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# Hospice Care

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There has been a natural aversion and distrust towards the concept of hospice care for end of life palliation in the Orthodox Jewish community. Although there are little firm sociologic data to support such a statement, it is generally accepted that for patients who have various terminal diseases such as cancer, degenerative neurologic diseases and multi organ failures one still should "do everything" as it may save the patient. This approach differs sharply from both the gentile population and the non-observant Jewish population, which frequently embrace hospice for end-of-life care. This difference is easily explained by a rich tradition of Talmudic approaches that address the sanctity of life as well as a general lack of knowledge as to what services hospice can and should provide. An examination of the rulings of contemporary *poskim* will demonstrate that there can be a place for hospice care in appropriate circumstances in accord with Jewish law and tradition.

## **Why is there an issue in providing solely palliative care according to Halacha?**

Jewish teachings are suffused by the concept that Jewish life is of infinite value and, as such, every moment of it has inestimable worth. That reasoning suggests that our obligation to treat patients are the same whether treatment can prolong life for many years or only several seconds. In fact there is a Talmudic source for this conclusion. The *Shulchan Aruch*

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(*Orach Chaim* 329:4) teaches that if a building collapses on the Sabbath and a person is trapped under the debris, then one is obligated to do everything, including violating all Sabbath laws, to save him even if he may survive for only a few moments. This is derived from the biblical verse "You should keep my statutes and my laws, which if a man obeys, 'va'chai bahem' [he shall live by them], "(*Vayikra* 18:5). The phrase "he shall live through them" is interpreted to mean that he shall not die because of them, thus justifying Sabbath violations to save a life. This is one of the major sources of the "do everything" approach.

Diametrically opposed to this position is a Talmudic passage from which it can be inferred that for patients in extremis one need not do everything. The Gemara in *Ketubot* 104a reports the story of Rav Yehuda Hanasi, ("Rebbe"), the redactor of the Mishnah, who suffered from what is described as a severe terminal gastrointestinal disease. His condition was so poor that it was only the constant prayers of his disciples that was keeping him alive. Rebbe had a maidservant who was considered to be very pious. When she saw how much Rebbe physically suffered from his disease, she prayed that the angels of heaven who deal with death would overpower the angels of earth mustered by the prayers of Rebbe's disciples to protect him from death. Her prayers initially did not work because Rebbe's multitude of students prayed fervently that he should live. The maidservant then took a heavy clay urn and threw it on the floor, shattering it completely and generating a great sound. The loud noise so startled the students that they momentarily stopped praying, thus allowing the soul of Rebbe to depart to its eternal rest.

The Ran,<sup>1</sup> Rabbeinu Nissim, a 13th century authority, states that it is both permissible and praiseworthy to pray for the death of a patient who is gravely ill and in extreme pain. Furthermore, the Gemara in *Taanit* 23a recounts the story of

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1. *Nedarim* 40a.