

Y.D. 345:2.2005

Suicide

By Rabbi Kassel Abelson

This paper was accepted by the Committee on Jewish Law and Standards on September 21, 2005, by a vote of 16 in favor, 2 against, and 1 abstaining. Voting in favor: Rabbis Kassel Abelson, Elliot Dorff, Loel Weiss, Israel Francus, Myron Fenster, Philip Scheim, Mayer Rabinowitz, Daniel Nevins, Alan Lucas, Myron Geller, Vernon Kurtz, Jerome Epstein, Joseph Prouser, Aaron Mackler, Robert Fine and Ben Zion Bergman. Voting against: Rabbis Leonard Levy and Joel Roth. Abstaining: Rabbi Baruch Frydman-Kohl.

שאלה

A member of the Synagogue committed suicide. Is it permitted to follow the regular funeral ritual for him or her? May he or she be buried in a regular plot in the cemetery? Do we perform נחום אבלים [comforting the mourners]?

תשובה

“Suicide is a self inflicted death that is intentional rather than accidental. It is a complex human behavior with biological, sociological, and psychological roots. It is the eighth most frequent cause of death for adults and the second leading cause of death for persons between ages 15 and 24.”¹

Suicide affects all ages, income levels, ethnic and religious groups. It is speculated that a point is reached in the life of a suicide, when the agony of day to day living, feelings of hopelessness about the future, become so overwhelming that the desire to end it all, and find peace in the grave is an attractive alternative.

Hebrew Expression for Suicide

The Hebrew language commonly uses a three word expression to describe suicide. It is המאבד עצמו לדעת.

The translation is “one who destroys him/herself ‘knowingly’”, with full mental capacity.² This implies that the individual who took his/her life was sane, and aware of the consequences of his/her actions.

As time went on, the understanding of what *la-da’at* implied deepened and a more profound understanding of psychological factors and the impact of outside pressures on the will to live influenced the attitude toward the halakhic implications of suicide. The Halakhah was also concerned with the survivors and held that consideration for the emotional wellbeing of the family should play a role in determining how we deal with the funeral of a person who committed suicide.

1. Nancy C. Andreason and Donald W. Black, Introductory Textbook of Psychiatry, American Psychiatric Publishing, Inc. 2001, p.553.

2. “With full mental capacity”. Rabbi Ben Zion Bergman suggests this is what is meant by the term לדעת and points out that this is why קטן חשור כשלא לדעת the קטן is considered a legal incompetent (cannot make a contract etc.), since (s)he does not have full mental capacity.

God Gives and God Takes

Life is the great good.³ פקוח נפש, saving one's own life or the life of another, takes precedence over the performance of all of the commandments, except the prohibitions on murder, adultery/incest, and idolatry.⁴ To take another's life is prohibited in the Ten Commandments under לא תרצח "You shall not murder,"⁵ but it does not necessarily prohibit taking one's own life. Suicide was not explicitly prohibited in the Bible.⁶ Four suicides, however, are mentioned: Samson,⁷ Saul and his armor-bearer,⁸ and Ahithophel.⁹ It is possible that suicide was not prohibited, because it was rare, and it was thought that few people of sound mind would take their own lives.

The Midrash, however, finds a prohibition of suicide hinted at in the Torah: ואת דמך לא תשפוך על פניך "But for your own life-blood I will require a reckoning."¹⁰ The Midrash comments: על שופך דם עצמו "Who spills his own blood".¹¹ God will bring each individual to account for taking his own life, for suicide is wrong. Rashi, too, finds a hint of the prohibition of suicide in this sentence: דמך אדרש מהשופך "I will surely require from him amongst you who sheds his own blood."¹²

The seriousness with which the tradition deals with suicide is reflected when a criminal is compared with a suicide. The Mishnah holds that a criminal sentenced

-
3. The Torah commands ובחרת בחיים "choose life," Deut. 30:19, equating the reward for doing the מצוות with חיים, life. In fact the importance of preserving life takes precedence over the observance of the מצוות as the Talmud says in connection with observance of the Sabbath, וחי בהם ולא שימות בהם, that "one is to live by the commandments and not die for them," BT Yoma 85b. The high value placed on life is popularly acknowledged in the toast לחיים.
 4. BT Sanhedrin 74a. Rabbi Elliot Dorff, in his responsum on "Assisted Suicide" found in Responsa of the CJLS 1991-2000, Pp. 379-397, comments "The only three times, in fact, when a Jew is supposed to prefer death to violating the law - namely, where the choice is death or being forced to commit murder, idolatry, or adultery/incest - are all choices for the sake of God, not for oneself". p. 381.
 5. Exodus 20:13.
 6. Some later sources see hints that it was prohibited in the Bible. See later comments on Gen. 9:5. The first time it is explicitly prohibited is in the post-talmudic work *Semahot* 2:1-5. For more information read "Suicide" in the Encyclopedia Judaica 15:489-491, and "Suicide" in The Jewish Religion, A Companion, by Rabbi Louis Jacobs, (Oxford University Press, New York, 1995), Pp. 501-502.
 7. Judges 16:30. Samson's suicide is explained as an act of resistance. Samson died, pulling the pagan temple down on the heads of the Philistines, who were mocking the God of Israel. It is sometimes described as an act of קדוש השם. See Rabbi Louis Jacob's article "Suicide" in The Jewish Religion, a Companion, p. 501.
 8. I Sam. 31:4-5. Saul and his armour bearer committed suicide, because they felt they had no choice, that they would be captured by the Philistines, tortured and die anyway. והוא אנוס כשאול המלך. *Shulkhan Arukh* Y.D. 345:3. Many different reasons are offered to explain Saul's suicide.
 9. II Sam. 17:23. Ahithophel was an advisor of King David, who joined Absalom's rebellion against his father David. Ahithophel advised Absalom to immediately pursue David before David could reorganize his forces. When his advice was rejected Ahithophel, fearing that David would triumph and take revenge returned home, and hanged himself. In Ahithophel's case, this fear was not accepted as sufficient reason for suicide, possibly because of his anti-David role. Rabbi Dorff points out that medieval sources used Ahithophel's death to maintain that "he who commits suicide while of sound mind has no share in the World to Come" and "is to be buried outside of the cemetery or at its edge".
 10. Gen. 9:5.
 11. *Bereishit Rabbah* 4, see also BT *Bava Kama* 91b.
 12. Rashi on Gen. 9:5. It should be noted that Rashi is reflecting a later approach, not the פשוט, the simple meaning of the Biblical text.

to death is assured of life in the עולם הבא the world to come, if he repents before he is executed.¹³ Suicide, however, is a rejection of the possibility of repentance. Therefore it cannot bring one to the life in the world to come.

The Mishnah in Pirke Abot sets the tone for the prohibition of suicide that is an important theme in later literature:

שעל כרחך אתה נוצר, ועל כרחך אתה נולד, ועל כרחך אתה חי, ועל כרחך אתה מת, ועל כרחך אתה עתיד ליתן דין וחשבון לפני מלך מלכי המלכים, הקדוש ברוך הוא.

”It was not your will that formed you, nor was it your will that gave you birth; it is not your will that makes you live, and it is not your will that brings you to death, nor is it your will that some day in the future you will have to give an accounting and a reckoning before the Ruler of Rulers, the Holy Exalted One.”¹⁴

Rabbi Louis Jacobs, in his article in The Jewish Religion, A Companion, comments on this Mishnah “Suicide is considered to be a grave sin both because it is a denial that human life is a divine gift and because it constitutes a total defiance of God’s will for the individual to live the lifespan allotted to him.”

In a similar vein, Rabbi Elliot Dorff says that “Judaism’s stance on suicide and assisted suicide is rooted in its understanding of the body as God’s possession. God, in fact, created and owns everything in the universe. God has granted us the normal use of our bodies during our lifetimes, and that inevitably involves some dangers and risks: but God as Owner imposes specific requirements and prohibitions intended to preserve our life and health as much as possible.”¹⁵

“One such provision relevant to our topic is that Jews may not even injure themselves, let alone kill themselves. To do either of these things would be to harm or destroy what belongs to God. Since we do not own our bodies, we do not have the right to expose ourselves to injury or death beyond the requirements of normal living and must instead seek to preserve our lives and health.”¹⁶

Martyrdom

The course that Jewish history has taken compels us to ask, “Is deliberately putting one’s life at risk always forbidden, or are there circumstances where one is permitted to do so?” After the Midrash derived the prohibition on suicide from the sentence “But for your own life-blood I will require a reckoning,”¹⁷ it asks, “Does this ban on suicide include one like Saul? No, Scripture uses the limiting term *akh* to exclude such cases. Does this ban include one like Hananiah, Mishael and Azariah? No! Scripture uses the limiting term *akh* to exclude such cases.”¹⁸

13. Mishnah Sanhedrin 6:2.

14. *Pirke Abot* 4:29. The translation is from *Siddur Sim Shalom for Shabbat*, P. 271. The quote is from the book The Jewish Religion, A Companion, p. 501.

15. Responsum on Assisted Suicide in Responsa of the CJLS, p. 380.

16. Op Cit. Responsa of the CJLS 1991-2000, pp 380-381. See the footnotes there for his sources.

17. Genesis 9:11, see above p. 2.

18. *Bereishit Rabbah* 34:19. See the article on Suicide in Rabbi David Novak’s Law and Theology in Judaism, Pp. 80-93.

Though suicide is prohibited, people such as Hananiah, Mishael, and Azariah, and King Saul were not deemed to be suicides. Why? Let us examine what the three men did. The book of Daniel¹⁹ says that King Nebuchadnezzar ordered these three, who were known in Aramaic as Shadrach, Meshach, and Abed-Nego, to worship a golden idol. They refused and were thrown into a fiery furnace. Miraculously they survived. Though they risked their lives by refusing to serve an idol, their act was not considered to be *מאבד עצמו לדעת*, a suicide, but *קדוש השם*, sanctification of God's name, an act pleasing to God. They were ready to become martyrs, witnesses to their faith in God. Martyrdom was distinguished from suicide and accepted as a *Mitzvah*. The Talmud describes the Rabbinic Council that took place in Lydda (second century) where the rules for *Kiddush Hashem* were formulated.

כל עבירות שבתורה אם אומרים לאדם עבור ואל תהרג יעבור ואל יהרג חוץ מעכו"ם וגילוי עריות ושפיכת דמים.

“Human life has precedence over all of the commandments of the Torah, except for idolatry, sexual immorality, and murder.”²⁰

Kiddush Hashem, the sanctification of God's name, in these three cases only, takes precedence over human life. Martyrdom is not a self-inflicted death as is suicide, but, in this case, execution by others. Martyrdom, thus, is not the result of a private decision that life is not worth living, but a choice between the unacceptable public worship of idols²¹ and death inflicted by the outside world.

Sometimes, however, the choice of martyrdom is made in anticipation of what the future holds in store and is self inflicted. The Talmud cites with approval the case of the four hundred boys and girls captured by the Romans, who drowned themselves:

“On one occasion four hundred boys and girls were carried off for immoral purposes. They understood what they were wanted for and said to themselves, ‘if we drown in the sea we shall attain life in the world-to-come....’”²²

Though the forbidden act had not yet been committed, these suicides were considered to be commendable, a *Kiddush HaShem*, because the sin of immorality would have been a *Hillul HaShem*, a public profanation of God's holiness and might have led others to despair and to abandon Judaism.

During the Middle Ages the doctrine of *Kiddush Hashem* strengthened the Jewish communities of Europe as they confronted Christian persecution. The readiness to accept *Kiddush HaShem* was a way of asserting, when faced with Christian

19. See Book of Daniel, Chapter 3.

20. T.B. *Sanhedrin* 74a.

21. See T.B. *Sanhedrin* 74b where martyrdom requires the presence of the same number of people as a minyan for worship.

22. T.B. *Gittin* 57b. See also the description of the suicide of ninety three Jewish girls in Warsaw in 1944 to be found in Ben Zion Bokser, *High Holidays Prayerbook* (New York. Hebrew Publishing Company, 1959) pp. 434-436. This story may be apocryphal but has found its way into this edition of the Mahzor.

missionary coercion, that if they were not permitted to live openly as Jews they chose not to live at all.

While martyrdom, in extreme cases was deemed praiseworthy, efforts were made to limit the times when suicide was considered justifiable. Only when the act of self destruction made clear to the world that faith in God was being affirmed was it considered a praiseworthy deed. Ordinarily, even in times of danger one should trust in God. When Hananiah ben Teradyon was being burned on the stake by the Romans for teaching Torah, his disciples urged him to hasten his death by inhaling the flames. He refused, saying, “Let Him Who gave the soul come and take it.”²³ His words were seen as the norm, affirming the high value that Judaism places on life and trust in God.²⁴

Mourning for the Suicide

While committing suicide is prohibited, and God will judge the one who takes his own life, Jewish law must decide how to deal with the body and determine the ritual of mourning for the family. The post-Talmudic tractate *Semahot* formulates the rules for dealing with a suicide, and the *Shulkhan Arukh* codified this approach:

הַמֵּאֲבֵד עֲצָמוֹ לְדַעַת אֵין מִתְעַסְקִים עִמּוֹ לְכָל דְּבַר, וְאֵין מִתְאַבְּלִין עָלָיו, וְאֵין מִסְפִּידִין אוֹתוֹ, וְלֹא קוֹרְעִין, וְלֹא חוֹלְצִין, אֲבָל עוֹמְדִין עָלָיו בְּשׂוֹרָה, וְאוֹמְרִין עָלָיו בְּרַכַּת אַבְלִים, וְכָל דְּבַר שֶׁהוּא כְבוֹד לַחַיִּים.²⁵

“No mourning rites are observed for a person who commits suicide, no mourning for him, no eulogizing him, no rending of garments, no removing of shoes, but people should line up to comfort the mourners and recite the mourners blessing, and do everything out of respect for the living.”

The rule seems to be that the suicide is denied certain honors that are due to the dead. This was later understood to include denying burial in the regular cemetery, and burying the suicide in a special section of the cemetery reserved for suicides²⁶. It was made clear, however, that the public should participate in everything that is done out of respect for the living. The mourners were not to be denied the comforting that was due the bereaved.²⁷

It may be that the harsh rules were formulated to discourage suicide at a

23. T.B. *Avodah Zarah*, 18a.

24. The concept implicit in the “suicide bomber,” that blowing oneself up to kill innocents is pleasing to God, is totally foreign to the Jewish concept of God and the teachings of Judaism regarding martyrdom. Even Samson’s suicide is not the exact equivalent of the suicide bomber. The Philistines were not innocents, but had assembled to celebrate the humiliation of the God of Israel and probably to witness Samson’s torture and execution.

25. Y.D. 345:1. See also *Semahot* 2:1.

26. See *Encyclopedia Judaica* p. 490, also Y. Eisenstein, *Otzar Dinim u-Minhagim*, p. 197.

27. The need to comfort the mourners is eloquently expressed by Kay Redfield Jamison “Suicide is a death like no other, and those who are left behind to struggle with it must confront a pain like no other. They are left with the shock and the unending “what ifs”. They are left with anger and guilt and, now and again, a terrible sense of relief. They are left to a bank of questions from others, both asked and unasked about Why; They are left to the silence of others, who are horrified, embarrassed, or unable to cobble together a note of condolence, an embrace, or a comment; and they are left with the assumption by others-and themselves-that more could have been done.” *Night Falls Fast*, p. 292.

time when suicide appeared to be a growing problem.²⁸ But, even so, the rules were softened by setting high standards in deciding who has committed suicide. The Rambam lays out criteria that are used in making such a determination:

How is a suicide determined?

ואיזהו המאבד עצמו לדעת, לא שעלה לראש האילן ונפל ומת בראש הגג ונפל ומת, אלא זה שאמר הריני עולה לראש האילן או לראש הגג, ואפיל עצמי ואמות, ורואין אותו שעלה ונפל ומת, הרי זה בחזקת שאבד עצמו לדעת, ואין מתעסקין עמו בכל דבר.

“Who is considered to be a suicide? Not one who climbs to the top of a tree or to the top of a roof and falls to his death. Rather, it is one who says: ‘Behold, I am going to climb to the top of the roof, and throw myself down to my death’, and thereupon they saw him climb (to the top of the tree roof, or to the top of the tree) and fall to his death. Such a one is presumed to be a suicide and no rites should be observed.”²⁹

To be considered a suicide, the act must be *עצמו לדעת*, with full and complete mental capacity, premeditated, announced in advance, and witnessed. If not, then even if it appears to be obvious:

אבל אם ראוהו חנוק ותלוי באילן, או הרוג ומושלך על גבי סייפון, הרי הוא בחזקת כל המתים ומתעסקים עמו, ואין מונעין ממנו כל דבר.

“Even if he is seen hanging from a tree, or slain, pierced by his own sword, he is considered like all other dead and we deal with him, withholding nothing.”³⁰

Though the evidence would point to suicide, since we did not hear him say that he was going to kill himself, and did not witness him doing so, we cannot be absolutely certain that it was suicide. Hence we give the deceased the benefit of the doubt and treat the possible suicide like we would any other dead person, performing the same traditional mourning ritual.

Other factors also have to be taken into consideration when deciding whether a death is *עצמו לדעת* done with full mental capacity or not:

קטן המאבד עצמו לדעת חשוב כשלא לדעת, וכן גדול המאבד עצמו לדעת והוא אנוס כשאול המלך, אין מונעין ממנו כל דבר.

28. This approach may also have been learned from the surroundings, for suicides were harshly treated in the non-Jewish world. Kay Jamison in *Night Falls Fast*, writes: “The Catholic Church from its earliest days opposed suicide, and during the sixth and seventh centuries, codified its opposition by excommunicating and denying funeral rites to those who who died by their own hand. Suicide was never justifiable, wrote St. Augustine in an authoritative argument for the Church, because it violated the sixth commandment of God, ‘Thou shalt not kill.’” p. 14.

29. Rambam M.T. *Hilkhos Aveilim* 1:11. See also *Semahot* 2:2, *Y.D.* 345:5, which are similar. However the Rambam is more explicit, emphasizing the announcement of the intention to commit suicide, the importance of witnesses, and the brevity of the time between the statement and the event.

30. *Y.D.* 345:2

“A child who commits suicide is considered as one who does not have full responsibility for his actions,³¹ likewise an adult who commits suicide is convinced he had no choice, like Saul the King; we do not withhold anything (of the mourning ritual).”³²

A child is not considered to be fully responsible, acting with full awareness of what he is doing. Where an individual feels he has no choice he is not to be considered as acting with complete awareness, and is not to be penalized by withholding the full mourning ritual. The Rabbis accepted unbearable stress as a reason for a person to take his own life, considering Saul as the prototype for suicides by people who felt they too had no choice, אנוס כשאויל המלך.³³

Suicide is Evidence of Insanity

The stringency of the halakhic limitations on the burial and mourning ritual for the suicide was gradually eased, as more and more reasons were sought and accepted as reasons to be lenient. With the passage of time a new factor entered the scene, a better understanding of לרעת, recognizing the determinative force of mental illness. Mental illness came to be considered as an independent cause of suicide. R. Moses Schreiber (Hatam Sofer) as early as 1835 said that we can assume that mental illness was the cause of a suicide which seemed to have no reasonable explanation, and permitted a full burial and mourning ritual.

31. The question of the suicide of a child is dealt with in an incident first cited in *Semahot*: “A case occurred with the son of Gorganos in Lydda, who ran away from school and his father threatened to box his ears, he was afraid so he went and killed himself in a pit. They came and asked R. Tarfon, who said that no burial dignity was to be withheld from him.” (Arukh Hashulkhan 345:3) It seems reasonable that R. Tarfon ruled this way because the suicide was a child. However it is also possible that R. Tarfon ruled this way because the child was hysterical with fear and could not bear to face his father. Rabbi David Novak discusses this case in his book Law and Theology in Judaism, p. 87, Ktav, N.Y. 1974.

In the tradition the term *katan* is used in regard to pre-Bar Mitzvah age (under 13). Today, it seems that the definition of a juvenile used by the American legal system is until age 18. A delinquent under age eighteen will be tried in a juvenile court rather than in a regular adult court, because (s)he does not have the ability to make mature decisions. The New York Times in an article stated “Studies support the common view that adolescents tend to be reckless and do not calculate the risks and consequences of their actions as adults do. They are moodier, more susceptible to peer pressure and do not have an acute sense of mortality. The law seems to recognize this, with most states using 18 as the dividing line between childhood and adulthood in many areas including the ability to vote and serve on juries.” Adam Liptak, Ruling is Awaited on Death Penalty for Young Killers, *New York Times*, Jan. 4, 2005, p. 1. We should keep in mind that a juvenile’s judgement would also be considered immature in regard to committing suicide, until s/he reaches the age of maturity, eighteen.

32. Y.D. 345:3

33. Rabbi David Novak, op.cit. raises the question “Why is Saul’s suicide not explicitly exonerated on the grounds of mental illness? Certainly there is ample evidence in the scriptural accounts of his life that he was a paranoid schizophrenic: his deep depressions; his lapses of memory, his unjustified suspicions; his sudden personality changes; his homicidal defenses. Indeed in Scripture his obviously psychotic episodes, which become more and more frequent as he grew older and sicker, are designated afflictions by “the evil spirit from the Lord.”

The answer to this question is that psychosis was not distinguished from imbecility. Only a person who was imbecilic (*shoteh*) was considered mentally ill. However, a person of accepted piety and learning, certainly the divinely chosen king of Israel, was not to be considered an imbecile, hence he was not considered psychotic,” p. 88.

The *Arukh Hashulkhan*, after examining many approaches, summarizes them:

כללו של דבר במאבד עצמו לדעת תלינן בכל איזה תלייה כל שהוא, כגון לתלות ביראה או בצער, או שיצא מדעתו, או שסבור היה שזה מצוה לבלי להכשל בעברות אחרות וכיוצא באלו הדברים, מפני שזהו באמת דבר רחוק שאדם יעשה נבלה כזו בדעת צלולה, צא ולמד משאול הצדיק שנפל על חרבו לבלי יתעללו בו הפלשתים, וכיוצא בזה מקרי אנוס, וכל שכן קטן המאבד עצמו לדעת, דחשוב כשלא לדעת.

“Generally, when someone takes his own life we blame it on any reason at all, for instance, fear or troubles, or insanity, or the belief that suicide is a better alternative than getting involved in other transgressions, etc. Suicide is truly a remote prospect for a person in his right mind. Learn from the example of Saul the Righteous who fell on his own sword, so that the Philistines would not torment him, and there are other similar possibilities of unbearable stress. And certainly when it is a minor who commits suicide, we consider it involuntary”.³⁴

We are instructed to search for any reason at all to avoid labeling the deceased a suicide. Taking our lead from the ערוך השלחן we see that anyone who commits suicide is not considered to be in his right mind, but is, at least, temporarily insane.³⁵ Following this approach, we may assume that a good reason can be found, and we should deal with “apparent” suicides as we would deal with any other deceased, not changing the normal burial procedures and mourning ritual.

The conclusion of the *Arukh HaShulkhan* is in conformity with that of modern medicine. Kay Redfield Jamison tells us, “The most common element in suicide is psychopathology, or mental illness; of the disparate mental illnesses, a relative few are particularly and powerfully bound to self-inflicted death: the mood disorders (depression and manic-depression) schizophrenia, borderline and antisocial personality disorders, alcoholism, and drug abuse. Study after study in Europe, the United States, Australia, and Asia have shown the unequivocal presence of severe psychopathology in those who die by their own hand; indeed, in all of the major investigations to date, 90 to 95 percent of people who committed suicide had a diagnosable psychiatric illness. High rates of psychopathology have also been found in those who make serious suicide attempts”.³⁶

There are two types of suicide that we might encounter where there are

34. *Arukh Hashulkhan* 345:5.

35. This seems to be the opinion of many later authorities. Rabbi Isaac Klein, *A Guide to Jewish Religious Practice*, p. 283 cites the *Gesher HaHayyim*: “Nowadays, since it is known that most suicides result from temporary insanity caused by depression, we observe all the rites of mourning”. *Gesher HaHayyim* 1:271-273 (as corrected by Rabbi Elliot Dorff, p. 382, Responsa 1991-2000.)

36. Kay Redfield Jamison, *Night Falls Fast*, Pp. 100. She also stresses that, “The causes of suicide lie, for the most part, in an individual’s predisposing temperament and genetic vulnerabilities: in severe psychiatric illness; and in acute psychological stress,” p. 236, and she continues. . . “There is relatively little that a doctor can do to control many of the major stresses in a patient’s life: they occur too randomly, and thus are difficult to predict and even more difficult to govern. But there *are* things that can be done to influence or treat the the underlying biological vulnerabilities to suicide, as well as the mental illnesses closely linked to suicidal behavior.” p. 239. She devotes an entire chapter entitled “Modest Magical Qualities,” Pp. 235-263 to examining the physiological causes of suicide and the treatments that medical research recommends to control suicidal behavior.

issues that must be examined and resolved. The first is assisted suicide, and the second is the so-called rational suicide.

Assisted Suicide

The Statement On Assisted Suicide, issued by the CJLS, clearly affirms that:

- “1. Suicide is a violation of Jewish law and of the sacred trust of our lives given to 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 another to help them do so, or assist in such an effort.
3. 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.”³⁷

Rabbi Joseph Prouser in an article entitled Being of Sound Mind and Judgement³⁸ points out that a patient to qualify for physician assisted suicide, in those places where it is legal, must prove that he/she is mentally competent (not suffering from a psychological disorder or depression), explicitly state the intent to commit suicide, and be personally able to carry out the act of suicide. Witnesses must attest that the patient is of sound mind and not acting under duress, fraud, or undue influence. Given such stringent requirements, Rabbi Prouser says, that such a suicide may under Jewish law be considered culpable מאבד עצמו לדעת. In such cases, he maintains, there should be communal Halakhic sanctions that may act as a deterrent to discourage suicide.

Rabbi Aaron Mackler has called my attention to a chapter entitled The Oregon Experiment³⁹ which examines a case of assisted suicide in the state of Oregon, where it is legal. It raises disturbing questions about the physicians who examined the patient and offered contradictory opinions about the appropriateness of the patient’s decision, about her state of mind, of whether she was depressed or not, etc.

There seems to be enough doubt in this case and by extension in other such cases to rely on the *Arukh Hashulkhan*, who said “that when someone takes his own life we blame it on any reason at all...For suicide is a remote prospect for a person in his right mind”.⁴⁰ In the spirit of the CJLS Statement on Assisted Suicide we should initially do all in our power to discourage such suicides. After the fact we should treat this death

37. Statement on Assisted Suicide, Responsa 1991-2000, Pp. 398-399.

38. Rabbi Joseph Prouser, Being of Sound Mind and Judgement, *Conservative Judaism*, Summer 1997, Pp. 3-16.

39. It is found in the book The Case against Assisted Suicide by Kathleen Foley and Herbert Hendin, Pp. 144-174.

40. Arukh Hashulkhan 345:5.

as we would treat all other deaths.

“Rational Suicide”

There is another form of suicide which is even more troubling than Assisted Suicide. An article in the *Washington Post*⁴¹ in an article entitled “A Calculated Departure” discussed the suicide of a former literature professor and mystery author. “(She) was suffering from none of the conditions commonly associated with suicide.... She was neither terminally ill, in severe pain nor, apparently, depressed. Instead, she committed what some have called ‘rational suicide’ -ending one’s life out of conviction that one has lived long enough, that the likely future holds more pain than joy.

“Rational suicide, a coinage dating back nearly a century, has also been called balance-sheet suicide, suggesting that sane individuals can objectively weigh the pros and cons of continued life, and then decide in favor of death”.

If young adults or adolescents speak about committing “rational suicide”, psychologists would suspect an underlying mental illness such as depression, and advocate aggressive psychiatric treatment. But what if older people argue that they have lived their lives and want to commit suicide before they suffer a stroke or some other debilitating illness? Is this type of “elder suicide” ever justified?

Certainly, from the viewpoint of Judaism such a suicide would be forbidden as a denial of God’s providence, and our God given duty to preserve our lives and health. Moreover, Judaism could never agree that such a suicide could ever be “rational”, hence we would be justified in suspecting that there is a mental illness and therefore there would be no reason to treat this death differently.

Summary

Suicide is forbidden, but viewed with compassion. Judaism forbids taking one’s life, for it places a high value on life. God has given us life, and only God may take life. “Suicide is a final and dramatic statement of an approach to life which a people professing a faith in the goodness of God and the goodness of life cannot condone”⁴². Judaism did, however distinguish between suicide and martyrdom, accepting acts of martyrdom as *Kiddush HaShem*, Sanctifying God’s Name, and not as intentional, self inflicted suicide.

The approach of הלכה, Jewish law, to suicide, however, evolved through the centuries. Suicide is מאבד עצמו לדעת - taking one’s own life knowingly, with one’s mental capacity undiminished by fear, duress, psychological factors or overwhelming circumstances. A compassionate understanding of the implications of the full meaning of לדעת, helped determine which deaths were to be subject to the full Halakhic consequences of being deemed a suicide, and which were not.

The early הלכה viewed suicide as transgressing Jewish law and denied the suicide the usual burial and mourning rites. Though the Talmud and the Midrash find hints in the Torah for condemning suicide, neither explicitly prohibits suicide. The post

41. *Washington Post*, March 2, 2004, [A Calculated Departure](#), Pp. F1, F4.

42. Rabbi Seymour Siegel, [Suicide in the Jewish View](#), *Conservative Judaism*, XXXII:2, (Winter 1979), p. 73.

Talmudic tractate שמחות is the first to prohibit suicide and the יורה דעה codifies the ritual penalties for those committing suicide, not allowing the suicide the regular mourning ritual, but permitting mourning ritual for the sake of the survivors

The requirement that someone who takes his own life, proclaim his intention to commit suicide, and that the act be witnessed within a short time, reduced the number of deaths classified as suicides. The Rabbis sought and found other reasons not to classify deaths as suicides. The “suicide” of a child was always considered as being committed by one who did not yet have full mental capacity. Unbearable duress and insanity were accepted as reasons for not stigmatizing a death as a suicide. A history of mental illness was accepted as evidence that the individual acted with a lessened mental capacity. At a later period, “suicide” itself, was deemed evidence of temporary insanity. In all these cases the regular mourning ritual was followed. The *Arukh Hashulchan* (345:a), after examining many approaches, summarizes them; “Generally, when someone takes his own life we blame it on any reason at all, for instance, fear or troubles, or insanity, or the belief that suicide is a better alternative than getting involved in other transgressions, etc. Suicide is truly a remote prospect for a person in his right mind. Learn from the example of Saul the Righteous who fell on his own sword, so that the Philistines would not torment him, and there are other similar possibilities of unbearable stress. And certainly when it is a minor who commits suicide, we consider it involuntary”.

P’sak Halakhah

Suicide, “taking one’s own life”, is forbidden by Jewish law, for only God who has given life may take it. Though the early Halakhah denied the suicide the usual burial and mourning rites, the trend of Halakhic development was to find a reason to treat the ritual for a suicide like the ritual for any other death. For the sake of the survivors the mourning ritual involving the family may be performed. The “suicide” of a *katan* (child) is always considered evidence of less mental capacity, and full rites are permitted. A history of mental illness is prima facie evidence, that the taking of one’s life was due to diminished mental capacity. In fact any reason is deemed sufficient to decide that a suicide is שלא כדעת without full and complete mental capacity, or the result of temporary insanity. A suicide is to be treated like any other death, with the right of burial in the cemetery, and the same ritual of mourning.