

**Death With Dignity?: A Very Basic Introduction to End of Life Issues in Judaism**  
Rabbi Rachel M. Isaacs, Beth Israel Congregation, Waterville Maine

**Babylonian Talmud: Ketubot 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<sup>2</sup> ascended the roof and prayed: 'The immortals<sup>3</sup> desire Rabbi [to join them] and the mortals<sup>4</sup> 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,<sup>5</sup> painfully taking off his tefillin<sup>6</sup> 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<sup>7</sup> 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<sup>8</sup> and the soul of Rabbi departed to its eternal rest.<sup>9</sup> 'Go', said the Rabbis to Bar Kappara, 'and investigate'.<sup>10</sup> He went and, finding that [Rabbi] was dead, he tore his cloak and turned the tear backwards. [On returning to the Rabbis] he began: 'The angels<sup>11</sup> and the mortals<sup>12</sup> have taken hold of the holy ark.<sup>13</sup> The angels overpowered the mortals and the holy ark has been captured'. 'Has he', they asked him, 'gone to his eternal rest?' — 'You', he replied, 'said it; I did not say it'.

Rabbi, at the time of his passing, raised his ten fingers towards heaven<sup>14</sup> and said: 'Sovereign of the Universe, it is revealed and known to you that I have laboured in the study of the Torah with my ten fingers and that I did not enjoy [any worldly] benefits even with my little finger. May it be Thy will that there be peace In my [Jast] resting place'. A bath kol<sup>15</sup> echoed, announcing, He shall enter into peace; they shall rest on their beds.<sup>16</sup>

דמדליא ובסוים אוירא ההוא יומא דנח נפשיה  
דרבי גורו רבנן תעניתא ובעו רחמי ואמרי כל  
מאן דאמר נח נפשיה דר' ידקר בחרב סליקא  
אמתיה דרבי לאיגרא אמרה עליוני' מבקשין  
את רבי והתחונני' מבקשין את רבי יהי רצון  
שיכופו תחתונים את העליונים כיון דחזאי  
כמה זימני דעייל לבית הכסא וחליץ תפילין  
ומנח להו וקמצמער אמרה יהי רצון שיכופו  
עליונים את התחוננים ולא הוו שתקי רבנן  
מלמובעי רחמי שקלה כוזא שדייא מאיגרא  
[לארעא] אישתיקו מרחמי ונח נפשיה דרבי  
אמרו ליה רבנן לבר קפרא זיל עיין אול  
אשכחיה דנח נפשיה קרעיה ללבושיה  
ואהדריה לקרעיה לאחוריה פתח ואמר  
אראלים ומצוקים אחו בארון הקדש נצחו  
אראלים את המצוקים ונשבה ארון הקדש  
אמרו ליה נח נפשיה אמר להו אתון קאמרתו  
ואנא לא קאמינא בשעת פטירתו של רבי  
זקף עשר אצבעותיו כלפי מעלה אמר רבש"ע  
גלוי וידוע לפניך שיגעתי בעשר אצבעותי  
בתורה ולא נהניתי אפילו באצבע קטנה יהי  
רצון מלפניך שיהא שלום במנוחתה יצתה  
ב"ק ואמרה יבא שלום ינחו על משכבתם  
על משכבך מיבעי ליה מסייע ליה לר' חייא

## Babylonian Talmud: Shabbat 151b

MISHNAH. ONE MAY NOT CLOSE [THE EYES OF] A CORPSE ON THE SABBATH, NOR ON WEEKDAYS WHEN HE IS ABOUT TO DIE, AND HE WHO CLOSES THE EYES [OF A DYING PERSON] AT THE POINT OF DEATH IS A MURDERER.

GEMARA. Our Rabbis taught: He who closes [the eyes of a dying man] at the point of death is a murderer. This may be compared to a lamp that is going out: If a man places his finger upon it, it is immediately extinguished. It was taught, R. Simeon b. Gamaliel said: If one desires that a dead man's eyes should close, let him blow wine into his nostrils and apply oil between his two eyelids and hold his two big toes; then they close of their own accord.

It was taught, R. Simeon b. Gamaliel said: For a day-old infant the Sabbath is desecrated; for David, King of Israel, dead, the Sabbath must not be desecrated. 'For a day-old infant the Sabbath is desecrated': the Torah ordered, Desecrate one Sabbath on his account so that he may keep many Sabbaths. 'For David, King of Israel, dead, the Sabbath must not be desecrated': Once man dies he is free from [all] obligations, and thus R. Johanan interpreted: Among the dead I am free: once a man is dead he is free from religious duties. It was further taught, R. Simeon b. Eleazar said: A day-old infant, alive, need not be guarded from weasels or mice, but Og, king of Bashan, dead, needs guarding from weasels and mice, as it is said, and the fear of you and the dread of you shall be upon every beast of the earth: as long as a man is alive, his fear lies upon dumb creatures; once he dies his fear ceases. R. Papa said: We hold [as tradition] that a lion does not attack two persons [together]. But we see that it does? — That is [explained] as Rami b. Abba. For Rami b. Abba said: A beast has no power over man until it appears to it as an animal, for it is said, Man that is in honor, and understands not, is like the beasts that perish.

א"ר י"ו ושע לאחר שלשה ימים כריסו נבקעת  
פג  
ונפלת לו על פניו ואומרת לו טול מה שנתת בי: **מתני'** אין מעצמין את המת בשבת ולא בחול עם יציאת נפש והמעצים עם יציאת הנפש הרי זה שופך דמים זה שופך דמים: **גמ'** תנו רבנן המעצמו עם יציאת הנפש הרי זה שופך דמים משל לנר שכבה והולכת אדם מניח אצבעו עליה מיד כבתה תניא רשב"ג אומר הרוצה שיתעצמו עיניו של מת נופח לו יין בחוטמו ונותן שמן בין ריסי עיניו ואוחז בשני גודלי רגליו והן מתעצמין מאליהן תניא רשב"ג אומר תינוק בן יומו חי מחללין עליו את השבת דוד מלך ישראל מת אין מחללין עליו את השבת תינוק בן יומו חי מחללין עליו את השבת אמרה תורה חלל עליו שבת אחד כדי שישמור שבתות הרבה דוד מלך ישראל מת אין מחללין עליו כיון שמת אדם בטל מן המצוות והיינו "דא"ר יוחנן במתים חפשי כיון שמת אדם נעשה חפשי מן המצוות ותניא ר' שמעון בן אלעזר אומר תינוק בן יומו חי אין צריך לשומרו מן החולדה ומן העכברים אבל עוג מלך הבשן מת צריך לשומרו מן החולדה ומן העכברים שנאמר יומוראכם והתכם יהיה כל זמן שאדם חי אימתו מוטלת על הבריות כיון שמת בטלה אימתו אמר רב פפא נקיטינן אריה אבי תרי לא נפיל הא קא הוינן דנפיל ההוא כדרמי בר אבא דאמר רמי בר אבא אין חיה שולטת באדם עד שנדמה לו כבהמה שנאמר אדם ביקר בל ילין נמשל כבהמות נדמו אמר רבי חנינא אסור לישן בבית יחידי וכל הישן בבית יחידי אחותו לילית ותניא רשב"א אומר

## STATEMENT ON ASSISTED SUICIDE

*This paper was approved by the CJLS on March 12, 1997, by a vote of seventeen in favor, one opposed, and two abstaining (17-1-2). Voting in favor: Rabbis Kassel Abelson, Ben Zion Bergman, Elliot N. Dorff, Samuel Frain, Baruch Frydman-Kohl, Nechama D. Goldberg, Arnold M. Goodman, Judah Kogen, Vernon H. Kurtz, Alan B. Lucas, Aaron L. Mackler, Lionel E. Moses, Mayer Rabinowitz, Joel E. Rembaum, Avram Israel Reisner, Joel Roth, and Elie Kaplan Spitz. Voting against: Rabbi Gordon Tucker. Abstaining: Rabbis Shoshana Gelfand and Paul Plotkin.*

*The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.*

Since God infuses each human life with inherent meaning by creating each of us in the divine image, thereby guaranteeing ultimate value regardless of a person's abilities or quality of life; and

Since Judaism views life as sacred and understands human beings to have life on trust from God; and

Since God's creation and ownership of our bodies puts the decision of when life is to end in God's hands; and

Since we nonetheless have both the right and the duty to seek to cure, to relieve pain, and to provide comfort care, including social, emotional, and psychological support to all who are ill; and

Since current efforts to rein in costs for medical care threaten to transform any permission to aid a suicide into a perceived duty to commit suicide, shifting the burden of proof to the one who wants to remain alive;

The Conservative movement's Committee on Jewish Law and Standards has adopted a rabbinic ruling (תשובה) by Rabbi Elliot N. Dorff affirming that:

1. Suicide is a violation of Jewish law and of the sacred trust of our lives given us by God.
2. Assisting a suicide is also a violation of Jewish law and God's sacred trust of life. No human being may take his or her own life, ask others to help them do so, or assist in such an effort.
3. Patients and their care givers nevertheless have the tradition's permission to withhold or withdraw impediments to the natural process of dying, as described in two responsa by Rabbis Elliot N. Dorff and Avram Israel Reisner, previously adopted by the Committee and published in the Spring 1991 edition of the jour-

nal, *Conservative Judaism*, and as applied in the Committee's *Medical Directive for Health Care*, written by Rabbi Aaron L. Mackler on the basis of those responsa.

4. Physicians must assure that patients are given sufficient pain medication as part of their duty to provide medical care, as mandated in Jewish law.
5. In the context of nuclear families, divorce and far-flung families, the mitzvah of ביקור חולים (visiting the sick) becomes all the more imperative in our day that it was in times past to counteract the loneliness that terminally ill patients often face. Individual Jews and synagogues should see this as an important priority of their Jewish commitment.
6. Requests for assistance in suicide are often an expression of the patient's extreme suffering, despair, psychiatric depression and loneliness. The Jewish tradition bids us to express our compassion in ways that effectively respond to the patient's suffering while adhering to our mandate to respect the divine trust of life. Among such options is final care at home with the help of palliative ministrations, including hospice care, to provide the social and emotional support severely sick people need. The approach of death can provide an opportunity for the patient, family and friends to have meaningful closure and final reconciliation.

EDITORS' NOTE: A "Resolution on Assisted Suicide" reflecting the language of the above statement was adopted by the Ninety-Eighth Rabbinical Assembly Convention in Jerusalem in 1998. See Proceedings of the Rabbinical Assembly 60 (1998): 290-291 (English), 298-299 (Hebrew).

### **Halachic Vocabulary**

**גוסס** – *Goses* is a person who is on their death bed / 2 to 3 days<sup>1</sup>. It is like he is alive in all ways חי לכל דבר. Subject to יבום - You can't do to a גוסס what you would do to a מת. A גוסס is a person who is actively dying (death rattle, throaty breathing.) Change in level of consciousness, breathing, urinary output – it is clear when this stage approaches. It can be from a few hours to a few days.

Reisner expands the definition in order to justify the cutting off of nutrition/ventilator, etc. Many people are never גוססים (heart attack, etc.)

**טריפה**. *treifah* is someone who has suffered a wound or injury that was known would kill them within a year. These people could be walking around in the shuk and look alive. Someone who kills a טריפה is not subject to the death penalty. He is considered like someone who is already dead. This is the category we should apply to people on life support/terminal illness. Indeed their blood is less red than the blood of others. From this point, we get the permission to stop tube feedings, etc.

**מת** – a *met* is a person who is completely dead. In all *halachic*, they are referred to from this point forward as a *met*.

<p><b>8. R. Isaac Alfasi (RIF) to Mosed Katan (16b)</b>  <i>A beraita</i> from the collection <i>Avel Rabbati</i>:          One who is <i>goses</i> –          he is like one who is alive for all matters.          They must not tie his cheeks          and they must not stop up his orifices          and they must not place metal utensils          or cold utensils on his abdomen          until the time that he dies . . .          And they must not anoint him          and they must not rinse him          and they must not lower him onto sand          and not onto salt          until he dies.          And they must not close his eyes  <u>and one who touches him – he is indeed a          bloodshedder.</u>          To what is this matter similar?          To a flickering candle  <u>that when a person touches it –</u>  <u>[immediately] it extinguishes.</u></p>	<p><b>רי"ף ורא"ש למו"ק טז:</b>          תניא ב אבל רבתי          הגוסס          הרי הוא כחי לכל דבר          אין קושרין לחייו          ואין פוקקין את נקביו          ואין מניחין כלי מתכות          וכלי מיקר על טבורו          עד שעה שימות          ואין סכין אותו          ואין מדיחין אותו          ואין מטילין אותו על החול ולא על גבי המלח          עד שימות          ואין מעמצין את עיניו  <u>והנוגע בו הרי זה שופך דמים</u>          למה הדבר דומה          לנר המטפטף  <u>שכיון שנוגע בו אדם [מיד] נכבה</u></p>
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<http://www.dafyomi.co.il/kesuvos/halachah/ks-hl-104.htm>

**i. Gilyon Maharsha:** Beis Yakov forbids to prevent death through Pu'ah (rubia). Shevus Yakov disagrees, for a skilled doctor is surely allowed to prolong life. We may Mechalel Shabbos even to extend life for a short time!

**ii. Aruch ha'Shulchan (5):** A healthy person may prepare shrouds for himself. A dangerously sick person may not, for this is like a suggestion to the Satan.

**2. Rema:** Some say that we may not dig a grave for him even outside the house until he dies. One may not dig any grave if a Mes will not be buried in it that day; this is dangerous. One may not cause the person to die quickly, e.g. if he was Goses a long time and cannot die, one may not remove the pillow and blanket underneath because they say that feathers of certain birds cause this. One may not move him or put the keys of the Beis ha'Keneses under his head in order that he die. However, if something is preventing death, e.g. someone is chopping wood nearby and it is heard in the house, or there is salt on his tongue, one may remove it. This is not an act, it is merely removing the obstacle

<sup>i</sup> [that period comes from a discussion in the Talmud related to a shaliach delivering a get, if it is permissible to give the get to a woman being divorced. If it is known that the husband was a גוסס and it is 3 days later, it is assumed he's already died, and therefore, don't need to deliver the get. (Gittin 17)