

# End of Life Issues – Jewish Attitudes and Texts

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- 1) Biblical image of “perfect death” -
  - a) by a Divine Kiss – Avot/patriarchs and Miriam
  - b) patriarch gathers and addresses descendants re his death, burial and their future

### Genesis 49:1,2,28-33:

And Jacob called his sons and said, “Come together that I may tell you what is to befall you in days to come. 2 Assemble and hearken, O sons of Jacob; Hearken to Israel your father.... 28 All these were the tribes of Israel, twelve in number, and this is what their father said to them as he bade them farewell, addressing to each a parting word appropriate to him. 29 Then he instructed them, saying to them, “I am about to be gathered to my kin. Bury me with my fathers in the cave which is in the field of Ephron the Hittite, 30 the cave which is in the field of Machpelah, facing Mamre, in the land of Canaan, the field that Abraham bought from Ephron the Hittite for a burial site—31 there Abraham and his wife Sarah were buried; there Isaac and his wife Rebekah were buried; and there I buried Leah.... 33 When Jacob finished his instructions to his sons, he drew his feet into the bed and, breathing his last, he was gathered to his people.

2) Facts: all want to die at home but only 15% do

SUPPORT = The Study to Understand Prognoses and Preferences for Otcomes and Risks of Treatment (SUPPORT; JAMA 1995)

- Americans die in hospitals (75%)
- Half with ICU care
- Average length of stay: 20 days
- Pain in the final week of life
  
- 9105 hospitalized patients 9 life threatening diagnoses
- Overall 6 month mortality 47%
- Half DNRs written 48 hrs prior to death
- Half of patients who died spent more than 10 days in ICU
- Moderate to severe pain > 50% of time

3) What is a good death? (Taylor; Zucker)

3 elements of a "Good Death":

- a) physical suffering and pain
- b) emotional and psychological angst  
both have been relieved or controlled, sufficiently
- c) Leave-taking with loved ones; makes amends with "enemies"/others, as needed

Bad death - where neither is accomplished

Sad death - where physical "preparations" are successfully accomplished and leave-taking not (parties deceased, unavailable or - in worst case - others refuse to make amends)

4) But in Judaism, is there a "Good" death?

The arguments against this notion are:

- a) Theological: Image of God = Creator; life is vital; it is the ultimate value
- b) Halakhaic
  - 1. "Pikuah nefesh" trumps everything

Mishnah Yoma 82a

If a woman smelled [a food on Yom Kippur has she has a ravenous desire to eat], she must be given to eat until she feels restored. A sick person is fed at the word of experts, and if not experts are there, one feeds him at his own with until he says, "enough."

Talmud, ad loc.

If a woman with child smelled the flesh of holy flesh, or of pork, we put for her a reed into the juice and place it upon her mouth. If thereupon she feels that her craving has been satisfied, it is well. If not, one feeds her with the juice itself...if not, one feeds her with the fat meat itself, for there is nothing that can stand before [the duty of] saving life, with the exception of idolatry, incest and bloodshed.

2. "Hayei sh'ah": even a brief passage of life is vital;

Yoma 85a: Mishnah: "If we find him alive, we make all efforts to save him."

Talmud: "If we find..." - this is obvious! Rather, this means that [we make all efforts to save him, even violating Shabbat, to allow him/her to live] for even a brief period of life.

### 3. "Pikuah nefesh" to sustain vital emotional well-being

Shabbat 128b

Mishnah: ...we may deliver a woman on the Sabbath, summon a midwife for her from place to place, desecrate the Sabbath on her account....

Talmud: ...the following taught by the Rabbis: If she needs a lamp, her neighbor may kindle a lamp for her. And if she needs oil, her neighbor brings her oil.... That is obvious? This is necessary [to be taught] only in the case of a blind [woman]; you might argue, since she cannot see it, it is forbidden; hence he informs us that we tranquilize her mind, [as] she reasons, if there is anything [required] my friend will see it and do it for me.

### 4. "Goses" – moribund state [which is medically unidentifiable]

Minor Tractate *Semahot* ("Mourning"; chapter one):

A dying man is considered the same as a living man in every respect.... His jays may not be bound, nor his orifices stopped.... He may not be stirred, nor may he be washed...until the moment he dies.... Whosoever touches him or stirs him sheds blood. Rabbi Meir used to compare a dying man to a flickering lamp; the moment one touches it he puts it out.

## 5) Other Talmudic/midrashic opinions

### a) May One Pray for Death?

Talmud, Nedarim 40a:

When R. Dimi came (from Palestine to Babylonia) he said: "Whoever visits the sick causes him to live, and whoever does not, causes him to die." How does one 'cause' this? Does this mean that whoever visits the sick will seek mercy (pray) that he may live, and whoever does not, will seek mercy (pray) that he should die? — 'that he should die!' can you really think so? But [it must mean:] He who does not visit the sick will not ask mercy (pray) neither that he should live nor die.

B) Rabeinu Nissim (Spain; 13<sup>th</sup> century; Commentary to Nedarim 40a)

To: "He who does not visit the sick will not ask mercy (pray) neither that he should live nor die." It seems to me that this means that in some instances, one must ask mercy [pray] on behalf of the sick that

he die, such as when he is severely pained by his illness [i.e., intractable pain] and it is [also clear that it is] impossible for him to live [i.e., survive, or live for a long period]. This is what we learn from [Talmud] Ketuvot 104a (see below).

Because of this, it is stated here that one who [actually] visits the sick, helps him live with his prayer because it is a more effective prayer; whereas one who doesn't visit, not only he doesn't help him live; but where there would be an advantage for him to die [as in the case when he suffers from intractable pain and an incurable illness], he doesn't even grant him that minimal benefit.

#### C) The Death of Rabbi Judah: the Maid versus the Sages Talmud, Ketuvot 104a

On the day when Rabbi died the Rabbis decreed a public fast and offered prayers for heavenly mercy. They, furthermore, announced that whoever said that Rabbi was dead would be stabbed with a sword.

Rabbi's handmaid ascended the roof and prayed: "The immortals (angels) desire Rabbi [to join them] and the mortals desire Rabbi [to remain with them]; may it be the will [of God] that the mortals may overpower the immortals." When, however, she saw how often he resorted to the privy (he suffered from acute and severe diarrhea; see Talmud Bava M'zia 85a), painfully taking off his tefillin (phylacteries which cannot be worn when one is incontinent) and putting them on again, she prayed: "May it be the will [of the Almighty] that the immortals may overpower the mortals."

As the Rabbis incessantly continued their prayers for [heavenly] mercy she took up a jar and threw it down from the roof to the ground. [For a moment] they ceased praying and the soul of Rabbi departed to its eternal rest.

#### D) Midrash Yelamdeinu: Yalkut Shimoni to Proverbs 8:34-35

"Happy is the man who listens to Me,  
Coming early to My gates each day,  
Waiting outside My doors.  
For he who finds Me finds life  
And obtains favor from the Lord.  
But he who misses Me destroys himself;  
All who hate Me love death."

[This is about] an old woman who became very aged. She came before Rabbi Yosi Ben Halafta and said to him, "Rabbi, I have [lived

until] I have become too old. At this point, [my] life has deteriorated. I have no taste for food or drink. I wish to be free from the world.”

He said to her, “On what account have you lived so long?”

She said to him, “I have been accustomed that, even if I have some vital matter to attend to, I set it aside and rise up early and attend the synagogue each day.”

He said to her, “Restrain yourself and do not attend the synagogue for three consecutive days.”

She went and she did so, and on the third day she took ill and died.

Thus Solomon (the traditional author of Proverbs) said [in Proverbs 8:34-35], “Happy is the man who listens to me, coming early to My gates each day....” What is said following that? “For he who finds Me finds life....”

