

PHILOSOPHICAL FOUNDATIONS
OF THE JEWISH APPROACH TO EUTHANASIA

Michael V. Tillman

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Referee, Professor Alvin J. Reines

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DIGEST.

The first part of the work, *The Meaning of Death*, has as its purpose to establish a philosophical basis for the treatment of the issue of euthanasia. The following conclusions have been reached:

1. Advantages and shortcomings of the two main approaches to death, "physiological" and "religious-mystical", are analyzed. Among those belonging to the second group, the views of R.Kroner, A.Schindler, B.Greenberg, and E.Borowitz received special consideration. Further on, the views on death of the following thinkers are critically discussed: A.Reines, N.Fedorov, N.Berdyaev, S.Freud, M.Heidegger, K.Jaspers, E.Levinas.

2. The meaning of life does exist for a normally functioning human person.

3. The meaning of life is a potentiality of what is beyond death.

4. The meaning of life cannot be sought without solving the question of the meaning of death.

5. The meaning of death is immortality, which is an operational hypothesis without which we cannot search for the meaning of life.

6. Immortality is a necessary condition for the existence

of the meaning of life, and along with the presence of goal-oriented activities it provides a sufficient basis for the existence of the meaning of life.

7. Suffering in the life of a human being may or may not have meaning depending, upon whether both of the conditions for the existence of the meaning of life are present.

8. A dying person cannot be considered a normally functioning individual, and the meaning of life does not exist for such a person.

9. Any suffering that a dying person undergoes is meaningless and should be avoided.

The second part of the work is devoted to an application of our conclusions to the issue of euthanasia. The following conclusions have been reached:

1. The Halakhic paradigm provides no adequate conceptual framework for dealing with the issue of euthanasia. This conclusions have been reached on the basis of our analysis of the Rabbinic treatment of the concept of euthanasia as murder as well as the concepts of *goses* and *trefa*. The views of particular representatives of ultra-Orthodox, Orthodox and Reform Judaism received a special consideration.

2. The existence of a dying person becomes meaningless. Euthanasia offers the end of life and immortality as the meaning of death, as a socially recognizable meaningful alternative to the meaningless existence of the suffering dying person.

3. Being a merciful medical procedure performed on the

basis of the patient's wish, euthanasia is clearly distinguished from other forms of death such as murder and suicide.

4. There exist certain necessary conditions under which euthanasia should be possible:

- a) fatal illness as an established and confirmed diagnosis;
- b) mental competence of the patient;
- c) expressed will of the patient to terminate his life, or the "living will" in case of an unconscious condition;
- d) appropriate actions of a physician directed at providing as painless a procedure as possible and giving a maximum of emotional comfort to the patient;
- e) expressed will (and possibly a direct participation) of the family in case of the unconscious condition and the absence of the "living will", or mental incompetence of the patient; otherwise, the patient himself is the primary decision-maker, and the family's consent is highly desirable but should not be required.

Having reached these conclusions, we have given our answer to one of the most important practical questions that the Jewish community is currently facing: euthanasia is permissible.

Introduction.

Death is one of the greatest and most tragic mysteries of human existence. Since everyone eventually dies, it would be excessive to justify the significance of death as subject matter for philosophical investigation.

There exist a vast number of works written on the Jewish understanding of death and dying. Most of these works deal either with the ethical and psychological aspects of the matter, or with the rituals and customs related to death and mourning. However, very little has been done to treat death as a philosophical category. This statement applies both to Jewish and general philosophy. I maintain that there is a need to fill this gap. Therefore, this work shall be a philosophical inquiry concerning human finitude, i.e. the meaning of death in the realm of human existence and its practical consequences.

Having described the genre of our work, let us discuss the topic.

One of the most urgent issues that our society increasingly confronts is euthanasia. Euthanasia, meaning "good, pleasant death", is the termination of the life of an individual by means of contemporary medicine. Such a termination requires certain preliminary conditions, the most important of which is a fatal illness or any other condition that will lead to the

person's death and will be accompanied by a great deal of suffering for the dying person. Another important condition is the request made by the dying person or by whoever exercises the right to be the legal decision-maker for this person.

Euthanasia has repeatedly caused a lot of controversy among the general public as well as in the Jewish community. The question is: is euthanasia permissible from the point of view of Judaism?

There exist a number of opinions on euthanasia expressed by various Jewish authorities ranging from ultra-Orthodox to Reform. They all receive appropriate consideration in this work. The weakness of the majority of these responsa is that they attempt to base their statements on the Halakhic tradition. Even though the approach to Halakha varies to a great extent, one must keep in mind that religious law does not provide a sufficient conceptual basis for understanding the actual meaning of euthanasia and death in general, for it itself requires certain philosophical assumptions. These assumptions are usually the product of medieval thinking, of outdated philosophical systems and, therefore, cannot underlie contemporary decisions on a matter as novel as euthanasia. This leads to the conclusion that an understanding of euthanasia and an adequate response to it is impossible without a philosophical concept of death. To elaborate such a concept and to consider euthanasia on its basis is the task of this work.

I intend to consider the issue in question from a philosophical perspective. As necessary and where relevant, I will discuss the ideas concerning death and euthanasia contained in the various works of Jewish philosophers and religious authorities. I will use the most significant works of general philosophy and bioethics as well. It should be emphasized, however that my primary goal is to develop a philosophical concept of death and a response on euthanasia rather than to give an exhaustive critical review of the literature on the question.

The first part is devoted to the discussion of the meaning of death from a philosophical point of view. I will establish its link with a number of philosophical categories: the meaning of life; immortality; and suffering. It will provide us with a conceptual framework for understanding human finitude and drawing implications from it.

In the second part, after a critical discussion of the Rabbinic responsa on euthanasia, I shall consider this phenomenon on the basis of the philosophical concept of death formulated in the first chapter. I shall describe euthanasia as a specific form of death, and analyze it in its relation to other forms of dying. Then I will attempt to answer the question of the permissibility of euthanasia on the basis of my analysis.

By no means I pretend to exhaust the subject or give the final answers to the questions raised in this work. I merely

hope that our paper will be a contribution to the discussion of death and euthanasia in the Jewish community.

Finally, I would like to extend my gratitude to Dr. A.Reines. Without his advice and support this work would not be possible. Of course, I am solely responsible for any ideas or views expressed in this paper. Also, I would like to thank D.Levy (Hebrew Union College) for his helpful suggestions concerning this work.

PART ONE
THE MEANING OF DEATH

*

1. On the Philosophical Definition of Death.

Death is one of the strangest philosophical problems. It is strange exactly because it is too obvious. Virtually all philosophers wrote something about it. However, if we should try to summarize this "something" expressed by the thinkers of different ages on this issue, it turns out that very little has been said. We find that even though almost every philosophy discusses death, the question itself is treated as a peripheral one and quite often it disappears beyond the horizon of philosophizing. Occasionally we might even think that some philosophers deliberately avoided the problem of death.

Nietzsche and the entire philosophy of life seem to have passed by the whole issue. This was the case in spite of Nietzsche's preoccupation with the "transvaluation of all values" - orientations of man in the world. Buber (an existentialist!) did not pay much attention at death either. The same happened to another Jewish existentialist philosopher - Lev Shestov. Rosenzweig opened his book The Star of Redemption with brief and general remarks on death and then basically forgot about it for the duration of the book. We could multiply these examples ad infinitum. The fact is that even those thinkers who concentrated their work on the tragic character of man's being-in-the-world, frequently merely

mentioned death as a tragedy and immediately proceeded to expound on other matters.

Recently the literature on death has experienced noticeable growth. Unfortunately, there are very few philosophical works in this stream (1), and those that formally belong to the philosophical domain, treat issues that are peripheral to the philosophy - either philosophical aspects of medicine and biology or theology. In general, it goes along the lines of the tendency to evade a philosophical discussion of the issue. This evasion is implemented in two main directions.

1. *Physiological Understanding of Death.* Thinkers who represent the first direction tend to replace the philosophical investigation of death with the medical-physiological interpretation of it. In this case death is treated as a stoppage of a heart and lungs and/or a cessation of a functioning of the brain in the body of a given individual (2). Such an approach is sharply manifested in the works of adherents of all kinds of materialism and (to a considerable extent) of analytical philosophy.

Representatives of this position do raise some very important problems.

1) They discuss the criterion of death, i.e. from what moment and under what circumstances a given individual can be considered dead without any possibility to be revived (3).

2) The question arises: how does one postpone the moment of death? This leads to the analysis of philosophical problems

of gerontology and human health in general.

The issue of the increase in human longevity has been luckier than the problem of death, especially when it comes to ancient philosophies as well as contemporary Oriental thought, which also has quite ancient roots. For instance, for Taoism the question of the increase of man's life-span is central. Nevertheless, it is European tradition that constitutes a core of a contemporary gerontology (4).

3) Finally, a more grandiose task arises - to conquer the death (of course, we are discussing a purely physiological aspect of the matter). The adherents of the point of view in question hope to solve this problem through the scientific progress. On a regular basis they make a prognosis on the time when humanity will solve a certain problem. For instance, in the late 1980s a group of Japanese experts made the following predictions: 1997 - a cure for AIDS; 2005 - an ability to stop the growth of cancer cells and turn them back into normal; 2012 - a complete understanding of mechanisms of memory and aging; 2011 - a cure for diabetes; 2015 - a decisive clarification of the interconnection between neurophysiological and psychological processes (5). It is clear that such impressive results could bring us close to a solution of the problem of physical immortality and even eternal youth.

However, things do not always go in the direction we want them. At least that little prophecy on AIDS is quite likely

not to be fulfilled. One should keep in mind that the development of science is unpredictable; it is pregnant with the most unexpected twists and turns. In this area we cannot take a prognosis as a probability, but rather as an unlikelihood of accomplishing a particular result. Suffice it to say that approximately 10 years before the first explosion of the atomic bomb, A. Einstein stated that a nuclear fission in the foreseeable future would be impossible. On the other hand, despite the expectations of the academic world, the practical accomplishment of thermonuclear synthesis has been hanging in the air for almost 30 years.

All the issues raised by the representatives of the approach in question are significant and relevant. However, their point of view is one-sided and limited. For when we discuss death, or when the fact of death takes place, it is the death of a concrete individual. This individual possesses mental qualities such that enable us to call him a "person". What are the metamorphoses that the person undergoes after death? The adherents of scientism usually claim that the person ceases to exist with the death of its bodily carrier. But this proposition is groundless! The fact that by the means available to contemporary medicine and physiology we cannot detect any consciousness after the cessation of a brain activity (which is possible even with spontaneous heart contractions) corroborates not the proposition "a person ceases to exist after death", but rather the proposition

"after death we cannot detect a person". Death of the brain in this case does not mean the death of consciousness, for this idea can be supported only if we know the mechanism of transformation of neurophysiological processes into psychological processes. We do not know this mechanism!

It goes without saying, we can change the state of consciousness by using various chemical substances and psychiatric techniques (drugs, hypnosis), but it will work only according to a "black box" principle, i.e. we know the data in the "input" and in the "output" (drug X in a given dosage and a given concentration causes the body to produce certain chemicals; these chemicals are known to cause a certain state of consciousness, for instance, depression), but the mechanism itself remains unknown. In other words, sometimes we know what neurophysiological condition corresponds to a given mental condition, but we never know how it corresponds. A claim that the mental condition might be controllably changeable merely corroborates the idea that there exists a connection between the brain and the consciousness, but by no means does it prove that a cessation of this link causes the consciousness to perish. Since it is not known how the neurophysiological processes are transformed into mental processes, it is particularly unprovable that between the brain and the consciousness there is a cause-and-effect type of connection such that the death of the brain results in the death of the consciousness and, therefore, a

cessation of a person's existence.

Consciousness is an immaterial substance - we cannot perceive it with our five senses. We can detect its manifestations through body movements, through its materialization in systems of signs (written language - a text - and spoken language - a sound). However, like any ideal entity, the consciousness itself remains hidden from us. That is why idealism is so difficult to refute: if we cannot grasp Hegel's Absolute Spirit or Schopenhauer's World's Will, it does not mean that they do not exist. The same is true for the consciousness. The lack of direct physical signs of its existence by definition cannot be proof of its non-existence, unless we adopt the mid-nineteenth century radical materialism (Engels called it "vulgar materialism") of Buchner and Vogt, which denied the existence of any ideal substances and claimed that a thought is a product of the brain's activity just like gall is a product of the liver's activity.

The representatives of the approach in question do not have a case when they treat an issue of a fate of a person after death. This problem remains unresolved. A scientific reduction of the phenomenon of death to the physiology of dying (when a person is treated more as a patient rather than a whole concrete individual) leads to difficulties too serious to consider this approach satisfactory.

2. *Religious Treatment of Death.* The second approach under the mask of philosophy attempts to present us with either a

theological or a religious-mystical understanding of the problem of death. This treatment of the issue is most common among religious philosophers of various religions and confessions. In this case it is customarily stated that since a human soul is immortal, death is only a cessation of the body's existence as a temporary dwelling place for the soul. This position, of course, is rooted in the Jewish and Christian understandings of human nature and man's place in the world.

I call this approach "mystical" not necessarily because many its adherents practice mysticism or have a particular regard for it. I call it "mystical" because the problem itself is mystified by them. As an example, let us give a brief consideration to R.Kroner's position on death. Being an influential philosopher and arguably one of the best historians of philosophy of the twentieth century, Kroner nevertheless, fails to give a proper philosophical treatment of the problem. Kroner was not satisfied with the various solutions of the issue proposed by a number of philosophers including French and German existentialists (6). He even explicitly denies that philosophy can resolve the problem. Kroner wrote, "...death is not a metaphysical problem, it is a religious mystery" (7). In other words, only faith can give us a solution to this issue - sola fide. Further on, he proceeds to a mere apologetic of the Judeo-Christian "solution" (quotation marks are his) of the problem of death -

eternal life in the form of the resurrection of the dead. Kroner believes that both the body and the soul will be transformed; the body will not be corporeal, but spiritual.

The synthesis of Being and Non-being, of life and death, of time and eternity is intimated in the image of resurrection. It denies continuation, but it also denies complete destruction of life. We shall live, but in a fundamentally different way, no longer as we lived here in a state of inner disharmony and struggle, but united with God in Whom all the opposites, all the contradictions, will be overcome" (8).

Kroner admits that this is not a concept, but merely an image.

The ideas that he suggests might offer hope, but they do not offer us a philosophical explication of death. When one says "I believe", it might be a very dignified thing to do and sufficient to convince a group of Protestant congregants, but it is way outside the realm of philosophy and cannot be taken seriously. One needs to provide a reason of his belief, for philosophy cannot exist without a discourse. Kroner apparently failed to find such a reason and decided to go ahead and declare his opinion anyway. This is not philosophy!

A similar inclination to treat the problem of death is also present among Jewish thinkers. As an example, we shall consider some essays presented in the book entitled What Happens After I Die?: Jewish Views of Life After Death.

A.Schindler shares with us some experiences of his life upon which he bases his opinion on death and immortality: "...the gift of life surrounding us is boundless... each moment of insight is an eternity... the here and the hereafter

are one and the same in the human heart" (9). Besides being a very vague and extremely general statement, hardly containing a solution of the problem, Schindler's idea is nothing but an opinion based solely on the fact that he is Rabbi Schindler and his eventful life led him to believe in it. It is very touching and emotionally valuable, but has no philosophical relevance whatsoever.

B.Greenberg, being an Orthodox Jew, is more definite in her opinion than Schindler, who is a Reform Rabbi. She is obliged by her religion to accept all the dogmas that Orthodox Judaism considers to be true. Greenberg expounds at length on how tragic death is and how much she believes in the afterlife. Like Schindler, she provides us with illustrations from her life experience. Again, they are quite valuable, but they can lead her and, indeed they do, to only one type of statement - "I believe". Greenberg understands the problem and attempts to give us reasons for her belief. This is what she thinks these reasons are: 1) "...because I was schooled that way"; 2) "The second reason I believe is that I think I must" (10). The first proposition can be true only under the following assumption: while being schooled, Greenberg learned only the Truth. This is unlikely to be the case, unless she obtained her knowledge directly from God. The second proposition can be true under the following assumption: Greenberg's ideas about the right course of action and the correct way of thinking are always true. But it is quite difficult to conceive that she is

infallible. Since both of the conditions of truth are clearly unrealistic, both of the reasons that Greenberg offers us are false. Her belief, therefore, remains groundless and beyond the limits of philosophical discourse.

E. Borowitz, currently one of the most popular Reform Jewish thinkers, does not advance much further than Schindler and Greenberg. Nevertheless, his ideas are better formulated and his writing is less emotional. Borowitz emphasizes that it is impossible to imagine death: we cannot experience our own death, for if we do, it means we died and do not exist any more. On this basis he concludes that we do not understand death. Ergo:

Death is a great mystery... Death, like life, comes from the God who we know daily showers goodness on us. We trust God's goodness even in death. We cannot believe that, having shared so intimately in God's reality in life, we do not continue to share it beyond the grave (11).

Of course, Borowitz lacks Kroner's subtlety and philosophical sophistication, but his train of thought is on the same track: he comes to an agnostic conclusion about death and proceeds to declare it a mystery; then he expresses his hope for immortality. We have already seen the weaknesses of this view when we considered Kroner's position.

All the positions discussed here have one thing in common: they tend to avoid philosophical discourse on death by mystifying the whole problem. Such a "solution" may satisfy a religious person, but not a philosopher, even a religious one.

We risk our intellectual integrity by creating arbitrary mental constructs, and sometimes - by committing just a trivial intellectual swindle, the possibility of which is determined by the unique and intimate character of the religious and, especially, the mystical experience. The evidence that is presented is not intersubjective. Thus a reader is deprived of any possibility of a dialogue with the author. Instead of being convinced by way of argumentation, the reader is tricked into acceptance of the author's view: "We are talking mystery here - you cannot argue with me".

3. *Philosophical-Theological Approach.* The only article of philosophical relevance in the book on Jewish views on death is the one by A.Reines. Reines attempts to implement a mysticism-free theological approach to the problem of death. The essence of the issue is in what the author calls "the conflict of finitude", i.e. the human person consists of two fundamental elements that are in conflict with each other - "awareness of oneself as pervasively finite" and "a passionately intense desire to be infinite" (12). Religion is a human response to this conflict, an attempt to resolve it. There are two types of valid responses to the conflict of finitude: the infinite response and the finite response. The essential part of any infinite response is the denial of death as the end of human existence. If we assume that there is afterexistence in any form, then we resolve the conflict of finitude. On the other hand, there is an alternative

resolution of this conflict - the finite response:

In making a finite response to the conflict, persons affirm as true their awareness of themselves as finite... To resolve the conflict these persons must renounce infinite desire... By renouncing infinite desire, the will of these people to live is now a wish for finite existence, the existence they affirm they possess. Such people are now what they wish to be... (13).

Thus, we have two options, both of which are valid, according to Reines, for they are placed within the Reform Jewish framework, in which every individual ultimately possesses an authority in religious matters. (This is the essence of Reines' theory of Reform Judaism as polydoxy). In spite of the fact that Reform Jews may or may not believe in the afterexistence, Reines himself explicitly chooses the finite response to the conflict of finitude. His finitist position is determined by the fact that he finds no credible evidence to believe otherwise. Reines rejects all kinds of "hearsay" evidence (mystical experience, communication with those who died, etc.) as unverifiable and finds the theistic concept of God unviable. As a result, Reines arrives at a very unusual religious statement - a disbelief in any form of afterexistence. This leads him to another important conclusion - the idea that God is finite, i.e. He has no control over human finitude and therefore, is not omnipotent.

Reines' treatment of the problem of death is very consistent and well argued. In my opinion, the main weakness of his discourse is that it overemphasizes psychological and theological aspects of the problem. 1) The idea of the

conflict of finitude reflects mainly the psychological aspect of the problem of death - the conflict of awareness of reality and desire. I maintain that the problem is considerably broader - it is an existential problem, i.e. it involves not only a person's awareness of his situation, but also his actual status in the world - life consisting of goal-oriented activities. 2) Since Reines psychologizes the whole issue, he arrives at religion as a human mental response to the conflict of finitude. His conclusions are valid within his paradigm, but all the considerations regarding belief in the afterexistence are of theological or "quasi-theological" character. They are correctly rejected by Reines. However, outside the theological realm there might exist (and I will try to demonstrate that, in fact, they do exist) other reasons to maintain the idea of the immortality of the person. They remain beyond Reines' consideration. Being one of the rare original treatments of the problem of death, the approach in question suffers from a certain narrowness due to its psychological and theological bent.

Having discussed two main approaches to the problem of death, we need to consider some individual thinkers whose ideas did involve death as a major issue. In my opinion, in contemporary philosophy we could find three different major contributions to the understanding of death: 1) a discussion of death by thinkers of the Russian religious-philosophical renaissance; 2) Freud's theory of instinct of death; 3) the

existentialist treatment of the issue. We shall begin with the Russian philosophers.

4. *Russian Religious-Philosophical Renaissance*. One of the most original (but almost unknown in the West) philosophers was Russian religious thinker N.F.Fedorov. His thought represents a shocking and exotic combination of scientism and mysticism (even though Fedorov himself used the word "mysticism" in a negative sense). Death is in the spotlight of his thought. His attitude towards death is very determinate - the struggle with death, the expectation of a victory in this struggle. Even though he relied on Russian Orthodox theology in his world outlook, Fedorov's understanding of death was purely physiological. Therefore, he was hoping to overcome death through scientific progress, through the successful development of human knowledge combined with the "common" cause of the entire humanity (14). In his death-denying position Fedorov was quite radical: he not only discussed a possibility of avoiding death, but primarily emphasized the issue of resurrection of the dead:

Action, originating from the awareness of mortality (of scantiness and temporality), is a striving for immortality; but since one learns of mortality from one's losses, this striving for immortality is the striving for resurrection (15).

Let us quote two more characteristic passages from Fedorov's works.

Our duty, our obligation, our cause is to resurrect everything that ever died, that we lost, as sons, as descendants of our fathers, ancestors. Of course, this

duty is indeed a Divine commandment... (16).

For living sons the resurrection of deceased fathers, their revival is as necessary an attribute as a gravitation is for the body, as warming is for heat (17).

A quintessence of Fedorov's *Weltanschauung* could be expressed by his definition of immortality: "To be immortal is to be able by oneself to build one's own organism from its initial elements"(18). Fedorov hoped that through scientific progress, humans would be able to completely regulate natural processes, including physiological processes in their bodies with death being no exception. In other words, he meant not the "mystical" resurrection of Christian theology (the resurrected body will be a spiritual body; see above on Kroner), but rather literally physical revival.

Fedorov treated the issue of death in a very original manner. However, his approach was a grandiose synthesis of religious-mystical and positivist-scientistic world-views along with advantages incorporating many shortcomings of both positions.

First of all, by suggesting "scientific" remedies to overcome death, Fedorov entraps himself in a paradigm of scientism and because of that he completely ignores the problem "person and death". Moreover, the situation is aggravated by the fact that Fedorov is an extreme collectivist; he preaches a "common" cause, even a cult of ancestors (16, 17). Therefore, the person does not exist in

Fedorov's philosophy, because he dissolves into the tribe.

Another shortcoming of Fedorov's doctrine is that he wants to make *all* people immortal and to resurrect *everybody*. But he forgets that even though man is not free to choose to die or not to die, he is free to choose whether he is going to give up to the fact of death or not. Maybe some people will not want to be immortal and some will not want to be resurrected. This mistake is a very good illustration of the common practice of associating death with evil and to ascribe to it an unambiguously negative value. These two shortcomings make Fedorov's treatment of death very unattractive even though his ideas are of timeless value.

Another Russian philosopher who raised the issue of death very sharply was N.A. Berdyaev. He arguably was one of the earliest philosophers whose thinking could be defined as existentialist. Berdyaev always emphasized the tragic character of human existence in all its aspects - relationship with God, freedom, creativity, eros, social life. Death is an inherent part of the human experience: "Death is a phenomenon which is still within life and not beyond, a most astonishing phenomenon, bordering the transcendent"(19). For Berdyaev the question of death is a question of personality. Death is a tragedy exactly because it is the death of a person (20). As a personalist he discusses everything in terms of human emotions. There is only one emotion concerning death - fear. "Fear of death is an ultimate fear" (21). How does one deal

with this fear? Of course, one *hopes* for immortality.

From the perspective the inner existence virtually nobody recognizes the possibility of a final disappearance of one's own "I", of what has been conquered as Personality. I find myself entrapped in the following contradictory discourse: if there is nothing for me after death, then after death I will learn about it. If I will die and there will be no life for me whatsoever, I will vanish for good, and then there will be nothing, there will be no world, for I was the only proof of the world's existence (22).

Berdyaev understands all the uncertainty about the belief in immortality, but the pathos of his philosophy forces him to look for religious, spiritual ways of overcoming the tragic character of human existence. A man must conquer death!

Victory over death cannot be an evolution, it cannot be a result of necessity; victory over death is creativity, the joint creativity of man and God, it is a result of freedom (23).

Leaving aside Berdyaev's mystical inclinations and his aphoristic rather than systematic way of presenting his ideas, we should say that understanding death through the prism of subjectivity cannot be overestimated. Indeed, death is a tragedy feared by everyone. However, the shortcomings of personalism can be found exactly where its advantages are. Berdyaev oversubjectivizes the entire issue: I want to be immortal, because I do not want to cease to exist, but if I am not immortal, then the world should die with me. The desire to be immortal is a very significant factor in our lives, but it is not a sufficient basis to affirm immortality. Since Berdyaev has nothing but the fear of death and the desire to

be immortal, he can only formulate his solution in very vague quasi-mystical terms: death will be overcome by a joint effort of man and God. Subjectivist as Berdyaev's treatment of the issue was, it did shed a new light on death as it is perceived by us.

5. *Death In S.Freud's Thought*. We shall proceed now to the analysis of Freud's treatment of the problem of death. Freud's ideas had a tremendous impact upon the entire culture of the twentieth century. His pioneering works in the theory of sexuality were highly acclaimed. His main contribution, the discovery of the unconscious and its psychological and metapsychological analysis, became a landmark of contemporary philosophical and psychological thought. However, a very important aspect of his concept of man is often neglected. This aspect was especially developed in Freud's later works.

Freud started with the trivial fact that humans are aware of their death. However, he maintained that the consciousness of death is merely a superficial phenomenon. The unconscious being is firmly convinced in its immortality (24). In other words, belief in immortality is an inherent property of human beings at the level of the unconscious.

Later Freud formulated a view that was rather dissonant with the one we have just considered. Freud began to view our inner life as a struggle of two instincts - the instinct of death (*Thanatos*) and the instinct of life (*Eros*). The latter instinct is the primary one.

Freud sees dying as a transition into an inanimate state. It is known that life evolved out of inanimate matter. Freud pictures the process of this evolution and the way it has been imprinted in our mental life in the following manner:

The attributes of life were at some time evoked in inanimate matter by the action of a force of whose nature we can form no conception. It may perhaps have been a process similar in type to that which later caused the development of consciousness in a particular stratum of living matter. The tension which then arose in what hitherto been an inanimate substance endeavoured to cancel itself out. In this way the first instinct came into being: the instinct to return to the inanimate state (25).

This is the instinct of death to which even such a fundamental instinct as that of self-preservation is secondary.

It remains unclear how Freud reconciled his two different views, that the unconscious firmly believes in its immortality, and that at the same time there is a fundamental death wish in the unconscious. Nevertheless, Freud's point of view is extremely valuable, for he treats our relationship with death as an instinct and a striving. However, the approach in question is too one-sided. First of all, Freud does not speak of death and immortality but rather of their instincts; he never goes beyond the psychological processes. He never speaks of death itself, and if so, then it is not clear, instinct of what Freud is analyzing in his work. Secondly, along with the instinct of death there exists a fear of death, which is not connected (in spite of a very detailed theory of anxiety in general) with the psychoanalytic

treatment of the instinct of death. These weaknesses as well as an obvious ambiguity in Freud's teaching compel us to consider it as inadequate to the problem of death.

6. *Existentialist And Post-Existentialist Approach.* Let us turn now to the existentialist approach towards death. We will discuss the ideas of two great thinkers - M.Heidegger and K.Jaspers.

Heidegger's philosophy (at least in its Sein und Zeit phase) revolves around the question of the meaning of Being (26). However, Being is interpreted in a manner radically different from the traditional philosophy. There is no abstract, universal Being. There is only "being-there" - *Dasein*.

What is *Dasein*? Heidegger gives us the following definition:

This entity which each of us is himself and which includes inquiring as one of the possibilities of its Being, we shall denote by the term "*Dasein*" (27).

In other words, the most fundamental level of Being is *Dasein* - an individual existence capable of reflection. The basic state of *Dasein* is care: we have values, set goals and work towards their accomplishment. This approach to the question of the meaning of Being has one significant implication: there is no eternity for the Being; *Dasein* is *temporal* by definition. Temporality necessarily implies finitude: "The end of Being-in-the-world is death" (28).

Having made death a part of his discourse, Heidegger does

away with any kind of physiological concept of it and treats it as a philosophical category: "Dying is not an event; it is a phenomenon to be understood existentially" (29). A superficial perception of death can be formulated in three points:

1. there belongs to Dasein, as long as it is, a "not-yet" which it will be - that which is constantly still outstanding; 2. the coming-to-its-end of what-is-not-yet-at-an-end (in which what is still outstanding is liquidated as regards its Being) has the character of no-longer-Dasein; 3. coming-to-an-end implies a mode of Being in which the particular Dasein simply cannot be represented by someone else (30).

Dasein is dynamic; it is in a permanent motion. Therefore, it is inherently always incomplete. If *Dasein* comes to its completeness, to wholeness, it means the cessation of *Dasein*. This cessation cannot be represented in any manner, for even our experience with the death of others is irrelevant: we cannot learn of our own death by observing others die.

The fact that death is the ending of *Dasein* characterizes *Dasein* as a Being-towards-the-end. "Death is the possibility of the absolute impossibility of Dasein" (31). Since care is the basic state of *Dasein*, dying as an inherent property of *Dasein* is grounded in care. The analysis of the existential-ontological structure of death shows that Being-towards-the-end is characterized by existence (in the "ahead-of-itself"), facticity ("Being-already-in") and falling ("Being-alongside") (32). These three characteristics ultimately lead us to a definition of Being-towards-the-end as Being towards one's

ownmost potentiality-for-Being, which is non-relational and is not to be outstripped (33). In other words, our existence finds its completion in death; death is certain and inevitable. This is what Heidegger calls the full existential-ontological conception of death.

Despite his use of very obscure language, Heidegger's ideas on death are fairly simple. 1. Death is an integral element of human existence: to live means to move towards death. 2. Experiencing the death of others is not the same as experiencing one's own death, which cannot be done. 3. In death *Dasein* finds its completion and full realization; it also simultaneously ceases to exist.

The strong part of Heidegger's consideration of death is that he treated the problem in a truly philosophical manner: he attempted to uncover the existential meaning of death. His solutions, however, as we see, are trivial. Heidegger recognizes that we are all mortal, that we are finite. He also understands that death is a tragedy for us and that our everyday life is to a considerable extent a fleeing from death. But since he replaced eternity as a property of Being with temporality, death's role in *Dasein's* Being is as far as he goes. As *Dasein* ceases to exist there is nothing left. Thus, Heidegger fails to deal with the tragedy of dying, for if there is nothing beyond, then no matter how sharply and exhaustively we describe *Dasein*, we cannot comprehend the meaning of death, for death is not only a part of the

structure of Being; it is also a part of non-Being. This latter aspect of the problem is completely ignored in Heidegger's thought.

Another great German existentialist philosopher is Karl Jaspers. The central concept of his thought is *Existenz*. He defines it in the following manner: "There is the being which in the phenomenality of existence is *not* but *can be*, *ought to be*... This being is myself as *Existenz*" (34). Thus, *Existenz* is not my actual state, but rather it is a possibility of me. "It is... not my existence that is *Existenz*; but, *being human*, I am possible *Existenz in existence*" (35).

As actual beings we always find ourselves in *situations*, certain sets of circumstances located in space and time. The situations *change*. However, there are situations that *never change*. They are related to those circumstances that exist eternally. Jaspers calls them *boundary situations* (36). Boundary situations belong to *Existenz*. Death is one of them.

As an objective fact death is not a boundary situation. In a boundary situation it is not death in general; it is either my death or a death of a loved one.

My death cannot be experienced; I can experience only the death of other people (37). Therefore, I cannot know my death. However, it still frightens me. Death annihilates me as a being. In the face of death there is nothing that matters in my existence, and I would fall into nihilistic despair, if there were no *Existenz*. "What remains essential in the face of

death is done as *Existenz*" (38). Death is a boundary situation with which *Existenz* is confronted; it is "the mirror of *Existenz*" (39). "Death is received into *Existenz*... as the test that proves *Existenz* and relativizes mere existence" (40).

Existenz, however, is terminated by death. Jaspers rejects the idea of immortality, for all proofs of it are unsatisfactory whereas mortality can be proven. It is the fact that we are mortal that makes death a boundary situation. In this situation we are caught in a twofold fear, for *Existenz* and for existence, because both of them are threatened by death. This twofold fear manifests itself as the horror of death in twofold form: unexistential existence (i.e. the prospective of dying and losing our *Existenz* makes our existence unbearable) and radical non-being (a cessation of our existence) (41). Death is a terrible but nonetheless inevitable factor affecting *Existenz*. In death as a boundary situation *Existenz* finds the necessary limit of its possible completion (42).

Jaspers' existentialism is different from that of Heidegger. If Heidegger's *Dasein* dwells on the island of actuality, Jaspers' *Existenz* floats in the ocean of potentiality. Nevertheless, Jaspers winds up in the same place as Heidegger: death is the limit beyond which we cannot step. Therefore, Jaspers' approach has advantages and suffers from shortcomings similar to those of the philosophy of Heidegger.

Jaspers does devote a good deal of attention to the theme of the tragic character of death. He grasps very well the role that the fact of our inevitable dying plays in our lives. However, it is because of the specific nature of existentialist philosophy that the problem of death remains unsolved. Existentialists think exclusively within the framework of our existence trying to extract its basic forms (like *Dasein* and *Existenz*). Death is a very unique phenomenon: it belongs to existence and non-existence at the same time. When Jaspers describes the "existential" aspect of death, it fits perfectly into his paradigm, but when he faces the "non-existential" aspect of death, he proves to be as helpless as Heidegger. Where existence ends, existentialism comes to stop. That is why Jaspers, like Heidegger, flatly rejects any possibility of the afterexistence: the latter is not arguable within their paradigm.

This limited character of the existentialist *Weltanschauung* affected those thinkers that began to transcend the existentialist perspective. One of the most prominent of them is E. Levinas.

Like the thought of the existentialists, Levinas' philosophy is subject-oriented. This subject taken in its pure form is an existent. One of the most significant properties of the subject is his solitude. This solitude results from its relationship with the existing over which the subject is master (43).

The relationship of the subject with death is unique. The subject is passive; he is not the master over this event.

... death announces the event over which the subject is not master, an event in relation to which the subject is no longer a subject (44).

Moreover, the appearance of death is the appearance of something unknown, even unknowable. "Death is *ungraspable*" (45). Thus, death is a mystery. Our relationship with this mystery is

relation with something that is absolutely other, something bearing alterity not as a provisional determination we can assimilate through enjoyment, but as something whose very existence is made of alterity. My solitude is thus not confirmed by death but broken by it (46).

Levinas makes an attempt to do away with the limitations of existentialism. He tries to avoid being trapped in the cage of temporality. However, this attempt is not quite successful. Levinas does not see anything beyond existence but a mystery which is destructive for the subject's solitude. In other words, he finds himself in the same place as Kroner. Even though, Levinas is subtle enough not to go into the issues of faith in the face of the mystery, it still goes without saying that the very understanding of death as a mystery provides no solution for the problem of death. It is merely another way of admitting one's inability to treat it.

7. *On the Philosophical Approach Towards Death.* We have reviewed the most typical and the most significant approaches to death in philosophy. We have shown their advantages and

shortcomings. Taking our analysis into consideration, let us formulate a philosophical approach to death.

Every living being is mortal; its existence as a living being is finite. However, only humans are aware of their mortality. This fact distinguishes us from all other living beings. If the death-awareness could be used as a criterion of distinction between human and non-human, then it is a crucial fact of human existence. Moreover, on a given basis we could place it on the same scale as self-consciousness, which is a basic faculty of human beings making them different from animals. In that case self-consciousness and death-awareness are the foundation upon which the house of human existence is built. Just like all other sections of a building are erected on its foundation, and the foundation itself disappears underneath the ground, self-consciousness and death-awareness determine man's world-perception, but are forgotten, suppressed, ousted under the weight of the impressions of our everyday life. They are recalled only from time to time (loss of a loved one, disease). Nevertheless, both self-consciousness and death-awareness are constantly and implicitly present in human activities as well as in human thought. Everything we perceive, everything we think falls within a paradigm determined by our identity. As we identify our self ($I=I$) we simultaneously draw a distinction between I and not- I , which by itself implies both spatial and temporal limits of I . In other words, by being self-conscious a man

realizes his finitude, his mortality. Thus, death-awareness is embedded in self-consciousness. Death, then, is always present in our reflection on our own existence as well as in our daily activities.

Death is not a physiological fact, neither is it a mental construct. Being both in the realm of physical reality and in the realm of the life of our psyche, it embraces all aspects of man's living. Death is fundamental to our existence. It has an existential meaning. To unfold some important aspects of this meaning will be the task of the remainder of this chapter.

N O T E S:

1. Of the publications listed below only Perret's book and Byrne's article deserve some attention as works of philosophical relevance. Kothari, M., Mehta, L.A.. Death: A New Perspective in the Phenomenon of Disease and Dying. L.: 1986. Perret, W.. Death and Immortality. Dordrecht: 1987. Byrne, E.. "Death and Aging in Technopolis: Toward a Role Definition of Wisdom"/ McKee, P. (ed.). Philosophical Foundations of Gerontology. N.Y.: 1982. Gervais, K.. Redefining Death. New Haven: 1986.

The largest part of a research on death deals with the areas of applied ethics, medicine and law. See: Brody, B.A., Eingehard, H.T. (eds.). Bioethics: Readings and Cases. Englewood Cliffs (N.Y.): 1987. Harrington, A.. The Immortalist: An Approach to the Engineering of Man's Divinity. N.Y.: 1977.

2. More detailed discussion of this issue can be found in Gervais, K.. Redefining Death. pp.18-44.

3. Most of K.Gervais's book is devoted to this problem. A clear and laconic discussion of the issue is contained in the article Brody, B.. "Fetal Humanity and the Theory of Essentialism"/ Baker, R., Elliston (eds.). Philosophy and Sex. Buffalo: 1975. pp.344-348.

4. See McKee, P. (ed.). Philosophical Foundations of Gerontology.
5. "Japanese Experts Predict..." / Futurist. 1988. vol.22, N3. p.35
6. Existentialist consideration of death will be discussed below.
7. Kroner, R.. Between Faith and Thought: Reflections and Suggestions. N.Y.:1966. p.134.
8. Ibid. pp.134-135.
9. Schindler, A.. "Here and Hereafter" / Sonsino, R., Syme, D.B. (eds.). What Happens after I Die?: Jewish Views of Life after Death. N.Y.:1990. p.78.
10. Greenberg, B.. "Is There Life after Death?" / Op.cit.. pp.91-92.
11. Borowitz, E.. "Covenant Theology" / Op.cit.. p.114.
12. Reines, A.. "Death and Afterexistence: A Polydox View" / Op.cit.. pp.131-132. See also Reines, A.. Polydoxy: Explorations In A Philosophy Of Liberal Religion. Buffalo, N.Y.:1987. pp. 61-63.
13. Op. cit.. p.133.
14. By a "common cause" Fedorov meant a moral obligation of all people to work toward the victory over death. See his main work: Фёдоров, Н.Ф.. Философия общего дела. тт.1-2. Москва:1913. (Fedorov, N.F.. Philosophy of a Common Cause. vol. 1-2. Moscow:1913.)
15. Фёдоров, Н.Ф.. Сочинения. М:1982. с.510. (Fedorov, N.F.. Works. Moscow:1982. p.510.) Translation is mine in all instances where Fedorov's works are directly quoted.
16. Из материалов к третьему тому "Философии общего дела" Н.Ф.Фёдорова // Контекст. М.:1988. с.296. ("From Materials for a Third Volume of "Philosophy of Common Cause" by N.F.Fedorov" / Context. Moscow:1988. p.296).
17. Op. cit.. p.317.
18. Остромиров, А.. Николай Фёдорович Фёдоров и современность. вып.2. Харбин:1928. с.14. (Ostromirov, A.. Nikolai Fedorovich Fedorov and Our Times. part 2. Kharbin:1928. p.14.)

19. Бердяев, Н.А.. Экзистенциальная диалектика божественного и человеческого. Париж:1952. с.183. (Berdyayev, N.A.. Existential Dialectic of Divine and Human. Paris:1952. p.183).

20. Op. cit.. p.184.

21. Бердяев, Н.А.. О рабстве и свободе человека. Париж:1939. с.208. (Berdyayev, N.A.. Of Serfdom and Freedom of Man. Paris:1939. p.208.)

22. Berdyayev, N.A.. Existential Dialectic of Divine and Human. p.190.

23. Berdyayev, N.A.. Of Serfdom and Freedom of Man. p.210.

24. Freud developed this idea in his work "Thoughts For the Times On War And Death"/The Standard Edition Of The Complete Psychological Works Of Sigmund Freud. vol.14. London:1957. pp.288-317.

25. Freud, S.. "Beyond The Pleasure Principle"/The Standard Edition Of The Complete Psychological Works Of Sigmund Freud. vol.18. London:1955. p.38.

26. Heidegger, M.. Being and Time. San Francisco:1962. p.1.

27. Op. cit.. p.27.

28. Op. cit.. p.276-277.

29. Op. cit.. p.284.

30. Op. cit.. p.286.

31. Op. cit.. p.294.

32. Op. cit.. pp.293-296.

33. Op. cit.. p.299, 303.

34. Jaspers, K.. Philosophy. vol.2. Chicago - London:1970. p.3.

35. Op. cit.. p.4.

36. Op. cit.. pp.178-179.

37. Op. cit.. p.193.

38. Op. cit.. p.195.

39. Op. cit.. p.196.

40. Ibid.

41. Op. cit.. p.199.

42. Op. cit.. p.200.

43. Levinas, E.. Time And The Other. Pittsburgh:1987. p.68. A similar account of death can be found in Levinas, E.. Totality And Infinity. Pittsburgh:1961. pp.232-236.

44. Op. cit.. p.70.

45. Op. cit.. p.72.

46. Op. cit.. p.74.

2. Death and the Meaning of Life.

As we have shown above death is to be taken as a philosophical category, i.e. our analysis should transcend both the medical-physiological and the poetic-mystical treatment of death, and lead us to a discovery of death's meaning. However, before we sink into the dark depths of philosophical discourse, let us glance at the very surface of the matter.

Death in its most obvious manifestation is the end of life. This trivial fact suggests us that there is an inherent connection between death and life. Death is a last point of the segment called "life". However, this point is of a very specific character. On one hand, it still belongs to the segment in question. On the other - it does not belong to it, for death is not life, but rather the opposite. It separates the existence of an individual (this term we will use as a synonym to "the life of the individual") from his non-existence. Therefore, to comprehend the meaning of death we inevitably have to connect it with the meaning of human existence and non-existence. Non-existence does not present any difficulty here, for it merely signifies the absence of the individual in the world. If such an absence has any meaning (for instance, a given person is a great historical figure, like Bismarck or Herzl, and his actions and ideas

continue to affect the course of the history even after this person's death), it is always implicated by a previous presence of the individual in the world. So we can reduce our issue to the task of establishing the link between the meaning of death and the meaning of life.

We shall discuss the meaning of life first not only because it precedes death chronologically, but also because the problem itself is obvious to anybody. Everyone sooner or later, frequently or rarely asks himself a question: what is the meaning of my life?

Some would say that there is no such a thing as the meaning of life; it merely does not exist. However, these assertions already presuppose the question of the meaning of human existence. We ask this question and either seek the answer or abandon our quest. Nevertheless, since the very existence of the meaning of life is questionable, we ought to discuss this issue first.

1. *The Existence of the Meaning of Life.* We will assume here that we deal with a normally functioning individual, i.e. that this person is capable of implementing goal-oriented activities in the course of his existence and does not suffer from any disorders related to a disintegration of the personality, which would prevent this person from engaging in such activities.

Our main point here is the following: the meaning of life exists. We shall demonstrate it by discussing the opposite

ideas. There are two ways of denying the existence of the meaning of life: a) one may assert that the very problem of the meaning of life is meaningless; b) one may claim that the life itself has no meaning. For many people both of these ideas would appear to be obviously false and even absurd. However, such a perception would be purely intuitive and, therefore, insufficient to reject them. Thus, we need to consider both of the propositions in question.

a) If one asserts that a problem is meaningless, one must demonstrate one of two things. Either the issue as it is formulated does not correlate with any element of reality and the solution of this problem does not affect in any manner the solution of other problems (these problems are usually called "pseudo-problems", or "scholastic" problems, for example: how many angels can be placed on a tip of the needle?), or else the issue in question is unsolvable in principle. The first case does not apply to the problem of the meaning of life, because it is the last thing that one could call a "scholastic question"; nothing is more real than the perception of my own life.

Let us consider now the claim that the problem of the meaning of life is meaningless, because it is unsolvable. Indeed, some problems of science are unsolvable and on this basis can be considered to be meaningless. For instance, the invention of perpetuum mobile is a meaningless problem. However, if we are dealing with a philosophical problem, then

we always engage in the analysis of issues that are unsolvable (from the point of view of science, or whatever calls itself a "science"). In this regard, the problem of the meaning of life makes no less sense than any other philosophical problem.

b) The idea that the problem of the meaning of life makes sense, but the solution is that life has no meaning, is more defensible. Indeed, one might assert that his life is meaningless, i.e. he dwells in the world with no purpose whatsoever. A person just exists.

We can raise an objection to this argument by saying that an animal also exists without any purpose; it merely dwells in the world. What is the difference between a human being and the fauna? (It is hardly doubtful that there is such a difference. I cannot imagine any philosophical approach denying such a distinction and thus reducing the essence of the human being to its purely biological dimension). This difficulty can be resolved by a proponent of the thesis in question.

One might argue that the difference between oneself and an animal is that humans are aware of the meaninglessness of their existence and animals are not. However, this argument drives us into another trap. By raising the issue of awareness, we postulated the existence of consciousness in human beings. If that is the case, then we certainly have to admit that we as humans can plan our actions, i.e. we set our

goals, determine the means of their accomplishment and act accordingly. In every single instance we attribute certain meaning to our activities. In every instance these activities occur in the context of our entire life path.

For example, a student attends law school. He hopes to obtain a law degree so that he could practice law. In this situation we see a hierarchy of goals. On one level, his goal is a degree in law. However, it has a meaning only as long as he has a broader perspective of practicing law, of becoming an attorney. In case he does accomplish the lower-level goal and obtains a degree, but will not practice law and will not work in the field, his activities will be meaningless.

Nevertheless, he will find another meaning for his educational experience. For instance, he might decide to pursue a Ph.D. in sociology, specifically, in sociology of law, where he could apply his knowledge obtained in the law school. Even though his initial broader goal was not pursued, and it made his activities meaningless, the vacuum of the lack of meaning is always sought to be filled. Now his goal to obtain the law degree has another meaning: he pursued it so that he could study the sociology of law.

The meaning of a segment of our life is always the answer to the question "Why?", "For what?". It is not an immediate "Why?", but rather a prospective "Why?"; it is a broader perspective that our given activity will open for us. The meaning of the student's studies was to obtain the degree, but

the meaning of that particular segment of his life was to practice the law. Of course, the meaning may be re-interpreted as the person evolves along his life path. The meaning is always there; it is permanently present in our existence. In other words, *the meaning of a particular segment of our life is a potentiality of what is beyond the end of this given time interval.*

Life is not endless. Human beings are finite. This implies that the meaning of life, being a *potentiality of what is beyond death*, is that ultimate last level in the hierarchy of the meanings; it is the limit of the meaning. This line of reasoning leads us to the conclusion that the position of denial of the meaning of life does not stand to reason.

There is only one possibility for continuing the questioning of the existence of the meaning of life: to modify the position suggesting the meaninglessness of life. One might argue that even though his actions, taken separately, do have a meaning, combined they do not have any meaning whatsoever.

In other words, the proponent of the meaninglessness of life maintains that his entire life as a whole is meaningless whereas its separate parts do have a meaning. However, if life as a whole has no meaning, then its parts should not have one either, because if a certain part of my life has a meaning, i.e. I had a goal, found the ways to accomplish it and aspired to act in the direction of its accomplishment and thus ascribed a meaning to this part of my life, then all the same

in the context of my entire life or even its larger part the accomplishment of this goal turns out to be a vain matter; the part of my life in question has no meaning if it is not connected with some broader meaning, i.e. the meaning of life. That is why even the richest businessman, the greatest politician, the most prominent scholar, even a great religious leader may still ask the same question as a petty clerk in the bank: what is the meaning of my life? Even, for example, if we think that our ultimate purpose in life is to accumulate ten million dollars, once we accomplish it we realize that this does not exhaust everything we are looking for in this world. We come to understand that there must be a higher purpose, for if there is not one, then ten million dollars do not matter. Every achievement leaves us with a sense of dissatisfaction; it pushes us to strive for something else, to go further.

Thus, the entire line of argumentation in favor of the meaninglessness of life is undermined. To assert the meaninglessness of life as a whole and the meaningfulness of its parts is impossible. To assert the meaninglessness of life as a whole as well as of its parts is absurd, for it contradicts the fact of the existence of consciousness and, therefore, of the goal-oriented character of our actions. Therefore, to assert the meaninglessness of one's life is impossible. The meaning of life does exist.

Since we are finite, we should raise a question about the relationship of the meaning of life to our finitude. In other

words, we will discuss a connection between the problem of the meaning of life and the problem of the meaning of death.

2. *The Meaning of Life And the Meaning of Death.* As we have seen in the end of the first part of this chapter, death-awareness is inherently contained in self-consciousness, the most basic mental act of a human being. We look at our life through the prism of our future death. We could say then that the question of the meaning of death is more fundamental than the question of the meaning of life, i.e. we cannot resolve the latter without a certain resolution of the former.

This idea might seem to be quite paradoxical, for it is more common to think of the problem of death as a part of the problem of the meaning of life. One comes to a certain understanding of the meaning of life and only then proceeds to interpret death from this perspective. A man lives, and death is merely the end of his life, a dot at the end of a segment. I maintain and will demonstrate that these two issues are in the opposite relationship.

Let us discuss the question of the meaning of life. There are many solutions to this problem. We could classify them into two groups taking into consideration the following criterion: whether or not a given solution to the question is egocentric, i.e. putting the Ego in the center of a particular individual's *Weltanschauung*.

We shall consider egocentric solutions first. It goes without saying that we will have to simplify the ideas to be

discussed so that the very essence of various egocentric approaches to the meaning of life can be demonstrated. These are the examples of the approach in question: the meaning of life is that I could experience a maximal amount of pleasure over the course of my life; the meaning of life is that I could gain as much power as possible over as many people as possible; the meaning of life is that I could accumulate as much wealth as possible; the meaning of life is that I could constantly improve myself, become more educated, cultivate spirituality in my life. Of course, we could find some modified versions of the solution of our problem: for instance, to give pleasure to oneself and one's family; to save money for oneself and one's family. One could also see the meaning of life in reproduction and bringing up one's offspring. It is apparent that such views are rather common in everyday life, and express the world outlook of many people.

However, they all face an inescapable difficulty. One cannot interpret the fact of death from this perspective.

You could think that you just die, and that is it. But what will you think when death will be at your threshold? Beyond death is the black infinite winter sky, cold gloom, absolute uncertainty. And here, all your colorful life will remain with all its pleasure, money, power etc.. It will go on without you.

How is it possible? You try to imagine how it will go on without you, but then you become an observer, and you stand on

the sidelines. The problem is that there will be no observer: the life will go on without you. "Who will tell the man what will be after him under the sun?" (Eccl., 6:12). If you can say nothing of how life will go on after you, and whether it will go on at all, then from this perspective you also find an absolute uncertainty after death. After the segment called life reaches its final point, death, any certainty on both sides of this point is nullified. All that remains is the moment of death as the center of your being, its beginning and end. There is nothing else...

A man is aware of his mortality, and therefore he inevitably raises the question: what is there after death? The absolute uncertainty nullifies all particular goals of his life as well as the purpose of life in general. Pleasure, money, power: everything will be in the gloom. "And the dust returns to the ground, as it was" (Eccl., 12:7). This cold black gloom of uncertainty will constantly tear up the thin membrane of a comfortable and warm little world that you create for yourself. It raises fear. When you are in fear, what you consider as the meaning of your life loses its significance. Fear is the destruction of an idol that you worship. When you manage to make another soap-bubble of your world-view, you erect a new idol, or even try to revive the old one. This understanding of the meaning of life is easily destroyed by the fact of death; this ground is too shaky for a man to stand on it.

One could conceivably argue that "a man will stay alive in his children". However, this is a sophism, for a man inevitably dies, and persons of his descendants are not equivalent with his own person. So at the very best this claim and those similar to it could be taken as metaphors. Thus, the first group of possible solutions does not resolve the problem of death, leaving this extremely important fact uninterpreted and unexplained. This deprives of any meaning the understanding of the purpose of life.

The second type of solution to the problem of the meaning of life is of non-egocentric character. These are examples: the meaning of life is to make humanity happy with the success of my political career; the meaning of life is to do good to people; the meaning of life is to make a scientific discovery and leave a trace in the history of humankind and in the evolution of the Universe in general.

The shortcomings of such an approach become immediately evident. No matter how happy people are with the good you have done, it does not matter to you, because your existence will cease. It is not worthwhile to call for leaving a good memory after yourself: "the good memory" is not you. With that being the case it is not necessary to do good; you might as well do evil: the results of your actions do not matter to you. It is also not clear why you should leave some kind of a trace in evolution.

This type of solution also fails; it does not resolve the

problem of death, and thus in the attempt to ascribe some kind of the meaning to life, it leaves it completely meaningless, i.e. accomplishes the opposite.

It goes without saying that there are many possible variations in both of the types of solutions to the problem of the meaning of life. However, all of them prove to be unsatisfactory, for they all face the same difficulty: death. Therefore, one cannot give any viable solution of the problem of the meaning of life without having a certain concept of death. In other words, understanding death is a prerequisite for understanding life, and not vice versa. Let us then turn to the meaning of death.

3. Immortality as the Meaning of Death.

If the question of the meaning of life is obvious, the question of the meaning of death strikes one as rather unusual. What is the meaning of death? Maybe it does not even exist. After all, death can only cross out our life's works and aspirations.

1. *Existence of the Meaning of Death.* As we stated above, death is the last point of the segment called "life". Like every other part of life, it must have a meaning.

If, however, we suppose that death has no meaning, then we face a serious difficulty, for we have found that the meaning of life exists, but it cannot be comprehended without the solution of the question of death, i.e. ascribing to death certain meaning. Therefore, it is impossible that death would not have a meaning.

2. *Immortality.* If the meaning of death exists, then what is it? The most obvious answer is that death means the end of life. However, it does not take us very far, for we can always ask another question: what does the end of life mean?

The end of life can mean either that a person ceases to exist or that a person continues his existence in some other form. The first possibility is called mortality, the second, immortality.

The term "immortality" is used in this work in its broadest

sense: after death a person still exists. I prefer it to the term "afterexistence", because, in my opinion, it better expresses the personal aspect of life after death and better emphasizes the continuity of a person as an existing being.

The idea of immortality implies that ultimately a human person transcends space as well as time. In other words, a person is eternal. In our case eternity is not completely incompatible with temporality. After all, eternity is an infinite line that can be broken into infinite time segments, temporalities. Then it is conceivable that something temporal may extend beyond the limits of its interval and even be everlasting, i.e. something can be eternal and temporal at the same time. The idea of immortality means exactly that: human beings as such are temporal, but every human being possesses a property called "personality". Human beings as persons are eternal.

It is important to emphasize that we cannot go any further than our claim for the eternal existence of a person. The question "What kind of eternal existence we are talking about?" cannot and should not be answered. Neither I, nor anybody else possess verifiable information regarding the matter in question. Therefore, any discussion of transmigration of souls or any other ideas on a particular form of afterexistence cannot be conducted. All that we affirm in this section is a very abstract idea of immortality.

3. The Meaning of Life and Immortality. Since the meaning

of life cannot be sought without a certain resolution of the question of death, let us see how both of the possible solutions of the problem of the meaning of death, mortality and immortality, affect the problem of the meaning of life.

If we assume that we are mortal, i.e. we as persons cease to exist after our physical death, then we are unable to ascribe any meaning to our life. As we can see from the previous section, if the disappearance of our personality is the ultimate end, then all our aspirations, all our desires, all our achievements are a waste: they have no meaning. I can be as successful as I want, but if my death annihilates me, then I might as well not strive to accomplish anything: it simply does not matter.

Since we have established that the meaning of life exists, and that it cannot be sought without a certain solution of the problem of death, and since we have found that mortality as one of two possible solutions does not provide for the existence of the meaning of life, we have to assume that the idea of immortality will grant us a certain understanding of the meaning of our existence. Indeed, if a person is immortal, then death does not nullify our life's aspirations, for there is something after death, something that may have meaning. Thus, we came to the following conclusion: the meaning of life cannot be sought without the presupposition of the immortality of the person.

At this point, we ought to give a brief consideration to

the function that the concept of immortality performs in our work. First of all, I do not intend to prove that we humans are immortal. There is no reliable information that would allow us to do so. Moreover, such information cannot possibly exist due to the nature of the subject matter. To be reliable the data must be of intersubjective character, i.e. readily available to any normal person for the purposes of empirical verification. Any other information cannot be considered reliable. All "empirical" proofs of life after death that are known to date are not intersubjective. They are either descriptions given by patients who experienced clinical death, which obviously cannot be verified, or statements (like the one regarding the prophet Elijah who never died according to the biblical text) made by the authors of the books that also cannot be either confirmed or refuted by other sources known to us.

Secondly, the idea of immortality can be claimed to be based upon pure belief. Belief is a groundless act and it is an absolutely free act. One needs no justification to believe in immortality. I cannot argue with anybody about their belief, because I have no basis to either prove them wrong or to confirm that their opinion is correct. Belief is subjective, and it manifests itself only in the propositions that express it. I would like to emphasize that in this work I am not making a statement of my belief in immortality nor am I trying to offer immortality as a consolation for all of us

who will face death sooner or later.

The concept of immortality, in my opinion, is an operational hypothesis, we inevitably need if we are to seek the existence of the meaning of life.

4. *Conditions for the existence of the meaning of life.* If our life has meaning, then to find this meaning we must assume that a human person is immortal. In other words, immortality is a necessary condition for the existence of the meaning of life.

However, by itself it does not guarantee that we will find that meaning. Many kinds of trees and animals have a longer life-span than humans; stones and rocks exist for such a long time that we could call them eternal. Nevertheless, eternity does not exhaust the conditions for the existence of meaning. Immortality is a necessary, but not sufficient condition for the existence of the meaning of life. What else is missing?

Being endowed with consciousness, we are capable of setting goals for ourselves, of finding means to accomplish them and acting in accordance with the established relationship between goals and means. In other words, we are able to implement goal-oriented activities. In each individual case, this characteristic of our activities implies certain meaning of a given interval of our life. It can be as simple as going to a Burger King to buy some food for dinner, the meaning of which would be to sustain oneself. Or it can be as complicated as spending twenty years on a philosophical tractate, which would

have the discovery of truth as its meaning. There are many levels of goal-oriented activities. It is only through them that we live. Since goal-oriented activities are a mode of human existence, we could say that they are another condition for the existence of the meaning of life.

Thus, we have come to the conclusion that we cannot search for the meaning of life without the presupposition of immortality. However, only when combined with the presence of goal-oriented activities does the immortality provide a sufficient basis for the existence of the meaning of life.

In the next section we shall consider the issue of the meaning of life as applied to the case of a dying person.

4. Suffering, the Meaning of Life, and Death.

Most of us think about death with fear. The fear of death is inseparably connected with death-awareness. However, it comes to being only when a man is not merely aware of death, but realizes that, first of all, when he will be dying, he will not be just an observer, that "all this" will be happening to him. Secondly, he comes to understand that death can occur at any moment (a sudden stoppage of a heart or even a brick falling upon his head), in the nearest future, "it is always behind his back". But what makes death so frightening?

Besides the fear of annihilation of one's personality, one of the most common fears is the fear of suffering related to death and a disease that precedes it. We shall discuss now the meaning of suffering and its relation to the meaning of life and the meaning of death.

1. *The Meaning of Suffering.* Does suffering have a meaning at all? Let us consider two simple examples.

A soldier fights a war for the liberation of his people from foreign oppression. He is seriously wounded, taken to the hospital, where he suffers a great deal of pain, physical as well as emotional, before he finally recovers. Does his suffering have a meaning? Most of us would agree that the meaning of his suffering was his personal recovery as well as

his contribution to the victory in the war.

Another example. A criminal is sentenced to death. There are several ways to execute a person. It happened that in a given state the way of execution was shooting. It is known that the least painful way of execution is a lethal injection. Therefore, it is obvious that the criminal in question will suffer more if he will be shot rather than injected. Since he was sentenced to death, and the goal of justice is accomplished in any case, then the most reasonable way of execution would be lethal injection whereas shooting would inflict unnecessary suffering upon the convict. This suffering is clearly meaningless.

These two examples indicate that suffering may or may not have a meaning. What does it depend upon?

To answer this question we need to establish the link between the meaning of life and suffering. It is a trivial fact that suffering accompanies every person on his life path. Like every other event, every other experience, whether it is a fruit of our effort or just a product of circumstances, it always has meaning only if there is a broader meaning, a higher purpose: the meaning of life. Thus, the presence or absence of the meaning of suffering depends upon the meaning of life, i.e. whether both of the conditions for the existence of the meaning of life are present.

In the case of the soldier his suffering did have a meaning, for he had a purpose: to survive and liberate his

country. Therefore, goal-oriented activities are present in his case. (Of course, we must assume that he is immortal as a person, for otherwise his possible death in combat would make his sacrifice meaningless. The fact that he died as a hero is completely irrelevant to him, because he is dead. It does not matter how colorfully the newspapers describe his heroic death). In our example of the convict, goal-oriented activities are absent as a condition for the existence of the meaning of life. He is destined to die, and, therefore, he cannot set any meaningful goals in his life. He is imprisoned and incapable of functioning as a normal human being. Thus, his suffering is meaningless.

Let us now discuss the particular situation of a dying person in the light of our previous discourse.

2. *Dying Person.* In our discussion of the meaning of life we assumed that our ideas are applicable to the case of a normally functioning individual. Is a person who is dying a normally functioning individual? The answer to this question must be negative.

Even a dying person, who has a full awareness of reality and is able to think clearly and consistently, has a serious limitation to his activities. Physiological functions of the body are deteriorating so that this person cannot engage in most of common activities. Eventually the condition will also affect the individual's mentality.

But, more significantly, a dying person is not capable of

acting in a goal-oriented manner. Just like the convict sentenced to death the dying person cannot set any goals in its life, for death will inevitably interrupt his activities. Goal-oriented activities are absent as a condition for the existence of the meaning of life in the case of a dying person. Therefore, the life of the individual in question ceases to have meaning. Then suffering also loses any meaning for a dying person.

If an individual is in the process of dying, then any pain, physical as well as psychological, is meaningless and should be avoided. This brings us to the practical issue of euthanasia, but before we discuss it let us summarize the results of our work so far.

5. Summary: Towards a Philosophical Understanding of the Meaning of Death.

In this chapter we established the philosophical foundations for an approach to the issue of euthanasia. We have concluded that:

1. the meaning of life does exist for a normally functioning human person;

2. the meaning of life is a potentiality of what is beyond death;

3. the meaning of life cannot be sought without a certain solution of the question of the meaning of death;

4. the meaning of death is immortality, which is an operational hypothesis without which we cannot search for the meaning of life;

5. immortality is a necessary condition for the existence of the meaning of life and along with the presence of goal-oriented activities it provides a sufficient basis for the existence of the meaning of life;

6. suffering in the life of a human being may or may not have meaning depending upon whether both of the conditions for the existence of the meaning of life are present;

7. a dying person cannot be considered a normally

functioning individual, and the meaning of life does not exist for such a person;

8. any suffering that a dying person undergoes is meaningless and should be avoided.

This provides us with a basis to treat the issue of euthanasia philosophically. The next chapter will be devoted to that subject.

PART TWO
EUTHANASIA AND JUDAISM

1. Critique of the Rabbinic Responsa On Euthanasia.

One of the most urgent issues of our time, related to life and death, is euthanasia. Like every other topic of major social debate, euthanasia concerns the Jewish community. Ultimately, the question to be answered is the following: is euthanasia permissible from the Jewish point of view?

Our discussion in the previous part of this work provided us with a philosophical basis for the solution of the issue in question: the meaningless suffering (which occurs due to the meaninglessness of existence) of a dying human person (granted that a human person is immortal) is to be avoided. However, before we proceed to elaborate on the details of our treatment of euthanasia, we ought to consider the Rabbinic position on the issue in question. Since our problem involves certain technicalities, first we shall discuss some basic definitions related to euthanasia.

1. *Basic Definitions.* The word "euthanasia" means "good, pleasant death" (from the Greek words "eu" and "thanatos"; a precise Jewish equivalent of the term - "mita yafa" - is found several times in Talmud, but it refers to the idea of reducing the amount of suffering that those criminals who are sentenced to death will have to undergo). This term is used to signify

the act of terminating the life of a person under the condition that this person is destined to die in any case, being fatally ill. The act of euthanasia may be implemented by either a physician or by a member of the patient's family.

Usually euthanasia involves up to three participants:

- 1) the patient (terminally ill person);
- 2) the doctor (who is responsible for medical treatment and, thus, evaluates patient's condition in terms of the fatality of the latter's disease and implements the act of euthanasia);

- 3) the family (relatives) of the patient (who take part in decision-making, especially when the patient is unable to do so and may also implement euthanasia).

Depending on the method of implementation, euthanasia can be active or passive. In the case of the former, the patient's life is terminated by the physician or by the member of the family in the manner of a positive action (for instance, intravenous injection of air, pills hastening death etc.). In the case of the latter, the physician (or the family member) suspends treatment of the patient (for example, turning off an artificial heart, suspension of pill therapy or injections, etc.). In other words, in passive euthanasia an omission of treatment takes place. Therefore, the distinction between these two types of euthanasia is based upon the character of the role that the doctor plays.

Depending on whether the patient's consent is required,

euthanasia can be voluntary or involuntary. In the case of the former, the patient gives consent to euthanasia as an act of his free will. In the case of the latter the consent of a patient is not required, but the consent of patient's family is necessary. If if the patient does not have a living relative, whoever represents patient's interests (be it an authority of the religion the patient belongs to or a legal representative) (1). In any event, the doctor cannot be authorized to be the only decision-maker in the case of involuntary euthanasia. An example of where involuntary euthanasia might be called for is when the dying person is in a comatose state, where he cannot be asked for consent.

On the basis of our analysis we can distinguish four classes of euthanasia:

- 1) active voluntary euthanasia;
- 2) active involuntary euthanasia;
- 3) passive voluntary euthanasia;
- 4) passive involuntary euthanasia.

We shall return to a more detailed discussion of the essence of euthanasia in the following sections of this chapter. At this juncture, we have a sufficient conceptual framework to proceed to a consideration of the Rabbinic responsa on euthanasia.

We shall start with two fundamental ideas that underlie the Rabbinic approach towards the issue. A discussion of the way the problem is treated by representatives of various branches

of Judaism will follow.

2. *Euthanasia as Murder*. One of the most basic principles upon which Jewish thinkers generally rely is the idea of the sanctity of human life. "I have set before you life and death, the blessing and the curse, therefore choose life that you may live - you and your seed" (2). Life is considered to be a Divine gift and, therefore, it must be God's will when to take it away. This idea immediately implies a negative attitude towards any form of termination of human life other than "by natural causes". It presupposes no distinction between euthanasia, murder and suicide.

It is not surprising then that the negative biblical attitude towards murder is frequently taken as an initial point of discussion. In the Pentateuch the most important statements on the issue are considered to be the following:

- 1) "You shall not murder" (3).
- 2) "Who sheds man's blood, by man shall his blood be shed..." (4).
- 3) "And if a man come presumptuously upon his neighbor, to slay him with guile; you shall take him from My altar, that he may die" (5).
- 4) "And he that smites any man mortally shall surely be put to death" (6).
- 5) "... and he that kills a man shall be put to death" (7).
- 6) "Who kills any person, the murderer shall be slain at the mouth of witnesses" (8).

Thus, from the very outset many authorities of Judaism, relying upon such a foundation, tend to put euthanasia into the category of murder (9). However, it is clear that it still must be demonstrated that euthanasia (even active) is merely a kind of murder. How could one identify murder, which is generally executed against the victim's will, with euthanasia, which invariably requires the immediate consent of the patient or his relatives or those representing his interests? How one could identify these two phenomena remains unknown. There is no sufficient basis to identify *a priori* euthanasia as murder.

3. *Concept of Goses*. The other important element that underlies the Judaic understanding of euthanasia is a status of *goses*, i.e. a person in the dying condition. It is developed in the Halakhic literature. All the rabbinical sources are unanimous on this issue: "*Goses* is regarded as a living person in all respects" (10). If this statement is accepted as truth, one has grounds to consider euthanasia as a sin, for in this case to terminate a patient's life is the same as to kill a normal living person, i.e. it is either murder or assistance in suicide. That is why the Halakhic authorities categorically prohibit any action towards the dying person. Thus, the Mishna (11) forbids one to bind a *goses'* jaws, to stop up his openings, to place any cooling object on his navel, to move him, to place him on sand or salt, or to close his eyes. The Shulkhan Arukh follows the

same line of reasoning:

A patient on his deathbed is considered as a living person in every respect... and it is forbidden to cause him to die quickly... or to move him from his place (lest this hasten his death);... and whoever closes his eyes with the onset of death is regarded as shedding blood (12).

Most of the actions described are of a very exotic nature in the eyes of a contemporary person and can hardly be considered as influencing the patient's condition. Nevertheless, in the opinion of our sages, all of them hasten death. This is the classical Halakhic position. Its foundation is in the thesis that a *goses* is a normal living person. Neither source provides us with their reasoning in this matter. Therefore, we have no basis to accept their definition of *goses* without further consideration.

Imagine a patient, who does not have any observable brain activity, but his life is maintained by contemporary medical systems (i.e. artificial heart, artificial lungs, kidneys etc.). How can he be considered a normal living person if he lacks the attributes necessary to be a normal person? In particular, due to brain-death, we do not observe (and never will) any manifestations of his consciousness. He is definitely no longer a normal person, but at the same time not yet dead.

What about the *goses* who dies with full consciousness? All the Jewish sources consider as *goses* anybody who will inevitably die within three days or less. It means that there

exists a certain point when a person "crosses the border" of life. The tradition is inconsistent to some degree, declaring such a person as having the same qualities as any other living human being. What makes the difference between a normal living person and a *goses* is the ability of the living person to implement goal-oriented activities: the normal human being can set goals, determine the means of their accomplishment and strive for their achievement. As we saw in the previous sections of this work, a dying person lacks this attribute. Death is a process, and as soon as one begins to die one no longer lives a normal life. A *goses* cannot be the same as a normal living person.

Summing up the discussion of two major ideas underlying the Judaic approach to euthanasia (i.e. euthanasia as murder and a *goses* as a normal living person), it is necessary to emphasize the inadequacy of the argumentation used by tradition to support them. It implies that so far there is no viable concept of euthanasia worked out within the theoretical framework of the Halakhic paradigm.

However, in recent decades we have witnessed some significant developments in the way Rabbinic authorities treat the issue of euthanasia. We shall discuss these developments as we proceed to consider the approaches to the problem by representatives of various branches of Judaism.

4. *Jewish Fundamentalist Approach.* The non-critical interpretation of the relationship between euthanasia and

murder and of the status of the goeses presupposes a negative attitude toward any "unnatural" termination of life: homicide, suicide, or euthanasia. This point of view has its proponents among some Jewish leaders. Rabbi A.S.Abraham, who collected the Torah's attitudes and the decisions of the sages in medical issues in his book Medical Halacha for Everyone, categorically rejects euthanasia:

One may in no way hasten death, even that of a patient who is suffering greatly, and for whom there is no possible hope of cure, even if he asks for this to be done. On the contrary, it is the duty of the physician to continue to treat this patient even if only to prolong life for a short time... It is therefore forbidden, for instance, to stop drugs or oxygen, or to avoid giving treatments (for example, antibiotic therapy, blood transfusions), even if this may result in the prolongation of suffering (13).

So neither active nor passive, voluntary nor involuntary euthanasia is permitted.

This approach implies that suffering is a main motivation for euthanasia. Proponents of the position in question deny this to be a basis for termination of patient's life for the following reasons:

1) the words of Psalmist that "God has caused me suffering and not permitted me to die";

2) the sanctity of life; life has an infinite value and, therefore, every part of it has an infinite value too.

Thus, any attempt to shorten the life of a dying patient will be an encroachment on its sanctity and is equivalent to an encroachment upon the life of a normal living person (14).

It must be said that both of these arguments have weaknesses. The reference to the Psalmist is irrelevant, because euthanasia is related to the person who is in a dying condition, whom God "permitted to die". The only question is "how" and "when". But the Psalmist was very much alive in pronouncing this phrase. So the first argument does not really support the thesis against suffering as motivation.

To the second argument there is the following objection: not all the properties of the whole can be attributed to its parts. For instance, if a circle is round it does not mean that every section of it is round as well. Or, if my organism as a whole has a consciousness, it does not mean that my hand has consciousness as well. Therefore, the statement that "if life as a whole has infinite value, every part of it has the same infinite value" is logically incorrect. The life of a person does have infinite value, but this value cannot be ascribed to the periods of life, when the person uses drugs, commits crimes etc.. Life as a whole is one thing and certain periods of life, every single one of which has a concrete content, is another. So the proponents of the approach in question do not have any basis to reject suffering as a motivation for euthanasia.

Taken together with the counterarguments developed above, this statement considerably weakens such a rejectionist attitude toward euthanasia.

5. *Jewish Orthodox Approach.* This interpretation

recognizes, in general, that under certain conditions euthanasia is permissible. Rabbi I. Jakobovits, one of the most authoritative experts in Jewish medical ethics, made the following statement:

... any form of active euthanasia is strictly prohibited and condemned as plain murder... Anyone who kills a dying person is liable to the death penalty as a common murderer. At the same time Jewish law sanctions the withdrawal of any factor - whether extraneous to the patient himself or not - which may artificially delay his demise in the final phase (15).

We already know upon what the negative attitude toward active euthanasia is based. So let us consider the sources upon which the proponents of this idea base their acceptance of passive euthanasia.

The great leader of Medieval German Hasidism Rabbi Judah ben Samuel, the Pious, in his Sefer Hasidim (13 century) states:

... if a person is dying and someone near his house is chopping wood so that the soul cannot depart, one should remove the (wood) chopper from there... (16).

This trend was further developed by Rabbi Moshe Isserles in his version of the Shulkhan Arukh (17). He emphatically stated that if there is anything detaining a departure of the soul, it is to be removed. Isserles motivates it by the fact that there is no act here but only the "removal of an impediment". On this basis, it is considered to be necessary not to delay patient's death and, thus, the idea of passive euthanasia is accepted.

The reasons for the soul to be detained as they are described by our sages sound almost absurd to the contemporary listener, but in this case the spirit of understanding the exigency of letting a person die is to be appreciated. Let us now proceed to a Reform responsum on the euthanasia issue.

6. *Reform Approach.* The Reform understanding of the problem, which once was officially approved by the Central Conference of American Rabbis, does not differ from the Orthodox one: active euthanasia is categorically prohibited and passive euthanasia is considered as permissible (18). Rabbi I. Bettan explains this unusual unanimity of Orthodox and Reform movements in Judaism:

... we liberal rabbis have always claimed the right to modify Rabbinic law, to remove what we regard as an obstacle to the advance of the spirit... But we have never sought to nullify an effective rabbinic implementation of a vital spiritual principle. The Jewish ideal of the sanctity of human life and the supreme value of the individual soul would suffer incalculable harm, if contrary to the moral, men were at liberty to determine the conditions under which they might put an end to their own lives and the lives of other men (19).

Rabbi Bettan's position was supported by the very authoritative Rabbi S. Freehof (20).

At the same time, Rabbi J. Wise did not agree with the opinion of majority in CCAR:

The question of Euthanasia today is not one that can be discussed on the basis of opinion of... our distinguished Rabbinical predecessors in Talmudic times. ... The advance of human knowledge, which I am sure our distinguished Halakhists would have recognized, are a very important factor in making a decision (21).

In other words, Rabbi Wise suggested that the tradition cannot be the basis for decision-making on the issue of euthanasia. Besides these general considerations, he also referred to examples from Jewish history, when Jews committed suicide and that fact did not make them immoral or sinful, but rather the opposite: the Mossada heroes etc.. This argument is an excellent objection to the thesis on the sanctity of life (or at least to its non-critical interpretation), but it must be said that its relevance to the discussion on euthanasia is questionable, for one needs to demonstrate an inherent connection between euthanasia and murder as well as suicide in order to bring this argument into the polemics. Rabbi J.Heller expressed an opinion similar to that of Rabbi Wise (22).

Prof. M.Atlas carried on a brilliant discourse on the relationship between the categories *goses* and *trefa*. The term *trefa* in Jewish law in application to human beings means a person who has a fatal organic disease. According to Halakha, to kill such a person would not be considered a crime, making one liable for capital punishment. The dying person in Ancient times was considered as dying for natural reasons, i.e. the status of *goses* always implied a "natural" death. Atlas argued that contemporary medicine definitely indicates that death occurs because of organic deficiencies even with very old people. It means that the distinction between *goses* and *trefa* no longer makes sense (23).

It also implies that a *trefa* is not considered as a normal

living person. Prof. Atlas does not question the idea of euthanasia as murder, so he concludes that if euthanasia is done to a *trefa*, the commandment "you shall not murder" is trespassed, but a capital punishment is not applicable to it (24).

Prof. Atlas does not seem to pay much attention at the distinction between active and passive euthanasia. It is conceivable that, from his perspective, they both are acceptable. Nevertheless, he rejects only one of two fundamental principles of the traditional understanding of the issue - the treatment of a dying person as a *goses*. It proves to be insufficient to change the whole attitude: he still maintains that euthanasia is a certain kind of murder, the murder of a *trefa*. Prof. Atlas' position was an extremely interesting step in the development of the Jewish approach to euthanasia. He initiated a discussion of the status of *trefa* and its relation to euthanasia, which did move the Reform interpretation of the question beyond the point of being indistinguishable from the moderate Orthodox position and stimulated a revision of the traditional approach toward the dying person throughout the entire Jewish community.

7. *The Concept of Trefa.* The re-interpretation of the status of a dying person as a *trefa* rather than as a *goses* has been receiving a wider acceptance in recent years. The definitive work in this area was done by D.Sinclair in his book Tradition and the Biological Revolution (25).

Sinclair begins with a general statement that the best approach to current bioethical issues is the development of an existing category within the legal tradition of Judaism rather than general philosophy. He firmly believes that the Halakhic approach possesses a necessary potential to provide us with guidance on many contemporary issues including euthanasia.

Sinclair proceeds to expound on the meaning and the function of the concept of *tarfut* in the Rabbinic tradition. It is known that the term itself taken in the context of the Jewish dietary law refers to an animal suffering from a fatal organic defect, for instance, a pierced windpipe or gullet. Under no circumstances may such an animal be eaten. Another important presumption regarding a *trefa* animal is that it will die within twelve months.

In the human context, however, the concept of *trefa* undergoes some significant transformations. Like Prof. Atlas, Sinclair refers to Maimonides, who was the first to formulate a case where someone kills a *trefa* person. The killer will be exempt from capital punishment, because a *trefa* is considered to be already dead. In other words, the *trefa* had a fatal organic disease, which was incurable by any medical means, and he would have died in any case. Thus, unlike an animal *trefa*, the human *trefa* is defined on the basis of medical evidence.

Another important aspect of the definition of animal *trefot*, the presumption of death within twelve months, is also modified in the context of human beings. The fundamental

difference between animals and human beings is that the latter may very well be capable of surviving for a longer period (Sinclair refers here to the authority of Tosafot). In other words, on one hand we cannot limit the temporal aspect of human *tarfut* by a twelve month period, but on the other hand, in the light of the basic definition of *trefa* we ought to assume that the person will inevitably pass away in the foreseeable future, and that there is a clear indicator of this - a fatal organic disease.

Needless to say, such an approach provides a great deal of flexibility when applied to numerous contemporary cases of dying patients and the issue of euthanasia. The human *trefa*, considered on the basis of the inevitability of its death, is treated as *gavra katila* (dead man), i.e. as a non-person, which exempts the killer of a *trefa* from capital punishment. If a dying person is a *trefa* rather than a *goses*, then euthanasia is clearly an acceptable option for the patient, the doctor and the patient's family even though it still seems to be murder.

As we can see, Sinclair's ideas represent merely a further development of the point of view formulated by Prof. Atlas. Thus, it has the same significance: the approach in question provides a radical reconsideration of the Halakhic treatment of euthanasia, but simultaneously it hardly draws any distinction between euthanasia and murder.

This leads to some significant difficulties in this

position. First of all, it is absurd to speak seriously about murdering someone who is already dead. For instance, we know that autopsies are performed on dead people. It is also common knowledge that should one be performed on a living person this person would probably die due to the nature of the procedure. This does not mean, however, that every time a coroner performs an autopsy, he commits murder.

On the other hand, the very idea of considering a dying person as a non-person is completely groundless. As we have mentioned before, the dying person is not a normal person, but it does not mean that he is not a person at all. It is irrelevant how meaningless one's life is: a person is still a person. Even when someone is in coma, we deal with the individual and treat him respectfully. If we seriously adopt the attitude toward the dying as a non-person, then we would not need anybody's consent, and we could put him to sleep as if he were a homeless dog. There is no argument to be found in the works of the proponents of the concept of *trefa* as an operational hypothesis, that would explain why and how a fatal illness strips one of his personhood. All we find are references to various medieval authorities whose ideas were based on a completely outdated world-view.

E.Dorff formulated his position based on premises similar to those of Sinclair (26). Dorff believes that the importance of the category *trefa* is especially prominent in the light of the fact that "the distinction between direct and indirect

means of letting people die has become increasingly difficult to recognize..." (27). It means that it is problematic to clearly distinguish active from passive euthanasia. Even passive euthanasia might demand a positive act on the part of the physician. For instance, when the question of the withdrawal of treatment arises, such withdrawal implies a positive act by the doctor, whereas when the treatment is withheld (i.e. it has not even started) it does not involve any kind of act on the part of the physician.

In Dorff's opinion, the category of *trefa* provides us with a justification of euthanasia in both cases:

... withholding or withdrawing treatment from the terminally ill represents a permissible failure to act, in the case of withholding treatment, or a permissible act of bloodshed, in the case of withdrawing treatment, ... in order to alleviate the pain of the dying (28).

As we can see, the idea of *tarfut* enjoys a growing popularity among Jewish scholars of various orientations. Indeed, it provides a convenient accomodation for a more modern approach toward euthanasia. However, like the entire Rabbinic literature on the subject, it suffers from a certain narrowness.

The Halakhic paradigm is based on very specific principles, among which one finds the principle of Halakhic authority and the principle of inference based upon the analogy. The principle of Halakhic authority puts one under the obligation to accept the opinion of a particular prominent Halakhic thinker (such as Maimonides or Yosef Caro) as true without any

critical consideration. Or at least one is expected to develop his position based on the opinion of a given authority. Any radical break with authority is not allowed, no matter how justified methodologically and philosophically it might be. This principle puts an unreasonable restraint on the discourse. Particularly, a persistent failure to distinguish euthanasia from murder based on the opinion of older authorities is a good example of the shortcomings that the principle in question brings about.

The second principle that we mentioned, the principle of inference by analogy, also leads to some doubtful results. It is clearly absurd on the basis that medieval authorities prohibited to put a dying person on salt, thinking that it would make him die sooner, to prohibit any medical action that would hasten the death of a patient. Analogy cannot be an acceptable argument from the logical point of view.

Summing up our discussion of the Rabbinic responsa on euthanasia, we must say that the Halakhic paradigm does demonstrate a will to deal with the issue and shows a certain flexibility in the matter. However, it still remains philosophically and methodologically inadequate to the nature of the issue just like Aristotelian physics cannot adequately describe the paradox of quantum mechanics (Bohr-Heisenberg paradox). In my opinion, the only way to work out the solution of the problem is to treat it on the basis of contemporary philosophical methods. We have attempted to develop such a

basis in the first part of this work. At this juncture, we shall proceed to a discussion of the issue of euthanasia from this perspective.

NOTES:

1. It must be said that in the majority of countries euthanasia in any form is illegal. Netherlands made radical steps to legalize it. Recently, there were some attempts to pass laws favoring euthanasia in some places in the United States, particularly, in Oregon. There were also attempts at legislating physician assisted suicide in the States of Washington and California. Another significant development was an institution of the Patient Self-Determination Act in the USA. Thus, even though our analysis is very hypothetical in character, the issue is increasingly becoming a reality of the everyday social and political life.
2. Deut., 30:19.
3. Ex., 20:13; Deut., 5:17.
4. Gen., 9:6.
5. Ex., 20:13.
6. Lev., 24:17.
7. Lev., 24:21.
8. Num., 35:30.
9. See below the discussion of Rabbi S.Abraham's position and in a more sophisticated form - Rabbi I.Jakobovits' point of view.
10. MISHNA, Semahot, 1:1. This statement is literally repeated in Caro, Yosef. Shulkhan Arukh, Yoreh De'ah, 339:1.
11. MISHNA, Semahot, 1:2-4.
12. Shulkhan Arukh, Op.cit..
13. Abraham, A.S.. Medical Halacha for Everyone. Jerusalem - New York:1980, p.144.
14. Ibid., p.144-145.

15. Jakobovits, I..Jewish Medical Ethics. New York:1959, p.119. See also Rosner, F.. "The Jewish Attitude Toward Euthanasia"/ Rosner, F., Bleich, D. (eds.), Jewish Bioethics. New York - London:1979, p.264.
16. Judah ben Samuel, Sefer Hasidim. #723.
17. Caro, Yosef. Shulkhan Arukh (with additions by Isserles, Moshe). Yoreh De'ah, 339:1.
18. Responsa of the Central Conference of American Rabbis. New York:1954, p.87.
19. Ibid., p.88.
20. Ibid., p.88. See also Freehof, S.. Modern Reform Responsa. Cincinnati:1971, p.197-203.
21. Ibid., p.89.
22. Ibid., p.90.
23. Ibid., p.91.
24. Ibid., p.91-94.
25. Sinclair, D.. Tradition and the Biological Revolution. Edinburgh:1989.
26. Quoted from Dorff, E., "Terefah, Rather than Goses, as the Operative Category"/ Voluntary Active Euthanasia - Assisted Suicide. UAHF Committee on Older Adults/Bioethics Committee. Program/Case Study. Bio-ethics Case VI - Summer, 1993. Philadelphia:1993, p.32.
27. Ibid., p.32.
28. Ibid., p.32.

2. Euthanasia as a Form of Death.

Death by itself is not an act, for it does not involve the human will. However, it is possible to take actions that either delay or hasten death. Thus, since human activities may affect the time of death through the way a person dies, one might say that death has certain forms, for instance, murder, suicide, etc.. Euthanasia is one of these forms, for it does presuppose human actions directed toward death. Therefore, we shall consider the meaning of euthanasia as a form of death and relate it to the other forms.

1. *The Meaning of Euthanasia.* In the previous part of this work we have argued that a meaningful existence is an inherent property of the human being. We have also stated that such an existence is only possible under the assumption of human immortality. As we approach death, as we are about to enter the gates of immortality the meaning of life fades away. We have nothing left but to encounter death. Anything that delays this encounter is meaningless.

This implies not only that all the suffering that a dying person undergoes has no meaning, but also that this person's very existence is void of any significance. Euthanasia, as we described it above, offers the end of life, and immortality as the meaning of death, as an alternative to a life that has

ceased to have meaning.

The dying person is unable to implement any goal-oriented activities in the sense discussed in the previous section of this work. In their turn, goal-oriented activities always exist as an individual's social interaction, i.e. they inevitably have their social aspect. This implies that life becomes meaningless not only subjectively, i.e. from the point of view of the dying, but also objectively, i.e. society must recognize that this person can no longer lead a meaningful existence. Thus, euthanasia presupposes the social recognition of one's right to die under these circumstances and have his or her life terminated by means of contemporary medicine in the least painful way possible and with the provision of maximum emotional comfort for the dying.

The fact that euthanasia offers socially recognizable meaningful alternative to the meaningless existence of the suffering dying person constitutes a characteristic feature of euthanasia as a form of death. In its empirical manifestation, euthanasia is a merciful medical procedure performed on the basis of the patient's wish. Now we shall proceed to a comparative analysis of euthanasia and other forms of death.

2. *Euthanasia and "Natural" Death.* By "natural" death we mean a termination of one's life in a "conventional" way. In other words no intentional human action is involved in "natural" death. Death from any kind of disease is a "natural" death. Also death caused by a trauma in an accident, where no

intention to cause this trauma was involved, can be considered as "natural" death.

We can already see that the clear difference between euthanasia and "natural" death is that the latter does not presuppose any intentional act by a human being. A person dies because of the course of the disease or due to the trauma. Euthanasia presupposes an intentional human action to hasten the moment of death and to make it as painless as possible.

At the same time, there are some cases of "natural" death that might resemble euthanasia. For instance, during medical treatment of a disease, doctors may accidentally give a patient a drug or perform a procedure that would hasten the death of this person. For instance, a patient may have a severe allergic reaction to a certain substance, which in combination with his disease would cause his death. However, if the physicians have done it unknowingly, one could consider it as a "natural" death. It goes without saying that if a doctor knew of the possible consequences of his actions, then we are dealing with a case of criminal negligence, or even murder. Only if the case in question meets the criteria of the patient's consent, of his fatal condition and of the painless death, then will this be a case of euthanasia. Again, we can see a clear difference between "natural" death and euthanasia in that the latter by necessity involves intentional human action.

3. *Euthanasia and Murder.* We have already seen that many

thinkers, including the Rabbis, tend to identify euthanasia as a certain kind of murder. Let us, therefore, compare these two forms of death.

Besides the fact that murder is illegal (as we saw, euthanasia is generally illegal as well) and immoral, it virtually invariably involves a violation of the victim's will. The victim is not necessarily terminally ill and does not consent to a termination of his or her life.

It is theoretically possible but highly unlikely, that a victim might wish to die and even ask his murderer to kill him. The example of such a situation is the death of Mossada heroes who preferred to kill each other rather than to surrender. This victim may even be terminally ill. For instance, a fatally wounded soldier in the combat who asks his comrade to kill him. Do we have a case of euthanasia? I maintain that we do not.

First of all, euthanasia necessarily presupposes the participation of a physician. It is irrelevant how obvious is the fatal character of the soldier's wound. One cannot establish it with a sufficient degree of reliability without the physician. Euthanasia also involves as painless a procedure as is possible. There is no such a characteristic in the case of the soldier. Even if he will be killed, there might be a necessity in his death, but there is no "good", eu, in it. These two characteristics clearly distinguish euthanasia from plain murder as well as from various

situations of justified killing. Euthanasia is a merciful medical procedure to terminate the life of a dying person whereas murder and even justified killing are acts of violence regardless of the victim's desire.

We do not mean to say that since the physician's participation is necessary for euthanasia, in real life doctors cannot be murderers. However, their role in the act of euthanasia can be clearly defined: a determination of the fatal character of the patient's condition and the degree of his physical and emotional suffering; an agreement to perform euthanasia (or to supervise it and/or provide all necessary means if it is performed by the family member); and an implementation (or supervision) of this act in the most painless way known to the doctor. Thus, euthanasia has some specific characteristics that make it different from murder as a form of death.

4. *Euthanasia and Suicide.* Suicide is an act that a person performs to terminate his or her own life. There are many kinds of motives to commit this act. However, it is a perception of one's life as meaningless that underlies any type of motive. This characteristic makes suicide similar to euthanasia. It is also known that in some cases suicide is motivated by the fact that the person is terminally ill. The situation becomes even more complicated when a person commits so-called "assisted" suicide, i.e. when someone (possibly a physician) provides all the necessary equipment to perform

this act. The activities of Dr.Kevorkian are the most well-known example of such a type of the suicide.

It is not our intention to discuss here either the morality of suicide in general, or the legitimacy of Dr.Kevorkian's work in particular. Our purpose is to establish the difference between euthanasia and suicide. This difference is not difficult to find. Euthanasia is always performed by a physician or a family member and never by the patient himself. Suicide, including "assisted" suicide, is performed by an individual himself. Whether suicide of the "assisted" type can be an alternative to euthanasia or not is not the subject of discussion in this work. In any case, it is important to have euthanasia as an option, for not every person is capable or willing to make a decision to commit suicide under the circumstances of a fatal illness; a patient might prefer a physician or a close relative to perform a medical procedure to terminate his or her life.

Our discussion of euthanasia as a form of death indicates that its specific characteristics make it different from all other forms of death. Therefore, any confusion of euthanasia with murder or suicide is groundless.

3. Conditions for Euthanasia.

Euthanasia is a procedure that touches upon not only the interests of a dying person; it also involves the participation of other people and, therefore, has certain social aspects. In this case there should be certain intersubjective universal circumstances which could give euthanasia a socially recognizable status. It is necessary, then to establish those conditions under which euthanasia is possible.

1. *Fatal illness.* The first and the foremost condition for euthanasia is a terminal disease. It goes without saying that the diagnosis must be firmly established and confirmed. In some cases it might be necessary to verify this diagnosis with several physicians.

The important issue that arises is a prognosis for the longevity of a patient's remaining life. It is known that some diseases, like certain types of cancer, may keep a person in a dying condition for years. There are also some conditions, like coma, that would not clearly cause an inevitable death, but at the same time the physicians are certain that this person will not return from a vegetative state. In other words, the question is: how much time should a patient have to live to request euthanasia?

In my opinion, time can hardly be considered an important factor. The primary consideration should be that the person's life becomes meaningless, and it is irrelevant for how long it will remain that way. Therefore, as long as there is a verified diagnosis of a fatal illness, and the patient undergoes a great deal of meaningless suffering, physical as well as emotional, he or she should be in the position to request euthanasia regardless of whether the patient has three days or three years to live.

2. *Mental Competence of the Patient.* Since the request for euthanasia involves the will of the patient, it is important that the person who requests this medical procedure be mentally competent. Therefore, the patient should undergo a psychological evaluation so that it could be determined that he expresses his will being of clear mind. This aspect of euthanasia is especially important, because it is not unusual that the terminal condition affects the patient's mind in a negative manner, causing certain types of mental disorders, both for physiological reasons and also because of the stress. Therefore, the mental competence of the patient needs to be verified.

3. *Expressed Will of the Patient.* The key element in euthanasia is that the patient expresses his free will to undergo euthanasia. He realizes the meaninglessness of his existence and makes a decision to request euthanasia to avoid physical and emotional suffering. The patient should be able

to make such a request at any time after being diagnosed with the fatal disease. For instance, if the prognosis is that he has two years to live, then the patient may still believe that his life has meaning, and there are some goals that he would like to accomplish. However, in a year he realizes that life has no meaning any longer, and he makes the decision to ask for its termination.

What if the patient is not conscious and therefore is unable to express his will? In this case we have the issue of involuntary euthanasia. Of course, it is better to avoid such a situation. Recently it has become a common practice to make a "living will", i.e. a document, composed in advance in case the person will be in a hopelessly terminal unconscious condition, in which the patient indicates that he would like his life to be terminated in the event of an unconscious condition without any hope for recovery (for example, turning off the life support systems). This avoids the situation of involuntary euthanasia and makes it quasi-voluntary. If, however, the person is unconscious and does not have a "living will", then the decision for euthanasia is to be made by a patient's family or whoever represents his interests in consultation with the physician (see below on the role of the family). In this case euthanasia becomes involuntary.

4. *The Role of the Physician.* If the physician has a verified diagnosis and is positive that the patient is mentally competent, he should honor the dying person's request

for euthanasia. It goes without saying that it is the doctor's responsibility to make sure that euthanasia is performed in the least painful manner possible and with the maximum emotional comfort for the patient. Therefore, even if the physician does not implement euthanasia himself, he should supervise it or at least provide all necessary means for it.

As we saw, one of the most important distinctions that is usually drawn regarding the manner, in which the medical procedure in question is performed, is the difference between active and passive euthanasia. If a doctor (or a family member) gives a drug to the patient, and this drug causes his death, then it is active euthanasia, for it requires a positive act by the doctor (or the relative). If, however, the physician turns off the artificial heart, or performs any other act of withdrawal of treatment, then it is generally considered as passive euthanasia. I maintain, that such a distinction is dubious. It is clear that the withdrawal of treatment requires a positive act on the part of the doctor (or the patient's family) just like giving a drug to the patient.

Another possibility is withholding any treatment from the patient with his or his family's consent. This case cannot be qualified as passive euthanasia, because it does not meet the basic criteria for euthanasia at all. If the patient is diagnosed with a fatal illness, and requests not to be treated, then he will die because of the natural course of the

disease. In other words, it would be a "natural" death rather than euthanasia. Thus, the distinction between active and passive euthanasia is virtually non-existent in the conditions of contemporary medicine.

5. *The Role of the Patient's Family.* Even though the patient is the primary decision-maker on the issue of euthanasia, the opinion of his family does have a certain weight.

If the patient is conscious and mentally competent, but his family disagrees with his request of euthanasia, then the priority should be given to the patient's wish. I base my opinion on the principle of individual autonomy: the dying person is an independent person capable of making autonomous decisions. It goes without saying that the terminally ill patient cannot be considered a normal person, because his life has ceased to have a meaning. Nevertheless, he is still a person, for the disease itself cannot strip him of the personhood: there is no reason to treat a person, whose life is meaningless, as a dead person.

If the patient is incapable of requesting euthanasia due to an unconscious condition in absence of the "living will", or mental incompetence, then the family plays a crucial role in the decision-making process. Only members of the family (or whoever represents the patient's interests) should make a request to terminate the person's life. As we have seen, this will make for involuntary euthanasia.

The patient's family may also perform the act of euthanasia under the supervision and/or the assistance of a physician. It might be comforting for the patient to have his loved ones perform the medical procedure in question.

Thus, we have analyzed the necessary conditions for euthanasia:

- 1) fatal illness as an established and confirmed diagnosis;
- 2) mental competence of the patient;
- 3) expressed will of the patient to terminate his life, or a "living will" in case of the unconscious condition;
- 4) appropriate actions of a physician;
- 5) expressed will of the family (and possibly their direct participation in the act) or any legitimate representative of the person's interests in case of the unconscious condition and the absence of a "living" will, or the patient's mental incompetence; otherwise, the family's consent is desirable, but should not be required.

4. Summary: Is Euthanasia Permissible From the Jewish Point of View?

In the second part of our work we have arrived at the following conclusions.

1) The Halakhic paradigm provides no adequate conceptual framework for dealing with the issue of euthanasia. This implies that the problem should be solved on the basis of contemporary philosophical discourse. We have prepared such a basis in the first part of the work.

2) The existence of a dying person becomes meaningless. Euthanasia offers an end to life and immortality as the meaning of death, as a socially recognizable and meaningful alternative to the meaningless existence of a suffering dying person.

3) Being a merciful medical procedure performed on the basis of the patient's wish, euthanasia is clearly distinguished from other forms of death such as murder and suicide.

4) There exist certain conditions under which euthanasia is possible:

- a) fatal illness as an established and confirmed diagnosis;
- b) mental competence of the patient;
- c) expressed will of the patient to terminate his life, or "living will" in case of an unconscious condition;
- d) appropriate actions of a physician;
- e) expressed will of the family (and possibly their direct participation) or any legitimate representative of the person's interests in the case of an unconscious condition and the absence of the "living will", or the patient's mental incompetence; otherwise, the family's consent is desirable, but should not be required.

Our analysis in this section of our work gives us a sufficient basis to answer the question, raised in the beginning: being an act of mercy and compassion, euthanasia is permissible granted that all the necessary conditions are met.

Conclusion.

Euthanasia is increasingly becoming a matter of public debate as well as a subject of discussion within the Jewish community. On one hand, this discussion is a positive phenomenon, for it reflects society's awareness of one of the deepest problems of human existence, the problem of human finitude. On the other hand, since the issue is brought onto the stage of politics, secular as well as religious, the discussion tends to be very heated and yet superficial. In pursuit of the interests of a certain group, one might use *ad hominem* arguments, inadequate methodology etc.. All these complications distort the picture and make an impartial, objective approach to the problem very difficult.

For this reason I considered it very important to look at the issue of euthanasia from a broader philosophical perspective and to treat it on the basis of a philosophical understanding of the meaning of death. In the process of our inquiry we have reached the following conclusions:

1. The meaning of life does exist for a normally functioning human person.
2. The meaning of life is a potentiality of what is beyond death.
3. The meaning of life cannot be sought without solving the

question of the meaning of death.

4. The meaning of death is immortality, which is an operational hypothesis without which we cannot search for the meaning of life.

5. Immortality is a necessary condition for the existence of the meaning of life, and along with the presence of goal-oriented activities it provides a sufficient basis for the existence of the meaning of life.

6. Suffering in the life of a human being may or may not have meaning depending, upon whether both of the conditions for the existence of the meaning of life are present.

7. A dying person cannot be considered a normally functioning individual, and the meaning of life does not exist for such a person.

8. Any suffering that a dying person undergoes is meaningless and should be avoided.

These results provided us with a philosophical basis for the treatment of the issue of euthanasia. The following are our conclusions:

1. The existence of a dying person becomes meaningless. Euthanasia offers the end of life and immortality as the meaning of death, as a socially recognizable meaningful alternative to the meaningless existence of the suffering dying person.

2. Being a merciful medical procedure performed on the basis of the patient's wish, euthanasia is clearly

distinguished from other forms of death such as murder and suicide.

3. There exist certain necessary conditions under which euthanasia should be possible:

- a) fatal illness as an established and confirmed diagnosis;
- b) mental competence of the patient;
- c) expressed will of the patient to terminate his life, or the "living will" in case of an unconscious condition;
- d) appropriate actions of a physician directed at providing as painless a procedure as possible and giving a maximum of emotional comfort to the patient;
- e) expressed will of the family or any legitimate representative of the person's interests in case of the unconscious condition and the absence of the "living will", or mental incompetence of the patient; otherwise, the patient himself is the primary decision-maker, and the family's consent is highly desirable but should not be required.

Having reached these conclusions, we have answered the most important practical question that our society is currently facing: euthanasia is permissible.

In the age of advanced technology, where human existence has become especially fragile, where we all are looking intensively for the meaning of our lives, we, Jews, must be especially sensitive to the dignity of fellow human beings and their spiritual needs. In my opinion, euthanasia is a way of giving proper respect and providing needed emotional comfort

for those of us whose life has ceased to have meaning due to a fatal disease. Should the Jewish community adopt this attitude, it will be a further contribution to our treatment of each other with kindness and respect.

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