A Constant Goodbye:
Addressing Ambiguous Loss from the Talmud until Today

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Thesis Submitted in Partial Fulfillment of
Requirements for Ordination

Hebrew Union College-Jewish Institute of Religion
Graduate Rabbinical Program
New York, New York

January 29, 2018

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The goal of my thesis was to explore the psychological area of ambiguous loss through a Jewish lens. I wanted to create a resource for contemporary clergy to use when providing spiritual care for people experiencing unconventional grief without a foreseeable end. Since this is an area that many communities do not formally accommodate or consider, I wanted to highlight that this kind of loss and the experiences that accompany it are prevalent, and that Jewish institutions and clergy people can and should have something to offer in response.

My thesis consists of an Introduction, Four Chapters, a Conclusion and an Appendix. The Introduction explains why and how I decided to write on this topic. The second and third chapters each go into one of two types of ambiguous loss; the second chapter discusses the type of absent yet present, and the third chapter discusses the type of present yet absent. The fourth chapter gives contemporary clergy some ways to help and pastorally care for their congregants who are experiencing ambiguous loss. The Conclusion summarizes my findings and touches on some areas to continue exploring. The Appendix contains some suggested resources that clergy can offer.

Throughout the course of my research, I used resources that span from the Talmud until today. I studied some pages from Yevamot in the Babylonian Talmud and some biblical texts and commentators in order to gain a foundation for how our tradition navigates ambiguity in legal decision-making. I included contemporary religious and secular psychology, as well as modern writings, responsa and articles in order to examine what peoples' emotional and spiritual needs might be during these times in their lives.

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INTRODUCTION

I took a class called “Recovery from Moral Injury: Rabbi as Witness and Moral Healer” during the spring semester of my fourth year of rabbinical school. One of the assigned readings was a chapter from a book called *Ambiguous Loss: Learning to Live with Unresolved Grief* by a psychologist named Dr. Pauline Boss. Boss’ basic premise is that throughout each person’s life, he or she faces losses that are unclear, that do not have set grieving rituals or closure. She coined the term ambiguous loss to describe these occurrences, and devotes her research and writing to helping people learn to live with the ambiguity that they bring. Boss states that there are two types of ambiguous loss. The first is absent yet present, where a loved one is missing, lost, or otherwise not physically there yet is not determined dead and is still emotionally present to others. The second is present yet absent, where a loved one is physically there yet changing emotionally, mentally or psychologically due to factors such as dementia or trauma.

Ambiguous loss immediately drew me in: I had never heard anything about it thus far in my Jewish life or rabbinical school career, yet it intrigued me because it was so universal. Each person experiences ambiguous loss in one form or another, and most likely in multiple ways. The human experience contains much ambiguity, resulting from unsolved questions, confusion about how or why something is happening, or seemingly insurmountable challenges. Having studied pastoral care and completed two units of Clinical Pastoral Education, I had learned about how greatly every emotion is magnified when facing loss. Loss compels everyone involved to learn how to re-orient the self, evaluating one’s role in a specific relationship, in a family system and in the world. When one goes through a hardship, one needs to learn how to cope. Yet how does coping occur

when a loss is not time-bound? If something happens that is spread out over time, with no finite predictable or foreseeable end, how does someone express his or her grief? How can ambiguous loss alter someone's life?

As a future Jewish professional, I wanted to investigate what Jewish tradition has to say about these types of losses. If each person has ambiguous loss in his or her life, then I thought it would be useful to evaluate Jewish sources in a way that could also help clergy people and community leaders care for people experiencing ambiguous loss. I knew that Judaism has many mourning customs and communal public rituals, but what happens when someone's experience does not neatly fit into the box of a finite loss or a sickness from which they can recover? What does Judaism say about a loss that does not go away?

As I had not heard about this concept before, even as an active member of a Jewish community, it seemed like something Judaism as a whole did not really address. Since Jewish legal decision-making and Jewish customs are an ongoing process, what do we do when something happens that calls us to look at already existing sources in a new light? With this thesis, I wanted to explore already existing Jewish laws, texts and resources through the lens of ambiguous loss. I endeavored to use Judaism to make sense of the experience of ambiguous loss in the contemporary world.

I found that Jewish leaders have always struggled to cope with the existence of ambiguous loss, striving to navigate how these situations fit in with the structures of Jewish time and rules and the routines of daily life. Traditionally, one of the roles of Jewish legal authorities is to make direct and concise proclamations, setting out clear guidelines by which people can live. Rabbinic authorities have sought to put life events

into categories, so that they could determine the proper course of Jewish action in specific scenarios, and then, in turn, let their community members know what the law proclaimed.

However, the very nature of ambiguous loss means that it is difficult to put it into categories. It is a vague and uncertain area, and looks different in each case. Therefore, it is challenging to make laws about it, and to create rules by which to live. How can you fashion laws, guidelines and boundaries for an area that has no clear course of events, no specific set of circumstances, no direct timeline and no ultimate definitive answers?

Because the circumstances and situations surrounding ambiguous loss are so vague, it follows that there are no built-in, natural ways for others to support those experiencing the ongoing grief and mourning associated with it. In such times of loss and uncertainty, some may turn to their religious communities for solace or coping resources. While Jewish tradition and clergy-people should be resources in times of hardship, they are often at a loss when it comes to circumstances that vary so individually, and that have no clear answers or procedures. Today, rabbis across the spectrum are grappling with these issues. More traditional rabbis seek to create *halacha* that carries on tradition but incorporates the uniqueness of coping with ambiguity in a modern era. For Reform clergy, who are not bound by *halacha,* whether Rabbinic or contemporary, these situations become even more ambiguous. How do non-halachic, liberal Jewish leaders weave together *halacha* and pastoral technique, not to create a rules structure but to provide solace and meaning for those who come to us for support?

The first chapter of my thesis discusses the differences between ambiguous loss and more traditional grief. It details Jewish mourning customs, and how they do not

address ambiguous loss. It also introduces some of the basic concepts that appear throughout my thesis. The second chapter examines the first type of ambiguous loss, absent yet present, from ancient Israel until today. It uses situations from Tractate Yevamot in the Babylonian Talmud, as well as more recent events, such as September 11, 2001 and the Vietnam War, to determine what Jewish sources have to say about this type of loss. The third chapter examines the second type of ambiguous loss, present yet absent. It highlights a number of examples as to how this type of loss manifests, both in Jewish and secular sources, and some of the challenges that come with caring for someone who is absent yet present. The fourth chapter addresses contemporary non-halachic clergy people. Drawing information from the previous chapters, it discusses some ways that clergy can create caring and inclusive communities and be present to those who come to them in these situations in order to help congregants cope with this type of loss. The Appendix provides some suggested text resources, both Jewish and secular, that could be useful for contemporary clergy in working with those who are experiencing ambiguous loss.

Through an exploration of *halacha,* psychological writings and pastoral research that address issues connected to ambiguous loss, I suggest ways that clergy can support offer pastoral support.

CHAPTER ONE: JEWISH MOURNING & HOW AMBIGUOUS LOSS DIFFERS

Judaism has a lot to say about mourning the death of a loved one. Volumes of rabbinic text, articles, books, and more establish mourning practices and post-death rituals and lay out concrete steps for those who are grieving the people they love for the days, weeks, and months following the death. These texts address specific scenarios in which a person has died and mourners are left behind. The literature also provides many guidelines for clergy to assist the mourners in moving forward in their lives.

Dr. Ron Wolfson writes that "Jewish mourning customs reflect the natural course of grief and recovery following the death of a loved one."[1] The traditional Jewish mourning practices can be very useful and comforting for those who experience a specific course of grief and recovery.

For traditional and observant Jews, including the Orthodox and Conservative denominations, *halacha* provides procedures to support mourners and those who care for them post-death. *Halacha*[2], literally translated as "going" or "walking" means the way that Jewish people are supposed to live; it refers to all aspects of Jewish law. While there are some laws in the Torah, most law was formulated beginning in the Rabbinic period, with the Oral Torah that evolved into the Mishnah and the Talmud. "Some laws in the Torah required procedures for their observance that were not explicit. Sometimes conditions under which Jews were living were so different from earlier periods that the ancient rabbis simply enacted new rules in keeping with the laws of the Torah. This process of developing, interpreting, modifying and enacting rules of conduct is the how

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[1] Wolfson, Dr. Ron. "The Phases of Jewish Bereavement." My Jewish Learning, www.myjewishlearning.com/article/the-phases-of-jewish-bereavement/

[2] Can also be spelled *halakhah or halachah*

halacha develops."[3] Progressive and liberal Jews, including the Reform and Reconstructionist denominations, are non- halachic, meaning that they do not consider *halacha* to be binding, and do not strictly adhere to it when formulating their Jewish identities and participating in events throughout the lifespan.

While each person is different and has unique needs, Judaism lays out a specific and direct structure and timeline that provide meaning for mourners and guidelines for those who support them. An initial period of shock and numbness leads to *shiva*, a week-long period during which the mourners stay in their home, grieving and remembering their loved one, and people visit them to provide comfort and pray. Guests bring food and provide company during a difficult time as a tangible way to assist people who are temporarily frozen in time as they re-orient their lives after the loss. The next period of time is a transition period of 30 days during which family members return to their daily lives and routines, yet are still prohibited from some activities such as shaving or attending parties. Others are not permitted to ask mourners how they are during this period, since they are obviously still grieving.[4] For relatives closest to the deceased, the year after the death is an extended mourning period in which they return to normalcy while still remembering their loved one and, for those who are observant, continue to alter some of their habits and customs. Lastly, each year, at the *Yahrzeit*, the anniversary of the death, loved ones mark time with certain rituals such as lighting a candle, saying the *Kaddish* prayer and making charitable donations.

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[3] Staff, MJL. Halacha: The Laws of Jewish Life. My Jewish Learning, www.myjewishlearning.com/article/halakhah-the-laws-of-jewish-life/.
[4]Lamm, Rabbi Maurice. "Shloshim Observances." The Jewish Way in Death and Mourning, www.chabad.org/library/article_cdo/aid/281615/jewish/Shloshim-Observances.htm.

By marking time in this way after a death, Judaism provides space, rituals and actions that enable people to fully experience and process the grief that follows a loss. There is a period during which time stops, and mourners are allowed, and supposed to be present in their sadness. Gradually, they re-enter life. Granted, this is a life in which they do not have their loved one. With time, they get used to this new existence and, eventually, are generally able to move forward. This structure also creates ways for community and outside sources of support to be present for mourners. For example, as Rabbi Maurice Lamm writes, the time immediately following death is a period of extreme despair for those who have lost someone, and the presence of others in a house of mourning is indescribably significant:

> The fundamental purpose of the condolence call during shiva is to relieve the mourner of the intolerable burden of intense loneliness. At no other time is a human being more in need of such comradeship… Recognizing this state of mind, the visitor comes to the house of mourning, silently, to join the bereaved in his loneliness, sorrowfully to sit alongside him, to think his thoughts and to linger on his loss. The warmth of such human presence is inestimable. Practiced as the tradition prescribes it, true consolation is the distillation of empathy. The sum effect of the visitation of many friends and relatives, some long forgotten, others members of a community who may rarely have paid the mourner any attention at all, is the softening of loneliness, the relief of the heavy burden of internalized despair, and the affirmation that the world at-large is not a hateful and angry place, but a warm and friendly one… The purpose of the condolence call is not to convince the mourner of anything at all. This is the time for accompanying him on his very own path…[5]

Community members and religious leaders are available to witness this process and support those going through it. In addition to support from friends and acquaintances,

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[5] Lamm, Rabbi Maurice. "Comforting the Bereaved - Nichum Aveilim." The Jewish Way in Death and Mourning, www.chabad.org/library/article_cdo/aid/281611/jewish/Comforting-the-Bereaved.htm.

clergy people are trained in using this structure to guide congregants who have physically lost someone they love.

When families turn to religious institutions regarding circumstances surrounding a death, there are mechanisms in place to help them address the situation logistically and cope with its emotional impact, regardless of whether those institutions are halachic. Often, the support of others is key in this process. Rabbi Norman Lamm comments that Jewish law requires people to mourn, while simultaneously requiring community members to offer consolation. "We try to bring him or her back into normal life…we appeal to the mourner to remember good that once was, the beauty, the love, the happiness that they attained and thereby bring the mourners back into a state of 'normalcy' where they can continue living later on."[6]

However, while there are certain time periods laid out for those who have experienced a loss, and most people eventually return to normalcy, each person grieves differently. While ritual and prayer are standardized for each stage of Jewish mourning, people who experience grief process in individual and deeply personal ways. For example, they may not be done with their most intense mourning after a week, or may still be returning to everyday life even after a year has gone by. Family members could each be feeling different things from each other as they go through mourning periods together.

A secular corollary to the Jewish stages of bereavement is Elizabeth Kubler-Ross' five stages of grief: denial, anger, bargaining, depression and acceptance. According to

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[6] Lamm, Rabbi Norman. "Twin Reactions to the Twin Towers Tragedy." Contending with Catastrophe: Jewish Perspectives on September 11th, edited by Michael J. Broyde, K'hal Publishing in Cooperation with the Beth Din of America, 2011, p. 185.

David Kessler, who co-wrote two books with Kubler-Ross, these stages are a framework for people who are learning to live without someone they lost. They can help mourners articulate their process of grief, and help each person in coping. Nevertheless, Kessler acknowledges that these stages are not linear, and do not manifest in the same way for each person. While knowing the stages can help people navigate loss, "They were never meant to help tuck messy emotions into neat packages. They are responses to loss that many people have, but there is not a typical response to loss."[7] Most people do experience all of the stages, and through them are able to navigate a personal path towards healing. Though a loss can be shocking and grief can be painful and disorienting, in most cases there is a natural course of grief and recovery.

Traditional Jewish rituals and practices that follow a death are incredibly helpful for most mourners. However, throughout the course of each person's life, there are situations in which he or she experiences a grief that does not naturally fall within prescribed Jewish or psychological norms. That grief is not time-bound; there are not clear stages of bereavement or set processes to follow. There are not allotted time periods that tradition sets aside to mourn the loss, and no transitional periods or communal systems that provide comfort and assistance as they attempt to move forward. There are no formulated ways for support systems to help them during this extended, indefinable time of grief. This occurs when people experience ambiguous loss.

In contrast to the set time periods of Jewish mourning practices, and the process of experiencing grief in response to a finite loss, those who suffer ambiguous loss are frozen in time. A theoretical trajectory of mourning does not work for them. Dr. Pauline

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[7] Kessler, David. "Five Stages of Grief ." Grief.com, grief.com/the-five-stages-of-grief/.

Boss, a prominent educator and family therapist, coined the term ambiguous loss after working with several families experiencing grief that stemmed from a situation unrelated to traditional mourning. She writes that "those who suffer [ambiguous] loss have to deal with something very different from ordinary, clear-cut loss...the outside force that freezes the grief is the uncertainty and ambiguity of the loss."[8] Most existing mourning rituals and traditions do not address this kind of grief. There are no pre-determined stages, no built-in mechanisms for people to acknowledge their loss, slowly transition into a new reality, and eventually move forward. They cannot rationally process what is happening to them, and there is no point at which they can begin to come to terms with a world without their loved one, since there is no definitive loss or death.

Ambiguous loss comes in many forms, ranging from one extreme to another. It can refer to ordinary and anticipated losses that we cannot quite articulate: a parent dropping his or her youngest child off at college, a spouse switching jobs and having less time to spend with his or her partner. It also refers to more overwhelming, traumatic losses: a child gone missing in war or mass tragedy, a loved one experiencing addiction or trauma, and more. This paper will focus on the latter, broken down into two categories that Boss created: physically absent but emotionally present, and physically present but emotionally absent. The first category refers to cases in which a loved one is lost in a dangerous or mysterious scenario, such as war, the Holocaust and 9/11.The second category refers to someone who is alive and physically available, but emotionally or mentally unavailable, such as a loved one with dementia. How are the experiences of

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[8] Boss, Pauline. *Ambiguous Loss*. Harvard University Press, 1999, pp. 9-10.

those suffering related to one another? How might support systems and clergy people effectively respond to each experience?

For the first category of absent yet present, ambiguity lies in not knowing circumstances surrounding the loss. To where did my loved one disappear? Is there tangible evidence that can indicate whether my loved one is alive or dead? Can someone testify as to last known circumstances, or find information about the situation that my loved one was in? For the second category of present yet absent, oftentimes the loved one sees and experiences the ambiguity firsthand. With dementia, there are losses and goodbyes along the way as tangible evidence of the individual slipping away. There are moments of lucidity and normalcy that can provide hope, and moments of despair when a loved one seems to have changed permanently. One type of ambiguity is unseen by family, friends and caregivers, and one type is seen as loved ones witness their family and friends in person. However, both types deal with the unknown. Both types can evoke similar emotions such as confusion, despondency, and anguish, as well as loneliness and alienation from surrounding communities and social and cultural systems. Because of this, my hypothesis is that though there are two types of ambiguous loss that can manifest differently, counseling and support for contemporary non-halachic leaders should be the same for both of the categories of ambiguous loss.

Boss reasons that ambiguous loss is so difficult because it effectively freezes people in time. This makes them more prone to depression, and conflict within existing relationships and a sense of helplessness. For these losses, it is impossible to address using the coping mechanisms and rituals that accompany more traditional grief. She

writes about five factors that contribute to the helplessness that those suffering from ambiguous loss experience:

> First, because the loss is confusing, people are baffled and immobilized. They don't know how to make sense of the situation. They can't problem-solve because they do not yet know whether the problem (the loss) is final or temporary...Second, the uncertainty prevents people from adjusting to the ambiguity of their loss by reorganizing the roles and rules of their relationship with the loved one, so that the couple or family relationship freezes in place. If they have not already closed out the person who is missing physically or psychologically, they hang on to the hope that things will return to the way they used to be. Third, people are denied the symbolic rituals that ordinarily support a clear loss- such as a funeral after a death in the family...Fourth, the absurdity of ambiguous loss reminds people that life is not always rational and just; consequently, those who witness it tend to withdraw rather than give neighborly support, as they would do in the case of a death in the family. Finally, because ambiguous loss is a loss that goes on and on, those who experience it… become physically and emotionally exhausted from the relentless uncertainty.[9]

Everyone who experiences ambiguous loss is navigating unknown and uncharted territory on various levels: in personal relationships, as part of a family system, and within societal confines. Ambiguity comes from within: How do I shape my life around this person? How can I move on when I feel stuck in a time of perpetual grief and anticipatory mourning? Ambiguity also comes from without, as friends, neighbors, colleagues, and community members wonder how to approach the person, or may not even know the extent of the loss, or that it exists at all.

As part of this ambiguity from without, there are many systems surrounding the people who experience ambiguous loss: social and emotional support systems, friends and family members, and religious institutions. In ancient times, the Rabbis functioned as that system. They created *halacha*, which they, in turn, implemented for their societies. As they governed according to Jewish law, the Rabbis were concerned with defining

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[9] Boss, pp. 7-8.

categories in which to place their community members. This became complicated when something vague and individual, such as ambiguous loss, occurred.

A person who exemplifies the first type of ambiguous loss, from ancient Israel to modern society is, an *agunah*. Literally meaning "chained", this term refers to a woman whose husband has disappeared. According to *halacha*, she is chained to her marriage, because the only way to get a divorce is if her husband presents a *get*, a bill of divorce; since he is missing, he cannot do that. She is symbolic of ambiguous loss in Jewish law; her marriage exists "in name only, since the absent husband is unable to return and yet cannot be determined to be dead."[10] The *agunah* is frozen in time, and thus, beginning in the Rabbinic period, rabbis have sought sufficient evidence to prove that her husband is dead, so that not only she, but also her community, and necessary legal proceedings can move forward. Because they were so concerned with status and maintaining law, the Rabbis felt compelled to establish specific criteria to determine whether or not a woman's husband was dead: sufficient physical evidence, valid witness testimony and a dangerous context in which no one could survive.[11] If they determined that there was enough proof of death, the status of the *agunah* changed, and she and the community could move forward. The concept of the *agunah* is not relevant for non-halachic Jews, who do not observe these laws and hold a more egalitarian view of marriage. This both enables them to be less reliant on having to develop specific criteria to end an ambiguous loss, and challenges them to come up with their own ways to cope when a community member has a loved one who is absent yet present.

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[10] Broyde, Michael J., editor. "Understanding Why There Is Still a Classical Agunah Problem." Contending with Catastrophe: Jewish Perspectives on September 11th, K'hal Pub. in Cooperation with Beth Din of America, 2011, p. 5.
[11] *Ibid.*

A common person in ancient and modern Jewish life who is present yet absent, the second type of ambiguous loss, is the *shoteh*. Psychiatrist Rael Strous describes the *shoteh* as "one who is expected to struggle to meet societal expectations of functioning and who would demonstrate impaired ability to cope with the usual frustrations and routine challenges of life."[12] The *shoteh* is not expected to carry out commandments or be a regular participant in the community; *halacha* is lenient toward people who fall into this category, establishing regulations for what he or she should or should not do.

The people, throughout the millennia, who have determined who falls into which category, and who have created *halacha* are part of a rabbinic court called a Beit Din[13]. The roots of this court system are in the Torah, and during the era of the Temple in Jerusalem, a larger court, called the Sanhedrin, heard cases and ruled on legal matters. Traditionally, Batei Din are composed of three men who are knowledgeable in Jewish law and can help settle disputes and create policies. In contemporary Israel, they are heavily involved in ritual matters and continue to be an integral part of the Jewish legal system. There are also some Batei Din outside of Israel; usually the people who sit on these courts are both rabbis and lawyers. The majority of Batei Din today are Orthodox; Conservative Jews usually only use them for matters of marriage and conversion, and Reform Jews only for conversion.[14]

In the modern world, with continuing advanced technology, there are additional systems that also factor into making sense of ambiguity and providing information that

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[12] Strous, Rael. Halakhic Sensitivity to the Psychotic Individual: the Shoteh . ASSAI, Feb. 2001, www.daat.ac.il/daat/kitveyet/assia_english/strous-1.htm.
[13] Can also be spelled Bet Din or Beth Din; the plural form is Batei Din.
[14] Fox, Tamar. The Beit Din. My Jewish Learning, www.myjewishlearning.com/article/the-beit-din/.

influences facts and feelings surrounding an ambiguous loss. These relate to both Jewish legal decision-making and personal emotional journeys. Government, and bureaucracy, science and medical technology, as well as news and social media have a direct impact on the way people experiencing ambiguous loss receive information and experience the grieving process. These systems, which can be general and impersonal, are sometimes the avenues through which those experiencing ambiguous loss receive information, or seek to find community. As opposed to stages of grief, these systems can influence people who are frozen in time and impact the way they process loss. More than just hearing a witness or identifying a body solely with one's own eyes and knowledge, as they did in Talmudic times, elements like DNA testing, medical technology, and more now influence the personal process of grief, and the process of legal decision making. This multiplicity of factors that surround this kind of loss can add to the ambiguity and confusion that those experiencing it may feel, and add to the difficulty that authority figures, religious leaders and community members face in supporting them.

Ambiguous loss has the potential to influence every aspect of a person's life, including financially, emotionally, and spiritually. It can cause a halting of everyday existence, changing the way a person orients him or herself in the world. It can impact a person's identity, whether it is a parent whose child is lost in war and does not know how to function until she knows if her child is still alive, or a spouse of many decades who is watching the slow progress of dementia in his wife and does not know who he is without her. While tradition and clergy-people should be resources in times of hardship, they can be at a loss when it comes to circumstances that vary so individually, and that have no clear answers or procedures. It is crucial for religious leaders to be aware of the existence

of ambiguous loss, and also know how to care for community members experiencing it. These lonely, alienated, struggling people may turn to clergy in their time of need, and while their Rabbis and Cantors will not be able to fix the problem, they may be able to respond to underlying spiritual needs.

While Judaism has a lot to say about loss and mourning, these texts and writings mainly refer to natural grief, related to the finite death of a loved one. While tradition sets out time periods for mourning, each person experiences this process in a unique way. It is not about methodically going through the stages of grief, or a linear route of coping. Jewish legal decision-making is an ongoing process; what happens when a new situation or understanding calls us to look at tradition differently? I will explore this question by examining text and ideas using the framework of ambiguous loss, which freezes time and does not allow those experiencing it to embark on previously established paths of coping. In this thesis, I will use a combination of *halacha* and psychological research to create a contemporary Reform response to ambiguous loss. I will reflect on Jewish traditional teachings and modern psychological research in order to guide modern clergy as they support their community members who are struggling to live with this non-traditional form of grief.

CHAPTER TWO: ABSENT YET PRESENT

The first type of ambiguous loss is absent, yet present. Pauline Boss writes that in this type of loss, "people are perceived by family members as *physically absent* but psychologically present, because it's unclear whether they are dead or alive."[15] She notes that this kind of loss can range from soldiers missing in battle, to kidnapped children, to families with divorce and adoption where children and parents are not sure who is part of the family and who is missing. Without a tangible physical presence, there is ambiguity surrounding whether someone is alive, and what role they play within a system.

In Ancient Israel, this first type of ambiguous loss manifested itself in the scenario of husbands who were lost at sea, or went traveling and never returned. Because this is the focus of the conversation in Yevamot, I will continue to examine the idea of ambiguous loss in Jewish tradition through the lens of a wife not knowing if her husband is dead or still alive, as is the one that the Talmud examines. The husbands were not physically there, and their disappearance due to uncertain circumstances had a huge impact. The ambiguity led the Rabbis to create a process to make sense of what happened and provide a framework for coping with it. The questions they asked included: How and where did this person disappear? What steps could the authorities or those who knew the missing person take to figure out what happened? Was there a possibility of his return?

Resolving the ambiguous loss was important to the community and the integrity of tradition as well. The Rabbis needed to determine the legal status of the wives of the missing to determine if they could re-marry, or if they needed to wait for their husbands

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[15] Boss, Pauline. *Ambiguous Loss*. Harvard University Press, 1999, p. 8.

to return. These wives were effectively frozen in time, as they waited to see if the rabbis or any evidence they found could resolve the nature of the loss. There was no way to proceed with the regular rules surrounding marriage and divorce, or the traditional grieving and mourning rituals because of the husband's physical disappearance, and the uncertainty surrounding whether he would return.

Modern Jewish legalists have turned to the Talmudic concept of *mayim she'ein lahem sof,* meaning "water that has no end," when discussing soldiers missing in action and other husbands who have disappeared. While they did not use the language, they were attempting to find sources to address ambiguous loss. Yevamot 121a[16], defines "water that has an end" as a body of water where one can stand on any of its banks and be able to see all four sides. According to the Talmud, if the missing person was last seen in a body of water that extends as far as the eye can see, meaning that it does not have an end, his circumstances are unknown. There are multiple possibilities as to what happened to him, and whether or not he is still alive. "Water that has no end" is the definition of ambiguity; the person who is missing could have found some way to survive, or, just as likely, he could have drowned. In Tractate Yevamot pages 120-122, the Rabbis discuss how to gather evidence regarding an ambiguous loss due to a husband's disappearance. As they outline various scenarios that could lead to a husband not returning, they attempt to create laws for those experiencing a loved one who is absent yet present. The laws outlined a way to gather proof and look for signs regarding the circumstances surrounding the loss. The Rabbis attempted to find ways to apply structure to ambiguity,

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[16] Throughout this text, I will be citing the Schottenstein Daf Yomi edition of this Tractate. Goldwurm, R. Hersh., et al., editors. Talmud Bavli: Tractate Yevamos III Schottenstein Edition. Schottenstein Daf Yomi ed., vol. 3, Mesorah Publications, 2005.

to examine any known evidence and then advise the people impacted by the situation how to proceed.

Throughout the discussions in Yevamot, the Rabbis presented three major factors to evaluate these unclear situations of "water that has no end." The three factors were: the amount of time that had passed since the disappearance, the last known information regarding the disappearance (which includes witness testimony), and any tangible evidence available (which includes a body, if it is found). All of these variables were ways to make the physical loss of a husband less ambiguous. Without resolving the ambiguity, there could be no *halachic* ruling regarding the status of the woman. It was imperative for the community authorities to come to a decision to determine her future. These three factors influenced an ultimate ruling as to whether a woman could remarry. The ruling indicated that time was no longer frozen; that both the individual and the system were acknowledging that it was time to move forward. If the Rabbis came to a decision that the woman's status changed by permitting her to marry someone else, it would effectively end the ambiguity surrounding her husband, by declaring him dead, and facilitate moving on.

The first of the three factors was the amount of time that had passed since anyone had seen the husband. Yevamot 121a states the majority opinion that in cases of "water that has no end", there was a certain time period during which the status of the spouse remained unclear; he could be dead, but the wife was not yet permitted to act as if death had occurred. For the first three days after a disappearance, there was a great possibility that he could still be alive. If he had died, it was important that someone find him during this time, ending the ambiguity. The three-day period was crucial; the Mishnah quoted in

Yevamot 120a states that the dead body must be identified during this time, because after three days the evidence starts to deteriorate. The *halacha* is such that if something definitive did not happen during this time period, the ambiguity would greatly increase when it was over. This was a waiting period for both the wife and the community that perceived her as still married. Her status remained unchanged unless there was tangible evidence within the three days that her husband had died.

This three-day period could be both permissive and limiting, depending on the situation. It permitted a few days after the disappearance to find the husband and determine whether he was dead or alive. It was limiting because it created a set time during which specific evidence must be found. Once the three days were over, the ambiguity increased. After that time, the Rabbis needed more proof of the husband's death in order to make a determination. This led to a conversation about the circumstances in which people could identify a body, i.e. whether there was an open wound on the body, whether certain body parts had been severed or certain parts of the face were missing. Rather than depending on time, these factors depended on what kind of shape the body was in when it was found. The Mishnah is very stringent in terms of the three-day rule, applying it to all situations. However, in Yevamot 120a, Rabbi Yehudah acknowledges that there are a number of possibilities regarding the condition of the body. He provides the opinion that not all people, places and times are alike. He believes that it is important to look at individual circumstances to determine how to move forward, rather than setting a blanket set of rules that apply to all of the situations in this category.

This relates to the second factor set out in Yevamot that influences whether or not a woman can re-marry after her husband's disappearance: the last known information regarding the husband, which includes witness testimony. The discussions surrounding this factor offer many opinions, and go in various directions. They explore drowning as well as other situations that a husband who is traveling may encounter. There are strict opinions, and more lenient opinions, both about circumstances and about what kinds of witnesses are needed to come to a definitive conclusion.

In Yevamot 121a, the Rabbis have an extensive conversation about disappearance in "water that has an end," versus "water that does not have an end." The Rabbis acknowledge that there can be many factors surrounding the disappearance: time spent in the water, the types of injuries the husband may have already had or incurred once in the water, and how soon the body is seen after being brought out of the water. The abundance of factors contributes to the ambiguity of the situation, yet the more information the authorities have, the less ambiguity there is in identifying the body and determining the wife's status.

A Mishnah in Yevamot 121a holds that that the wife cannot remarry whether or not the water has an end because the overall circumstances are so uncertain. In support of this opinion, Rabbi Meir cites an incident of someone who fell into a cistern (water that has an end) and emerged alive after three days. A *baraita* states that miracles do not factor into this conversation, but Meir argues that it is not a miracle, as one can survive for three days without food and water, and the man could have slept inside the arches in the walls of the cistern. However, his is the minority opinion. Most of the Rabbis come to the conclusion that with water that has an end, the husband can be presumed dead,

because no one saw him emerge. In “water that has no end”, they cannot presume that the husband is dead because there are too many things that could have happened to him. Because the water was not finite, he could have been swept away, or come out at a place not visible to a witness who may have seen him fall in. “Water that has no end” creates more ambiguity, because it opens the situation up to many possibilities. The Rabbis suggest that in ambiguous situations, while one might worry about the worst, it is important to presume life, unless it was a body of water that had an end.

The Rabbis of the Talmud count the testimony of a witness who may have seen the missing husband more recently than anyone from his own community when trying to determine if he is dead. Verbal statements from observers can be a tool to end ambiguity, though the Talmud establishes rules surrounding what exactly the witness saw. The Rabbis state that, even if there was a witness to a dangerous situation, the witness must have seen the husband actually die in order for the testimony to count as definitive. There can be ways for people to get out of even the most perilous situations, and so seeing someone in danger is not enough to end the ambiguity and determine if he has actually died. For example, if a witness sees someone fall into a lion’s pit, he cannot testify regarding the death of that person, because the lions may not have been hungry, so the person did not necessarily die. If a witness saw someone fall into a poisonous snake pit, he could testify to the fact that he fell into the pit and was therefore in a fatal situation. However, the person who fell could be a snake charmer, which could be an avenue to escape, and therefore, he could still be alive. If a witness saw someone fall into a vat of boiling oil, which is an enclosed space, he can testify to the person’s death, because there is no way that someone could escape before being burned alive.

This conversation demonstrates how the testimony of a witness is essential. One person's presence can be the difference between a wife living in a period of ambiguity and having an undefined status in the eyes of the community, and having enough information to know that her husband was in mortal circumstances that led to his death. In the midst of uncertainty, a single testimony can provide tangible evidence that leads to answers and relief. Usually, there is a need for at least two witnesses for the testimony to count as solid evidence; this requirement for a minimum of two witnesses for legal situations has roots in the Torah and continues throughout rabbinic text.[17] The requirement for only one witness demonstrates how significant it is to be able to end ambiguity, and determine the law and the status for someone moving forward.

Because a witness is so important, and can be crucial in making the halachic decision to unfreeze time and change the wife's status, the Talmudic discussion contains a lot of conversation about who the witness is and what his or her possible motivations could be in reporting the events. Yevamot 121b outlines the rules for testifying about a death. A Mishnah in 121b also includes the determination that even if someone only overheard women or children talking about the death, he can testify in court that the death occurred. This is significant because it is a big divergence from the norm. It demonstrates how valuable testimony is in these ambiguous cases; even testimony that someone else overhears is admissible evidence. The Gemara clarifies this idea by stating that if one overhears children speaking about a funeral, they need to hear more exact information to determine that it was actually the funeral of the person in question. The details need to

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[17]"Witness", Encyclopaedia Judaica, 2008, www.jewishvirtuallibrary.org/witness.

include the name of the rabbi and the number of people in attendance, to indicate that a person of authority was involved.

The Rabbis further attempt to clarify the nature of witness testimonies by bringing in the idea of intention. In general, they rule that the testimony of a Jew is valid, but the testimony of an idolater is invalid. If an idolater came to court solely to report a death, his testimony is valid, but if he came with the desire to allow the wife to remarry, then his testimony is invalid, because there may be an impure motivation behind it. Another opinion is that if an idolater comes to court at all, he has an insidious motivation, but if an idolater is innocently telling people that someone died, then his word counts. Yevamot 122a also considers the testimony of five women who were related to the husband in their discussion of intent. Because they might be motivated to say certain things based on family relationships, their testimony does not count.

The Talmud also considers the question of impressionistic evidence. What happens if the circumstances of a death were not fully seen or if a testimony comes from an uncertain place? The need to end ambiguity and determine the exact status of the wife is so great that there can be allowances made for uncertainty. The Rabbis say that witnesses can testify to a death even if they only saw it by the light of a lamp or the moon. Additionally, a woman can remarry on the basis of hearing a voice saying that her husband is dead. A Mishnah in 122a cites an incident of a passer-by hearing a voice from a mountaintop saying that someone's husband had died. When they climbed the mountain there was no one there, but the Rabbis still allowed the wife to remarry on the basis of the vocal testimony. The text offers a similar incident where someone said that he had seen a woman's husband bitten by a poisonous snake, and he was close to death. Even though

no one could identify the corpse, the woman was allowed to remarry as though they had been able to. The Gemara casts doubts on the validity of this kind of uncertain evidence. It presents many "what-if" scenarios: what if the voice on the mountaintop was another woman who was interested in the husband? What if it was a demon in human form? In response to these concerns, a *baraita* states that in a time of urgency, it is important to be lenient towards the woman. It states that the Rabbis cannot afford to be stringent and raise every possible concern, rather that they should believe the evidence that they have, and release the woman from her marriage. In this way, she can move on from her husband. Once the ambiguity is gone, time can move forward.

In times of uncertainty that call for immediate decisions in order to determine a woman's status, the Rabbis examined whatever physical evidence they had. Physical evidence was the third factor involved in forming *halacha* surrounding ambiguous loss. This referred to both a body that would provide definitive answers regarding the husband's whereabouts, as well as material evidence such as the husband's clothing or possessions.

A Mishnah in Yevamot 120a provides guidelines surrounding identifying a body. The text discusses how much of a body is needed to determine its identity. During the initial three-day period, because the body will not have deteriorated yet, there are fewer requirements for it to be used as proof of death. The Gemara discusses that one can only identify a dead body if there is a face with a nose. Therefore, if those elements are not part of the identification, it is impossible to tell if that person is the missing one. If a body part emerges in "water that has no end", it can be admissible evidence depending on how it was severed and how long the person has been missing. The body part can be deemed

treifah, meaning that it reveals a severe wound or disease that the person is expected to die from. In that case, the commentators Ramban and Rashba claim that the woman has to wait 12 months to be able to remarry, because that is how long a *treifah* person can survive. A dissenting opinion comes from another commentator, Maimonides, who states that if the husband were drowning, water would agitate the wound, and so the wife could remarry immediately because of the fatal combination of illness and circumstances.

Along with the earlier question of testimony comes the question of evidence, other than a body, that can prove a death. There is a discussion in Yevamot 121b about a non-Jewish female innkeeper. A group of travelers left their sick companion at her inn, and on the return trip, the innkeeper said that their friend had died, and she had buried him. The Rabbis debated if her testimony alone was genuine and if it could count as definitive evidence. However, when she brought out his staff, pouch and Torah as proof that he was dead, these unique and personal items reinforced her testimony, counting as evidence of his status.

While the discussions in Yevamot focused mainly on individuals leaving home and disappearing, natural disasters and mass tragedies can also create ambiguous loss. In these cases, rabbis have to establish criteria as to whether or not one can assume that everyone involved either survived or died as a result of the disaster. The Acharonim (later sages) developed a concept called *Trei Rubei*, meaning two majorities, which allows for more lenient rulings for wives than the stringency of adhering to the principle of “water that has no end”. The idea of two majorities refers to situations that involved multiple dangers, increasing the likelihood that no one survived. Many contemporary rabbis

accept and use this view when making *halachic* rulings regarding missing persons who have been in mass accidents:

> The Trei Rubei leniency has become an accepted approach among Poskim, as Rav Zalman Nechemia notes in his WTC responsum. Rav Simcha Zelig, the Dayan of Brisk, Lithuania in the early twentieth century, writes (*Dvarim Achadim* number 43, cited in *Teshuvot Yabia Omer* 7:E.H.14) that the Trei Rubei approach has become an accepted approach in Halacha provided that the husband has been missing for quite some time. Rav Moshe Feinstein (*Teshuvot Igrot Moshe* E.H. 1:48) applies this principle to a case where a plane crashed into the English Channel during World War II and Rav Ovadia Yosef (*Teshuvot Yabia Omer* 6:4) applies the principle in a case when an Israeli pilot's plane was shot down by enemy fire and fell into the sea. In both cases Trei Rubei exist as the pilot of a plane that crashes into the sea will most likely not survive and most people who are lost at sea (Mayim Sh'ein Lahem Sof) do not survive. Rav Yitzchak Herzog (*Teshuvot Heichal Yitzchak* 2:8) applies this principle in a case where a car plunged down a steep incline and into the sea.[18]

The World Trade Center (WTC) attacks on September 11, 2001 (9/11), were one such mass tragedy. It was a moment in time that required rabbis to make decisions about how to use *halacha* regarding ambiguous loss in a specific scenario, and how to adopt ancient laws and viewpoints to a modern situation. These modern rabbis wondered: "What questions need to be asked? How do you know how to formulate questions in situations of ambiguity? How do you ask ancient questions in light of modern communication and technology? Who determines how laws can be adapted to newer circumstances?"[19] Like the Rabbis of the Talmud, a modern Beit Din mainly concentrated on missing husbands, and whether or not their disappearance froze time for the wives left behind, and if the wives could remarry, since their husbands were presumed dead. They formed determinations around specific individuals who came to

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[18] Jachter, Chaim. "Rabbi Jachter's Halacha Files." *The Beth Din of America's Handling of the World Trade Center Agunot – Part 4*, Torah Academy of Bergen County, 10 May 2003, http://www.koltorah.org/ravj/Agunot%204.htm

[19] Jachter, Part Four.

them to ask for help, as had the Rabbis in the Talmud. They analyzed pertinent halachic sources, pertinent commentaries and responsa and closely reviewed Tractate Yevamot, using *mayim she'ein lahem sof* as a basis for this modern disaster.[20]

Rabbi Michael J. Broyde, writing about 9/11, acknowledges that the three factors from the Talmud, namely last known circumstances, witness testimony and physical evidence of death do factor in to assumptions about mass catastrophes. However, he writes that "death could not be determined by statistical evidence that most or nearly all people in any given situation died…absent specific evidence that the husband in question was dead."[21] According to Broyde, wide-scale events are equivalent to the *mayim she'ein lahem sof* situations in the Talmud, in which each individual case had its own circumstances and evidence, and the authorities could not make generalized assumptions about all of the people who disappeared.

Rabbi Chaim Jachter, a prominent Orthodox rabbi, wrote an extensive paper about the process and procedure of creating *halacha* surrounding 9/11. He states that the twentieth century was full of war, which created many halachic challenges from which the 9/11 Beit Din drew: the Holocaust, the Israeli War of Independence, and the Yom Kippur War in 1973.[22] The Rabbis of the 9/11 Beit Din navigated the halachic process regarding ambiguous loss using their own three factors, similar to the three factors that

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[20] Reiss, Rabbi Yona. "The Resolution of the World Trade Center Agunot Cases by the Beth Din of America: A Personal Retrospective." *Contending with Catastrophe: Jewish Perspectives on September 11th*, edited by Michael J. Broyde, K'hal Publishing in Cooperation with the Beth Din of America, 2011, p. 22.

[21] Broyde, Michael J., editor. "Understanding Why There Is Still a Classical Agunah Problem." *Contending with Catastrophe: Jewish Perspectives on September 11th*, K'hal Pub. in Cooperation with Beth Din of America, 2011, p. 5.

[22] Jachter, Chaim. "Rabbi Jachter's Halacha Files." *The Beth Din of America's Handling of the World Trade Center Agunot – Part 2*, Torah Academy of Bergen County, 10 May 2003, www.koltorah.org/ravj/Agunot%202.htm.

the Rabbis of the Talmud created after a disappearance. In this case, the modern rabbis examined the following:

> when the remains of the missing husband have been found and the question is if the remains can be properly identified as that of the missing husband. The second category is when a body was not found but there is sufficient evidence that the husband was at the World Trade Center at the time of the attack, in part of the building where all or most people were unable to escape. The third category is when no remains are found and there is no obvious evidence that the husband was in the section of the WTC where all or most people were unable to escape but if the husband followed his usual routine he would have been at the part of the twin towers where most people were unable to escape.[23]

In 2001, the rabbis needed to examine these questions on a larger scale, since there was more technology, more places the husband could have gone in a shorter amount of time, and more pieces of information that could potentially count as evidence than existed in other historical periods. For example, Metro Card swipes, elevator records, and DNA tests were all pieces of information that contemporary rabbis needed to factor in determining the husband's location. Rabbi Mordechai Willig, a member of the Beit Din, wrote about how many questions there were that contributed to the resulting *halacha* of 9/11. He said that the questions of the rabbis "can be divided into two groups, questions of reliability and questions of evidence- meaning that even if the testimony is admissible, is it enough proof that the husband is dead?"[24] There were scenarios in which wives came to the rabbis with certain evidence, such as some DNA test results, or records of a phone

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[23] Jachter, Chaim. "Rabbi Jachter's Halacha Files." *The Beth Din of America's Handling of the World Trade Center Agunot Part 1,* Torah Academy of Bergen County, 10 May 2003, www.koltorah.org/ravj/Agunot%201.htm.

[24] Willig, Rabbi Mordechai. "Questions Regarding the Agunot from the Twin Towers Tragedy."*Contending with Catastrophe: Jewish Perspectives on September 11th,* K'hal Publishing in Cooperation with the Beth Din of America, 2011, p. 84.

call. The Beit Din then had to determine how to use those pieces of evidence, and which, if any, could decisively prove that the husband died in the attacks.

Another complication of 9/11 that the rabbis had to navigate was the issue of a mass tragedy within secular society. Though they set the rules for the religious people who approached them, they were still beholden to other authorities, such as the government and the Mass Transit Authority (MTA). This impacted their ability to collect evidence and make determinations, both on an individual and a communal level. Jachter writes:

> In the WTC situation, Rav Yona Reiss, the administrator of the Beit Din of America, devoted months of meticulous research in coordination with many public and private agencies and firms, to create the 'raw material' from which the Dayanim of the Beit Din could arrive at appropriate Halachic conclusions. His research included obtaining telephone, cell phone, subway, and elevator records as well as the results of DNA testing and dental records.[25]

The Beit Din also closely examined the exact impact of the planes and which parts of the buildings were destroyed. They read newspaper articles and corresponded with medical and transportation personnel. It was crucial for them to gather as many facts as possible, which they could then use to make determinations within their three categories.

For the first category, when remains have been found and they need to be identified as those of the missing husband, the rabbis mainly rely on the *halacha* from Yevamot 120.[26] If the body is found within three days and has a face with a nose intact, then that is sufficient. If after three days, it becomes more complicated, and unless the

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[25] Jachter, Part One.

[26] Like the Talmudic Rabbis, the Beit Din focused on men who went missing in 9/11 because of the halachic issues related to the status of an *agunah*. Because the law is much more lenient for men, there was no need for the Beit Din to make such determinations if a wife disappeared. Non-halachic Jews do not view marriage in the same way; whether a spouse is dead or alive is equally important no matter the gender of the remaining spouse.

person had an extremely unique or distinguishing physical characteristic, more evidence is needed to prove that it was him. However, with new medical technology, the Beit Din discusses the use of DNA and dental records. These tests can provide more clarification into unique bodily features that can help identify someone, yet there is a debate as to their halachic status. Can evidence collected and tested by non-Jews be permitted to make or break a woman's status within the community?

As the rabbis discuss what can and can be used as evidence when a body is found, they call into question what actually counts as evidence, how to incorporate the new additions of medical testing and Metro Card records into previously-formulated *halacha*. This conversation about what counts as evidence, like that of the rabbis in Yevamot, considered witness testimony; like the Talmudic Rabbis, the 9/11 Beit Din expanded the boundaries of whose testimony can count and what can suffice as proof. Rabbi Yona Reiss, Director of the Beit Din in 2001, wrote, "Out of sensitivity for the plight of such individuals, the Talmud prescribes various procedures that relax normal evidentiary rules in order to enable a rabbinical court to pronounce that the husband has in fact died and the wife is permitted to remarry."[27] Knowing that these cases were time-sensitive, Reiss describes doing his best to service all streams and denominations of Judaism, helping anyone who approached him and working diligently to retrieve information as quickly as possible. In order to ensure that halakhic requirements were fulfilled, Reiss would convene meetings with three members of the Beit Din to hear stories of those with missing loved ones, and would then present this information, plus any other details or records he managed to find to an additional Beit Din panel.

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[27] Reiss, 15.

Reiss writes that after extensive research, he and the Beit Din determined that if a woman's husband was most likely in the North Tower, he was killed in the attacks (just like someone in a dangerous and mortal situation in Yevamot, such as being burned alive). However, if the husband was most likely in the South Tower, they could not unequivocally determine that he died in the attacks. They determined this information based on where the man worked, and phone calls and email exchanges on the morning of the attacks. Reiss notes:

> Halakhah does not permit reliance upon probabilities, unless it can be demonstrated that the probabilities approach a near certainty...Modern technology has muted some of these concerns. In olden days, it was significantly easier for a person to 'disappear', whether voluntarily or involuntarily. With advanced communication methods, such as phones, faxes, electronic mail, and a myriad of surveillance devices, it is much more difficult for a live person to become lost in the modern age...the probative weight of the evidence that a person is missing is amplified if there can be a showing that the person was present when a terrible tragedy occurred, and diminished if there is not even a showing that the person was present at the location of the tragedy. Similarly, it was necessary to examine every detail of each person's narrative in order to ascertain whether the totality of evidence was sufficient to make a halakhic determination of death…

Whether the husband was in the North or South Tower determined whether he was in the second halakhic category or the third, in which no actual evidence of the husband was found, yet if he had followed his usual routine, meaning he would have been there during the attacks.

The modern Beit Din's use of this third category was different from the Talmudic discussions, because the Beit Din based its determinations regarding these people on habits and patterns. If the husband had a normal routine that included being on one of the high-risk floors at that time of day, they searched for evidence to verify that he had

carried out this everyday practice. They used elevator and Metro Card records to attempt to confirm his location. As Jachter wrote,

> The most difficult task faced by the Beth Din of America was a situation where the Beth Din was unable to discover any empirical evidence that a particular missing husband was at the WTC at the time of the attack. An approach pursued by the Beth Din was the possibility of relying on the husband's patterns of arriving at work at the WTC. Rav Yona Reiss was able to obtain the husband's "Metro Card" records for the months of August and beginning of September 2001 as well as the elevator records for the month of August 2001 (people signed into the WTC elevators with an ID card), and subway records of September 11, 2001. Rav Reiss was able to determine that based on his patterns of the past month, the husband appears to have entered his office in the WTC a few minutes before the attack. After making this determination, DNA identification were made on the missing husband's remains.[28]

The rabbis based their rulings on previous rabbinic rulings that allowed for an assumption of normalcy. For example, the aforementioned case that Rabbi Yitzhak Isaac ha-Levi Herzog considered about a man who took the same route to work each day, which took him over a bridge that collapsed one day during the general time in which he walked over it, and all the bodies were washed away. There was never any exact evidence that this man was one of those bodies, but no one heard from him again. Herzog made a ruling based on Yoreh Deah 69:24 that "a general practice followed by a person regularly has the status of a strong presumption that can justify matters of even Torah law."[29] In this case, if a person did something in the same way at the same time each day, it was fair to state that he had also carried that out on September 11, 2001, whether that was taking the subway at a specific time, or arriving in his office by the time the attacks happened. This factor of predictability facilitated their interpreting the law in a lenient way.

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[28] Jachter, Part Four.
[29] Broyde, 10.

Because the 9/11 attacks included both the questions of the Rabbis from the Talmud and many new variables associated with modern technology, the Beit Din needed to discuss and ponder at length the question of leniency. How strict should they be when exploring their three categories? How much *halacha* should they create for this unique scenario? They acknowledged that a loved one's disappearance is a dire situation, one that is incredibly emotional and one in which time that passes since the person was last seen is extremely significant. A *baraita* in Yevamot 122a states that in a time of danger, those in power cannot afford to be stringent and raise every possible concern. The modern-day rabbis, too, were concerned with setting and following law, in order to abide by tradition and maintain certain standards in their communities. However, they also recognized that they did not want to freeze time for those wives who came to them in need. The more urgent they perceived the situation, the more lenient they could be. The 9/11 Beit Din strove to be "as creative and lenient as possible while maintaining the integrity of the Halakhic process," while knowing that "…the leniencies of the Gemara and all subsequent authorities are predicated on the assumption that exhaustive research has been undertaken."[30] While they did not want to be liberal in their interpretation, they also acknowledged that these were dire personal situations. They did not want to leave *agunot* with a perpetual unclear status.

Other mass tragedies created similar questions for those suffering from ambiguous loss and their religious leaders. Broyde writes, "In situations in which the husband or wife has disappeared, the central question is one of dividing up the misery in a responsible way. With how much evidence and how long after the disappearance of a

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[30] Jachter, Part One.

person can a person be assumed dead?"[31] Rabbis throughout time have struggled to use and create *halacha* to help people who seek answers regarding the status of their loved ones. These people want to move on and have become frozen in time, yet the nature of the loss is so ambiguous that it is impossible for them to determine how to move forward.

According to Rabbi Moshe Feinstein, the Talmudic category *mayim she'ein lahem sof* did not apply to the largest Jewish mass tragedy in recent history, the Holocaust. Though many who were separated from their families had uncertain fates, they were not presumed alive on a large scale. Feinstein issued an influential ruling that solidified this idea halachically. He was ministering to a wife whose husband was last seen entering Auschwitz and never heard from again. "Rabbi Feinstein stated that the conditions of mass murder at Auschwitz made it a different situation from the Talmudic case of an individual lost at sea, and therefore the woman would be allowed to remarry."[32] Though there was no physical evidence to demonstrate the husband's death, Feinstein ruled that the Holocaust was such a widespread situation that it allowed for certain leniencies such as presuming death even when no remains were found.

One long-term, collective ambiguous loss that became public and part of the social and cultural context in America was the Prisoner of War crisis during the Vietnam War. According to an article in The Nation, during the Nixon administration, the status of fliers who were shot down was changed from "Killed in Action/Body Unrecovered" to "Missing in Action." This was a propaganda move by the White House to tell the American people that there were thousands of prisoners in Vietnam. However, it created

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[31] Brody, p. 5.
[32] Altberg, Alex. "WTC Tragedy Triggers Ancient Halachic Questions." *WTC Tragedy Triggers Ancient Halachic Questions*, commie.droryikra.com/v66i4/news/wtchalacha.shtml

large-scale ambiguous loss for families of all of the missing soldiers. Rather than thinking that their loved ones had died in the war, this new terminology effectively froze them in time, putting them in a position where they were unsure if their family and friends were alive or dead. According to the article, the Secretary of Defense at the time, Melvin Laird, stated, "Hundreds of American wives, children, and parents continue to live in a tragic state of uncertainty caused by the lack of information concerning the fate of their loved ones"[33]. This statement, intended to turn international opinion against America's enemy, in fact created that state of uncertainty. So many people were impacted that they formed organizations, created pins, bumper stickers, t-shirts and other item. At one point, bracelets bearing the name of an individual who was POW/MIA sold at 10,000 per day. Because these classifications applied to so many people, the loss became widespread, and communal. Even as it impacted thousands of individuals and families, it bound people together and forced their frozen grief into public consciousness. The tangible objects and protests created solidarity and, instead of creating isolation and alienation, brought people together.

This large-scale ambiguous loss continues even today. Many people still have not heard anything regarding the status of their loved ones. In 2014 and 2015, the Huffington Post reported that thousands of families are still wondering what happened to their loved ones. Though Congress has a goal of identifying at least 200 MIAs per year, they only identified about 60 in 2013. For Cindy Stonebraker, who never talked about her father's disappearance until recently, attending a meeting of the National League of POW/MIA families enabled her to see that she was not alone in still grieving and holding on to her

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[33] Perlstein, Rick. "The Enduring Cult of the Vietnam 'Missing in Action.'" *The Nation*, 3 Dec. 2013, www.thenation.com/article/enduring-cult-vietnam-missing-action/.

loss.[34] The POW/MIA logo, with its slogan "you are not forgotten" still appears on flags and bumper stickers. According to the organization's website, President Donald Trump met with Vietnamese President Tran Dai Quang as recently as December 7, 2017 to further efforts to "return all veterans home", and there are scheduled briefings for families of the missing throughout 2018.[35]

An ambiguous loss that lasts for an extended period of time can be painful psychologically, emotionally and spiritually. Though the POW crisis became a national phenomenon, it remained deeply troubling for individuals who were still missing their families. After a period of time, Reform Jewish leadership attempted to end the ambiguity caused by the Nixon administration by trying to move time forward for those with loved ones who were still missing from the war. In 1987, the Central Conference of American Rabbis (CCAR) issued the following resolution:

Resolution Adopted by the CCAR

Day of Remembrance for POW's and MIA's
Adopted by the CCAR at the 98th Annual Convention of
the Central Conference of American Rabbis

1987

> WHEREAS the imperative in our tradition of Kevod Hamet stipulates that families bury their dead and complete the grieving process, and
> WHEREAS the War in Vietnam has been concluded for 13 years, and
> WHEREAS the remains of 2,400 Americans who fought in that war have not been accounted for, whose families still experience the pain of incomplete grief,
> THEREFORE BE IT RESOLVED that the Central Conference of American Rabbis observes September 19, 1986 as a National Day of Remembrance and Recognition for Prisoners of War and Soldiers Missing in Action.

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[34] Roth, Jeffrey B. "U.S. Families Of The Missing In Action Fight Time And Bureaucracy." Huffington Post, 10 Nov. 2014, www.huffingtonpost.com/2014/11/10/families-soldiers-mia_n_6133980.html.
[35] "About The Issue." *National League of POWMIA Families*, www.pow-miafamilies.org/about-the-issue.html.

> BE IT FURTHER RESOLVED that the CCAR urges the United States government to request, on humanitarian grounds, from the Vietnamese government the return of the remains of those who served the United States in that region.[36]

In order to provide some kind of ease for those still experiencing ambiguity, the CCAR decided that it was time to resolve some of the grief that people were facing. In 2002, The Commission on Jewish Chaplaincy National Jewish Welfare Board published a responsum saying that if someone was declared dead and the day of death was unknown, a *Yahrzeit* could be observed on the day that mourners received the last known information.[37] This way, though some aspects of the death were ambiguous, loved ones could still observe rituals surrounding death in order to move forward in time and be recognized by the community as mourners.

The Commission on Jewish Chaplaincy National Jewish Welfare Board's statement differed from the CCAR's in a few ways. First, it came 15 years later, elongating the period of ambiguity. The Board released it after 9/11, potentially prompted by another mass tragedy that generated more people experiencing loved ones being absent yet present. Lastly, the Commission's statement was directed to individual mourners; it facilitated each person or family taking their own day to remember a loved one. It gave each missing soldier his or her own *Yahrzeit*. The CCAR's responsum created a broader day of remembrance, which continued the communal spirit present in

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[36] Central Conference of American Rabbis, "Day of Remembrance for POW's and MIA's." web.archive.org/web/20170824193553/http://ccarnet.org/rabbis-speak/resolutions/all/day-of-remembrance-for-pow-s-and-mia-s-1986/.

[37] Lapp, Rabbi David. "Responsa in War Time." Responsa in War Time | Kavod V'Nichum – Jewish Funerals, Burial and Mourning, COMMISSION ON JEWISH CHAPLAINCY* NATIONAL JEWISH WELFARE BOARD, 4 Dec. 2002, www.jewish-funerals.org/responsa-war-time.

the national movement that began immediately following the war. It called for a national commemoration, not necessarily a specifically Jewish one.

However, a CCAR responsum about choosing a *Yahrzeit* date for a loved one presumably lost in the Holocaust states that it is important to have a time set aside to honor the individual loved one. When the date of death is unknown, the family can choose their own. Rather than selecting Yom HaShoah, Holocaust Remembrance Day, as the *Yahrzeit*, the responsum advises that the family pick a different day to specifically commemorate their loved one.[38]

The desire for both personal and communal resolution prompted the September 11 Beit Din to seek a point at which there would be an end to the ambiguity of the losses suffered in those attacks. When could they declare the missing people dead so that time could move forward? Once the women received a confirmation that there was enough evidence to confirm the death of their husbands, they were no longer *agunot*, and time could move forward for them; the loss was no longer ambiguous.[39] Some of the members of the Beit Din said that with a presumed death from the third category (when no one could find any remains or physical evidence), the wives needed to wait a year, and then could proceed to get married again. The Beit Din also had to rely on secular authorities to get information about searching for evidence and remains in the weeks following the attacks. Rabbi Herschel Schachter told families that they could begin grieving, starting

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[38] Central Conference of American Rabbis, "A Yahrzeit Date for a Holocaust Victim" https://web.archive.org/web/20170824182928/http://ccarnet.org/responsa/narr-330-331/

[39] The 9/11 Beit Din was mainly concerned with *halacha* surrounding men who disappeared. While they did hear a case about a missing wife, they acknowledged that the law, and therefore, their process, was much more stringent about when women are allowed to re-marry, and more lenient regarding the status of a man with a missing wife.

with the *shiva* process, when the tragedy was officially over, 27 hours after the attacks.[40] At that point, though it did not fit into the *halachic* time periods, the chance of finding more survivors was no longer realistic. Rabbi Dr. Moshe Tendler provided a different opinion. He said that those who were waiting to begin official mourning had to listen to secular authorities, and what they told the media about the aftermath of the tragedy. He stated, "the question of when to start shivah lies in the hands of New York City Mayor Rudolph Giuliani. When he stops talking about it being a search and rescue mission it means they're not expecting to find anyone alive...As long as they're calling it a rescue mission the family still has hope of finding the person and we do not start shivah."[41] Tendler looked to outside authority for conclusive signs of death, which would provide an end to the period of ambiguity.

Even when the last known context of a loved one points to presumed death and loved ones strive to move forward, there is always room for ambiguity. Broyde re-tells a story of Jimmy Carter's that was influential in shaping Broyde's view of the 9/11 tragedies. Carter's uncle Tom Godry was stationed on Guam during World War II, and the Japanese captured him and his fellow sailors. The International Red Cross notified his wife Dorothy that he was dead, and she then remarried. Two years later at the end of the war, American troops found Tom alive in Japan. Dorothy decided to annul her second marriage, but Tom's family convinced him that she had betrayed him, and he decided to get a divorce.[42] Similarly, Rabbi Ephraim Oshry recounts a situation from 1940s

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[40] Altberg.
[41] *Ibid.*
[42] Broyde, Michael J. "Understanding Why There Is Still a Classical Agunah Problem." Contending with Catastrophe: Jewish Perspectives on September 11th., K'hal Pub. in Cooperation with Beth Din of America, 2011, pp. 4-5.

Lithuania regarding the Lieberman family. Mrs. Lieberman's husband was on a trip to Vilna, and while he was there, the Germans cut off communication. A friend relayed that the Nazis had taken over Vilna. Mr. Lieberman escaped by foot with hundreds of other Jews, and the Germans shot at the escapees from airplanes with machine guns. Since Mrs. Lieberman never heard from her husband again, she assumed that he had been killed. She mourned, and survived the war, bearing his child in the process. She named their son after him. After the war, Mr. Lieberman returned from Russia, where he had been exiled. He protested that his son was named after him and demanded that his son receive a new name, because 1) he viewed it as preposterous for them to have the same name, 2) it was confusing for those who already knew the father, and 3) it was a bad omen since the father was actually alive. Oshry ruled that the father was right to request a new name for his son, and asked that the name be legally changed in the birth register.[43] These stories only underscore the ambiguity surrounding disappearance during dangerous situations. Even when there was relatively certain presumption of death, and context that pointed to no one surviving, these women's husbands did return. Where they thought time had moved forward for them and changed their status, there were then consequences when the husbands returned. In a way, time moved backward as everyone had to adjust to scenarios that were different from those they had anticipated.

From Ancient Israel to the contemporary Diaspora, rabbis and community authorities have done their best to make sense out of the first category of ambiguous loss, those physically absent but mentally or emotionally present. Though religious leaders attempt to follow tradition as they navigate these scenarios, it is difficult to try to set

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[43] Oshry, Ephraim, and B. (Editor) Goldman. *Responsa from the Holocaust*. Translated by Y. Leiman, Judaica Press, 2001, pp. 146-148.

halacha for ambiguous situations that are unique and vary from case to case. There are a great deal of factors to consider, from what counts as evidence to whose testimonies can be decisive, to last known location of the loved one, to presuming that they were going about their daily routines, to contemporary technology that can change the way leaders interpret the law. *Halacha* can be very helpful, providing guidelines to follow, especially when religious leaders and those suffering can learn from decisions that past authorities made and attempt to apply the same principles. It can also be difficult to attempt to follow *halacha* when information does not fall neatly into its categories, or when it seems to prohibit those who have lost someone from creating meaning. Dangerous situations have a very personal and emotional impact on loved ones who are experiencing these losses. It is difficult to move forward in time without knowing if someone is alive or dead. Reform clergy have the unique challenge of retaining tradition and learning from the past, while not being bound to it. We can combine different areas of study, and meet people where they are. As we listen to unique stories, we are able to use *halacha*, along with Reform responsa, and pastoral experience as we attempt to guide those who approach us and assist with each as we see fit.

CHAPTER THREE: PRESENT YET ABSENT

The second type of ambiguous loss is present, yet absent. Pauline Boss states that in this type of loss, "a person is perceived as physically present but *psychologically absent*."[44] She writes that, in the extreme, this loss refers to people with Alzheimer's disease, long-term physical illness and chronic mental illnesses. Those who experience this second type of loss have loved ones suffering from long-term, potentially fatal illnesses that slowly change them, but do not alter them in immediate, visible physical ways. This type of loss can also range from those with head traumas that lead to memory loss, to people who become excessively preoccupied with work or other outside interests. Boss acknowledges the challenges of coping with this unique kind of ambiguity. She affirms that having a loved one who is present yet absent is not a straightforward loss that eventually will allow someone to move forward in time, but a complicated process that does not always have a logical flow or conclusion. Boss suggests that these losses are gradual and partial, which leads to loved ones struggling with how to cope when symptoms and capabilities of their parents, partners or friends continually change. She writes,

> The basic premise of ambiguous loss theory is this: when a loved one is lost only partially, the ambiguity, coupled with loss, creates a powerful barrier to both coping and grieving. There are no familiar rituals for guiding behavior and bringing people together in support of your loss, but there is deep and real sadness. The confusion and lack of support for ambiguous loss leads to depression, anxiety, and family fights and riffs… it is no wonder that so many caregivers suffer from complicated and unresolved grief. If you grieve too soon, you feel disloyal to the ill person, or others criticize you…. By using the lens of ambiguous loss, professionals and caregivers can view grief and loss in more nuanced terms.[45]

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[44] Boss, Pauline. *Ambiguous Loss*. Harvard University Press, 1999, p. 9.
[45] Boss, Pauline. *Loving Someone Who Has Dementia: How to Find Hope While Coping with Stress and Grief*. Jossey-Bass, 2011, p. 26.

People who have loved ones who are partially lost constantly face the challenge of navigating living with a family member who they can see and touch and spend time with, but not communicate with in familiar ways. Their family member is present, yet becoming a stranger. The family members live in a space of uncertainty and transition; their loved one has not yet died, but their loved one is not the same.

The experience of both being absent yet present and caring for a loved one who is absent yet present can also be compared with the Talmudic idea of *mayim she'ein lahem sof*. The psychological loss of someone you can see physically, like endless waters, can feel overwhelming. Just as there is no end to boundless waters, there is no end to the second type of ambiguous loss. It is impossible to classify the stages of this type of loss because there are no visible shores upon which to stand to demarcate the experience. If someone is suffering from dementia, trauma or addiction, what is the best way to escape the waters? What are the best pathways to shore? How can one remain on shore when the next wave capable of submerging him cannot be seen or stopped? How can caregivers begin to look for someone when they are not sure what his or her mental status or understanding knowledge will be from day to day? There is no tangible way to find out where this person is; one day he or she may resurface and be able to function on the shore, and the next day he or she may seem completely submerged and inaccessible.

There is rarely an exact moment in which a person changes from who they were to someone else. While *halacha* attempts to outline a procedure of identifying if and when someone who is missing died, and create categories into which someone could fall in order to determine what happened, there is no equivalent for this second category of

ambiguous loss. Just as lines become blurred as to who is an *agunah* and who can move forward in time for the first type of ambiguous loss, the lines between who is capable and who is not, who can be a part of the community and who is no longer able to, are unclear. This makes it difficult to know when someone is unable to fulfill the roles that she or he used to fill, and carry out the tasks of everyday living. These realities contribute to the ambiguity.

The *halacha* can be applied differently to this second category, those who are physically present yet mentally or emotionally absent. When viewing this population, *halacha* considers who is a full member of the community and can maintain typical relationships, and who might be considered exceptions to the rule. People may look the same physically, but as they disappear, "proof" of being themselves becomes more difficult to find, and so *halacha* tries to create markers. What are the boundaries related to an individual's participation in the community? How do you modify someone's status in his or her family and community, and is there a way to determine when and in what ways? When does a relationship need to change due to ambiguous loss? Additionally, since both relationships and loss are unique depending on who is involved, how can there be uniform standards in place as changes occur?

Chagigah 2a states that everyone is obligated to appear at the Temple and make requisite sacrifices on the three pilgrimage festivals, except for certain categories of people. Among those who are exempt is the "deranged" person.[46] This Mishnah puts people with altered mental capacities in a different category from everyone else. They are classified as less able, and not held to the same obligations as other adults. The Talmud

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[46] Goldwurm, Rabbi Hersh, et al., editors. Talmud Bavli: Tractate Chagigah Schottenstein Edition. Schottenstein Daf Yomi ed., Mesorah Publications, 2002

recognizes that when people are present yet absent, though they may look the same, they cannot be expected to participate normally in their community. Not only are they exempt from festival pilgrimages and sacrifices, they are prohibited from engaging in them. This passage acknowledges that loved ones who are absent yet present have different capabilities, and so it is important to define their abilities and only expect them to act according to where they are.

A CCAR responsum on "The Mentally Retarded and the Law" affirms this idea. While the specific context of the question refers to someone in a state institution keeping Jewish law, one can interpret the content of the responsum in a way that addresses ambiguous loss. It quotes Jewish scholars coming to permissive and lenient opinions, using text to support their positions. The take-away from the responsum is that "a mentally deficient adult **(***shoteh***)** is free from the obligation of all the commandments...There are varying degrees of mental deficiency and whatever religious observance they can grasp may be of help to them and should be provided."[47] The responsum says that essential caregivers can do their best to meet loved ones who are present but absent where they are in terms of religious observance and rituals, but acknowledges that they might not be able to fully be a part of religious communities in ways that others can. Having realistic expectations of what a loved one can and cannot do is key.

Chagigah's statement exempts those who have limited mental capabilities from public festival activities. If someone is not able to appear at festivals and bring the requisite offerings at certain times of the year, that person most likely also cannot fulfill

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[47] Central Conference of American Rabbis, "The Mentally Retarded and the Law."web.archive.org/web/20170824183052/http://ccarnet.org/responsa/trr-9-11/.

their duties at work and at home. This, in turn, puts a strain on family and friends who are compelled to re-evaluate who they are in relation to that person. Just as there are no clear markers for the person who is present yet absent, so too is there not a clear point at which a spouse, friend or child's role shifts to becoming a caregiver.

Ruth Langer writes about parents who are present but absent; her words can be applied to all interactions between those we know who are no longer mentally the same as they used to be. She comments that loved ones' changing emotionally and psychologically over time is difficult for family and friends, yet riffs on the idea that loving one's parents is a commandment. Because we are commanded to love our parents in the same way that we are commanded to love God, she encourages caregivers to see their parents as *b'tzelem elohim*, made in the image of God. Seeing loved ones as created in God's image is a way to view, not only parents, but all those who are mentally ill or suffering from dementia in a new light. In times of frustration and challenge, it can help caregivers to remember the sacred relationships they once had with this person. While the relationship is changing, it is still sacred, just in a different way. When family members or friends are compelled to care for their loved ones in ways that their loved ones once cared for them, this idea compels them to continue to find holiness in the relationship. As people care for the ones they love, even as they are changing and there is ambiguity in the relationship, they can see their relationships as microcosms of their relationship with God.[48] Moreover, this idea can help the caregivers continue to see themselves as holy

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[48]Langer, Ruth. "Honor Your Father and Mother: Caregiving as a Halakhic Responsibility." Aging and the Aged in Jewish Law: Essays and Responsa, edited by Walter Jacob and Moshe Zemer, Freehof Institute of Progressive Halakhah, 1998.

beings. They, too, are made in the image of God, and are doing important work in being present for their loved ones.

In an article on Judaism and dementia, Dr. Ellen Cahn agrees with this idea. She writes, "a conception of personhood may also be connected with the idea of *tzelem* (divine image) in every person that cannot be erased by dementia although the person's memories may be."[49] This idea applies to all those who are present yet absent, as each person was created in the divine image. Though people may have chronic or long-term illness, trauma, or addiction, those losses do not define them as people; there is more to who they are than their disease or disability. In her writing, Cahn states that she uses the phrase "person with dementia" instead of dementia patient. She believes that there are many ways to connect with people. Though they may be losing parts of themselves, people with dementia are still people with whom caregivers have had close relationships. Their core identities remain in tact, despite current circumstances.

In Chapter 6 of Hilchot Mamrim, Maimonides discusses the nature of filial obligation, a value that stems from "honor your father and mother," one of the Ten Commandments. Maimonides questions if there are any limits and whether the obligation changes based on the status of one's parents. Without using the terminology, Maimonides raises the question: If loved ones are physically present yet are changing mentally, emotionally and spiritually, how should one cope with this ambiguous loss? Following earlier discussion in Mishnah and Talmud, Maimonides sets out by strongly emphasizing the commandments to both honor (Exodus 20:12) and fear (Leviticus 19:3) one's parents.

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[49] Cahn, Ellen. "Judaism and Dementia." Flourishing in the Later Years: Jewish Perspectives on Long-Term Pastoral Care, edited by Rabbi James Michaels and Rabbi Cary Kozberg, The Victoria Press, 2009, pp. 65-66.

He equates parents with God to demonstrate how important they are and how crucial it is to respect them and treat them with honor and fear. Maimonides states that even if parents were to engage in irregular behavior, such as throwing a purse of gold into the sea or ripping their child's clothes off in public, one should remain silent and continue to honor and fear them. Maimonides states,

> When a person's father or mother lose control of their mental faculties, their son should try to conduct his relationship with them according to their mental condition until God has mercy upon them. If it is impossible for him to remain with them because they have become very deranged, he should leave them, depart, and charge others with caring for them in an appropriate manner.[50]

Though it is very important for children to always honor parents, according to Maimonides, sometimes honor and respect mean knowing when to transfer care to others. There are no limits to filial obligation, yet there does come a time to recognize that a parent is no longer who they used to be.

Similarly, Rabbi A. Stanley Dreyfus writes that one is supposed to say a blessing for everything. However, this does not extend to honoring one's father and mother, because that is something that everyone is supposed to do. All people, regardless of religion or observance, are expected to carry out this commandment.[51] A Reform responsum from 1982 agrees with this notion, stating that the fifth commandment provides the basis for children's' support of parents. The responsum says that loving and supporting parents comes in many forms. When they need care, it is crucial for children

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[50] Maimonides. "Hilchot Mamrim." Translated by Eliyahu Touger, Texts & Writings, Chabad.org, www.chabad.org/library/article_cdo/aid/1181857/jewish/Mamrim-Chapter-6.htm.

[51] Dreyfus, A. Stanley. "Halakhah Issues Relating to the Ethics of Aging." Aging and the Aged in Jewish Law: Essays and Responsa, edited by Walter Jacob and Moshe Zemer, Freehof Institute of Progressive Halakhah, 1998, p. 84.

to provide it, and if they do not, then it is a community's responsibility to prompt the children to do so. In terms of what exactly is required of children, the responsum states, that after Talmudic debates, "Emphasis was placed upon personal service rather than on financial obligation."[52] No matter how much parents change, it is mandatory for children to take care of them, even in a period of ambiguity and loss. If care becomes too strenuous or uncomfortable, or breaks certain barriers, the child's obligation evolves and turns into giving the parent over to someone who is better equipped to provide the right kind of care.

Another responsum continues that if the child's motives are pure, and sending a parent to a nursing home is the best decision in terms of the parent's care, then the child should do his/her best to convince the parent that this choice is the right one; the child should do this in a way that causes the least amount of suffering possible. It goes on to state that the legal literature does contain something analogous to the modern practice of sending a parent to an institution such as an old folks' home. Maimonides *(Hil. Mamrim* 6:10, based upon the Talmudic incident of Rabbi Assi, *Kiddushin* 31b), says that if a parent has become insane and it is impossible for the child to take care of him, he may leave him to the care of others.[53]

The challenge with this type of ambiguous loss is that, throughout the course of an illness, abilities and capabilities are greatly variable--they can change at a moment's notice, or over a long period. Unlike those who have suffered from mental or emotional

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[52] Central Conference of American Rabbis, "Children's Support of Parents" https://web.archive.org/web/20170824183207/http://ccarnet.org/responsa/carr-44-45/
[53] Central Conference of American Rabbis, "Aged Parent to Nursing Home" https://web.archive.org/web/20170824182941/http://ccarnet.org/responsa/nrr-92-96/

limitations their whole lives, those who are present yet absent become *shoteh* over time. Boss writes,

> Dementia is a prime example… making sense of it is especially difficult because a loved one is simultaneously here and gone. It's as though there's a stranger in the house; the relationship you once had is thus deeply altered. Without clarity or clear finality, you're held in limbo, blocked from grieving and making sense of it all. Because of the incongruence between absence and presence, ambiguous loss is the most stressful kind of loss. Clients tell me that even a death in the family would be less painful. There is certainty in death, and thus more opportunity for finding meaning in it.[54]

This limbo calls into question who loved ones are supposed to be to one another during this time. Those who have loved ones who are present yet absent are also trying to understand their loved ones' changing roles in their families and communities. There are no clear markers along the way; one day someone may seem improved, and the next appear to take two steps back. One day someone might have short-term memories, and the next forget his or her name. An addict might complete some steps towards treatment, and then relapse. When and how does the person transition from someone living a normal, fully functioning life into someone who is sick, or unable to be present the way she or he had been in the past?

In Hilchot Mamrim,[55] Maimonides introduces the concept of a *n'treifah daa'toh*, meaning someone who has lost the ability to think. The root of this term is from the word

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[54] Boss, *Dementia*, pp. xvi-xvii.
[55] Maimonides. "Hilchot Mamrim." Translated by Eliyahu Touger, Texts & Writings, Chabad.org, www.chabad.org/library/article_cdo/aid/1181857/jewish/Mamrim-Chapter-6.htm.

"*treif*,"[56] showing that the person's mind is unfit for the tasks that she or he used to perform. Maimonides teaches that when someone is interacting with people who have lost the ability to think, one should interact with them according to their capabilities, conducting a relationship with them according to their current understanding. It is possible to extend Maimonides' teaching and not see loved ones who are changing as presenting an insurmountable obstacles to those with whom they interact. When loved ones are unfit to fill roles that they once held, their caretakers are also compelled to change in order to treat them accordingly.

Sometimes such changes involve reimagining who one is and how one relates to the world. If a loved one's mind is "unfit" and the individual is not able to be who they once were, how does that change how their caregiver views himself or herself? If a parent is no longer able to take care of an adult child, how does that change the son or daughter's perception of what being someone's child means? If a spouse becomes ill, is the other partner forced to think about a life in which he or she is not fully functioning as a husband or wife? Boss tells the painful story of a distraught and upset woman who had to change her own role in the world because of who her husband had become after he developed advanced Alzheimer's disease:

> Her husband wanted sex all the time, she said, and this distressed her because he no longer even knew who she was. When interviewed a few months later, this same woman appeared serene. I asked her what had changed. She reported that one day a solution to her problem had suddenly occurred to her. She went into the bedroom, took off her wedding ring, and put it away in her jewelry box. After that, she said, she knew how to manage her husband's behavior. She no longer saw him as her husband but simply as someone she loved and would care for. Just as she had done with their children years ago, she set boundaries, moving him to a separate bedroom and directing his daily routines. The stress level for both patient and caregiver went down. On the day her husband died, two years later, she went

[56] Un-kosher, usually used to categorize food

> to her jewelry box, took out her wedding ring, and placed it back on her finger. 'Now I am really a widow,' she said, 'not just a widow waiting to happen.'[57]

There are also cases in which spouses experience the loss so greatly that they desire to get a divorce, even though their partner is still alive. In the same way, another Reform responsum asserts that when a spouse becomes physically ill, the other spouse is supposed to continue taking care of him or her because they are obligated to one another. There is a case of a couple in their thirties that has been married for a few years in which the wife has a debilitating and terminal disease that leaves her unable to communicate. The husband desires to get a divorce because he says that she cannot fulfill her marriage duties to him. He promises to support her emotionally and financially and continue to be present for her while wanting to separate legally. The rabbis rule that while they acknowledge the immense emotional hardship that the husband is facing, he is obligated to uphold their union and remain married to her. They cite the Talmudic discussion in Gitin 90a-b, which states that disease is not an acceptable reason for divorce. They write,

> The question we should ask when confronting a situation such as this is not whether we enjoy the "right" to escape from it. We should rather inquire as to how our religious heritage and our most deeply-rooted moral values would have us respond to a spouse who lies on his or her deathbed. That responsibility, according to Jewish teaching, is not divorce but refu'ah, not abandonment but care and compassion. It is true that the husband in this instance promises to provide financial and emotional support to his wife following their divorce, and such good intentions are commendable. But we are not talking here about good intentions but about moral and ethical duty. Our tradition holds that it is marriage itself which creates this duty…[58]

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[57] Boss, *Ambiguous Loss*, p. 108.
[58] Central Conference of American Rabbis, "Divorce of an Incapacitated Spouse" https://web.archive.org/web/20170824183230/http://ccarnet.org/responsa/nyp-no-5756-15/

According to this text, a couple is bound to provide for each other, even when an ambiguous loss occurs. Just as an *agunah* remains tied to her husband even when he has disappeared, so too do marital partnerships remain sacred when a spouse is present yet absent.

Many times this is related to finances; with a spouse in long-term care, the other spouse is compelled to use everything in their bank accounts to provide for them, leaving nothing left of the couple's savings. The spouse experiences the loss on many levels, logistically and emotionally. A question to the CCAR response committee describes a woman whose 63 year-old husband has Alzheimer's, and his care is not covered by insurance. While her lawyer counseled her to get a legal divorce to protect her income and resources, she does not want to break their marriage bond or abandon her husband. The responsum acknowledges the validity of both options. It quotes the *Shulchan Aruckh* (Even Hezer 154.3), which states that a woman can seek a divorce if her husband is squandering their assets. However, it also says in the *Shulchan Aruckh* (Even Hezer 69 and 79), that it is a husband's obligation to provide medical care to his wife, and Reform leadership extends this obligation also from the wife to the husband. The responsum states that it is important to balance the *halachic* text with this couple's particular marriage. The only reason this woman is seeking divorce is because of her husband's illness, not anything else going wrong between them. It rules, that, ultimately, the movement cannot give permission for her to get a divorce, on moral grounds: "A divorce may affect the husband despite his current condition and would certainly affect the wife

and children. The wife is duty bound to care for her husband even though there is no hope of recovery and although it may destroy her resources."[59]

Boss has devoted her career to meeting people who are experiencing ambiguous loss, and attempting to find ways to help them make meaning from these moments in their lives. Having coined the term "ambiguous loss," she firmly believes that those suffering from ambiguous loss deserve time and attention from caregivers; however this comes with immense complications, and has a significant impact. Since caregivers' loved ones are still alive the caregivers can sometimes be ignored by people who do not understand the situation or are uncomfortable discussing what they are going through.

As the rabbis determining *halacha* recognized, ambiguous loss impacts one's status in the community and in a family. Those experiencing ambiguous loss are going through a process of reorientation and are re-configuring their identities. However, that process does not neatly extend to places outside of the home, as their loved one is still physically present and may still appear the same to outside friends, co-workers, and others they encounter on a regular basis. The family members are not going about their lives as usual, yet they are not necessarily living visibly altered lives, either. Therefore, they are not recognized as mourners, and they are not in a normal state. This contributes greatly to their feeling alone and separated from what they once knew. They may already feel isolated from a loved one, someone present but with whom their relationship has changed. Because there is a not usually a specific place for ambiguous loss to be expressed in the community, they often become socially isolated at work, school, or from a religious communities.

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[59] Central Conference of American Rabbis, "Alzheimer's Disease" https://web.archive.org/web/20170824183107/http://ccarnet.org/responsa/carr-144-146/

Dr. Kenneth I. Pargament, a psychologist and scholar of religion and belief, writes that as people are presented with difficult situations, they are inextricably connected to all systems of which they are a part--both family systems and societal systems. As people face personal challenges, the wider context in which they face those challenges has an influence on how they cope, even if they try to separate themselves. He writes that,

> No one copes alone, in spite of the fact that he or she may feel alone. It is impossible to remove the individual completely from layers of social relationships...the individual carries these systems along in coping, and these systems may assist in the coping process or create obstacles and impediments of their own.[60]

Feeling isolated from friends or colleagues, or maintaining relationships as they once were, even though one feels like a different person, can contribute to experiencing alienation during times of ambiguous loss. One is tied to external systems, yet there is not a place in those systems for someone whose altered reality remains unnamed or unrecognized.

Jewish tradition provides examples of situations of finite loss in which people are able to neatly navigate their transitions in and out of the community. In Numbers 12, Miriam has a skin disease. In order to designate her as someone who does not fully fit in, she is shut out of the camp for seven days. The community continues to function without her, yet it does not move on in its journey through the desert until she is healed and ready to move on with them. Similarly, Bereshit Rabbah 100:7 describes a transitional phase for a mourner, who is given a week to be set apart for the community in recognition of his loss. During this week, the community is supposed to watch over him, who sits in a

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[60] Pargament, Kenneth I. *The Psychology of Religion and Coping: Theory, Research, Practice*. Guilford Press, 1997, pp. 85-86.

proverbial doorway. He is present to others, yet not expected to fully function within the community because of his loss. The community provides this person with room to have a different status, and receive social support.[61] Like Miriam, this person is still part of the community, yet is not a fully participating member. Both Miriam and the mourner are set aside from the community because of concrete circumstances. They are given time and space to heal, with full knowledge that there is a seven-day limit to this time apart. Once it is over, they can fully re-enter into the community, and move forward.

Today, Jewish mourning rituals not only help an individual and those close to the deceased to move forward, they also offer ways for the community to acknowledge a loss and be supportive. There is a very public element of having a different status when a loss is not ambiguous. When a community member's loved one dies, the set grieving periods of Jewish tradition help the community to know when and how to support the person. *Shiva* offers an opportunity for home visits, and for people to bring meals. *Sheloshim* is a time during which a loved one's name may be read aloud publicly and when social expectations are kept to a minimum, and *Yahrzeit* offers a way to reflect on the time that has passed since a death. Jewish community members have experience working within these structures, and know how to behave during these set time periods. When someone is sick, or needs to be in the hospital, clergy people and community members visit, and bring meals. Eventually, the sickness or hospital stay ends, and these people and their loved ones can return to normal life. There is a public status change, to mourner and back, or to being sick or having surgery and back.

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[61] Bereshit Rabbah 100:7 Bereshit Rabbah https://www.sefaria.org/Bereishit_Rabbah.100?lang=bi

When someone is experiencing the second type of ambiguous loss, there is no there and back. Those who face ambiguous loss do not have the space and time that Miriam and the mourner had. While Jewish tradition builds in the seven day period for people who need healing or mourners who need time to grieve, the same social structures do not exist for people whose loved ones are still physically present, or those loved ones themselves. There is no such distinct public status change and no built-in communal structures to support these people. Because the loss is ongoing, even if others visit or bring meals, support can soon wane. The broader community may not know that there is even a loss occurring, or if they do, they may not know how to act. It is difficult both for those who are present yet absent and for their family and loved ones to determine what their place is in the community. They are compelled to navigate their own path in and out of the social systems of which they are a part.

Boss notes that social and cultural context are integral parts of the grieving and coping process. She cites the work of Kenneth Doka, a social work professor, who coined the term "disenfranchised grief." Addressing those with loved ones who have dementia, she writes,

> In your context, being disenfranchised means that socially, you have no permission to grieve. There is no sitting Shiva or wake for a loved one who is still alive...This is precisely the time when you need people around you, bringing food to share and kind words so that you don't have to bear your loss alone.[62]

Without tangible steps or a traditional way to recognize that a family is grieving, it is difficult for a community to even know that they need to comfort people experiencing ambiguous loss, let alone offer ways to help. Well-meaning friends and colleagues may

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[62] Boss, *Dementia*, 31.

even tell those with a loved one who is present yet absent that they are lucky to still have their family member, without realizing that this may not actually be the case.

Grief for those experiencing this second type of ambiguous loss is ongoing and not contained within a certain period of time. Because of this, people and institutions might not know that they are suffering, or might not know how to handle such a long-term, ambiguous situation. Their first period of mourning cannot be contained within a week, which, in turn, does not allow their period of separation and healing to end, meaning that they cannot re-join their communities in the same way that Miriam and the mourner could. Time does not move forward for those suffering ambiguous loss in the same way.

Another psychologically disorienting aspect of ambiguous loss relates to happy occasions. Those experiencing an ongoing ambiguous loss will almost certainly experience opportunities to celebrate with family and community during holidays and happy occasions. Amos 8:10 describes the experience of feeling grief during normally celebratory times: “I will turn your holidays into mourning, and all of your songs into lamentation; I will put sackcloth on all loins and shears on every head, I will make it mourn as for an only child, all of it as on a bitter day.”[63] For someone with a loved one who is disappearing, it can be painful to be with others when everyone else is observing a holiday. Outwardly happy occasions can contribute to a great sense of alienation, leading to even more feelings of separation from extended family members, friends and community. Trying to be part of a celebration with a loved one who is present yet absent

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[63] Translation adapted from *Tanakh: The New JPS Translation According to the Traditional Hebrew Text: Torah, Nevi'im, Kethuvim*. Jewish Publication Society, 1985.

emphasizes how different caregivers are from everyone else, with no one acknowledging the wide gap between them and the others who are purely celebrating.

Boss urges those who feel stressed by the convergence of happy and sad to not run away from how they feel, but to recognize and hold their sadness and distress alongside whatever holiday or celebration is happening externally. She writes that it is normal to feel both despair due to a loss and feel joy at participating in holidays and traditions. In a section of her book called "Don't Cancel Christmas," she encourages people who have loved ones with dementia to partake in "both-and-thinking." Both-and-thinking allows people to see possibilities for both change *and* continued good times."[64] She writes that experiencing ambiguous loss at the same time as happy occasions builds flexibility and resilience. It is not shameful to continue with birthdays and holidays while a loved one has dementia, rather it is an opportunity for family and friends to come together and create memories together even during a traumatic time. Rituals may need to be tailored, and dates changed, but Boss firmly believes that good times occurring during a period of ambiguous loss can be beneficial for caregivers and loved ones, creating glimmers of happiness and shared moments during an isolating time.

Boss explains that the ambiguity of a gradual, uncertain loss does not only provide some moments of happiness and fulfillment, but also of hope. While more traditional loss is finite, the uncertainty of ambiguity allows for possibility. Loved ones may appear to be mostly gone psychologically or emotionally, but ambiguity opens up the chance that they might be able to interact in some ways that they used to, or suddenly remember something, even if only for a moment. There is a chance that caregivers can

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[64] Boss, *Dementia*, p. 100.

have their loved ones back, though just temporarily. Boss quotes the late Gilda Radner who called this idea of possibility "delicious ambiguity."

> When I talk about ambiguity with people who are caring for someone with dementia, some say that the adjective *delicious* is too strong for their taste. Their objection is understandable. After all, Gilda didn't make it. She died only months after writing those words. Yet caregivers, too, need a catchy term like delicious ambiguity in order to hold on to the positive side of what is so often a difficult and threatening experience. The specific choice of adjective is less important than the idea itself. In the ambiguity, there is a shred of hope.[65]

Boss states that ambiguity not only allows for hope, but for change, adventure and suspense. It keeps loved ones on their toes, always wondering what will happen next. It encourages caregivers to be spontaneous and creative, and gives them time to say goodbye. Sometimes, she acknowledges, there is really no way to be hopeful or to find the positive side of a situation. But it is imperative for people with loved ones who are present yet absent to have a way to view their situation with a deeper, more open understanding. This can help to lessen the natural fear, pain and anxiety that ambiguous loss brings.

Cahn describes the idea of "delicious ambiguity" in a different way. She writes that someone's personhood does not just disappear the moment one gets a dementia diagnosis. Those who are present yet absent in different ways still have the potential to interact with their loved ones and the world around them. She is encouraged when she reads work by people with dementia who can still speak for themselves, because it proves that they still have intellectual and emotional capabilities.[66] One example of "delicious ambiguity" is 59-year-old Bella Dolittle, who recently shared her story of being newly

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[65] Boss, *Dementia*, pp. 137-139.
[66] Cahn, 65.

diagnosed with early-onset Alzheimer's with National Public Radio. After doctors gave her eight years to live, she and her husband Will decided to start a podcast called "Alzheimer's Chronicles" to address some of the stigma around dementia, and talk through some of its many challenges, both emotional and logistical. In an article for NPR, Bella said that she wanted to show that she can still be productive and hold onto some of the best parts of herself. She and Will are nervous about the uncertainty of the course of the disease, and anxious about how things will progress. They discuss how Alzheimer's has impacted their marriage, the recognition that the disease has not defined Bella, and the acknowledgement that being absent yet present is not a clear-cut process but an unpredictable journey:

> One irony, painful and bittersweet, is that Bella and Will are experiencing a kind of honeymoon during this crisis, a new kind of romance — partly because Bella's personality is already different. They talk about it on the podcast. "You're a little more goofy, a little more upbeat and jolly," Will says. Bella agrees, telling NPR that one side-effect of the disease is that she's less of "a boss," less a "type-A perfectionist," than she used to be. A lot of the time, she actually feels happier. "I should be depressed and walking around like the world is about to end, because it is," she says, laughing and shaking her head. But even this change comes with a sense of loss. Will misses the old Bella, the fierce, hard-driving woman who used to share his life. "I mean, you know, we fell in love. We've had a long marriage. It's not like I wanted parts of her to fade away. I'm not saying I exactly miss our fights, but you know, that's a part of who we were as a couple. And that's not there now. It just really isn't."[67]

Though Bella and Will have had to readjust their lives due to their ambiguous loss, it has not changed their core identities and the love that they have for each other. They are

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[67] Mann, Brian. "To Help Others, One Couple Talks About Life With Early-Onset Alzheimer's."Morning Edition, National Public Radio, 2 Jan. 2018, www.npr.org/sections/health-shots/2018/01/02/573020918/to-help-others-one-couple-talks-about-life-with-early-onset-alzheimers?utm_source=facebook.com&utm_medium=social&utm_campaign=npr&utm_term=nprnews&utm_content=20180102.

making a conscious decision to cope with humor and hope, doing the best they can despite Bella's debilitating diagnosis.

Pargament has done research indicating that individuals in stressful situations, such as Bella and Will, have the ability to view their situations in a different light. He quotes a study by A.E. Bergin that says that people have the power to adjust who they are and how they view the world. People can empower themselves to "see themselves as transitional figures capable of shifting their focus from anger and pain to understanding and acceptance."[68] Those experiencing ambiguous loss are suffering, and they also can have an enormous amount of strength. Like those who are present yet absent, who have core identities outside of their disease and trauma, they are not defined by their loss, even though it often feels like it is formative in every aspect of their lives. As long as the loss is ambiguous, and not final, there is possibility for hope.

As Rabbi Abraham Joshua Heschel wrote, "We are what we are by where we come from. We achieve what we do by what we hope for."[69] When loved ones are present physically, and not fully disappeared mentally, emotionally, or psychologically, their friends and family may still be able to interact with them in ways that they once did. Even if they have to modify their routines or change old habits, they can spend time together and celebrate holidays with family traditions. Sometimes there is a chance that loved ones could reappear on the shores of water that has no end, even if only briefly. As long as there is ambiguity, there is hope for moments where a loved one can be who they once were.

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[68] Pargament, p. 386.
[69] Heschel, Abraham J. "Death as Homecoming." *Jewish Reflections on Death,* edited by Jack Riemer, Schocken Books Inc., 1976, p. 65.

CHAPTER FOUR: CARING FOR THOSE WITH UNRESOLVED GRIEF

Ambiguous loss has been present throughout human existence. Pauline Boss' definition and two categories of ambiguous loss are: absent yet present and present yet absent. For the first category, the ambiguity lies in the process of seeking information; the loved one does not know what happened to the person who disappeared, or if and when they will come back. For the second category, the loved one witnesses and experiences the ambiguity as the loss occurs in front of them. The underlying emotions for those experiencing ambiguous loss are similar. Boss articulates that ambiguous loss "makes us feel incompetent. It erodes our sense of mastery and destroys our belief in the world as a fair, orderly and manageable place."[70] Though external circumstances vary from person to person, everyone experiencing ambiguous loss has feelings of loss, of confusion, of uncertainty, and sometimes even of hope (which can contribute to the confusion). They also experience alienation and isolation, since what they are going through does not fit into a box of mourning and grief, but takes place over a long period of time, and is not a tangible loss with a beginning and end. When loss becomes an everyday reality without an end, what do you do? Each culture and society has mechanisms to address loss, and establishes norms for coping. However, traditional cultural and societal coping mechanisms do not deal with this kind of uncertainty, leaving people who are used to these mechanisms ill-equipped to address this type of loss.

There are many other ways that ambiguous loss manifests itself besides the two addressed in traditional Jewish texts -- having a loved one who is lost at sea or who has dementia. Other examples of ambiguous loss include fertility issues, an adoption falling

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[70] Boss, Pauline. *Ambiguous Loss*. Harvard University Press, 1999, p. 107.

through, a loved one with a physical long-term, chronic or life-threatening illness, such as a recurring cancer, and a first or last child leaving for college. These situations are not fair, and they have the potential to greatly disrupt one's life. They shatter preconceived notions about one's role in the world and how one thinks about acting in the world and in societal and familial systems of which one is a part.

Because these are situations with no clear outcome, and which vary from case to case, there is no set counseling protocol. The people who experience ambiguous loss fall into many categories at once; they are not necessarily mourners, because their loved one may still be living in some way. They are not living in the world they are used to, because they are experiencing something that has jarred them from their routines. They are continually asking when: when will I know more? When will I gain some clarity about the status of my loved one? When can I begin to let go? When will things get back to what I am used to, or will they? They are forced to re-orient themselves in the world and re-evaluate their identities, without having answers or knowing if they will ever be able to return to the way things were.

Clergy, religious communities, and religious communal service organizations can respond to these realities in meaningful ways. This chapter will focus on the varied and complimentary responses liberal Jewish clergy and communities can offer to support those who suffer from ambiguous loss.

Responding to ambiguous loss: the unique role of clergy

Dr. Kenneth Pargament discusses that people especially need outside support in situations that cause them to feel out of control and helpless. He writes, "People seek help when their usual approaches to the world are no longer working for them. They look for

someone who can throw them a lifeline in their turbulent struggle."[71] In times of great confusion and alienation, religious leaders can be among those who provide that lifeline to those who do not feel that they have the tools to make sense of their loss or continue to live a meaningful life. Pargament writes,

> The most obvious sources of professional religious assistance in coping are the clergy. Clergy have several advantages as helpers that go beyond their spiritual orientation. First, they are accessible...Clergy can be found in virtually every community in the United States, including those rural and urban areas that receive little service by other professionals. Second, clergy have traditionally shared the most critical life transitions with their members- birth, coming of age, marriage, illness, death- those times when people may be in greatest need of support. Third, unlike mental health professionals, who wait for their cases to come to them, clergy have the right to reach out to their members in times of trouble. Thus, they can intervene more quickly and directly than other helping professionals. Finally, many people may feel less stigma in seeking help from their clergy than from other professionals… large numbers of people prefer to take their problems to religious leaders."[72]

As Pargament states, clergy are readily available, used to sharing intense and important life moments with others in context, and can actively reach out to those in their community who are suffering. These factors set clergy apart from other mental health professionals, and demonstrate how religious leaders can be a valuable source of comfort and support. They are an ongoing presence for those experiencing long-term ambiguous loss. They can see their community members as whole people, and witness their lives outside of a confined time and place, or set meetings. Just knowing that someone sees and hears them can be an immense relief for those experiencing an ambiguous loss. Rabbi Stephanie Dickstein, who is also a social worker, writes, "Entering into a relationship in which a professional can share some part of the journey is essential for

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[71] Pargament, Kenneth I. *The Psychology of Religion and Coping: Theory, Research, Practice*. Guilford Press, 1997, p. 360.
[72] Pargament, pp. 390-391.

providing spiritual support. In some cases, such as congregational clergy and their members, a relationship may already exist based on other encounters and ongoing participation in communal activities."[73] As community leaders, clergy people have unique roles as part of peoples' journeys. Seeing them on a regular basis when attending prayers, classes or programs affirms the relationships; even if there is not a counseling session each time that person enters the building, the very act of connection demonstrates that clergy are accompanying congregants throughout their loss.

Boss comments about family caregivers, "What often endangers the emotional and physical health of caregivers is their isolation. Unlike dementia, this problem can be fixed."[74] No one has control over finding answers to ambiguous loss, but people are able to provide support in order to lessen feelings of loneliness and alienation. Clergy people have the unique advantage of being authority figures within their communities who can actively work to ease isolation. Clergy represent larger communities, so they can be key liaisons to connect people who are suffering to others who are either experiencing similar situations, or who can also help provide support.

The power of witness

Rabbi Mychal B. Springer describes the importance of witnessing as a component of pastoral care. Her work as a chaplain is informed by the concept of *b'tzelem Elohim*, how each person is created in the divine image; because everyone contains divinity, she states that the caregiver's task is to see that divinity. Springer writes, "This

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[73] Dickstein, Rabbi Stephanie. "Judaism and Caregiving." Judaism and Health: A Handbook of Practical, Professional and Scholarly Resources, edited by Jeff Levin and Michele F. Prince, Jewish Lights Publishing, 2013, p. 136.
[74] Boss, Pauline. *Loving Someone Who Has Dementia: How to Find Hope While Coping with Stress and Grief*. Jossey-Bass, 2011, p. xviii.

acknowledgement of the sacredness of humanity must be grounded in attuned relationships with particular individuals. By offering our presence to another, we value that person; we bear witness to his or her story and reality. By turning our face toward the other, we alleviate his or her suffering."[75] Jewish communities provide a unique place to offer presence to someone who is suffering. Clergy can offer this kind of presence and they can lead others in their community to do the same. (See "Nurturing a Sense of Belonging" below.) Clergy can keep track of important dates in a family's life, such as birthdays or anniversaries, and pick up the phone to let someone experiencing an ambiguous loss know that someone is thinking about him or her on that special day. Clergy can offer to provide rides to an event, or save seats at services. Clergy can notice when someone who regularly attends does not come to an events or services and reach out to let someone know that the congregation is thinking of them and is present to help. Spiritual communities help the divine image in each person reach out and connect with others. During an ambiguous loss, this connection is especially powerful.

Religious laws, customs and rituals

In their individual relationships, clergy can be witnesses and work to alleviate suffering by providing spiritual care and a path to meaning for each person suffering ambiguous loss. The Shulchan Aruch says that, "one should not grieve too much for the dead...The Torah has set limits for every stage of grief…"[76] Grief is natural, yet it can become overwhelming, especially when a loss is unclear and ongoing, without a set start

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[75] Springer, Rabbi Mychal B, "Jewish Pastoral Care." Judaism and Health: A Handbook of Practical, Professional and Scholarly Resources, edited by Jeff Levin and Michele F. Prince, Jewish Lights Publishing, 2013, p. 85.
[76] Denburg, Chaim N. "From the Shulhan Aruk." Jewish Reflections on Death, edited by Jack Riemer, Schocken Books Inc., 1976, p. 23.

or end point. Clergy can help people suffering from ambiguous loss to express and manage their grief so that it does not inhibit them from living full lives. They can encourage those who come to them not to resign themselves to defining themselves by the loss, but instead finding the best ways to hold their grief alongside everything else that is happening in their lives. Boss writes that the trick is to find some kind of continuity within the chaos; she urges people to "see absence and presence as coexisting. This is the best way to survive ambiguous loss."[77] There is interplay between the ambiguity and moving on with the other aspects of one's existence.

Halachically bound clergy can use Jewish tradition and ritual as a tool to provide that continuity in the midst of chaos. Their communities are obligated to continue living Jewish lives even throughout ambiguous loss. Observing *Shabbat* and holidays are ways to provide structure during an emotionally tumultuous time, and provide continuity through performing rituals that they carried out before the loss occurred. Professor David Shatz, an educator at Yeshiva University, quotes R. Joseph B. Soloveitchik who states that people turn to prayer and God from the experience of crisis. He writes that after September 11 2001, for example, "many people here and abroad found comfort and hope in religion. After the tragedy we witnessed a revival of the religious spirit."[78] A system of laws and rules provides a structure that people can rely on for consistency and stability. However, it also creates questions that go back to the Talmudic discussions in Yevamot, that still have importance for rabbis who are concerned with making law and

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[77] Boss, *Dementia*, p. 7.
[78] Shatz, Professor David. "'From the Depths I Have Called To You': Jewish Reflections on September 11th and Contemporary Terrorism." Contending with Catastrophe: Jewish Perspectives on September 11th, edited by Michael J. Broyde, K'hal Publishing in Cooperation with the Beth Din of America, 2011, p. 197.

advising their communities under the auspices of that law. In the absence of rapid evidence within the specified three day time period, they asked, when and how do losses get acknowledged and responded to by everyone else? Is there a statute of limitations? What happens when something is identified outside of the halachically acceptable time period? The conversation about how to create *halacha* in ambiguous scenarios influences, in turn, the emotional, psychological and marital status of, for example, the wife who is waiting to see whether or not her husband is still alive.

Those connected to Jewish ritual and law find the silence of the tradition with regard to certain types of ambiguous loss a source of confusion. How can they rely on tradition when it does not feel right for them in their context? How can they find the strength to do something when they are in such a state of despair? What can ancient words and customs do for them?

Jewish mother and family therapist Michele Weiss felt isolated during an ambiguous loss. In an article for Kveller, a Jewish parenting website, she describes the experience of pregnancy loss after her son was diagnosed with a genetic disorder at 14 weeks. She felt alone and confused, wondering how to grieve, and how to fit into her community. “For a religion that prides itself on asking questions, no one asked me questions about my pregnancy loss. For a religion with copious rituals around *shiva* (the Jewish customs around death and dying), my fridge was not stocked with kugels and deli trays.”[79] Weiss discusses the self-proclaimed dark days immediately following losing her

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[79] Weiss, Michele. “This Is How I'm Breaking My Silence About My Pregnancy Loss.” Kveller, 22 Feb. 2016, www.kveller.com/this-is-how-im-breaking-my-silence-about-my-pregnancy-loss/?utm_content=bufferd4d5a&utm_medium=social&utm_source=mjlfacebook&utm_campaign=buffer.

unborn child, in which friends and family did not know what to say, or how to act around her and her husband. A connection with a clergy person and a supportive caring community or team could have made a significant difference for Weiss and her husband as they coped with ambiguous loss. A clergy person could have been a compassionate witness to their sorrow, and offered resources so that Weiss did not have to struggle to find a ritual that was meaningful to her. A caring network could have supported them with meals and company to help stem their isolation. Weiss writes that it took her years to feel comfortable talking about her experiences; maybe if pregnancy loss were more visible in her community, she would have felt safer expressing herself.

Elie Wiesel, reflecting on the death of his father, writes that each year on his father's *Yahrzeit*, he feels powerless. His father, he says, was robbed of a real death because he died in the Holocaust. While Wiesel knows that tradition provides rules and procedures for honoring deaths, he questions his being able to act like everyone else who has lost a loved one. He acknowledges that while he was in the concentration camps, he did not have the strength to participate in the usual mourning rituals, and years later, he wonders, "Will I find the strength tomorrow? Whatever the answer, it will be wrong, at best incomplete."[80]

In the end, both Michele Weiss and Eli Wiesel decide to take control and enact Jewish rituals, while simultaneously acknowledging that they are powerless to change the reality in which they live. Wiesel decides, "All things considered, I think that tomorrow I shall go to the synagogue after all. I will light the candles. I will say Kaddish, and it will

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[80] Wiesel, Elie. "The Death of My Father." *Jewish Reflections on Death*, edited by Jack Riemer, Schocken Books Inc., 1976, p. 38.

be for me a further proof of my impotence."[81] Weiss discovers a way to mourn her child who she never met in a way that is meaningful to her; every year she lights a *Yahrzeit* candle on the day that she lost her son. She writes, "I find comfort in breaking the silence with my own personal ritual. One candle. One prayer."[82] These stories demonstrate how tradition can be a source of meaning and comfort for those living with ambiguous loss, without being able to solve their problems or assuage confusion, fear and doubt.

Without *halacha*, non-halakhically bound clergy do not have the particular benchmarks that the rabbis of the Talmud or of traditional Btei Din created, or specific rules surrounding time periods, status of a person within a community, etc. Rather, we help people feel seen, heard and connected in a time that can be isolating, frightening and unsettling. It is the job of Reform clergy to find the balance between creating guidelines and meeting people who are experiencing ambiguous loss where they are, while not strictly following halachic procedure.

We cannot fix tumultuous problems or end ambiguity, but we can find ways to help people build resilience and create meaning. Rabbi Shira Stern, DMin, BCC writes,

> Accessing the power of human resilience in the face of illness or trauma is the key to survival and healing; how we use both our inner and external resources ultimately determines our spiritual health. Helping our patients, clients, residents and inmates find the individual and common keys to claim these tools should be our main focus if we are to accompany them on their journeys…The important question is, 'How can our own spirituality contribute to a resilient worldview, and by extension, how can we use these resources to provide a practical construct for those whom we serve?"[83]

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[81] Wiesel, 39.
[82] Weiss.
[83] Stern, Rabbi Shira. "Judaism and Resiliency." Judaism and Health: A Handbook of Practical, Professional and Scholarly Resources, edited by Jeff Levin and Michele F. Prince, Jewish Lights Publishing, 2013, pp. 190-191.

Stern acknowledges that it is difficult to define what exactly resilience means, because human beings are neither malleable like an object, nor can they return back to their "original form" as the dictionary definition suggests. She states that each person carries memories of moments or prolonged agonizing experiences that shape him or her and inform his or her identity. Resilience means finding balance, and it means surviving life's anticipated joys, losses and vicissitudes. Boss agrees that resilience is more than just recovering and returning to a status quo. She states that for those experiencing ambiguous loss, resilience "means gaining new strength from the experience… becoming more comfortable with the stress and anxiety caused by the ambiguity and having no closure."[84] Clergy can be a supportive presence for congregants suffering from ambiguous loss, helping them to find balance on their journeys.

A tangible way that clergy can help people build resilience and create meaning is to provide them with consistency and ritual. Non-halachic clergy, especially, can help congregants think about what kinds of activities, texts or prayers would be meaningful for them throughout the course of their loss. Having a solid structure and resources during an extremely unsettling and confusing time can be incredibly beneficial. Traditions and religious leadership can be resources to ground people, giving them something to focus on, and helping them feel like they are part of something bigger. Text and tradition can serve as ways to bring solace and comfort, and it is the unique privilege of clergy people to be able to give guidance in this way. Though people suffering from ambiguous loss may be frozen in time, clergy can give them tools to provide structure and anchors to create meaning amidst that frozen grief. Religious professionals can offer support through

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[84] Boss, *Dementia*, p. 54.

community and witness, while knowing that both they and those suffering from ambiguous loss are still powerless in the face of the larger situation. They can help those who are suffering feel safe expressing themselves, and encourage them to also acknowledge what they are letting go of as part of their grieving process.

Boss notes the importance of ritual and consistency during uncertain and powerless times. She affirms that, like religious traditions, personal and family rituals are ways of holding both happiness and sadness at the same time. Rituals of all kinds can empower those who participate in them, and affirm life in a challenging time. Because of their symbolic meaning, Boss suggests they should not be put on pause during the course of an ambiguous loss. In fact, family and personal rituals are ways to stem isolation and help people going through ambiguous loss to feel connected to something outside themselves. "Here, sadness and joy are simultaneous, and both need to be acknowledged...In being with other people, you gain a sense of belonging and stability despite the instability of illness."[85] For Boss, success happens when people can be resilient and flexible. She offers the example of a friend's family which had a meaningful Christmas even after her friend's mother had a stroke and became chronically ill. The family continued all of the activities that they traditionally did for the holiday, with her friend's siblings taking responsibility for the tasks their mother usually did, such as cooking and providing goodies for the rest of the family. They even bought gifts for their children on behalf of their mother, so that she could have something to hand them. In this

[85] Boss, *Dementia*, pp. 95-96.

way, they were able to maintain the consistency of celebrating Christmas as a family, while adapting the situation to accommodate their ambiguous loss.[86]

Special occasions need not be forgotten, but celebrating them may have to change to accommodate those who are present yet absent, or to build in moments to acknowledge those who are absent yet present. Boss cites the case of her patient, Deborah, who had been used to taking long, faraway trips with her husband, who now had dementia. On their most recent trip, Deborah had felt suffocated having to take care of her husband, and tried to spend some time alone to relax. Her husband continually became paranoid and was angry most of the time they were away, with a few moments of lucidity during which he wondered who he had become. The trip compelled Deborah to admit that they could no longer take the trips they used to; however she then scheduled shorter local trips so that they could still get away together without the stress of a long vacation.[87]

Boss also suggests that each person experiencing ambiguous loss can create personalized rituals to enact during an ambiguous loss. Grief does not end when people are suffering in these situations, but having a ritual to mark the time can be meaningful in order to provide some kind of consistency. She writes,

> waiting to grieve until it's all over is not reasonable, for that may mean years of holding back the tears. Instead, give yourself permission to grieve along the way, whenever you notice a new loss, small or large. One woman sent a paper crane out to sea each time she noticed a new loss from her husband's dementia. Another lit candles at her place of worship, another wrote poems, another wrote in her journal, and yet another gathered the family each time there was a new loss, to feel the comfort of children and grandchildren around her- wonderful evidence of the family's continuity.[88]

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[86] Boss, *Dementia*, pp. 104-105.
[87] Boss, *Dementia*, p. 103.
[88] Boss, *Dementia*, p. 32.

Reform clergy can assist those who are experiencing these kinds of losses to craft ritual patterns and habits that help to mark time and create meaning from their losses. They can work with those experiencing loss to find accessible mediums and/or formulate rituals, guided by Jewish tradition and adapted to the unique needs of the situation. Rabbi Richard Address affirms that sacred communities should continue to develop contemporary rituals. For him, rituals are vital in linking individuals to specific moments in their lives, and to their communities. This means that as the world and religion progress and evolve, so should ritual creation. He states that his congregation has developed multiple rituals surrounding personal choice in times of ambiguity, and new life situations, such as older adults finding new partners and cohabitating, but choosing not to marry. Address also cites a ritual designed by a colleague for the spouse of someone with Alzheimer's disease. This ritual, performed with the well spouse and the rabbi, acknowledges the ambiguous loss of dementia. It re-affirms the marriage commitment that each person made, while at the same time recognizing that because one partner now has dementia, the other partner has a spouse who is no longer present.[89]

Religious texts, prayer and creative expression

Jewish text can be another way for clergy and congregant to use tradition to dive deeper into unique emotions and experiences. Text can show someone going through an ambiguous loss that generations of people have experienced similar emotions. Text can also be a way for clergy to connect and gain a greater understanding of someone's experience. Text can open the door to conversation and vulnerability.

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[89] Address, Rabbi Richard F. "Till Death Us Do Part? A Look at Marriage Rituals When a Partner Has Alzheimer's Disease." Generations- Journal of the American Society on Aging, 35- No 3, 2011, pp. 52–56.

For example, when someone struggling with ambiguous loss comes to a clergy person for help, a verse from Psalm 118 can be a way to explore that person's experience: "from the depths I called out to God, God answered me from a great expanse."[90] What are the depths that she is feeling? Who is in those depths with her, and who feels far away? What does she call out for? What kind of answer does she want to hear? What does God look like to her, and where does she find God? This biblical verse also shows the contemporary person that they are not alone in feeling out of control, and of calling out for something greater, and seeking answers; Jews in all generations have done the same. Clergy can also encourage those in need to study text and pick lines that speak to them, and then read or chant those lines to themselves in moments of distress. This is another way of providing support through consistency and community; even in uncertain times, people can fall back on a text that is meaningful to them and brings comfort.

Another medium that can create meaning is prayer. Clergy can look through a prayer book with someone experiencing ambiguous loss and ask which lines speak to them. What conceptions of God feel most relevant? Which petitions resonate? If those who are grieving connect with specific prayers, they can study them with a clergy person, and then feel comfortable using them in moments of struggle in their everyday lives. For example, the *Hashkivenu* prayer asks God to watch over people as they fall asleep, and spread a shelter of peace over them. It can be a lens through which to navigate someone's everyday routines. How does he feel when he lies down to go to bed each evening? Where does she find peace, and how can she pursue it in his her daily life? What does they want God to shield him them from? Saying this prayer each night before he goes to

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[90] Psalm 118:5, translation adapted from The Jewish Publication Society

bed could give him a consistent action that calms him and helps him feel connected to something bigger.

If people are creative or find meaning in writing, clergy can help them compose their own prayers or poems with religious themes. Writing can empower people to express themselves and verbalize their deepest feelings in a way that feels authentic to them. It gives them permission to be vulnerable and honest. Using Jewish text as inspiration can draw out certain themes in someone's life and also provide a connection to larger tradition. One example is a creative piece based both on psalms and on the Passover story:

Two Hundred Forty Six
The Plague of Darkness

Deliver me from the darkness of my soul,
Created by internal enemies, my defeaters;
They shake the foundation of my being,
They battle my innermost self.

Not a day fades to evening, but as thieves they come,
So abruptly they steal the light.
That I stand immobile, mute.
Be again my Light, Holy One, as I seek the light.

Strengthen the stars, remove the obscuring clouds,
Unwrap the blindfold from my eyes;
Renew in my spirit fortitude and strength,
Your precious shard of brilliance, my sunrise.[91]

If writing is a meaningful tool to help process grief, then clergy can encourage people who suffer ambiguous loss to mark time in this way- whether it is by keeping a journal simply to process feelings, note "firsts" and "lasts" of those who are present yet

[91] Perlman, Debbie. "Psalm Two Hundred Forty-Six: The Plague of Darkness." Caring for the Soul: R'fuat HaNefesh: A Mental Health Resource and Study Guide, UAHC Press, 2003, p. 21.

absent, or record significant occasions reflecting on how it feels to experience them without someone who is absent yet present. They can write letters to God, to their loved ones who are ambiguously lost, to clergy or to themselves. These letters are also a form of prayer, which comes from the heart.

If people who are going through an ambiguous loss are artistic, entrepreneurial, or social justice-minded, they can create a project in honor of their loved one. A clergy person can help them think about what Jewish values their loved one represents, and design a project accordingly; for example, if the loved one was a leader in the community, someone could design a mentorship program for local youth, or if the loved one enjoyed baking, someone could organize a bake sale with the proceeds going to a special cause. All of these pastoral care options allow people suffering from ambiguous loss to express themselves. None of these activities can fix a problem, find someone who is absent yet present, or cure someone who is present yet absent. However, these options give agency to people experiencing ambiguous loss, and empower them to be passionate and authentic, on behalf of themselves, their families, and their missing loved one. They show them that there are people and communities who care about them, ensuring that they are not alone as their grief freezes them in time.

Nurturing a sense of belonging

Clergy can help create a welcoming and caring community by preaching, teaching and educating congregants about long term, invisible and chronic illness as a standard practice. This both lessens stigma and allows those experiencing a loss that is not finite or physical to feel like their congregation is a warm and welcoming place for them. Many people do not necessarily know that a religious community can provide services for those

who are suffering from losses that are not deaths; if clergy speak and teach about mental illness, depression and addiction, all different types of ambiguous loss, congregants will learn that the synagogue can be a place to which they can turn. In *Caring for the Soul/R'fuat HaNefesh: A Mental Health Resource and Study Guide*, Rabbi Richard F. Address writes that:

> These issues reside within every congregation of every denomination. Part of creating a caring and supportive congregation is the need to break down barriers of shame and fear... Too many of our people deal with these issues alone, isolated from the spiritual resources that are available to them within their congregational families. Too many congregations hesitate to address mental health issues from the pulpit or within classrooms for fear of raising topics that may make people uncomfortable and may be too difficult. Yet, if our congregations are truly going to be open and inclusive communities, then we need to break down those fears and taboos.[92]

This is consistent with Pargament's understanding of the key role sacred communities can play for those coping with loss. It is not only clergy people who can be sources of comfort, but other members of the congregation who reach out in times of need. He states, "those who report a greater sense of spiritual support often experience more positive outcomes."[93] The studies he cites include not only clergy people, but also congregational leaders and members, who can become second families to those who feel lonely and isolated in times of crisis. Ambiguous loss is not a straightforward path; each day is different for those who have loved ones who are absent yet present, those who are present yet absent, and their caregivers. The consistent spiritual support of a congregational community can provide stability and long-term comfort throughout weeks, months and years of uncertainty. It can help those experience loss navigate the

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[92] Address, Richard F. "Preface." Caring for the Soul: R'fuat HaNefesh: A Mental Health Resource and Study Guide, UAHC Press, 2003, p. iv.
[93] Pargament, p. 288.

challenges of living with that loss while trying to maintain a sense of normalcy and connection with the outside world and the communities and systems to which they belong.

One way to be open and inclusive in order to break down fears and taboos is to form teams or committees within the congregation to care for those in the community experiencing ambiguous loss over a long period of time. It is not only the formation of the group that is key, but also providing such a caring committee with a prominent place in temple newsletters, literature and websites. This also promotes visibility and creates a space where people experiencing loss can feel safe and welcome. Further, it allows those who may not be aware of others' suffering to also serve as witnesses. It brings in community members who may want to help without knowing how, or who may want to support friends but do not necessarily know what to do for them long-term.

Support of congregants and volunteers is key; while clergy are pastoral caregivers, their many responsibilities often preclude them from reaching each person who is in need, especially for those experiencing long-term loss. Rabbi Janet Offel, a hospice chaplain, in "The *Mitzvah* of *Bikkur Cholim*: A Model for Building Community in Contemporary Synagogues" writes that *bikkur cholim*[94] committees can fill a void in most contemporary non-Orthodox congregations, in which the rabbi is spread too thin to tend to each person's needs on a regular basis. Rabbi Offel worked with Wendy Bocarsky, a Jewish educator and registered nurse, to create a curriculum and protocol for developing such committees. They suggest four unique principles for those who are looking to undertake this effort: stressing languages of teams and team-building as

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[94] "Visiting the sick"; a traditional Jewish value that obligates people to care for those in need

opposed to committees, using needs-based, instead of program-based, strategies, incorporating medical professionals, and creating individualized models for each synagogue rather than cookie-cutter programs.[95] These strategies acknowledge that while every synagogue community is different, there are people within all synagogue communities who experience loss. If someone experiences an ambiguous loss, the presence of these types of groups can be a resource for them. Clergy people can spearhead these efforts and give congregant volunteers the tools to create and implement these teams, in order to be as inclusive and welcoming as possible.

For example, the Deutsch Family Shalom Center Temple Chai in Phoenix Arizona describes itself as "a resource center promoting healing, learning, and wholeness toward enhancing peace of mind, body, and soul. The Shalom Center provides educational programs, support groups, and spiritual development while utilizing Jewish wisdom, tradition, and compassion."[96] The Shalom Center has a link on the congregation's homepage, in-between prominent and often-used resources like the calendar and the place to make donations to the temple. The Center includes "services for peace and comfort", a caring community of congregational volunteers, multiple support groups for constituencies such as new mothers and addicts and their family and friends, a resource library of Jewish healing, and events to make food and other items of comfort for congregants. Merely from visiting the temple website, one can see that the Shalom Center is a significant part of the community. It demonstrates how important it is for

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[95] Offel, Rabbi Janet. "The Mitzvah of Bikkur Cholim: A Model for Building Community In Contemporary Synagogues." National Center for Jewish Healing.
[96] The Shalom Center at Temple Chai, www.templechai.com/Community/shalom.php.

congregants to join together to create support and healing for one another, manifested in many different ways.

Clergy people can also use their resources as community leaders to foster an environment of openness, support and acceptance. They can invite someone who had a loved one lost in war, or who has a loved one with dementia, to discuss those implications publicly in a sermon or a bulletin article, to demonstrate inclusivity and inspire others to see the congregation as a place to go for support relating to loss other than death. They can also connect individuals who are experiencing ambiguous loss to one another to create a meaningful and empathetic relationship. Clergy people have the unique role of knowing everyone on their communities, so another way for them to lessen isolation is to bring people with similar experiences together.

A new series on NPR's "All Things Considered" podcast connects those on either side of a shared life experience. In one episode, two mothers converse about being empty nesters. Crystal Joyce's son is a senior in high school, and, after 21 years of being a parent, she dreads the impending ambiguous loss and self-described grief of her youngest leaving for college. Ana Machado's three sons have already left the house. Through conversation, Ana is able to offer Crystal her candid thoughts about the experience that Crystal is facing. She gives Crystal advice in areas like filling her newly empty time and how often to keep in touch. She discusses the most surprising things she misses about having her children in the house, and even tells Crystal what she enjoys about no longer living with her children.[97] Connecting those with shared experiences shows them that

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[97] Donevan, Connor. "Adjusting To An Empty Nest Brings Grief, But Also Freedom." All Things Considered, National Public Radio, 19 Dec. 2017, www.npr.org/2017/12/19/571770503/adjusting-to-an-empty-nest-brings-grief-but-also-

they are not alone, even as they are experiencing uncertainty and ambiguity. A single relationship can be reassuring to a person who is in the early part of a loss, or at a point of extreme alienation from other social systems. Having someone else to be a witness is incredibly powerful. It is a reminder of holiness for someone who is suffering ambiguous loss. It is a reminder of how congregants can offer on-going support to each other.

Clergy can teach and live their commitment to *b'tzelem Elohim,* as Rabbi Springer suggests. Not only clergy, but community members can keep track of important dates in a family's life, such as birthdays or anniversaries, and pick up the phone to let someone experiencing an ambiguous loss know that someone is thinking about him or her on that special day. They can offer to provide rides to an event, or save seats at services. They can notice when someone who regularly attends does not come to an events or services and reach out to let someone know that the congregation is thinking of them and is present to help. Spiritual communities help the divine image in each person reach out and connect with others. During an ambiguous loss, this connection is especially powerful.

Clergy can provide spiritual care and lead people to important resources beyond the synagogue. For example, The Bay Area Jewish Healing Center, the nation's first Jewish healing center, was established in 1991. Its mission is to provide chaplaincy and resources to anyone, regardless of affiliation or financial barriers. The Center's website states, "Jewish Healing combines ancient tradition with modern tools to provide spiritual

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freedom?utm_source=facebook.com&utm_medium=social&utm_campaign=npr&utm_term=nprnews&utm_content=2048.

support for individuals and families as they struggle with life's greatest challenges."[98] Clergy people in congregations, too, have the skills to provide Jewish healing to those experiencing grief. However, people cannot use clergy and Jewish communities as resources if they do not know that this kind of support is available at their synagogues, or do not feel comfortable or connected there.

Ambiguous loss creates situations that are unfair. It forces people to re-evaluate who they are in the world, and their relationships. It makes people feel helpless, vulnerable, alienated and lonely. During this time of extended tumultuousness and grief, Jewish clergy and Jewish communities can be significant sources of support. They can be witnesses to suffering when no one else can or knows how to listen. They can provide a welcoming and inclusive space, and connect those who have experienced similar hardship, or want to help. Text, ritual and tradition have the potential to provide consistency and stability amidst an ambiguous experience that can differ drastically in each moment and each day. Religion cannot fix the loss, but it can meet people where they are on their journeys. Non-halachic clergy can provide spiritual care for those in need, helping them build resilience on a path towards healing.

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[98] "Our Mission." Our Mission, Bay Area Jewish Healing Center, 2014, jewishhealingcenter.org/about-bajhs-overview/mission-and-values/.

CONCLUSION

Mourning is a process. Jewish tradition offers those who have physically and emotionally lost loved ones time periods and rituals during which to process the loss. Though for some this structure may not be linear, and each person experiences it differently, it provides a way for mourners to acknowledge their loss, spend time grieving, and then transition back into their normal lives. It also provides a way for religious leaders and community members to offer support and accompany mourners. But when loss becomes an everyday reality without an end, what do you do? Traditional and societal mechanisms are not built to be present to an ongoing period of grief without a clear beginning, middle and end. They do not address long-term situations that manifest in each aspect of people's lives, causing them to re-orient themselves in the world and be in a constant state of confusion, despair, loneliness and alienation.

Ambiguous loss appears in every person's life, whether it is sending the last child to college, caring for a loved one with dementia, being related to someone who went missing in action, or shifting a relationship after taking a new job. Some people have multiple experiences of ambiguous loss, maybe even concurrently, and some struggle with one significant experience over the course of a long period of time. When I began to work on this thesis, I thought that I would examine the impact of each of Dr. Pauline Boss' categories- absent yet present, and present yet absent- separately. I believed that I needed to suggest different models or methods of care for each one. As I researched, I realized that though ambiguous loss takes many forms, the underlying emotions are similar no matter how it manifests. The difference in the care that people need is not the category of loss but the intensity and the length of ambiguity. While Boss' categories are

helpful and informative, I have found that there are even more distinctions amongst the various ways in which ambiguous loss presents itself in peoples' lives.

In this area, there are clear things that clergy can offer. *Halacha* is one lens through which to view ambiguous loss. The discussions in Yevamot 120-122 about creating law related to the *agunah* demonstrate that ambiguous loss has been a part of Jewish text and history since the rabbinic period. *Halacha* provides clear guidelines and requirements to determine the occurrence of a loss (absent yet present), and obligations towards a *shoteh* (present yet absent). A legal procedure gives structure to an otherwise vague or confusing experience and tangible steps to take when there is no clear outcome. The process of the *Beit Din* following September 11, 2001 was a new scenario during which religious authorities had to help people navigate their way forward, using Jewish tradition to address a new situation. *Halacha* informed those contemporary rabbis how to do their best to make sense of the situation and advise their communities.

Non-halachic clergy can be witnesses to those who experience ambiguous loss, empowering them to express themselves. They can meet people where they are, by listening to their stories and figuring out the best ways to use Jewish resources to help them create meaning. They can be leaders of warm, welcoming and accessible communities that open themselves to people with unconventional grief. They can inspire congregants to take the initiative to build caring communities and reach out to one another to share similar experiences.

The intersection of Judaism and ambiguous loss is a larger field than I was able to cover in this thesis. There are many challenges in addressing this omnipresent need. The category of ambiguous loss itself is so broad that those looking to provide spiritual care

or community support need to think in terms of sub-groupings that go even beyond Boss' categories. I recommend that further thought and research be done in this area for Jewish clergy and sacred communities to be able to respond in more effective and specific ways.

Another challenge is that when clergy desire to spiritually care for those experiencing ambiguous loss, it is difficult to think in categories and apply labels. The situations range from the normal to the traumatic, the everyday to the aberrational. The time and resources that someone might seek from a clergy person immediately following a mass tragedy at which a loved one disappeared (absent yet present) is different from the time and resources someone else might need as an empty-nester (also absent yet present); the latter might be more in line with the time and resources someone with a loved one who has just suffered a head trauma and has short-term memory loss (present yet absent) requires from a clergy person. When an event such as the soldiers missing in the Vietnam War occurs (absent yet present), there are many places to find solidarity. We can learn from the constant appearance of that loss with flags, red bracelets and national protests that showed family members that they were not alone. We can see a similar experience for a spouse or child with a partner or parent in a nursing home for dementia patients (present yet absent). When visiting a loved one outside of the home, alienation lessens: there are constantly medical professionals checking in, and one can see people all around them in the same situation. Visibility decreases the feeling of isolation and increases the feeling of solidarity. This also manifests in a difference between mass tragedy, which is highly visible and can connect loved ones to larger society, and individual loss, that has the potential to completely disconnect those who experience it from even those closest to them.

Clergy cannot fix ambiguous loss. They cannot find those who are missing physically or emotionally. Yet, they can be aware that this is a phenomenon that every congregant will experience in some way. They can use language not of healing, but of finding wholeness and forging connections. They can de-stigmatize long-term loss, and emphasize that long-term grieving is natural when there is ambiguous loss. They can empower congregants to create relationships with those in similar situations, and be present for one another over periods of time that extend past traditional mourning periods. Clergy can be reminders that each person- the *agunah*, the *shoteh*, the caregiver, and the loved one- is *b'tzelem Elohim*, created in the image of God.

Ambiguous loss is terrifying and disorienting. I recommend that clergy work on finding ways to create meaning from the particular frustration and despair that it generates. A ritual, or Judaism-inspired creative outlet, or a call from someone on the caring committee can make a significant difference for someone whose grief changes from day to day and has permeated every aspect of life. Religious leaders have the unique power to bring holiness into their relationships and their communities. Even small acts can remind those experiencing ambiguous loss, that they, too, contain a spark of the divine.

Appendix

This Appendix contains a sampling of resources that clergy can provide their congregants who are experiencing ambiguous loss, whether it is absent yet present, or present yet absent. These texts address the underlying emotions that many people feel when they are in these situations: loneliness, hopelessness, isolation, a need for strength, a desire for comfort, a yearning to be seen and heard. My hope is that, by reading these texts—traditional Jewish texts, pieces that contain Jewish themes, and secular selections, people who are suffering in this way might see that they are not alone. These texts can provide stability if people use them as prayers that they say each time at a specific day, or as comforting tools to draw upon in moments of crisis. They can prompt openness and vulnerability if used as text studies in meetings with clergy, as a way to process emotions or share stories.

I compiled this Appendix throughout the course of my research. There are examples of readings from the Reform Jewish prayer book, Mishkan Tefillah, selections of Psalms and creative interpretations of Psalms, prayers from a healing service that the Reform movement created, poetry and secular songs. This is a very limited selection of resources; there are many more texts, prayers, poems and songs that can serve the same purpose. My hope is that this Appendix provides some examples of resources that clergy can offer as sources of meaning to their congregants who are in need of support while experiencing ambiguous loss.

Readings from Mishkan Tefillah[99]

Holy One,
give me a quiet heart,
and help me to hear the still,
small voice that speaks within me.
It calls me to come close to You
and to grow in Your likeness.
It teaches me to do my work faithfully,
even when no one's eye is upon me.
It counsels me to judge others kindly
and to love them freely,
For it persuades me to see divinity
in everyone I meet.
Help me, O God,
to come to the end of each day
feeling that I used its gifts wisely
and faced its trials bravely.
~Chaim Stern[100]

Where might I go to find You,

Exalted, Hidden One?
Yet where would I not go to find You,
Everpresent, Eternal One?

My heart cries out to You:
Please draw near to me.
The moment I reach out for You,
I find You reaching in for me.
-Yehudah Halevi[101]

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[99] Frishman, Elyse D., editor. Mishkan T'filah: A Reform Siddur- Shabbat. Central Conference of American Rabbis, 2007.
[100] *Ibid*, p. 143.
[101] *Ibid*, p. 53.

Psalms[102]

Psalm 27
Verses 4-14
4) One thing I ask of the Eternal, only that do I seek: to live in the house of the Eternal all the days of my life, to gaze upon the beauty of the Eternal, to frequent God's temple.
5) God will shelter me in God's pavilion on an evil day, grant me the protection of God's tent, raise me high upon a rock.
6) Now is my head high over my enemies roundabout; I sacrifice in God's tent with shouts of joy, singing and chanting a hymn to the Eternal.
7) Hear, O Eternal One, when I cry aloud; have mercy on me, answer me.
8) In Your behalf my heart says: "Seek My face!" O Sovereign, I seek Your face.
9) Do not hide Your face from me; do not thrust aside Your servant in anger; You have ever been my help. Do not forsake me, do not abandon me, O God, my deliverer.
10) Though my father and mother abandon me, the Eternal will take me in.
11) Show me Your way, O Eternal, and lead me on a level path because of my watchful foes.
12) Do not subject me to the will of my foes, for false witnesses and unjust accusers have appeared against me.
13) Had I not the assurance that I would enjoy the goodness of God in the land of the living...
14) Look to the Eternal; be strong and of good courage! O look to the Eternal One!

Psalm 42
Verses 2-6
2) Like a hind crying for water, my soul cries for You, O God;
3) My soul thirsts for God, the living God; O when will I come to appear before God!
4) My tears have been my food day and night; I am ever taunted with, "Where is your God?"
5) When I think of this, I pour out my soul: how I walked with the crowd, moved with them, the festive throng, to the House of God with joyous shouts of praise.
6) Why so downcast, my soul, why disquieted within me? Have hope in God; I will yet praise God for God's saving presence.

[102] Psalm suggestions taken from Caring for the Soul: R'fuat HaNefesh: A Mental Health Resource and Study Guide, UAHC Press, 2003; translations adapted from The Jewish Publication Society

Psalm 77
Verses 2-6
2) I cry aloud to God; I cry to God that God may give ear to me.
3) In my time of distress I turn to the Eternal, with my hand uplifted; my eyes flow all night without respite; I will not be comforted
4) I call God to mind, I moan, I complain, my spirit fails. Selah.
5) You have held my eyelids open; I am overwrought, I cannot speak.
6) My thoughts turn to days of old, to years long past.

Psalm 88
Verses 15-19

15) Why, O Eternal One, do You reject me, do You hide Your face from me?
16) From my youth I have been afflicted and near death; I suffer Your terrors wherever I turn.
17) Your fury overwhelms me; Your terrors destroy me.
18) They swirl about me like water all day long; they encircle me on every side.
19) You have put friend and neighbor far from me and my companions out of my sight.

Creative Interpretations of Psalms and Liturgy

Al Tasteir (Don't Hide Your Face)

Don't hide Your face from me, I'm asking for Your help
I call to You, please hear my prayers, Oh God.
If You would answer me,
as I have called to You
Please heal me now, don't hide Your face from me.[103]

One Hundred Ninety-Nine: Depression

I awake bewildered.
As the last dream remnants fade,
And dawn expands to define the day,
I seek You.

Pull me up through clouds of ennui
That threaten my ability to sing to You.
Focus my heart to forge ahead;
Push away the stilled silence.

I am as a snared bird.
My wings cannot lift to flutter
Beyond the trap.
Free me from this weakness.

Fortify me with Your care,
For I am needy for strength;
Firm my loosened limbs
So my lips can open to honor You.[104]

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[103] Friedman, Debbie. "Al Tasteir (Don't Hide Your Face)". 2005.
[104] Perlman, Debbie. "Depression." Caring for the Soul: R'fuat HaNefesh: A Mental Health Resource and Study Guide, UAHC Press, 2003, p. 25.

A Prayer for Strength

O God, our refuge and strength, and an ever-present help in times of trouble, how much I need Your strength and presence in my life right now. I feel weak, depressed, anxious, even frightened. I need help to face these hours and days.

So I claim Your promises that I can bear whatever comes, that Your strength will be sufficient, and that my despair will give way to your peace that passes all understanding. Amen.[105]

Night Prayer

May it be Your will that I lie down in peace
And rise up in peace. Let not my thoughts,
My dreams, or my daydreams disturb me. Watch over my family and those I love.

O Guardian of Israel, who neither slumbers nor sleeps, I entrust my spirit to You. Thus as I go to sleep, I put myself into Your safekeeping.

Grant me a night of rest. Let the healing processes that You have placed in my body go about their work. May I awaken in the morning, refreshed and renewed to face a new tomorrow.

We praise You, Adonai Our God, Ruler of the Universe, who closes our eyes in renewing sleep.[106]

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[105] "Gates of Healing", CCAR Press, 1991, p. 19.
[106] *Ibid*, p. 7.

Poetry

How a Place Becomes Holy
Sometimes a man
Will start crying in the middle of the street,
Without knowing why or for whom.
It is at though someone else is standing there,
Holding his briefcase, wearing his coat.

And from beneath the rust of years,
Come to his tongue the words of his childhood:
"I'm sorry," and "god," and "Do not be far from me."

And just as suddenly the tears are gone,
And the man walks back into his life,
And the place where he cried becomes holy. ~Yehoshua November[107]

'Hope' is the Thing with Feathers
Hope' is the thing with feathers—
That perches in the soul—
And sings the tune without the words—
And never stops—at all—

And sweetest—in the Gale is heard—
And sore must be the storm—
That could abash the little Bird
That kept so many warm—

I've heard it in the chillest land
And on the strangest Sea—
Yet, never, in Extremity,
It asked a crumb—of Me.
-Emily Dickinson[108]

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[107] November, Yehoshua. *God's Optimism*. Main Street Rag, 2010.
[108] Dickinson, Emily. "'Hope' is the Thing with Feathers."
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Secular Songs

You Have To Be There

What is it Lord that you want
That I am not seeing?
What in my ignorant prayers
Am I failing to say?
Never before have I questioned the truth of Your being
Never once have I dared
Never until today

All of a tremble
I stand on the edge of confusion
Who is to save me
If into the darkness I fall?
Now that I need more than ever my God to be near me
Do you hear when I call?
Are you there after all?

You have to be there, You have to
My life I have placed in Thy keep
And without you I am drifting, on a dark and stormy sea
You have to be there, You have to
Without You I'd drown in the deep
Too far, too far from land
The waters drag me down
I reach for Your hand

And when I die who will open His arms to receive me?

Who will forgive me and take me and show me His face?
When I have gone to my rest, will You watch me and wake me?
When my time comes at last, will You grant me your grace?
I am so small on this Earth, I am nothing without you
Daring to doubt You at all is a knife through my heart
Little by little I'm losing my way in the shadows
I am losing my hope and the world falls apart

You have to be there, You have to
My life I have placed in Thy keep
And without you I am drifting, on a dark and stormy sea
You have to be there, You have to
Without You I'd drown in the deep
Too far, too far from land
The waters drag me down
I reach for Your hand

You have to be there, You have to
Too far, too far from land
The waters drag me down
I reach for your hand.[109]

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[109] Andersson, Benny and Ulvaeus, Bjorn, "You Have to Be There." 1995. https://www.azlyrics.com/lyrics/susanboyle/youhavetobethere.html

Anytime (I Am There)

Any time you laugh
Any time you cry
Any time you hear a sound
When you're on the grass
Lying on the ground
Any time you wash your hands
I'll be around

I'll be there on the baseball field
Though I'm well concealed
I'll be out there cheering
I'll be there in the books you read
It is guaranteed
I'm not disappearing fast
Anytime
No, not any time

And I am there each morning
I am there each fall
I am present without warning
And I'm watching it all
Yes I'm watching it all
Oh oh oh oh oh

And I am there in music
I am there in sky
I don't why this thing did happen
But this much is clear
Anytime or anywhere
I am there

Any time you pray
Any time you fight
Any time you've gained a pound
Any time it's day
Any time it's night
Any time the earth moves
I'll be around

I'll be there in the maple trees
I'm a summer breeze
On a perfect evening
I'll be there when you celebrate
When the world seems great
I'll be waiting by your side

Anytime Yes! Anytime

And I am there each morning
I am there each fall
I present without warning
And I'm watching it all
Yes I'm watching it all
Oh oh oh oh

And I am there in flowers
I am there in snow
I don't know why this thing happened
But this much is clear
Any time you cry
Any time you sing
For anything
I'll be there
Each morning
I'll be there each fall
I don't why this thing happened
But this much is clear

Be aware
I am there
I am there
I am there
I am there

I am there
I am there
I am there[110]

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[110] Finn, William. "Anytime (I Am There)." 1990. https://genius.com/William-finn-anytime-i-am-there-lyrics

You Will Be Found

Have you ever felt like nobody was there?
Have you ever felt forgotten in the middle of nowhere?
Have you ever felt like you could disappear?
Like you could fall, and no one would hear?

Well, let that lonely feeling wash away
Maybe there's a reason to believe you'll be okay
'Cause when you don't feel strong enough to stand
You can reach, reach out your hand

And oh, someone will come running
And I know, they'll take you home

Even when the dark comes crashing through
When you need a friend to carry you
And when you're broken on the ground
You will be found

So let the sun come streaming in
'Cause you'll reach up and you'll rise again
Lift your head and look around
You will be found
You will be found
You will be found

There's a place where we don't have to feel unknown
And every time that you call out
You're a little less alone
If you only say the word
From across the silence
Your voice is heard

Even when the dark comes crashing through
When you need a friend to carry you
When you're broken on the ground
You will be found

So let the sun come streaming in
'Cause you'll reach up and you'll rise again
If you only look around

You will be found (You will be found)
You will be found (You will be found)
You will be found

Out of the shadows
The morning is breaking
And all is new, all is new
It's filling up the empty
And suddenly I see that
All is new, all is new
You are not alone
You are not alone
You are not alone
You are not alone
You are not alone

Even when the dark comes crashin' through
When you need someone to carry you
When you're broken on the ground
You will be found!

So let the sun come streaming in
'Cause you'll reach up and you'll rise again
If you only look around
You will be found
Even when the dark comes crashin' through
You will be found
When you need someone to carry you
You will be found
You will be found[111]

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Answer Me
Here I am
Here I am
And the light is dying

Where are you?
Where are you?
Will you answer me?

All alone
In the quiet
And my ears are thirsty

For your voice
For your voice
Can you answer me?

If I try, maybe I can see your shadow
In the sodium light that masquerades as moon
If I try, I might take off like a sparrow
And I'll travel along a guiding breeze

Very soon
Very soon
That's the sound of longing

Are you there?
Are you there?
Will you answer me?

In my dreams, my beloved lies beside me

When the sun lights the room, I find it's only me

Only me (Only you when the sun is gone)
Only me (Only me when the moon is)
With the world (with the world) around me (all around me, with the world around me)
Only you, when the sun and moon and stars are gone, what's left is only you
Will you answer me?
Answer me[112]

[112] Yazbek, David. "Answer Me." 2017. https://genius.com/David-yazbek-answer-me-lyrics

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