

# When prayer meets **SUFFERING**

An exploration of whether one may pray for the death of a terminally ill patient **BY DAYAN GIDON FOX**



*This article is intended as the first in a series of informative articles regarding Halacha and the Torah's view to critical medical decision making. As with all such discussions, no Halachic ruling should be undertaken without consultation with a competent Halachic authority, and naturally in consultation with competent medical practitioners.*

**THE SCENARIO IS TRAGICALLY ONE WHICH IS ALL** too familiar: a relative who has taken ill, with the doctors holding out little to no hope of recovery. The journey is a painful one for the patient, traumatic and destabilising for the family, as well as friends. Prayers are said for days, then weeks, then months, and sometimes even years. The question then begs ask-

ing: is there a time to stop praying, or perhaps even to pray for the person to pass away and be taken out of their misery and suffering? In short, can one pray for a patient to die?

As with any matter pertaining to life, we look to the Talmud as a first point of call and as a guide as to what Halacha and the Torah would say.

There is a fascinating discussion in the Talmud<sup>1</sup> which revolves around a statement made by Rav Dimi. He said: "Whoever visits the sick causes them to live, and whoever does not visit the sick causes them to die." In trying to understand the causation, the Talmud comes to the conclusion that Rav Dimi is saying that whoever does not visit the sick does not pray for Hashem's mercy that the patient should "live or die". From this Talmudic conclusion, the Ran<sup>2</sup> (ad loc.) rules that "at times one needs to pray for Hashem's compassion that the patient should die, such as when the patient is suffering terribly and cannot be cured".

To support this position, he cites the famous episode of the last hours of Rabbi Yehuda HaNasi, known as Rebbi, the author of the Mishnah. The Talmud<sup>3</sup> relates that on the day of Rebbi's passing, his students prayed fervently for his wellbeing and were indeed preventing his passing. Upon seeing this, his faithful maidservant, who had served the great Rebbi for many years, said: "The upper realms are asking for Rebbi; the lower realms are asking for Rebbi." Upon seeing how Rebbi was suffering, she added, "May it be Hashem's will that the upper realms should compel (vanquish) the lower realms" – that he should die.

It is clear, therefore, that the Ran is of the opinion that when there is no hope, praying for the death of the patient is an appropriate request, citing the episode of Rebbi as proof.

It is, however, noteworthy that this position of the Ran is not held by other authorities and finds no expression in the primary text of Jewish law, namely the Code of Jewish Law. It is mentioned in the famous codex known as the Aruch HaShulchan<sup>4</sup>, where he rules, based on the Ran, that “at times one must pray that the patient should die, such as when they have terrible suffering and it is impossible for the patient to survive”.

The earliest halachic discussion on this question (which I have been able to find) is in Responsa Chikkekei Lev<sup>5</sup>. In it, he was asked regarding a woman who had been suffering for many years, had been bedridden for all that time, and for whom no doctors could find any cure. She simply wished to die. She wanted her husband and children to pray that she be taken out of her misery and die, and the Chikkekei Lev was asked whether this was permitted. After citing the Talmudic sources mentioned, he suggests a compromise resolution. In the case at hand, where the patient herself is begging to be released from her suffering, one may indeed pray that she die. However, the Chikkekei Lev makes it clear that while others may pray for her to die, her family may not.

His reasoning, in my words and interpretation, is that the family may have other reasons for acquiescing to her request. To be blunt, they may find her state “disruptive” to their lives. The family may be waiting for an inheritance, along with any other array of human frailties that could become part of the calculus. In other words, the family may not be praying purely with the patient’s best interests at heart; there may indeed be a mingling of personal preference as well.

In citing this responsum, the Tzitz Eliezer<sup>6</sup> remains un-swayed. Apart from noting the general reticence of the

Chikkekei Lev to arrive at this conclusion, he takes exception to the Talmudic sources generally relied upon. He notes that while the maidservant of Rebbi may have prayed for his demise, his trusted and devoted students did not – all of them were praying for him to remain alive. “Why rely on what the maidservant did? Rely on what the Rabbis did!” posits the Tzitz Eliezer, unless one makes a distinction by saying that a stranger – the maidservant – may ask for the person to die, but not the children, or the students who are called children. Though he raises other objections, the outcome, as far as the Tzitz Eliezer is concerned, is that one may not pray for someone to die.

However, his opinion does not seem to be accepted by all. In a famous responsum on medical halacha<sup>7</sup>, Rabbi Moshe Feinstein (1895–1986) learns from the episode of the passing of Rebbi that indeed there are occasions when a person is suffering terribly, no medicine can cure or alleviate the pain, and all prayers for healing have gone unanswered, that one should pray that they pass away — just as the maidservant, who was very knowledgeable in Torah, having served Rebbi all those years, in fact did.

It would appear, therefore, that Reb Moshe sets the criteria necessary in order to be able to pray for someone to die. When and if those criteria are met, Reb Moshe would support such prayers.

Notwithstanding all the above, however, it may well be that the sources cited in the Talmud cannot be applied to us. The students of Rebbi were indeed great people. Consequently, their prayers, said with integrity, devotion, and piety, would certainly have been answered immediately if indeed there was a chance of them being answered. When Rebbi was not getting better, nor was his suffering eased, despite the prayers of these righteous students, it

was clear what Hashem’s answer was: no. As such, the alternative prayer was able to be said by the maidservant, with no objection registered in the Talmud by the venerable students.

We, on the other hand, cannot assume that once we have offered our prayer it will immediately be answered, yes or no. Consequently, when we pray for the person to get better and nothing has changed, it may simply mean that our prayers have not yet been answered. With a little more kavanah, intent, fervour, and purity, perhaps those prayers will indeed be answered. Thus, to equate our prayers with those of the students of Rebbi would be presumptuous in the extreme.

In his responsa Teshuvos VeHanha-gos<sup>8</sup>, Rabbi Shternbuch shlita offers a thoughtful solution to this vexed question. He too is uncomfortable with people praying that someone should die. Instead, based also on his interpretation of the Talmudic passage regarding Rebbi, he suggests that in such a dire situation one should simply pray that Hashem’s will be fulfilled without causing further suffering to the patient. Whether Hashem’s will is that the patient survive or, G-d forbid, die, may it be without any further suffering.

It is the view of this author that the above suggestion is an appropriate one, and where all medical hope for a cure has been exhausted, such a prayer would be the appropriate thing to pray for. We hope and pray that Hashem remove all pain and suffering from His people. **■**

<sup>1</sup>Nedarim 40a

<sup>2</sup>Rabbi Nissim of Girona (1320 – 1376)

<sup>3</sup>Kettubot 104a

<sup>4</sup>Yoreh Deah 335:3

<sup>5</sup>By Rabbi Chaim Palagi (1788 – 1868) Yoreh Deah 50

<sup>6</sup>By Rabbi Eliezer Yehuda Waldenberg (1915 – 2006) Volume 5, Ramat Rachel Chapter 5

<sup>7</sup>Igros Moshe Choshen Mishpat 2:73

<sup>8</sup>2:738



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