PHYSICIAN ASSISTED SUICIDE
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To be a rabbi is a privilege, to be your rabbi is a distinct privilege. I am reminded of just how much every single day. To be invited into your lives at the most profound and meaningful moments is humbling. The most humbling moments are when I am asked to come to the bedside or sit in the living room with your loved one who is facing a terminal illness. There is nothing a rabbi does that is more sacred or holy.

I teach my rabbinic students, and always endeavor to remember for myself that it is not Dan Moskovitz that is being invited into that room, it's not even Rabbi Dan Moskovitz. In that moment the rabbi is a symbolic exemplar of the divine. If the family could invite God to come sit by their side and talk them through the painful and difficult path that lies ahead, they would have invited God. But instead they are stuck with me.

And so, when they ask, 'Rabbi he didn't want to live like this, with tubes and machines keeping him alive, what should we do?' Or they say to me, 'Rabbi I just can't do another round of chemo, I can't go on like this.' They are not asking me; they are asking God.

Please excuse my blunt language, but who am I to speak for God? At best I can relate how other rabbis and Jewish tradition have answered those questions over time, they too were never speaking for God, only interpreting our tradition. What God would say to your loved one in that moment as they lay there wracked with worry, pain and anguish – I honestly don't know, but I think it would begin with tears.

Tears for the pain, the suffering, the uncertainty, the burden, the complexity of human beings being confronted with the most impossible and imposing of decisions; of maters of life and death.

This morning the Supreme Court of Canada issued a ruling that opens the door to legalization a year from now of Medically Assisted Death for people suffering from a "grievous and irremediable" – though not necessarily terminal – condition. Through some legal apparatus not yet defined the court has decided to put the answer to these questions of life or death in the hands of the individual or perhaps their family acting on their behalf or instructions.

Commentators and legal scholars are calling this a landmark ruling and one of the most important rulings on a sensitive social policy issue in Canada's history.

The Vancouver Sun reported that Canada's highest court ruled unanimously and emphatically that the Criminal Code ban on assisted suicide, which provides a sentence of up to 14 years in jail, violates the Charter of Rights and Freedoms.

Specifically the ruling noted that Canada's laws against assisted suicide "unjustifiably infringe" section seven of the Charter of Rights and Freedoms, which guarantees everyone's "life, liberty and security," and are "of no force or effect to the extent that they prohibit physician assisted death for a competent adult person," the court declared.

In rendering this decision, the Supreme Court of Canada continued an evolving practice within civil law of extending to citizens more and more personal rights, liberties and autonomy.

I am a scholar of Jewish law, not civil law, but I know enough about the later to observe that this is the way of a democracy. The laws must reflect the will of the people if they are to have weight and meaning. Changing them through the ballot box, legislation or legal redress is the cornerstone of democracy.

It is however NOT the cornerstone of traditional Jewish Law. Judaism teaches that life is bestowed by God and thus only God can decide when it ends.

My teacher, and Jewish Ethicist Rabbi Elliot Dorff explaining the traditional Halachic legal perspective uses the idea of a steward, with full responsibility for guarding what has been entrusted to us. God entrusted us with the use of our bodies during our lifetimes and we are obliged to safeguard this loan of life. An observation that reminds me of the line from 99-year-old, Eubie Blake, the great ragtime composer and pianist who said, "If I'd known I was going to live this long, I'd have taken better care of myself."

In Judaism individuals have significant personal autonomy regarding their bodies, but we do not have unlimited authority and autonomy. We can make decisions to preserve life, but we do not have the authority to decide when to end it. Unequivocally traditional Judaism says that it's not our decision; it is God's.

Let me teach you a Hebrew word that I wish you will never have to apply to anyone you know. The word is *Goses* and in Jewish law it refers to someone on the threshold of dying. Caring for a *goses* is a matter of serious concern in Jewish tradition.

In the great code of Jewish law, the Shulhan Arukh (Yoreh Deah 339:1), we are taught that a *goses* is considered a human being in every aspect, and we are forbidden to hasten that person's death. Rabbi Moshe Isseles explains, "It is forbidden to hasten death. However, if there is an impediment preventing the soul's departure, … it is permissible to remove it."

Notice the careful distinction between introducing an agent to hasten death – which is expressly forbidden - and removing something which prevents death from occurring, which is permitted.

There is a limit to our autonomy, a boundary between the Creator of life and human beings. We may not unnecessarily kill a person endowed with life nor destroy ourselves.

The issue is increasingly complex, and my point tonight is not to teach a course in Jewish law, but to be clear Jewish tradition generally permits Passive Euthanasia to let – for lack of a more direct phase, nature take its course. You can remove impediments to the soul's departure such as respirators, medications, therapies if the person and or their family acting on their expressed wishes desires it. 'No heroic measures' is the term we use today.

But to the question of Active Euthanasia, which the Supreme Court ruling primarily addressed – traditional Judaism clearly says NO, we do not have the autonomy to hasten death.

Wherever you stand on this question I think there is great wisdom in the Jewish perspective. I worry about allowing a "right to die", because I fear it slowly shifting into a "duty to die". My teacher Rabbi Jack Reimer has observed that we run the risk of creating a culture that makes people who are old or sick feel guilty about living".

Rabbi Baruch Frydman-Kohl of the conservative congregation Beth Tzedec in Toronto added to this worry with another that assisted suicide – whether by family or physician - threatens the absolute sanctity and respect for the individual that is the foundation of Jewish tradition.

"Perhaps wanting what's best for their surviving dear ones, terminally ill patients may simply choose death by pills or injection as a means of saving their family the financial and emotional burdens of long-term care. Societal pressures to preserve precious, communal resources might lead to a disregard for those ones who would be the least likely to counter such pressures; those who are most vulnerable, namely the elderly, the mentally ill, minorities, and the poor."

It's a concern that reads like a dystopian novel by Margaret Atwood – but one worries we could slide down such a slippery slope. So, Judaism says, *Yaish Gavul* – there is a boundary, you cannot hasten death.

But the issue is complex, maybe more so for us as Reform Jews where tradition has a vote but not a veto in our lives. The laws of Judaism with regard to the *goses* were written 1500 years ago when the power and possibility of modern medicine was not even imagined. No one lived for a long time with terminal illnesses, there were no means to sustain life beyond the most rudimentary let alone diagnose a terminal illness well in advance of its critical phase.

In the end my Judaism, Reform Judaism, while **informed** by tradition is not governed by it involuntarily. I assert my autonomy as a Jew to build a moral bridge

between my modern ethical values and those inherit in our storied tradition and I encourage you through study, prayer and reflection to do the same.

We celebrate the struggle with God in Jewish tradition, a struggle first waged by Abraham, continued by Jacob and Moses and embraced by the rabbis of the Talmud in their day. Their ruling on a *gosas* was reflective of their time and what they thought God wanted of them.

Your belief and practice should similarly be expressed in the present tense, what you think God wants of you and those in your care **today**, with all that we have learned about science and medicine and pain and disease factored in.

I can't tell you what God would say in that moment, and in my view neither can Jewish tradition with 100% certainty. What I can advise now, before that moment comes – and it will come – death is part of life – is have the conversation with your family, have the conversation with God, have the conversation with yourself and make your desires known.

The new law if all proceeds as envisioned by the court will place that ultimate decision in your hands or those who you entrust it to if you want it. If you do, then make a decision about your own dying that you can live with.

And if you can't, after thorough study, prayer and conversation decide how you want to die then focus all your intention on how you want to live and give the rest over to God.

In our siddur there is a teaching by Rabbi Jacob Rudin of blessed memory. In it he reminds us: "Death will come. Its hand will not be stayed even an instant; nor can we enter into judgment with it. … But this does not mean that we are helpless…. We can … live life as long as it is ours …. To ask of death that it never come is futile, but it is not futility to pray that when death does come for us, it may take us from a world one corner of which is a little better because we were there. When we die, and people weep for us and grieve, let it be because we touched their lives with beauty and simplicity. Let it **not** be said that life was **good to us**, but, rather, that we were **<u>good</u> – TO LIFE**!"