MOURNING AS JEWS:

A PSYCHOLOGICAL APPROACH TO JEWISH MOURNING RITUALS

By

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Abstract

My text immersion involved the study of three types of material on mourning practices: (1) selected *halachot* from *Massekhet Semahot,* (2) *Bavli Moed Katan* 19a-29a, and (3) three contemporary secondary sources. The three secondary sources explore modern approaches to mourning from a Reform, Conservative and Orthodox perspective. These three perspectives included selections from the following sources *Jewish Living: A Guide to Contemporary Reform Practice* by Mark Washofksy and *A Guide to Jewish Religious Practice* by Isaac Klein. The Orthodox perspective came from reading *The Jewish Way in Death and Mourning* by Maurice Lamm. For the written portion of the text immersion, one paper focused on the main issues concerning the rabbis of the Talmud and addressed the rabbis' psychological approach to mourning. The second paper compared approaches to mourning across the three movements tracing three specific issues of: *k'riah*, duration of *shiva*, and cremation.

Jewish mourning rituals, derived from ancient sources, serve a deeply inherent psychological need. Sources for Jewish mourning practices date back to the Torah, and the rabbis of the Talmud expounded upon many of these practices, customs and laws pertaining to mourning. Some of these customs remain part of the well-known mourning process of Jews today, while others faded out or prove no longer relevant. The meaning behind the rituals and practices derived from rabbinic discussions recorded in the Talmud, provides great insight into the rabbis' psychological concern for the mourner. Many of the mourning practices recorded in the Talmud are derived from stories, *Aggadot*, describing situations that continue to exist today. An in-depth study of *Moed Katan* 19a-29a demonstrates the big issues concerning mourning for the rabbis.

In order to discuss mourning rituals, the rabbis needed to answer the questions: Who is a mourner? For whom does one mourn? *Moed Katan* 20b lists the seven relatives mentioned in *Vayikra* 21:2-3: mother, father, son, daughter, brother, and unmarried sister. The rabbis expanded this list to include spouse, siblings with the same mother but different fathers, as well as married sisters. They acknowledged that mourning an infant or a young child was distinct from mourning someone who lived a longer life. The customs surrounding infant death remain more private because it was likely that the public did not know the infant well. However, in a case in which the public knew the infant, mourning rituals proceeded in the appropriate manner.[1] The rabbis also discuss mourning for in-laws and second-degree relatives. While one does not observe all mourning practices for one's in-laws, the *Gemara* teaches, "garments are also rent for a father-in-law and mother-in-law, out of deference to one's wife."[2] While an in-law follows

[1] Soncino Translation Moed Katan 24b.
[2] 26b.

some mourning practices, the rabbis explain it is done out of respect for the spouse who is the immediate mourner.

The rabbis discuss many instances of mourning for a variety of relatives; however, they highlight mourning for parents above any of these other relationships. Indeed the mourning practices for parents are more extensive than mourning practices for other relatives. For example, when *baraitot* conflict regarding the nature of a particular practice (i.e. comforting the mourners after *shloshim*), the rabbis often resolve the conflict by stating that one *baraita* (the one recording the stricter practice) refers to mourning for parents and the other refers to mourning for all other relatives. Another example where the rabbis highlight the mourning for parents pertains to the practice of *k'riah,* tearing garments in grief. In discussing the practice when multiple deaths occur, the rabbis teach that for various relatives an existing tear can be extended; however, for the death of a parent, a new tear must be made even if there is already an existing tear in a garment.[3]

The rabbis discussed the practice of *k'riah*, tearing, in great depth. They derive that *k'riah* must take place while standing from a story of *Amemar*:

> *Amemar lost his son's son, and he rent [his garment]. Thereupon his son came and he [again] rent [his garment] in his [son's] presence. He then recollected that he had done it while sitting; he rose and rent [his garment again] standing. Said R. Ashi to Amemar: Whence do we derive that the rending [of a garment] is [to be done] standing? From the text: Then Job rose and rent his mantle.*[4]

The rabbis agree that *k'riah* takes place while standing; however the time that the act of *k'riah* takes place differs based on the situation. They make note of the difference between tearing at a time of intense emotions (immediately upon hearing of the death) and hearing about a death at a later time. In the course of this discussion, the rabbis come to differentiate *k'riah* for rabbis

[3] 26b.
[4] 20b.

hearing of the death of their colleagues, tearing a second garment when the mourner changes clothes, and the initial tear for the parent upon hearing of the death.[5]

In addition to answering the question of who is a mourner, the rabbis defined the different periods of mourning: *Shiva* (seven days), *Shloshim* (thirty days), and *Shana* (one year). These mourning periods each begin after burial. The laws and customs pertaining to mourning occur within the framework of these times. While general rules apply to each of these time periods, differences occur even within each of these time periods. The most restrictions and mourning practices take place during *Shiva*, fewer during *Shloshim*, and even fewer through *Shana*. The rabbis even differentiate between the first three days of *Shiva* and the rest of the days of *Shiva*. The rabbis discuss the practice of putting on *tefillin* during *Shiva*. In this discussion they discuss whether or not one should put on *tefillin* during the first three days of *Shiva*. At the end of the lengthy discussion they conclude, "the halacha follows our Tanna, who says [that the minimum observance of formal mourning is] three [days]."[6] The rabbis describe other observances specific to the first three days. A *baraita* teaches, "A mourner is forbidden, during the first three days to work, even a poor man who receives maintenance from charity…a mourner should not go during the first three days to a place of mourning."[7] The rabbis seemed to be aware of the psychological needs of the mourner on the first three days and therefore the mourning practices remain stricter.

The mourning rituals pertaining to the remainder of *Shiva, Shloshim*, and *Shana* as a whole reflect broader concerns for the mourner. Some of the restrictions for the mourner include: work, bathing, anointing, engaging in marital relations, wearing shoes and learning

[5] 24a.
[6] 21a.
[7] 21b

Torah.[8] In addition to this list, the rabbis also expressed their concern for how a mourner should behave and how others should act in the company of mourners, in other words, the etiquette of mourning. For example, the rabbis made note of the appropriate way to greet a mourner: "A mourner is forbidden during the first three days to give greeting; after three and to seven, he responds but does not give greeting; thereafter he gives greeting and responds in his usual manner."[9] The rabbis continue and explain the reasoning:

> *Some contrasted this statement with the following: "One who meets his fellow mourner within thirty days, tenders him consolation but enquires not about his peace; after thirty days he enquires about his peace, but tenders him not consolation...Said R. Idi b. Abin: The mourner enquires about the peace of others because others' are abiding in peace; others enquire not about the peace of the mourner, because he is not abiding in peace [but in sorrow].*[10]

The rabbis seemed to be aware of the psychological needs of the mourner and acknowledged that the usual greeting: "How is your well-being," was not fitting for a mourner in deep sorrow. On the other hand, they did encourage and permit words of comfort and consolation during the first thirty-days, as they acknowledged the need for such words. After thirty days, the rabbis find it fitting to enquire about peace but to not offer consolation. Indeed, after thirty days, the mourner begins to re-enter into life in small ways. Perhaps the rabbis felt casual greetings appropriate at this time. In addition to the etiquette of greeting the mourner, the rabbis emphasized the need to mourn and to grieve and prohibited any form of "cheering up" the mourner. The text teaches, "R. Papa said: It is taught in the Ebel Rabbathi: 'A mourner should not set an infant on his knee, because the child may amuse him and he may thereby incur censure from his fellow men'."[11] The rabbis protected the mourner by permitting the space, time and circumstances for one to mourn and to grieve.

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[8] 21a.
[9] 21b.
[10] 21b.
[11] 26b

At the same time, the rabbis also knew that at some point, the mourner needed to re-enter into the daily life and that the greeting of consolation be restricted to a certain time period as well.

> *Said R. Meir: If one meets another mourner after twelve months and tenders him [then words of] consolation, to what can he be likened? To [the case of] a man who had his leg broken and healed when a physician met him and said to him, Come to me and let me break it and set it [again], to convince you that my medicaments are good?*[12]

This comparison alludes to rabbis' concern of excessive mourning. Therefore, to protect the mourner, the rabbis insist that after twelve months, one who offers consolation is like one who reopens an already healed wound. The rabbis extend this concern through a story of a woman who mourned excessively:

> *And furthermore, Rab Judah said, as citing Rab, Whoever indulges in grief to excess over his dead will weep for another. There was a certain woman that lived in the neighbourhood of R. Huna; she had seven sons one of whom died [and] she wept for him rather excessively. R. Huna sent [word] to her: 'Act not thus'. She heeded him not [and] he sent to her: If you need my word it is well; but if not, are you anxious to make provision for yet another? He [the next son] died and they all died. In the end he said to her, Are you fumbling with provision for yourself? And she died.*[13]

The rabbis tell this story to teach about the negative impact of excessive mourning. This woman never allowed herself to re-enter into society and only mourned her one son. She stopped paying attention to the other people in her life and made a statement that the only person who mattered was the son who died. Thus the rabbis make specific note of the acceptable amount of time for mourning, which is therefore, why the mourning periods identified by the rabbis remain critical today.

Since the rabbis teach that it is forbidden to work during *Shiva*, they make special note of what happens when a scholar, rabbi, or Jewish professional is a mourner. In such a situation

[12] 21b.
[13] 27b.

when the community needs the mourner, the *Gemara* teaches that he must not abstain from work by recounting the following instances:

> *There was an actual case, when a son of R. Jose of Sepphoris died, he went into the Beit Hamidrash and expounded there all day long; Rabbah b. Bar Hanah had a bereavement [and] he thought he ought not to go out to [give] his lecture. Said Rab to him, We learned:'And if the public have need of him he does not refrain'. He then thought of calling upon his 'expositor'[assistant]. When Rab said to him, 'We learned: 'Provided only that he does not place [at his side] an expositor [assistant]'. But then how is he to do? — After the manner taught [in the following]: 'It happened, that when a son of R. Judah b. Il'ai died, he went into the Beit Hamidrash and R. Hananiah b. 'Akabia also went in and sat him down at his side: he then whispered to R.Hananiah b. 'Akabia and R. Hananiah b. 'Akabia [whispered] to the Turgeman and the Turgeman spoke aloud to the public'.*

These instances illustrate the circumstances when the public needs the mourner in the *Beit Hamidrash*. According to the situations above, it is not ideal for the mourner to work, and therefore, it is best to find someone else who can fill-in or at least serve as an assistant. In a case where there is no one else capable of leading the community, the rabbis do permit the mourner to work, but only in the special situation and for the benefit of the community fulfilling their obligations.

The rabbis also distinguished between public and private mourning. Their discussion of mourning rituals on Shabbat and other holidays addresses the issue directly. They recount the following story:

> *Raba said: A mourner may walk about in his [rent] wrap indoors [on the Sabbath]. Abaye found R. Joseph going in and out of his house, his head covered with a turban [on the Sabbath]. Said he to him: Do you not, sir, hold the view that there is to be no [observance of] mourning on the Sabbath? — He replied: Thus said R. Johanan: 'Intimate [forms of] mourning may be maintained [on the Sabbath]'.*[14]

This story illustrates the cognitive dissonance experienced by a mourner on Shabbat. While, in general, the rabbis forbid mourning on Shabbat, they do permit private mourning. The rabbis recognize that the psychological needs of mourners do not simply stop because Shabbat has

[14] 24a.

arrived, and therefore, permit the mourner to continue mourning, but only in the privacy of the home. At the same time, the rabbis emphasize the importance of Shabbat and observing Shabbat rituals. They therefore, exempt the comforters from their obligation of caring for the mourners on the Sabbath. By permitting private mourning and prohibiting public mourning, the rabbis address the needs of both the comforters and the mourners.

The rabbis discuss the appropriate procedure for informing a person who is ill about the death of a loved one. In such a circumstance, they recognize the needs of the various parties involved and take into account the way in which the news of the death will affect the one who is ill. The text teaches:

> *"Our Rabbis taught: If one who is ill sustains bereavement, they should not inform him thereof, lest he thereby become distracted in mind; nor do they direct to have any garments rent in his presence and they direct the women to keep silent [from lamenting] in his presence."*[15]

The rabbis' concern here seems to be on the emotional state of the person who is ill. If the person who is ill does not seems strong enough to hear the bad news without becoming weaker, the rabbis advise against informing. They seem most concerned about the health of the ill person and how such news might negatively impact such a person. In addition to not informing the ill person of the death, the rabbis suggest that mourning and lamenting in front of the ill person also be prohibited, and so they requested women to keep silent, lest they lament in the presence of the ill person.[16]

With regards to mourning and mourning rituals, the rabbis sought to treat the dead and those mourning the dead equally, regardless of their economic situation. A lengthy set of *baraitot* explains how the rabbis came to this notion of balance,

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[15] 26b.

[16] It is unclear from the text if these women are family members or if they are professional mourners.

> *Our Rabbis taught: Formerly, they were wont to serve drinks in a house of mourning, the rich in white glass vessels and the poor in colored glass, and the poor felt shamed: they instituted therefore that all should serve drinks in colored glass, out of deference to the poor…Formerly the [expense of] taking the dead out [to his burial] fell harder on his near-of-kin than his death so that the dead man's near-of-kin abandoned him and fled, until at last Rabban Gamaliel came [forward] and, disregarding his own dignity, came out [to his burial] in flaxen vestments and thereafter the people followed his lead to come out [to burial]in flaxen vestments. Said R. Papa. And nowadays all the world follows the practice of [coming out] even in a paltry [shroud] that costs but a zuz.*[17]

By discussing what used to happen and how it divided the rich from the poor, this set of *baraitot* teaches the rabbis' desire to alleviate any sort of stress around death that might arise due to socioeconomic status. Thus, the rich need not be concerned with creating a fancy burial and mourning procedure, nor should the poor find money a barrier to fulfilling their obligations to the dead. One further principle illustrated by these *baraitot* is that all are equal in death. While money separates the rich from the poor in so many other situations, the lesson here, about death, is that all are equal.

One of the most challenging issues pertaining to death is the question of theodicy, the challenge of "Why bad things happen to good people?" The rabbis tell a number of deathbed and dying stories to illustrate the uncertainty around death. They describe one specific instance of Rabbah and R. Hisda,

> *Raba said: [Length of] life, children and sustenance depend not on merit but [rather on] mazzal [destiny]. For [take] Rabbah and R. Hisda. Both were saintly Rabbis; one master prayed for rain and it came, the other master prayed for rain and it came. R. Hisda lived to the age of ninety-two, Rabbah [only] lived to the age of forty.*[18]

Since the time or manner of a person's death is such an unknown, the rabbis go as far as to say that, "the length of life depends on luck". This particular story sets up a scenario of two similarly situated rabbis; they both prayed for rain, and in both situations rain came. Their ability to bring rain through prayer is a sign that both were righteous. Regardless, one lived a

[17] 27a-b
[18] 28a.

long life, dying in old age, while the other's life was cut short. Instead of trying to resolve this question, the rabbis let it rest. In this regard the rabbis acknowledge that the theology from Deuteronomy, a theology of reward and punishment, does not always prove true in reality.

For many people the act of dying is more frightening than death itself. To alleviate some of this fear, the rabbis tell stories of particular encounters with the dead in a dream:

> *R. Se'orim, Raba's brother, while sitting at Raba's bedside saw him going into sleep [dying], when he said to his brother: 'Do tell him, Sir, not to torment me'...R. Se'orim then said to the dying: 'Do, Sir, show yourself to me [in a dream]'. He did show himself and when asked: 'Did you, Sir, suffer [pain]?' He replied: 'As from the prick of the cupping instrument'.*
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> *Raba, while seated at the bedside of R. Nahman, saw him sinking into slumber [death]. Said he to Raba: 'Tell him, Sir, not to torment me'… Said [Raba] to him: 'Do, Sir, show yourself to me [in a dream]'. He did show himself. [Raba] asked him: 'Did you suffer pain, Sir'? He replied: 'As [little as] the taking of a hair from the milk; and were the Holy One, blessed be He, to say to me, Go back to that world as you were, I wish it not, for the dread thereof [of death] is great'.*[19]

These two stories illustrate the rabbis' understanding of the fear of dying. In the first story Raba admits his fear of the pain of dying to his brother R. Se'orim. His fear is that dying will feel like torment. After Raba dies, R. Se'orim sees him in a dream, asks him if he suffered pain and Raba replies that he did not suffer. The second story describes a most similar incident with Raba and R. Nahman. R. Nahman uses a different metaphor to describe the painless act of dying that he experienced. These stories speak to the emotional side of dying and while much of the material in the *Gemara* speaks to the laws of mourning and laws around death and dying, the rabbis were also aware of the deep emotional needs of the people as well. With the uncertainty about death, comes the fear. Through *Aggadot,* the rabbis attempt to alleviate that fear.

Many of the mourning practices and rituals outlined in the *Gemara* continue to hold meaning today. Whereas many Jews observe these practices just as they would observe any

[19] 28a.

Jewish law, these practices are also rituals that reflect a much deeper awareness of the rabbis' understanding of the psychological needs of mourners. Indeed, with an in-depth study and analysis of the rabbis' understanding of the needs of mourners, people today, might be more open to embracing the rituals as a form of comfort and support from the tradition. In certain situations, some find the rituals to be inconvenient or not meaningful, but when understood within a larger framework of both tradition and psychological need, Jewish mourning practices become more meaningful and enriching. While the rabbis were indeed concerned with Jewish law, and ensuring that mourning did not interfere with certain aspects of daily *mitzvot* and festival holidays, they were also keenly aware of human need. The text of the *Gemara* integrates the Jewish tradition, ritual, and psychological needs of human beings into creating a powerful teaching about Jewish mourning and its rituals.

The three books discussed in this paper are *Jewish Living: A Guide to Contemporary Reform Practice* by Rabbi Mark Washofsky, *A Guide to Jewish Religious Practice* by Rabbi Isaac Klein, and *The Jewish Way in Death and Mourning* by Rabbi Maurice Lamm. Each of the rabbis writes for a distinct purpose. Washofsky writes from a Reform perspective and recognizes that his audience, Reform Jews, is unlikely to observe Jewish law merely because it is Jewish law. Therefore, he writes for the purpose of educating Reform Jews on a Reform perspective of Jewish practices and rituals. His book was originally published in 2001 and the revised edition was published in 2010. Rabbi Klein writes from a Conservative perspective, and the basis of his book is drawn from lectures given at the Jewish Theological Seminary. Klein explains in his introduction that these lectures served a guide for the students' personal observance as well as a source for the instruction they would provide to their congregants.[20] Initially, Rabbi Klein produced pamphlets of material from these lectures. Soon after, there was an increase in demand for access to this material. Klein wrote this guide to provide lay members of the Conservative movement a reliable guide to Jewish practice. His guide was originally published in 1979 and later revised in 1992. Rabbi Lamm writes from an Orthodox perspective and assumes that Orthodox Jews want to follow the rules that he sets out. In his introduction, Lamm writes, " the study of mourning observances is not likely to be undertaken before it becomes absolutely necessary, and when it is necessary, mourners will be in no mood to do so."[21] First published in 1969, then revised in 2000, Lamm's hope was that Jews would not "shrug off Jewish mourning

[20]Isaac Klein, *A Guide to Jewish Religious Practice* (New York and Jerusalem: The Jewish Theological Seminary of America, 1992), xxiii.
[21] Maurice Lamm, *The Jewish Way in Death and Mourning: New and Revised* (New York: Jonathan David Publishers, Inc, 2010), xiv.

practices" and so he attempts to enable people to help themselves in a manner in keeping with Jewish law.[22]

Reform, Conservative, and Orthodox Jews root Jewish mourning rituals in the same sacred texts; yet at the same time, each of these movements approaches mourning in distinct ways. Furthermore, within each of the movements, individual practice may differ. An analysis of the work of three rabbis, each representing one movement, provides a comparison of how each movement believes the rituals should be practiced today. Each rabbi writes about many of the mourning rituals, but three particular issues stand out as worth both comparing and integrating: *k'riah*, the length of *Shiva*, and cremation.

All three perspectives recognize the importance of the ritual of *k'riah*, tearing. However, the way in which *k'riah* occurs and the time at which it occurs differs among the different movements. Each movement acknowledges that historically, one would tear his or her clothing immediately upon hearing about the death of a close relative. As the ritual evolved over time, the custom of tearing immediately has decreased. Lamm describes three times at which *k'riah* may occur today: (1) At the time of hearing of the death, (2) just prior to the funeral, or (3) at the cemetery prior or immediately following the burial.[23] Klein explains, "for a very practical reason…the *Qeri'ah* is now done at the funeral – all mourners are present and normally there is someone there who knows the procedure."[24] The Reform perspective agrees that the ritual is customarily performed at the funeral.[25] The timing at which the tearing occurs depends on the particular situation – if the mourner is not familiar with the ritual, the funeral becomes a time where a rabbi is able to help guide the mourner through the ritual. Even Lamm acknowledges

[22] Lamm xiii.
[23] Lamm 42.
[24] Klein 278.
[25] Mark Washofsky, *Jewish Living: A Guide to Contemporary Reform Practice* (New York: URJ Press, 2001), 185.

that the preferred time of *k'riah* today is in the funeral chapel. He notes, "At this time, the rabbi is present and can supervise the rending in accordance with the traditional laws. Also this is the time that the entire family is gathered together, and the relatives can stand by one another united through this emotionally charged expression of common bereavement."[26] Performing the ritual in the presence of the rabbi, who is learned in the ritual, and in the presence of family mourning alongside one another, ensures the ritual is done properly and provides a source of comfort during the ritual. The practicality of tearing at the funeral, in all three movements, seems to override the origins of tearing upon hearing of the death.

The three movements agree that *k'riah* must occur while standing. Lamm explains that the standing position symbolizes strength in a time of grief.[27] In addition, they all agree that the tear must measure one handbreadth and for most relatives occurs on the right side of the garment. While Washofsky recognizes that this is the traditional manner in which *k'riah* is observed, he also notes the range of which Reform Jews practice *k'riah*.[28] With respect to parents, the tear takes place on the left side, over the heart, symbolizing a torn heart.[29] Tearing on the left side for parents emphasizes the important distinction between mourning rituals for relatives and mourning rituals for parents. Indeed, Judaism places special emphasis on mourning parents.

The aspect of *k'riah* that differs most among the movements is the topic of the item of clothing that must be torn. The origin of *k'riah* is traced to Genesis when Jacob sees Joseph's coat full of blood, and assuming Joseph died, immediately rends his clothing.[30] For practical purposes of not ruining clothes, both the Reform and Conservative custom have adopted the

[26] Lamm 42.
[27] Lamm 46.
[28] Washofsky 184-5.
[29] Lamm 41.
[30] Genesis 37:34

practice of tearing a black ribbon that is pinned upon the mourner's clothing. Both Washofsky and Klein acknowledge that some mourners choose to rend a necktie or observe the ritual traditionally by rending clothing; however, the most common practice occurs with a black ribbon.[31] Lamm, on the other hand, expresses deep dissatisfaction with the black ribbon, and argues that the ritual of *k'riah* take place on the mourner's clothing. He writes, "The rending of the clothes expresses the deepest feelings of sorrow and anguish. It is the symbol of a broken heart…the grief we express at such moments taps into the deeps wells of our humanity, and the manner in which we manifest it should be equally authentic."[32] Lamm does not simply express his frustration with the black ribbon; rather, he explains the importance of the custom of *k'riah*. He recognizes the psychological connection of grief to the physical action of tearing one's garments. Lamm turns to biblical times to explain the importance of tearing clothing, "Tradition calls upon us to tear *our* clothing, to put the mark of the broken heart on our *own* clothing – and not to vent our feelings on a meaningless and impersonal strip of cloth pinned on us by a stranger. *K'riah* is too personally meaningful to substitute for it a petty gimmick…"[33] Klein and Washofsky might even agree with Lamm about the importance of the ritual and the sacredness that *k'riah* brings to mourner. However, Lamm disapproves of the symbolic black ribbon, while Klein and Washofsky, coming from Conservative and Reform perspectives, adapt the biblical ritual in order to ensure its observance in today's world. It seems as though Lamm assumes that the ribbon cannot prove meaningful or at least as meaningful as the tearing of the mourner's garment. However, it is also possible that each of the rabbis is aware of what his community is willing to do. For example, perhaps Lamm's Orthodox community is willing to tear their clothing and sacrifice a garment, while Klein and Washofsky use the black ribbon as a way for

[31] Washofsky 185 and Klein 279.
[32] Lamm 44.
[33] Lamm 44-45.

Reform and Conservative Jews to be included in the ritual without needing to sacrifice a garment. Nonetheless, perhaps the intention behind *k'riah* is most important and the recognition of *k'riah* as an expression of grief.

Each movement approaches the duration of *Shiva* from a distinct perspective. All three movements acknowledge that the origins of *Shiva* support a seven-day mourning period. In addition to the number of days, all of the movements count a partial day as if it were a full day. This is derived from the Talmudic principle, *"miktzat hayom k'chulo"*, "a part of a day is reckoned as an entire day."[34] In accordance with the Talmud, Rabbis Lamm, Klein, and Washofsky make special note of the first three days of *Shiva* as distinct from the remaining days. Lamm writes about these first three days as, "days devoted to weeping and lamentation. During this time, the mourner does not even respond to greetings and remains in his home…it is a time when even visiting the mourner is usually discouraged – it is simply too early to comfort the mourners when the wound is so fresh."[35] According to this perspective, the first three days of *Shiva* truly speak to the emotional state of the mourner, and acknowledge the difficulty of even being comforted. Therefore, Lamm suggests that the later days of *Shiva* be the days where comforters come to the house of mourning. Klein agrees that *Shiva* lasts seven days and that the last day ends after *Shacharit*. In teaching the various mourning rituals associated with *Shiva*, Klein writes, "Mourners should not attend to business or go to work during the Shiv'ah period. If a mourner is of modest means, however, and must work in order to sustain himself, he is permitted to return to work on the third day of Shiv'ah. This means that three days is the minimum mourning period…"[36] Using the example of working during *Shiva*, Klein teaches that there is a minimum length that the mourner must observe *Shiva*. Even in a situation where a

[34] Moed Katan 19b.
[35] Lamm 75.
[36] Klein 288-289.

person needs to work, Klein nonetheless prohibits working during the first three days, ensuring that the mourner have some time and space to mourn and feel the emotion of loss.

Washofsky's approach to the first three days is similar to that of Klein. He writes, "Three days are the minimum period of mourning in Reform Judaism, and in some communities they have taken the place of shivah as a whole. This, however, is not the desirable norm: Reform Jews ought to observe all seven days of shivah."[37] Acknowledging that many Reform Jews reduce the duration of *shivah* to three days, Washofsky argues that Reform Jews should observe the full seven days of *shivah*. Even so, many Reform Jews do not even observe three days of *Shiva*, but reduce the length to one or two days only. Nonetheless, Washofsky makes the claim three days is the minimum observance. Regarding many customs and *mitzvot*, the Reform movement often appears lenient. However, with regards to *Shiva*, the Reform movement recognizes the inherent psychological and emotional value of *Shiva* and therefore, Washofsky encourages a complete observance.

Cremation is generally understood as something, "Jews don't do." Not surprisingly, Orthodox Judaism forbids cremation. Lamm writes, "Cremation is never permitted…it is forbidden – in any and every circumstance – to reduce the dead to ash in a crematorium. It is an offensive act, for it does violence to the spirit and letter of Jewish law, which never, in the long past, sanctioned the ancient pagan practice of burning on the pyre."[38] The Orthodox view takes the historical perspective prohibiting cremation. As Lamm explains, the act of cremation is offensive to the tradition and is a ritual associated with pagan practice. Lamm's approach elevates the life of the person who has died, as his concern is reducing the body to mere ash. In this sense, the issue becomes one of respect for the body, as opposed to simply rejecting the act

[37] Washofsky 195.
[38] Lamm 55.

of cremation as a practice associated with non-Jews. In the situation where the deceased requested cremation upon his or her death, Lamm teaches that the request must be ignored, he writes, "Even if the deceased willed cremation, his wishes must be ignored in order to observe the will of our Father in Heaven. Biblical law takes precedence over the instructions of the deceased, when they conflict."[39] In general the wishes of the deceased are honored; however, here, Lamm notes the special circumstance of biblical law overriding individual wishes. Not only is cremation forbidden, but also if cremation takes place, Lamm writes, "Jewish law requires no mourning practices for the cremated. *Shivah* is not observed and Kaddish is not recited for them. Those who are willfully cremated are considered by tradition to have abandoned Jewish law and to have surrendered their rights to posthumous honor."[40] Cremation disregards Jewish law so much so, that if a person chooses to deliberately ignore Jewish prohibition against cremation, Lamm argues that no mourning be observed for such a person. Because cremation devalues Jewish law and tradition, the rituals surrounding mourning, including *Shivah* and Kaddish, are disregarded.

The Conservative approach to cremation stems from a similar viewpoint; however, with the increase in cremation across American culture (not only among Jews), the discussion around the topic of cremation is less strict than the Orthodox approach. Klein writes, "The Jewish way of burial has been to place the body in the earth. Hence cremation is frowned upon."[41] Whereas Orthodoxy completely forbids cremation, Klein replaces the language of prohibition to "frowned upon". Because Klein's argument does not forbid cremation, he quickly moves on to discuss

[39] Lamm 55.
[40] Lamm 56.
[41] Klein 275.

what happens if and when someone is cremated.[42] By addressing these issues, Klein recognizes the reality that some Conservative Jews choose cremation. At the same time, he makes a clear statement about the Conservative movement's overall stance[43],

> *The Law Committee of the Rabbinical Assembly has ruled that cremation is not permitted. When it is done by the family in disregard of Jewish practice, a rabbi may officiate only at the service in the funeral parlor; the ashes may be buried in a Jewish cemetery and appropriate prayers may be said, but not by a rabbi, lest his participation be interpreted as approval.*[44]

Klein's approach to cremation and the Conservative movement's view is clear – they do not support cremation. And yet, they do acknowledge that people still choose cremation. In such circumstance, the Conservative movement protects and defends their stance by limiting the role of the rabbi in such a ceremony.

Washofsky's approach to cremation is the most lenient. He addresses the issue of burial as a whole by stating, "It is a mitzvah to bury the dead with all proper respect. Jewish tradition defines this mitzvah as the burial of the body in the earth."[45] This statement is the basis for understanding Washofsky's approach to cremation. He combines this notion of burial of the dead in the earth to the idea that some Reform Jews have adopted the practice of cremation. He notes that cremation is contrary to Jewish tradition, but he also writes, "there is no clear-cut prohibition of cremation in the halachic literature. Cremation can be justified religiously in that

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[42] Klein points to a number of authorities that forbid the burial of ashes in a Jewish cemetery including *Duda'ei Hasadeh, Mahazeh Avraham, and Hayyei 'Olam.*
[43] The most recent Conservative Responsum written in 1986 agrees with this stance.
[44] Klein 276.
[45] Washofsky 187.

it rapidly achieves the decomposition of the body."[46] Washofsky's language of "clear-cut prohibition" demonstrates that while Jewish tradition frowns upon cremation, there is nothing in Jewish law that explicitly forbids it. This contradicts Lamm's view that Jewish law prohibits cremation absolutely. While both Lamm and Washofsky know the same halacha, there is clearly a difference in interpretation. Perhaps cremation was never even thought of as a possibility and therefore, Jewish law does not deliberately forbid it; however, according to Lamm's reading, it seems implied. Reform Jewish perspectives recognize the changing times and so Washofsky attempts to reconcile modern day practice of cremation with Jewish law and tradition. With the increase awareness and concern for the environment, more Jews consider cremation as an option. While ecological arguments have been made, Washofsky also notes, "It has been opposed, on the other hand, as a denial of faith in bodily resurrection, as an unnecessary imitation of gentile practice, and as a reminder of the fate of our people in the crematoria of the Holocaust."[47] The use of the argument of the crematoria of the Holocaust is perhaps the most popular reasoning against cremation in modern society for Reform Jews. Therefore, the Reform Movement's approach is similar to the Conservative movement's approach. Washofsky writes, "The Reform rabbinate seeks to discourage cremation, when possible, in favor of the more traditionally Jewish practice. When a family has decided upon cremation, however, Reform rabbis do not refuse to officiate at the service."[48] Indeed all three movements discourage cremation; however, the approaches differ regarding the extent to which they discourage cremation and the extent to which rabbis may be involved in such a process.

The issues surrounding *k'riah,* the length of *shivah,* and cremation provide an avenue for analyzing the ways in which Orthodox, Conservative and Reform Jews approach mourning

[46] Washofsky 188.
[47] Washofsky 188.
[48] Washofsky 188.

rituals. Orthodox Jews are most concerned with aligning their practices with Jewish law, and therefore Lamm's approach to each of these issues focuses most on the origins of the rituals. Lamm recognizes that the origins of these rituals matter and contain value to the mourner. Therefore, when fitting, Lamm makes note of how the rituals prove helpful to someone in mourning. At times Lamm sounds a bit extreme in his approach (i.e., rejecting the use of a black ribbon for *k'riah)*. However, in such instances, he explains in depth why he believes the original practice of the ritual proves most valuable to the mourner. Klein, coming from the Conservative point of view, tends to agree with the Orthodox approach on many issues; however, he still acknowledges the changing times. He acknowledges the origins of the rituals and notes their importance, but also strives to acknowledge the practicality of such rituals. Klein agrees with Lamm that *k'riah* initially referred to the tearing of the clothing, but he also accepts the tearing of the black ribbon as fulfillment of the ritual. The Reform perspective of Jewish mourning rituals, as articulated by Washofsky, recognizes the historical origins of the rituals and acknowledges how the observance has evolved over time. It is important to note that while the Reform perspective recognizes the common practices of Reform Jews, Washofsky and the Reform rabbinate still stand firm on the usefulness of many of the rituals in their entirety. With regards to cremation, the Reform rabbinate does not encourage such practice, however, the view holds that the rabbis must still officiate so as to meet the needs of the family. Each perspective brings with it historical roots, but perhaps most important is the reasoning behind the various practices. Too often issues of convenience or ignorance on the subject of mourning rituals override practice. But, when Jews truly understand the reasoning for such practices and the various points of view, they will then be able to carry out the mourning rituals in ways that both align with tradition and prove meaningful.