

The JEWISH Spin on Current Events

REFUSING MEDICAL TREATMENT

Who is in charge?

∞ OVERVIEW ∞

1. WHAT RESPONSIBILITY DO WE HAVE IN HEALING OTHERS?
2. WHEN IS IT PERMITTED NOT TO PROVIDE MEDICAL ATTENTION?
3. DOES ONE HAVE THE RIGHT TO CHOOSE NOT TO SEEK MEDICAL ATTENTION?
4. SHOULD YOU FORCE SOMEONE TO RECEIVE MEDICAL TREATMENT?
5. SHOULD ONE SEEK 'ALTERNATIVE MEDICINE' RATHER THAN 'MODERN MEDICINE'?

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❧ SOURCES ❧

1. What responsibility do we have in healing others?

❧ 1A ❧

TALMUD, BERACHOS 60A

[Rav Acha said]: One who goes to have his blood let says: May it be Your will, Hashem, my G-d, that this therapy should serve me as a remedy, and that You should heal me, for You are G-d, the faithful Healer, and it is Your remedy that is genuine, for it is not the place of people to seek medical treatment, but so have they accustomed themselves.

Abaye said: A person should not say this, for a Baraisa was taught in the academy of R' Yishmael: "And heal, he shall heal" (Exodus 21:19). From here we derive that permission is given to a physician to heal.

❧ 1B ❧

SHULCHAN ARUCH, YOREH DEIAH, 336:1

The Torah granted permission to a doctor to heal, and it is a mitzvah. And it is part of the obligation of 'saving lives'. And if he withholds himself from doing so, he is considered a murderer.

2. When is it permitted not to provide medical attention?

❧ 2A ❧

BASED ON RESPONSA OF RABBI MOSHE FEINSTEIN O.B.M, CHOSHEN MISHPAT II:74

1. Medical intervention:

- **Withholding** medical care is permissible when the active intervention will delay the dying process or the terminally ill patient is experiencing pain and suffering that will not be relieved by the intervention.

- **Withdrawing** of life support and other interventions is generally not permissible according to Jewish law.

2. Nutrition and Hydration:

Basic care, such as food, fluid and oxygen, is not considered medical intervention and must be provided under all circumstances.

3. Does one have the right to choose not to seek medical attention?

ס 3A א

DEUTERONOMY 4:15

And you should take very good care of yourselves.

ס 3B א

BASED ON MAIMONIDIES, LAWS OF MURDERER 1:4

The body of a person is entrusted to him as a deposit by the Creator. A person does not have the right to damage this deposit in any manner whatsoever.

ס 3C א

MAIMONIDIES, LAWS CONCERNING ETHICAL CONDUCT, CHAPTER 4 LAW 1

Since maintaining a healthy and sound body is among the ways of G-d - for one cannot understand or have any knowledge of the Creator, if he is ill - therefore, he must avoid that which harms the body and accustom himself to that which is healthful and helps the body become stronger.

4. Should you force someone to receive medical treatment?

ס 4A א

LEVITICUS 19:16

You shall not stand aside while your fellow's blood is shed.

5. Should one seek 'alternative medicine' rather than 'modern medicine'?

ס 5A א

TALMUD, TRACTATE PESACHIM 113A

Rav said to Chiya his son: Do not ingest drugs.

RASHBAM IBID.

Even for medicinal purposes you should avoid taking drugs, if it is possible to heal through some other method.

BEN YEHOYODA IBID.

Taking a drug is like waging war against a disease: Before one battles an ailment, he should first attempt diplomacy, i.e., attempting a healthy lifestyle.