

# IF NOT NOW, WHEN?

## THE IMPORTANCE OF LIVING WILLS

RABBI DR. SHLOMO BRODY

One of the lessons of the *Yamim Nora'im* is to confront our mortality. The Talmud teaches us that the books of judgment are open during this period, while our most moving *tefillot*, such as *U'netaneh Tokef*, remind us that life is ephemeral. Asking “Who will live and who will die?” forces us to recognize that we can't escape the ultimate day of judgment. Such recognition inspires us to repent and take life a bit more seriously. Even once Yom Kippur passes, confronting our mortality can help us live more meaningfully.

Our great sages taught us throughout the centuries that it is appropriate to plan ahead for illness and death. *Halacha* permits and even encourages people to purchase burial plots (*Kol Bo Avelut*, Vol. 1, p. 174), tombstones, and burial shrouds (*Aruch HaShulchan* YD 339:5) in advance. In fact, Rabbi Yosef Karo even allowed people to dig their own graves, provided that they were not in such a mental state that thinking about death could harm them physically or emotionally (*Beit Yosef* YD 339). Similarly, both Rabbi Chaim Falagi and the Chafetz Chaim urged people to sign a financial will and testament while they are healthy, in the spirit of the famous dictum of the Sages, “If I am not for myself, who will be for me?” There's no reason to leave these decisions to others. These sources make clear that advanced directives are the most prudent way to receive one's desired wishes while also avoiding unnecessary family strife.

In our times, it is critically important for people to sign an advance healthcare proxy and directive. Many choices must be made as people age or approach the end of life. People may no longer be able to speak for themselves, and sometimes decisions must be made quickly. These can be cases

of terminal illness, like an aggressive form of cancer, or a progressive or degenerative disease, like Alzheimer's or ALS. People may suffer sudden and drastic changes to their health, such as a heart attack or car accident. Or as so frequently happens, they must cope with aging and increasing frailty, with many nagging ailments.

In any circumstance, healthcare providers need to know that you want your decisions to be made within the framework of Jewish law. The default decision of what someone else might deem to be in “your best interest” may not coincide with Jewish values. Your family members need to know who should be making these decisions on your behalf. They also need to know which rabbi to consult with if there are *halachic* questions regarding certain treatments. Various organizations, including the Rabbinical Council of America and Agudath Israel, provide such forms for Jews to sign.

My own organization, Ematai, recently undertook the task of creating a document that can provide you with decision-making clarity along your healthcare journey. The document, called *Netivot* (“pathways”), has received the endorsement of Rabbi Hershel Schachter and Rabbi Mordechai Willig, and includes two parts. The first part is an advance healthcare directive that designates your proxy (and alternates), recommends the rabbi they should consult with, and declares that you want end-of-life decision making made in accordance with Jewish law and custom. It is a user-friendly document that can be easily filled out online or in print. Once it is signed, this is a formal legal document that will be respected by healthcare providers and hospitals.

The second document is a conversation guide to talk about your healthcare goals

and values. It gives people the opportunity to express their general decision-making preferences. These aren't easy conversations to have, but they are critical to help your proxy and rabbi better understand your goals and preferences so they can better apply them to each unique situation. It is also a gift to your loved ones, as it will help prevent family tensions and guilt caused by uncertainty and speculation about your values and preferences. Meaningful conversations about life and death can bring families together.

Whichever document you choose to use, the best time to take the initiative is today. *Im Lo Achshav, Ematai?* For if not now, when?



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is the executive director of Ematai, an organization dedicated to helping Jews across the world navigate healthcare choices with Jewish wisdom. Learn more about Ematai's healthcare directive at [www.ematai.org/netivot](http://www.ematai.org/netivot)



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