

# Medical Ethics

## Jewish vs. General

# The Basis of General Medical Ethics

**Autonomy**

**Non Maleficence**

**Beneficence**

**Justice**

*Which of these is most different for the Halacha?*

# The Basis of Jewish Medical Ethics

The value of human life (one can violate Shabbat to preserve it)

The desire to prevent pain

To love our neighbor is to choose for them a good death...

Do not murder..

Do not prolong death

The obligation to heal

Talmud Ketubot 104a, Brought by R. Moshe to answer the question, is it always necessary to lengthen life?

**The maidservant of Rabbi Yehuda HaNasi ascended to the roof and said: The upper realms are requesting the presence of Rabbi Yehuda HaNasi, and the lower realms are requesting the presence of Rabbi Yehuda HaNasi. May it be the will of God that the lower worlds should impose their will upon the upper worlds. However, when she saw how many times he would enter the bathroom and remove his phylacteries, and then exit and put them back on, and how he was suffering with his intestinal disease, she said: May it be the will of God that the upper worlds should impose their will upon the lower worlds.**

# Is it a mitzvah to alleviate pain?

Rav Shelomo Zalman Urbach: It is part of loving your neighbor (choose for him a good death)

R. Eliezer Waldenberg: Pain needs to be treated medically. It is part of the obligation to heal (you shall surely heal).

# What would you like to do in senario x?

Agudah Health Care Proxy: My rabbi is Rabbi\_\_\_\_\_.

Old RCA Health Care Proxy: In case x, I would like \_\_\_\_\_..

Rav Herschel Schachter: You choose how you eat, you choose how you die (to some degree.)

What if you take the approach that the pt. Should eat but he/she doesn't want to?

We encourage them to eat but don't force them or tie down their hands to take a tube because they may be causing their death but they are under great duress and are excused.

# What if he refuses to take a treatment that is good for him?

R. Moshe: CHM 2, 73, 5: If it is painful, he can refuse. If it is foolish to refuse, we must force him. If forcing him will make him anxious, causing anxiousness can be harmful and shouldn't be done!

הרב פיינשטיין מחדש שהלכה זו תלויה בדעת בני האדם. התורה לא אומרת שיש חובה לעשות פעולה שתוביל לחיי עולם, או לחילופין שאסור לעשות מעשה שיתכן ויקצר חיי שעה. מסיפור המצורעים אנו לומדים שהתורה נתנה אפשרות לאדם להחליט כיצד לפעול.



How does it make you feel when the doctor asks you what you want to do?

Is he really asking?

How do you feel if the rabbi asks you that?

# Maleficence

It may only have a 1% of working...

Beachump and Childress: It's futile.

Halacha may at some point say, well, it is a safek pikuach nefesh... a possibility of saving a life

# Is there a difference between hydration and nutrition and other treatments?

Supreme Court (1990) said a person can refuse hydration and nutrition.

Or is it starving the patient?

A debate on why feed the pt.

R. Feinstein: Feeding helps them fight  
the pain.

R. Auerbach: It's a bare necessity.

Most say we must feed.

R. Zalman Nechemia Goldberg a'h  
disagreed. He viewed it as prolonging life  
and that the pt. Dies from general  
maladies not starvation.

R. Heschel Schachter is quoted by R.  
Jason Weiner as agreeing.

# Is there a difference between passive and active euthenasia?

One in a dying condition is considered a living being in all respects.<sup>3</sup>*He is considered a living being with respect to granting a divorce (provided he is able to speak, according to one opinion in E.H. § 121, 7) ; to giving gifts, and as to a Kohen entering the house of a person in a dying condition, some permit and others forbid. infra § 370.* We may not tie up his jaws,<sup>4</sup>*So that he does not open his mouth.* nor may we annoint him with oil, nor wash him,<sup>5</sup>*In order to remove filth.* nor stop off his organs of the extremities,<sup>6</sup>*This was done in order that the corpse should not swell on account of the air which enters through his open organs.* nor may we remove the pillow from under him, nor may we place him on sand, clay-ground or earth, nor may we place on his stomach a dish, a shovel, a flask of water or a globule of salt,<sup>7</sup>*These were ancient practices.* nor may we summon the towns on his behalf, nor may we hire pipers and lamenting women, nor may we close his eyes<sup>8</sup>*For all these hasten his death — TaZ. On closing the eyes, cf. Gen. XLVI, 4, 'And Joseph shall put his hand upon thine eyes.'* before his soul departs.

# Removing impediments to death

What about food? Debate

What about impediments that are attached to the body, tubes....? Debate..



Is there a difference between the routine and extraordinary in providing end of life care?

# Beauchamp and Childress:

The distinction between ordinary and extraordinary is morally irrelevant. What is important is to ask if it is beneficial or burdensome!

They don't see a difference between withholding an antibiotic or food

# Rabbi Immanuel Jacobowitz

It's a matter of withholding natural things and unnatural things.

# A distinction;

Secular ethics say: What is the outcome? If it is death by withholding treatment then it is so, whether extraordinary or not.

Jewish ethics: The act is also important. It is an act of neglect? We are more process oriented.

# When does the obligation to heal cease?

Secular approach: If it is not efficacious, beneficial.

Jewish approaches:

One must always heal or.. One is obligated to love and to prevent suffering!

Question: Is prolonging life always prolonging suffering?

Is being in a state of dying=suffering? Is it painful? Is there a difference?

# The value of life

Is there value of a conscious but painful moment?

Would everyone make the same choices about that?

Better is one hour of this life than all of the next

What is the value of unconscious life?