

The Challenge

1. Mishnah Yoma 8:6 (83a)

If a building collapses on him [on Shabbat]... we dig through the pile for him.

2. Lord Rabbi Immanuel Jakobovits (20th century England), HaRefuah v'haYahadut pg. 152

The value of human life is infinite, and therefore it cannot be divided – each portion of it is infinite. It then emerges that seventy years of life have the exact same value as thirty years, or one year, or one hour, or one second. This demanding definition of the sanctity of human life is founded not only on strict mathematics or logic; it is founded equally upon ethical considerations. If human life were to be diminished in value because its end was near, human life would lose entirely its absolute value, and receive relative value – relative to its life expectancy, health, benefit to society...

3. Talmud, Ketuvot 33b

The pain of lashes may be considered a punishment harsher than death, for Rav taught: Had the Babylonians whipped Chananiah, Mishael and Azariah, they would have worshipped the idol!

4. Rabbi Eliezer Waldenberg (20th century Israel), Tzitz Eliezer 13:87

So long as it is given by a doctor to reduce great suffering, one may give it to the patient even when it will also harm him and it could bring his death closer. This seems to be part of the Torah's license for the doctor to heal...

5. Talmud, Ketuvot 104a

Rebbe's maid ascended to the roof and said, "The Heavens request Rebbe and the earthly realm requests Rebbe. May it be Gd's will that the earthly realm should overpower the Heavens!" When she saw how often Rebbe had to go to the washroom, removing his phylacteries and then putting them back on, and how he was in great pain, she said, "May it be Gd's will that the Heavens should overpower the earthly realm!" The sages were not silent in their prayers for Gd's mercy, so she took a pitcher of water and threw it from the roof. The praying people paused, and Rebbe passed away.

6. Rabbeinu Nisim (14th century Spain) to Talmud, Nedarim 40a

Sometimes one needs to pray for mercy for the patient to die, such as where the patient is in great pain due to his illness and he cannot live.

7. Rabbi Shlomo Zalman Auerbach (20th century Israel), Minchat Shlomo 1:91:24

As one requests and prays to Gd for the patient to die, he is also obligated to involve himself in saving the patient and desecrating Shabbat for him, even many times.

8. Talmud, Gittin 70a

Shemuel said: If someone is struck with Persian [poison-tipped] lances, he will not live. At this point, give him rich meat barbecued on coals, and undiluted wine, and perhaps he will live a bit and instruct his household.

A Digest of Four Approaches

9. Talmud, Avodah Zarah 18a

They brought [Rabbi Chanina ben Tradyon] and wrapped him in a Torah scroll, and bound him with vines and kindled them. They brought wool sponges and soaked them in water and placed them on his heart so that his life would not depart quickly... His students said to him... Open your mouth and let the fire enter! He said to them: Better that the One who gave it take it back, and not that I harm myself.

The executioner said to him: My master! If I were to increase the flame and remove the wool sponges from your heart, would you bring me to the next world? He replied: Yes. [The executioner said:] Swear to me! He swore.

10. Rabbi Yechiel Michel Epstein (19th century Poland), Aruch haShulchan Yoreh Deah 339:1

Although we see that he is in great pain in his death throes, and it would be better for him to die, still, we are prohibited from doing anything to hasten his death. The world and all in it belong to Gd, and such is Gd's will.

11. Rabbi Dr. J. David Bleich (20th century USA), Tradition 30:3 (1996), pp. 59-60

Any distinction between "natural" and "artificial" means of treatment is without precedent in Jewish law. Indeed, upon examination, the distinction is fundamentally specious. Medical substances synthesized in the laboratory are certainly not "natural," yet it is unlikely that ethicists would regard such medications as "artificial." For that matter, even drugs extracted from plants and the like are hardly "natural" sources of nutrition for man but assuredly would not be classified as artificial. The obligation to revive a person from drowning is one of the paradigms of *pikuah nefesh* advanced by the Gemara, Sanhedrin 73a. That obligation includes the duty to throw a life preserver to the potential victim. In what sense is a respirator designed to deliver oxygen to the lungs different from the casting of a life preserver?

12. Washington State Medical Association, *Pain Management and Care of the Terminal Patient* (1992)

Adequate interventions exist to control pain in 90 to 99% of patients.

13. Dean Lorne Sossin, *Carter & dying with dignity: now comes the hard part*, Canadian Lawyer Feb. 9 '15

Palliative and hospice care remains one of the more poorly funded and least understood spheres of medicine. The health professions and funding models are understandably directed at healing people.

14. Rabbi J. David Bleich, *Treatment of the Terminally Ill*, Tradition 30:3 (1996), pg. 62

[E]very prudent effort should be made to alleviate the patient's suffering. This includes aggressive treatment of pain even to a degree which at present is not common in current medical practice. Physicians are reluctant to use morphine in high dosages because of the danger of depression of the cerebral center responsible for respiration. The effect of morphine administered in high doses is that the patient cannot control the muscles necessary for breathing. There is, however, no halakhic objection to providing such medication in order to control pain in the case of terminal patients even though palliation of pain may ultimately entail maintaining such a patient on a respirator. Similarly, there is no halakhic objection to the use of heroin in the control of pain in terminal patients. The danger of addiction under such circumstances is, of course, hardly a significant consideration. At present, the use of heroin is illegal even for medical purposes. Judaism affirms that everything in creation is designed for a purpose. Alleviation of otherwise intractable pain is a known beneficial use of heroin. Marijuana is effective in alleviating nausea that is a side-effect of some forms of chemotherapy. There is every reason to believe that these drugs were given to man for the specific purpose of controlling pain and discomfort. Jewish teaching would enthusiastically endorse legislation legalizing the use - with adequate accompanying safeguards - of those substances in treatment of terminal patients.

15. Rabbi Yisrael Lipschitz (19th century Danzig), Tiferet Yisrael to Mishnah Yoma 8, Boaz 3

To me, digging through a pile is different, for when one removes the stones from him one certainly eases his suffering. Even though he continues to live in pain, better that he should die slowly and with less pain, than for his life to be shortened and for him to die painfully, beneath a burden of stones. But the story of Rebbe was the opposite – had she not prayed [for his death], his suffering would have grown.

16. Rabbi Yaakov Kanaievsky (20th century Israel), Karyana d'Igrita 1:190

Regarding the basic principle that one must do everything possible to extend the life of a patient [even though it is only temporary life]: In truth, I also heard statements like this in my youth, but I don't know whether it comes from someone reliable. In my eyes, this requires great examination, for in Yoreh Deah 339 it is clear that one may remove an obstacle to the death of a patient [when that would also prevent great suffering]. One only may not act upon his body. If so, then I see no reason to prohibit sitting without acting [where acting would increase suffering]; just the opposite, one should learn from here to refrain from acting...

17. Rabbi Eliezer Zylbershtein (21st century Israel), Shiurei Torah l'Rofim 189

Based on what has been said, it appears that a patient may refuse surgery or any therapeutic treatment which involves great suffering. There is no obligation to pain him and cause him suffering with treatment that will extend temporary life.

18. Rabbi Moshe Feinstein (20th century USA), Igrot Moshe Choshen Mishpat 2:73:1

In such people, where the doctors recognize that he cannot be healed and live, and that he will not live as a sick person without pain, but they can give medicine which will extend his life as he is, with suffering, then one should not give medicine, but leave them as they are.

19. Rabbi Moshe Feinstein (20th century USA), Igrot Moshe Choshen Mishpat 2:74:3

One must give oxygen, even in a situation in which one cannot heal him, for this eases his suffering; the suffering that results from inability to breathe is great, and oxygen removes it.

Along similar lines, his honour asked whether one must feed patients intravenously when they cannot eat and they are in danger. This would extend his life as it is, in suffering, and we think he is not suffering due to not eating. It is obvious that one must feed him food that will not harm and not damage, for this certainly strengthens him a bit even where the patient himself does not sense it, and those who stand and serve him do not sense it.

20. Rabbi Shlomo Zalman Auerbach (20th century Israel), Minchat Shlomo 1:91:24

Logically, where an ill person suffers from great pain and suffering, or even very strong emotional pain, I would think that we would be obligated to give him food and oxygen for breathing, even against his will, but we could refrain from treating with medicine that would cause suffering for the patient, if the patient wished it.

21. Rabbi Moshe Isserles (16th century Poland), Yoreh Deah 339:1

One may not cause a dying person to die quickly... However, where something prevents the soul from departing, such as where there is a sound of knocking near the house, such as from a woodchopper, or there is salt on his tongue, and these keep the soul from departing, one may remove them. There is no deed in this, he is only removing an obstruction.

22. Rabbi Moshe Feinstein (20th century USA), Igrot Moshe Choshen Mishpat 2:74:3

You asked whether one should distinguish between temporary life and on-going life regarding the obligation to heal, where it is not possible to heal him from suffering but only to extend his life in pain for as long as he lives. [You mean] that there is no obligation to heal him when the healing will cause him to live in suffering during that brief time, but if he were healed for on-going life, as people today live, then one would be obligated to heal him. In truth, I never mentioned this distinction, and in truth, it is not logical to distinguish; using logic, one could also argue the opposite...

23. Talmud, Bava Metzia 112a

"For this he puts his life on the line (Devarim 24:15)" – Why did this person climb the ramp, become suspended from the tree, and give his life over to death? Was it not for his wages?

24. Rabbi Hershel Schachter (21st century USA), **וְאֵלֵיוּ הוּא נוֹשֵׂא אֶת נַפְשׁוֹ**, Beit Yitzchak 1986

Three distinct categories of cases emerge, as law:

- 1) Where there are clear grounds to believe that all people would want such treatment, then we say that his view is cancelled before that of all people, and we compel him, under [the mitzvah of] "You shall protect your lives."
- 2) Where there are grounds to believe that all people would not want such treatment, then we say that his view is cancelled before that of all people, and we may not torture him with treatment, even should he wish it.
- 3) And where there are no clear grounds supporting either side, then it depends on the view of the patient...

25. Rabbi Zev Schostak, *Ethical Guidelines for Treatment of the Dying Elderly*, J. of Halacha and Contemp. Soc. 22, pg. 84

Rabbi Herschel Schachter and Rabbi Chaskel Horowitz (the Viener Rav) maintain that artificial nutrition and hydration are medical procedures which a terminal patient may direct to be withheld.