one in, they must first bring in the one whom the doctors on scene believe they can heal, if there is even a possibility that they would need to begin his treatment immediately.

Rabbi Moshe Feinstein, Igrot Moshe Yoreh Deah 2:73:2

Untested Treatments 3

“If we are uncertain whether he will live or die [if left untreated], one may not be treated by [suspected murderers]. If he will definitely die, one may be treated by them.”

But even in the case of death – he still risks short-term life! True, but we are not concerned about short-term life.

Talmud, Avodah Zarah 27b

Regarding surgeries involving potential danger, where the chance of healing is less than even, but without the surgery he will certainly die in short order, I have agreed to permit...

Rabbi Moshe Feinstein, Igrot Moshe Yoreh Deah 2:58

Prioritizing Treatments 1

Once he is brought into the unit for treatment, he acquires the space, whether he pays for his time in the hospital or whether he does not pay and he is treated for free.

Rabbi Moshe Feinstein, Igrot Moshe Choshen Mishpat 2:73:2

If the doctor has already begun treating one patient, or has connected him to equipment, and a second patient needing the doctor's treatment or that machine comes in, the doctor may not leave the first patient to treat the second, and one may not take the equipment from the first patient to connect it to the second patient.

Rabbi Dr. Avraham Sofer Abraham, Nishmat Avraham Yoreh Deah 252:2

Prioritizing Treatments 2

If you have a choice between your own poor and those of your city, choose your own poor first. If you have a choice between the poor of your city and the poor of another city, choose the poor of your city first.

Talmud, Bava Metzia 71a

Between the kohen anointed to lead in battle and the deputy kohen gadol, the kohen anointed to lead in battle has priority.

Talmud, Horiyot 13a

Prioritizing Treatments 3

Before the eyes of the determining authority was an additional, important point: the morale of the soldiers of the IDF. When a soldier knows that should he fall captive, the entire State of Israel would stand behind him to free him, he will risk his life in battle without fear.

Rabbi Chaim David haLevi, Aseh Lecha Rav 7:53

Because they will go to war on a mission of the nation and for its sake, to defend the nation dwelling in Zion, there is an unwritten, understood obligation, that the nation will use every means at its disposal – within reasonable boundaries so as not to endanger national security – to redeem them, should they fall captive.

Rabbi Shaul Yisraeli, Torah sheb'al Peh 17

An Obligation to Treat? 1

- “Love your neighbour as yourself”
- “You shall restore it to him”
- “You shall not stand by as the blood of your brother is shed”

Treating patients is a mitzvah, part of preserving life. One who refrains is a shedder of blood.

Code of Jewish Law, Yoreh Deah 336:1

Two were travelling, and one held a jug of water. If both would drink then both would die, and if one would drink then he would reach civilization.

Ben Petura taught: Better for both to drink and die rather than have one see the other die, until R' Akiva taught: It is written, 'The life of your brother is with you,' so your life precedes your friend's life.

Talmud, Bava Metzia 62a

An Obligation to Treat? 2

In our case, per expert doctors the risk of donating one kidney is very low... it appears certain that one may donate... and there is a mitzvah, too... as Radbaz wrote, "Regarding saving property one should not endanger himself at all, but to save another's life, even at potential risk, one is obligated to save him."

Radbaz also wrote that one who introduces himself into potential danger to save another, even where that person is definitely in danger, is a pious fool. One must say that Radbaz distinguishes between real risk [to the rescuer] and small risk...

If the odds are inclined toward successful rescue without danger [to the rescuer], then one who does not rescue is in violation of, "You shall not stand by while your brother's blood is shed."

Rabbi Ovadia Yosef, Yabia Omer 9:Choshen Mishpat 12:10

An Obligation to Treat? 3

It further appears to me that one could say this regarding a doctor: It is standard that the doctor, who knows diseases and ailments, provides necessary aid; without this there would be great devastation for the ill and the healthy. He is acting in a standard way, for the normal function of the world, and the risk involved in treating the sick is not considered "introducing oneself into forbidden risk"...

It further appears, in my humble opinion, that since the doctor does this to treat the sick for a living, he is permitted to introduce himself into possible danger for this. It is like the way the Torah permitted a worker to enter danger for his livelihood.

Rabbi Eliezer Waldenberg, Tzitz Eliezer 9:17:5:8-9

Mandatory Quarantine? 1

One should avoid all that introduces risk, for danger is more serious than prohibitions... One should flee a city when there is plague present – and one should flee at the start of the plague, not at its end.

All of these rules are due to danger; one who guards himself will distance himself from them. One may not depend on miracles, or endanger himself in anything like this.

Rabbi Moshe Isserles, Code of Jewish Law, Yoreh Deah 116:5

G-d, who “shows the way for penitents” after they descend into world of sin, did not choose to punish them with imprisonment. He is good and just. Although imprisonment seems righteous and just, it certainly is not good – not in itself, because it involves removing human liberty, and not in its results...

Rabbi Chaim David haLevi, Torah sheb'al Peh 16

Mandatory Quarantine? 2

One is more obligated to be careful not to harm others than to protect himself from harm.

ולייחייב 23א Bava Kama, Tosafot

When the *metzora* enters the synagogue, they make a divider...
He must enter first, and leave last.

Mishnah Negaim 13:12