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Jewish Medical Ethics

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Jewish Medical Ethics

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A. Definition of the Term

The Hebrew term *musar* in the Bible refers to words of rebuke, teaching and warning¹ or the act of punishment for wrongdoing.²

proper conduct in life and includes basic principles concerning such proper conduct, both between man and God, and between man and his fellow man.

This section deals with general Jewish ethical principles and those specifically related to the practice of medicine. This subject is nowadays referred to as Jewish medical ethics.

B. General Ethical Principles

A fundamental difference exists between Judaism and secular philosophical ethics in many facets of life. The basis, validity and source of Jewish ethics is rooted in the belief in God and His Torah whereas the basis of secular ethics is primarily humanism and rational intellect.

Jewish ethics and law are derived from the written and oral law (the Bible and the Talmud, respectively), which were divinely given to Moses on Mount Sinai. The Jewish rules of law and principles of ethics include commandments governing the relationship between man and God, some of which have no rational or humanistic explanation,

are logical and explainable in humanistic terms.³

The Torah and its precepts are continually interpreted and expanded by the rabbinic Sages of each generation who add protective

1. Jeremiah 2:30; Zephaniah 3:2; Proverbs 12:1, 19:20 and more.

2. Such as Proverbs 22:15.

3. Explained in *Yoma* 67b where a distinction is made between mishpat which is a logical appropriate and understandable law, and chok which has no rational basis but is
Rashi, Genesis 26:5, Leviticus 18:4 and
19:19 , end of chapter 8.

rules and regulations and provide legal, ethical and personal guidance to the Jewish people.⁴

The following are some basic principles of Jewish ethics as viewed by Orthodox Judaism:

- In Judaism, there is no basic difference between laws and regulations and morals and ethics because both are integral parts of the Torah and their validity flows from the power of the Torah and the Divine revelation. Therefore, basic principles, discussions and debates on Jewish ethical issues do not differ from those of Jewish legal issues. This view is contrary to the social and secular systems of law and ethics.
- Jewish ethics includes the guidelines for proper conduct for man

Therefore, there is no difference in the binding nature of the law between the laws prohibiting stealing, killing, falsehood, revenge, carrying a grudge and the like, and the laws prohibiting idol worship, Sabbath desecration, eating on Yom Kippur, and the like. So, too, there is no difference between the obligations of giving charity, visiting the sick, burying the dead, caring for orphans and widows and their like, and the observance of dietary laws, eating unleavened bread (*matzah*) on Passover, sitting in the *Sukkah* on the holiday of Sukkot, and the like. This view is contrary to the humanistic approach in which only relations among human beings are dealt with.

- According to the Torah and Jewish law, one is obligated not only to refrain from doing bad but one must do good by being

as it is written, turn from evil and do good.⁵ These are two equal parts of the Jewish ethical obligation. Therefore, not only are harmful acts such as stealing, wounding and killing prohibited but there exist positive commandments: to give charity, to visit the sick, to be hospitable, to return lost objects and the like. This view is contrary to the legal approach which is primarily concerned with the avoidance of harm to others but does not require doing good to others.

4. Bertinoro, beginning of tractate *Avot*.

5. Psalms 34:15.

- These Jewish principles require not only proper acts but also proper thoughts and intentions. The Torah forbids hatred, covetousness, revenge, carrying a grudge, and the like, and a stranger and the like, in spite of the obvious difficulties in
- One of the important Jewish ethical principles is to sanctify the profane and to raise everyday human endeavor to a level of holiness.⁶ Some ethical and religious systems praise those who who practice asceticism in various ways. This is not the normative Jewish view. Judaism does not demand the difficult task, that is the conquering and appropriate inclination does not mean to withdraw from the world but to overcome the inclination while living in the world.⁷ This requirement is more difficult because it compels one to conduct oneself ethically during daily living which is full of ethical traps and obstacles.

The Bible and Talmud are replete with references to proper conduct, both between man and man, and between man and God. These references and teachings are especially numerous in the books of the early and late prophets, Ecclesiastics, Proverbs, Ethics of the Fathers, tractates *Derech Eretz Rabbah* and *Zuta*, and the Aggadic portions of the Talmud.

The Torah itself presents two types of teachings in regard to ethical conduct:

- the precepts and laws including specific obligations.
- the stories about the ethical conduct of the Patriarchs and Matriarchs which should be emulated.⁸

6. See Rabbi A.Y. Kook, , Part 1, pp. 145-146.

7. As articulated by the talmudic sages, *Berachot* 54a.

8. The Book of Genesis only includes three of the 613 commandments but is full of stories illustrating ethical characteristics of the Patriarchs and the Matriarchs. See *Genesis Rabbah* 60:11; Rashi, *Genesis* 24:42. See further , Introduction.

According to the God should also be emulated by man, in the performance of what is good and just.⁹

Jewish ethical teaching involves general concepts and principles on the one hand, and specific rules and regulations on the other.¹⁰

The importance of the principles of faith and ethics is emphasized by the talmudic Sages¹¹ who state that 613 precepts were communicated to Moses at Mount Sinai; David came and reduced them to eleven basic principles;¹² when Micah came, he reduced them to three key virtues;¹³ Isaiah further reduced them to two¹⁴ and Habakkuk condensed them to one overriding precept.¹⁵

The Bible cites a number of basic principles about the proper relationship between man and man, such as:

- Love your fellow man as yourself¹⁶

17

your neighbor, that is the whole Torah, while the rest is

18
- Do not profane the name of your God,¹⁹ namely do not conduct yourself in a way that profanes the name of God²⁰
- You shall do what is righteous and good in the eyes of the Lord²¹
- Observe Justice and perform righteousness²²
- Despise evil and love good, and establish justice by the gate²³

9. Deuteronomy 28:9; *Shabbat* 133 Book of Commandments, positive precept #8, Maimonides, 1:1ff; *Chinnuch*, precept #611.

10. Ramban, Deuteronomy 6:18, 12:28 and Leviticus 19:2. See also *Magid Mishneh*, *Schechenim* 14:5.

11. *Makkot* 23b-24a.

12. According to Psalms 15.

13. According to Micah 6:8.

14. According to Isaiah 56:1.

15. According to Habakkuk 2:4.

16. Leviticus 19:18.

17. Jerushalmi *Nedarim* 9:4 6:3.

18. *Shabbat* 31a. The view of Hillel. See further *Ketubot* 37b; *Kiddushin* 41a; *Sanhedrin* 45a and 84b; *Niddah* 17a.

19. Leviticus 18:21. See also Leviticus 19:12 and 22:32.

20. *Yoma* 86a; Maimonides, negative precept #63 *Yesodei Hatorah* 5:1ff; *Chinnuch*, Precept #295.

21. Deuteronomy 6:18. See also *Avodah Zarah* 25a. See further *Baba Metzia* 16b and 108a, and Ramban on Deuteronomy 6:18.

22. Isaiah 56:1.

23. Amos 5:15.

- Do justice, love kindness, and walk humbly with your God²⁴
- The righteous lives through his faith²⁵
- That you may walk in the way of the good, and keep the paths of the righteous²⁶
- Its ways are ways of pleasantness, and all its pathways are peace,²⁷ etc.

However, the Jewish ethical system, like the halachic system, is not satisfied with general theoretical rules alone but is filled with practical and individual guidelines. The Torah requires every human vis-a-vis another person, in actions, in speech and in thought, and not just abstract general good behavior.²⁸

Among the 613 biblical commandments, some can be clearly categorized as ethical in nature with regard to interpersonal relationships. They are as follows:

- To do good and to honor other people is exemplified by several precepts²⁹ the prohibition³⁰ against hating the requirement to honor elders and Torah scholars,³¹ and the³²
- To avoid physically harming another is exemplified by the precepts thou shalt not kill,³³ thou shalt not steal,³⁴ do not

24. Micah 6:8.

25. Habakkuk 2:4.

26. Proverbs 2:20. See also *Baba Metzia* 83a.

27. Proverbs 3:17. See *Sukkah* 32a.

28. See the portrayal of righteous and proper in Isaiah 33:15; Ezekiel 18:5-9; Psalms Chapters 1, 15 & 24; Job, chapters 29-31, etc.

29. Exodus 20:12 and 21:15, 17; Leviticus 20:9 and 19:3; Deuteronomy 5:15; 210-211 and negative precepts #318-319; *Mamrim* chapters 5-6; *Sefer Hachinnuch*, precepts #33, 48, 212, and 240-241.

30. Leviticus 19:17 302 6:5; *Chinnuch* precept #238.

31. Leviticus 19:32 209 Talmud Torah 242-244. Chapt 5-6; *Chinnuch*, precept #257;

32. Leviticus 19:18 206 6:3; *Chinnuch*, precept #243. See further *Avot* 1:2, 5, 12, 15; *Avot* 2:12, 3:11, 14; *Avot* 4:12, 18, 19, *Avot* 5:10, 11, 18, 19, Chapt 6-7.

33. Exodus 26:13; Deuteronomy 5:16 289 *Rotzeach* 1:1ff; *Chinnuch*, precept #34; *Tur*, *Shulchan Aruch*, *Choshen Mishpat* 425.

34. Leviticus 19:11 244 Geneva; *Chinnuch*, precept #224; *Tur*, *Shulchan Aruch*, *Choshen Mishpat* 348.

cheat your fellow man,³⁵ do not rob,³⁶ do not refrain from saving a life,³⁷ ³⁸ return lost objects and do not hide from this obligation,³⁹ remove harmful objects from public places,⁴⁰ save the pursued from the pursuer,⁴¹ etc.

- One must refrain from harming another even through speech⁴²

do not curse anyone,⁴³ do not cause anyone to stumble even by only giving bad advice,⁴⁴ do not be a tale bearer and gossip,⁴⁵ rebuke your friend if his conduct is improper,⁴⁶ do not shame your fellow man,⁴⁷ do not seek revenge nor bear a grudge,⁴⁸

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35. Leviticus 19:13 #247; *Tur, Shulchan Aruch, Choshen Mishpat* 359.
36. Leviticus 19:13 245 *Gezelah VeAvedah*; Chinnuch, precept #229; *Tur, Shulchan Aruch, Choshen Mishpat* 359.
37. Leviticus 19:16 297 *Rotzeach*:14; Chinnuch precept #237; *Tur, Shulchan Aruch, Choshen Mishpat* 426.
38. Deuteronomy 19:14 246 *Genevah* 7:11; Chinnuch precept #522; *Tur, Shulchan Aruch, Choshen Mishpat* 376.
39. Deuteronomy 22:1-3 204 and negative precept #269; *Gezelah Veavedah*, Chapt 11; Chinnuch, precepts #538-539; *Tur, Shulchan Aruch, Choshen Mishpat* 259.
40. Deuteronomy 22:8 *Rotzeach*, Chapter 11; Chinnuch, precepts #546-547; *Tur, Shulchan Aruch, Choshen Mishpat* 427.
41. Deuteronomy 25:12 247 and negative precept #293; *Rotzeach*, Chapter 1; Chinnuch, precepts #600-601; *Tur, Shulchan Aruch, Choshen Mishpat* 425.
42. Exodus 20:14; Deuteronomy 5:17-18 and 7:25 #265-266 *Gezelah* 1:9-11; Chinnuch, precepts #38 and 416; *Tur, Shulchan Aruch, Choshen Mishpat* 359.
43. Exodus 22:27; Leviticus 19:14 317 *Sanhedrin*, Chapt 26; Chinnuch, precept #231; *Tur, Shulchan Aruch, Choshen Mishpat* 27.
44. Leviticus 19:14 299 *Rotzeach* 12:12-14; Chinnuch, precept #232; 251.
45. Leviticus 19:16 301 7:1-6; Chinnuch, precept #236.
46. Leviticus 19:17 205 6:6-9; Chinnuch, precept #240.
47. *Avot* 3:15; *Baba Metzia* 58 6:8.
48. Leviticus 19:18 304-305 7:7-8; Chinnuch, precepts #241-242.

honor elders and Torah scholars,⁴⁹ do not aggrieve your fellowman through words,⁵⁰ and keep your promises.⁵¹

- Protection of weak segments of the population⁵² is exemplified by the precepts to love the stranger and not to oppress him verbally or monetarily,⁵³ not to cause pain to any widow or orphan and to act on their behalf with extreme diligence and devotion,⁵⁴ to give charity to the poor and to support the poor with loans, not to pressure them to pay off their loans, and to give the corners and gleanings and tithes to the poor as prescribed by Jewish law.⁵⁵
- prohibition of taking or giving high interest on loans,⁵⁶ to pay ones workers promptly,⁵⁷ not to aggrieve others in business,⁵⁸ and to allow field workers to eat while they work.⁵⁹

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49. Leviticus 19:32 209 *Talmud Torah*
 chapt 5-6; *Chinnuch*, precept #257; 242-244.
50. Leviticus 25:17; *Baba Metzia* 58 251
Mechirah 14:12-14; *Chinnuch*, precept #338; *Tur*, *Shulchan Aruch*, *Choshen Mishpat* 228.
51. Deuteronomy 23:24 94 *Nedarim*;
Chinnuch, precept #575; 204.
52. See also Isaiah 58:7; Ezekiel 18:7.
53. Exodus 22:20; Leviticus 19:33; Deuteronomy 10:19
 #207 and negative precepts 252-253 6:4 and *Mechirah*, chapt.
 14; *Chinnuch*, precepts #64-65 and 431; *Tur*, *Shulchan Aruch*, *Choshen Mishpat* 228.
54. Exodus 22:21; Deuteronomy 24:17 241, 256, 280;
 6:10, *Malveh Veloveh*, Chapt 3, and *Sanhedrin* 20:12; *Chinnuch*,
 precepts #65, 590-591; *Tur*, *Shulchan Aruch*, *Choshen Mishpat* 97.
55. Exodus 22:24; Leviticus 19:10; Deuteronomy 14:28, 15:7 and 24:19
Matnot Aniyim and *Malveh Veloveh*, chapt 1; *Chinnuch*, precepts #66-67, 216-223,
 474, 478-479 and 592-593; 247-259 and 331-332;
Tur, *Shulchan Aruch*, *Choshen Mishpat* 97.
56. Exodus 22:24; Leviticus 25:37; Deuteronomy 23:20
 #235-237 *Malveh Veloveh* Chapter 4-6; *Chinnuch*, precepts #68, 343
 and 572; *Tur*, *Shulchan Aruch*, *Choshen Mishpat* 159-177.
57. Leviticus 19:13; Deuteronomy 24:15 200 and
 negative precept #238 *Sechirut*, chapter 11; *Chinnuch*, precept #230
 and 588; *Tur*, *Shulchan Aruch*, *Choshen Mishpat* 339.
58. Leviticus 19:35 and 25:14; Deuteronomy 25:13 208
 and negative precepts 271-272 and 250 *Mechirah* Chapt 12-14 and
Genevah, Chapt 7-8; *Chinnuch*, precepts #258-259, 337, 602; *Tur*, *Shulchan Aruch*,
Choshen Mishpat 227 and 231.
59. Deuteronomy 23:25 201 and negative precepts
 #267-268 *Sechirut*, Chapter 12; *Chinnuch*, precepts #576-578; *Tur*,
Shulchan Aruch, *Choshen Mishpat* 337.

- Proper conduct in legal proceedings means not to testify falsely⁶⁰ and to appoint proper judges and court officers. Judges should conduct themselves with righteousness, not accept bribes, and pay close attention to follow precisely all the details of the law.⁶¹ One may also not swear falsely.⁶²
- Proper conduct in sexual matters includes the prohibitions against adultery and other forbidden sexual relationships and activities⁶³ clothing, shelter and sexual gratification.^{64,65}

In addition to the aforescribed biblical ethical system, the rabbinic sages in the Talmud and thereafter also decreed and implemented ethical guidelines for moral conduct, both on a societal and on an individual level. Many ethical discussions are scattered throughout rabbinic literature including the Talmud and Midrashim. These discussions provide the foundation for the organized ethical theories and views in the Middle Ages and in more recent times.

In the Middle Ages and in more contemporary eras, an entire specific literature on ethics developed which is known as *Torat Hamusar* (The teachings of morality). This literature is well organized and uses various analyses, and emphasizes proper conduct and improvements in behavior.⁶⁶

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60. Exodus 20:13; Deuteronomy 5:17 285
Eydut, Chapter 9; *Chinnuch*, precept 37; *Tur, Shulchan Aruch, Choshen Mishpat* 28.
61. Exodus 23:6 and 23:8; Leviticus 19:15. Deuteronomy 16:19 *Sanhedrin*
 Chapter 1-5 and 21-25.
62. Leviticus 19:12 61 *Shevuot*;
Chinnuch, precept #227; *Tur, Shulchan Aruch, Choshen Mishpat* 236.
63. Exodus 20:13; Leviticus 18:1ff; Deuteronomy 5:16 *Issurei Biyah*,
 Chapter 1-3 and 21; *Chinnuch*, precepts #35 and #188-207; *Tur, Shulchan Aruch, Even Haezer* 15 and 21-24.
64. Exodus 21:10 262 *Eeshut*, Chapter 12;
Chinnuch, precept #46; *Tur, Shulchan Aruch, Even Haezer* 73.
65. Specific precepts also exist regarding moral behavior toward animals including the obligation to unload them, the prohibition of cruelty to animals, not to slaughter an animal and its calf on the same day, not to muzzle an animal when it is working, the prohibition of consuming meat and milk together, and their like.
- 66 *Emunot VeDeot*; Rabbi
Sefer Hamasiyot *Tikkun Middot*
Henefesh *Chovot Halevavot*; Rabbi Abraham Bar
Higayon Hanefesh *Yesod Morah*;
Sefer Hamada *Tzedah Laderech*; Rabbi Schem Tov
Sefer Hamaalot and *Sefer Hamevakesh*
Shaarei Teshuvah and *Sefer Hayirah* *Kad Hakemach*;
Maalot Hamiddot; Rabbi Judah the

In the middle of the nineteenth century, prominent teaching of morality and ethics was promulgated by Rabbi Israel Lipkin Salanter (1810-1883). This teaching emphasizes spirituality as a method of

in Lithuanian type Yeshivas and, in modified form, also in Hasidic Yeshivas. It is now an integral part of the daily course of study in Yeshivas. Other ways of teaching, discussing and applying Jewish ethical principles were developed in Hassidic literature and in the profound writings of Rabbi Abraham Isaac Hakohen Kook (1865-1935).

C. Jewish Medical Ethics

Discussions of medical ethical dilemmas from a Jewish-halachic viewpoint go back to antiquity. The basic principles are already enunciated in the Bible and the Talmud and the rabbinic literature of all eras. Until recently, however, no specific term was used for medical ethics nor was this a separate area of study. Paralleling the advances in secular medical ethics has been the development of the field known

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In recent years, many discussions of medical ethics and Jewish law have been published, some of which are based on conferences held in various countries. International conferences on Jewish medical ethics are also now quite common.⁶⁸ The Jewish view on medical ethical subjects is also presented at various professional, scientific and other health-related meetings, symposia and conferences throughout the world.

Jewish medical ethics, in terms of the application of halachic and Jewish ethical principles to the solution of problems, differs from secular medical ethics on four planes:

Sefer Chasidim

Shevet Musar;

Mesilat Yesharim. The Book of Proverbs and the Chapters of the

Fathers and numerous letters, last wills and testament, ethics books, eulogy books, homiletic books, etc. are also full of ethical and moral teachings.

67. The first to use this term is Rabbi Immanuel Jakobovits in his classic book *Jewish Medical Ethics*, New York, Bloch Publishers, 1959; 2nd edition, 1975 (It was

Harefuah Vehayahadut), Jerusalem, Mossad Harav Kook, 1966).

68. In recent years such conferences have been conducted by the Shaare Zedek Medical Center in Jerusalem, the Association of Orthodox Jewish Scientists in New York, and the Hebrew Academy of San Francisco.

- the range of discussions and attitudes
- the methods of analysis and discussion
- the final conclusions
- and the basic principles.⁶⁹

1) The range of discussions and attitudes

Halacha addresses all the medical ethical questions which secular medical ethics raises, whether old or new. Halacha also addresses specific medical issues that affect only Jews who observe the precepts of the Torah. The basic Jewish approach is the same for questions relating to the terminally ill, abortion, organ transplantation and questions relating to the treatment of patients on the Sabbath, the laws of seclusion or the laws of a menstruant woman.

2) Methods of analysis and discussion

Jewish medical ethics analyzes medical ethical questions with the same methods and halachic principles used for any halachic analysis using basic principles and sources enunciated in the Talmud, Codes of Jewish law, and the responsa literature of all generations. The scientific or medical data are presented and the relevant halachic sources are then applied to the data. It is not always easy to arrive at a halachic conclusion regarding a medical question. A far reaching knowledge of halacha as well as an expert and precise understanding of the relevant scientific facts is required in order to arrive at the proper halachic conclusion.

From the time of the redaction of the Talmud until modern times, halachic decision making has been done through the question-answer format. The ethical question is first identified, presented to the rabbinic decisor and ultimately answered. In the future, this sequence may need to be changed. It may become necessary to establish in advance the halachic position on complicated medical ethical issues according to expected scientific outcomes. This change may be required because the questions are complicated, medical science is advancing rapidly, and the differences in the ethical questions are substantial. This halacha may need to anticipate medical scientific advances and establish halachic policies on major issues. In any event, the halachic resolution to new medical ethical issues can be made only

69. See A. Steinberg, in R. Gillon (ed); *Principles of Health Care Ethics*, 1994, pp. 65ff; A. Steinberg, in B.A. Brody *et al.* (eds), *Bioethics Yearbook* , Vol. 1, 1991, pp. 79 ff; A. Steinberg, *Jewish Medical Ethics* 1(1): 2, 1988.

by outstanding rabbinic scholars with knowledge and understanding of modern medicine, as well as experience in such areas.

3) Final conclusions

Halacha attempts to give final and operative decisions to questions posed to the rabbinic decisor. This is in contrast to secular medical ethics which views its function as defining the relevant ethical dilemma, sharpening the focus of the various views and not necessarily arriving at final and practical conclusions. Since time immemorial, however, Rabbis have differed in their opinions and not always is the final decision unanimous. This situation is no different than any other normative legal matter. Mechanisms exist in halacha to decide among the various opinions.⁷⁰ In this respect, there is no difference between a medical question and any other question in any area of Judaic practice or belief.

The halachic construct in resolving a medical ethical question is a tripartite one involving the patient and/or family, the physician, and the rabbinic decisor. The patient is obligated to seek the best possible medical care. He has the autonomous right to choose his physician and his rabbinic decisor and has the right to make his personal wishes known. The physician is obligated to treat the patient and must use the best diagnostic and therapeutic interventions according to his knowledge and judgment. The rabbinic decisor is obligated to understand all the facts of the medical questions, to consider the views presented by the patient and the physician, and then to decide according to halachic principles how to proceed in any given situation. His decision is binding on both patient and physician. It is obvious that this construct applies only to medical situations which have halachic ramifications. Pure medical decisions are made by the physician.⁷¹ This construct can be termed a religious-paternalistic approach which

requires acceptance of the halachic decision, but it negates personal paternalism.

4) Basic Principles

The basic principles of Jewish medical ethics compared to secular medical ethics are the following:

70. Concerning methods for deciding among differences of opinion in the Talmud and post Talmudic literature, see *Encyclopedia Talmudit*, Vol. 9, pp. 241ff.

71. According to 336:1

Jewish ethics, including Jewish medical ethics, is based on duties, obligations, commandments, and reciprocal responsibility. The

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⁷³ The acceptance upon oneself of this yoke is the ultimate purpose of Jews on this world and provides

contrast, secular medical ethics is based heavily on the concept of rights and autonomy. This is a minimalistic view and justifies human decisions which cannot be criticized as long as they do no harm to others. Judaism, however, requires self-fulfillment based on obligatory and binding moral requirements which are beyond the personal, temporal feeling of individuals but rather founded on values mutually beneficial to society.

Judaism in general prefers the casuistic approach to resolve halachic questions. This means that one must examine each situation according to the individual circumstances and develop the response according to the specific details and characteristics of that situation using many of the basic halachic rules and regulations and principles. This is the methodology of the rabbinic responsa literature and is ideally suited for medical questions where the circumstances differ from patient to patient. By contrast, the current approach of Western secular medical ethics uses a limited number of ethical principles and applies them to all situations involving medical ethical questions.

Judaism recognizes absolutism⁷⁴ only with respect to the Divine source of authority of Jewish law,⁷⁵ the supreme authority of the prophets who speak the words of God⁷⁶ and the eternity of Torah.^{77,78}

72. *Berachot* 13b

73. *Avot* 3:6

74. There are 13 fundamental principles of Judaism enunciated by Maimonides in the introduction to his commentary on the tenth chapter of Mishna tractate *Sanhedrin* (See F. Rosner, *Sanhedrin*, New York, Sepher Hermon Press, 1981).

75. To believe in the existence of the Creator (1st principle of faith), to believe in His singularity (2nd principle), to believe in His incorporeality (3rd principle), to believe in His eternity (4th principle), to negate any other god (5th principle).

76. To believe in His prophets (6th principle), to believe in the unique prophecy of Moses (7th principle).

77. To believe that the Torah in its entirety was given to Moses by God (8th principle), to believe in the eternity of the Torah (9
Guide 3:34.

Judaism does not in general subscribe to a set of principles and values as absolute imperative categories but rather favors a middle of the road

between different values or laws in any specific case.⁷⁹ The ethical imperative for the average person is to conduct oneself properly with the appropriate balance between opposing values and to avoid extreme positions. There are, however, unusual circumstances or for specific pious individuals where it might be justified or even desired to act

sanctity.⁸⁰ This is the exception, however, and not the rule. Hence, for Judaism there is no definitive value which is absolute so that it takes precedence in every case or situation. Various values have different moral weight and there is a system for ascribing priorities in specific situations where conflicting values exist. This view is based on the⁸¹ but to

⁸² namely one must seek and strive to reach

effort in striving for perfection⁸³ although the latter is unattainable, as stated by King Solomon, There is no righteous man on earth who only does good and does not sin.⁸⁴

The goal of studying and teaching Jewish medical ethics, as in all other areas of Torah learning, is to put Torah law and ethics into practice.⁸⁵ Judaism is not just an academic discipline.

The physician-patient relationship in Judaism is not a voluntary-contractual arrangement but a Divine commandment and obligation. The patient is commanded to seek healing from the physician and to prevent illness if possible. The physician is obligated to heal and is considered to be the messenger of God in the care of

78. Some other absolute beliefs include the believe in individual divine Providence, reward and punishment, the coming of the Messiah, and the resurrection of the dead (Principles 10-13).

79. As stated by Solomon (Ecclesiastes 7:16-18) and by Maimonides (1:4). See also Chapter 4 *Lechem Mishneh*, 1:4.

80. See *Messilat Yescharim* 13.

81. *Berachot* 25b.

82. *Shulchan Aruch, Orach Chayim* 1:1.

83. *Avot* 5:20

84. Ecclesiastes 7:20

85. See *Kiddushin* 40

patients. The patient is not free to decide autonomously to refuse treatment which might be beneficial or save his life. He is prohibited from relying on miracles, but must do whatever is necessary to heal himself according to standard medical practice.

In Judaism, the value of human life is supreme; therefore, to save a life, nearly all biblical laws are waived. This approach is in contrast to the secular ethical view which considers human life to be one of

Even in Judaism, the value of human life is not absolute and in certain rare and well-defined circumstances other values may supercede it. This, however, does not in any way diminish the supreme value of human life in Judaism. The emphasis placed on human life in Judaism exceeds that of most other religions.

The four basic principles widely accepted in secular medical ethics nowadays are also accepted as important values in Judaism but they do not receive the same weight in the Jewish tradition.

The principle of autonomy which is dominant in Western secular medical ethics is modified in Judaism. Judaism asserts that man was created in the image of God⁸⁶ and that all people are, therefore, considered special and equal.⁸⁷ Thus, Judaism requires that people must respect and help one another. Judaism also accepts a degree of patient autonomy in the physician-patient relationship. However, in certain situations in which autonomy conflicts with other fundamental

and life, to avoid harming others and to do good for others, the halacha may be in direct conflict with autonomy.

In Judaism, man is said to have free will and choice. This does not mean that he is permitted to choose to live immorally or to violate Torah laws. A person is commanded to live within halacha and thus his autonomy and free choice are restricted. Decision-making in areas which do not involve halacha can be totally autonomous. However, in every life situation in which there is a clear halachic position any Jew, be he physician or patient, must always act within the parameters of halacha

The principles of beneficence and non-maleficence are clearly defined axioms in Judaism which prohibit the intentional harming of

86. Genesis 9:6.

87. See *Avot* 3:17; *Sanhedrin* 38b; *Malachi* 2:10.

another person either physically, emotionally or financially, or by defamation or by an attack on objects owned by others. In addition, Jewish law clearly requires not only the avoidance of harm to others but the active doing of good to others. Sometimes, punishment is inflicted for not doing so. This approach is in contradistinction to secular law and ethics which usually only require one to avoid harm to others but do not obligate one to do good for others. Acts of kindness are considered praiseworthy but not specifically required in secular law and ethics as they are in Jewish law. Thus, coming to the aid of a most Western societies, is obligatory in Judaism.

Source: Prof. A.

Ethics, Jewish

from the **Encyclopedia of Jewish Medical Ethics**.

For further

Encyclopedia, Vol. 6, 1998, pp. 624-645 (Schlesinger Institute); English Edition of
the Encyclopedia, Vol. II, 2003, pp. 380-389 (Feldheim Publishers)

Source: The Schlesinger Institute for Jewish Medical Ethics