Scripture, Talmud, and Moral Theology: The Historic Role of Hermeneutics in Resolving Ethical Dilemmas

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Introduction

The present study contends that hermeneutical methods employed in Talmud and Roman Catholic Moral Theology played a vital role in the creation of what we know as modern western bioethics (cf. Drane 1997, 4-5). Therefore we will not only be identifying principles relating to bioethical issues as set forth by those scholars, but also their interpretive approaches to Scripture. Klein, Blomberg, and Hubbard remind us that “Interpretation always derives from the interests or concerns of the interpreter” (1993, 93-116), and D. S. Ferguson adds that an interpreter brings attitudes, a world view, and methodologies to a reading of the Word (1986, 6). Therefore it will be of the utmost importance for our study to identify and understand the interpretive “lens” used by the rabbis and moral theologians.

These foundational concepts prepare us to examine the historic role of hermeneutics in the crafting of bioethical principles and in resolving ethical dilemmas. We will delineate and unpack the assumptions, attitudes, world view, and methodologies of Talmud and the moral theologians to discover how they derived bioethical guidelines from their respective understandings of sacred writ.

The scope of this paper will be limited to interpretive principles used to determine what constitutes “a good death,” and how those principles provided a background for resolving dilemmas faced by dying patients. (Although euthanasia means a “good death,” our study does not have to do with the modern understanding of that term in the sense of mercy killing or assisted suicide. It rather refers to a definition by Vaux and Vaux [1996, 11]: “Dying well is to end one’s days,…relieved of pain, surrounded by friends and family, attended by sensitive caregivers, reconciled with all persons, …at peace with God.”) We will begin with the concepts of the rabbis and moral theologians on this subject before proceeding to their hermeneutical principles and adding our analysis.

TALMUD

According to Neusner, Talmud “…is not really a book, but a living tradition, a focus for ongoing participation in age succeeding age,” and “…an intellectual enterprise for eternity” (in Cohen 1995, ix-x). In it the rabbis developed a theology of “a good death,” while at the same time leaving some room for the mystery associated with that subject.
In Talmud death is the “strongest force in the universe” (Bab. Bath. 10a) and constitutes divine judgment for sin, although it will come to an end in the messianic age (Exod. R. XV.21). Despite describing death in graphic detail, the rabbinic interpretation of Gen 1:31 nevertheless includes death among those things God called “very good” (Gen. R. IX, 5-9). (In order to understand this inclusion better we can note that the rabbis also included suffering and even evil impulses in their understanding of this verse.) One possible reason given in Talmud why death could be “very good” is the perception that only death is able to wipe out the sin of profaning or blaspheming God’s name (Yoma 86a).

The rabbis specifically perceived the death of the righteous to be a good death. In the rabbinic interpretation of Psalm 68:20 (21) there are 903 varieties of death, derived from the numerical value of the word totzaoth, often translated as “escapes” (BDB), but by the rabbis taken in the sense of “issues” (Ber. 8a). For them, the psalm tells of 903 “issues of death,” i.e. ways to die. Those who live a righteous life experience the “lightest” forms of dying, called the “kiss of death,” metaphorically described as “withdrawing a hair out of milk.” By way of contrast the more severe ways are reserved for the wicked, where death is likened to “whirling waters” or thorns torn backwards out of a ball of wool. Premature death likewise was reserved for the unrighteous. Death at the age of 50 was understood as a “cutting off” for certain offenses (cf. Exod 12:15), and death at 60 was thought to be a judgment “… by the hand of heaven” (M.K. 28a).

In a midrash on Eccl 3:2, the rabbis suggest that a good death in one whereby God minimizes the fear of death. There is “a time to die,” and that time is in God’s hands alone. Accordingly suicide is condemned, based largely on the rabbinic understanding of Gen 9:5, and because the time of one’s death is determined by God and “none may anticipate his decree” (Gen. R. XXXIV.13).

According to an interpretation of Eccl 7:1, the day of death can be better than the day of one’s birth if the individual dies peacefully and with a “good name” (Eccles. R.). The rabbis followed this with a parable of two ships, one that sets out to open sea and another that arrives safely at the harbor. Do not rejoice over the ship at sea, they contend, because one does not know what perils that ship might encounter. Rather rejoice over the ship that has landed in safety.

**Hermeneutical Method**

Although Talmudic interpretation employed several principles (Cohen 1949, liv), according to Mielziner there were two basic approaches to the Scripture, (1) Peshat, the “plain meaning” or “primary sense” of a passage, and (2) Derash [Midrash], the exposition of a passage searching out a meaning that often “deviates from the plain and natural meaning” (1968, 117-118).
Our examination of the rabbis on the topic of a good death clearly evidences both of these approaches. For example, “death is judgment for sin” is the plain or simple meaning of passages in Genesis and other portions of Scripture. By way of contrast the elaborate and perhaps extravagant interpretation of 903 “issues of death” in Psalm 68 appears to be far removed from the plain sense. Likewise the interpretation that death was among the things God called “very good” is an expanded meaning of the Genesis passage. A more moderate use of these interpretive methods in tandem is the simple sense “there is a time to die,” further expounded to mean that God minimizes the fear of death (Eccl 3:2).

We also observe that in their interpretations the rabbis brought out consistently the theological idea that obedience brings blessing, while disobedience leads to judgment. This is a similar approach to that employed in the books of Chronicles, where Dillard found that the Chronicler interpreted Samuel and Kings using this same lens (Class notes, Westminster Seminary, 1989). In the rabbinic interpretation of Psalm 68 we noted that the righteous experience the lightest forms of death, while more severe ways are reserved for the unrighteous. Further, the day of one’s death can be “good” so long as the individual dies with a good reputation. The certainty of death is designed to help an individual escape evil impulses, and premature death is a “divine sentence” passed on to those who have committed certain offences against God and have failed to expiate them.

**Analysis**

The rabbinic interpretation of a good death derives from both the plain and expanded senses of Scripture, and is viewed through the hermeneutical lens of obedience and blessing, disobedience and judgment. Thus, a hermeneutic of merit emerges as a dominant feature. In our view, this understanding has left both a positive and negative legacy for modern bioethics.

The value of this legacy is that it recognizes and tries to define a good death, acknowledges and upholds God’s sovereignty, condemns suicide and euthanasia, and promotes a righteous life. Further, one’s fear of death can be greatly minimized and the day of death faced with a sense of peace.

Alongside these valuable principles for resolving bioethical dilemmas, however, the rabbinic views also present challenges. Are suffering and death really among those things God called “very good” in Genesis? Was not God’s declaration made before the fall into sin? Is the idea of over 900 ways to die too far removed from the plain sense of Psalm 68 so as to be reliable? Mielziner for example suggests that certain uses of Derash can be in his words “artificial.” Further, a rigid adherence to a premature or violent death only for the wicked does not square with human experience. Neither is it consistent with the overall tenor of the OT, teachings of Christ himself, and the rest of the NT. For example, we might face the problem of a younger terminally ill patient at the bedside concerned that his or her “early” death has come about as a result of specific offenses committed.
Despite the challenges, we can see how the hermeneutics of the rabbis stands behind our attempts at resolving bioethical dilemmas by considering the following case study. A man is diagnosed with ALS and has only a few years at best to live. The patient is told that to travel overseas in order to receive embryonic stem cell implants could perhaps prolong his life. As a follower of Christ he decides that this is really not an option for him. He acknowledges the sovereignty of God in relation to his impending death, and that understanding minimizes his fear of dying. Likewise he refuses the possibility of physician assisted or other form of euthanasia, and is determined to “finish well” with a good reputation intact and to eventually experience a peaceful and good death.

Thus, we find that overall the rabbis have passed on several helpful principles that stand the test of time and can be applied to end of life dilemmas in our day. Next, we will examine the testimony of Roman Catholic Moral Theology on these matters.

ROMAN CATHOLIC MORAL THEOLOGY

The moral theologians offered specific contributions to the concept of what constitutes a good death. According to Drane, in the time of Aquinas (13th century) a good death was understood as a tranquil and accepting death, one that was both resigned and peaceful (2003, 241). In his Summa Theologica Aquinas asserted that this kind of death was not to be found by means of suicide, which he deemed a moral wrong. The taking of one’s own life was a violation of God’s love, self love, and the individual’s duty to society.

Later in the 16th century, Francis Bacon urged that dying patients should be relieved as much as possible from pain, to ensure “a fair and easy passage” (quoted in Emmanuel 1994, 793). In the same century Sir Thomas More reintroduced an earlier Greek and Roman concept that emphasized freedom from “painful existence” for those in a dying process. Francisco de Victoria added that patients should be liberated from an obligation to accept what he called “extraordinary” (futile) treatments at the end of life. Together with other moral theologians Victoria also established the burden/benefit principle, which asserted that the possible benefit of any end of life treatment must be weighed against the burden that treatment places upon the patient.

Hermeneutical Method

Whereas the rabbis’ hermeneutical method emphasized merit in relation to a good death, the moral theologians emphasized mercy. Their hermeneutical method was largely based on Natural Law. For Aquinas and others, Natural Law had to do with the view that human nature reflects the divine nature, so that through reason humans participate in the eternal law of God. This view of reason was based on earlier Christian teachings. According to the church father Tertullian, human reason was altered by sin but not obliterated. For him 1 Cor 11:2-16 teaches that moral matters could be intuited. In a
recent opinion, Charles contends that in the Christian tradition Natural Law should not be considered as opposed to the teachings of Scripture but consistent with them.

Thus, according to Drane, moral theology held that one could take an “open” or “closed” stance on any topic, so long as the option chosen was rational. For him, the same is true today (2003, 246). Drane, Charles, and others appeal for the use of Natural Law in resolving bioethical dilemmas, based on its longstanding historic status.

**Analysis**

Like certain views of the rabbis, much of what the moral theologians’ derived based on human reason contributed positively to resolving bioethical dilemmas surrounding end of life issues and a good death. They sought to define a good death as peaceful and accepting, accompanied by support, pain relief, caring acts and prayer (Drane 2003, 241-42). They added that such a death could be achieved without resorting to suicide.

They further established a number of principles having to do with acts of mercy directed toward dying patients, especially in the area of pain relief and pain management. The principle of double effect grew out of their concerns, stating that pain medications could be administered even if they served to reduce respirations or stop cardiopulmonary function, thus speeding up the dying process (Drane 2003, 339). The theologians also concluded that a dying patient could forego any treatment that might impose a burden greater than the potential benefit. “A good death may very well require withholding or stopping medical treatments and as much pain relief as necessary to die in peace” (Drane 2003, 244).

There is a downside, however, to using human reason. Even the leading proponents of Natural Law to decide bioethical dilemmas admit that reason is flawed by sin. The result is that ethicists can arrive at vastly different conclusions, especially if they evidence different preunderstanding and presuppositions. An example of this can be found in the contrasting views of Robert George and James Drane on the issue of embryonic stem cell research and therapy. George emphatically states that “The being that is now you or me…was once…an embryo. To have destroyed the being that is you or me at [that stage] would have been to destroy you or me” (2001, 111). On the other hand Drane asserts that although an embryo is “human life” it does not enjoy the position of “personhood” because human beings grow and develop beyond that stage. The idea that an embryo enjoys the status of a “full human person is counter intuitive” (Drane 2003, 324). Although both have Christian views and values, reason has led them to divergent paths.

Despite the potential pitfalls, a case study illustrates the value of what has come down to us via moral theology and Natural Law. A man in renal failure has been on dialysis for over three years. One day he decides to forego further life sustaining treatment. His decision is based in part on his Christian faith, but also on his perception that dialysis has reached the point where it imposes a burden that outweighs the benefit of prolonging his
life. His decision is supported by his wife and medical team. Active euthanasia never enters his mind. He is given enough pain medication and other comfort measures to relieve discomfort. The act of mercy in allowing this patient to succumb to his terminal illness leads to a good death, surrounded by loving and caring individuals.

CONCLUSION

Our study contends that hermeneutical principles of Talmud and moral theology employed in their interpretations of Scripture have played an important historic role in the formation of modern western bioethics. Thus far we have attempted to demonstrate how those principles apply to recent case studies. To illustrate this further, consider how a recent Christian formulation about what is a good death evidences the influence of concepts and interpretive methods set forth by the rabbis and moral theologians.

John Dunlop offers a number of statements that he believes define a good death (2011, 240-43). His ten principles include the following: (1) “A good death is the culmination of a life lived well,” and “…affirms the values of the person.” Talmud in particular emphasized that dying with a “good name” intact is like a ship arriving safely into the harbor. (2) “A good death minimizes suffering when possible and affirms dignity.” As we have seen, this was at the very center of the moral theologians’ concerns. (3) “A good death uses medical technology appropriately,” and “…does not involve euthanasia or assisted suicide.” Both the rabbis and moral theologians affirmed that suicide is morally wrong and inconsistent with a good death. Further, moral theology specifically crafted principles having to do with the proper employment of technology available for the purpose of treating dying patients (burden/benefit; ordinary/extraordinary treatments; double effect). (4) “A good death involves resting in Jesus,” and it “…brings glory to God.” According to the rabbinic sages a dying person could die peacefully and rest in the fact that the day of death not only is God’s sovereign decree, but “going home.”

The above comparison clearly demonstrates that hermeneutical methods employed in our Judeo-Christian heritage stand behind much of what is being used to resolve bioethical issues in our time. Clearly, principles and statements produced by contemporary Christian thinkers rest securely on a legacy that past followers of God have left behind over the centuries for our benefit.

WORKS CITED/BIBLIOGRAPHY


