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Bodies Belong to Whom ?

Judaism denies a person
the right to abuse or destroy a gift from God

The Twentieth Century has given rise to many moral problems which did not receive much attention in the writings of the ancients. One of these problems involves the so-called "Right to Choose Death." Should doctors prolong the meaningless existence of patients whose brains no longer function? Must doctors prolong life no matter how much suffering they inflict thereby on both the patients and the members of their families who must witness the torture?

Recently the American Hospital Association recommended a patient's "bill of rights" and one of the rights included is that "the patient has the right to refuse to take treatment to the extent permitted by law, and to be informed of the medical consequences of his action."

In the last few years an enormous literature has developed on this subject as well as many legislative proposals. Judaism, too, has its point of view which on the one hand prohibits the physician to administer medication that will kill but at the same time permits him to stop treatment which is only prolonging life pointlessly.

I know very well how difficult it is to draw the thin line between active and passive euthanasia. However, my concern at the moment is with the notion that the central moral problem revolves around what is called the patient's right.

About a year ago, a very distinguished psychologist wrote the following in the New York Times: "The law permits one the right to determine how his earthly possessions are used, and by means of a will to direct what shall be done with them after his death, but the law denies him the right to direct what happens to him

personally in the event he is stricken with a painful incurable illness or condition that renders him helpless and his only remaining wish is that his life be ended.

“If a person longs for the relief that only death can provide and he makes a written witnessed statement of his wishes, why should he not be permitted to choose to have the assistance of a physician in mercifully terminating his life?”

While it may be that in certain cases Judaism would approve of passive euthanasia, we must remember that Judaism does not regard the human body as any person's property. One's body does not even belong exclusively to one's self. Therefore the mere thought that a moral problem may be resolved on the assumption that my body belongs to me and I am the sole judge as to what should happen to it is repugnant to Judaism.

This approach to the problem is one with which we have become familiar in recent decades when young people say that their bodies are their own and therefore they can destroy it by drugs or by sexual promiscuity as they choose, or that a fetus in a mother's womb is her property and she can decide to do with it what she wants precisely as she deals with her fingernails or her sheared hair - this approach is an approach that Judaism frowns upon.

I may not make myself popular with young or old but for the sake of popularity I cannot misrepresent the nature of our religious tradition and that for which it stands.

The gift of life that we enjoy is from God. Our bodies, without which life is impossible, are from Him too. According to Judaism I am only the custodian of my physical self. I may not mutilate myself any more than I may mutilate that which belongs to somebody else.

I owe God the obligation to take care of that which He has made available to me for use and not for destruction. Furthermore, God made my body available to me not only for my own enjoyment but also for the enjoyment and blessedness of others. I am to use my body and my soul to advance the welfare of mankind and to promote the eternal values which Torah represents. Therefore, my use or abuse of my body must be related to God's will and the benefits that He wanted to accrue therefrom not only to me but to all mankind for the fulfillment of the values which should be espoused by all.

There are times when I am permitted to martyr myself and let that body be destroyed. For example, if I refuse to let myself become the instrument for another man's death and as a result suffer death myself, my self-sacrifice is not simply the exercise of my right to do with my body as I wanted, but rather the exercise of my duty to fulfill God's wish that through me no evil should befall another. (*Talmud B. Sanhedrin 74a*)

Similarly, if the mutilation of my body during life or after death will serve to benefit someone else immediately and not remotely, such mutilation is permitted. Then again, I am not exercising my right to give away my eye or my kidney but rather my duty to help another human being whom God wanted me to help.

By the same token I must sometimes reconcile myself to suffering not because Jews glorify or even approve of asceticism but because my clinging to life in spite of suffering is God's will. I cannot take my own life for that decision is His. Nor have I the right to ask anyone else to take my life and make that person live with feelings of guilt about that which they did.

I must not cause others to murder in my behalf. I may wish myself dead. Those who love me may pray fervently that I be spared the suffering. But from a long range point of view I may be serving mankind best by reconciling myself to the suffering without vesting in individual doctors or teams of doctors the power to decide who will live or who will die. Thus I must accept my fate in fulfillment of a duty to all mankind by not permitting my suffering to become the pretext for weakening the almost unexceptional taboo against the taking of human life under any or all circumstances.

Modern writers on the subject seem to think that Judaism is so sensitive about this problem because of our revulsion over the Nazi crimes which were performed by medical doctors who misappropriated the term euthanasia as a cloak for ruthless killing. However, this is not so. Our revulsion is much older than the nineteen thirties. Indeed our revulsion was so great in the past that courts found it very difficult even two thousand years ago to administer capital punishment despite the fact that the Torah made it their duty to do so. They felt that it was better to let society suffer the liberation and free locomotion of an alleged murderer rather than involve courts in acts of homicide.

Much more will yet be written about this subject. I have nothing especially new to say about the problem. However, my concern is with the false notion that what is involved is a personal right to regard one's body as one's own so that we can make decisions with regard to it as if it were our property.

Young people must learn this lesson in connection with the use of drugs, abortions, and sexual promiscuity. There is no right to do with one's self as one pleases. God's will and the interests of all mankind must be reckoned with as well.