

Rabbi Moshe Feinstein's Influence
as a Medical Halachic Decisor

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Introduction

The term *halacha* is often translated as “Jewish law”, however a more literal and precise interpretation of *halacha* is “the way to behave” or “the way of walking”. Seemingly, what is understood as Jewish law, is not merely an authority, rather an all-encompassing doctrine on Jewish life. In contrast to secular law, Jewish law is far more concerned about the substance of what the decision should be, rather than who gets to make that decision. There is a limited role of autonomy in Jewish law: our bodies are not our own, they are in fact, properties of G-d entrusted to us for preservation of wellbeing. Hence, the entire pro-choice movement (we have absolute control over our bodies and can do what we want to them) is fundamentally flawed. In contrast to Jewish medical ethics, or medical *halacha*, secular medical ethics is premised on four fundamental beliefs: respect for autonomy, beneficence, non-maleficence, and justice. However, medical *halacha* is a realm in which science and medicine converge with Torah authority and perspective.

Halachic decision making is based on the verse, “It [the Torah] is not in the Heaven”, the Talmud rejects the notion of Divine inspiration determining halachic resolutions. On the contrary, all halachic decisions must be solely predicated on solid empirical grounding in the facts, coupled with a rational application of the primary texts deemed definitive by Jewish law (e.g., the Talmud, *Shulchan Aruch* (Codes)). Halachic reasoning is based on both inductive and deductive reasoning. This type of logic is in common with all types of reasoning by analogy. First, relevant primary data needs to be identified and collected, such as rulings of cases in the Talmud and Codes. Next, inductive reasoning is applied by formulating a hypothesis that explains specific rulings based on a more general principle. Finally, through deductive reasoning

the principle can be utilized in new situations that can be subsumed under the principle used to explain earlier rulings.

There is also a role of subjectivity in *psak*, ruling, *halacha*. In theory, the *psak* halacha should be completely objective and based solely on the authority's understanding of the principles of Jewish law derived from its authoritative places. However, the halachic system does contain parameters to recognize extenuating circumstances that can allow for extralegal factors in a ruling. Some such factors include, but are not limited to, “*shaat hadechak*” (situation of urgency), “*hefsed merubah*” (great financial loss), and “*shalom bayit*” (marital tranquility). Subjective factors are rarely included in a primary halachic ruling; however, when the objective halachic considerations are balanced, the subjective factors may make the critical difference in the ultimate decision. Moreover, there is not only subjectivity in *psak* halacha, but also an individualized nature of *psak*. Rav Moshe Feinstein, in his introduction to his first volume of responsa (*Iggrot Moshe*), writes “that his responsa represent suggested approaches and general guidelines with each rav using his own judgment and discretion in applying the responsa to the facts of his particular case.”¹ Moreover, R. Moshe argues that each rabbi bears the responsibility of analyzing the primary sources on his own rather than blindly accepting R. Moshe's reading of them.

It is important to note that these warnings are commonly disregarded in practice. Although we often apply Rabbi Moshe Feinstein's rulings mechanically without analysis of all the sources, this was not his intention in publicizing his *psak halacha* and should generally not be done. Often, we do not have full knowledge of all the circumstances surrounding Rav Moshe's

¹ *Iggrot Moshe*, Introduction, Vol. 1.

own *psak* (some of which may not always be stated) and may not take into full consideration all the unique circumstances of the case upon which the rabbi is called to rule.²

In this essay, we will analyze Rabbi Moshe Feinstein's responsa and halachic rulings in the field of medicine in order to gain insight on his role as a medical halachic decisor and the significance of these two worlds (science and Jewish law) merging. Rav Moshe had a particular contribution to the world of medical halacha. He was consulted on virtually every medical halachic issue during his life. I will give an overview of his approach to medical halacha, concentrating on specific areas in medicine where his halachic rulings had a major influence. Rabbi Feinstein's rulings on medical halacha have had broad and enduring impact on the world of medicine today.

A Jewish Physician Practicing on the Sabbath

Rabbi Moshe Feinstein's responsa reflect a vast and broad-ranging array of expertise on the laws of healing on the Sabbath and their numerous applications, including carrying, writing, traveling by car, turning on and off lights, using battery operated instruments on *Shabbos*, drawing blood, giving injections and infusions, taking the elevator, telephones, incising boils and suturing lacerations, and many more.³ Rav Moshe Feinstein ruled, that even if only one out of a hundred calls will be an emergency, the physician must answer all one hundred calls for the sake of saving a dangerously ill patient (*pikuach nefesh*). Moreover, in a case where Dr. Fred Rosner told Reb Moshe that he was running up and down multiple flights of stairs instead of taking the elevator, the Rabbi replied, "If running up the stairs to see your patient takes more time than the

² Rav Yitzchok Breitowitz; "How a Rabbi Decides a Medical Halacha Issue".

³ Dr. Fred Rosner; "Rabbi Moshe Feinstein's Influence on Medical Halacha", *The Journal of Halacha* Page 49.

elevator or leaves you panting and may thus interfere with your ability to properly evaluate the patient's problem, you have not observed the Sabbath at all, but transgressed the commandment of healing on Sabbath.”⁴

According to Rav Moshe, most hospitalized patients can be classified as *pikuach nefesh*; in fact, even if a patient brought his illness upon himself through negligence, *Shabbos* must be desecrated on his behalf.⁵ He bases this ruling off the *Shulchan Aruch*⁶ and *Mishneh Torah*⁷, which rule that a physician must perform all acts necessary for the care of his patients, and not limit himself exclusively to those things which would remove imminent danger to life. Rabbi Feinstein explains that it is permissible to carry through a public domain the instruments and materials, such as a stethoscope, keys to narcotics or medication cabinets, radiographs, etc., necessary to care for a dangerously ill patient. Nonetheless, wherever possible, meaning where no delay or loss of efficiency would result, one should do this in an unusual manner (whereas other nonmedical items may not be carried even in an unusual manner).

Writing on the Sabbath is of a critical nature, since it is a Biblical prohibition. Therefore, it is only permitted when it is completely essential to save life. If any writing (or typing) could be postponed until after *Shabbos* without endangering the patient's life, it must be so delayed. It is preferred for a physician to hire a non-Jewish attendant to do whatever writing is required and to perform otherwise prohibited acts on *Shabbos*. Interestingly, it is preferable to use the electric name plate printer on *Shabbos* than to write out the patient's name by hand.⁸ In the cases where the above alternatives are not possible, and it is essential for the preservation of life that the

⁴ *Ibid.*

⁵ Responsa *Iggros Moshe, Yoreh Deah* Part 1 no. 127.

⁶ *Shulchan Aruch, Orach Chayim*, 328:4.

⁷ Maimonides, M. *Mishneh Torah, Shabbat*, 2:1.

⁸ *Iggros Moshe, Even Haezer*, Part 4 no. 73:4.

physician write, he may do so, but wherever possible (where no delay or loss of efficiency would result) he should do so with a *shinuy* (in an unusual manner), such as writing with your left hand if you are right-handed.

What is considered essential for the preservation of life? Some examples include recording directly relevant history to the patient's current illness as well as physical findings of a critically ill patient (i.e., following a heart attack) admitted to a hospital on Friday night. However, it must be essential or significant for another physician who may be called upon to assist or take care of this patient. Rabbi Feinstein's ruling excludes writing other personal or family history or past medical history that is not directly relevant to the present illness. Moreover, he rules that one may not record physical findings not directly relevant to the immediate issue. One may not, however, sign a certificate of death or birth since it does not pertain to the preservation of life.

Regarding answering a telephone or beeper on the Sabbath, Rabbi Feinstein ruled that a house officer may answer all phone calls, since his patients are hospitalized, and they are in the category of *pikuach nefesh*. Most of the calls he receives, if not all, relate to his patients, and therefore he may answer them as it is his duty to care for the needs of his seriously ill patients. However, he should not make calls that are not emergency related (i.e., obtaining blood results). In fact, Rav Moshe believes that it is better to obtain the results in person, rather than over the phone. For a private practice physician, Rav Moshe suggests securing an automated answering service or hiring a non-Jewish attendant to answer calls. He may secure a beeper to his belt, so long as it becomes a part of his garment.⁹ If the doctor must see the patient for an emergency visit, it is preferable that he take a taxi to the hospital, rather than drive his own car. However, if

⁹ *Ibid. Orach Chayim*, Part 4 no. 81.

he would expect delays with using a taxi service, then he may drive his own car. Interestingly, Rabbi Feinstein rules that he may return from an emergency call on *Shabbos*, preferably with a non-Jewish driver¹⁰, if it will remove any hesitance to go again for a future emergency.¹¹

Rabbi Moshe Feinstein exclaims that turning on battery operated medical instruments, such as pacemaker-defibrillators, electrocardiograms, respirators, endoscopes, etc., is not only permitted but obligatory where necessary for proper care of the dangerously ill patient. For these patients, who are under the status of *choleh sheyesh bo sakanah*, a sick person in critical condition, he must perform the most optimal care for them in the most efficient manner. Nonetheless, if a non-Jew is available to turn on the instruments, they should be asked to do so, and the non-Jew should turn the equipment off; otherwise, it must stay on until after the Sabbath.

Rabbi Feinstein has a ruling that is considered somewhat controversial regarding the physician practicing on *Shabbos*. He *paskins* that a Jewish doctor is obligated to treat a non-Jewish patient on *Shabbos*. Rav Moshe suggests that Sabbath laws, both on a rabbinic and biblical level, are set aside when the physician is actively taking care of the patient, regardless of if the patient is Jewish.¹² This law, however, only applies to a medical situation that *halacha* deems *pikuach nefesh* (danger to life). Rabbi Feinstein's ruling is based off the *psak* of Rabbi Moshe Schreiber, the *Chatam Sofer*.¹³ A key consideration of his ruling was the impact of a Jew not treating a non-Jew. Rabbi Moshe Feinstein has many more responsa that deal with the physician and the Sabbath and *pikuach nefesh*.¹⁴

¹⁰ *Ibid.* no. 81.

¹¹ *Ibid.* Part 1, no. 131.

¹² *Ibid.* Part 4. No. 79.

¹³ Responsa *Chatam Sofer, Yoreh Deah* no. 131; abstract printed in the margin of *Shulchan Aruch, Orach Chayim* 329.

¹⁴ *Iggrot Moshe, Orach Chayim*, Part 1 no. 131.

The Patient and the Sabbath

Rabbi Feinstein demonstrates his stringency regarding preserving human life when it comes to his rulings revolving around the patient on *Shabbos*. He explains that one may even turn on and off lights for the comfort of the critically ill patient, or for diagnostic or therapeutic procedures. However, if the patient will not gain any direct benefit, turning on and off the light would be prohibited. Rav Moshe also permits a husband or mother of a woman in labor to accompany her in the taxi or car to the hospital because a potential fear of traveling alone may be considered a danger to her life.¹⁵

Rabbi Feinstein also allows the measurement of body temperature with a thermometer on *Shabbos*, even for a patient not dangerously ill, since the act does not involve a prohibition.¹⁶ Nonetheless, the degree of fever for which one may desecrate the Sabbath varies. Rav Moshe rules that for 102°F one would be permitted to set aside the laws of Sabbath. However, even if someone feels ill at 101°F and asks for help that would require desecrating *Shabbos*, one should do so since it is considered the same as any external injury for which one would do Sabbath prohibited tasks upon the patient's request. Rabbi Feinstein continues that on behalf of a child who cannot describe the sensation of fever, one may desecrate the Sabbath if the child is observed to be extremely uncomfortable, or shows other signs of illness, even if the fever is only 100°F. Moreover, if the fever is due to an illness of an internal organ, such as the lungs, one would desecrate the Sabbath even for a low-grade fever. But, if the low-grade fever is just a symptom of an ordinary cold, one is prohibited to desecrate any of the Sabbath laws.¹⁷

¹⁵ *Ibid.* no. 132

¹⁶ *Iggrot Moshe, Orach Chayim*, Part 1, no. 128.

¹⁷ *Ibid.* no. 129.

Rabbi Feinstein allows one with a hearing impairment to wear their hearing aids on the Sabbath.¹⁸ Likewise, he allows one with a physical disability who walks with a cane, crutches, wheelchair, or walker to walk with any of these mechanical aids or the like on *Shabbos*. Interestingly, Rav Moshe exclaims that they are considered in Jewish law to be his legs, and thus may be treated as such. Notwithstanding this, if they are only used as a support for someone who can walk without them, then they are prohibited to be used on the Sabbath.¹⁹

It is permissible to consume food on *Shabbos* for medical purposes.²⁰ If a patient who suffers from a major ailment for which he would be permitted to take medication on the Sabbath, also suffers from a minor illness, the patient is not allowed to take medicine for the latter. However, if the minor ailment can be treated by increasing the dose of the medication already being taken for the serious illness, one may do so.²¹ Mixing foods with medicine to disguise the medication is permissible if the medication must be taken on the Sabbath.

***Kohanim* (priests) and Medicine**

A strongly debated topic is whether a *Kohen*, a priest, is allowed to study and practice medicine in Jewish law.²² Many rabbis answer in the negative, including Rabbi Feinstein who states that “there is no obligation for a *kohen* to study medicine.”²³ However, there are some permissive rulings that enable a *kohen* to study medicine if he has a strong desire to do so, since most of the corpses that the *kohen* would deal with would be non-Jewish, which according to some authorities, do not defile by *tumat ohel*, overshadowing. Moreover, the *kohen* physician

¹⁸ *Ibid.* Part 4, no. 85.

¹⁹ Rabbi Moshe Feinstein, *Personal Communication*, based on the *Shulchan Aruch, Orach Chayim*, 301:15-17.

²⁰ *Iggrot Moshe, Orach Chayim*, Part 1, no. 130.

²¹ *Ibid.* Part 3, no. 53.

²² *Ibid.* Part 3 no. 92.

²³ Rosner, F. “Priests (*Kohanim*) Studying and Practicing Medicine” *Journal of Halacha and Contemporary Society*, no. 8, (Fall) 1984, pp. 48-61.

would then be able to later save lives. Rav Moshe adamantly rejects these rulings. He wisely states that one is not more obligated to study medicine in order to become a physician than conducting a lot of business in order to obtain wealth to distribute to charity. R. Feinstein is also strongly opposed to *kohanim* who rely on this opinion in order to go to medical school:

“It is clear to me that if the *kohanim* who study medicine and ritually defile themselves through contact with corpses would really wish to know the true law in this regard, they would know whom to ask...rather, they are not at all concerned about this prohibition and delude themselves...by claiming to have found [a lenient ruling in] some pamphlet upon which they rely...It is absolutely clear that it is prohibited for a *kohen* to ritually defile himself through contact with a corpse, and this fact is well known throughout the world. Therefore, it is absolutely clear that even if the most learned rabbis in the world would be lenient [and say otherwise], one should not listen to them...”²⁴

Notwithstanding this, Rabbi Feinstein permits a *kohen* (priest) to work in a hospital if he can leave the hospital when a death occurs and most of the patients are not Jewish.²⁵ Rav Moshe also allows *kohanim* to visit sick patients in the hospital (*Bikur Cholim*) because it fulfills a great need, such as emotional pain and anguish.²⁶ He permits such visits because of the assumption that most of the patients in the hospital are non-Jews, so a corpse in the hospital at any given moment are presumably not Jewish, and do not impart ritual defilement by being in the same room or building as a *kohen*.

Interestingly, Rabbi Feinstein discusses whether a priest is permitted to travel on an airplane in which a Jewish corpse is being transported to Israel. He explains that since the plane is not made from one of the six metals that transmit impurity-gold, silver, copper, iron, tin, and lead-perhaps we can assume that the body in the hold of the plane would not defile the entire

²⁴ *Iggrot Moshe, Yoreh Deah*, Part 2 no. 155.

²⁵ *Ibid.* Part 1 no. 248.

²⁶ *Ibid.* Part 2 no. 166.

plane, however he maintains that the situation requires further assessment.²⁷ Rabbi Feinstein also wrote a length responsum about a *kohen* who needs to receive an organ transplant or flesh from a cadaver.²⁸ Moreover, he establishes that if an autopsy is performed on a kohen, his immediate family may arrange his burial without concern about defilement.²⁹

Smoking

The effects smoking can have on the human body are vast and detrimental. In more recent years, there has been overwhelming medical evidence of the causal relationship between smoking and heart disease, chronic bronchitis, various cancers such as lung, bladder, head, and neck, as well as many other ailments. Thus, one would assume that Jewish law would prohibit such a dangerous practice.³⁰ Interestingly, Rabbi Feinstein asserts that although it is an improper practice to begin, it is not prohibited to smoke because many people smoke, and the Talmud states that “the Lord preserveth the simple.” Moreover, even for those who choose not to smoke themselves considering health concerns, it is permitted for them to light a cigarette for those who do smoke.³¹ Rav Moshe explains his reasoning that “the Lord preserveth the simple” is a concept applied to low incidence natural dangers.³² There is an idea in Jewish law called *dashu bo rabim*, the multitudes have become accustomed to it, meaning that society recognizes and accepts the risk. In this manner, Rabbi Moshe Feinstein equates smoking to flying in an airplane, or walking across a busy street. The many people who may develop cancer from smoking, only represent a fraction of the millions of people who smoke. Furthermore, obesity and lack of

²⁷ *Ibid.* no. 164.

²⁸ *Ibid.* Part 1 no. 230.

²⁹ *Ibid.* Part 2 no. 165.

³⁰ Rosner, F. *Modern Medicine and Jewish Ethics*, Ktav and Yeshiva University Press, Hoboken, NJ and New York, NY 1986, pgs 363-375.

³¹ *Iggrot Moshe, Yoreh Deah*, Part 2 no. 49.

³² Perhaps Rav Moshe’s view on the subject would be different as more evidence shows that smoking is a higher incidence danger than it used to be considered.

physical activity have a far greater risk to health than smoking, yet there is no definitive *psak* halacha about how much one is allowed to eat and how much one must exercise.

Rabbi Feinstein's opinion on the matter may be hard to digest for those who understand the deleterious effects of smoking. Nonetheless, his written responsa and teachings are accepted as authoritative amongst all Jews. He was the *posek hador*, the halachic decisor for the entire Jewish world during his generation, and his rulings on Jewish law are enduring for the generations that follow. It is unknown if Rav Moshe would rule similarly today given the accumulated evidence against smoking.

In contrast to his opinion about one choosing to smoke for themselves, Rabbi Feinstein rules that one may not smoke in front of others in view of the harmful effects of exhaling second-hand smoke. He insists that it is prohibited even if one just finds the smoking of others to be annoying. However, if one's smoking causes any pain or discomfort to someone else, that person is considered a *mazik*, one who inflicts damage upon others. For this reason, Rav Moshe does not permit smoking in a *Beit Midrash* (Torah Study), or *Beit Haknesset* (Synagogue), if even one person objects.³³

Unlike cigarette smoking, Rabbi Feinstein completely prohibits the use of marijuana, because it is considered damaging to the entire body.³⁴ Even those who do not suffer physical harm from marijuana will suffer mental harm, since marijuana distorts the brain's functioning and impairs one's abilities of reasoning and comprehension. Therefore, such a person would be preventing himself from studying Torah and from performing other precepts. Moreover, Rav Moshe continues that marijuana use can cause a person to have uncontrollable lusts and desires.

³³ Igrot Moshe, Yoreh Deah, Part 3 no. 35.

³⁴ *Ibid.*

Furthermore, since one's parents are most often opposed to marijuana use, by consuming it they would be prohibiting the biblical commandment of honoring one's parents.

Dentistry

Rabbi Moshe Feinstein has several responsa that deal with dentistry and related topics. One responsum discusses temporary fillings and dental prostheses regarding ritual immersion (*tevilah*).³⁵ To summarize, he explains that all permanent (i.e. wired or cemented) bridgework or braces do not constitute a *chatzitzah*, interposing barrier, and therefore do not hinder the *tevilah* process. However, removable braces, bridges, and the like, must be removed before the ritual immersion. All fillings, according to Rav Moshe, are not considered a *chatzitzah*. *Tevilah* may be performed unless that have been improperly placed and must be replaced by a dentist, in which case *tevilah* must be postponed. For example, a filling that is interfering with chewing and must be corrected by a dentist, should be fixed prior to immersion.³⁶

Rabbi Feinstein asserts that if stitches are deeply inserted in the gums and are not readily visible, they do not qualify as a *chatzitzah*, interposition.³⁷ Moreover, plastic coverings on teeth, that are only temporary in nature must be removed before *tevilah*. In a different responsum, Rav Moshe rules that if a person has mouth pain, it is permissible for them to have dental work performed even on *Chol Hamoed* (Intermediate Days of Festivals).³⁸ However, if there is no pain and no harm will be done from waiting, the patient should postpone until after the holiday. Furthermore, a patient with false dentures does not need to have a separate set for the Passover holiday.

³⁵ *Ibid. Yoreh Deah*, Part 1 no. 97.

³⁶ Rosner, F. *Rabbi Moshe Feinstein's Influence on Medical Halacha*, *The Journal of Halacha* page 60.

³⁷ *Iggrot Moshe, Yoreh Deah*, Part 2 no. 87.

³⁸ *Ibid. Orach Chayim*, Part 3 no. 78.

Circumcision

Rav Moshe was approached with the question whether a hemophiliac boy can be circumcised by infusing blood products to reduce the risk of bleeding. He replied “no”, and explained briefly, “*lechesheyerapeh*”, only when he is healed can one perform the circumcision. Hemophilia is a genetic disorder for which there is no cure, yet Rabbi Feinstein maintained “*lechesheyerapeh*”, only if he is healed and physically healthy may the circumcision be performed.³⁹

Rabbi Feinstein has a responsum from 1947 concerning a boy whose brothers died after circumcision.⁴⁰ He reasoned that even with the advent of blood products and transfusions, the risk of dangerous bleeding following circumcision is far greater in a hemophiliac child than a normal one. This logic is based on a law codified in the *Rambam’s Mishneh Torah*:

“One may circumcise only a child that is totally free of disease, because danger to life overrides every other consideration. It is possible to circumcise later than the proper time when the prenatal period is over and the danger of prolonged bleeding of the otherwise healthy child is no longer viewed as potentially life-threatening, but it is impossible to restore a single [departed] soul of Israel forever.”⁴¹

However, in more recent years, the risk of circumcising a hemophilic child has decreased significantly with the availability of blood clotting hemophilic factor concentrate. Therefore, in later years Rabbi Feinstein permitted such a circumcision.⁴² Rav Moshe requires an underweight baby to reach adequate weight before circumcision. Moreover, he maintains that a baby who had

³⁹ Rosner. F. *Modern Medicine and Jewish Ethics*, Ktav and Yeshiva University Press, Hoboken, NJ and New York, NY 1986, pg 65.

⁴⁰ *Iggrot Moshe, Yoreh Deah*, Part 1 no. 154.

⁴¹ Rambam, *Mishneh Torah, Hilchot Milah* 1:18.

⁴² Rosner. F. *Modern Medicine and Jewish Ethics*, Ktav and Yeshiva University Press, Hoboken, NJ and New York, NY 1986, pg 66.

an exchange transfusion must undergo a seven-day waiting period before circumcision can be allowed.⁴³

In a different responsum, Rabbi Feinstein prohibited the use of a *Mogen* (Bronstein) circumcision clamp because keeping the clamp on for even slightly too long can result in complete hemostasis, so that no drop of blood can flow freely, which would thereby invalidate the circumcision.⁴⁴ Moreover, he expresses concern with the use of clamps in general leading to the circumcision becoming a surgical rather than ritual procedure. He also suggests that a baby suffers more with the use of a clamp.⁴⁵ Therefore, he recommends the use of a simple shield or butterfly as a guard for circumcision. There are several other responsa in which he deals with the technical aspects of circumcision.⁴⁶

Psychiatry

Several of Rav Moshe Feinstein's responsa deal with psychiatric issues. In one specific case, he rules that a psychotic patient who was healed, but still hospitalized for observation, need not be removed from the hospital to hear the *Shofar* blowing on Rosh Hashanah.⁴⁷ He also permits the institutionalization of a psychotic girl in a program where she would be fed non-kosher food.⁴⁸ Furthermore, he permits the sterilization of this girl to prevent her from engaging in promiscuous sexual behavior. In general, Rabbi Feinstein does not approve of hypnosis, however, he allows it as a therapeutic measure for medical purposes.⁴⁹ Rav Moshe also gave

⁴³ *Iggrot Moshe, Yoreh Deah*, Part 2 no. 121.

⁴⁴ *Ibid.* Part 2 no. 119.

⁴⁵ *Ibid.* Part 3 no. 99.

⁴⁶ *Ibid.* Part 1 no. 155, 156, 157, 158; Part 2 no. 118, 120, 123; Part 3 no. 97, 98, 100, 101, 102, 105.

⁴⁷ *Ibid.* *Yoreh Deah*, Part 3 no. 35.

⁴⁸ *Ibid.* *Orach Chaim*, Part 2 no. 88.

⁴⁹ *Ibid.* Part 3 no. 54.

consent to a woman who experienced postpartum psychoses to use contraception since another pregnancy would present a danger to her mental health.⁵⁰

Rabbi Feinstein discusses the use of irreligious or agnostic psychiatrists to treat mental illness in Jews.⁵¹ He mainly expresses concern that gentile psychiatrists or psychologists who perform verbal analyses and analytical deductions may impart their agnostic views or impose their value system on their patients. However, he upholds that if they are expert physicians and promise not to speak in contradiction to the tenets of our Faith, then one may rely upon them since experts do not usually lie. Nonetheless, it is best to use a psychiatrist who is an observant Jew. In a situation where one must choose between two psychiatrists, one an observant Jew and not a specialist, and the other an atheist and a specialist, Rabbi Feinstein rules that one should go to the most expert physician.⁵²

Plastic Surgery

Rabbi Moshe Feinstein was asked if a woman may undergo plastic surgery for cosmetic enhancement in order to improve her chances of finding a marriage partner.⁵³ Generally, Torah law dictates that one may not wound another person⁵⁴, and we apply this prohibition to wounding oneself.⁵⁵ The *Rambam*, Rabbi Moshe ben Maimon, assumes that this prohibition applies if the wounding is done in a degrading manner, and Rav Moshe infers from this that the woman would be permitted to undergo plastic surgery, despite that she would be inflicting a wound on herself, because it would be done for her benefit, not out of degradation or

⁵⁰ *Ibid. Even Haezer*, Part 1 no. 65.

⁵¹ *Ibid. Orach Chaim*, Part 2 no. 57.

⁵² Feinstein, Rabbi M. in *Halachah Urefuah* (Edit, M. Herschler) Vol. 1, 1980, pg. 130.

⁵³ *Iggrot Moshe, Choshen Mishpat*, Part 2 no. 66.

⁵⁴ *Devarim* 25:3.

⁵⁵ *Bava Kama* 91a.

belligerence. In his responsum, Rabbi Feinstein cites numerous Talmudic sources that support his interpretation of the *Rambam*'s ruling.⁵⁶ This evidence provided Rav Moshe the confidence to assure it is permissible for a young lady to undergo cosmetic surgery since it was done for her benefit and with her consent.

Considering Rabbi Moshe Feinstein's responsa on cosmetic surgery, the question emerges if this ruling can be widely applied to anyone who wishes to undergo plastic surgery if it is for their benefit and with their consent, or is it only in cases of great interest, such as the case he adjudicated? If we assume in accordance with the former approach, then surgeries such as LASIK eye surgery would be undoubtedly permitted. However, if we assume like the latter approach, then perhaps the mere convenience of not having to wear eyeglasses or contacts would be an insufficient need for the surgery.⁵⁷

Rav Moshe assumes that the Divine license to heal only applies if there is a remedy or malady for the injury but does not enable an ill patient to fast on Yom Kippur.⁵⁸ Considering this, perhaps he also believes that the Divine will allows us to perform cosmetic surgery only when a great need necessitates it, but not merely for convenience matters.⁵⁹

Tay Sachs Testing

One of the more controversial and pertinent issues Rabbi Feinstein addressed was Tay Sachs screening and amniocentesis. In 1973, the Association of Orthodox Jewish Scientists sent a delegation to ask Rabbi Moshe Feinstein about the advisability for a young man or woman to

⁵⁶ *Bava Kama* 91b; *Sanhedrin* 89; *Sanhedrin* 84b; *Brachot* 45a.

⁵⁷ Rabbi Chaim Jachter, *Kol Torah, Cosmetic Surgery-A Review of Four Classic Teshuvot*, Volume 14.

⁵⁸ *Iggrot Moshe, Orach Chaim*, Part 3 no. 90.

⁵⁹ Rabbi Chaim Jachter, *Kol Torah, Cosmetic Surgery-A Review of Four Classic Teshuvot*, Volume 14.

test for Tay Sachs disease, and if it is proper, at what age should it be done, and if the screening should be a private test or a public program. He responded with:

“It is advisable for one preparing to be married to have himself tested. It is also proper to publicize the fact, via newspapers and other media, that such a test is available. It is clear and certain that absolute secrecy must be maintained to prevent anyone from learning the result of such a test performed on another. The physician must not reveal these to anyone... These tests must be performed in private, and consequently, it is not proper to schedule these tests in large groups as, for example, in Yeshivas, schools, or other similar situations.”⁶⁰

Rabbi Feinstein strongly condemns the practice of abortion for Tay Sachs disease, and even questions the permissibility of amniocentesis, proving the presence of Tay Sachs disease in the fetus, since amniocentesis comes with a risk, albeit small.⁶¹ For a woman who gave birth to two Tay Sachs babies, both of whom died in infancy, Rav Moshe disallowed the use of contraceptive diaphragm, but permitted the use of spermicidal foams and jellies.⁶² He does not allow the sterilization of a woman with mental anguish from giving birth to two physically defective children,⁶³ instead he suggests she practice contraception.

The objections to amniocentesis and abortion in Jewish law are predicated on the fetal conditions. Extreme emotional stress in the mother that can be considered potentially suicidal may permit a situation in which abortion can be sanctioned or the use of amniocentesis (following a previous birth of a Tay Sachs baby, resulting in a mental breakdown and the woman threatening suicide). If the amniocentesis results indicate a non-Tay Sachs affected baby, the pregnancy must continue to term. If the results indicate a homozygous fetus for Tay Sachs disease, one must consult a rabbinic authority about whether they should abort the fetus. Jewish

⁶⁰ *Ibid. Even Haezer*, Part 4 no. 10.

⁶¹ *Ibid. Choshen Mishpat*, Part 2 no. 71.

⁶² *Ibid. Even Haezer*, Part 1 no. 52.

⁶³ *Ibid.* Part 3 no. 12.

law does not enunciate any general law on permissiveness or prohibition regarding abortion, rather each case must be evaluated individually, taking into consideration personal medical, psychological, social and religious circumstances. Rabbi Feinstein has two lengthy responsa on abortion that will be discussed further.⁶⁴

Contraception

Rabbi Feinstein discusses most methods of contraception in his responsa, *Iggrot Moshe*. For example, he discusses the permissibility of using a diaphragm contraceptive in a case where pregnancy would be considered dangerous.⁶⁵ In fact, he permits the use of a condom in a case of great danger (when other methods of contraception cannot be used).⁶⁶ However, Rav Moshe did not want these lenient rulings to be widely applied, rather on an individual basis, where he would thoroughly investigate the danger of pregnancy for the married couple, as well as the religious level and background. In cases where he gave lenient rulings that permitted the use of contraception, he would have the couple return after a finite period to reassess the situation.⁶⁷

Rabbi Moshe Feinstein's responsum dealt with the permissibility of the oral contraceptive pill. He explains a case where he allowed the temporary use of the pill for a woman who had already had two children, one boy and one girl, and would have a difficult time raising more children until they grew somewhat older.⁶⁸ His leniency here reflects the pill not

⁶⁴ *Ibid.*

⁶⁵ *Ibid. Even Haezer*, Part 1 no. 63.

⁶⁶ *Ibid.*

⁶⁷ *Ibid. Even Haezer*, Part 1 no. 64.

⁶⁸ However, it is unclear what the ages were of her children, and if Rabbi Feinstein put a limit on how much time she was allowed to give them to grow up before trying to have more children.

violating the prohibition of emitting semen for naught.⁶⁹ Nonetheless, he voices concern that the pill may cause spotting or vaginal bleeding, which would present other complications in the Laws of *Niddah*, dealing with family purity. Rav Moshe also allowed the use of the pill by a woman who is weak or not well and would find pregnancy difficult, even if she has not yet had two children. However, he says after three years when she regains her strength, she should stop using the pill.⁷⁰

Interestingly, in a different responsum about a man having temporary sterility for about six months after a contraceptive injection is not in violation of the prohibition against castration.⁷¹ Rabbi Feinstein, however, does not permit the use of an intrauterine device (IUD) as a contraceptive method in a woman with varicose veins, who would not be able to take the pill. He explains that the IUD causes bleeding and can be considered an abortifacient. Rather, Rav Moshe suggests using a diaphragm in a case where pregnancy would constitute a danger to the mother.⁷² Moreover, he allows the use of spermicidal jellies, however they may not be effective or reliable, and therefore the diaphragm would be preferable. Contrarily, he does not permit the use of a condom, even when the case can be reassessed in a few years when the danger of pregnancy may no longer exist.⁷³

Rabbi Feinstein's sensitivity to each individual case is remarkable. In a situation where a man was angry at his wife after learning that she had been using the diaphragm after giving birth to five children because of a mental illness, Rav Moshe ruled that the man should not be

⁶⁹ *Ibid. Even Haezer*, Part 2 no. 17.

⁷⁰ *Ibid.* Part 3, no. 24. It is vague what the degree of weakness is that Rav Moshe permitted the use of a pill for such an extended period (presumably she was not well at all). Moreover, it is unclear if she had already one child, but not two (and was weak after going through her first pregnancy), or no children at all.

⁷¹ *Ibid.* no. 15.

⁷² *Ibid.* no. 21.

⁷³ *Ibid.*

angry at his wife and that he should continue living with her, as it was permissible and should be reassessed in a few years. However, Rabbi Feinstein did not want his rulings in such cases to become publicized out of fear that these leniencies would be misapplied.⁷⁴

Rabbi Feinstein also allows the use of contraception after a woman gives birth through a cesarian section, until the danger of pregnancy recedes, which could be for up to a year or more depending on the individual circumstances.⁷⁵ In a different responsa, he strongly reiterates the permissibility of a woman using the diaphragm or pill where pregnancy would be dangerous, but not the use of a condom by a man.⁷⁶ Rav Moshe addresses an interesting situation in which a couple that is guilty of child abuse may be allowed to temporarily use the diaphragm method of contraception, presumably due to the mother's mental illness.⁷⁷ Likewise, he permits this use of contraception for other reasons of mental illness, such as depression.⁷⁸ He recommends the diaphragm over other methods of contraception, such as the pill and IUD because of potential vaginal bleeding and spotting.

In general, we find that Rabbi Moshe Feinstein, in accordance with Jewish law, does not allow the use of contraceptive methods, except for specific situations where pregnancy may constitute a serious health threat to the mother. When medical or psychological issues necessitate the use of contraception, *halacha* grades contraceptive methods from least to most objectionable in the following order: oral contraceptives, chemical spermicides, diaphragms and cervical caps

⁷⁴ *Ibid.* Part 3, no. 2.

⁷⁵ *Ibid.* Part 4, no. 62:2.

⁷⁶ *Ibid.* no. 67.

⁷⁷ *Ibid.* no. 68.

⁷⁸ *Ibid.* no. 69.

to be used by the wife, condoms, and coitus interruptus. Condoms, or coitus interruptus, is the least often permitted by Jewish law, and only in extremely rare and extenuating circumstances.⁷⁹

Abortion

Rabbi Moshe Feinstein was adamant that abortion is a severe prohibition, except in extenuating cases where *halacha* would mandate it, namely, when carrying the fetus poses a direct threat to the mother's life.⁸⁰ In such a situation, abortion is not a "prochoice" decision since there is no choice. Jewish law is an absolute authority in which we are obligated to wholly submit every aspect of our lives to. Therefore, when it comes to abortion, *halacha* either requires it (in order to save the life of the mother), or forbids it, where no such danger presents itself. Rav Moshe contends that aborting a fetus is akin to murder, a prohibition of the highest degree. Hence, one may not even abort the fetus even when the baby will suffer from other serious illnesses.⁸¹

Maimonides maintains that in a case where the pregnancy would be life threatening to the mother, it is permissible to abort the fetus, because in such a scenario the fetus would be considered in the category of a *rodef*, a pursuer attempting to kill her.⁸² Torah law dictates when someone is threatening your life, you may kill them in self-defense. Likewise, a fetus is considered a person, and if it is life threatening to the mother, it may be killed for this reason and no other.⁸³ Rav Moshe premises his responsum on this *Rambam*. He strongly asserts that abortion constitutes a form of murder, and therefore when not actually threatening the mother's life, killing a fetus is equivalent to killing any other person. Furthermore, Rabbi Feinstein

⁷⁹ Dr. Fred Rosner, *Rabbi Moshe Feinstein's Influence on Medical Halacha*, page 25.

⁸⁰ *Iggrot Moshe, Choshen Mishpat*, Part 2 no. 69.

⁸¹ Rabbi Daniel Sayani, *The Times of Israel*.

⁸² *Rambam, Hilchot Rechitzah V'Shmirat Haguf* 1:9.

⁸³ Rabbi Daniel Sayani, *The Times of Israel*.

maintains that there must be a preponderance of evidence, with almost certainty, that the fetus would cause the mother's death. Since the fetus has a status of "pursuer", one may only kill a pursuer if they are *karov levadai*, near certain, that he is actually a pursuer. Therefore, one may only abort a fetus if they have great certainty that carrying the fetus will kill the mother.⁸⁴

Artificial Insemination and Fertility Testing

Most *poskim* consider artificial insemination, the injection of semen from a donor other than husband (A.I.D), strictly prohibited by Torah law for a variety of reasons including the possibility of incest, genealogy, and issues related to inheritance. Notwithstanding this, if no sexual act is involved, many rabbis would not consider the woman guilty of adultery and may continue to live with her husband.⁸⁵ Furthermore, most would not consider the child born from A.I.D. illegitimate. Rav Moshe has an extremely controversial ruling on this topic, where he discusses a case in which he permits a Jewish woman to use the semen from a gentile, considering all the technical issues of A.I.D. would not exist in such a situation.⁸⁶

The use of a husband's sperm for artificial insemination is certainly permissible.⁸⁷ Moreover, if the husband is a surgeon, it is most preferable that he perform the insemination himself.⁸⁸ In the unusual situation where a woman experiences a short menstrual cycle, Rabbi Feinstein allows her to be inseminated with her husband's sperm while she is in *niddah*.⁸⁹ In a similar fashion, Rav Moshe permits a woman to shorten her *niddah* period, and begin counting

⁸⁴ *Iggrot Moshe, Choshen Mishpat*, Part 2 no. 69.

⁸⁵ *Iggrot Moshe, Even Haezer*, Part 1 no. 10.

⁸⁶ *Ibid.* no. 71.

⁸⁷ *Ibid.* Part 2, no. 18.

⁸⁸ *Ibid. Yoreh Deah*, Part 3, no. 54.

⁸⁹ *Ibid. Even Haezer*, Part 2, no. 18.

her seven clean days immediately after complete cessation of her menses bleeding, in order that her cohabitation with her husband can coincide with her early ovulation, enabling her to become pregnant.⁹⁰

Rabbi Moshe Feinstein allows the use of sperm analysis and sperm procurement for fertility and claims that they do not violate the prohibition of emitting sperm for naught since the semen can then be used to fulfill the commandment of procreation.⁹¹ Nonetheless, it is best if the sperm can be obtained through another method other than masturbation. Rabbi Feinstein also has a lengthy responsum on testicular biopsy for fertility testing.⁹²

End of Life

In Rav Moshe Feinstein's responsa, compassion is intertwined with deep analysis when it comes to end-of-life issues, indicating that at times life should not be prolonged and treatment should be withheld. Rabbi Feinstein asserts that in such situations, such as resuscitating a patient numerous times with electric shock before the heart no longer responds, it would be forbidden to do so in order to prolong the patient's life for a few minutes. For such a patient, claims Rav Moshe, is in the category of *goses*, and the *halacha* demands that no invasive or aggressive contact be made with the patient. Unlike the view of some *Chasidic Rebbes* who maintain that everything must be done to prolong life, if only for minutes, even if the patient is terminally ill. Rabbi Feinstein asserts his ruling based on Talmudic and Midrashic sources that construct the sanctity of life with a minimum quality of life.⁹³ Hence, "fighting for the last breath" may not be

⁹⁰ *Ibid. Yoreh Deah*, Part 2 no. 84.

⁹¹ *Ibid. Even Haezer*, Part 1 no. 70; Part 2 no. 16; Part 3 no. 14 and Part 4 no. 27.

⁹² *Ibid.* Part 2 no. 3.

⁹³ *Kesubos* 77b, 104a; *Nedarim* 40a; *Avodah Zarah* 18a; *Taanis* 23a; *Sota* 46b; *Bava Metziah* 84a; *Midrash Tehillim Rabbah* 8; *Bamidbar Rabbah* 22:2.

a *halachically* valid determination in critical-care medicine, and intractable pain in the case of a dying patient may not permit any measure of prolonging the dying process.⁹⁴

Rabbi Moshe David Tendler summarizes Rav Moshe's position on the sanctity of life:

“Halachah holds human life to be of infinite value and requires that all halachic restrictions be waived in order to save a human life. The physician is divinely licensed and obligated to heal, and patients are obliged to seek healing from competent physicians. Any deliberate hastening of death, even of a terminally ill patient, is an act of murder. The halachah never permits active euthanasia.”⁹⁵

Rabbi Feinstein would insist that inasmuch as the physician cannot cure the patient, he must assiduously devote himself in every measure possible to ease the patient's pain and burden. Thus, according to Rav Moshe, a life of terminal, unremitting pain, is a life unbearable to live. In such cases, he even suggests that it may be preferable to withhold therapeutic protocols that would prolong life, but not cure the patient. A physician is only obligated to heal if there is a medical treatment to offer the patient. However, in a situation where the patient is dying from an incurable illness, the physician's role is transformed from that of a healer to that of a compassionate caregiver, who cares deeply for the dying patient. As such, it is important to provide the patient with utmost supportive care, including food, water, good nursing, and the most optimal psychological support.⁹⁶

It must be noted that quality of life decisions can only be determined by the patient, since a patient may express to bear the pain rather than forfeit life. However, it is in situations where the patient cannot express his or her decision that it becomes incumbent on the caregivers to make as what Rav Moshe defines as a “best interest” decision. The caregivers, along with the

⁹⁴ Responsa of Rav Moshe Feinstein, translated by Moshe David Tendler; Vol. 1: *Care of the Critically Ill, Responsa of Rav Moshe Feinstein, Quality and Sanctity of Life*.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

physician and rabbinic guidance, must determine whether the patient's quality of life is so poor that it would be best to withdraw all treatment except for hydration and nutrition.⁹⁷

Conclusion

Rabbi Feinstein's impact on the world of medical halacha has had broad and enduring effects. His depth, profundity, knowledge and perception, coupled with unparalleled sensitivity and kindness, are manifest in the rulings he made on an individual basis. Rabbi Moshe Feinstein's wisdom penetrated virtually every aspect of medicine. His legacy and authority gained him international respect and recognition as the *posek hador*, rabbinic leader of the generation. In a book published on the life of HaRav Moshe Feinstein⁹⁸, the two words-Reb Moshe- are described as synonymous with Torah giant, encyclopedic knowledge, generosity, compassion, kindness, piety, and countless other sacred ideals. He was a giant in halacha and mastered the realm of medicine without obtaining formal licensure. Rabbi Feinstein was an unassuming genius, whose profundity and sensitivity touched the lives of almost the entirety of American Jewry. Rav Moshe Feinstein took on the role of halachic arbiter in the rapidly developing world of medicine. He burdened himself with every aspect of the field, whether it be a physician working on *Shabbos*, smoking, artificial insemination, or end of life issues, Rav Moshe ruled with clarity and decisiveness. Most of all, the brilliance of Rabbi Feinstein and what defined him as the *posek Hador*, was his uncanny ability to fuse compassion and truth.

⁹⁷ *Ibid.*

⁹⁸ Finkelman, S. *Reb Moshe. The Life and Ideals of HaGaon Rabbi Moshe Feinstein*. New York. Mesorah Publications, 1986, 270 pgs.

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