



Revealing Information to a Patient – At Any Cost?

On Shabbos Chol haMoed Sukkos, the custom of Ashkenazim is to read *Megilas Koheles*. Amongst the many pieces of wisdom included by Shlomo haMelech in the Megila is the following famous Pasuk:

"For with much wisdom comes much grief, and he who increases knowledge increases pain." (1:18)

Knowledge is not only a strength, but, on the contrary, it can sometimes be the source of much worry and concern. The *Ibn Ezra* makes the following comment on the Pasuk:

...The knowledgeable person, who understands the world in his great wisdom, will be in a constant state of anger and pain. He won't be happy with children – as he knows that they will ultimately die, either during his lifetime or afterwards. Nor is he happy with wealth – as he knows that it may fly away like a bird...And the day of death is placed squarely in his mind's eye."

A knowledgeable person will often worry, as he knows of the many injuries, accidents, and diseases that plague the world and how delicate man's existence really is. Certainly, a patient suffering with a dreaded disease, or a person concerned that he has contracted one, may be truly perturbed by too much knowledge of his condition.

Indeed, this is one of the frequent questions in medical ethics: is a doctor permitted – or, perhaps, obligated – to reveal to a patient (particularly if he is acutely ill) the complete details of his medical condition? Is it permitted to tell him that he is suffering from a disease which most people do not survive? If yes, at what stage should he be informed and how should he be told?

In order to better understand the subject, we will present the arguments for and against full disclosure.

On the one hand, there is a basic axiom of speaking the truth and distancing oneself from falsehood. Moreover, there is a broadly held view that one of the rights of a patient is to be informed of his precise medical condition, regardless of other



factors. Furthermore, it is difficult for a doctor to direct his patient to undergo testing, treatments, and procedures if the patient is unaware of his diagnosis.

From the patient's perspective, understanding his condition is essential in order to make decisions, including whether to consulting with other specialists. The knowledge of their condition may bring some patients to marshal all of their physical and emotional strength to fight a disease that threatens their life.

It is particularly important to inform terminal patients of their condition as this will cause them to Daven, make an accounting of their acts, repent, recite Viduy, and prepare a will. Some patients find the stress of not knowing their condition extremely difficult, and after they are told the truth may feel calmer and able to arrange their final days or months peacefully.

On the other hand, a patient's desire to understand his condition is not always in his best interest. Sometimes the knowledge may bring him to depression, despair, and loss of the will to live. The Gemara in *Nedarim* (40a) rules that one should not visit the sick during the last three hours of the day as they are often weaker during those hours and one may despair and not Daven for them (*Rosh* ad. loc.) We see how important it even for others not to fall into despair, let alone the patient himself. Moreover, a patient who falls into despair may suspect that the medical staff will abandon him due to his terminal condition. A lack of trust may also hinder or affect the entire course of treatment.

Even when a patient's condition is not critical, it is not always helpful to reveal all of the details of his condition if doing so may cause him undue worry. If a doctor informs the patient prior to surgery of all the possible complications that could occur, including those that are highly unlikely, he might cause the patient to fear the consequences of the surgery which will not help his medical state and may even lead him to refuse the procedure. If a patient has been referred to undergo tests to confirm or rule out the possibility of cancer, should his doctor inform him of his suspicions, or would it be better to allow him to innocently undergo the tests thus allowing him a few more weeks of peace of mind?

According to Israeli law (Rights of Patients 5756, No. 13), medical treatment should not be given to a patient unless he has knowingly agreed to it. In order that he can make an informed decision as to whether to submit himself to the treatment he should be informed of the relevant medical information. That information should include:



1. The diagnosis and prognosis
2. A description of the nature, process, purpose, and goal of the suggested treatment
3. The dangers of the treatment as well as side effects, pain or discomfort
4. The risks and prospects of alternative medical treatment or lack of medical care
5. If the treatment is of an innovative nature the patient should be provided with the relevant information at the earliest possible stage thus giving him ample time to understand the information and make an informed decision.

In spite of the above, a medical practitioner may refrain from providing certain medical information to a patient that is relevant to his condition if the Ethics Committee confirms that it would greatly harm his physical or mental state.

In discussion with several doctors, we heard that relaying all of the dangers and outcomes of medical treatment to a patient is highly impractical, aside from the possible damage it can cause. A court in Haifa ruled that if the danger that may result from a form of medical treatment has a probability of less than one in three thousand, it needed be mentioned to the patient. In fact, that figure itself is often too high.

The psychiatrist Dr. Yaakov Freedman described a certain study whereby several people were given a placebo drug and were told that it may cause certain side effects. A considerable number of the participants experienced these side effects after taking the drug! Even without the study he told us that there is a broadly held view among mental health practitioners that any concerns, worries, or bad moods that are brought on by medical concerns are often the results of a self-fulfilling prophecy. They serve to weigh down a patient and affect his mental state such that he finds it harder to cope with his illness.

However, as we shall explain later, there are cases where the opposite is true, and a lack of clarity can be of great harm to a patient. As we shall see, it all depends on the situation.



Sources Regarding telling a Patient the Truth

There are several sources in *Tanach* that serve as the basis for the discussion among the Poskim as to whether or not one should inform a patient of his condition. Two different approaches are evident in two separate episodes in *Sefer Melachim*:

The Episode of Elisha and Ben Hadad: (Melachim II 8:7-10)

Elisha went to Damascus, where Ben Hadad, king of Aram, was ill. It was told to him saying, "The man of G-d has come here". And the king said to Hazael, "Take a tribute with you and go to meet the man of G-d. Inquire of Hashem through him, asking, 'Will I recover from this illness?'... And he said, "Your son Ben Hadad, the king of Aram, sent me to you, saying, 'Will I recover from this illness?' And Elisha said to him, "Go say to him, 'You will surely not live, and G-d has shown me that you will surely die'"¹.

The words 'You will surely **not** live' reflect the "Kesiv" – the *written* version of the word "Lo". However, the "Kri" – the version of the word that is *read* – is spelled differently allowing for a different interpretation of the Pasuk, where Elisha replied, "Go say **to him**, you will surely live".

There are a number of explanations of this episode, which may determine the correct approach to informing a patient of his condition or prognosis. Based on the "Kesiv", it would appear that one should tell a patient the truth. For this reason, Elisha stated categorically "*he will **not** live, as Hashem had revealed to him*". However, the "Kri" would imply that one should not tell a patient the truth – as Elisha stated "*he will live*" – and the Pasuk concludes "**though** Hashem had revealed to him that he would die".

This is also explained by the *Metzudas David* (and *Chomas Anach*) who writes (based on the *Kri*) that Elisha intended to comfort Ben Hadad, and therefore told him that he would survive even though the truth was that he would not.

The *Sefer Chasidim* (154) maintains that even according to the *Kesiv*, Elisha did not tell Ben Hadad himself that he would not survive. Rather, he told him that he would recover *but informed others that he would actually die* (as implied by the *Kri*), so that it shouldn't appear that a prophet of Hashem spoke an untruth.

¹ וַיֹּאמֶר אֵלִישָׁה אֶלִישָׁע לֵךְ אֲמַר-לֵא [לְוָן] חֲזֵה תַחֲנֶה וְהִרְאֵנִי ה' בְּיָמוֹת יָמוֹת: ¹



However, the *Ralbag* contends that the reason that *Elisha* informed *Ben Hadad* that he would live was because if he had told him that he was to die, the people would have said that *Ben Hadad* died of fright and not from his illness. This would have cast aspersions on the veracity of his prophecy. If so, there is no proof from this episode as to the correct approach to informing a patient in general about his medical condition.

The Episode of *Yeshaya* and *Chizkiya*: (*Melachim II 20:1-2*)

When the prophet *Yeshaya* informed King *Chizkiya* that his illness would take his life, he made no effort to soften the blow, telling him in no uncertain terms “*so says Hashem, go home, for you will die and shall not live*”. In fact, the Medrash (*Koheles Rabah 5:4*) relates that *Chizkiya* found the *Yeshaya*’s abruptness disconcerting. “*It is the way of the world*”, he protested “*that when a person visits the sick, he says to him ‘in Heaven they should have mercy on you’, and when the doctor comes to check on him he will leave instructions ‘you should eat such and such and avoid eating such and such, drink this but don’t drink that’. Even if he sees that he is on the cusp of death, he does not say to him ‘go home’ so that he doesn’t become dispirited*”.

Seemingly, in this episode *Yeshaya* adopted the approach of telling a patient the truth, unlike *Elisha* who chose to support and calm *Ben Hadad* by hiding the truth from him².

Perhaps the varying approaches of *Elisha* and *Chizkiya* can be resolved by examining the respective situations that they faced. *Ben Hadad* was in critical condition as implied by his desperate question to *Elisha* “*will I survive this illness?*” Therefore, *Elisha* did not tell him the truth as it would break his heart and there was nothing to be gained by doing so. However, the reaction of *Chizkiya* to the harsh news of *Yeshaya* was positive as he immediately began beseeching Hashem for mercy. Not only that but his Tefilos were answered and he merited another fifteen years of life as a result (*ibid.* 5-6).

Thus, the varying approaches adopted by *Elisha* and *Yeshaya* arose from their respective evaluations of the two patients. Where it was clear that the patient would react to the news by repenting and Davening to Hashem, *Yeshaya* chose to tell him the truth. However, in the case of *Ben Hadad*, *Elisha* estimated that the truth would

² Perhaps the correct approach was that of *Elisha* and *Chizkiya*’s criticism of *Yeshaya* (as related in the Medrash cited above) was justified.



lead to despair and cause him harm. He therefore refrained from telling him the truth.

Therefore, when deciding whether to inform a patient of his condition, it is important to evaluate his ability to tolerate the sensitive news and react positively to it.

Halachic and Medical Opinions

Among the Poskim and medical experts there are several opinions in this matter:

Those who Oppose Making any Revelations to a Patient

The Poskim who rule that one should not inform a patient of his condition offer several reasons for this approach. The first is due to a Gemara in *Horayos* (12a) that states that if a person is due to go on a journey and wishes to know whether he will return safely, he should stand in a slightly darkened house (in which shadows can be detected) and if he can perceive that he has a second, fainter shadow then it is a sign that he will indeed return safely. However, the Gemara dismisses this piece of advice, arguing that if a person does so and does not detect a second shadow "*Chalsha Da'atei u'Misra Mazlei*" – he will become distressed and his Mazal will be affected endangering his life. *Rashi* (s.v. *v'Lav Milsa*) explains that it is possible that a person will return safely even without seeing a second shadow and by his distress he is actually endangering himself.

Based on this Gemara, the *Betzeil haChachma* (2:55) rules that a person with cancer who has not been informed of his diagnosis should not be told, since it is possible for the diagnosis to be mistaken and the patient can be cured. However, if they tell him that he has cancer and he believes that there is no cure, he will become distressed and "*Misra Mazlei*".

Rav Yitzchak Zilberstein *Shlit"a* (*Emek Halacha – Assia* 5746 p163) argued that no proof can be drawn from the Gemara in *Horayos* as it discusses a healthy person who suddenly senses that he may die (when he does not see that he has a second shadow). In such a case, his distress is likely to affect his *Mazal*. However, where a patient is suffering and is unsure as to the cause of his symptoms, it may well be the case (and this is the opinion of many doctors) that being in doubt is worse than the certain news that he has cancer.



The *Betzeil haChachma* continues by citing *Rabbenu Bachye* (*Eikev* 11:13) who emphasizes that “*the power of Tefila is great - it can change nature, save a person from danger, and nullify any decree*”. Therefore, even if there is no known cure for certain diseases, Tefila can help and it behooves everybody to ensure that a patient never despairs from prayer. This may mean hiding the news that he has an incurable disease. Then, he will still hope for salvation and his terrible suffering will help to break his *Yetzer Hara* and he will Daven from the depths of his heart. Perhaps then nature will be overridden and he will miraculously recover.

In light of these words of the *Betzeil haChachma* it is obvious that one should not downplay a person’s illness and inform him that he will soon recover if that isn’t true (or any other such statements that are intended to calm him). Since he is suffering from an incurable disease who knows whether he will merit a miraculous salvation? Therefore, though one should not inform him that his disease is incurable, one should tell him that he is in very serious condition. That way he will redouble his efforts in Tefila, make a reckoning of his deeds and an accounting with Hashem in the depths of his heart. Then, even if he does not survive, G-d forbid, he will have died pure and guiltless and not tainted by sin.

Rav Moshe Feinstein *zt”l* (*Igros Moshe C.M.* 2:73) rules that it is forbidden to tell a patient that he has an incurable terminal illness as it may cause him to go out of his mind.

However, Rav Y. Safran (*Assia* 5747 42-43, p16-23) maintains that Rav Moshe was only discussing a case where the doctors have given up hope and will no longer treat the patient. If they are continuing to treat him, perhaps Rav Moshe would agree that one may inform him.

Some argue (Rav Yavrov in *Kovetz Halacha u’Refua* 5743, p316) that revealing bad news to a patient is a violation of the Pasuk in *Mishley* (10:18) “*u’Motzi Diba Hu Ksil*” – “*somebody who reveals a matter is a fool*”. However, where there is a need to inform the patient about his disease it is certainly not foolish to inform him.

The *Issur* of “*u’Motzi Diba*” can be found in the Halachos of *Avelus* (*Shulchan Aruch Y.D.* 402:12):

“If a person has not received the news that a relative of his has died, there is no obligation to tell him, even if it is his father or mother. Regarding somebody who does so the Pasuk says ‘u’Motzi Diba Hu Ksil’. It is even permitted to invite him to an Eirusin or Chasuna or any other Simcha. However, if he asks, one should not lie to him and tell him that his relative is still alive.”



The source of this Halacha is the Gemara in *Pesachim* (3b):

Rav Kahana was sick. The Chachamim sent R' Yehoshua the son of Rav Idi, saying to him "go and see his (Rav Kahana's) condition". He came and he found that he had died. He tore his garments, but turned (the area of the garment with) the tear to be behind him. He returned to the Chachamim crying. They said to him, "Did he die". He said to them, "I didn't say that, as it says u'Motzi Diba Hu Ksil".

Rav Yitzchak Zilberstein *Shlit"a* sums up the Halacha: In general, it is better to conceal the news from the patient if the knowledge may harm him. If one is certain that it will not cause him harm one should inform him.

Rav Moshe Shternbuch *Shlit"a* (*Teshuvos v'Hanhagos* 1:870) also discusses this issue. He was asked regarding a cancer patient who had pain in his stomach but was not aware of his disease. He asked the doctor to swear to him that it wasn't cancer. The question was whether it was permitted for the doctor to swear falsely that it wasn't:

Doctors in today's day and age have different opinions as to the degree that one should conceal the existence of cancer from a patient. I personally have experienced that when it becomes known to a patient that he has cancer, his condition worsens. For example, there was a certain relative of ours who was told that he was critically ill with cancer. He replied that "he believed in Hashem's salvation" but from that moment on his condition drastically deteriorated and he no longer had the strength to tolerate the pain as he thought that he was nearing the end of his life in any case. I am familiar with many such cases (my esteemed brother in law Rav Yitzchak Shechter z"l worked tirelessly on behalf of the sick and he worked to prevent doctors from revealing diseases to patients, believing that it was Pikuach Nefesh to do so. There are today different opinions amongst doctors in this regard but it appears that certainly, when the patient's disease is in its initial stages one who reveals to him that he has an incurable disease is "spilling blood" without reason).

Therefore, I would say that concealing the information is a matter of Pikuach Nefesh and it would be permitted for a doctor to swear (falsely) to the patient in order to convince him that he does not have a malignant disease. However,



since there are those who rule differently, it is difficult for me to rely on my own judgment and permit a Lo Sa'aseh in the Torah, particularly in the realm of false oaths that are a grave sin.

Therefore, my advice to the doctor in question is to tell the patient that he has a policy never to take an oath, even to tell the truth. However, he is willing to affirm (which does not carry the prohibition of a Lav of an oath) that the patient does not have cancer.

However, there are cases where it is clearly Pikuach Nefesh to reveal the truth and then it would even be permitted to violate the Issur of false oaths. Each case requires consultation with a Rav.

If the patient adjures the doctor to take an oath that he is only telling the truth he shall not swear falsely unless he is certain that without taking the oath the patient will be endangered³.

Partial Disclosure – Depending on the Person and the Circumstances

³ **Regarding “the truth” as an objectively inherent value:** Certainly, the truth is an extremely important value and is one of the cardinal traits of Hashem, His Torah and Mitzvos.

There are three opinions regarding the Mitzva in the Torah of “*Midvar Sheker Tirchak*” – “*from a matter of falsehood you shall distance yourself*” (Shemos 23:7):

The opinion of the *Yereim* (1:235) is that the Torah only forbade falsehood *when it could bring damage to somebody else*.

Rav Yerucham Fishel Perlow (*Hearos Al ha'Rasag*) contends (based on the *Ibn Ezra's* comments on the Pasuk) that the Torah *only forbade judges or witnesses from speaking falsehood* though for anybody else it is still a very distasteful trait (see *Shavuos* 30).

On the other hand, the opinion of the *Sefer Chareidim* (cited by the *Toafos Re'eim* *ibid.* 1) is that there is always a positive Mitzva to speak the truth and that it is forbidden to lie, even when it won't cause damage to anybody.

The *Chazon Ish* (*Emuna uBitachon* 4:13) similarly maintains that the prohibition of speaking falsehood applies even when it will not cause hurt and only embellishes a tale or a relating of events.

Rabbenu Yona (*Sefer haYira*) writes that “*one should be extremely careful not to falsify, even regarding matters that are unimportant as it is a Chilul Hashem*”. In *Sha'arey Teshuva* (3:186) he rules that it is forbidden to lie, even in matters where the lie will not cause a loss.

Rav Moshe Feinstein *zt"l* (*Igros Moshe C.M.* 2:30) also proves that it is forbidden to lie even when no damage will occur. Falsehood is only permitted when it is necessary to sustain Torah law (“*bitula zo hi kiyuma*”).

By Torah law, speaking the truth is not always a definitive value, and under certain conditions that place the value of speaking the truth against another value (such as a person's life, peace etc.) it is permitted to pervert the truth.

For example, it is permitted and is even a Mitzva to alter one's words for the sake of peace.

The Gemara (*Yevamos* 50b) gives several examples of this.

There are also several other examples in Halacha where it is permitted to lie (see *Brachos* 4a) and certainly, in cases of *Pikuach Nefesh*, it is even permitted to sign on a false document (*Kesubos* 19a).



Professor Shimon Glick (cited in *Assia* 3, p336-340) and Professor Avraham S. Avraham (in his *Sefer Nishmas Avraham Y.D.* 338:3) are two senior, Torah-observant doctors. They have studied this topic in great depth and concluded that according to the facts that are available today, there are many cases where being informed of the truth is helpful to the patient whereas concealing it from him causes him harm. Professor Avraham therefore gives the following guidelines:

1. Patients with serious illnesses but their lives can be extended by treatment and potentially may even be cured should be told the truth if the assessment is that it will help them deal with their situation and cooperate with their treatment. In such cases, one should first reveal it to their closest family members and only then, together with the family, reveal it to the patient himself while encouraging him and giving him hope.
2. Patients with terminal conditions that are no longer amenable to treatment (all that is available to them is pain relief and amelioration of other symptoms) should not be informed of their condition. Only their close family should be told.
3. Patients who have exhausted all treatment options and are likely to die any minute should be instructed to recite *Viduy*. However, it appears that this is not the custom.

In summation, Rav Y. Safran (*Assia* 42-43, 5747, p16-23, as summarized by the *Encyclopedia Hilchatit, Hilchos Refua, Erech "Giluy Meida l'Choleh"*) concluded:

Since, from the Halachic perspective, the question as to whether to tell a patient the truth or not is dependent on what is best for him, it follows that we cannot give a clear-cut rule. Rather, each case should be judged for itself – what will be the correct thing for each patient? However, it is certain that one should not tell a patient that his diseases or suffering are a punishment for his sins as did the friends of *Iyov*.

We should point out that the majority of the *Teshuvos* on this topic were written with the understanding that revealing information to a patient is categorically harmful. However, there is no actual Halachic or scientific proof that this is the case. Rather, it all depends on the facts of each case, place and period. In some cases, telling the patient the truth is better.

Today, it is generally accepted to evaluate a patient at the time of initial diagnosis and to determine how much to tell him in the course of his treatment. Each decision



is thoroughly unique to each individual patient, his feelings, his mind, and his cultural background.

Therefore, one should not make general rules such as creating a policy to “*always inform the patient*” (as is the case in America for various reasons) or “*never to inform him*” (as would appear to be the conclusion of various *Teshuvos* on the subject). Rather, each patient should be judged separately.

This idea is similar to that of a Dayan who is expected to judge in a manner of “*Emes la'Amito*”. This means that when issuing his rulings, he must take into account the time, place, and people involved so that his ruling is appropriate for the situation. If he doesn't, even if his ruling is “*Emes*”, it may not be “*Emes la'Amito*”.

This would also appear to be the distinction between the cases of *Chizkiya* and *Yeshaya* and that of *Elisha* and *Ben Hadad*. In the case of *Chizkiya*, Hashem determined that knowing the truth would be to his benefit – and indeed so it proved as he reacted with *Tefila* and *Teshuva* and merited several more years of life. Regarding *Ben Hadad*, *Elisha* estimated that knowing the truth would harm him and therefore he did not tell him that he would not survive.

Therefore, it seems reasonable to say, that the Halachic approach should also be tailored to the time and place. In cases where knowing the truth will be helpful to a patient, he should be informed of his condition. Where the knowledge will only increase his fear, he should not be informed. Each case should be judged separately and individually.

Similarly, while there may be times where one needs to inform a patient that his state is critical, one should never bring him to despair and to a state of hopelessness. It has been proven scientifically that depression and hopelessness weaken the body's immune response.

We will conclude by relating two relatively recent cases (cited by Rav Yitzchak Zilberstein *Shlit"a* in *Kovetz Ateres Shlomo* p108) that portray how in this area, each person should be evaluated individually:

1. When the Rosh Yeshiva of Slabodka – haGaon Rav Eizik Sher *zt"l* – passed away, they concealed the information from his wife who was ill at the time. They posted a sign on her door warning people to be careful not to reveal to



her what had happened. Her family kept the information secret until the day she died.

2. When the wife of Rav Shlomo Zalman Auerbach zt"l passed away, he went to inform his mother-in-law about the death of her daughter despite her advanced years. Others were concerned for her health and were nervous about giving her the news but Rav Shlomo Zalman maintained that "*Hashem gives people the strength to accept his decrees and he is the father of life and master of all. When he takes a soul from the world, he gives strength to others to accept his decree.*" Rav Shlomo Zalman's decision to inform her was predicated upon concerns that his mother-in-law would be told of her daughter's passing in a sudden or non-thoughtful manner and that she would ultimately find out the news regardless.

When discussing this matter with Dr. Michael Zelefsky, he told us about a question that was referred to Rav Elyashiv zt"l regarding an elderly cancer patient. Due to his overall medical state, the doctors felt that it was impossible to treat him with chemotherapy. The question was whether the doctor obligated to inform him that she had cancer? Rav Elyashiv answered that since they were greatly concerned that the knowledge would cause the patient great pain and lower his mood, there was no obligation to tell him.

However, as stated, each case should be judged individually. On another occasion, Dr Zelefsky asked *ha'Gaon* Rav Asher Weiss *Shlit"a* regarding a cancer patient who had in the past suffered from depression. There was a treatment available for his disease but the question was whether they should inform him at all considering his previous battles with depression. Rav Asher ruled that the information should not be kept from the patient despite the possible repercussions.