



Health Insurance and the Jewish
Tradition



Congregation Kehillat Yaakov
August 1, 2009
Rabbi Ari Weiss

The sanctity of life

3 Jerusalem Talmud Sanhedrin 4:22

(12) For this reason, the first human being was created alone to teach that all who destroy a single life are as though they destroyed an entire universe, and those who save a single life are as if they had saved an entire universe. Furthermore [the first human was created alone] for the sake of peace among people, so that no one could say to another, “My ancestor was greater than yours” . . .

(13) [Yet another reason] was to proclaim the greatness of the Holy One, blessed be God, for when a human being strikes many coins from one mold, they all resemble one another, but the supreme Sovereign of sovereigns, the Holy One, blessed be God, fashioned every person in the stamp of the first human, and yet not one of them resembles another. For this reason, every human being is obligated to say, “For my sake, the world was created.”

תלמוד ירושלמי מסכת סנהדרין פרק ד דף כב טור א / מ"ט

(יב') לפיכך נברא אדם יחידי בעולם ללמד שכל המאבד נפש אחת מעלין עליו כאילו איבד עולם מלא וכל המקיים נפש אחת כאילו קיים עולם מלא ומפני שלום הבריות שלא יאמר אדם לחבירו אבא גדול מאביך...

(יג') להגיד גדולתו של מלך מלכי המלכי ברוך הוא שאדם טובע כמה מטביעו' בחותם אחד וכולן דומי' זה לזה ומלך מלכי המלכי הקב"ה טבע את כל אד' בחותמו של אדם הראשון ואין א' מהן דומה לחבירו לפיכך כל אחד ואחד חייב לומר בשבילי נברא העולם.

שולחן ערוך, יורה דעה שלו:א

The Torah gave permission to the doctor to heal, and it is even a commandment. Even more so, it is [the commandment] of saving a life. One who prevents himself from doing so is considered to have shed blood.

נתנה התורה רשות לרופא לרפאות ומצוה היא. ובכלל פיקוח נפש הוא. ואם מונע עצמו, הרי זה שופך דמים.

R. Shlomo Zalman Auerbach, Minchat Shlomo, V.2, 86:4

In relation to the obligation to pay the costs of saving the life of a sick person who is in danger of dying: From the straightforward reading of Sanhedrin 73a, we see that one is obligated to do everything to save him, and if not, one transgresses the negative commandment: **“Do not stand idly by the blood of your neighbor.”**

(According to my humble opinion, it's clear that the sick person is obligated afterwards to repay the expenses.)

...But regretfully, we encounter this on a daily basis and nobody does it...

As to what to do in our case: it looks to me certain that in a case such as this, where one sees his friend drowning in the river and there is no one to save him, he has to spend all his resources to save him. But when the matter is publicly known to everyone, we rely on the lenient opinion, and one is not obligated to give more than his fair share. But in any event, this doesn't make sense to me, because how can he absolve himself from such a stringent negative commandment simply because others are not concerned with it and violate it? This matter requires great study.

(שו"ת מנחת שלמה תנינא (ב-ג

סימן פו

ד חיוב הוצאת ממון להצלת חולה בענין החיוב לממן את ההוצאות להצלת חייו של חולה מסוכן מפשטות הגמ' בסנהדרין ע"ג ע"א רואים דחייב לעשות הכל להצלתו ואם לאו הוא עובר בלאו של **ל"ת על דם רעך** (לענ"ד פשוט שהחולה עצמו שפיר חייב אח"כ לפרוע לו) ... אך לצערנו נתקלים בזה תמיד ולא עושים כך.

ולמעשה ודאי נראה דבכה"ג שרואה את חברו טובע בנהר ואין מי שיציל אותו שפיר חייב לבזבז כל ממונו, אולם כשהענין ידוע ומפורסם לרבים סומכים להקל שאינו חייב ליתן יותר מהחלק שמוטל עליו. ומ"מ אין זה מתקבל על דעתי כי מהיכ"ת יפטור עצמו מלאו חמור זה מפני זה שאחרים לא חוששים ועוברים על זה, והדבר צריך עיון רב.

Communal responsibilities



<p>You do not give to an wandering poor person less then a loaf of bread and lodging for the night. On the Sabbath, you provide him or her with food for three meals – if they have some food with them – then food for two meals...</p> <p>And the Kopah is collected by two people and distributed by three people.</p>	<p style="text-align: center;"><u>משנה מסכת פאה פרק ח משנה ז</u></p> <p>[ז] אין פוחתין לעני העובר ממקום למקום מככר בפונדיון מארבע סאין בסלע לן נותנין לו פרנסת לינה שבת נותנין לו מזון שלש סעודות מי שיש לו מזון שתי סעודות ...</p> <p>והקופה נגבית בשנים ומתחלקת בשלשה:</p>
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<p>We coerce (tax) neighbors to build a guard house and gate for the courtyard. Rashbag says that not all courtyards require a guard house.</p> <p>Inhabitants of a town are coerced (taxed) to construct a wall and gates for a town. Rashbag says that not all towns require a wall.</p> <p>And what is the length of time to be considered a resident? Either 12 months or the purchase of a house.</p>	<p style="text-align: center;"><u>תלמוד בבלי מסכת בבא בתרא דף ז עמוד ב</u></p> <p>מתני'. כופין אותו לבנות בית שער ודלת לחצר; רבן שמעון בן גמליאל אומר: לא כל החצרות ראויות לבית שער</p> <p>כופין אותו לבנות לעיר חומה ודלתים ובריה; רשב"ג אומר: לא כל העיירות ראויות לחומה</p> <p>כמה יהא בעיר ויהא כאנשי העיר? י"ב חדש. קנה בה בית דירה - הרי הוא כאנשי העיר מיד</p>
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<p><u>Albert Vorspan and David Saperstein, Jewish Dimensions of Social Justice</u> (New York: UAHC Press, 1998), 94</p> <p>By the Middle Ages, community responsibility encompassed every aspect of life. The Jewish community regulated market prices so that the poor could purchase food and other basic commodities at cost. Wayfarers were issued tickets, good for meals and lodging at homes of members of the community, who took turns in offering hospitality. Both these practices anticipated "meal tickets" and modern food stamp plans. Some Jewish communities even established "rent control," directing</p>

that the poor be given housing at rates they could afford. In Lithuania, local trade barriers were relaxed for poor refugees. When poor young immigrants came from other places, the community would support them until they completed their education or learned a trade. The organization of charity became so specialized that numerous societies were established to keep pace with all the needs. Each of the following functions was assumed by a different society on behalf of the community at large: visiting the sick, burying the dead, furnishing dowries for poor girls, providing clothing, ransoming captives, supplying maternity needs, and providing necessities for observing holidays. In addition there were public inns for travelers, homes for the aged, orphanages, and free medical care. **As early as the eleventh century, a hekdesch ("hospital") was established by the Jewish community of Cologne, primarily for poor and sick travelers. Many later medieval Jewish communities in Poland and Germany adopted this pattern. Spanish Jewish communities hired doctors to serve the entire community to ensure that health care was available to all.**

Rav J. David Bleich Tradition 31:3

The community clearly has an obligation to provide for the medical needs of the indigent. This establishment of a fund to defray medical expenses represents both a needed social amenity as well as a charitable obligation, and the community is fully empowered to levy a tax for either purpose.

A quite similar argument might be made for a communal policy requiring mandatory life insurance coverage. Sadly, there have been cases in which a young breadwinner has died at an early age leaving a widow and minor children destitute. The support of the widow and orphans then becomes a communal burden. The community certainly has a charitable obligation with regard to their support. It also has the authority to impose a tax in order to establish a charitable fund in anticipation of such needs. It would appear that the community would also have the right to use those funds to defray the cost of a group life insurance policy for each of its members, if for no other reason than on the grounds that such an arrangement is cheaper, more efficient, and more dignified than simple charity.

Empathy for the sick

תלמוד בבלי, נדרים לט-מ



R. Helbo fell ill. Thereupon R. Kahana went and proclaimed: R. Helbo is sick. But none visited him. He rebuked them [the scholars], saying, 'Did it not once happen that one of R. Akiva's disciples fell sick, and the Sages did not visit him? So R. Akiva himself entered [his house] to visit him, and because they swept and sprinkled the ground before him, he recovered. 'My master,' said he, 'you have revived me!' [Straightway] R. Akiva went forth and lectured: He who does not visit the sick is like a shedder of blood. When R. Dimi came, he said: He who visits the sick causes him to live, whilst he who does not causes him to die. How does he cause [this]? Shall we say that he who visits the sick prays that he may live, whilst he who does not, prays that he should die, — 'that he should die!' can you really think so? But [say thus:] He who does not visit the sick prays neither that he may live nor die.

רב חלבו חלש, נפק אכריזי רב כהנא: רב חלבו באיש, לא איכא דקא אתי, אמר להו: לא כך היה מעשה? בתלמיד אחד מתלמידי ר' עקיבא שחלה, לא נכנסו חכמים לבקרו, ונכנס ר' עקיבא לבקרו, ובשביל שכיבדו וריבצו לפניו חיה, א"ל: רבי, החייתני! יצא ר' עקיבא ודרש: כל מי שאין מבקר חולים - כאילו שופך דמים. כי אתא רב דימי אמר: כל המבקר את החולה - גורם לו שיחיה, וכל שאינו מבקר את החולה - גורם לו שימות. מאי גרמא? אילימא כל המבקר את החולה - מבקש עליו רחמים שיחיה, וכל שאין מבקר את החולה - מבקש עליו רחמים שימות, שימות ס"ד? אלא, כל שאין מבקר חולה - אין מבקש עליו רחמים לא שיחיה ולא שימות.

Mishna, Pirkei Avot 5:10

There are four types of character in men: 1) He that says, "Mine is mine, and yours is yours." This is a neutral type; some say this is a Sodom-type of character. 2) He that says, "Mine is yours and yours is mine," is an unlearned person. 3) He that says, "Mine is yours and yours is yours," is a pious man. 4) He that says, "Mine is mine, and yours is mine," is a wicked man.

ארבע מדות באדם האומר שלי שלי ושליך שליך זו מדה בינונית ויש אומרים זו מדת סדום שלי שליך ושליך שלי עם הארץ שלי שליך ושליך חסיד שלי שלי ושליך שלי רשע

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Insurance for Gentiles?



Our Rabbis taught: We sustain the non-Jewish poor with the Jewish poor, visit the non-Jewish sick with the Jewish sick, and bury the non-Jewish dead with the Jewish dead, for the sake of peace.

תלמוד בבלי, גיטין סא

ת"ר: מפרנסים עניים נכרים עם עניים ישראל, ומבקרין חולי נכרים עם חולי ישראל, וקוברין מתי נכרים עם מתי ישראל, מפני דרכי שלום.

Rationing

Why We Must Ration Health Care

By PETER SINGER

You have advanced kidney cancer. It will kill you, probably in the next year or two. A drug called Sutent slows the spread of the cancer and may give you an extra six months, but at a cost of \$54,000. Is a few more months worth that much?

If you can afford it, you probably would pay that much, or more, to live longer, even if your quality of life wasn't going to be good. But suppose it's not you with the cancer but a stranger covered by your health-insurance fund. If the insurer provides this man — and everyone else like him — with Sutent, your premiums will increase. Do you still think the drug is a good value? Suppose the treatment cost a million dollars. Would it be worth it then? Ten million? Is there any limit to how much you would want your insurer to pay for a drug that adds six months to someone's life? If there is any point at which you say, "No, an extra six months isn't worth that much," then you think that health care should be rationed...

When a Washington Post journalist asked Daniel Zemel, a Washington rabbi, what he thought about federal agencies putting a dollar value on human life, the rabbi cited a Jewish teaching explaining that if you put one human life on one side of a scale, and you put the rest of the world on the other side, the scale is balanced equally. Perhaps that is how those who resist health care rationing think. But we already put a dollar value on human life. If the Department of Transportation, for example, followed rabbinical teachings it would exhaust its entire budget on road safety. Fortunately the department sets a limit on how much it is willing to pay to save one human life. In 2008 that limit was \$5.8 million. Other government agencies do the same. Last year the Consumer Product Safety Commission considered a proposal to make mattresses less likely to catch fire. Information from the industry suggested that the new standard would cost \$343 million to implement, but the Consumer Product Safety Commission calculated that it would save 270 lives a year — and since it valued a human life at around \$5 million, that made the new standard a good value. If we are going to have consumer-



safety regulation at all, we need some idea of how much safety is worth buying. Like health care bureaucrats, consumer-safety bureaucrats sometimes decide that saving a human life is not worth the expense. Twenty years ago, the National Research Council, an arm of the National Academy of Sciences, examined a proposal for installing seat belts in all school buses. It estimated that doing so would save, on average, one life per year, at a cost of \$40 million. After that, support for the proposal faded away. So why is it that those who accept that we put a price on life when it comes to consumer safety refuse to accept it when it comes to health care?

<p>Two people are waling on the road but only one of them has water. If they both dring the water, they will both die. If only one drinks the water then then only he or she will make it to town and be saved. Ben Petura claims that it is better that they both die rather than one of them contribute to the death of his or her fellow.</p> <p>Rabbi Akiva came and taught: “and your neighbor shall live with you” Your life takes precedence over your neighbors.</p>	<p><u>תלמוד בבלי מסכת בבא מציעא דף סב עמוד א</u></p> <p>שנים שהיו מהלכין בדרך, וביד אחד מהן קיתון של מים, אם שותין שניהם - מתים, ואם שותה אחד מהן - מגיע לישוב. דרש בן פטורא: מוטב שישתו שניהם וימותו, ואל יראה אחד מהם במיתתו של חברו.</p> <p>עד שבא רבי עקיבא ולימד: וחי אחיך עמך - חייד קודמים לחיי חבריך.</p>
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<p>A cistern provides water for a town [in a time of drought] concerning the townspeople and other, the townspeople have precedence to the water.</p> <p>The towns animals and the lives of others: the lives of others have precedence over animals. Rabbi Yose says that the animals have precedence before the townspeople.</p> <p>The animals of the town and the animals of others? The animals of the</p>	<p><u>תוספתא מסכת בבא מציעא (ליברמן) פרק יא</u></p> <p>מעין של בני העיר הן ואחרים [הן] קודמין לאחרים אחרים</p> <p>ובהמתן חיי אחרים הן קודמין לבהמתן ר' יוסי או' בהמתן קודמת לחיי אחרים</p> <p>הלכה לד בהמתן ובהמת אחרים בהמתן קודמת לבהמת אחרים</p>
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<p>townspeople have precedence.</p> <p>The lives of others and the laundry of the town? The lives of others have precedence to the water. Rabbi Yose says that laundry of the townspeople comes before the lives of others.</p>	<p>הלכה לה אחרים וכבוסתן חיי אחרים הן קודמין לכבוסתן ור' יוסי או' כבוסתן קודמת לחיי אחרים</p>
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