

## Giving Your Best Shot

A booster for me or a first dose for you?

*Adapted from the writings of Dayan Yitzhak Grossman*

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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 currently—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”—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 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]

[1] Bob Herman. The ethics of vaccine booster shots. Axios.

<https://www.axios.com/covid-vaccine-booster-shots-ethics-coronavirus-inequity-87fb734a-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>.

[3] Bava Metzia 62a.

[4] Chazon Ish Y.D. *siman* 69 *os* 2.

[5] Nedarim 80b.

[6] She'iltos DeRav Achai Gaon (Mirsky edition) Parshas Re'ei end of She'ilta 165.

[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.*

[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.