

YK file

# THE QUESTION OF DEATH

(Gave at shiur to Hebra Kadisha Saturday night, Oct. 4, 1975)

See Y.D. #338. The Sh.A. gives no indication as to the origin of this  
ש"ס ע"פ '131.

Apparently, its earliest source is in Joshua, the story of Akhan, where Joshua tells him אָבִיחַ / וְאֵל, i.e., confess, and Akhan replies, אֲנִי עָשָׂה כְּכָל אֲשֶׁר צִוִּיתָ etc. From there we go to the Mishnah that all those executed by Beit Din are required to confess.

However, I believe there are fundamental differences between ש"ס ע"פ '131 and the confession of executed criminals. Halakhically, the latter are required to be כְּגֵוֶה לְהַגְדִּיל, whereas the patient is not required to do so. The reason for this, I suggest, is that the confession of the executed criminal is primarily the first step in an act of teshuvah, when we know the man is a sinner. However, with regard to patients, I believe that the '131 is mostly in order to let the patient feel that his death is meaningful, as it must be. The essence of the '131 is: לֵב יָדָא בְּפִי מִלְכָּא מִלְכָּא, which means that death is not the inevitable leap into the infinite void, but rather the fulfillment of a Divine commandment! This is what Zeide, ר"י, once said, and I find support for it in one of the commentaries to this text who quotes another commentary, to the effect that there are certain Zaddikin who used to perform עֲשֵׂה לְפָנֶיךָ before dying -- i.e., as if they were about to perform a mitzvah.