



Mortality

by Shlomo Brody

I

Seven million people worldwide have died from COVID-19. That's a shocking number to contemplate, especially because this cause of death was unknown only four years ago. Just as we were recuperating from this trauma, Hamas attacked Israel, killing the greatest number of Jews in one day since the Holocaust. It's important to remember what these shocking events force us to confront: our mortality. Humans die. And not just any humans. Our parents, our siblings, our rabbis, our children, our neighbors, our friends, ourselves. We are mortal.

Before COVID, we had grown accustomed to the idea of an ever-expanding life expectancy and treated death as an event belonging to the elderly, who died in sterile hospital wards. Suddenly, we were worrying that an invisible virus would enter our lungs and bring about our rapid demise. It was a reminder that death can happen, at any moment, to any one of us. The plague found a way to get to all of us. "For death has climbed through our windows, Has entered our fortresses, To cut off babes from the streets, Young men from the squares" (Jer. 9:20). As our prophets teach, even when we feel young, strong, and impenetrable, the Angel of Death can find us. Perhaps we errantly thought that this message only applied in the pre-modern era when life

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expectancies were much shorter. The pandemic, and now 10/7 and the ensuing war, force all of us to recognize the frailty of life.

Even before the pandemic, we confronted dilemmas we did not like facing, as individuals and as a society. Many of these were questions of health policy: Who has priority for accessing life-saving interventions, like ventilators and vaccines? Who should be making decisions regarding end-of-life care? These timely dilemmas were compounded by a more timeless question: What does life mean when it is so fleeting?

Judaism has well-known mechanisms for handling what happens after a person dies. We have *chevrai kadisha* (burial societies), funeral homes and burial rituals, customs like the shiva and shloshim mourning periods, and communal groups offering

bereavement support. Less developed are our techniques to confront our transience during life, i.e., the knowledge that life is fleeting and how that impacts the way we live our lives. There's a good reason for this. Mourning follows a definitive moment—death—and therefore allows for a planned

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process. Mortality, in contrast, is a state of being, not a moment. We might die today, but experience tells us that's not likely. Death is unpredictable. Why prepare for the unexpected when you can't really plan for it anyway?

Yet Kohelet (Ecclesiastes) teaches us that a healthy conception of mortality is critical to living more meaningful lives: “Do not overdo wickedness, and don't be a fool, for you may die before your time” (7:17). We don't know when we'll die, but we do know that a life of vice (i.e., wickedness and foolishness) will blemish the only thing that we can genuinely control: our good name. This is our only true legacy. As Kohelet further teaches, “A good name is better than fragrant oil” (7:1). The Sages explained why: High-quality oils (a symbol for all material goods) are luxuries bought by the rich that are greatly valued but bring only temporary joy. These pleasures and any of their remnants are fleeting. A good name, in contrast, can be acquired by the rich and poor alike and stays with us in both life and death. A virtuous life, as such, is the better investment that can be attained by all (Ecclesiastes Rabba, 7:1). In this vein, Kohelet adds, “Wise men are drawn to a house of mourning, and fools to a house of merry-making” (7:2). The shiva house is where we gain perspective on life.

The challenge, however, lies in finding rituals that can help us internalize and act upon the lessons of mortality learned in a house of mourning. We know how to mourn, but we have forgotten how to confront mortality.

II

Rabbis generally don't like it when people walk out of synagogue services. They want them to stay from the first blessings until the very end of Adon Olam. Yet four times a year, we invite people to leave smack in the middle of services during Yizkor, the memorial prayer for loved ones recited on Yom Kippur and the three major festivals. In most Ashkenazic synagogues (Sephardim never adopted the Yizkor prayer), attendees who have never been required to sit shiva (because they have never lost a parent, sibling, child, or spouse) walk out before the memorial prayers are recited. I can't think of any other time in which we encourage people to leave the synagogue in the middle of a service!

As Zvi Ron has documented, the first record of this custom appears in a work published in 1815 by Rabbi Baruch Brandies.¹ Brandies writes that he was asked whether this long-standing practice violates the biblical prohibition on following superstitions.² He couldn't find any recorded rationale for the practice. He suggested that perhaps there was a concern that everyone in the synagogue would feel compelled to say the prayer. Fearing that people whose parents were alive would errantly say these words, it was suggested they leave the room, lest their mistaken Yizkor prayer cause the death of their parent. Such is the power of speech that even utterances made without evil intent might be fulfilled.

Other rabbis offered alternative explanations, such as that it would be inappropriate for synagogues to have some people praying while others remain silent. If you can't pray with the congregation, then step outside. A couple of scholars speculated that children or others not reciting the prayer would talk or otherwise distract those reciting Yizkor. In a different spirit, a few contended that it is generally inappropriate to participate in a mourning ritual on a joyful festival. But for those who have someone to remember, this commemorative ritual is comforting, thereby making it uplifting and appropriate for a holiday. Within this group, Yizkor makes sense on a holiday. For everyone else, however, it would be a forbidden expression of sadness.

Ultimately, a different 19th-century explanation for this practice has come to dominate Jewish lore: simply remaining present in a room full of orphans will invoke the “evil eye” (*ayin hara*). A similar explanation noted that it is common for children to be named after the deceased forefathers whose names are being recited in the Yizkor prayers. Accordingly, it is considered “opening one's mouth to Satan,” as the Sages put it in bBrakhot 19a, to mention name of the deceased in the presence of their living descendant with a similar name. But, ultimately, customs that prevent us from hearing about death make it all the more difficult to talk about mortality.

In this respect, I see a connection to the widespread custom of chanting hastily and in an undertone the *tokhechah*, the rebuke, sections of the Torah. These verses rebuke the Israelites and foretell times of travail (Lev. 26:14-44 and Deut. 28:15-68). Reading these passages this way suggests that the words are dangerous and should be (nearly) avoided. As I was taught in school, if you talk too loudly about tragedy, it might fall upon you. In effect, it's the ritualized version of whispering "cancer" at the dinner table to avoid engaging too openly or directly with the reality of a relative's illness.

Avoiding the *tokhechah* is an especially puzzling custom, since normally Jews assert that the Torah should be taught aloud and in public. In fact, regarding these biblical passages, in bMegillah 31b, the Talmud cites Proverbs 3:11-12 to claim that it is important to hear God's rebuke so that one can learn from God's loving guidance.

Do not reject the discipline of the LORD, my son; Do not abhor His rebuke.
For whom the Lord loves, He rebukes, As a father does the son whom he favors.

Words of rebuke might be frightening, but they are done for our benefit so we can internalize their message and change our ways. Talking about tragedy has a purpose. Or, to put it another way, it's dangerous not to talk about the possibilities of death and destruction.

As with the custom of walking out of Yizkor, here, too, we have a long and winding history. Some of the earliest records of this custom in the 13th century speak about people not wanting to be called up for these Torah readings, for fear that a hostile Torah reader with whom one has an antagonistic relationship might wish these curses upon them.³ Evil tidings, as it were, might come over the person in closest proximity to the reader who chants these ancient curses. Over time, it got to the point that shuls actually paid people to accept an *aliyah* for this Torah reading! Today, most synagogues simply give the *aliyah* to the Torah reader or the *gabbai* (sexton). If someone's got to take one for the team, it might as well be them.

In our more scientifically-oriented society, these practices regarding Yizkor and the *tokhechah* are quirky and charming, if not outright amusing. They and other time-honored customs are part of our precious heritage. Yet, we should worry that even in the 21st century, these practices still give the wrong message: it's better not to talk about death. In truth, if we look closely at other rituals and writings, we see that Jewish sources and practices encourage people to speak openly about death and to regard their mortality as a source of inspiration.

III

The first prayer we recite upon awakening, Modeh Ani, gives thanks for renewed life. Waking up is a daily blessing. The next prayer, colloquially known as Elohai Neshamah, thanks God for restoring our soul while acknowledging that God will eventually take it from us:

My God, the soul you placed within me is pure.... You breathed it into me, and You guard it while it is within me. One day you will take it from me.... As long as the soul is within me, I will thank You.

A tradition that demands that people thank God every day for being alive is a tradition comfortable with confronting mortality.

Moreover, the Talmudic sages permitted and sometimes encouraged practical planning for one's death. Recognizing that death may come suddenly, some sages deemed it appropriate to buy one's own death shrouds just in case they become needed on short notice. The medieval scholar Rabbi Isaac ben Sheshet (d. 1408) went so far as to argue that healthy people should dig their own graves. If there's ever an act that can instill a sense of mortality, it's surely touching the dirt around your final resting place.

Following this general trend, Rabbi Chaim Fallagi (d. 1868), the 19th-century Ottoman Empire scholar, cited Hillel's famous adage, "If I am not for myself, who will be for me?" to assert, "Praiseworthy is the person who purchases their death shrouds when they are alive and healthy."⁴ Today, this is achieved by purchasing burial plots and services in advance so that funeral arrangements won't need to be done in haste. It's a favor not only to yourself but also to your loved ones, who won't be tasked with handling complex arrangements in their time of distress. As Hillel further taught, "If I am only for myself, what am I?" Advance preparation prevents much angst and heartache for your loved ones, a *mitzvah* of great importance.

In a similar vein, Rabbi Yisrael Kagan (d. 1933) also cited Hillel to encourage people to draw a financial will when they are healthy. If you want your wishes fulfilled, he argued, you need to be proactive and prepare for the unexpected. In our times, rabbinic groups and Jewish organizations, including my own, have formulated advance healthcare directives that are sensitive to the needs of the Jewish community. While

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we may not be able to fully control our own healthcare journey, we can help guide decision-making at different crossroads along the way. This includes directing, in advance, who should make decisions on your behalf, in case you can't speak for yourself. Many people will also want to identify the rabbi they'd like to be consulted for their end-of-life care decisions, including organ donation. You might think the answers to those questions are obvious. In practice, it's frequently not so clear. Families can become quickly divided (sometimes irreparably) while arguing these questions.

Fallagi added another argument to buying death shrouds in advance, this one more philosophical and more in the spirit of Kohelet: People who confront their mortality will avoid sin and take life more seriously. Indeed, elsewhere in Pirkei Avot, the sage Rabbi Eliezer asserts, "Repent one day before your death." Rabbi Eliezer's students asked him, "But does a person know the day on which he will die?" The elder sage replies, "All the more so this is a good piece of advice, and one should repent today lest he die tomorrow; and by following this advice, one will spend his entire life in a state of repentance." The time of our death is not known, but the reality of our mortality is a fact. By focusing on our mortality, as opposed to our deaths, we will repent daily and ensure our good names in life and beyond.

Unfortunately, various prayers and rituals that stress repentance during the High Holidays have led people to believe, mistakenly, that repentance is limited to something to be done before Yom Kippur, when dramatic prayers speak of "who shall live and who shall die." Yet, as Maimonides teaches, Yom Kippur is a simulation of the ultimate Day of Judgment in Heaven (*Laws of Repentance* 3:3). Seen in this light, the days before Yom Kippur can thus be regarded as a simulation of one's entire life.

In fact, over the centuries, a special confessional text (*vidui*) developed for Jews to recite at any critical crossroads in their healthcare journey. It reads: "I acknowledge before You, Lord my God and the God of my ancestors, that my recovery and my death are in Your hands. May it be Your will to send me a complete recovery.


Yet if I die, may my death be an atonement for all the errors, iniquities, and willful sins that I have erred, sinned, and transgressed before You." It's a beautiful text that expresses a hope for recovery alongside a desire to die in a purified state of repentance. Regretfully, in recent decades, this text has largely been marginalized out of fear that instructing someone who is ill to repent would frighten them and hasten their death.

Yet, as Rabbi Profs. Shimon Glick and Alan Jotkowitz have argued, patients are usually aware of the acute nature of their illness and can handle the truth when it is delivered to them sensitively. To withhold discussion of the "last confession" is to deny them a critical tool for their spiritual preparations for death. Some patients, moreover, may find solace in the chance to confess and repent while finding meaning from an opportunity for reconciliation. Jewish ritual has provided an important spiritual and emotional tool for critically ill patients. Why should we deny it to them?

In short, despite the misimpression given by the customs regarding Yizkor and the *tokhechah*, our tradition has important resources and guidance for confronting mortality. We want to arrange for our affairs to be in order, to mend relationships, and to live meaningfully until the very end in accordance with our values. Those are goals that we can and must talk about.

IV

How can the community help individuals to fulfill these goals? Primarily, the community's job is to provide resources that will allow members to live rich and meaningful Jewish lives. This includes educational efforts to rectify any misimpression around talking about death. In other aspects of confronting mortality,



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however, the community plays a critical role in addressing action items that are easily neglected. For our purposes, I'll focus on two:

1. Advance Financial Planning

Fallagi and Kagan were concerned with advance burial and estate planning. Their sagacious advice remains compelling, but we need to add to their list. Modern financial and healthcare systems have become significantly more complex. Only 50 percent of Americans aged 25-64 own life insurance policies. Furthermore, many of these policies have insufficient plans to support Jewish families, especially those who have day school and summer camp tuitions compounded by out-of-pocket healthcare expenses. Financial burdens deepen personal tragedy.

An individual's lack of adequate life insurance becomes a communal challenge when Jewish day schools (rightly) aim to relieve the tuition burden facing a family that has suffered an untimely loss. One Jewish day school board member recently confided to me that after a spate of sudden deaths of breadwinners in his community, the local schools had a 7-digit budget line just to assist these orphaned families. His synagogue rabbi invited me to speak in his community with a specific agenda: promoting the importance of purchasing life insurance. In the end, we are organizing a community fair with booths and speakers to promote advance healthcare and financial planning. Other activists are trying to organize bulk purchases of life insurance plans to make them more affordable. These are examples of how the community can help its members and its collective welfare.

2. End-of-Life Care and Public Policy

Decisions regarding medical care don't take place in a vacuum. They are shaped by the context of their local healthcare system. The options available are dictated by the policies set by local legislators and regulators, which sometimes go under the communal radar. To take a recent example, many patients suffering from chronic pain are now unable to get proper medications. As the *New York Times* recently reported, they are the unintended victims of the national crackdown on opioid prescribing. This has had profound repercussions for our access to legitimate pain medication, including some cases of people choosing suicide as their last resort for relief.

Beyond palliative care, it's important to focus on policies relating to aging and end-of-life care, such as assisted living facilities and home hospice. These are crucial services for the baby boomer generation which depends on government support. Unfortunately, we see a number of disturbing phenomena in the fields of eldercare: critical employee shortages, multiple insurance fraud scandals, skyrocketing costs, and increased cultural degradation of the value of spending money on this age group.

In the background, moreover, are repeated calls to expand physician-assisted suicide, which is already legal in ten American states.

These complex factors require further discussion, but here's the general point: our access to critical services is vulnerable to policy discussions that are already underway. We might not like talking about nursing homes and palliative care. But if we want to have certain services available when we need them, we must engage in these discussions now.

The Jewish tradition, as I've argued, does not fear confronting mortality and the dilemmas that come along with it. We need to do this for ourselves and for our community. If not now, when?



Notes

- 1 Zvi Ron, "Walking Out for Yizkor," *Zutot* 14 (2017), 32-48.
- 2 *Leshon hakhamim* vol. 1 (Prague 1815), 91b-92a.
- 3 R. Isaac of Vienna, *Or Zarua* 1:114. On this custom, see Hayim Talbi, *Ve-Zot Ha-Torah* (Mossad Harav Kook, 2017), 482-520.
- 4 *Ruah Haim*, Yoreh De'ah 342:2, citing Pirkei Avot 1:14.