

## Kol Nidre 5770 Lechaim - To Your Health!

Rabbi Richard M. Litvak

Chaim and Yankel were friends who lived on the lower east side of New York. Chaim had been ill and Yankel comes to visit him. “How are you?” asks Yankel. Chaim says, “I have been sick for a month and it cost me \$500 for the doctor and medicine”. “What a shame,” answers Yankel. “In the old country for that kind of money you could have been sick for a whole year.” At this sacred season we pray the Unetanna Tokef prayer. It reads that God decides who shall live and who shall die in the coming year. However in our society, it is more and more a decision made especially for those with pre-existing illnesses or out of work, by insurance companies. I want to ask you a few questions. How many of you are without medical insurance or know somebody close to you without medical insurance? Raise your hands. How many of you are paying increased premiums and deductibles that you can not really afford? How many of you have not had a prescription filled or refilled because your insurance wouldn't pay for it? Tonight I want to talk about a subject that touches almost all of us, Health Care Reform. Like most religious communities in America we are engaged in ministering to the sick. Yet skyrocketing costs are now endangering access to health care for Americans from all walks of life. Even families that were once secure with health coverage are finding they cannot keep up with the cost of rising premiums and deductibles. In America, 47 million people are without health care coverage. It's estimated that 6 to 7 million more people will lose their healthcare insurance as they lose their jobs in this recession. Outside of the real estate debacle, it's estimated that nearly two thirds of bankruptcies are caused by a major health care catastrophe. This happens not to just the poor but also to the middle and upper middle class as well.

As recounted by the Religious Action Center of Reform Judaism, “The Torah does not outline specific public policies around the provision of health care, but it does make it clear that protecting the health of each human being is a profoundly important personal and communal responsibility for people of faith.”

“Throughout the Torah, God shows a special concern for the vulnerable and sick and acts to lift them up. The Torah also teaches God's command that society organize in such a way that its members have genuine access to the resources

needed to live a dignified life, as well as provide for those who are unable to care for themselves. It is for this reason that Maimonides, a revered Jewish physician and scholar, listed health care first on his list of the ten most important communal services that a city had to offer to its residents (Mishneh Torah, Hilchot De'ot IV:32). Almost all self-governing Jewish communities throughout history set up systems to ensure that all their citizens had access to health care. Doctors were required to reduce their rates for poor patients. When this became too onerous, communal subsidies were established. In Israel today, every citizen is provided with health care.

In Judaism, we are taught that all humanity was created b'tzelem elohim - in the Divine image. God creates us all, endowed with equal rights, and charged us with the responsibility to be partners in the act of healing. We are taught in Jewish tradition that an individual human life is of infinite value and that the preservation of life supersedes almost all other considerations. By assuring that everyone has access to health care, we are affirming the dignity of each human being and enabling each person to regain health and enjoy the dignity of productive work.” (Religious Action Center)

What are the Jewish values that must be brought to the health care debate? The Torah teaches, “V'nishmartem meod et nafshotechem - you shall surely guard your health.” And “Al taamod al dam reecha --- Do not stand idly by the blood of your neighbor” There is a moral standard that calls us to provide health care for every person. In a phone conversation three weeks ago with over a 1000 Rabbis, I heard President Obama say that the foundation of this cause rests upon the Biblical teaching, that “I am my brother's keeper”.

We must also be a force for truth. Wild claims such as plans for government death panels which will pull the plug on grandma or grandpa are not true. In his health care forum here in Santa Cruz, Congressman Farr said that some of his biggest frustrations are the wild false fabrications and lies with which opponents of health care reform were filling the air waves and emails.

Mostly we all live with fear. Those of us who have health insurance fear that changes will lessen our coverage or make what we have more expensive. The truth

is that the costs are already going to rise at an unaffordable pace unless we are proactive. So the teachings of the Bible, of Maimonides the great Jewish doctor and rabbi, and of the Talmud call on us to support moving forward with health care reform which covers everyone affordably.

Regarding mistruths, I would like to talk about the so called “Death Panels.” The actual provision mandates that should you choose to have a conference with your doctor about your health care if you become incapacitated, the health insurance will pay for that conference. Planning for our medical care under circumstances that we become incapacitated is a very Jewish thing to do. Jewish medical ethics supports doing everything that we can to save a life, including a respirator and intensive care interventions. Yet it also says in the Book of Ecclesiastes that, “there is a time to live and a time to die.” If we are prolonging life then we should give it all we have. But if we are just prolonging death, with no cure and no improvement of a terminal disease, then let us go peacefully. I have seen both in my life as your rabbi. I remember however a particularly troubling experience as well. It involved a terminally ill patient, with two of his three children saying let dad go in peace. Then the one child who never had a good relationship with dad says, no keep the feeding tube and respirator. Dad meanwhile lingered in a coma and the doctor was helpless with the family split on what to do.

In the New York Times, respected writer on health Jane Brody (Aug 16, 2009) last month wrote a column entitled, “One Piece of Health Reform: Avoiding a Bad Death”. In it she refers to a new book by Hospital Interventionist Dr. Jeff Gordon entitled, “A Death Prolonged.” Gordon writes that we are torturing patients at the end of life in measures that prolong their deaths, rather than saving their lives. In addition the New England Journal of Medicine (1993) calculated that about 30 percent of Medicare dollars are spent during the last year of life and half of it spent during the last 60 days. Dr. Gordon calculated that amounts to \$70 billion dollars a year. This topic is so important in the health care debate that it was the cover article of Newsweek Magazine this past week (September 21, 2009). Newsweek cited a study in the Archives of Internal Medicine that when people had a chance to conference with their doctors about end of life treatments, it both reduced the costs by 35% and improved the quality of life at the end of life.

Looking at current Reform Responsa, rulings by the Reform Movement's Central Conference of American Rabbis, we must resist mercy killing or active euthanasia. They do however cite the famous case of Rabbi Yehuda Hanasi. He was gravely ill and in excruciating pain. All his disciples prayed for his soul to remain. However, his maid servant threw down and smashed a large clay pot. This distracted them from their prayers. Judah's soul at that moment departed and he died. The Talmud credits the handmaiden with having done a valorous thing. The Shulchan Oruch, the code of Jewish law, partly on this basis allows one to remove something that is a hindrance to death, though not to take any active measure to hasten it.

What about something like the Terry Schievo case where there was a question of withdrawing a feeding tube? Judaism requires us to give an ill patient the basics of water and food. Not to do so would be killing the patient. However, in the form of a feeding tube, feeding becomes no longer just the obligation to feed but a high tech medical procedure and intervention. On this basis it would be permitted as in the Schievo case to withdraw the feeding tube. This was done and she died a natural death. Autopsy showed that there was no meaningful brain function and she was spared being kept alive on machines for years at the request of her parents.

As you know my mother died a year and a half ago. She had her designation of health care representative and her medical instructions should she be incapacitated. We did not need it but it was a comfort to know what her wishes were and that her papers were in order. Nancy and I have done the same, as you never know at what age medical incapacitation and the need for such choices may strike. According to Jane Brody, less than one third of us have done so. Last spring I took a special training on a document called POLST - Physicians Orders for Life Sustaining Treatment. I have placed copies of this bright pink document on the table in the entry way. I felt so strongly that this is an important act that I will be through the Pastoral Care Department of Dominican Hospital, training other clergy to teach their congregants about it. What makes it a state of the art document is that you have your doctor sign it as well as yourself. That way its directives are already doctor's orders to be fulfilled by the paramedics, emergency room physicians, hospital staff, and nursing home staff where ever you are and where ever you go in the medical system. In addition you should, with your lawyer, fill out an Advanced Health Care Directive naming the person who will be in charge of decision making

should you be incapacitated and things beyond the POLST document need to be decided. In my wife Nancy's case, she was the one designated by her father in his directive. We are fortunate to have a very fine hospice organization in Santa Cruz. They are extremely adept at keeping loved ones comfortable when they have chosen not to prolong their death and suffering through high tech means when death is at hand. So this conference with your Doctor to discuss these matters is what is provided for in the proposed Health Care Reform bill and not some kind of "Death Squads" as they have been called by opponents. Now as we observe Yizkor, tomorrow afternoon, we are keenly aware of the reality of death as a part of life. Our traditions urges each one of us to have our affairs in order and to spare our loved ones and ourselves unnecessary suffering. I urge each of you to fill out a POLST document and an Advanced Health Care Directive specifying your decision maker should one be necessary.

There is one more thing that is an important Jewish part of having our affairs in order. Just as we would have a will to deal with our physical possessions upon death, we have the tradition of having an ethical will. This is a document that shares our non-material inheritance or legacy after we die. It begins in the Bible with Jacob's bedside blessing of his children just before his death. It continues with Moses's final oration to the Jewish people before his climb to Mount Nebo for his death. This is a rich and beautiful tradition and there are many collections of ethical wills from throughout the centuries.

Some of you may have read or heard the recording, called "The Last Lecture." It is the record of the lecture given by Dr. Randy Pausch, at Carnegie Mellon University in Pittsburgh. In academia there is a tradition of a last lecture to sum up one's wisdom and teachings over the years. In his case, it really was his last lecture as he was dying of pancreatic cancer that had spread to his stomach. What were some of the things he said? "Give yourself permission to dream and keep dreaming until the day of your death. Don't complain; just work harder. Watch what people do and not what they say. Actions speak louder than words. Always show a deep sense of gratitude." At the end of the lecture he revealed that his main purpose in thinking about his life and writing down what was important to him was to provide a legacy for his children. On the New York Times best seller list, it has sold millions of copies. Millions of people have been exposed to what is essentially the Jewish

tradition of the ethical will. It shows the great value and relevance of writing an ethical will.

How do you go about writing one? You can start with: These were my formative years... This is the history of our family...Or some of the people who influenced me most were....You can list the causes you have felt a responsibility for or .....You can say these are the successes I think I have achieved and these are some of my mistakes which I hope you won't repeat. You can speak about the values you have tried to live by or the things in Judaism that have meant something to you. You can share your hopes and wishes and your love for people, specifying them by name. You can talk about the favorite things you enjoyed in life and wish them enjoyment in their lives.

Randee Rosenberg Friedman, a friend of mine, wrote a beautiful contemporary ethical will contained in a volume, "That Your Values May Live On" edited by Rabbi Jack Riemer. I recommend it highly. On the subject of Israel she writes to her children, "May it be at peace throughout your lifetimes and forevermore. Return to the land of our mothers and fathers at least once. You will then know who you are and from where you came. Study the land and people for they are the source of our history and our liturgy. Accept the turmoil within Israel's borders - whether fighting with the Arabs or disagreeing among themselves. Do not judge your Israeli brothers and sisters harshly - try to view their life situations through their eyes. Whether or not you become Zionist, support Israel by any avenue available to you...."

She concludes, "My life is filled with blessing - I am nurtured by the love and support of my dear husband, friend and soul mate. My children give me delightful moments of happiness and pride. Friends and relatives enrich my days with positive interactions. My work in Jewish music inspires challenges and satisfies me deeply. All those things I wish for you and more. Every day, no matter where I am, I think about being a Jew and feel blessed to be part of such an incredible people. I hope that you too will share this sense of belonging that is the foundation of our existence."

Finally, I'd like to read the ethical will of the noted Jewish satirist Sam Levenson to his children and grandchildren. "I leave you my unpaid debts. They are my greatest assets. Everything I own --- I owe:

1. To America I owe a debt for the opportunity it gave me to be free and to be me.
2. To my parents I owe America. They gave it to me and I leave it to you. Take good care of it.
3. To the biblical tradition I owe the belief that man does not live by bread alone, nor does he live alone at all. This is also the democratic tradition. Preserve it.
4. To the six million of my people and to the thirty million other humans who died because of man's inhumanity to man, I owe a vow that it must never happen again.
5. I leave you not everything I never had, but everything I had in my lifetime: a good family, respect for learning, compassion for my fellowman, and some four letter words for all occasions: words like "help", "give", "care", "feel" and "love." Love, my dear grandchildren is easier to recommend than to define. I can tell you only that like those who came before you, you will surely know when love ain't, you will also know when mercy ain't and brotherhood ain't. The millennium will come when all the "ain't's" shall have become "ises" and the "ises" shall be for all, even for those you don't like. Finally, I leave you the years I should like to have lived so that I might possibly see whether your generation will bring more love and peace to the world than ours did. I only hope you will. I pray that you will. Grandpa Sam (Levenson).

On this day in which we fast, we think about the importance of the body. It is our responsibility according to Jewish tradition to cherish it, to take care of it. "V'nishartem meod it nafshotechem --- you shall surely take care of your body." Health care is one of the most important parts of fulfilling that precept. It is joined with the teaching that we are our brother's keeper. We need to support health care reform that provides affordable health care for everyone. I urge you to support it. Contact your Congressional Representative and your Senators. Today we think of one provision of that reform which is so important, getting our affairs in order so that we receive the health care we wish or don't wish should we become incapacitated. We need for ourselves, our spouses, our children and grandchildren, to create an Advanced Directive for Health Care through our attorney and a POLST-Physicians Orders for Life Sustaining Treatment with our personal physician, with pink forms in the lobby. Discuss this between parents and children

and spouses. We need to have those documents known and available. From 60 years of age on it's recommended that it be on the refrigerator. Should you have further questions about Jewish medical ethics or any of your end of life choices I would be happy for you to make an appointment with me.

Finally, on this day when we think about life and death, we think about the traditions of an ethical will. Creating one is the way we Jewishly complete getting our affairs in order. It is a special gift to family or friends, and a way to think about what our life adds up to. Let us whatever our age, write one this year. You can add to it as the years go by. Let Yom Kippur lead us to support life and health, and prepare spiritually for the reality of death. That is Yom Kippur's powerful dual message. Amen.