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YESHIVAS IYUN HALACHA
HILCHOS REFUAH V'HALACHA PROGRAM

HILCHOS REFUAH V'HALACHA

SHIUR 1

סימן של"ה סעיפים א'-ז'

Who Visits the Patient and How

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HILCHOS REFUAH V'HALACHA SHIUR 1

מראה מקומות

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♦ **Siman 335 – When to Visit the Patient, Which Patients to Visit and How to Daven for Them (10 se'ifim)**

א סעיף – WHEN TO VISIT THE PATIENT

The Shulchan Aruch writes:

It is a mitzvah to visit sick people. Close relatives and friends come [to visit] immediately, and more distant relations come after three days. If the illness came on suddenly [and quickly became serious], both [close and distant relatives] come immediately.

THE SOURCE

The source of this se'if is the Gemora (Shabbos לב ע"א) quoting Rav Yitzchok the son of Rav Yehuda: A person should ask for mercy (daven) that he shouldn't get sick, because once he becomes ill he must show a merit to exempt himself from punishment (and get better).

The Gemora (Sota יד ע"א) states that when someone falls ill it is a mitzvah for every Jew to visit him. This halacha we learn from the example of Hashem, Who "visited" Avrohom when he was recuperating from his bris milah (see Braishis יח א), and since we are obligated to emulate the traits of Hashem (as revealed in his actions), we are obligated to visit the sick.

Elsewhere the Gemora (Baba Metzia נל ע"ב) explains (as an asmachta) that the passuk - "And you shall teach them the way they should follow (lit. walk on)" (Shmos כ יח) - is referring to visiting the sick (which one does by walking - Prisha here).

Another Gemora (Nedarim מ ע"א) adds that this is a great mitzvah because people who visit pray for the patient and thereby give him life, and they also take care of his needs.

The Ramban (Toros Ha'adam) concludes based on this Gemora that if one visits the sick but doesn't daven for them, he didn't fulfill the mitzvah of bikur cholim.

An additional aspect of this mitzvah is discussed in Maseches Smachos (one of the "small masechtos" published after Horios) and in the Yerushalmi, which state that the close relatives of the deceased come to visit as soon as the person becomes ill, but the more distant relations only come after three days; and friends are considered like close relatives. However, if the illness came on quickly (it became serious right away), then even distant relations come to visit immediately.

SHULCHAN ARUCH

The Shulchan Aruch summarizes that it is a mitzvah to visit the sick, and cites the distinction between close and distant relations.

To explain this distinction, the Taz (א"ק א) quotes from the Bach that we do not want to jeopardize the "mazel" of the patient and label him as sick, therefore we don't publicize his situation to distant relatives; but his friends and close relatives, who anyways visit him regularly, there is no reason not to notify. Yet when the illness is sudden, and his "mazel" has already turned bad, we can tell even the distant relatives to come right away.

סעיף ב – WHO SHOULD VISIT THE PATIENT

The Shulchan Aruch writes:

Even a great person should visit a person of lesser stature, even several times a day, and even if they are the same age (born in the same "mazel"). The more one visits, the more he is worthy of praise, as long as he doesn't bother him (the patient).

The Rama adds:

Some say that someone who dislikes the patient can visit him; but it seems to me that he shouldn't visit, and neither should he console a mourner who dislikes him so that he (the patient or mourner) shouldn't think that he's happy to see his downfall and it will just cause him distress – that's my understanding.

THE SOURCE

The source of this se'if is the Gemora (Nedarim לט ע"ב) stating that even a great person should visit someone of lesser stature, and even several times a day.

Another Gemora (Baba Metzia ל ע"ב) adds that even if the patient is the same age (meaning that they were born in the same "mazel" - Rashi Yevamos קכ ע"א), in which case the person who visits takes one sixtieth of the illness of the patient, still he is obligated to visit.

The Kolbo (סי' קיב) writes that the more one visits the sick the more he is worthy of praise (as we mentioned that one should visit several times a day), as long as it isn't tedious for the patient.

SHULCHAN ARUCH

The Shulchan Aruch codifies all the above.

The Rama adds the opinion of the Maharil that someone who dislikes the patient can visit him, but the Rama disagrees, and adds that the same applies to consoling mourners.

The Taz alludes to the question: If someone born in the same mazel takes one sixtieth of the illness (when he visits), then can we bring sixty such people to visit and completely heal the patient? The Taz therefore explains that each one takes away a sixtieth of the illness remaining after the previous visit; therefore sixty visitors will not completely take away the illness.

About visiting someone one dislikes, the Shach quotes from the Bach that one can participate in the levaya of someone he disliked, because here there is no concern that he will think the one participating is happy to see his demise, since everyone will meet the same fate eventually; but one should not console a mourner who he dislikes. He concludes that it depends on the intensity of the negative feelings and the spiritual level of the people involved.

סעיף ג – HOW TO SIT WITH THE PATIENT

The Shulchan Aruch writes:

When one visits the sick he should not sit on a bed or chair or bench; he should wrap himself and sit in front of him, because the Shechina is above his pillow.

The Rama adds:

This is relevant only when the patient is lying on the floor, because then someone who sits [on a chair etc.] is above him; but when he's lying on a bed, one can sit on a chair or bench.

THE SOURCE

The source of this halacha is the Baraissa (Shabbos ע"ב יב). The Baraissa proves that the Shechina is above the patient from the passuk (Tehilim מא), "Hashem will support him on his bed of suffering."

The Ran adds that the admonition against sitting on a chair refers to when the patient is lying on the floor, because then the visitor sitting on the chair appears to be above the Shechina (Which is with the patient).

SHULCHAN ARUCH

The Shulchan Aruch codifies the Gemora. The Rama adds the clarification of the Ran.

The Bais Hillel (which is printed on the margin of the Shulchan Aruch) quotes from the Zohar that if the visitor sits by the pillow of the patient, then even though he isn't higher up than the patient, it is still forbidden, since the Shechina hovers there.

ד סעיף – WHEN TO VISIT THE PATIENT

The Shulchan Aruch writes:

One should not visit the patient during the first three hours of the day, because sick people feel better then, and the visitor won't see the need to daven for him. And also [he should not visit] during the last three hours of the day, because then the illness gets worse, and the visitor will give up on davening for him.

The Rama adds:

If someone visited and didn't daven for the patient, he didn't fulfill the mitzvah.

THE SOURCE

The source of the Shulchan Aruch is the Gemora (Nedarim מ ע"א).

The Rambam (cited by the Bais Yosef) gives an alternate reason why not to visit during these hours, because then the people caring for the patient are administering to his needs.

SHULCHAN ARUCH

The Shulchan Aruch codifies the Gemora, and the Rama adds that the reason one shouldn't visit at the end of the day (when the patient gets weaker and one might feel there's no point in davening for him) is that if one visits the sick and doesn't daven for him he didn't fulfill the mitzvah.

ה סעיף – HOW TO DAVEN FOR THE PATIENT

The Shulchan Aruch writes:

When one davens for him, if he's davening in [the patient's] presence he can use any language he wants, but if not in his presence, he should only daven in לשון הקודש.

THE SOURCE

The source of this halacha is the Ramban based on the Gemora (Shabbos ע"ב) stating that even though one should not daven for his own needs in Aramaic, because the angels (who bring the tefilos to Hashem) do not understand Aramaic, when davening for the sick one may speak in Aramaic, because the Shechina is with the patient, so there is no need for angels to deliver the tefila.

Hence the Ramban generalizes that when davening in the presence of the patient one can use any language, but not in his presence one should use only לשון הקודש, like any other tefila of an individual (as opposed to a group, which can daven in another language according to the letter of the law). The rationale is that when the patient is not present the Shechina is also not present (to the same degree), so assistance of the angels is required, and they only understand לשון הקודש.

SHULCHAN ARUCH

The Shulchan Aruch codifies the Ramban.

We can pose a question here: is it only Aramaic the angels don't understand, or any language other than לשון הקודש? The Taz (ס"ק ד) discusses this point, and writes that the Rif and Rosh disagree on this; the Rif holds all other languages they don't understand, but the Rosh holds only Aramaic.

Accordingly, the Tur is hard to comprehend: Why does he write that when not in the presence of the patient one should daven [for him] only in לשון הקודש, contrary to the ruling of his father the Rosh (whose opinion the Tur usually follows) that one may daven in any language other than Aramaic?

The Taz answers that since the patient needs lots of mercy (from Hashem), therefore one should daven for him (when not in his presence) in לשון הקודש, so that it should be unanimously acceptable (even according to the Rif).

סעיף ה – THE WORDING OF THE TEFILA FOR THE PATIENT

The Shulchan Aruch writes:

He should include him (the patient he's davening for) among all sick Jews, and say: "Hamakom (a way of referring to Hashem) should have mercy on you among [all] sick Jews." On Shabbos he should say: "It is Shabbos [so we must refrain] from crying out, and healing is coming soon."

THE SOURCE

The source of this se'if is the Gemora (Shabbos ע"א) citing an opinion that one who visits the sick on Shabbos says as above, along with other alternate opinions. The Rambam rules to say this version (of the Tana Kama).

The Tur states that one should include in his tefila for the patient all sick Jews, and say "שבת היא מלזעוק ורפואה", and on Shabbos should say "המקום ירחם עליך בתוך חולי עמו ישראל" and add, "ורחמיו מרובין ושבתו בשלום". This addition is quoted in the Gemora (ibid.) from Shevna Ish Yerushalmi (and the Tur understands that he is explaining the words of the Tana Kama - Bais Yosef).

SHULCHAN ARUCH

The Shulchan Aruch rules like the Rambam (without the addition of the Tur). However, the Shach points out that the Shulchan Aruch in Orach Chaim (סימן רפז) does include the addition of the Tur, and the Bach rules that way as well.

ז' סעיף – WHAT TO TALK ABOUT WITH A PATIENT IN DANGER

The Shulchan Aruch writes:

We should tell him to review his affairs, [that is] whether he loaned money or left a deposit with people, or others loaned him or left a deposit with him, but he should not think because of this (the fact that we discuss this) that he's dying.

THE SOURCE

The source of this halacha is in Maseches Smachos, which states that we say to him, "[We're not coming to talk about] things that could bring on death, and not things that can revive." And we tell him to think about his affairs (as above), and that he shouldn't fear that talking about this will bring his demise closer.

SHULCHAN ARUCH

The Shulchan Aruch codifies the above.

SUMMARY

1. It's a great mitzvah to visit the sick, because the visitor davens for the patient and thereby gives him life, and he also takes care of the needs of the patient.
2. If one visited the patient and didn't daven for him, he didn't fulfill the mitzvah of visiting the sick.
3. The close relatives and friends of the patient come to visit as soon as he gets sick, and the distant relatives after three days; but if the illness came on [and became serious] quickly, even the distant relatives come immediately.
4. Even a great person should visit a person of lesser stature, even several times a day.
5. Even a person born in the same mazel as the patient, who takes one sixtieth of the illness, should visit; and the more one visits, the more praiseworthy he is, as long as he doesn't trouble the patient.
6. The poskim disagree whether someone who dislikes the patient should visit him.
7. Someone who disliked a person who passed away can participate in his levaya; but one should not console a mourner he dislikes.
8. When visiting the sick one should not sit on a bed, chair or bench, but should wrap himself and sit [on the floor] by the patient.
9. However, the prohibition of sitting on a chair etc. only applies when the patient is lying on the floor, but if he's on a bed there's no problem.
10. One should not visit the patient during the first three hours of the day and also not the last three hours.

11. When davening for the patient, if in his presence, one can daven in any language, but if not in his presence, he should only daven in לשון הקודש.

12. When davening for the patient, one should include him with all sick Jews, and say: "Hamakom should have mercy on you among [all] sick Jews."

13. On Shabbos one should say: "It is Shabbos [so we should refrain] from crying out, and healing is coming soon."

14. Some say that on Shabbos one should add: "And His mercy is abundant and His resting is in peace."

15. We say to a seriously ill patient that he should think about his affairs, whether he loaned money or left a deposit with people, or others loaned him or left a deposit with him. And we console him that he shouldn't fear that this discussion will bring on his demise.