

Triage in Halacha



General Ethics

Utilitarian vs. Moral

Non-maleficance

Beneficence

Autonomy

Justice

Proximity

אין מעבירים על המצוות

We do not pass over a mitzvah

Midrash-Mechilta

ושמרתם את המצות -ושמרתם את המצות ר' יאשיה אומר, אל תקרא כן,
אלא ושמרתם את המצות. כדרך שאין מחמיצין את המצה כך אין מחמיצין
את המצוה, אלא אם באה מצוה לידך עשה אותה מיד

(Exodus 12:17) "And you shall watch over the matzoth": R.
Yoshiyah says: Read it not "And you shall watch over the
matzoth," but "And you shall watch over the mitzvoh." Just as
matzoth are not permitted to become chametz (i.e., to sour),
so mitzvah should not be permitted to become chametz, but if
the opportunity of a mitzvah presents itself to you, perform it
immediately.

Certainty

אין ספק מוציא מידי ודאי

A doubt cannot override a certainty

The vaccine may help 100x but will
definitely help 50y's
Tzitz Eliezer: Give to the 50

Tzitz Eliezer:

It will perhaps help the elderly,
Definitely help the young,
Give to the young!

Pesachim 9a

אמר רבא אבל הכא דודאי דחזינא דשקל מי יימר דאכלתיה הוי ספק וודאי ואין ספק מוציא מידי ודאי

Rava said:However here, where one definitely saw the marten take the bread, who will say that the marten ate it? It is a conflict between an uncertainty whether or not the marten ate the bread, and a certainty that the bread was there. The principle is that an uncertainty does not override a certainty.

Ventilate or treat the moderately ill or the
severely ill?
It could be the moderately!

Many over the few

Bava Metzia 62a

Two people were traveling on the road, and one of them has a flask of water. If both drink, they will both die; if one drinks, he will arrive at the [next] town. Ben Peturah expounded: It is better that they both drink and die, and neither of them witness the death of his fellow man. Until Rabbi Akiva came and taught, “and your brother shall live with you” (Leviticus 25:36)—your life takes precedence over the life of your brother.

Netziv: Does the temporary saving of 2 overrule the longer lasting saving of 1?

Potential for full life

חיי שעה מול חיים

אין דוחים נפש מפני נפש

What if all else is equal?

People with more mitzvot

Or is it more utility?

A quadriplegic olympic swimmer vs. an
out of shape person?

Horayot 3, 7

A man takes precedence over a woman regarding saving life and to return his lost objects. A woman takes precedence with regard to providing her with clothes and to be redeemed from captivity. When they are both at equal risk of being [sexually] degraded, then the man takes precedence over the woman.

A kohen takes precedence over a levi; a levi to a yisroel; a yisroel to a mamzer; a mamzer to a nesin; a nesin to a convert; a convert to a free slave. When do we say this? When they are all equal, but if there was a mamzer who was a talmid chacham [Torah scholar] and a kohen gadol who was an am ha'aretz, then the mamzer talmid chacham would take precedence.

What if one simply does more mitzvot
than the other?

R. Moshe Feinstein:

We really can't say anymore...

Rav Chaim Ozer Grodzinski

No, R. Akiva only permits him to drink if
he owns it, but if no one owns the care,
we divide it!

Healthcare workers > others

Taking off a ventilator

Will it kill him immediately? Can it be done slowly, reduce the air to normal flow..

Better not to withdraw if it will kill him
right away. Better to withhold medicine..

Even if usually we wouldn't remove a ventilator, since R. C.D. Halevi viewed it as removing an impediment, if others need the ventilator it may be ok to remove: R.Sh.Z. Urbach

Relatives

BM 71a

“Between your poor [relatives] and the poor of your city—your poor come first.

Our town

Nedarim 81a

ורמי דרבי יוסי אדר' יוסי מעיין של בני העיר חייהן וחיי אחרים חייהן קודמין לחיי אחרים בהמתם] ובהמת אחרים
בהמתם] קודמת לבהמת אחרים כביסתן וכביסת אחרים כביסתן קודמת לכביסת אחרים חיי אחרים וכביסתן חיי
אחרים קודמין לכביסתן

§ The Gemara **raises a contradiction** between this statement **of Rabbi Yosei** and another statement **of Rabbi Yosei**. It was taught in a *baraita*: In the case of a **spring belonging to the residents of a city**, if the water was needed for **their own lives**, i.e., the city's residents required the spring for drinking water, **and** it was also needed for **the lives of others**, **their own lives take precedence over the lives of others**. Likewise, if the water was needed for **their own animals** and also for **the animals of others**, **their own animals take precedence over the animals of others**. And if the water was needed for **their own laundry** and also for **the laundry of others**, **their own laundry takes precedence over the laundry of others**. However, if the spring water was needed for **the lives of others** and **their own laundry**, **the lives of others take precedence over their own laundry**.

רבי יוסי אומר כביסתן קודמת לחיי אחרים השתא כביסה אמר רבי יוסי יש בה צער

Rabbi Yosei disagrees and **says**: Even **their** own **laundry** takes **precedence over the lives of others**, as the wearing of unlaundered clothes can eventually cause suffering and pose a danger. The Gemara clarifies the difficulty presented by this *baraita*: **Now**, if with regard to **laundry**, **Rabbi Yosei said** that refraining from laundering one's clothes **involves pain** and affliction,

גוף כולו לא כל שכן אמרי אין כביסה אלימא לר' יוסי דאמר שמואל האי ערבוביתא דרישא מתיא לידי עוירא
ערבוביתא דמאני מתיא לידי שעמומיתא ערבוביתא דגופא מתיא לידי שיחני וכיבי

is it **not all the more so** the case that if one does not bathe, which affects the **entire body**, Rabbi Yosei would agree that he will suffer pain? The Gemara refutes this argument: The Sages **say** in response: **Yes**, the pain of refraining from **laundering** one's clothes is **stronger, according to Rabbi Yosei**, than the pain of not washing one's body. **As Shmuel said: Grime on one's head leads to blindness**, and **grime on one's clothes leads to madness**, whereas **grime on one's body leads to boils and sores**, which are less serious than madness and blindness. Based on this it may be suggested that according to Rabbi Yosei, soiled clothing presents a greater danger than an unwashed body.

Does age matter?

Rabbi Dr. Avraham Steinberg

Who says the younger one won't die in
the army and the older will live many
years?

Does your ability to heal the person
matter?

What is the point of treating this one first
if you don't know how to do so?

Chazon Ish

If you have two people and only treatment for one, treat one fully.