

LEHRHAUS

OVER
SHABBOS
BEHAALOTEHA
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GOODBYE, PHILIP: A *HESPED*

ARI HOFFMAN

Philip Roth was the best of us because there was a moment around the hinge of the middle of the last century, when the world was wild and Jewish parents still remembered the *shtetl*, that he dared to be the worst. [*Goodbye, Columbus*](#) (1959) and [*Portnoy's Complaint*](#) (1969) detonated at a time when American Jewry could still be shocked, because it still felt like it had something to lose. Forget Roth's protestations that he was not a Jewish writer. He is the essential one. Like Moses at the burning bush, he tried to shrink from speaking to and for his people. Roth was forced into service by his own outrageous talent and fertile material. His prose never stuttered; endlessly fluent, and fluent to the end.

Like any great artist, Roth's insights brush the future. There is no better example of the complexities of race on college campuses than [*The Human Stain*](#), and [*The Plot Against America*](#) glimpsed an American right-wing demagogue far before most of us did. The debates over Israel that have come to be the only ones that matter in American Jewry are all rehearsed in [*The Counterlife*](#) (1986) and [*Operation Shylock*](#) (1993); no writer has more vividly captured the pathologies and possibilities of the relationship of American Jews with Israel. At a time when American Jewry increasingly sees Israel as an abstracted piñata in a morality play of its own making, Roth did the hard work of imagining his way into its people and places, staging debates but rarely taking sides. The Israel that emerges in Roth's novel is a country in full, an aesthetic and empathetic triumph. Even as writers like Nicole Krauss, Jonathan Safran Foer, and Nathan Englander nudge Israel to the center of Jewish American fiction, [*Shylock*](#) and [*The Counterlife*](#) will remain the defining works. And they are just tributaries off the broader stream of Roth's cascading masterworks, a parade of distinctive covers and seething syntax.

There are two junctures of Roth's career that resonate deeply for me, now that there will be no more wild sentences. The first is its very beginning, the first decade bookended by [*Goodbye, Columbus*](#) and [*Portnoy's Complaint*](#). These books map how to be an American Jew, and if they broke boundaries they also sketched wide new circumferences. Two non-fiction essays, "Talking About Jews" and "Writing About Jews," brought the fierceness of a young writer's novelistic gaze to bear on the still-vital questions of the relationship between artist and tribe, writers and critics, the Jewish people and the American promise. These essays chart everything to come, but Roth was the first one in the sea, before anyone knew if the waters would part. On the other side, forty years later, Roth had a late resurgence that textured his achievement. As an older man he produced work young in spirit and mature in craft; [*Sabbath's Theater*](#) (1995), [*American Pastoral*](#) (1997), [*The Human Stain*](#) (2000), and [*The Plot Against America*](#) (2004). These are the books that will last longest, because they cut the deepest, and leave the freshest wounds.

It is not Roth we should mourn. He lived long and well, and a Nobel is hardly missed among the garlands of his achievements. Rather, what merits righteous defending are the reading

audience and Jewish civilization that produced him, collaborated with him, and came to define itself in no small measure through his work. He was wicked in the service of wisdom and managed to refuse identity politics even as he mined the richness of the ethnic in its most imaginatively lucrative vein. This wild discipline smuggled the apocrypha of Jewish experience into the canon of Jewish letters. May his memory be a boisterous blessing.

Ari Hoffman is currently pursuing a J.D. at Stanford Law School. He holds a B.A. and Ph.D. in English Literature from Harvard University. His first book, This Year in Jerusalem: Israel and the Literary Quest for Jewish Authenticity, is forthcoming from SUNY Press. His writing has appeared in The Wall Street Journal, The New York Observer, Tablet Magazine, and a wide range of publications. This summer, he will serve as a legal clerk for Judge Hanan Melcer of the Supreme Court of Israel.

“DOCTOR, I NEED MY RABBI”: HOW CAN HALAKHAH BE
PRACTICAL IN MEDICAL ETHICS?
REVIEW OF [*JEWISH GUIDE TO PRACTICAL MEDICAL DECISION MAKING*](#) BY
RABBI JASON WEINER

ZACKARY SHOLEM BERGER

Rabbi Jason Weiner, a rabbi and bioethicist who serves as a synagogue rabbi, a *posek*, and as a consultant on a hospital ethics committee, has done a service to the halakhically observant Jewish community by writing a clear, modern, and compassionate book about dilemmas which patients, physicians, caregivers, and hospitals are likely to face. Approaching this book with my own particular biases, as an internist, bioethicist, and non-Orthodox but halakhically observant Jew, I would like to summarize its strengths and point out some areas where it might be made even stronger.

Not much guesswork is required to divine Rabbi Weiner’s approach. He says clearly in his introduction, “The purpose of this book is to increase Rabbinic involvement [in bioethical questions] and make it more efficient.” Rabbi Weiner’s goal is to enable Orthodox *poskim* to review areas of bioethics in which they are likely to be asked halakhic queries via summaries of those areas from a clinical (medical) and halakhic point of view. Part of his introduction is taken up by a clear and succinct summary of various philosophies of Halakhah which will not be unfamiliar to the interested learner; he contrasts precedent- and principle-based halakhic reasoning and the limitations of both, and gives credit to his halakhic forebears.

The health care rubrics which organize the book cover important areas, emphasizing inpatient (hospital) care: “Facilitating Shared Decision Making,” “How Much Treatment [about risk, incapacitated patients, palliative care],” “Prayer,” and “At the End of Life,” “After Death,” and “Reproductive Questions.” Each chapter is a judiciously written summary of salient issues with comprehensive, enlightening footnotes.

In general, this book is well worth purchasing and perusing for anyone interested in modern health care and *Halakhah*. But as relevant as the halakhic details (which I am not competent to question), are the implied messages sent by the selection of content and the manner of its presentation. The book is in English, including footnotes (compare with other halakhic texts for an Orthodox audience in which the content, or at least the footnotes, are in Hebrew). This makes the text admirably accessible — in fact, more accessible than the introduction contemplates. It’s very likely that the book will be read, appreciated, and used not just by rabbis and *poskim*, but by healthcare professionals, families, and patients as well.

The gap between the restricted use in the introduction and the likely broader use points to a tension in Halakhah that has existed as long as the Torah. The Torah itself says it is not in

the the heavens, yet it has still been necessary to spill much ink to bring it down to earth. Such a tension between received wisdom and its use among the lay public is especially keenly felt in healthcare. Who is the source of authority in healthcare? The locus of authority has shifted. In an early, paternalistic age, the physician made the decision and told the patient to follow. Nowadays, patient autonomy reigns, and the physician follows the patient's preferences. This view is oversimplified, of course. For the past few decades, the philosophy of shared decision-making has been ever more accepted (at least theoretically); patient and physician share the burdens of the decision, deliberating together to choose an option which meets the patient's needs. Though this term is familiar to many sectors of medical practice, education, and research, it is not on the lips of many lay people outside of medicine. Yet it is certainly applicable to any halakhic text in this age of disseminated authority — all the more so to one which, while explicitly aimed at *poskim*, is implicitly available to a much wider audience.

It is paradoxical, then, that the book does not touch upon several areas which are topical ethical issues, which a sensitive Jewish *posek* might be able to shed light on and an informed patient might have questions about. While opioids (narcotics) are mentioned briefly in the context of pain management, the index (and, unless I am mistaken, the book has a whole) includes no mention of substance abuse, nor of sexually transmitted infections, sexual abuse, or intimate partner violence. Neither is there mention of LGBT health, let alone gender reassignment surgery. To the objection that these issues are not commonly found in Orthodox halakhic works, I respond that they should be — because these are human issues dealt with by patients and clinicians and subject to ethical queries. Any person to whom Halakhah is important, caught in a health care dilemma (or vice versa!), will be invested in what a knowledgeable authority has to say about such topics.

There is an even broader issue that goes unaddressed in this book: the effect of society and economy on the distribution of health care and health inequities. Liberal Jewish rabbis (for example, Rabbi Jill Jacobs) have written extensively about these issues. As the notion of social determinants of health, and institutional ethics, are starkly visible in an age where morals and politics are out of joint, the Jewish community would be well served to hear an Orthodox halakhic approach. These are not merely academic deliberations, but questions I face in multiple ethics consults: how do we justify and mitigate the difference in care given to wealthy patients from abroad and to poor black patients from across the street? Does a hospital have an obligation to pay its workers a living wage? Does it matter if the hospital is owned by Jews? Religious Jews? Are physicians obligated to deliver care they disagree with halakhically or morally? Is it the case that religious Jewish physicians can reassign (let us not say relegate or abandon) their patients to less observant, or non-Jewish, physicians when caught in such conflict?

I am asking for a broader ambit and a more inclusive reach (perhaps in a coming edition?) — but I could see Rabbi Weiner being up to the task. In his personal notes that accompany the more strictly halakhic discussion (including a sensitive essay at the end of the book), we are introduced to a rabbi, *posek*, and ethicist who has thought seriously about how individuals and families use Halakhah to navigate health's inevitable tragedies. The entire world can be encompassed by the principles of ethics and the *dalet amot* of Halakhah, and the right view can do even more to bring those domains closer.

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