

THE BAIS HAVAAD

HALACHA JOURNAL

Family, Business, and Jewish Life through the Prism of Halacha

VOLUME 5782 · ISSUE III · PARSHAS LECH LECHA



GIVING YOUR BEST SHOT

A booster for me or a first dose for you?

Adapted from the writings of Dayan Yitzhak Grossman

As public health establishments around the world have been formulating their COVID-19 vaccine booster shot policies and recommendations, some have argued that utilizing scarce doses of the vaccine as boosters when many people have not yet been able to obtain initial doses of the vaccine is unethical. Govind Persad, a health policy and ethics professor at the University of Denver, maintains that

Once you get to anybody who wants to get a third dose, then I think other people in other countries start to have a rightful basis for complaint.¹

Similarly, Dr. Monica Gandhi, a professor of medicine at UCSF, says “there is something unethical about getting a booster shot” as a healthy person under age 65:

What I mean by that is that 11 billion doses are needed to vaccinate the world. There are cur-

rently—actively—vulnerable people dying because they don’t have access to a vaccine.²

A key halachic principle relevant to this question is *chayecha kodmim lechayei chavaircha* (your life takes precedence over the life of your friend). In this article, we survey various discussions of this principle and its applications.

CHAYECHA KODMIM

A *breisa* teaches:

If two people were walking on a road, and there was a jug of water in the hand of one of them, and if both drink, both will die, but if only one drinks, he will reach a settled area: Ben Petura taught that it is preferable that both of them drink and die, and let not one of them see the death of his friend. Until R’ Akiva came and taught, “And your brother shall live with you”—

¹ Bob Herman. The ethics of vaccine booster shots. Axios. <https://www.axios.com/covid-vaccine-booster-shots-ethics-coronavirus-inequity-87f7b34a-3a68-4439-aeff-3634e6a77d80.html>.

² Michelle Robertson. Here’s what medical experts and ethicists say about healthy people getting COVID booster shots. SFGATE. <https://www.sfgate.com/coronavirus/article/booster-shots-16502493.php>.

(continued on page 2)

A PUBLICATION OF THE
BAIS HAVAAD HALACHA CENTER
 105 River Ave. #301, Lakewood NJ 08701
 1.888.485.VAAD (8223)
www.baishavaad.org
info@baishavaad.org
 Lakewood • Midwest • Brooklyn • South Florida

לע"נ הרב יוסף ישראל
 ב"ר משה גרוסמן זצ"ל
 Dedicated in loving memory of
 HaRav Yosef Grossman zt"l



PARSHAS LECH LECHA

GIVING UP

Excerpted and adapted from a shiur by Rav Baruch Fried

And he gave him a tithe from all.

Bereishis 14:20

Rashi explains that Avraham gave Malki-Tzedek a tenth of the spoils he captured in war. *Mefarshim* note that this is one of the earliest sources for the practice of giving *ma'aser ksfim*. Nevertheless, the commentators disagree as to the halachic status of *ma'aser*. According to Tosafos (Ta'anis 9a, citing the Sifri), it is a mitzvah *de'Oreisa*; according to the Taz and Rama, it is a mitzvah *deRabanan*; according to the Bach and many others, it is a minhag.

Before one begins to give *ma'aser*, writes the Chafetz Chaim, he should be sure to say that he is doing so *bli neder*, so that he can be more lenient if he does not have sufficient funds at some point in the future.

Ma'aser is given on income, so one gives 10% (up to 20%) of any salary, monetary gift, or inheritance he receives; any profits earned subsequently from investing these require additional *ma'aser*. One may deduct any expenses incurred in making the profit, including income taxes, childcare, insurance, and travel costs.

(continued on page 2)

Q&A from the
BAIS HAVAAD HALACHA HOTLINE
 1.888.485.VAAD(8223)
ask@baishavaad.org

Deserted Wine

Q We are making a *shalosh seudos sheva brachos* that will go until the time for Ma'ariv. Who, if anyone, should drink the *kosos* of *sheva brachos*?

A One may not eat or drink anything but water at the end of Shabbos before havdalah. When a Shabbos *sheva brachos* concludes well past sunset, this prohibition conflicts with the imperative, or at least the *inyan*, to drink the *kosos* of *sheva brachos*. What to do?
 (continued on page 2)

(continued from page 1)

your life takes precedence over the life of your friend.³

The Chazon Ish explains this dispute in terms of the dichotomous concepts of *chayei sha'ah* (short-term life) and *chayei olam* ("eternal," i.e., long-term life). Ben Petura says that since if the two share the water, each one will have a measure of *chayei sha'ah*, the possibility of *chayei olam* for one cannot override the right to *chayei sha'ah* of the other. But R' Akiva maintains that the principle of *chayecha kodmim* exempts the water holder from the obligation to preserve the *chayei sha'ah* of his fellow.⁴

THE IMPORTANCE OF CLEAN LAUNDRY

Another *breisa*:

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's water was needed for) the lives of others and their own laundry, the lives of others take precedence over their own laundry. R' Yosei 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).⁵

Most of the early authorities do not directly discuss this dispute; an exception is the She'iltos, who rules according to R' Yosei.⁶

NURSING WOMEN

The Rambam rules that a nursing woman is permitted to eat whatever she wants, despite her husband's concerns that she might overeat or

eat harmful foods and the child will die, because the physical pain the woman feels takes priority;⁷ the Tur disagrees.⁸ The Bais Shmuel explains the apparently perplexing position of the Rambam in light of R' Yosei's remarkable assertion that even one's own *laundry* takes precedence over the lives of others, despite the fact that unlaundered clothing is only a matter of discomfort!⁹

Other *Acharonim*, however, counter that R' Yosei's position is based on the premise (articulated in the continuation of the passage cited above) that unlaundered clothing actually poses a danger to life,¹⁰ or that it is limited to where the inhabitants of the other city are not considered to be in actual danger, either because their city has an alternative water supply or because they can leave the city and travel elsewhere.¹¹

Interestingly, some *Acharonim* argue *against* the idea that one's comfort takes precedence over the lives of others on the basis of other halachos governing a nursing woman's conduct: from the obligation of a divorced woman, who has no further conjugal duties to her ex-husband, to nevertheless continue to nurse her baby if he recognizes her and therefore refuses to nurse from anyone else,¹² despite the fact that nursing entails discomfort;¹³ or from the prohibition against a nursing woman marrying for twenty-four months from the birth of her child, in order that she not become pregnant again, which would cause her milk to dry up and thus endanger the child, despite the fact that abstention from intimacy, and indeed from marriage itself, constitutes suffering.¹⁴

Other *Acharonim*, however, turn this argument on its head: They infer from R' Yosei's position regarding laundry and the Rambam's principle that

⁷ *Hilchos Ishus* 21:11.

⁸ Tur E.H. *siman* 80.

⁹ Bais Shmuel *ibid.* s.k. 15. He is puzzled, however, by the Rambam's assumption that the halacha is like R' Yosei. Cf. Hagahos Shai Lamora *ibid.*; Shu"t Maharsham *cheilek* 5 *siman* 24, along with the sources cited in the following notes.

¹⁰ Bais Meir *ibid.*; Ba'er Heiteiv *ibid.* s.k. 14. Cf. Shu"t Bais Efraim E.H. *siman* 66.

¹¹ Hafla'ah Kuntres Acharon *ibid.* os 12; Shu"t Bais Shlomo Y.D. *cheilek* 2 *siman* 99. Bais Efraim *ibid.* rejects this qualification of R' Yosei's position and maintains that he does indeed give precedence to laundry even when the other city faces the possibility of danger to life, although he also insists that it is obvious that even according to the Bais Shmuel, we are not dealing with certain danger to the child but merely possible danger.

¹² Shulchan Aruch *ibid.* 82:5.

¹³ Hafla'ah *ibid.*

¹⁴ Bais Shlomo *ibid.*

(continued from page 1)



Numerous suggestions are given by the *poskim*. R' Moshe (Igros Moshe O.C. 4:69) writes that because *bentching* at a *sheva brachos* requires a *kos*, at least *melo lugmav* must be drunk by someone. And there is a well-established min-hag of several hundred years' duration that the *chassan* and *kallah* drink from the *kos eirusin venisu'in*, which R' Moshe says was actually the min-hag for all seven days of *sheva brachos*. Because it isn't necessary that the entire *shuir* be drunk by a single person, the *chassan* and *kallah* should each drink half a *melo lugmav*. Many follow R' Moshe's *psak*.

Preferably, the *mezamein* shouldn't drink any of the wine of *bentching*, but if he wishes, he may have a drop. A better solution would be for the *chassan* to be the *mezamein*, so as not to require an additional person to drink. (The remaining *brachos*, however, should be made by others.) Drinking the other *kos* is less obligatory, so in this scenario it should not be done.

a nursing woman is not obligated to suffer in order to avoid endangering her child's life, that abstention from intimacy (at least for a limited duration of several months or days) is perforce *not* considered suffering, for if it would be, a nursing woman could not be prohibited from remarrying, despite the fact that this may endanger her child!¹⁵

¹⁵ Shu"t Divrei Chaim E.H. *cheilek* 1 *siman* 18 s.v. *Uve'inyan*. This is also the implication of Shu"t Achiezer *cheilek* 3 *siman* 16, which argues based on the Rambam's position that in a particular case where a physician had assessed that refraining from marriage might cause the woman to suffer severe mental illness, the prohibition against a nursing woman remarrying would not apply. Evidently, in the normal case where the prohibition does apply, refraining from marriage does not constitute suffering. Cf. Shu"t Sho'el Umeishiv *mahadura kama cheilek* 1 *siman* 22 p. 13 column 1.

(continued from page 1)



Many authorities (including the Maharil and the Taz) write that *ma'aser*

funds should be given only to the poor, but the Be'er Hagolah holds that they may be used to perform other mitzvos. Many *poskim* write that

this opinion may be followed when this was one's intent from when he began to give *ma'aser*.

One may not use *ma'aser* for an obligation he needed to fulfill anyway, like repaying a loan. Obligatory tuition also may not be paid with *ma'aser* funds according to most opinions. Similarly, if one committed to supporting a son or son-in-law studying Torah, he cannot

use *ma'aser* money unless he so stipulated at the time of his initial commitment (Pis'chei Teshuvah).

Scan here to receive the weekly email version of the Halacha Journal or sign up at www.baishavaad.org/subscribe

Elevate your Inbox.



BHHJ SPONSORS
Refuah Healthshare

To become a corporate sponsor of the BHHJ or disseminate in memory/zechus of a loved one, email info@baishavaad.org