

chapter 4

Question

Is it permitted by Hallacha Jewish law to follow the last will of a person who states that

her/she should be removed from life support and let die?

Response

Removing from life support is murder as far as Hallacha is concerned. A human has no right to commit suicide . One's body belongs to God . God gave man/woman a body to live . The body is not theirs. They can not terminate life at his/her will. Only God gives life and terminates life , Radvaz Rambam Laws of Sanhedrin 18:6 citing Ezekiel 18 hanefoshes li. God sdeclares all life belong\s top God. Shulchan Aruch Yoreh Dayoh 240 :15 Aruch Hasshulchon yoreh Dayoh 240:34-37 explicitly state that if one's parents order one to violate any law of the Torah one is forbidden to listen to them. The reason is because your parents are obligated to follow the Torah. When a parent instructs their child to violate the Torah you are not to obey them. The reason is because the Torah is a higher authority.

Would the son/daughter follow their instruction the son daughter are liable. Ain shliach lidvar avaira. There exists no agency to do a sin. If some one appoints you to perform a crime you get arrested. Yes, the one who sent you will also get arrested and if convicted will get punished.

A disgruntled man convinced a 17 year old to become a sniper and murder several people from the back of his truck. Both were caught arrested. The youngster got life . The older man who convinced him to murder got the death penalty.

If the patient is in great pain then we are permitted to stop the medicine to prolong his/her life. But never to take any active steps tp kill them. Thus we do not hook them up to a

respirator or other artificial means of saving their life. We however never are permitted to stop feeding them or deprive them from water. To do so is considered actively participating in their death.

The same law holds if in the last will it states that the deceased be buried in a non Jewish cemetery or to have his/her remains cremated .

If one would face a law suite or other legal sanctions or action if he/she goes against the instructions of a living will or a will they should refuse to be a party. This is similar to the case where Catholic hospitals and institutions refuse to be a party to the health care law that all institutions offer insurance that covers contraceptives or abortions. Any religious institution of any faith that considers such a law as opposed to the tenets of their religion can opt out and refuse to be a party. Then the individual woman who desires such insurance must on her

own contract with the insurance company. The religious institution is not a party and is not involved.

The same rule applies about a physician discovering that his patient is a carrier of a contagious sex disease . Can the doctor inform his /her partner? According to Hallacha the answer is yes. State law may differ with sanctions against the doctor who may lose his license or other penalties. If there are penalties the doctor should opt out and let another one in a higher chain of command handle it. If he is the other and there are penalties and sanctions, he should keep his mouth shut. However the wisest path is to consult an attorney specializing in physician mal practice.