

How Judaism Views Doctors and Visiting the Sick

by Rabbi Dr. Nachum Amsel | August 28, 2019

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As the life span of human beings has generally been dramatically increasing in the twentieth and twenty-first centuries, most people tend to suffer more illnesses over a lifetime than their ancestors did in previous generations. In addition, whereas in generations past, most bedridden people were confined to the home, where visits by friends and community members were a common occurrence, today almost all seriously ill people are sent to a hospital. Visiting someone in the hospital is much more daunting, uncomfortable and inconvenient than visiting a sick person in his or her home. How do these realities affect the mitzvah-commandment to visit the sick? Additionally, in the age of new medical technology and breakthroughs, as well as revised health care attitudes and HMO's, how does Judaism view the role of the doctor in the current century? This chapter will show that the myriad of sources from Jewish tradition, some of which are thousands of years old, addresses these and other questions facing society today.

THE PHILOSOPHICAL ISSUE: WHY ARE DOCTORS ALLOWED TO HEAL?

Prior to discussing the commandment of visiting the sick, it is first important to investigate those who heal the sick – doctors – from a Jewish perspective. This important issue has been analyzed elsewhere in this volume (in the chapters on “AIDS,” “Alternative Medicine,” and “How Much G-d and How Much Us”), but here we will expand this discussion in the specific context of examining the doctor's role in society from a Jewish perspective. The essential existential dilemma is: if Jews believe that events and many experiences in their lives come directly from G-d (including sickness), then what right does man have to interfere with the desires of G-d (for a person to suffer through sickness) and take away that malady and pain? It is for this reason that many religions actually forbid physicians from treating the ill (Christian Scientists, for example). The rabbis discuss this issue and marshal sources on both sides of this moral question. On the one hand, it is very clear in Jewish thought that sickness comes directly from G-d, often as a reaction to immoral actions by man (see chapter on “How Much G-d, How Much Us”). That is why G-d promises a life of health without sickness for those who follow in G-d's ways.¹ King David said that G-d, not doctors, protects an individual from sickness and keeps a person alive,² and each weekday, traditional Jews pray to G-d three times a day, as the ultimate Doctor/Healer, to remove any and all sicknesses.³ How, then, are doctors ever allowed to step in and heal in Jewish thought? Where is the logic?

Since the Torah itself discusses paying doctor bills as part of restitution for damages, the Talmud cites this verse as “permission” for doctors to heal.⁴ But how does it work? Since G-d knows that doctors exist and have the ability to heal in society, when He brings sickness upon an individual, G-d wants that doctor to administer medicine and heal the patient. Therefore, if a person contracts an illness that would normally take three weeks to heal without medicine, and the doctor can eliminate the malady in a week, then G-d intentionally wanted the person to be ill for a week, not three weeks. In this

¹ Exodus 15:26

² Psalms 41:2-3

³ Blessing #8 in the Shmoneh Esreh

⁴ Exodus 21:19, Berachot 60a

way, the physician actually partners with G-d in healing human beings. But even as the doctor prescribes treatment, Jews believe that the healing still comes from G-d – through the doctor.⁵

This idea, however, although agreed upon in normative Judaism by most Jewish thinkers, is not necessarily the ideal. Nachmanides, himself a physician, believes that if people were on a higher spiritual plane, doctors would be unnecessary, as Jews would go only to prophets to heal diseases that came about because of spiritual imperfections. Alas, as people are no longer on that lofty plane today, continues Nachmanides, they are allowed to go to doctors and should go to heal themselves.⁶ Turei Zahav echoes this approach and stresses that all the healing comes from G-d, but He works through the natural means of doctors.⁷ A twentieth century leading rabbi also stressed this idea, writing that a person may not rely on a miracle from G-d to be healed without medicine, since almost no one today is on such a high spiritual level. Rather, a Jew should rely on the healing of a doctor in today's non-perfect immoral world.⁸ And yet, based on this idea, not all commentaries believe that all maladies must be treated by doctors. Ibn Ezra, for instance, wrote that this practice of going to doctors rather than directly to G-d applies only to external illness that can be seen on one's body. Internal illness is still the realm of G-d, since the inner core of the person remains only in the spiritual realm.⁹ In a similar vein, Tosafot write that man's realm and the ability of doctors to heal are limited to damage to the body that came from another human being. However, illness that came directly from G-d (and not man) must be healed directly by G-d and not through a doctor.¹⁰ Rabbi Yitzchak Arama (fifteenth century) states that even while the doctor is administering medicine and treatment, a Jew is obligated to direct his or her thoughts and prayers to G-d, who is actually doing the healing.¹¹

Needless to say, the normative Jewish view today is that a Jew turns to a doctor to heal every illness, even though Jewish thought still believes that all healing ultimately comes from G-d. After citing these other views, Rabbi Moses Feinstein of the twentieth century clearly states¹² the normative Jewish viewpoint explained above regarding how doctors work in tandem with G-d: G-d is fully aware of man's most modern capabilities to heal when He brings the sickness to an individual, and G-d wants man to use the full range of medical knowledge of the twenty-first century in order to heal each sickness as quickly as possible.

OBLIGATION OF A DOCTOR TO HEAL IN JUDAISM

After establishing that a doctor is allowed to heal, even though all sickness and healing ultimately comes from G-d, how do we know that a doctor is obligated to do so if he or she has the knowledge required to help sick people? In addition to the verse cited above that doctors' bills must be paid, there is a general obligation upon every Jew to help anyone in trouble. Thus, one verse prohibits a Jew from standing by and doing nothing when someone's life is in danger, and another verse obligates a person to return any lost object that once belonged to someone. (In Judaism this is an obligation, not merely a good deed.¹³) This obligation to help anyone in danger was codified into Jewish law,¹⁴ and it requires a Jew to help anyone in a life-threatening situation or even in ordinary trouble. Thus, doctors would be obligated to heal any sick person based on this general obligation, since they have the knowledge to save people who are in trouble - i.e., who are ill.

⁵ Chovot Halevavot, Shaar Revii, chapter 4

⁶ Nachmanides commentary to Leviticus 26:11

⁷ Taz commentary on Shulchan Aruch, Yoreh Deah 336:1

⁸ Responsa Tzitz Eliezer 11:14, no. 3

⁹ Ibn Ezra and Rabbeinu Bechaye commentaries to Exodus 21:19

¹⁰ Tosafot commentary yon Bava Kama 85a "Shenitnah"

¹¹ Akeidat Yitzchak commentary, Vayishlach, Gate 26

¹² Responsa, Igrot Moshe, Orach Chaim 3:90

¹³ Leviticus 19:16, Deuteronomy 22:2

¹⁴ Shulchan Aruch, Choshen Mishpat 426:1

However, the specific obligation of doctors to heal is also mentioned overtly. In his commentary to the Mishna, Maimonides, who was also a physician, writes that a doctor is obligated to heal any sick person if he or she is able to do so, as this is a requirement that falls under the obligation of “returning a lost object,” reasoning that a person’s health was lost and the doctor returns it to the patient.¹⁵ For this and other reasons, the Code of Jewish law states that once the permission is given to doctors to heal, as discussed above, it is now a mitzvah-commandment to do so.¹⁶ Taz explains how the Shulchan Aruch can say that a doctor has permission to heal and then also say it is an obligation. He reiterates that in the ideal world, doctors would be unnecessary, but now that they are needed because people are on a lower moral level and cannot rely solely on G-d, the doctors are obligated to heal, since that is what G-d currently desires.¹⁷

However, there are some caveats in Jewish law regarding what kind of doctors are allowed to heal, which practices are allowed, which are forbidden, etc. Shulchan Aruch lists some of these.¹⁸ A doctor must be a recognized expert in medicine in order to practice, or what we would today call a licensed practitioner. He or she may not treat a patient if a doctor with more knowledge and experience is present to heal the patient in a more effective way. If a doctor does not yield to the best physician present and decides to heal a very sick patient anyway, that doctor may be guilty of murder if the patient dies. If an unlicensed physician treats someone without obtaining the permission of a Jewish court of rabbis (which is equivalent to a license), that doctor is obligated to pay all the damages a patient may suffer needlessly as a result of the doctor’s negligent treatment. However, if a licensed doctor makes an unintended error, he or she cannot be sued, but G-d will punish that person. According to Jewish law, a doctor may not take an exorbitant fee for services, claiming that it pays in part for all the years of training or for the extensive knowledge that he or she has accumulated. A doctor who says that he or she is licensed or an expert in a particular field does not need to bring witnesses to attest to this fact, and is believed.¹⁹ If, in an effort to save money, the person who damaged another individual says that he will heal the injured party himself, or that he knows a doctor who will provide his services without charge, we do not listen to this person who did the damage, but, rather, bring in a paid doctor to heal the injured party.²⁰

One seemingly strange and misunderstood Mishnaic statement sheds further light on the proper behavior of doctors. The Mishna states²¹ that “The best doctors are destined to go to hell.” What does this statement signify, especially in light of the previous sources stating that a doctor who saves a life is fulfilling a Torah commandment, and the well-known Jewish concept that one who saves a single life is as if one saved an entire world?²² Many explanations have been offered for this difficult statement. Rashi and Tosafot Yom Tov explain²³ that this refers to doctors who are so proficient medically that they are unafraid of any sickness and even of death, and believe that their skills can succeed no matter what G-d desires as the outcome. They also do not treat the poor who are ill. Rabbeinu Nissim believes that this statement refers to doctors who either are not licensed or who have a license but are just not careful in how they deal with patients, and many die due to their negligence.²⁴ Rabbi Yosef Chaim from Bagdad, who lived in the 1800’s, believes that this statement refers to

¹⁵ Maimonides, commentary to the Mishna, Nedarim 4:4

¹⁶ Shulchan Aruch, Yoreh Deah 336:1

¹⁷ Taz commentary on Shulchan Aruch, Yoreh Deah 336:1

¹⁸ Shulchan Aruch, Yoreh Deah 336:1-2

¹⁹ Shulchan Aruch, Orach Chaim 301:26

²⁰ Maimonides, Hilchot Chovel Umazik 2:18, Shulchan Aruch, Choshen Mishpat 420:21

²¹ Mishna Kiddushin 4:14

²² Mishna Sanhedrin 4:5

²³ Rashi and Tosafot Yom Tov commentaries on Kiddushin 4:14

²⁴ Rabbeinu Nissim commentary on Kiddushin 4:14

incompetent doctors who are afraid to try powerful, effective medicine in difficult cases since there is a risk involved with treating aggressively and properly. All of these explanations describe doctors who do not medically behave in a proper “Jewish” manner.²⁵

OBLIGATION IN JUDAISM TO SEEK A DOCTOR FOR HEALING

There is a general prohibition in Jewish law, which is the very last ruling in all of the Shulchan Aruch, that a Jew is forbidden to place himself or herself in any dangerous situation.²⁶ This would prohibit any Jew who is sick from neglecting his or her health by not seeking a physician for treatment. The Talmud says that Shabbat may be violated when someone is bitten by a snake and travels to a doctor in a different city (who thereby violates the Shabbat prohibition not to travel outside a city for more than 2000 cubits).²⁷ Rabbi Zutra allowed a doctor to treat an infected eye on Shabbat, despite the violation of the laws of Shabbat.²⁸ Samuel Yarchina was the physician of Rabbi Judah. When Rabbi Judah contracted an eye disease, Samuel tried several remedies to heal this great Jewish community leader, but they all caused Rabbi Judah greater pain. Eventually, Samuel found a cure that was painless.²⁹ A doctor is integral to and necessary for every Jewish community to exist and thrive. The Talmud lists ten components of communal life that are absolutely necessary before a Talmud scholar is permitted to move there. Among these, including a synagogue, teacher and public bathroom, is the need for a doctor in each community.³⁰ Maimonides codifies this Talmudic passage, but changes the order of the ten components and places the doctor first, indicating that this is the most crucial aspect needed for any Jewish community, even before a synagogue and teacher (since these do not save lives daily.)³¹

Maimonides also lists the obligation to stay healthy as part of Jewish law. He says that preventing sickness (as well as having a doctor treat a Jew when sick) is part of Jewish law. A Jew cannot live his or her life in a Jewish manner and worship G-d properly if he or she is ill.³² The obligation to heal oneself is so fundamental that if we suspect that someone does not want to be healed, we can even prevent this person from receiving monies dedicated to his healing. Thus, if a person who was injured tells the person who injured him to pay him the doctor’s fees directly and then he will heal himself without a doctor, Jewish law says that the person who did the damage need not pay him this money for healing, as we suspect that he may never actually heal himself, which is forbidden.³³ Therefore, we see that it is a clear obligation for any person who is injured or sick to attempt to heal himself or herself. Similarly, Rabbi Eliezer Waldenberg ruled in the twentieth century that anyone who is injured or ill must go to a doctor to be healed since not going to a doctor will place the person in real danger.³⁴

PRAYING FOR A SICK INDIVIDUAL – AS A REMEDY

Judaism, as well as most religions, believes in prayer to G-d as a means of attaining what a person desires, including prayers for health. The philosophical question is: should a person pray for the recovery of someone else if a doctor is already treating that person? Perhaps prayer to G-d shows lack of faith in that doctor. Or, perhaps prayer is supposed to be a substitute for a doctor entirely. Where does Judaism stand on prayer for recovery from sickness, when a person is being treated by a doctor at the same time?

Prayer in Judaism, at any time, for any reason, is generally acceptable and desired by G-d. Even in the direst situations, when there seems to be no way out or no hope, the Talmud says that a person

²⁵ Ben Yehoyada commentary on Kiddushin 4:14

²⁶ Shulchan Aruch, Choshen Mishpat 427:10

²⁷ Yoma 83b

²⁸ Avoda Zara 28b.

²⁹ Bava Metzia 85b

³⁰ Sanhedrin 17b

³¹ Maimonides, Hilchot Deot 4:23

³² Maimonides, Hilchot Deot 3:3

³³ Shulchan Aruch, Choshen Mishpat 420:21

³⁴ Responsa Tzitz Eliezer 11:14, no. 3

should always pray.³⁵ Prayer that asks G-d to heal someone from sickness is something desirable in Judaism, and can be found numerous times in the Jewish Bible. King Avimelech, who took Sara to his palace, thinking she was Abraham's sister, was afflicted with a disease. G-d told Avimelech in a dream to return Sara to her husband Abraham, and Abraham will pray for his recovery.³⁶ King David's child became sick, and then King David prayed for his recovery and also fasted.³⁷ After the son of the Shunamite woman died, Elisha prayed to G-d for his revival and was answered by G-d.³⁸ King Hezekiah was so ill that he was at death's doorstep. He prayed for his own recovery, G-d answered him, and he became well.³⁹ Thus, prayer to be healed from sickness is something very natural and desirable in Judaism.

Rabbi Yitzchak advises Jews to pray to G-d when they are healthy as well, that they should not become ill. Why? When a person is ill, he or she is automatically judged, and must prove worthy of being returned to health. The passage says that when a person is stricken with any malady, he should feel as if he is on trial for his life and pray to G-d. What will save him are repentance and good deeds. But even if 999 angels argue for this person's punishment, as long as one angel argues for this person's innocence, he will be healed.⁴⁰ The Talmud also records an incident whereby Rabbi Chanina ate an onion with a snake inside, and he became so ill that he was about to die. His rabbinic colleagues prayed for his recovery, saying that they needed him for his Torah learning and teaching, and then he recovered.⁴¹

Rabbi Elazar said that prayer is more effective and desirable even than good deeds, since Moses, despite his numerous good deeds, was denied entry into the Land of Israel. He could not merit even seeing the Land until he prayed to G-d and was able to see the entire Land from the top of one mountain.⁴² Rabbi Chanina ben Dosa was so gifted at prayer for the sick that after he prayed, he would announce who would recover from the illness and who would die. He explained that if a particular prayer went smoothly, he knew that this person would recover.⁴³ Maimonides ruled that an integral part of the commandment to visit the sick, to be discussed in detail below, was for the visitor to pray for the recovery of the person who is ill.⁴⁴ Rema in Shulchan Aruch further ruled that if someone visited the sick person but did not also pray for this person's recovery, then the visitor has not fulfilled the commandment to visit the sick.⁴⁵ It is clear from all the sources, as well as these rulings in Jewish law, that prayer is an integral part of the process of healing even if the person is being treated by a doctor, visited by friends, or is involved in any other actions that hasten healing. Prayer also has the power to heal, even while medical treatments are being administered to the person who is ill. That is why Rabbi Moses Feinstein also rules that even today, prayer is a necessary component to healing the sick and fulfilling the commandment to visit them, and that a great Torah scholar who prays for a sick person is more helpful than if any other Jew prays for that person's recovery.⁴⁶

COMMANDMENT TO VISIT THE SICK – THE BASIS AND OBLIGATION

³⁵ Berachot 10a

³⁶ Genesis 20:6-7

³⁷ II Samuel 12:15-16

³⁸ II Kings 4:32-33

³⁹ II Chronicles 32:24

⁴⁰ Shabbat 32a

⁴¹ Eiruvim 29b

⁴² Berachot 32b

⁴³ Berachot 34b

⁴⁴ Maimonides, Hilchot Avel 14:6

⁴⁵ Rema on Shulchan Aruch, Yoreh Deah 335:4

⁴⁶ Responsa Igrot Moshe Yoreh Deah 4:51

Why visit the sick? Is it a nice thing to do? Visiting the sick is not specifically mentioned as one of the 613 commandments in the Torah, and yet the concept is found in all traditional Jewish sources throughout the ages. What is the basis of the obligation for a Jew to visit the sick? How does a Jew specifically fulfill this commandment? What should the procedure and protocol be when visiting a sick person?

At the very beginning of the Torah, it states that the human being was created in the image of G-d.⁴⁷ Since G-d does not have a physical image, there are many interpretations of what this verse signifies. But it is clear that more than any other creature, man has the ability to imitate G-d's greatness and uniqueness through his actions. In fact, imitating G-d by following in His ways seems to be a prime directive of the Torah.⁴⁸ G-dly activities complement keeping the commandments.⁴⁹ How does a Jew, who is merely human, follow in G-d's footsteps when G-d is purely spiritual? One way to follow G-d is to imitate the "actions" of G-d in the Torah, says the Talmud. Thus, just as G-d visited the sick (visiting Abraham in Genesis 18:1), so too should each Jew visit the sick.⁵⁰ Another Talmudic passage derives this commandment from a different verse (Exodus 18:20).⁵¹ The Midrash also uses this same verse to derive this mitzvah, but stresses that it is inferred from the words "they shall go" in the verse, indicating that part of the commandment is to walk to visit the sick person.⁵² Another Talmudic passage draws this commandment from yet another verse (Numbers 16:29).⁵³

The Mishna states that anyone who fulfills the commandment to visit the sick and visits/comforts mourners brings goodness to the world.⁵⁴ One notable book listing the commandments bases this obligation of visiting the sick as part of the requirement of each Jew to imitate G-d's ways.⁵⁵ Maimonides lists this obligation of visiting the sick as one of the commandments received by Moses from G-d that is not written in the Torah, but passed on to the Jewish people orally.⁵⁶ But in another one of his works, Maimonides describes the commandment to visit the sick as rabbinic in origin, under the all-encompassing concept of "Love your neighbor as yourself" and the obligation of each Jew to do kind acts.⁵⁷ Since people generally want to be visited when they are ill, Jews should comply with their wishes. Tur cites many of the Talmudic sources and verses cited above as the basis of this commandment, but then adds that visiting the sick is a "great mitzvah," a phrase he only uses four other times in his entire four-set volume of Jewish law.⁵⁸ Thus, it is clear that visiting the sick, despite not being mentioned specifically in the Torah as a commandment, is an extremely important obligation for any Jew who wishes to follow Jewish law.

This unique mitzvah of visiting the sick is so special and so important that the rewards for its fulfillment are numerous. Rav lists the "compensation" for visiting the sick as 1) avoiding Gehinom/Hell, 2) gaining G-d's protection from enemies and keeping the person alive who fulfills the commandment to visit the sick, 3) obtaining G-d's protection from acceding to one's evil inclination 4) being saved from suffering and 5) gaining everyone's respect and being honored by all.⁵⁹ Rabbi Yehudah bar Shila states (according to the teachings of Rabbi Yochanan) that visiting the sick is one of the six special

⁴⁷ Genesis 1:27

⁴⁸ Deuteronomy 28:9

⁴⁹ Deuteronomy 13:5

⁵⁰ Sotah 14a

⁵¹ Bava Metzia 30b

⁵² Midrash, Mechilta of Rabbi Yishmael, Amalek 2

⁵³ Nedarim 39b

⁵⁴ Avot DeRabbi Natan 30:1

⁵⁵ Sefer Mitzvot Gedolot, Positive Mitzvah #8

⁵⁶ Maimonides, Book of Commandments, Shores 1:2

⁵⁷ Maimonides, Hilchot Avel 14:1

⁵⁸ Tur, Yoreh Deah 335

⁵⁹ Nedarim 40a

commandments in Judaism. Moreover, its reward is received in both this world and the Next World.⁶⁰ This passage was deemed so important that it was placed in the morning prayers recited each day by traditional Jews. Thus, although not a Torah obligation, this commandment is one of the most important in all of Judaism. Why is this so?

WHY IS IT SO IMPORTANT TO VISIT THE SICK?

What makes this commandment so special, so much more “important” than many others actually written in the Torah? One main reason is that by visiting the patient, the visitor has the ability to help the ill person become healthier! One Talmudic passage ascribes this ability only to the sick person’s *ben gilo* [i.e. he is born into the same *mazal*, or zodiac constellation as the patient – *Ran*] – that by their visiting the person who is ill, one sixtieth of the illness will be removed.⁶¹ Another passage also states this power of a visit to a sick person but does not limit it to the ill person’s peers. Rather, this applies to anyone who visits the sick. The passage then asks if sixty people were to visit a sick individual, would he or she be completely healed? The answer is that each person can only take away 1/60 of the person’s current sickness. So the tenth person who visits that individual can only remove one sixtieth of the malady that remains after nine have already removed one sixtieth of the malady when they visited.⁶² Now we can understand why this commandment is indeed so important in Jewish thought. Just as every doctor has an obligation to heal a person who is ill because this can often extend life, as explained above, any person can function in some small way as a doctor with the power to heal by removing some of the sickness of the patient through a visit to him or her. Therefore, while a doctor can heal through his or her special skills, each person can help heal a patient just by paying a visit and exhibiting concern. Thus, it is clear why every Jew has a special obligation to visit patients who are ill and help them get better through the visit. That same Talmudic passage stresses that a person can even visit one hundred times each day.

This statement, that a visitor can remove some of the patient’s illness, might have seemed absurd in the past. But recent studies have clearly shown that the mood of a sick person, both good and bad, affects his or her medical condition.⁶³ Patients who are depressed take much longer to heal than others with the same symptoms who are optimistic and full of cheer. Therefore, if a visit can cheer up a sick person even a little, that person’s medical condition may indeed improve as a result. The famous editor, Norman Cousins, proved this when he became a patient with a life-threatening illness. He reasoned that if he laughed repeatedly, his sickness (and its symptoms) would decrease in severity as his mood improved. Against doctor’s orders, he repeatedly watched many comedy movies and his condition indeed improved due to what is now legitimately called “Laugh Therapy.” He lived another twenty-eight years after first being diagnosed with his critical illness.

Thus, the Talmudic statement does not seem so far-fetched now: visiting the sick, especially by friends and loved ones, can indeed help a person to heal faster. In fact, Rabbi Akiva admonished his colleagues for not visiting a student who was ill. After Rabbi Akiva visited with the student, the student felt that Rabbi Akiva’s visit caused him to recover from his symptoms. Afterwards, Rabbi Akiva stated that anyone who does not visit a sick person is the equivalent of a murderer. Rav Dimi reinforced this idea when he said that anyone who visits a sick person causes him or her to live longer, and anyone who does not visit causes an ill person to die earlier.⁶⁴ The Midrash also states that visiting the sick removes one sixtieth of a person’s sickness, while not visiting the sick (where one could have done so) adds

⁶⁰ Shabbat 127a

⁶¹ Bava Metzia 30b

⁶² Nedarim 39b

⁶³ “Impact of Emotional Reactions on Patients’ Recovery from Physical Illness: Implications for the Medical Social Workers,” J. K. Mojuyinola, Department of Social Work, Faculty of Education, University of Ibadan, Ibadan, Nigeria Joint Commission on Quality and Safety, Volume 9, no. 12 (December 2003). “Addressing Patients’ Emotional and Spiritual Needs”, Paul Alexander Clark, M.P.A., Maxwell Drain, M.A., Mary P. Malone, M.S., J.D.

⁶⁴ Nedarim 40a

another sixtieth to that person's sickness.⁶⁵ These are not to be taken as hyperbolic statements as Maimonides codifies this concept into normative Jewish law and he indeed equates someone who does not visit the sick with a murderer, similar to a doctor that refuses to treat a sick patient.⁶⁶ Therefore, everyone has the potential to be a doctor, in part, with regard to his or her ability to somewhat heal an individual who is sick, and the obligation to visit the sick in order to heal them is no less than the obligation of a doctor to heal any individual who is ill.

JEWISH ETIQUETTE AND JEWISH LAW IN VISITING THE SICK PERSON

Judaism and Jewish law show an amazing sensitivity to the needs of the sick, as well as the psychology of both the patient and the person trying to fulfill this important commandment to visit the sick individual. These ancient sources will guide the Jew to understand the proper "etiquette" of a proper Jewish visit to a sick patient.

There is a statement in the Talmud, which surprisingly is repeated by all the Jewish law authorities of Maimonides, Tur and Shulchan Aruch almost word for word, that conveys a profound understanding of the sick person and the visitors. It says that it is forbidden to visit a person who is sick with an illness of the stomach or the eye or the head because in all of these, it is difficult and embarrassing for this patient, who truly does not want visitors to see him or her in these circumstances.⁶⁷ This teaches us that the visit is not for the benefit of the visitor or to fulfill a commandment, but it must be for the benefit of the sick person. If the patient is embarrassed by his or her appearance (or the need to constantly go to the bathroom), visitors will not be welcomed by the patient, and the visit should therefore not be undertaken at all. This also teaches us that the visitor should always behave in a manner that will demonstrate a desire to benefit the patient and make him or her feel good about the visit, as only this kind of visit will remove one sixtieth of the sickness.

In the same vein, therefore, the visitor must be sensitive to other needs of the patient. For example, some patients may simply not want visitors, even if they do not suffer from the maladies mentioned above. In that case, one should not visit. A phone conversation with the patient or the family should always take place prior to the visit to determine if the patient is up to having visitors or to determine when to visit, since at the time that doctors are making rounds or taking tests, it would be inconvenient. Rabbi Yechiel Michel Epstein summarizes this concept by writing that the essence of this commandment is to be sensitive to the needs of the sick person and do whatever will benefit him or her.⁶⁸

As part of this goal of trying to make a patient feel better psychologically, a visitor should always practice a simple but effective gesture: knock before entering the hospital room. Every adult is used to some privacy and some control over his or her life. Entering a hospital takes away much of that person's control. Just as no one would ever enter a sick person's home or room without knocking first, so too, a knock at the patient's door in the hospital gives that patient a bit of dignity and control to decide when and if the visitor can enter. This is especially true if the curtain is drawn.

The Talmud says, and Maimonides codifies, that a sick person should never be told about another sick friend or relative who has died, because this will cause the patient to be very uncomfortable, especially considering his or her condition.⁶⁹ This also provides an insight into what kinds of conversation are permitted or forbidden with an individual who is ill. We should never discuss topics that will cause a patient distress, like announcing someone's death. Similarly, criticizing the doctors or the care of the nurses will only diminish the confidence of the patient in the care that he or

⁶⁵ Midrash Socher Tov, Tehillim 41

⁶⁶ Maimonides, Hilchot Avel 14:4

⁶⁷ Nedarim 41a, Maimonides, Hilchot Avel 15:5, Tur & Shulchan Aruch, Yoreh Deah 335:8

⁶⁸ Aruch HaShulchan, Yoreh Deah 335:3

⁶⁹ Moed Katan 26b, Maimonides, Hilchot Avel 8:4

she is receiving, and should therefore be avoided. Inquiring about the details of the illness may bring some patients distress and should sometimes, be avoided, but other patients love to speak about their sickness. A visitor should listen to the patient for cues about what he or she wishes to speak about. Patients generally do not want to hear about others who the visitor knows who had the same illness, or hear a personal description of a different illness that the visitor once suffered from. A joke, story or anything that will bring a smile to the patient is encouraged. Asking the patient about his or her interests or family usually causes the sick individual to perk up. Aruch HaShulchan says that a visitor must be both sensitive and wise in knowing what to speak about and what to avoid.⁷⁰

Maimonides writes and Shulchan Aruch codifies that the visitor in a hospital room should never stand over the patient while the patient is in bed.⁷¹ This makes a patient feel uncomfortable as the visitor is literally and figuratively talking down to the patient while hovering. Rather, the visitor should sit on a chair at eye level with the patient.

Maimonides and Shulchan Aruch also list other considerations that are subjective, depending on the individual patient and the particular situation.⁷² For example, they rule that a great person, like a great rabbi or head of a yeshiva, both of whom are very busy, should take time to visit the sick, even to visit a child who is ill. It is also appropriate for a person to visit several times a day if that will bring cheer to the sick person. If it is clear that the patient has an illness that will continue for an extensive period, one should generally not visit during the first three days. If a sick person takes a turn for the worse and may be near death, the visitor should not delay, and see the patient immediately. Finally, one should not visit a patient early in the morning – during the first three hours of the day – since a patient can feel better then, and the visitor may refrain from praying on his behalf.

Judaism is sensitive to the general needs of the entire community. Thus, part of the fulfillment of this commandment is a mitzvah to visit non-Jews as well.⁷³ There are many sick people in every hospital who have no family and few friends, or people who are often afraid to visit. Therefore, a Jew should visit other patients in the hospital, both Jews and non-Jews, whom they do not even know, as this act will often cheer up these individuals even with an unannounced visit. (Of course, if a person sees that a visit from a stranger makes the patient uncomfortable, then he or she should leave quickly and tactfully.)

Although Maimonides mentions it, Shulchan Aruch expands upon the specifics of the prayers that are a necessary part of the fulfillment of the command to visit the sick. He writes⁷⁴ that the visitor (if he or she knows both Hebrew and English) can pray in any language to G-d while he or she is in front of the sick person, but should pray only in Hebrew after the visit on behalf of the patient. Public prayer for the sick in the synagogue is appropriate, even on Shabbat. Most synagogues today publicly recite a prayer for the sick whenever the Torah is read, while it is removed from the Ark for Torah reading. The reason for this is that even if the individual sick person is not worthy, by praying for all the sick in the community and the Jewish nation, there is a better chance that G-d will bring healing to this individual as well. So too, in the merit of the Torah, the prayers might be answered more positively and more quickly.

MODERN ISSUES REGARDING VISITING THE SICK

Until two hundred years ago in most Jewish communities, nearly all of one's friends and extended family lived in the same town, with all homes within walking distance of each other. Visiting a sick person, who was usually in bed at home and not in a hospital, was a relatively simple matter, and

⁷⁰ Aruch HaShulchan, Yoreh Deah 335:4

⁷¹ Maimonides, Hilchot Avel 14:6, Shulchan Aruch, Yoreh Deah 335:3

⁷² Maimonides, Hilchot Avel 14:4-5, Shulchan Aruch, Yoreh Deah 335:1, 2, 4

⁷³ Maimonides, Hilchot Avel 8:4, 14:12, Shulchan Aruch, Yoreh Deah 335:9

⁷⁴ Shulchan Aruch, Yoreh Deah 335:5-6

everyone who wished to do so could fulfill this mitzvah rather easily. Today, however, a sick friend may stay in a hospital that is far away. Sometimes close friends live in a different city or country, as do many family members. For such people, where an actual visit is extremely difficult or impractical, can this important commandment of visiting the sick be fulfilled by other communication, and not only by an in-person visit?

Rabbi Moses Feinstein was asked about fulfilling this commandment by telephone.⁷⁵ He answered that since the entire commandment involves more than simply speaking to the sick individual, one cannot really perform this commandment via the telephone. If there is absolutely no alternative, then of course a telephone conversation is better than no communication at all with the sick person, but the commandment has not been satisfied completely. He mentions that when Moses first heard that the people worshipped the Golden Calf, he did not smash the First Tablets until he actually saw the people worshipping. So, too, there is something visceral about being in the same room with the sick person and seeing him or her, which cannot be duplicated by telephone or mere verbal communication. Rabbi Ovadiah Yosef gives a similar response,⁷⁶ reminding us that the original verse from which this commandment was learned was from the words “they will go.” It does not say “they will talk” since actually going to the person is a key component of the commandment, and one cannot compare seeing to hearing. Furthermore, a person is only fully motivated to pray for a sick individual after he or she actually sees the patient. Thus, speaking on the telephone is not sufficient. Rabbi Mordechai Breisch adds that, for the same reason, sending a letter or even sending someone else as an emissary to the sick person to take one’s place is not sufficient to fulfill this commandment. Since the presence of G-d (*Shechina*) is above the sick person’s head, that cannot be experienced by a call or a letter.⁷⁷ All of these responses are based on the Talmudic passage which implies that asking about someone’s health in the street (without a visit) is not the same as actually visit to the individual who is ill, and one has not fulfilled the commandment merely by asking about the sick person.⁷⁸

In a very unusual and prescient responsum in 1956, Rabbi Yitzchak Weiss discusses not only visiting the sick via telephone, but also the possibility of doing this mitzvah via a television screen through which people can speak to each other. At that time, interactive television was not even a dream, and neither was video conferencing. Yet Rabbi Weiss spoke about this question nonetheless.⁷⁹ Regarding the telephone, Rabbi Weiss says that if a visitor sees the patient the first time in person, then it is perfectly legitimate after that to fulfill the commandment subsequently by telephone, even up to one hundred times, as it says in the Talmud. Regarding television, if the two people see each other and converse, Rabbi Weiss seems to say that this is close enough to actually visiting the person and one could fulfill this commandment through video conferencing.

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⁷⁵ Responsa Igrot Moshe, Yoreh Deah 1:223

⁷⁶ Responsa Yechave Daat 3:83

⁷⁷ Responsa Chelkat Yaakov, Yoreh Deah 2:188

⁷⁸ Nedarim 38b-39a

⁷⁹ Responsa Minchat Yitzchak 2:84, no. 10