CHAPTER 10

Judaism

Dan Cohn-Sherbok

Introduction

From ancient times to the present, Judaism has stressed the importance of healing the sick. Such responsibility is viewed as divinely sanctioned. For this reason, Jewish physicians have had an important role in the Jewish community. In numerous ways, the tradition sanctions healthcare and provides a framework for tending the sick and curing the ill. In addition, both biblical and rabbinic sources stress the importance of visiting the sick, curing the ill, and tending those who are dying. Despite the variety of modern movements with their different and conflicting interpretations of the Jewish faith, there is widespread agreement about the general principles underlying such concern.

Theological foundations

According to the tradition, the beginnings of the Jewish nation stemmed from God's revelation to Abraham at the beginning of the second millennium BCE. Known as Abraham, he came from Ur of the Chaldeans, a Sumerian city of Mesopotamia. The Book of Genesis recounts that God called him to go to the land of Canaan: 'Go from your country and your kindred and your father's house to the land I will show you. And I will make of you a great nation' (Genesis 12: 1–2). The Hebrew Bible traces the history of this tribe from patriarchal times to the Exodus from Egypt several centuries later, and eventually the conquest of the land of Canaan by Joshua in about 1200 BCE. In later books of the Bible, the period of the judges, the rise of the monarchy, the emergence of the prophets, and the eventual destruction of the Northern and Southern Kingdoms are described in detail. With the growth of rabbinic Judaism in the Hellenistic period, the Jewish faith underwent a fundamental change that profoundly transformed Jewish life until the present. This long history of the Jewish people—stretching back over nearly forty centuries—provides the historical framework for the central beliefs of the Jewish faith.

Divine Unity and Creation

Of primary importance is the belief in God's unity. Throughout the history the Jewish people, the belief in one God has served as a cardinal principle of the faith. From biblical times to the present, Jews daily recite the Shema prayer: 'Hear O Israel, the Lord our God, the Lord is One.' According to Scripture, God alone is to be worshipped. Continuing this tradition, the sages of the early rabbinic period stressed that any form of polytheistic belief is abhorrent. For thousands of years, Jews have proclaimed their belief and trust in the one God who created the universe and rules over creation. According to Genesis 1, God created the Heaven and the Earth. This belief is a central feature of the synagogue service. In the synagogue hymn before the reading from the Psalms, God is described as the creator of all:

> Blessed be He who spoke, and the world existed:
>
> Blessed be He;
>
> Blessed be He who was the master of the world in the beginning.

Divine transcendence

For Jews, God is conceived as transcendent. Throughout Scripture the notion of divine transcendence is repeatedly affirmed. In the rabbinic period, Jewish scholars formulated the doctrine of the Shekinah to denote the divine presence. Later in the Middle Ages the doctrine of the Shekinah (God's presence) was further elaborated. According to the ninth-century scholar Saadiah Gaon, the Shekinah is identical with the glory of God, which serves as an intermediary between God and human beings during the prophetic encounter.

Divine providence

Judaism stresses, however, that God is not remote from creation. Rather he controls and guides the universe. According to Scripture, there are two kinds of providence: (1) general providence—God's provision for the world in general; and (2) special providence—God's care for each individual. God's general providence was manifest in his freeing the ancient Israelites from Egyptian bondage and guiding them to the Promised Land. The belief in the unfolding of his plan for salvation is a further illustration of such providential care of his creatures. Linked to this concern for all is God's concern for every person. In the Talmud we read: 'No man suffers so much as the injury of a finger when it has been decreed in heaven.'

The chosen people and revelation

Central to this belief in divine providence is the conviction that God chose the Jews as his special people. Through its election, Israel has been given an historic mission to bear divine truth to humanity.

In this regard, the belief in revelation is critical. According to tradition, the entire Torah (the Five Books of Moses—Genesis, Exodus, Leviticus, Numbers, and Deuteronomy) was communicated by God to Moses on Mt Sinai. As the twelfth century Jewish philosopher Moses Maimonides explained in his Commentary to the Mishnah (Sanhedrin, X: 1).

> The Torah was revealed from Heaven. This implies our belief that the whole of the Torah found in our hands this day is the Torah that was handed down by Moses, and that it is all of divine origin. By this I mean that the whole of the Torah came unto him from before God in a manner that is metaphorically called 'speaking', but the real nature of that communication is unknown to everybody except to Moses to whom it came.

Divine commandments

According to tradition, God revealed 613 commandments (*mitzvot*) to Moses on Mt Sinai, which are recorded in the Torah. These prescriptions, which are to be observed as part of God's covenant with Israel are classified in two major categories: (1) statutes concerned with ritual performances characterizes as obligations between human beings and God; and (2) judgements consisting of laws that would have been adopted by society even if they had not been decreed by God (such as laws regarding murder and theft). Traditional Judaism also maintains that Moses received the Oral Torah in addition to the Written Law. This was passed down from generation to generation and has been the subject of ongoing rabbinic debate.

The Oral Law

The first authoritative compilation of the Oral Law is the Mishnah composed by Judah Ha-Nasi in the second century CE. In subsequent centuries, sages continued to discuss the content of Jewish Law—their deliberations are recorded in the Palestinian and Babylonian Talmuds. Subsequently, rabbinic authorities continued the development of Jewish Law by issuing answers to specific questions. In time, various scholars felt the need to produce codes of Jewish Law so that all members of the community would have access to the legal tradition. In the eleventh century, Isaac Alfasi produced a work that became the standard code for Sephardic Jewry. Two centuries later, Asher ben Jehiel wrote a code that became the code for Ashkenazi Jews. Moses Maimonides in the twelfth century also wrote an important code that had a wide influence, as did the code of Jacob ben Asher in the fourteenth century.

The Code of Jewish Law

In the sixteenth century Joseph Caro published the Shulkhan Arukh that, together with glosses by Moses Isserles, has served as the standard Code of Jewish law for Orthodox Jewry until the present day. The Shulkahn Arukh is divided into four divisions: (1) Orah Hayyim dealing with everyday conduct, prayer, and festivals; (2) Yoreh Deah concerning the dietary and ritual laws; (3) Even Ha-Ezer, which deals with matters of personal status; and (4) Hoshen Mishpat dealing with courts, civil law, and torts. For the strictly Orthodox, the Code of Jewish Law is binding and serves as the guide to all matters of daily life.

Principles of healthcare

Within Judaism religion and healthcare have been in alliance since ancient times. From the biblical period to the present, the Jewish tradition has focused on the responsibilities of physicians and others to help those in distress. The attitude of Jewish Law is to encourage and facilitate the struggle against and escape from illness, which is regarded as a significant misfortune. Despite the belief in divine providence, there has been a general acceptance that sickness and disease should be combated and cured if possible. Human efforts to mitigate suffering are extolled and procedures for cure are described in detail. According to tradition, it is the prerogative and duty of human beings to use intellectual and physical resources to conquer disease. According to the Code of Jewish Law, 'the Torah gave permission to the physician to heal; moreover this is a religious precept, and it is included in the category of saving life.[1]

Healing

Judaism affirms that it is a moral duty to heal those in need. As the 15th century commentator and philosopher Isaac Arama noted, human effort is critical. Basing his view on the Pentateuchal narrative describing the patriarchs' efforts to save themselves when in danger, and legislation regarding the duty to construct parapets around roofs for the preventing of accidents, he argues that human beings must not rely on miracles or providence only, but must do whatever they can to maintain life and health.[2] In traditional Jewish sources, there is no rejection of medicine as legitimate. The typical attitude toward the legitimacy of healing was expressed by Chayim J. D. Azulay (a younger contemporary of the Baal Shem Tov, the founder of Hasidism): 'Nowadays one must not rely on miracles, and the sick man is duty bound to conduct himself in accordance with the natural order by calling on a physician to heal him. In fact, to depart from the general practice by claiming greater merit than the many saints [in previous] generations, who were cured by physicians, is almost sinful on account of both the implied arrogance and the reliance on miracles when there is danger to life ... Hence, one should adopt the ways of all men and be healed by physicians.'[3]

Healing by faith and prayer

Alongside the Jewish insistence on physical healing, the tradition has stressed the need for prayer. Typical among Jewish teachers was the medieval poet-physician Judah Halevy's supplication for divine help:

> My medicines are of Thee, whether good or evil,
>
> whether strong or weak,
>
> It is Thou who shalt choose, not I,
>
> Of Thy knowledge is the evil and the fair.
>
> Not upon my power of healing I rely;
>
> Only for Thine healing do I watch.[4]

Again, the 17th century rabbi-physician Jacob Zahalon wrote a prayer in which he proclaimed his reliance on God:

> I am minded to busy myself with the practice of medicine in Thy Holy Name and through Thy assistance ... I do not rely upon my wisdom, nor do I place my trust in the drugs and herbs and medicaments which Thou hast created, for they are, but the means to fulfil Thy will and to proclaim Thy greatness and Thy providence.[5]

Such utterances illustrate the physician's perception of his role as a divine agent in the alleviation of human suffering. Ultimately, God is viewed as the ultimate healer of disease.

Amulets and incantations

In general rabbinic sources retained the biblical hostility to superstition, as found in Deuteronomy 18:10–11, which forbids sorcery, witchcraft, divination, soothsaying, consulting auguries, magic spells, and necromancy. Nonetheless, it was a frequent practice in the Middle Ages to use incantations and amulets to ward off evil. In Jewish codes frequent mention is made of the use of incantations and amulets. The medical effectiveness of incantations was widely accepted. Incantations to heal a scorpion's bite, for example, were permitted even on the Sabbath. Similarly, it was allowed to charm snakes or scorpions to prevent injury by them, and such acts were not viewed as violations of Sabbath law. Amulets were normally pendants containing a written text. These were generally worn by the user at all times to cure or prevent certain ailments. In this regard, the Code of Jewish Law states:

> It is permitted to make medical use of amulets, even if they contain [divine] names; similarly, it is allowed to wear amulets containing scriptural verses, provided they serve to protect the wearer from falling ill and not to heal him when afflicted with a wound or a disease. However, it is forbidden to write scriptural verses on amulets.[6]

Demons and evil spirits

In contrast with amulets and incantations, the exorcism of demons is only rarely mentioned in Jewish Law. Following the Talmud, the codes affirm the belief in the existence of demons. In the sixteenth century, the belief in the power of such beings was so great that a leading rabbi discussed whether a woman who was alleged to have had intercourse with a demon should be separated from her husband as an adulteress. More reference, however, is made to evil spirits who pursue or possess human beings, and cause mental illness. The matrimonial regulations in the Code of Jewish Law refer to a husband who wishes to divorce his wife who is seized by the evil spirit and turned insane.[7] It was widely believed that a person in whom the evil spirit had breathed could be cured by milk squirted on him by a nursing mother. Jewish Law refers to two remedies against the harmful effects of the evil eye. A special charm could be worn by persons even on the Sabbath; horses could be protected against the evil eye by a fox-tail suspended between their eyes.

Preservation of human life

The Jewish tradition repeatedly affirms the need to preserve life, even if this involves profaning the Sabbath. Hence, the Talmud and subsequent rabbinic works stress that it is lawful to ignore the Sabbath, as well as other religious precepts in order to save life. It makes no difference whether the life of the person saved on the Sabbath is likely to be extended by many years of merely seconds. The principle is that each human life is infinite so that a hundred years and a single second are equally precious. The principle here is that the duty to promote life and health, and any acts performed to that end, are of paramount importance. Thus, it is not merely permitted, but imperative to disregard laws in conflict with life or health. As the Code of Jewish Law explains: 'It is a religious precept to desecrate the Sabbath for any person afflicted with an illness that may prove dangerous; he who is zealous is praiseworthy, whilst he who asks [questions] sheds blood.[8] In this regard, vital decisions must be made quickly when the interests of life conflict with the demands of religious law. A delay could result in fatal consequences. Here, the Code of Jewish Law provides guidance: on the principle that where a doubt exists involving danger to life, the more lenient view should prevail.[9]

Forestalling danger to life

The principle of preserving life extends to any danger to life itself. Hence, the Code of Jewish Law specifies that flames should be extinguished on the Sabbath before they threaten to engulf properties in which human lives could be threatened.[10] Food may be rescued from a conflagration if required for sick, old, or ravenous people.[11] It is permitted to capture snakes, scorpions, or other dangerous creatures to prevent being bitten by them.[12] Animals whose bite is lethal may be killed on the Sabbath, but if the injury they might cause is not usually fatal, their destruction is lawful only if one is actually pursued by them.[13]

Concern for animals

In addition to concern for human welfare, the Jewish tradition stresses the importance of care for animals. Relaxation of Sabbath laws to protect the health of animals includes permission to anoint their wounds provided they are fresh and painful,[14] to place them in water to cool them following an attack of congestion,[15] to ask a non-Jew to bleed them if venesection can save their life,[16] to raise them from water into which they have fallen,[17] and to ask a non-Jew to relieve them of milk causing them distress.[18]

Illness and death

Judaism's concern with health issues, focuses as well on questions dealing with sickness and death. Throughout the religious sources, the rabbis stress that both physical and mental pain should be relieved whenever possible. Such religious consideration permits Jewish Law to be set aside if necessary. This is so with regard to the Sabbath in particular, but also applies in other contexts. Within rabbinic sources, a wide variety of issues, ranging from caring for the sick to the treatment of the dying, are elaborated in detail. Throughout there is a constant concern for correct conduct and moral concern.

Relief of pain

According to tradition, pain in general justifies infractions of the law. Here pain is understood to involve both physical and mental suffering. Rabbinic sources abound with examples: one need not have the Friday evening meal in the glow of the Sabbath candles as normally required, if the light is the cause of undue discomfort.[19] It is permitted to weep on the Sabbath if this may bring relief from mental stress.[20] The nursing mother especially enjoys sympathy within Jewish Law: to relieve herself of excess milk hurting her, she may suckle a non-viable child or squeeze the milk by hand, even in circumstances in which that is not normally allowed. Jewish Law specifies that when circumcision takes place, time should elapse before a person's immersion in a ritual bath so that he will be able to recover from the operation. Even a criminal walking to his execution is to be saved from unnecessary anguish in compliance with the principle: 'Thou shalt love thy neighbour as thyself'—thus the Talmud insists that an individual should be drugged into insensibility during the final ordeal so as to minimize his suffering.[21]

Visiting the sick

The Jewish tradition stresses the importance of visiting the sick. Such visits are viewed as among the most meritorious acts.

Hence, in a talmudic passage that is recited daily by Jews, this duty is listed as one of the ten most important ethical responsibilities.[22] According to the Talmud, a refusal to visit the sick is like shedding blood, since visits to the sick help them to become well. This obligation is a responsibility of everyone in the community.[23] The manner of performing this religious duty is prescribed in precise terms. There is no limit on the frequency with which the sick should be visited on a single day. The more often the better, as long as it does not trouble the patient. Even a personal enemy should go to see his sick neighbour as long as this does not cause anguish to the person who is ill. Close relatives and friends may visit the patient immediately; those more distant should not come until three days have elapsed, unless the illness has come about suddenly. Visits during the first and last three hours of the day should be avoided. Sick visits are permitted even on the Sabbath.[24]

Treatment of the opposite sex

Judaism makes no restriction on a male physician treating female patients. Nonetheless, it is emphasized that medical practitioners should adopt the highest ethical standards. In this regard the Talmud cites the example of the fourth century sage Abba who was noted for his piety, and had separate consulting rooms for men and women. He also gave his patients a special dress for venesection so that no part of the body would be exposed except what was needed for the operation.[25] In this connection the first Hebrew medical writer, Asaf Judaeus, in the seventh century admonished his pupils not to let the beauty of a female patient arouse the passion of adultery.[26] Echoing such a view, the seventeenth century scholar and medical writer Jacob Zahalon warned: 'When the physician visits women, he should be modest and should not follow the evil thoughts of his heart.'[27] In his prayer for physicians to be recited weekly, he declared: 'Cleanse my mind and purify my thoughts that I think no evil about any woman, whether virgin or wife, when I visit her, that I do not go after my own heart and my own eyes.'[28]

Treatment of the insane

The regulations regarding respect to parents is not diminished if they are mentally deranged. Ideally, children should take responsibility for their parents care. However, according to the 12th century philosopher and codifier, Moses Maimonides, if they become excessively insane, it is permissible to employ others to look after them. In his view, an insane person must not be left without due care. If children are unable to exercise this responsibility, they must find and provide others to do so.[29]

Preparation for death

According to the tradition, every caution must take place with the last preparations before death so that the dying person's condition is not affected adversely. Such matters include the ordering of an individual's affairs, as well as his reconciliation with the Creator. The Talmud specifies that he is first to be told to set his mind on his affairs, for example, if he had left a loan or a deposit with others or held a loan or a deposit from them. Later when he feels death is imminent, he should be encouraged to confess his sins. The Code of Jewish Law specifies that he should be told that 'many have confessed, but did not die, while many who did not confess died; and as a reward for your confession you will live, for whoever confesses has a portion in the world to come.'[30] The prayer of confession seeks to reassure a patient: 'I acknowledge before Thee, O Lord, my God, and the God of my fathers, that my recovery and my death are in Thine hand. May it be Thy will to heal me with a perfect healing; but if I die, may my death be an atonement for all my sins ... which I have committed before Thee.'[31] Yet as the end draws near, mention should not be made of death so that the patient should not know the seriousness of his condition and thereby become weaker.[32]

Treatment of the dying

When death appears near, the patient is still to be related to as a living person. It is forbidden to tie his jaws, anoint him, wash him, plug his open organs, remove the pillow from under him, or place him on sand, clay, or the ground. It is also not permitted to lay a vessel or salt on his belly or close his eyes.[33] Such actions are not allowed because they might hasten his death. For this reason the Talmud states: 'The matter can be compared with a flickering flame; as soon as one touches it, the light is extinguished.'[34]

Euthanasia

According to traditional Judaism, any form of active euthanasia is strictly forbidden. In legal terms the tradition decrees that anyone who kills a dying patient is liable to the death penalty.[35] Yet Jewish Law permits the withdrawal of any factors that may artificially delay a person's death. However, it is permitted to expedite the death of an incurable patient in acute agony by withholding such medicines that sustain his life by unnatural means. It should be noted that this traditional ruling is not universally accepted within the Jewish community. In recent times, some non-Orthodox Jewish thinkers have advocated voluntary euthanasia under certain conditions.

Determining death

The rabbis of the Talmud decreed that death occurs when respiration has stopped. However, with the development of modern medical technology, this definition has been subject to alteration. It is now possible to resuscitate those who previously would have been regarded as dead. Thus, the modern rabbinic scholar Mosheh Sofer in his responsum declares that death is considered to have occurred when there has been respiratory and cardiac arrest. Another legal scholar, Mosheh Feinstein, however, has ruled that a person is considered to have died with the death of his brain stem. Despite such disagreements, it is generally accepted that a critically ill person who hovers between life and death is alive. Jewish Law accepts that no effort should be spared to save a dying patient. In this regard, the Talmud lays down that a change of name may avert the evil decree and, hence, the custom developed of altering the formal name of an individual who is seriously ill. Yet despite such a practice, traditional Judaism fosters an acceptance of death when it is inevitable.

Dealing with a dead person

According to tradition, once death has been determined, the eyes and mouth are closed, and if necessary the mouth is tied shut. The body is then put on the floor, covered with a sheet, and a lighted candle is placed close to the head. Mirrors are covered in the home of the deceased and any standing water is poured out. A dead body

is not to be left unattended, and it is considered a *mitzvah* (good deed) to sit with the person who has died and recite psalms. It should be noted, however, that these practices are carried out only within Orthodox Judaism; the non-Orthodox branches of the faith have established their own procedures, which largely dispense with these practices.

Burial

The burial of the body should take place as soon as possible. According to tradition, no burial is allowed to take place on the Sabbath or the Day of Atonement. In contemporary practice it is considered unacceptable for it to take place on the first and last days of the pilgrim festivals (Passover, Succot, and Shavuot). After the members of the burial society have taken care of the body, they prepare it for burial. It is washed and dressed in a white linen shroud. The corpse is then placed in a coffin or on a bier before the funeral service. Traditional Jews only permit the use of a plain wooden coffin, with no metal handles or ornaments. The deceased is then borne to the grave face upwards. Adult males are buried wearing their prayer shawl. Again, it should be noted that, amongst non-Orthodox Jews, many of these practices have been altered or omitted. Among Reform Jews, for example, burial practice differs markedly from that of the Orthodox. Embalming and cremation are usually permitted, and Reform rabbis commonly officiate at crematoria. Burial may be delayed for several days, and the person who has died is usually buried in normal clothing without a prayer shawl.

Conclusion: unity and diversity in Jewish healthcare

In the modern world, the Jewish community has fragmented into a wide range of different groupings, each with their own interpretation of the tradition. Nonetheless, all Jews—whether Orthodox or belonging to the various non-Orthodox branches of the faith—embrace the Jewish emphasis on caring for the sick and those who suffer. Even though the central theological tenets of the tradition are no longer universally accepted within the Jewish world, Jews—whatever their religious orientation–endorse the Jewish emphasis on healthcare. Visiting the sick is regarded as a cardinal virtue, and physicians and healthcare workers are viewed with respect and admiration. Amongst the Orthodox, the traditional healthcare practices continue to govern Jewish life. Yet, it must be emphasized that there is a difference of opinion within the Jewish world about a wide range of contentious medical issues. For example, although many Orthodox Jews regard artificial insemination where insemination is by the husband, there are serious reservations about such a practice where there is an outside anonymous donor. Here, Orthodox authorities have argued that this would pose grave moral problems. Such operations, they maintain, disrupt the family relationship. Moreover, a child conceived in this way would be denied its birthright to have a father and other relations who can be identified. Despite this ruling, however, there are many Jews today who favour artificial insemination regardless of the donor. In their view, there should be no moral reservations about artificial insemination by donor (AID): it is a procedure to be welcomed and encouraged for those unable to have a child by normal means.

Abortion, too, is a topic where there is considerable disagreement. According to Orthodoxy, abortion is sanctioned, but only in cases involving a grave anticipated hazard to the mother whether physical or psychological. A former Chief Rabbi of Israel, for example, adopted an even more strict view, expressly proscribing the destruction of any foetus, at whatever age of gestation, even if serious deformities were suspected. However, opposing this view, the head of the Rabbinical Court of Jerusalem, adopted a more lenient approach, and made a distinction between earlier and later periods of the pregnancy. In his view, an abortion on a Jewish mother, even in the absence of any actual danger to her life, is permitted provided there is a serious medical indication, as well as in cases of rape or incest, or of a definite risk that the child may be born physically or mentally handicapped. Within the non-Orthodox world, however, there is a much more flexible approach to abortion. For many Jews, abortion should be viewed a choice for the mother to make without fulfilling such pre-conditions.

Health care workers must thus be aware of the fact that the Jewish community is no longer unified by belief and practice. When dealing with strictly Orthodox patients, Jewish Law should be followed rigorously. However, in the vast majority of cases Jewish patients will not feel bound by prescriptions found in rabbinic sources. In such instances it is important to ascertain the degree to which Jewish Law will need to be followed or could be set aside. Yet despite such differences of approach to the tradition, there is universal agreement in the Jewish community that healthcare is of primary importance and that those who are engaged in this field are to be respected and admired. Judaism and medicine have been allied with each other throughout thousands of years of history, and this continues to be so in the modern world.

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