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The Dying of Moses, the Bargaining Patient, and an Apophatic Clinical Theology

What Midrash Knew About Dying That the Stage Models Do Not

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The Death of Moses, James Tissot, 1896-1902

ABSTRACT

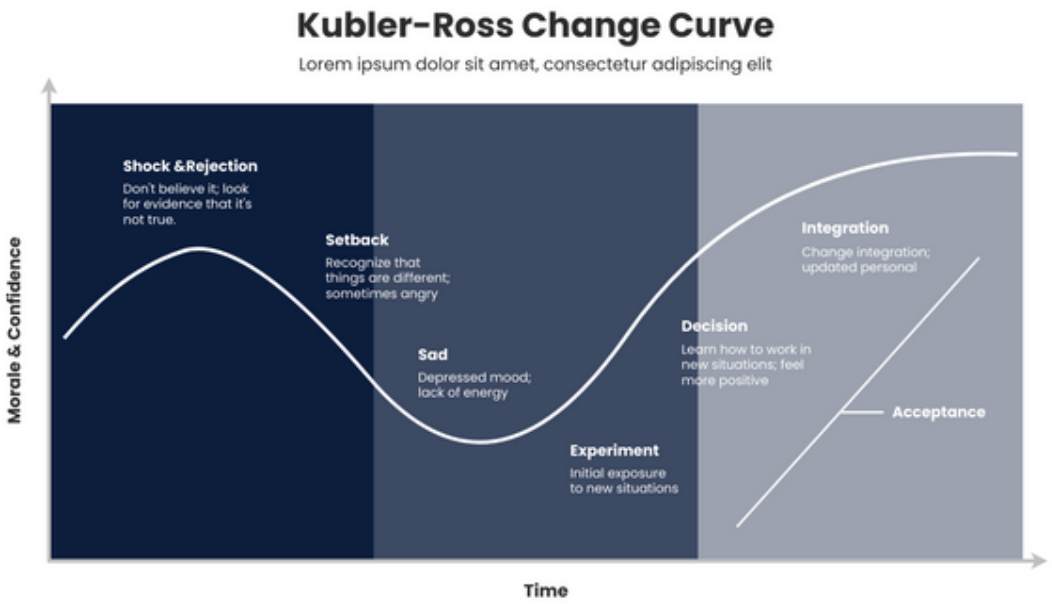
The rabbinic traditions on the death of Moses, gathered principally in Devarim Rabbah 9 and 11 and the associated Midrash Petirat Moshe, constitute the most detailed protocol of a resisting dying subject in the Western religious archive. Moses is told his death is near; he argues, litigates, fasts, draws a circle in the dust and refuses to move, offers a descending series of substitute lives — let me enter the land as a beast, as a bird, as Joshua's disciple — assaults the angel of death, and only then, after his teaching function has visibly failed him, says that his soul is given. This paper reads that sequence against Kübler-Ross's five stages and the fifty years of correction that followed: awareness contexts, middle knowledge, task-based models, oscillation, meaning reconstruction, dignity and demoralization, continuing bonds, and the empirical work that has largely dissolved stage sequence as a description of anything.

The midrash anticipates the stages and refutes them usefully: acceptance arrives through the collapse of function and role rather than through insight, the bargain is never conceded as mistaken, and no reason is ever supplied. God's answer throughout is rav lakh — enough, speak to me no further of this matter — and the gates of prayer are shut so the petition cannot ascend. This is not cruelty and not theodicy but the refusal of predication, read here through the apophatic framework of my earlier work: tzimtzum as the withdrawal that makes room for protest rather than the explanation that dissolves it, the divine name used deictically rather than predicatively, and presence without answer as the only permissible bedside theology.

The narrative ends with a kiss and an unlocatable grave — maximal proximity, zero explanation, and, as Gersonides saw, a burial place hidden precisely to prevent a shrine. Two addenda supply the primary material: the Hebrew and English of the principal Devarim Rabbah passages, and a witness of another genre, the rahit of Pinḥas ha-Kohen of eighth-century Tiberias, in which the dying man proposes his own sins and God dismisses each, and the refusal of explanation becomes a metrical device — a refrain built from the bare demonstrative zot, "this," whose referent is withheld and never wholly supplied.

That poem was liturgy and suggests a communal practice of voiced protest for which medicine has no equivalent. Six clinical rules follow, and an argument that moving patients along the stages toward acceptance is theodicy performed at the bedside in a secular register.

Keywords: *Death and dying; Kübler-Ross; Bargaining; Devarim Rabbah; Midrash; Apophatic theology; Tzimtzum; End-of-life care; Hermeneutic medicine; Anti-theodicy*



1. BACKGROUND: THE STAGE THAT WILL NOT DIE

Elisabeth Kübler-Ross published *On Death and Dying* in 1969 based on interviews with dying patients at the University of Chicago, and proposed five stages — denial, anger, bargaining, depression, acceptance.[1]

She said later, repeatedly, and in the posthumous volume with David Kessler, that the stages were never meant as a linear ladder and that not everyone passes through all of them.[2] It made no difference. The five stages entered nursing curricula, medical school lectures, hospice orientation packets and the general culture as a sequence, and they remain there.

The scholarly demolition began early and has never stopped: Corr's careful account of what we should and should not learn from her work notes that the model has no empirical validation, that it flattens individual difference, that it ignores the setting in which dying occurs, and that it licenses a peculiar clinical behavior in which staff evaluate patients according to whether they are in the "right" stage.[3] Copp's review of the theories reached the same conclusion by a different route.[4] The most cited empirical test, of grief rather than dying, found that acceptance was the most endorsed item from the first month onward and that yearning rather than depression was the dominant negative effect, which is not what a stage sequence predicts.[5] Konigsberg's popular account assembled the case for a general readership.[6]

And yet in the room, at the bedside, the stages persist, because they do something for us. They convert an unbearable and unstructured event into a process with a terminus, and they make the terminus a good one. They tell the clinician that if the patient is still bargaining, the patient has further to go, and that our job is to help him along. I first wrote on Jewish tradition and hospice care nearly forty years ago,[7] and have argued since that mortality awareness in chronic and degenerative disease is systematically unspoken in clinical settings, and that the silence is ours rather than the patient's;[8] that end-of-life care requires a theology of being-with-nonbeing rather than a management protocol;[9] and that suffering which cannot be relieved is nevertheless routinely converted by clinicians into something they can act upon, which is a way of not staying.[10,11]The stages are one of our best instruments of not staying.

This paper approaches the problem from an unusual side. Instead of testing the stage model against a patient cohort, I test it against a text: the rabbinic dossier on the death of Moses, principally in Devarim Rabbah, which is arguably the longest, most detailed and most psychologically unsparing account of a single person's dying produced in antiquity. It is a text I read as a physician who reads patients as texts and texts as patients.[12] The question is not whether the midrash confirms Kübler-Ross. It is what the midrash sees that we do not, and what the difference asks of us.

Talmud Readers by Adolf Behrman

2. THE MIDRASHIC CORPUS AND ITS SHAPE

Devarim Rabbah is a homiletical midrash on Deuteronomy compiled in the Land of Israel, generally dated between the fifth and eighth centuries, consisting of sermons on selected verses rather than a running commentary; the printed Vilna text arranges them into eleven sections keyed to the annual Torah reading cycle.[13] The situation is

complicated by the existence of a wholly different recension, published by Saul Lieberman from a Codex Oxford manuscript, whose text for several portions diverges substantially from the printed edition.[14] The Soncino English translation follows the printed text.[15]

The death material is concentrated at the end of the printed midrash, in sections 9 (on *Va-yelekh*) and 11 (on *Ve-zot ha-Berakhah*). Sections 11:9–10 contain long stretches of what is elsewhere transmitted as a freestanding composition, *Midrash Petirat Moshe*, printed by Jellinek in *Bet ha-Midrasch* in two recensions.[16] Those stretches are generally regarded as late additions to Devarim Rabbah rather than part of its original homiletic structure, and the same material appears in Yalkut Shimoni to *Ve-zot ha-Berakhah* explicitly citing Petirat Moshe as its source.[1] These matters for two reasons. First, precision: a claim about "the midrash" here is a claim about a composite, and I flag the parallels in the addendum rather than smoothing them over. Second, and more interesting, the compositional history is itself evidence.

The death of Moses attracted accretion. Generations kept adding to it, expanding the arguments, lengthening the resistance, inventing new bargains. That is what happens to a text when a community cannot stop working on a problem, and the problem here is not Moses. It is death, and specifically the death of the person whose death should not have been permitted.

The earlier strata are considerably more restrained. Sifrei Devarim, piska 305, has a spare and beautiful account of Moses and the angel of death.[17] The Babylonian Talmud at Sotah 13b–14a preserves the tradition that Moses died by the divine mouth, *al pi HaShem*, understood as a kiss, and that God himself attended to the burial.[18] Bava Batra 17a lists Moses, Aaron and Miriam as the three who died by a kiss.[19] Michael Fishbane's study of *mitat neshikah* traces the long afterlife of that image from these sources through the philosophical and kabbalistic traditions into the Hasidic material and shows how a narrative detail became a doctrine of ecstatic death.[20] Loewenstamm's classic study set the rabbinic material against the broader ancient Near Eastern and pseudepigraphic traditions of the assumption of Moses,[21] and Kugel situates the whole cluster within the wider exegetical culture that read every silence in the Torah as a question waiting to be answered.[22]

There is also a fourth witness of a different genre, the liturgical poetry of late antique and early medieval Palestine, and particularly an eleven-stanza *rahit* on the death of Moses by Pinḥas ha-Kohen of eighth-century Tiberias, edited by Shulamit Elizur and analyzed by Raymond Scheindlin.[23,24] Scheindlin's insistence that a *piyyut* is not a

[1] As regards the time of writing or editing the Devarim Rabbah, "the epoch of the year 900" comes, according to Zunz, "perhaps" nearest the mark. The Midrash was not known either to R. Nathan, the author of the 'Aruk, or to Rashi (the passage in a citation quoted by the latter is not found in Debarim Rabbah). Many extracts are found in Yalḳuṭ, generally with the designation of the Midrash אלה הדברים רבה, as it is commonly cited by the older authors.

versification of a prose midrash but an independent act of interpretation matters here, because the poem's argument is not the prose midrash's argument, and the difference is instructive.

What the later material does is take the spareness of Sifrei and blow it open. It supplies, at enormous length, the one thing Deuteronomy withholds: the interior of the dying. Deuteronomy 34 says that Moses went up, saw the land, died at the mouth of the Lord, was buried in the valley in the land of Moab, and that no one knows his burial place to this day.

Everything between the seeing and the dying is blank. The midrash fills that blank with an argument that lasts, on the internal chronology, from Rosh Hashanah to the eighth day of Assembly — three weeks of continuous negotiation, or five hundred and fifteen prayers, which is the numerical value of *va-ethanan*, "and I pleaded" (Deut 3:23) [see Addendum]

Figure 1. The eleven movements of the dying of Moses (Devarim Rabbah 9 and 11)

The stage reading fits — and four of the eleven movements have no place in it at all. Heavy borders mark those four.

oscillation, not progression

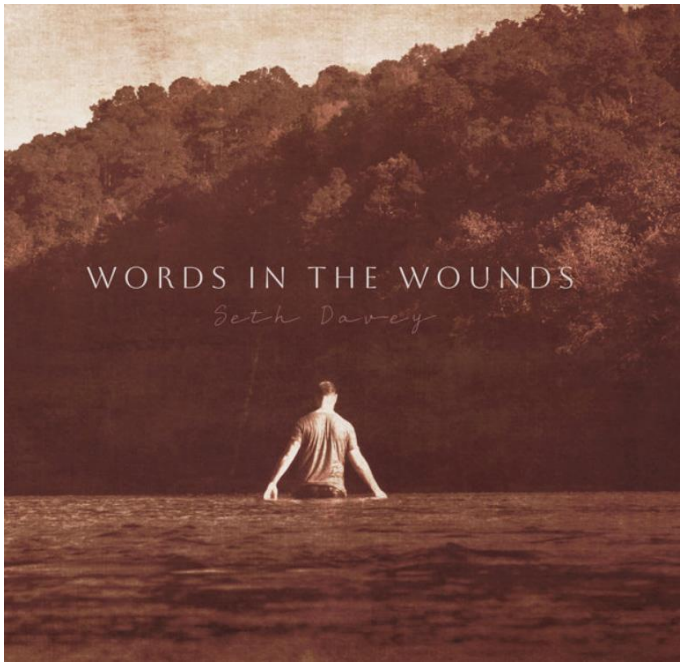
	MOVEMENT IN THE MIDRASH	STAGE READING	WHAT THE STAGE READING MISSES
1	**The announcement, and the wound in the word** hen karvu yamekha — דימי ובכרק זה	denial	Not denial. A philological grievance: the word of his praise has become the instrument of sentence.
2	**Litigation: ten deaths, the decree unsealed** precedent, proportionality, track record	denial	Appeal, not misunderstanding. He argues the ruling is reviewable and the record supports review.
3	**The circle, the sackcloth, the ashes** eini zaz mi-kan — ואכמ זז יניא	anger / bargaining	A location, not an opinion. The last defensible perimeter of a self — a human tzimtzum. Do not argue with its circumference.
4	**The gates are shut against the prayer** the petition is denied ascent, not denied on merit	— no analogue	Not a stage of the patient but a fact about the world he is dying in. The refusal to deliver preserves the death from ever acquiring a stated reason.
5	**The bargains: life → office → beast → bird → seeing** answered each time: rav lakh — דל בר	bargaining	A descending ladder of values, accurately stated — and never withdrawn. He is silenced, not persuaded. Read the ladder: it is your goals-of-care data.
6	**The canvass: heaven, earth, sun, moon, stars, hills** every creature refuses: our own case is pending	depression	Not a mood state. Organized protest in the shared idiom of mourning, and a demonstration that there is no creature not itself under sentence.
7	**Combat with Samael, the staff, the blinding** eini noten nishmati lekha — דל יתמשנ ותונ יניא	anger	Rage at the mechanism, never at the one who decreed. Patients fight the collector, not the judge, and not anyone they are still related to.
8	**Collapse of function: the cloud, the lost halakh** me'ah mitot ve-lo kin'ah aḥat — תחא האנק אלו תוחימ האמ	— no analogue	He stands at his student's door and the answer will not come. Role preservation fails — by his own request. This is the cause of what follows.
	causes		
9	**Surrender** nafshi netunah lakh — דל הנותנ ישפנ ירה	acceptance	Caused, not achieved. No insight, no reconciliation, no reason supplied. "Until now I was asking for life" — the life he asked for had already ended.
10	**The kiss** bi-neshikat peh — הפ תקישנב	— no analogue	Every angel refuses; he comes himself. Maximal proximity, zero explanation. Presence is deictic: it says *here*, and it says nothing else.
11	**The grave no one can find** Deut 34:6 — ותרבק תא שיא עדי אלו	— no analogue	No shrine, no site, no authorized meaning. The bond must run through a text that can be argued with forever. Say what you witnessed, not what it meant.

The order is redactional. Movements 1–11 are drawn from at least three strata (Devarim Rabbah 9; 11:9–10; Midrash Petirat Moshe). The sequence is the compiler's, not the dying man's — as our own "stages" may be no more than the order in which we retell a death after it has happened.

Two claims carry the clinical argument: acceptance at 9 is *caused* by the loss of function at 8, not achieved by insight; and the closed gate at 4 means no reason is ever given — so any reason we supply at the bedside is ours, not the world's.

Figure 1. The eleven movements of the dying of Moses (Devarim Rabbah)

The sequence of §3 set out against the Kübler-Ross stage reading. Each movement is given with its governing Hebrew phrase, the stage to which it is conventionally assigned, and what that assignment loses. Heavy borders mark the four movements with no analogue in the stage model: the closing of the gates against the prayer, the collapse of teaching function at Joshua's door, the kiss, and the unfindable grave. Dashed arcs mark recursion between non-adjacent movements; the solid arrow marks the causal relation on which the paper's central claim rests — acceptance follows from the loss of function, not from insight. The footer notes that the order is redactional, drawn from at least three strata.



3. THE SEQUENCE: ELEVEN MOVEMENTS

I set out the movements in the order the printed midrash gives them, without yet imposing any interpretive grid. The Hebrew and translations are in the addendum.

The announcement, and the wound in the word

God tells Moses, *hen karvu yamekha la-mut* — "behold, your days draw near to die" (Deut 31:14). Moses' first response is not to the content but to the diction. With the very word *hen* with which I praised you — "*hen*, to the Lord your God belong the heavens and the heaven of heavens" (Deut 10:14) — with that same word you decree my death? The parallel version in Petirat Moshe sharpens it with R. Abbahu's parable of the courtier who finds a peerless Indian sword, judges that it is fit only for a king, brings it as a gift, and hears the king say: cut off his head with it [Addendum].

This is the first movement, and it is not denial. It is a philological grievance. The man complains that the language of his own praise has been turned into the instrument of his sentence. Anyone who has told a patient that his own remarkable resilience is now what makes the situation so difficult, and watched his face, has seen this exact wound.

Litigation: ten deaths and a decree not yet sealed

R. Yoḥanan observes that ten "deaths" are written concerning Moses in scripture, and reads them as ten separate decrees, none of which yet carried the force of the final, sealed judgment [Addendum]. Moses treats the decree as reviewable. He notes that he has interceded successfully for Israel after far graver offenses, that God accepted his prayer immediately then, and that the present matter is comparatively slight. He argues from precedent, from proportionality, and from his own track record.

Clinicians know this movement intimately and misfile it as denial. It is not denial. It is appeal. The patient who says, "but my cousin had the same thing and she's fine," or "you told me the ejection fraction improved last time," is not failing to understand; he is arguing that the ruling is reviewable and that the record supports review. Both premises are frequently correct.

The circle

When Moses sees that the decree has been sealed, he proclaims a fast, draws a small circle in the ground, stands inside it, and says: *eini zaz mi-kan ad she-tevutal otah gezerah* — I do not move from here until that decree is annulled [Addendum]. He puts on sackcloth, wraps himself in it, rolls in ashes, and stands in prayer and supplication until heaven and earth and the orders of creation are shaken.

The circle is the hinge of the entire narrative, and I will return to it. Note only, for now, that it predates Ḥoni ha-Me'aggel by centuries in the tradition's own reckoning, and that it is a bodily act. Moses does not merely refuse; he *occupies*. He converts refusal into a location.

The gates

God's countermove is the most theologically severe act in the text. He proclaims through every gate of every heaven and to every court that Moses' prayer is not to be received, and is not to be brought up before him, because the decree has been sealed [Addendum]. The angels are instructed to shut the gates. The prayer of the greatest of prophets is denied ascent, not denied on the merits.

The bargains

Now come the substitutions, and there are many. Master of the universe, if you will not bring me into the land, leave me in this world and let me not die — answered by the argument that this would make the Torah a forgery. Then: if you will not bring me into the land, leave me like the beasts of the field, who eat grass and drink water and see the world; let my soul be as one of theirs. Answer: *rav lakh* — enough for you. Then: leave me in this world like the bird that flies in all four directions of the world and gathers its food each day and returns at evening to its nest; let my soul be as one of theirs. Answer: *rav lakh* [Addendum]. And elsewhere: let Joshua take my office and let me live; I will be his disciple; let me cross the Jordan not as leader but as anyone at all.

There are at least five distinct offers, descending a ladder of self-diminishment: full life, then diminished status, then animal life, then bird life, then bare seeing. The bargaining is not a stage that Moses passes through. It is a serial and creative act of imagination in which he progressively strips himself of everything he is in order to retain the one thing he wants, which by the end is not leadership, not the land as inheritance, not even human existence, but continued *seeing* of the world.

The canvass

Refused at every gate, Moses goes to the creation itself and asks for intercession. He goes to heaven and earth: pray for mercy on my behalf. They answer, before we pray for you, we must pray for ourselves, for "the heavens shall vanish away like smoke, and the earth shall wax old like a garment" (Isa 51:6). He goes to sun and moon; same answer, with Isaiah 24:23. To the stars and constellations; same answer, Isaiah 34:4. To the mountains and hills; same answer, Isaiah 54:10 [Addendum]. In the fuller versions he goes on to the sea, and to his disciple, and finally to the people, asking them to pray for him.

Every creature refuses on the same ground: we are ourselves mortal, and our own case is pending. This is one of the most remarkable passages in the corpus. It is a systematic demonstration that there is no created thing which is not

itself under sentence, and therefore no created thing which can stand surety for another. The dying man's search for an advocate ends in a universe of co-defendants.

Combat

God sends Gabriel, who refuses, saying he cannot look upon the death of one who is equal to six hundred thousand. Michael refuses, saying he was Moses' teacher and cannot see his pupil die. Samael, the chief of the accusers, volunteers with alacrity — he has been counting the hours, watching for the soul like a man waiting for a wedding feast to end so he can begin his own rejoicing. He draws his sword, comes to Moses, and Moses turns on him. Moses recites what he has done: at eighty I performed signs in Egypt, split the sea into twelve, turned the bitter water sweet, ascended and made a path in heaven, contended in the war of the angels, received a Torah of fire, dwelt beneath a throne of fire, spoke with him face to face, prevailed in the heavenly council, revealed their secrets to human beings. Then: *lekh rasha mi-kan, eini noten nishmati lekha* — go from here, wicked one, I do not give you my soul [Addendum]. He takes the staff on which the ineffable Name is engraved, strikes Samael, pursues him, and blinds him with the radiance of his face.

This is the anger, and it is not directed at God. It is directed at the mechanism, and the mechanism is given a face and a name — a personification of the destructive in dying that I have examined elsewhere.[25] Moses is fully able to distinguish between the one who decrees and the one who collects, and he fights only the collector. Clinically this is exact. Patients rage at the machine, the protocol, the resident who cannot find the vein, the insurer, the parking structure — and not at the disease, and not at the world, and often not at anyone they are still in relationship with.

The collapse of function

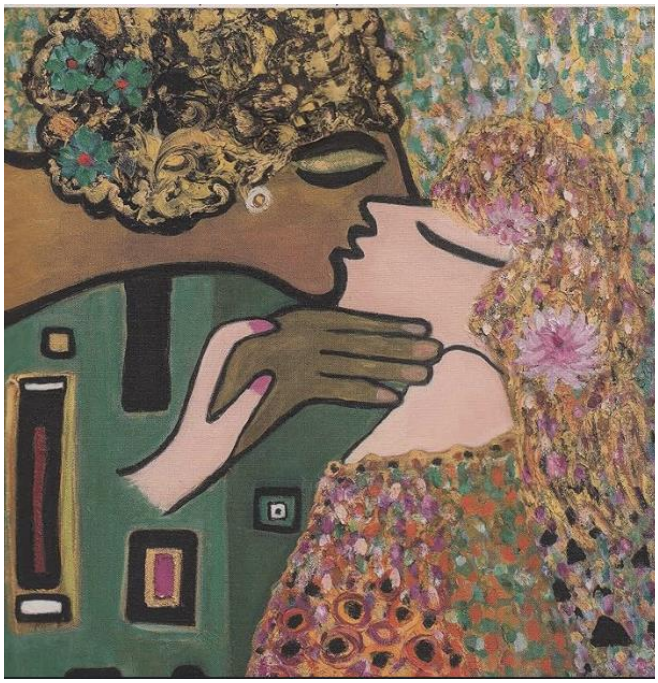
In the material at Devarim Rabbah 9, a different and quieter register takes over, and in my judgment, it contains the deepest clinical observation in the whole corpus. Moses asks that Joshua take his office and be installed while he himself lives. God agrees and instructs that Moses treat Joshua as Joshua has treated him. Moses goes to Joshua's door as a student goes to a teacher's door. They walk out together and Moses places himself on Joshua's left. They enter the Tent of Meeting, and the pillar of cloud descends and separates them. When the cloud withdraws, Moses goes to Joshua and asks: *mah amar lekha ha-dibbur* — what did the Word say to you? And Joshua answers: when the Word was revealed to you, did I know what it said to you?

At that moment Moses cries out: *me'ah mitot ve-lo kin'ah aḥat* — a hundred deaths and not one envy [Addendum]. And in the associated traditions, the springs of wisdom are stopped up in him, three hundred laws are forgotten, and the people come to him with questions he cannot answer. Only then does he say: *ad akhshav hayiti mevakkesh ḥayyim; ve-akhshav harei nafshi netunah lakh* — until now I was asking for life; now, behold, my soul is given to you [Addendum].

Read that sequence again in clinical terms. The patient's acceptance does not follow from a conversation, a chaplaincy visit, an insight, a reconciliation, or a stage transition. It follows from the failure of function. He accepts death now when what he *does* stops working — when the answer will not come, when the student knows something, he does not, when he stands at the door as a supplicant in the house he built. He does not accept death because he has understood something about death. He accepts it because the life he was bargaining for has already ended. Whether he can see that it has, the midrash declines to say: it reports the removal and the surrender and nothing of what passed between them, and that silence is itself a finding to which I return in §9.

The unmaking of the argument

The tradition also preserves God's answers, and they are worth attending to because they are so poor. Adam died. Abraham died. Isaac stretched his neck on the altar and died. Jacob died. Moses defeats each of these on the merits — Adam had a commandment and transgressed it, Ishmael came from Abraham, Esau came from Isaac — and it does not matter that he defeats them. The answers were never arguments. They were the sound of a conversation that has been declared closed.



The kiss

In the final movement God descends himself, with Michael on the right, Gabriel on the left, and Zagzagel before them. He tells the soul to come out. The soul refuses, at length and with reasons: I love this body, there is no purer one, I do not wish to leave. In the end, the Holy One kisses him and takes his soul with a kiss of the mouth [Addendum]. Then, in the printed text, God weeps: "Who will rise up for me against the wicked?" (Ps 94:16). The

one who took the soul is the one who mourns it, which is the structure of the clinician's own grief after a patient's death.[26] The Shekhinah says: "there has not arisen a prophet in Israel like Moses" (Deut 34:10). Heaven weeps, earth weeps, and Joshua, looking for his teacher and not finding him, weeps.

The grave

And "no one knows his burial place to this day" (Deut 34:6). The tradition ties itself in knots over this — God buried him, the place was hidden, later authorities are unable to locate it even when they stand upon it. There is no shrine. There is no site of return.

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4. KÜBLER-ROSS, AND WHERE THE READING BREAKS

The mapping is almost embarrassingly easy, and that is the first thing to be suspicious about. Denial: the ten deaths, the decree not yet sealed, the appeal to precedent. Anger: Samael, the staff, the blinding. Bargaining: the beast, the

bird, the office, five hundred and fifteen prayers. Depression: the sackcloth, the ashes, the rolling in the dust, the canvass of an indifferent cosmos, the tears. Acceptance: my soul is given to you. It is all there, and it is there in Kübler-Ross's order.

This is why the passage is sometimes taught in exactly this way, as an ancient anticipation of the five stages, which is meant as a compliment to both. I want to argue that the compliment is false in both directions, and that the divergences are where the clinical value lies.

The order is an artifact of redaction, not of dying

The material comes from at least three strata assembled by editors who had homiletic aims, and the "sequence" we admire is the sequence in which a compiler arranged parallel traditions. The oldest layer, Sifrei, has almost none of it. The moment one reads the Lieberman recension or the Petirat Moshe recensions alongside the printed text, the tidy order dissolves into a set of variants. What we call a sequence in our patients may be no more than the order in which we retell what happened after they have died.

Bargaining does not stop

In Kübler-Ross the bargain is a way station, an attempt to postpone that gives way to the depression that follows its failure. In the midrash the bargains continue past the point of acceptance and are never withdrawn. Moses never concedes that the request was inappropriate. He is silenced, not persuaded. He stops speaking because he is told *al tosef dabber elai od ba-davar ha-zeh* — do not speak to me further of this matter (Deut 3:26) — and a well-known homiletic tradition holds that had he prayed one more prayer he would have been answered. That is the opposite of resolution. The tradition preserves, deliberately, the possibility that the resistance was right and merely overruled.

Acceptance is caused by loss of role, not by insight

This is the point I take to be most valuable and most neglected. Kübler-Ross's acceptance is a psychological achievement, "the final rest before the long journey," and it carries an unmistakable normative charge; it is what one is supposed to get to. In Devarim Rabbah, acceptance arrives from outside, because of desubjectification. Moses submits when the halakhot leave him, when Joshua receives what he does not, when the people ask him and he has nothing. The line is not "now I understand"; it is "until now I was asking for life." The life he was asking for has ceased to exist while he was asking for it.

There is no depression stage; there is grief

What we would call the depressive movement in the midrash is not a mood state and it is not a symptom. It is a set of highly organized behaviors — sackcloth, ashes, fasting, circle — that constitute the culturally available vocabulary of protest and mourning. Moses mourns himself, correctly and in public, in the same idiom in which he would mourn anyone else. Our diagnostic instinct to pathologize this (adjustment disorder, demoralization,

depression in the medically ill) has some real referents, but it also does violence to a form of behavior which is doing exactly what it should.

Marc Chagall "Death of Moses"

God is a participant

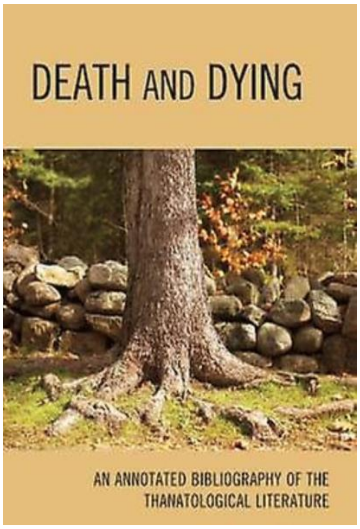
The stage models describe an individual traversing an inner landscape. The midrash is relentlessly dyadic; nothing happens to Moses that is not happening between Moses and someone — God, Joshua, Samael, the people, the mountains. Even the soul is a negotiating party with its own speeches. Dying here is not an intrapsychic process. It is a series of conversations, most of which fail.

The stages have no room for the closed gate

The single most important element in the midrash has no analogue in Kübler-Ross at all: the deliberate refusal of the divine partner to receive the communication. That is not a stage of the patient. It is a fact about the structure of the world in which the patient is dying, and it will require the second half of this paper.

Before that, one more comment about why the fit is so good, when the underlying models are so different. The five stages are, among other things, a compressed version of a story our civilization already knew, in which a great figure protests his death, is refused, and consents. Kübler-Ross did not invent the sequence; she found it in the culture that produced her interviewees, and they had found it in the same place. Becker's argument that culture is a system of death-denial,[27] and the experimental program of terror management theory that followed from it,[28] both suggest that the stage narrative functions as a mortality-buffering artifact — a way of making death into a process with a good ending that we can be seen to complete well. Yalom's account of death anxiety in psychotherapy points in the same direction, that the terror is managed by narrative shape.[29] Ariès showed how thoroughly the shape of the good

death varies with the epoch that requires it.[30] When our model and a ninth-century Palestinian sermon collection agree, we should not conclude that we have found the structure of dying. We should suspect that both are drawing on the same reservoir of consolation.



5. AFTER KÜBLER-ROSS: WHAT THE LATER LITERATURE SEES, AND WHERE THE MIDRASH GOT THERE FIRST AWARENESS CONTEXTS

Glaser and Strauss's field studies of hospital dying produced the taxonomy that remains the most useful single instrument in this literature: closed awareness, suspected awareness, mutual pretense, and open awareness,[31] and its temporal companion, the dying trajectory.[32] Apply it to our text and something interesting appears. The awareness context between Moses and God is fully open — brutally so, ten times over. But between Moses and Israel it is closed and then mutually pretended; the people do not know, and when they finally come to him with their questions, the discovery that he cannot answer is the moment the pretense collapses for both parties. And between Moses and Joshua there is a devastating scene of mutual pretense, in which the teacher walks on the student's left and asks a question the student cannot answer without humiliating him.

Any physician who has managed a family in which the patient knows, the spouse knows, and each has agreed not to tell the other, will recognize the Tent of Meeting scene precisely. What the midrash adds is that the pretense is not sustained by cowardice. It is sustained by love, and by the fact that the new arrangement is already in force.

Middle knowledge

Weisman's concept of middle knowledge — that dying patients characteristically know and do not know at the same time and move between the two according to context and interlocutor — remains the best correction to the idea that denial is a stage to be passed.[33] Moses exhibits middle knowledge continuously. He arranges the succession, writes

the scroll, blesses the tribes and prepares the song *while* petitioning to be exempted from the death these acts presuppose. Pattison's "living-dying interval," the period between the knowledge of terminality and the death itself, gives a name to the phase in which most of our clinical work actually takes place,[34] and the midrash's three weeks between Rosh Hashanah and the eighth day of Assembly are precisely such an interval — bounded, dense, and full of unfinished administration.

Miyaji's ethnography of American physicians' truth-telling remains the sharpest description of how clinicians manage their own middle knowledge by controlling the patient's [35]. Kastenbaum's long-running argument that death is a social and historical construct as much as a biological event applies here in full [36].

Oscillation, not progression

Stroebe and Schut's dual process model proposed that bereaved people oscillate between loss-oriented and restoration-oriented coping rather than progressing through phases,[37] a correction to the phase models descending from Lindemann,[38] Bowlby[39] and Parkes.[40] The midrash is oscillatory to a degree that no stage reading can accommodate. Moses petitions, then legislates; fights the angel of death, then blesses the tribes; despairs to the mountains, then negotiates a further substitution. Between two of the most abject moments in the text, he writes a Torah scroll and a song. The oscillation is not instability. It is what the interval is made of.

Tasks rather than stages

Corr's alternative organizes the work of dying into four dimensions — physical, psychological, social and spiritual — with tasks in each and refuses any prescribed order.[3] This is a far better description of the midrash's Moses, who is simultaneously managing bodily failure ("my end is worms and maggots"), psychological terror, an institutional succession, and a theological grievance, and who fails at some of these while succeeding at others. Byock's developmental landmarks for the end of life[41] and Kellehear's phenomenology of the dying person's inner life[42] extend the same insight: dying is work, not weather.

Meaning reconstruction and its limits

Neimeyer's constructivist program treats grief as the reconstruction of a world of meaning disrupted by loss,[43] and Frank's typology of illness narratives — restitution, chaos, quest — describes what patients do with their own stories.[44] Moses tries all three. Restitution: annul the decree and I return to my function. Quest: let me be a beast, a bird, a disciple, and see the world. Chaos: the canvass of the cosmos, in which nothing holds, and every creature is itself dissolving. What is striking is that his final utterance is none of these. It is not a reconstructed meaning. It is a transfer: my soul is given to you. Meaning reconstruction is one of the things dying people do; the midrash insists it is not the only terminus, and possibly not the deepest one.

Dignity and demoralization

Chochinov's empirical dignity model identified generativity, role preservation, continuity of self and "dignity conserving repertoire" as the load-bearing structures,[45] and dignity therapy operationalized them into a legacy document.[46] Kissane's demoralization syndrome named the distinct clinical entity of hopelessness and loss of meaning without anhedonia,[47] and Breitbart's meaning-centered psychotherapy demonstrated that meaning can be a treatment target in advanced disease.[48] Read the Joshua scene through this literature and it becomes almost unbearably precise. Moses is not depressed. What the scene shows, at exactly the point where role preservation fails, is the clinical shape of demoralization in Kissane's sense — though the midrash reports the failure and its consequence without ever naming what Moses felt in between, a reticence I take up in §9. And the failure is engineered by his own request. He asked to be permitted to live while another took his office. The request was granted. It killed him.

I have argued elsewhere that our systems of care are organized to strip precisely this layer, that anonymity and role-erasure are among the most reliably injurious features of hospitalization,[49] and that surrender in the clinical setting is a distinct phenomenon from defeat and must be distinguished from it in practice.[50] The midrash agrees and adds a warning be careful what accommodation you offer the patient who wants to stay. Some of them are lethal.

Continuing bonds and the unmarked grave

Klass, Silverman and Nickman's continuing bonds paradigm broke with the Freudian requirement that grief work terminate in detachment and showed that ongoing relationship with the dead is normative rather than pathological.[51] Attig's relearning-the-world framework,[52] Doka's disenfranchised grief[53] and Rando's account of complicated mourning[54] fill out the field, and the criteria for prolonged grief disorder mark its clinical boundary[55], against Bonanno's evidence that resilience is the statistical norm[56]. I have written on the treatment approaches to prolonged grief and their spiritual dimensions[57], and on the specific grief work of caregivers.[58]

Now: Moses has no grave. The text goes out of its way to say so and the tradition works hard to keep it that way. This is the single most consequential detail in the corpus for anyone thinking about continuing bonds, and I take it up in §6.5.

What the outcome literature says about all this

The empirical end-of-life literature has converged on a small number of robust findings that bear directly on the argument. What patients say matters at the end is not primarily symptom control but being at peace, not being a burden, and having relationships completed.[59] End-of-life discussions are not associated with increased distress and are associated with less aggressive care and better bereavement adjustment in caregivers.[60] Early palliative care in metastatic lung cancer improved quality of life and mood and, famously, was associated with longer survival.[61]

The recommended communicative posture is to hope for the best and prepare for the worst simultaneously — that is, to hold the bargain and the prognosis in the same conversation rather than resolving one into the other.[62] Gawande's account of what medicine does to the last chapter when it has no vocabulary for anything but fixing,[63] and Nuland's insistence on the ugliness of the physiology,[64] remain the two most useful correctives for physicians. Sulmasy's biopsychosocial-spiritual model[65] and the spiritual history literature[66] establish the domain, and Clark's historical work on Cicely Saunders' concept of total pain shows how a single idea reorganized an entire field.[67]

Notice what "hope for the best, prepare for the worst" licenses. It is Kübler-Ross's bargaining stage, re-described as a legitimate and permanent clinical posture rather than as a phase to be traversed. The most sophisticated communication guidance we have has arrived, by a completely different route, at the midrash's position: the bargain is not an error, and it is not withdrawn.

Moses Marc Chagall, 1931

6. THE APOPHATIC TURN: WHAT GOD DOES NOT SAY- לך רב

Everything to this point could have been written by a thoughtful thanatologist with an interest in rabbinics. Now I want to say what I think the text is about, and why it matters at the bedside.

רב לך *Rav lakh* as the refusal of predication

God gives Moses no reason. This should be shocking and it is not usually noticed, because the surface of the text is so busy. There is a reason available in the plain sense of Deuteronomy — the waters of Meribah — and the midrash raises it and lets Moses demolish it and does not return to it. When the substitutions are offered, the answer each time is two words: *rav lakh*. Enough for you. It is not "because you struck the rock." It is not "because a leader who did not enter cannot be worshipped." It is not "because your work is complete." It is a speech act that closes the channel without giving a ground.

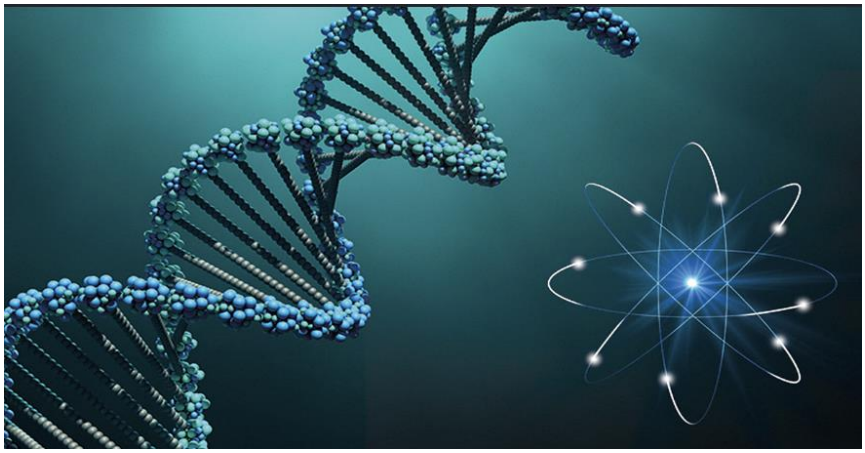
This is the structural core. The most explanatory tradition in the world, which supplies reasons for the shape of a letter and builds a theology out of an untranslatable particle[68], declines to supply a reason for the death of the person it cares about most. And it does not merely decline; it dramatizes the declining. It shuts the gates so that the question cannot be delivered.

The liturgical tradition went further and made the refusal into a metrical device. In Pinḥas ha-Kohen's *rahit*, God answers each plea with a refrain built entirely out of the demonstrative pronoun *zot*, "this," whose referent is withheld for six stanzas and never fully supplied even when it finally arrives. A congregation sang that refusal, as liturgy, on Simḥat Torah.

Elliot Wolfson's work has taught us to hear this precisely. In *Giving Beyond the Gift*, he pursues the apophatic imperative past its usual stopping point: the negation of attributes is insufficient if the negation itself is treated as a description, and the truly apophatic gesture must also unsay its own unsaying, refusing to let the nothing become a something.[69] In *Language, Eros, Being* the same logic governs the relation between the ineffable and the letter.[70] Sells' account of mystical languages of unsaying gives the general grammar,[71] and Derrida's *Sauf le nom* the philosophical hinge on which negative theology turns into something other than a covert positive theology.[72] Scholem's foundational treatment of Ein Sof[73] and Idel's revisionist account of the phenomenology of Jewish mysticism[74] frame the tradition within which this operates, and Green's edition of the Me'or Einayim shows how the Hasidic authors domesticated it for a living community.[75]

Here is the application. *Theodicy is predication*. Every theodicy says something about the event: it was deserved, it was necessary, it was pedagogical, it was part of a sequence, it will be redeemed. The moment the clinician or the chaplain or the family says, "everything happens for a reason," a predicate has been attached to the patient's death. The apophatic position is not that the reason is unknown to us. It is that predication of this kind is illegitimate in principle, and that a God who supplied one would have to be a smaller God than the one who does not. *Rav lakh* is the refusal to be that smaller God.

I have argued this at length in the context of the Shoah[76,77], in the analysis of divine concealment in the therapeutic space[78,79], and in the recent work on the irreducible antinomy between personal address and impersonal ground.[80] The position is not agnosticism, and it is not silence for its own sake. It is a claim about what kind of speech is permitted about a death.



The closed gates as tzimtzum

Why does God shut the gates? Not to torture. The gates are shut because the alternative — receiving the prayer and denying it on stated grounds — would require a reason, and the reason would become the meaning of Moses' death for all time. A stated ground would be a theodicy with the highest possible authority behind it. By refusing delivery, the text preserves the death from explanation.

This is what I have been calling tzimtzum in the clinical register: the withdrawal that creates a space in which something other than God can exist, rather than an absence that must be explained.[81,82] In the Lurianic account the primordial contraction makes room for the world; in the therapeutic version the clinician's contraction makes room for the patient. But the version at work here is stranger and more useful. The withdrawal makes room for the *protest*. Moses can stand in his circle and refuse to move only because the space has been vacated of divine answer. Had the answer been given, the circle would have been pointless; you cannot stand your ground against a reason. What the closed gates create is a room in which the dying man's "no" can go on existing.

Say this the other way round, since it is the practical form: *the patient's protest requires our silence to survive*. Every explanation we offer — physiological, statistical, spiritual, consoling — is an attempt to fill the vacated space, and each one shrinks the room in which the patient is permitted to refuse. We do it because the room is unbearable to stand in. But it is his room.

The circle as a human tzimtzum

Moses' circle is the mirror image of the divine contraction, and it deserves to be read as a formal theological act rather than a picturesque detail. He does not flee, argue further, or collapse. He *draws a boundary and occupies it*. He makes a small, defined, bodily place in which one thing is true: I do not move until the decree is annulled. Within the circle he is not a prophet, a legislator, or a leader. He is a man standing somewhere, saying no.

I read this as the patient's own contraction — the shrinking of the self to a defensible perimeter when everything outside it has been conceded. Late in illness patients do this constantly, and we misread it as rigidity: the man who will not give up driving though he has given up everything else; the woman who will negotiate anything except the feeding tube; the patient who has accepted that he is dying and will not accept that he cannot go home. These are circles. Inside them a person is still a subject. Standing outside the circle and arguing with its circumference is the least useful thing a clinician can do; the circle is not an opinion to be corrected, it is the last remaining location of the self.[83]

And note the ending. Moses is never argued out of the circle. It simply ceases to be the place where he is, when the halakhot leave him.

The kiss: proximity without explanation

Having refused every request, closed the gates, silenced the prayer, and given no reason, God does not send anyone. Michael refuses, Gabriel refuses, Samael is driven off with a staff, and in the end the Holy One comes himself and takes the soul with a kiss of the mouth. Then he weeps.

This is the whole of the theology, and it is why the corpus is not cruel. The one who would not explain is the one who does not send a proxy. Every substitution Moses proposed was refused, and then God substituted himself for the angel of death. The relation which was closed to *question* was wide open to *presence*.

This is the deictic rather than predicative use of the divine name that I have argued for elsewhere: the name is not predicated of the event ("this was God's will"), nor of the caregiver's response ("God is working through the team"), but used to point at the interval between the cry and the incapacity to answer it.[80,84] The kiss is a deixis. It says *here*, and it says nothing else. In the clinical register: at the end, what is permitted is proximity, and what is not permitted is commentary. Fishbane's history of the *mitat neshikah* motif shows the tradition reaching repeatedly for this image whenever it needed to say that a death was not abandoned without saying that it was justified.[20]

I have written on terminal utterances and what they ask of the clinician who hears them [85], on the physician as witness rather than agent in the last hours[86], and on the division of labor between doctor and chaplain in that space

[87]. The kiss is the pattern for all of it. Presence is not consolation. Consolation says something. Presence says here.

וַיִּקְבֹּר אֹתוֹ בַּגַּי בְּאֶרֶץ מוֹאָב מוּל בֵּית פְּעוֹר וְלֹא־יָדַע אִישׁ אֶת־קְבֻרָתוֹ עַד הַיּוֹם הַזֶּה׃

who buried him in the valley in the land of Moab, near Beth-peor; and no one knows his burial place to this day.

The grave that cannot be found

"And no one knows his burial place to this day." Given everything above, this is not an obscure detail; it is the last apophatic act in the sequence and possibly the most severe. There is no tomb of Moses. There is no pilgrimage, no shrine, no located intercession, no site at which the death can be given a stable meaning by a community that visits it. The tradition that surrounds this verse with anxious speculation is trying to recover something the text has deliberately destroyed. The medieval tradition understood the point exactly: Levi ben Gershon holds that God arranged for the burial place to be known to no one lest later generations go astray and make a god of him[88] — the hiding of the grave is a prophylaxis against the shrine.

In continuing-bonds terms[51], the tradition is forced into a particular form of ongoing relationship: not to a site but to a text. The bond with Moses is maintained through what he wrote and taught, which is to say through something that can be argued with, revised, disputed and reinterpreted forever, rather than through something that can be venerated. This is the difference between a relationship with the dead that stays alive and one that fossilizes. I have traced the

same refusal of consolation, and the same insistence that a death is not resolved into a meaning, in a modern artist's staging of his own.[89]

There is a hard clinical translation of this, and I state it carefully because it can be misused. Families frequently want, from us, the equivalent of a marked grave: a final and authoritative account of what the death meant, delivered by the person with the white coat. "He fought so hard." "She was ready." "He knew you were there." "It was peaceful." Some of these are true and should be said. But the impulse to supply a completed meaning now of death, in the voice of institutional authority, is the construction of a shrine, and it forecloses on decades of interpretation that belong to the family and not to us. Say what you witnessed. Do not say what it meant.

The anti-theodic core

All of this is continuous with the position I have been developing across the anti-theodicy work[76,90], and it has a precedent in the tradition that is even more severe than the death of Moses. At Menaḥot 29b, Moses is shown R. Akiva's flesh being weighed in the market, asks "this is Torah and this is its reward?" and is answered *shtok, kakh alah be-maḥashavah lefanai* — be silent, thus it arose in thought before me.[91] That is *rav lakh* in its most naked form, and it is the same speech act: closure without ground. Lavee reads that scene as a variant of the study-house scene at Moses' death and hears in *shtok* more than an anti-theodic refusal: a statement about finitude itself, in which the Torah's survival is made contingent on human beings recognizing that they are mortal and handing on what they will not live to complete.[92] On that reading the closed gate, the removal of the traditions and the unmarked grave are three faces of one proposition, which is the proposition of this paper. Berkovits' *hester panim* [93], Jonas' account of a God who cannot intervene [94], Braiterman's identification of anti-theodicy as a coherent and ancient Jewish stance rather than a modern collapse [95], and Levinas' insistence that the suffering of the other can never be justified without becoming my complicity [96] all converge on the same discipline: the refusal to convert someone else's pain into a term in an argument.

The bedside form of that discipline is unglamorous. It means that when the patient asks why, the honest answer is that I do not know and that I do not believe there is an answer of the kind the question wants, and that I am not leaving. Not-knowing, held deliberately rather than suffered as a deficiency, is the epistemic virtue this position requires.[97]

Salient Visionary Publications

Figure 2. Fifty years of correction, and where each corrective lands in the text

Seven post-1969 frameworks, the movement of Devarim Rabbah each one illuminates, and the clinical consequence that follows.

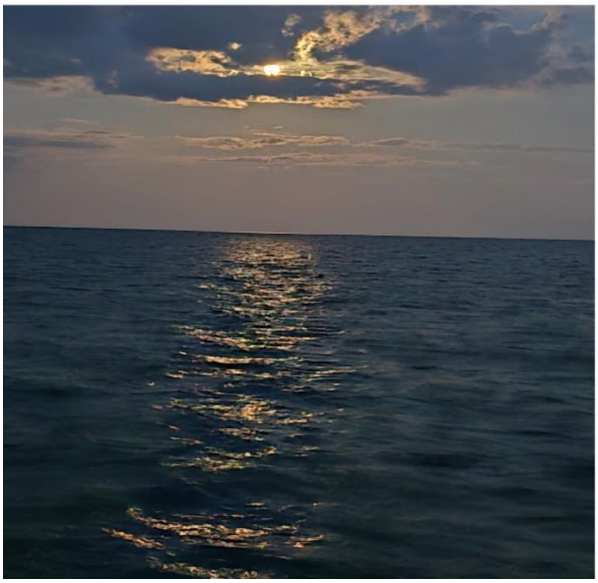
CORRECTIVE	WHERE IT LANDS IN DEVARIM RABBAH	CLINICAL CONSEQUENCE
Awareness contexts Glaser & Strauss, 1965–68 closed · suspected · mutual pretense · open	Open, brutally, between Moses and God — ten times over. Closed, then mutually pretended, with Israel. Mutual pretense with Joshua in the Tent of Meeting, sustained on both sides.	Map the context separately for each dyad. The pretense is usually sustained by love, not by cowardice.
Middle knowledge Weisman, 1972 **Living–dying interval** Pattison, 1977	He writes the scroll, the song and the blessings — acts that presuppose his death — while petitioning to be exempted from it. The interval is bounded and dated: Rosh Hashanah to the eighth day of Assembly, three weeks of unfinished administration.	Knowing and not-knowing are simultaneous, not sequential. Denial is not a stage to be dismantled; it is a register that shifts with the listener.
Oscillation Stroebe & Schut, 1999 dual process: loss-oriented ↔ restoration-oriented	Petition → legislate → fight the angel → bless the tribes → despair to the mountains → negotiate again. Between two of the most abject moments in the text he writes a Torah and a song.	Oscillation is the substance of the interval, not instability within it. Stop charting movement "forward."
Tasks, not stages Corr, 1993; Byock, 1997 physical · psychological · social · spiritual	Moses manages bodily failure ("my end is worms and maggots"), terror, an institutional succession and a theological grievance simultaneously — succeeding at some and failing at others in the same hour.	Dying is work, not weather. Delete staging language from handover. "Still in denial" is not an observation but a verdict, issued from a place of arrival.
Meaning reconstruction Neimeyer, 2001 **Illness narratives** Frank, 1995	He attempts all three narrative types: restitution (annul the decree), quest (let me be a beast, a bird, a disciple), chaos (the canvass of a dissolving cosmos). His last word is none of them: not a reconstructed meaning but a transfer — my soul is given.	Meaning is one terminus, not the terminus. Elicit the patient's meaning; never supply one. The difference between those two is the whole ethic.
Dignity model Chochinov, 2002–05 **Demoralization** Kissane, 2001	Role preservation and continuity of self fail at Joshua's door — and they fail because Moses asked for the arrangement that destroyed them: let him take my office and let me live. The request was granted. It killed him.	He is not depressed; he is demoralized, and the risk peaks exactly here. Be careful what accommodation you grant the patient who wants to stay.
Continuing bonds Klass, Silverman & Nickman, 1996 bond maintained, not severed	There is no grave, and the tradition works to keep it that way. The bond with Moses cannot attach to a site, so it attaches to a text — something that can be disputed, revised and reinterpreted forever, rather than venerated.	Families ask us for the equivalent of a marked grave: an authoritative account of what the death meant. Report what you witnessed. Leave the meaning open.

Convergence worth noticing. The most sophisticated communication guidance we have — hope for the best and prepare for the worst, held in the same conversation — is the bargaining stage re-described as a legitimate and permanent posture rather than a phase to be traversed. It arrives, by a wholly different route, at the midrash's position: the bargain is not an error, and it is never withdrawn.

What no corrective in this table reaches is movement 4 of Fig. 1 — the closed gate. That belongs not to thanatology but to theology, and it is the subject of §6.

Figure 2. Fifty years of correction, and where each corrective lands in the text

Seven post-1969 frameworks — awareness contexts, middle knowledge and the living-dying interval, oscillation, tasks rather than stages, meaning reconstruction, dignity and demoralization, and continuing bonds — matched to the movement of Devarim Rabbah each illuminates and to the clinical consequence drawn in §7. The footer records the convergence between contemporary communication guidance and the midrash's refusal to treat the bargain as an error, and notes that no corrective in the table reaches movement 4 of Figure 1, which is the subject of §6.



Moonrise Lake Michigan, Allen Friedman

7. SIX RULES FOR THE BARGAINING PATIENT

What follows is derived from the above. I offer them as rules because rules are what survive translation into a busy service.

Rule 1: Do not stage the patient

Delete from the clinical vocabulary any sentence of the form "he's still in denial," "she hasn't got to acceptance yet," "he's bargaining." These are not observations; they are evaluations, and they position the speaker as the person who has already arrived where the patient has not [3,4]. Replace them with descriptions: he is asking for a second opinion; she is asking whether the trial is still open; he wants to go home for his grandson's wedding and is prepared to accept the risk.

Rule 2: Treat the bargain as communication, not a cognitive error

Every one of Moses' bargains is an accurate statement of a value in descending order: leadership, then the land, then human life, then seeing the world. The patient who says "I just want to make it to Christmas" is not misunderstanding the prognosis; he is telling you what remains. The clinical task is to read the ladder. When a patient's bargains descend — from cure, to time, to comfort, to being at home, to not being alone — you are watching a person tell you what he will still consent to be, and it is the most valuable prognostic and planning information you will get.

Rule 3: Never supply the reason

Not the theological reason, not the karmic reason, not the tidy biographical one ("she'd had a good long life," "his body just wore out," "it was his time"). And be particularly wary of the medicalized version, which is the most seductive because it sounds like information: the fully causal account of why this happened, delivered in a tone which implies that having a mechanism is the same as having a meaning. Mechanisms are legitimate and should be given fully and honestly when asked. Meanings are not ours to distribute.[78,80]

Rule 4: Protect the circle

Identify the perimeter the patient has drawn and stop attacking it. Ask what it is inside. Negotiate everything outside it generously and leave the inside alone unless it is actively dangerous, and when it is dangerous, say so once, plainly, and then respect the answer. What looks like the last irrational refusal is generally the last piece of self.[50,83,98]

Rule 5: Watch for the moment of function collapse, and be present

Moses submits when the teaching fails. Our patients submit when they cannot do the thing they are the surgeon whose hand goes, the singer whose voice goes, the grandmother who cannot hold the baby, the professor who loses the word. That moment is not a psychiatric event to be treated on sight, and it is not the moment for optimism. It is the moment for someone to be in the room. It is also the moment at which the risk of demoralization is highest and should be actively assessed.[47,48]

Rule 6: At the end, come yourself

Gabriel would not go and Michael would not go. Do not delegate the last conversation to the resident, the nurse, the chaplain or the ethics consultant because you have nothing left to offer. Having nothing left to offer is the precondition of the kiss, not a reason to send a proxy.[85,86,87] Presence at the end is not a clinical intervention with an outcome measure. It is the only form the answer takes.

8. THREE COMPOSITE CASES

The following are composites, assembled from features of many patients over four decades of neurological practice; no individual is identifiable, and details have been altered.

The man who kept his hands

A retired cabinetmaker in his seventies with bulbar-onset amyotrophic lateral sclerosis, at the point of losing intelligible speech. Over four visits he offered a descending series of bargains that mirrors the midrash almost item for item. First: was there a trial anywhere. Then: could he keep working with a modified grip. Then, when the grip went: could he keep going into the shop and watch his son work. Then: could the bed be put in the shop.

The third of these looked to the team like denial — a man refusing to accept that he was no longer a craftsman. It was not. He had already accepted it. The bargain named the value that survived the loss of the function: being where the work is. When his son began asking him technical questions he could no longer answer, he stopped asking about anything, and within a week he asked to have the ventilation discussion he had refused for six months. This is the Joshua scene. His acceptance did not come from our conversations. It came the day his son had to solve a joint without him.

The woman who would not be told what it meant

A woman in her fifties with a glioblastoma, an observant Catholic, whose priest, her sister and two of my colleagues had each independently told her that God had a plan. She said to me, with complete clarity: "If one more person tells me this is part of something, I am going to start screaming and I will not stop." She was not in crisis, and she was not angry with God. She was angry at being *explained*.

What she wanted, and what she said so in as many words, was for someone to agree that it was outrageous. I said that I thought it was outrageous, that I did not know why it had happened to her, that I did not believe the tumor had a purpose, and that I would keep coming. She cried for a while and then asked about seizure prophylaxis. The relationship held for eleven months. I did not give her a theodicy, and she did not ask for one again. This is the closed gate and the kiss in the same room: no answer, no departure.

The family who wanted a grave

An elderly man with advanced Parkinson disease and dementia died in the small hours after a long decline, with his three adult children present. In the corridor afterward the eldest asked me, twice, whether her father had known they were there. I did not know. What I knew was that he had been calm, that his breathing had changed at about two, and that she had been holding his hand.

The temptation to say "yes, he knew" is enormous, and it is offered by every instinct of kindness. It is also the erection of a monument on a site whose location we do not have. I told her what I had observed and what I could not know. She was not satisfied, and she should not have been. Eighteen months later she wrote to me that the not-knowing had turned out to be the part she could live with, because it had left her free to keep thinking about it. That is the unmarked grave doing its work.

9. OBJECTIONS

"This is a literary text, not evidence."

Correct. Nothing here is offered as data about how people die. It is offered as a structured description of a possibility, of the kind that clinical medicine routinely takes from literature, and which it has taken from Tolstoy, Frank's narrative typology [44] and Kalanithi's memoir [99] without embarrassment. The empirical claims in this paper are cited to empirical sources; the midrash is doing conceptual work, not epidemiological work.

"You have cherry-picked a composite text."

Also partly correct, and I have said so in §2 rather than concealing it. The eleven movements come from at least three strata with different provenance, and any claim about "the midrash's view of dying" is a claim about an edited assemblage. My argument does not require the sequence to be original; it requires the elements to be present, which they are, in every recension.

"Refusing to give patients meaning is cruel and most of them want it."

This is the serious objection. Three responses.

First, the meaning-centered literature demonstrates that meaning can be constructed *with* a patient and that this improves outcomes [43,48]; nothing here argues against that, and the difference between eliciting a patient's meaning and supplying one is the entire difference.

Second, the prohibition is on predication about the event, not on speech: there is a great deal to say about a life, about what one witnessed, about what the person did and was.

Third, when the patient explicitly requests the theodicy — when a devout patient asks me to say that God has a purpose — the apophatic discipline does not permit me to strip a dying person of the framework she has lived within. It permits me to say that her tradition holds this and that I am not the one to adjudicate it, and to stay inside her register without importing mine. Rule Three prohibits me from *supplying* the reason; it does not license me to demolish hers.[80]

"The kiss is consolation smuggled back in."

Perhaps. This is the point at which the reading is most vulnerable, and Wolfson's discipline would press hard on whether an apophasis that ends in a divine embrace has genuinely unsaid its unsaying or has merely deferred a positive theology to the last page.[69] My answer is that the kiss predicates nothing of the death; it locates a presence and gives no ground. A God who explains and departs would be worse. A God who neither explains nor departs is, as far as I can see, the most that can be said without saying too much. Whether "the most that can be said" is itself too much is a question I hold open, as I have held it open elsewhere.[80]

וַיְהִי שִׁיבוֹ אִיּוֹם בְּעֶצֶם הַיּוֹם׃	The Fearsome One answered him On that very day:
תַּכְלִית אִמְרֵי יֹפִי,	An end to beautiful words,
וְדִבּוּר בְּלִי דֹּפִי!	Speech without blemish!
קַבֵּל אַכְפִּי	Yield to My power
וּמוּת בְּנְשִׁיקוֹת פִּי.	And die at the kiss of My mouth.
אֲהוּבִי, אֱמוּנִי, חֶפְצִי בְכָל זֹאת—	Beloved and trustworthy friend despite this—
אַל תּוֹסֶף דַּבֵּר זֹאת.	Do not go on saying this.
נִחַמְתִּי כִּי גָזַרְתִּי כָזֹאת,	Sorry I am that I decreed this,
וּמָה אֶעֱשֶׂה וְנִגְזְרָה זֹאת.	But what can I do? Decreed is this.

"The clinical rules are unfalsifiable."

They are testable in principle. Rule 1 predicts that staging language in handover correlates with reduced elicitation of patient goals. Rule 2 predicts that documenting the descending ladder of a patient's bargains yields goals-of-care

information that standard advance-care-planning instruments miss. Rule 5 predicts that function-collapse events cluster with shifts in stated preferences within days. None of these has been studied, and each could be.

You have read an interior state into a text that refuses to supply one."

This is the objection I would press hardest against myself, and I owe it to Lavee.[92] The midrash tells us that the traditions were taken and that Moses then surrendered. It does not tell us what he felt in between — whether shame, envy, futility, or relief — and my identification of the moment as demoralization in Kissane's sense[47] is a clinical gloss the text does not authorize. I let the gloss stand because I think it is the right category for the patients, but the text's reticence is itself the finding. What is observable in the midrash is exactly what is observable at the bedside: the loss, and the change in what the person will consent to. The mediating interior is not on offer to us either, or clinicians who believe they have inferred it are usually reporting their own.

קטעי
תפילה
שירה
ופיוט

שולמית אליצור

10. CONCLUSIONS

The rabbis kept expanding the story of Moses' death for centuries, and what they expanded it into is not a model of stages. It is an account of a man who argued, litigated, fasted, drew a circle, offered to be a bird, beat the angel of death with a stick, and was refused each time without ever being told why — and who submitted at least not because he understood, but because the work stopped working. He was then kissed and buried in a place no one can find.

We use the five stages because they promise that the resisting patient is on his way somewhere, and that we know where. The midrash offers a harder and more accurate proposition: that the resistance may be right and merely

overruled; that acceptance is usually caused rather than achieved; that no reason will be forthcoming and that our supplying one is a usurpation; and that what is finally owed to the dying is not an explanation but the refusal to send a proxy.

Rav lakh **רב לך is** a terrible thing for a patient to hear from the universe. It is an unbearable thing for a clinician to say. But the alternative — filling the silence with reasons — is not kindness. It is the last and most respectable form of leaving the room.

Addendum

Hebrew and English sources from Devarim Rabbah

Citations follow the Vilna printed edition of Midrash Rabbah unless otherwise noted.[14]

A.1 Word of praise turned into the sentence — Devarim Rabbah 11:9[2]

עָלַי רֵגוּז אַתָּה בַּלָּשׁוֹן הַשָּׁמָיִם" — בּוֹ וּשְׁמֵי מַיִם אֱלֹהֶיךָ' לַה הֵן" וְאָמַרְתִּי, שֶׁקִּלַסְתִּיךָ בַּדָּבָר :הוּא בָּרוּךְ הַקָּדוֹשׁ לִפְנֵי מֹשֶׁה אָמַר "לָמוּת יָמֶיךָ קָרְבוּ הֵן" וְאוֹמֵר מִיתָה?"

"Moses said before the Holy One, blessed be He: With the very thing by which I praised You — and I said, '*Hen* (behold), to the Lord your God belong the heavens and the heaven of heavens' (Deut 10:14) — with that same word You decree death upon me and say, '*Hen* (behold), your days draw near to die' (Deut 31:14)?"

A.2 Ten deaths written against Moses — Devarim Rabbah 11:10

אַחֲרֵי יָדַעְתִּי כִּי" ,"מֵת אָנֹכִי כִּי" ,"בָּהָר וּמֵת" ,"לָמוּת יָמֶיךָ קָרְבוּ הֵן" :הֵן וְאֵלּוּ ,מֹשֶׁה עַל עָלָיו כְּתוּבוֹת מִיתוֹת עֶשֶׂר :יוֹחָנָן רַבִּי אָמַר עַבְדִּי מֹשֶׁה" ,"מֹשֶׁה מוֹת אַחֲרֵי וַיְהִי" ,"מֹשֶׁה שָׁם וַיָּמָת" ,"בְּמֹתוֹ שָׁנָה וְעֶשְׂרִים מֵאָה בֶּן" ,"מוֹתוֹ לִפְנֵי" ,"מוֹתִי אַחֲרֵי כִּי וְאַף" ,"מוֹתִי הַקָּשֶׁה דִּין גְּזַר פְּנָחַס לֹא וְעַדַיִן ,יִשְׂרָאֵל לְאֶרֶץ יִכָּנֵס שֶׁלֹּא עָלָיו נִגְזַר פְּעָמִים עֶשֶׂר שֶׁעַד מֵת" — מְלַמֵּד.

"R. Yoḥanan said: Ten 'deaths' are written concerning Moses, and these are: 'Behold, your days draw near to die'; 'and die on the mountain'; 'for I am dying'; 'for I know that after my death'; 'and how much more after my death'; 'before his death'; 'a hundred and twenty years old at his death'; 'and Moses died there'; 'and it was after the death of Moses'; 'Moses my servant is dead.' This teaches that up to ten times it was decreed against him that he should not enter the Land of Israel, and still the harsh judgment had not been sealed."

And the sealing, when it comes:

הַזֶּה הַיַּרְדֵּן אֶת תַּעֲבֹר לֹא כִּי" :שֶׁנֶּאֱמַר ,תַּעֲבֹר שֶׁלֹּא מִלְּפָנַי הִיא גְּזֵרָה".

"It is a decree from before Me that you shall not cross, as it is said: 'For you shall not cross this, Jordan.'"

A.3 The circle — Devarim Rabbah 11:10

גְּזֵרָה אוֹתָהּ שֶׁתִּבָּטֵל עַד מִכָּאן זָז אֵינִי :וְאָמַר ,בְּתוֹכָהּ וְעָמַד קְטַנָּה עוּגָה וְעָשָׂה תַּעֲנִית עָלָיו גָּזַר ,דִּין גְּזַר עָלָיו שֶׁנִּחְתַּם מֹשֶׁה שָׁרָאָה וְכֵיוָן. שָׁמַיִם עִזְעוּשֵׁנוּזְד עַד הוּא בָּרוּךְ הַקָּדוֹשׁ לִפְנֵי בְּתַחֲנוּנִיסו בִּתְפִלָּה וְעָמַד ,בְּאֵפֶר וְנִתְפַּלֵּשׁ שַׂק לָבַשׁ וְנִתְעַטֵּף שַׂק לָבַשׁ ?מֹשֶׁה עָשָׂה מָה שָׁעָה בְּאוֹתָהּ בְּרֵאשִׁית וְסִדְרֵי וָאָרֶץ.

"And when Moses saw that the judgment had been sealed against him, he decreed a fast upon himself, and drew a small circle and stood inside it, and said: I do not move from here until that decree is annulled. At that hour, what did Moses do? He put on sackcloth and wrapped himself in sackcloth and rolled in ashes and stood in prayer and supplication before the Holy One, blessed be He, until the heavens and the earth and the orders of creation were shaken."

[2] Parallel with R. Abbahu's sword-parable in Midrash Petirat Moshe; Devarim Rabbah 11:9 attributes the exchange to R. Aivu.

A.4 The closing of the gates — Devarim Rabbah 11:10

שֶׁל לְתוֹתָפֶת יְקַבְּלוּ שֶׁלֹּא, דִּין וּבֵית דִּין בֵּית וּבְכָל וְרָקִיעַ רָקִיעַ כָּל שֶׁל וְשַׁעַר שַׁעַר בְּכָל הִכְרִיז? שֶׁעָה בְּאוֹתָהּ הוּא בָּרוּךְ הַקָּדוֹשׁ עָשָׂה מֶה דִּין גְּזַר עָלָיו שֶׁנֶּחְתַּם מִפְּנֵי, לְפָנָיו אוֹתָהּ יַעֲלוּ וְלֹא מֹשֶׁה.

"What did the Holy One, blessed be He, do at that hour? He proclaimed at every single gate of every single firmament, and in every single court, that they should not receive the prayer of Moses and should not bring it up before Him, because the judgment had been sealed against him."[3]

A.5 The bargains: the beast and the bird — Devarim Rabbah 11:10

יִמַּמ וְשׂוֹתִין עֲשָׂבִים אוֹכְלִין שֶׁהֵן הַשָּׂדֶה חַיּוֹתְכ אוֹתִי מַכְנִיס אַתָּה אֵין אִם, עוֹלָם שֶׁל רִבּוֹנוֹ :לְפָנָיו מֹשֶׁה אָמַר יִשְׂרָאֵל לְאֶרֶץ אוֹתִי הַנַּח, חְכְּעוּ הַזֶּה בָּעוֹלָם אוֹתִי הַנַּח, לָאו וְאִם, עוֹלָם לֹ֫שׁ רִבּוֹנוֹ :לְפָנָיו אָמַר .לְךָ רַב :לוֹ אָמַר .מֵהֶן כְּאַחַת נַפְשִׁי תְּהֵא הָעוֹלָם — כָּךְ אֶת וְרוֹאִין .לְךָ רַב :לוֹ אָמַר .מֵהֶן כְּאַחַת נַפְשִׁי תְּהֵא כָּךְ — לְקִנּוֹ חוֹזֵר עֶרֶב וְלָעֵת יוֹם בְּכָל מְזוֹנוֹ וּמְלַקֵּט הָעוֹלָם רוּחוֹת בְּאַרְבַּע בָּאֲוִיר הַפּוֹרֵחַ.

"Moses said before Him: Master of the universe, if You will not bring me into the Land of Israel, leave me like the beasts of the field, who eat grasses and drink water and see the world — let my soul be as one of them. He said to him: Enough for you (*rav lakh*). He said before Him: Master of the universe, and if not, leave me in this world like the bird that flies in the air in the four directions of the world and gathers its food each day and returns at evening to its nest — let my soul be as one of them. He said to him: Enough for you."[4]

And the earlier form of the same request:

הָהֵז בָּעוֹלָם אֲמִיתְךָ לֹא אִם :הוּא בָּרוּךְ הַקָּדוֹשׁ לוֹ אָמַר .אָמוּת וְלֹא וְאֶחְיֶה הַזֶּה בָּעוֹלָם אוֹתִי הַנַּח, יִשְׂרָאֵל לְאֶרֶץ מַכְנִיסֵנִי אַתָּה אֵין אִם, הַבָּא לָעוֹלָם אֲחַיֶּיךָ הֵיאַךְ?

"If You will not bring me into the Land of Israel, leave me in this world and let me live and not die. The Holy One, blessed be He, said to him: If I do not put you to death in this world, how shall I revive you in the world to come?"

A.6 Five hundred and fifteen prayers — Devarim Rabbah 11:10

"וָאֶתְחַנַּן הַהוּא בָּעֵת 'ה אֶל וָאֶתְחַנַּן" — "לֵאמֹר" :שֶׁנֶּאֱמַר ?פְּעָמִים עֶשֶׂר וַחֲמִשָּׁה מֵאוֹת חֲמֵשׁ הַפֶּרֶק בְּאוֹתוֹ מֹשֶׁה שֶׁהִתְפַּלֵּל וּמִנַּיִן הָוֵי הָכִי בְּגִימַטְרִיָּא.

[3] *Compare the related dictum at Devarim Rabbah 2:12: sha'arei tefillah pe'amim petuḥim pe'amim ne'ulim — "the gates of prayer are sometimes open and sometimes locked."*

[4] *c.f. Yalkut Shimoni, Ve-zot ha-Berakhah §940, citing Midrash Petirat Moshe*

"And from where do we know that Moses prayed in that period five hundred and fifteen times? As it is said, 'And I pleaded with the Lord at that time, saying' (Deut 3:23) — the numerical value of *va-ethanan* is exactly this."[5]

A.7 The canvass of the cosmos — Devarim Rabbah 11:10

נִבַּקֵּשׁ, עָלֶיךָ רַחֲמִים שֶׁנִּבַּקֵּשׁ עַד :לוֹ אָמְרוּ .רַחֲמִים עָלַי בַּקְּשׁוּ :לָהֶם אָמַר ,וָאֶרֶץ שָׁמַיִם אֵצֶל הָלַךְ ,עָלָיו מִשְׁגִּיחִין שֶׁאֵין מֹשֶׁה כְּשֶׁרָאָה אֵצֶל לַהּ הָלַךְ ...וּמַזָּלוֹת כּוֹכָבִים אֵצֶל הָלַךְ ...וּלְבָנָה חַמָּה לְאֵצֶל הָלַךְ .''תִּבְלֶה כַּבֶּגֶד וְהָאָרֶץ נִמְלָחוּ כֶּעָשָׁן שָׁמַיִם כִּי'' שֶׁנֶּאֱמַר ,עַצְמָנוּ עַל רַחֲמִים וּגְבָעוֹת הָרִים...

"When Moses saw that they paid no attention to him, he went to heaven and earth. He said to them: Seek mercy for me. They said to him: Before we seek mercy for you, we must seek mercy for ourselves, as it is said, 'For the heavens shall vanish away like smoke and the earth shall wear out like a garment' (Isa 51:6). He went to the sun and the moon [who answered with Isa 24:23]. He went to the stars and constellations [Isa 34:4]. He went to the mountains and hills [Isa 54:10]."

A.8 The refusal to Samael — Devarim Rabbah 11:10

לְךָ נִשְׁמָתִי נוֹתֵן אֵינִי ,מִלְּפָנַי בְּרַח לְךָ !כֵּן לוֹמַר לְךָ אֵין !מִכָּאן רָשָׁע לְךָ.

"Go from here, wicked one! You have no right to speak so! Flee from before me — I do not give my soul to you."[6]

A.9 A hundred deaths and not one envy — Devarim Rabbah 9:9

אֵצֶל מֹשֶׁה הָלַךְ ,הֶעָנָן עָמוּד מִשְׁנִסְתַּלֵּק .בֵּינֵיהֶם וְהִפְסִיק הֶעָנָן עָמוּד יָרַד ,מוֹעֵד לְאֹהֶל נִכְנְסוּ .יְהוֹשֻׁעַ שֶׁל לְשְׂמֹאלוֹ מֹשֶׁה הָלַךְ ,לְהַלֵּךְ יָצְאוּ מֹשֶׁה צָעַק שָׁעָה אוֹתָהּ ?עִמְּךָ מְדַבֵּר מַה הָיִיתִי יוֹדֵעַ ,עָלֶיךָ נִגְלָה הַדָּבוּר כְּשֶׁהָיָה :יְהוֹשֻׁעַ לוֹ אָמַר ?הַדִּבּוּר לְךָ אָמַר מָה :לוֹ וְאָמַר יְהוֹשֻׁעַ אֶל פָּנָיו וְהוֹשֵׁעַ .אַחַת קִנְאָה וְלֹא מִיתוֹת מֵאָה :וְאָמַר ''.קִנְאָה כִּשְׁאוֹל קָשָׁה ,אַהֲבָה כַּמָּוֶת עַזָּה כִּי'' :מְפָרְשָׁהּ וּשְׁלֹמֹה

"They went out to walk, and Moses went to Joshua's left. They entered the Tent of Meeting, and the pillar of cloud came down and separated between them. When the pillar of cloud withdrew, Moses went to Joshua and said to him: What did the Word say to you? Joshua said to him: When the Word was revealed to you, did I know what it said to you? At that hour Moses cried out and said: A hundred deaths and not one envy. And Solomon explained it: 'For love is fierce as death, jealousy is cruel as the grave' (Song 8:6)."[7]

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[5] The counting is answered by Deut 3:26: *rav lakh, al tosef dabber elai od ba-davar ha-zeh* — "Enough for you; do not speak to me further of this matter." A widely transmitted homiletic tradition holds that had he offered one further prayer he would have been answered.

[6] Preceded by Moses' recitation of his own deeds ("when I was eighty years old, I performed signs and wonders in Egypt … I split the sea into twelve … I received a Torah of fire and dwelt beneath a throne of fire … who among those that come into the world can do so?") and followed by the striking of Samael with the staff on which the ineffable Name was engraved.

[7] So, the Vilna printing; cited in some editions and secondary literature as Devarim Rabbah 9:5.

The request that produced this arrangement, preserved in the same complex:

אֶחְיֶה וַאֲנִי שְׁלִי אַרְכִי יְהוֹשֻׁעַ יִטֹּל ,עוֹלָם שֶׁל רִבּוֹנוֹ :לְפָנָיו אָמַר?

"He said before Him: Master of the universe — let Joshua take my office, and I will live?"

A.10 The surrender — Devarim Rabbah 9 complex

לָךְ נְתוּנָה נַפְשִׁי הֲרֵי וְעַכְשָׁיו ;חַיִּים מְבַקֵּשׁ הָיִיתִי עַכְשָׁיו עַד.

"Until now I was asking for life; and now, behold, my soul is given to You."

This follows the traditions of the stopping of the springs of wisdom, the forgetting of the halakhot, and Israel's questions that Moses could no longer answer. The consolation that follows in the printed text:

מַנְהִיג אֲנִי יָדֵיךְ עַל לָבֹא לְעָתִיד אַף ,בָּנַי אֶת הִנְהַגְתָּ זֶהָה בָּעוֹלָם ,חַיֶּיךָ :לוֹ אָמַר .מְפַיְּסוֹ הוּא בָּרוּךְ הַקָּדוֹשׁ הִתְחִיל ,לָמוּת עָלָיו שֶׁקִּבֵּל כֵּיוָן אוֹתָן.

"Once he accepted death upon himself, the Holy One, blessed be He, began to appease him. He said to him: By your life — in this world you led My children; in the world to come as well, it is through you that I will lead them."

Note that the consolation arrives only after the surrender, and that it concerns the future, not the reason.

A.11 The kiss — Devarim Rabbah 11:10

תְּצַבֵּי מִי ,מְרֵעִים עִם לִי יָקוּם מִי" :וְאוֹמֵר בּוֹכֶה הוּא בָּרוּךְ הַקָּדוֹשׁ וְהָיָה .פֶּה בִּנְשִׁיקַת נִשְׁמָתוֹ וְנָטַל הוּא בָּרוּךְ הַקָּדוֹשׁ נְשָׁקוֹ שָׁעָה בְּאוֹתָהּ אָוֶן פֹּעֲלֵי עִם לִי?"

"At that hour the Holy One, blessed be He, kissed him and took his soul with a kiss of the mouth. And the Holy One, blessed be He, was weeping and saying: 'Who will rise for me against the wicked? Who will stand up for me against the workers of iniquity?' (Ps 94:16)."

The soul's own refusal, immediately preceding, is worth setting beside it:

"You created me and formed me and placed me in the body of Moses for a hundred and twenty years. Is there anybody in the world purer than the body of Moses? … I love him and do not wish to leave him."

The soul, like the man, must be persuaded, and is not.[8]

A.12 The grave — Deuteronomy 34:6 and its midrashic aftermath

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[8] Compare BT Sotah 13b and BT Bava Batra 17a on death *al pi HaShem* — "by the mouth of the Lord" — read as *mitat neshikah*, the death by kiss [17,18,19].

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וְלֹא יָדַע אִישׁ אֶת קִבְרָתוֹ עַד הַיּוֹם הַזֶּה.

"And no one knows his burial place to this day."

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