COLLEGE COMMONS BULLY PULPIT

RABBI WILLIAM CUTTER: THE RIGHT-TO-DIE INITIATIVE

(Begin audio)

HOLO: Welcome to the College Commons Bully Pulpit Podcast, Torah with a Point of View, produced by the Hebrew Union College Jewish Institute of Religion, America's first Jewish institution of higher learning. My name is Joshua Holo, your host and Dean of the Jack H. Skirball campus in Los Angeles. Today we're going to hear from Rabbi Professor William Cutter of the Hebrew Union College Jewish Institute of Religion here in Los Angeles. And he's going to deliver an opinion piece on the California Right-to-Die initiative.

CUTTER: Dear Governor Brown, your law school classmate M.P. has asked me to join him in a letter about the California Right to Die initiative. I encourage you to sign this state bill in this letter. But I also want to take advantage of your deliberate and thoughtful approach to things to utter a warning. If you're hesitations were prompted by your Jesuit background often noted in the simple minded press, then I state right here that I share some of your Jesuit concerns about the legislation. But those so-called Jesuit attitudes are really part of religious traditions in the west in general. Traditions that place a premium on life. Where does life lose its premium?

On both sides of an interesting debate the metaphors were abundant. Opponents may argue, in Jewish terms especially, "preserve life at all costs." Well we don't really mean all they might say. Advocates of the law utter such phrases as, "I wouldn't want to suffer." Now there would be a miracle is what I say to that. And libertarians have argued, "I have a right to decide for myself, even when I don't know what I'm deciding about." And how about this one? "I wouldn't want to put my family through unnecessary stress," as if anyone can die without leaving people anxious and upset. So is there anything wrong with taking matters into one's own hands?

One standard of a quite established Jewish view in opposition to taking matters in one's own hands is summarized in a two-part notion, annunciated by some of the more traditional Jewish thinkers. The first notion is that our bodies belong to God and not to us. We occupy our bodies like a – like an easement in real estate. And the second notion is that every moment of life is of infinite value, and that therefore, life is not divisible by various stages that reflect the quality of our lives. In other words, they say having to give up one's own golf game because of arthritis is not a warrant for suicide.

Jewish tradition provides us with a story of the great rabbi Judah the Prince whose death was finally allowed to take its course once everyone involved realized that he was in the process of dying anyway. And that principle functions even for the most cautious right to lifer. But it is through my pastoral work that the California law really troubles me a bit.

Because during this past year I accompanied into life's final hours six different people whose families, after the death of their loved one, granted me interviews about their experience. Each family, to my surprise, expressed one or another version of satisfaction that their loved one's life had been extended. And what I want to note about that is that it's popular in public discourse to say that the extended life is too often too expensive, and too stressful for families. They argue that the cost, both human and economic, is not worth the gain. But I found in each case what was clearly a difficult and uncomfortable and certainly unpleasant end of life experience every family acknowledged gaining much from the final days of their loved one's life.

So allow me to propose a far-fetched analogy. Whether or not every moment of life is really of infinite value, it does seem to me that the final moments, days, weeks of a loved one's life can be good in themselves. The experience of seeing grandchildren yet one more time, the experience of having grandchildren see the ill person one more time, the experience of families coming together in the presence of the flesh and blood living person. Of course at some point one has to accept the inevitable. But that inevitability comes about in any event.

The legend about Rabbi Judah's death is mirrored in a beautiful homily of Rabbi Milton Steinberg who wrote in the 1950s that while one must cling tightly to life, one must also be ready to spread one's arms and let go when the time comes. I argue that the end of life segments are not unlike the segments of the life of a young child. When we appreciate the life of a little one, we do not think of the future of that child less we surrender the pleasure of that moment. The gratifications of spending time with a small child has almost nothing to do with destiny.

So I urge people who are accompanying a loved one into death to see value in each moment of the loved one's life in somewhat the same way as we experience the life of another person at the opposite end of the life spectrum. Knowing that a loved one will die soon is not a warrant for hastening the dying unless of course the life is leaving the body already at a given moment. Or unless, and here is my only exception, the actual pain or anxiety is intractable, uncontrollable.

In my interviews with the families I found that each had new experiences that were fresh even in the darkening days and that those experiences felt vaguely like hope. Not hope in the sense that the person would be cured but hope of another kind. Each family described pleasures that occurred around the family circle at the breathing life of their beloved, and reacted with joy over singular moments of reprieve. There were slight indications of recognition or pleasure at seeing a grandchild stroke the brow of the grandparent. Sometimes there were intimate acts of reading a poem or listening to a favorite piece of music.

The Broadway lyricist Richard Maltby, Jr. has written this seemingly innocent rhyme as part of a longer poem he composed about death. "The greatest conflict we will face is held by language to its base. Life may include a fact like death, but language shoots you back to breath. And best of all right there in rhyme is one more pronouncement quite sublime. For when this way and words begins, life wins. Life wins. Life always wins."

It was the idea of winning that I believe caused Governor Brown's caution. And I chose to honor his hesitation. And here is what I really wrote in words closer to what I actually said.

We, M.P. and I, applaud your caution. But we urge you to sign this imperfect legislation. While death itself and its advent must and will always remain a mystery, this legislation may be all that we have now to encourage more dialogue among the various parties concerned. It is after all, the largest question in life and it needs a lot of conversation. We cannot describe how we see that dialogue happening but we are confident that this legislation might help it happen. We hope that it forces doctors to engage with their patients in calm and lengthy discussion about the most important decision in one's life. We hope that hospitals are given greater latitude to be open with families about the chances of survival. And more open with clergy, nurses and social workers about what will be given up if we give up.

Put another way, and not to be too humorous, who wouldn't like to die one day before he was destined to die anyway? But there are decisions that we don't get to make. And there are calendar dates over which we have no control. One of the authors of this letter put it this way. Governor Brown, if I sound ambivalent about this issue well I am. Just as I am ambivalent about being 79 years old and closer to the time when my wife and son will have to navigate my end of life. So for now, please sign this imperfect law even though it focuses, as I think, on secondary issues. The public probably cannot understand the primary issues in any event.

My experience has been that the public, even the educated and literate public, has no clear sense of the boundaries or definitions that inform their various attitudes about how they would like to end life. I am uncomfortable with public policy that implies a precision that simply does not exist. The primary issues involved in End of Life, helping people understand the implications of their actions and the odds that are so often cited, are so embedded with complex spiritual attitudes that I'm afraid that they don't translate very well to the public square. I hope that those primary issues may arise in response to the law having been put into effect.

While I endorse the California initiative, I must remind people that their love of autonomy when it comes to their lives, that love is influenced by our western go get 'em spirit and an independence that the commercial marketplace has created for the top 10 or 15 percent of our people. The autonomy that I enjoy in our society isn't enjoyed in any event by the vast majority of people. The law must support the full respect for the moments of life of every citizen. The crippled woman who hobbles onto the bus and holds up traffic versus the young athlete who bounds onto the bus in a hurry to get to his gym appointment. The young child with Downs syndrome who somewhere in our distortions is a disappointment because we compare him to the child who will go onto Princeton. The kid who can barely learn one prayer in Hebrew versus the little genius who will one day cover new approaches to Jewish law. If we can learn to view the value of life in its segments we can truly experience the infinite value of the disabled and come closer to understanding the mystery that life's ending, even the last moments, has its own value.

I fear the public law like ours now, the very one I endorse, may send a message to people that autonomy trumps spiritual death, that autonomy knows no limits. Believe me it does.

Who can understand the troubled hour? Or as the great poet of the Galilee, Rachel Blausteim wrote, “How weary is the heart of a sleepless night. And on those nights, how heavy a burden. Shall I reach out to severe the thread, to severe the cord and stop being? But dawn comes. It taps softly with a pure wing at the window of my room. No I will not severe yet. Just a while longer dear heart. Just a while longer.”

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