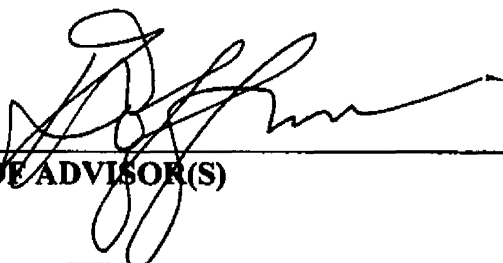


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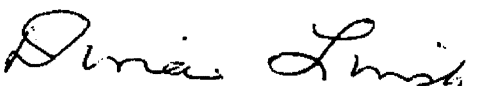
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From Din and Rachamim to Zikaron: An Historical and Theological Analysis of the
Liturgy of the Funeral Service
Annette Ruth Koch

Summary

This thesis analyzes the evolution of the theology of the texts of the traditional funeral service and explores the rejection by the contemporary, progressive movements in Judaism, and of Reform, in particular. The thesis discovers a shift from a theology of judgment and reward and punishment, with its concomitant need to plea for mercy from the judge, to a theology of personal memory.

The goals of the thesis were to 1) gain a deeper understanding of an important Jewish lifecycle ritual by (i) exploring its origins and historical development, (ii) analyzing the funeral traditions that have evolved in the four streams of Judaism through a comparison of the texts in their respective Rabbi's Manuals; and (iii) uncovering the theological underpinnings of the traditional and contemporary funeral liturgies.

The thesis is divided into three chapters. The first provides a general overview of the funeral liturgy, and a discussion of funeral rituals. It also introduces the hypothesis that the theology underlying the rituals of the Jewish funeral have shifted from one of judgment to one of personal memory. Chapter 2 traces the history of each item in the funeral liturgy through Jewish sources, from the tannaitic era to the codes and beyond. Chapter 3 returns to my thesis, demonstrating the theological shift that was outlined in Chapter 1,

**FROM DIN AND RACHAMIM TO ZIKARON: AN
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Thesis Submitted in Partial Fulfillment of Requirements for
Ordination

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Chapter One: From *Din* and *Rachamim* to *Zikaron*

The mourners had gathered awkwardly around the pit that gaped at them from the earth. Though neatly cut, its edges even and straight, it seemed to yawn at them from below the coffin that perched above it, as if floating on the ropes which would lower it into the ground. At the chapel, had been recited, lovely readings had floated through the air, and words had been brushed on the canvas of our hearts, painting a picture of the face, the voice, the touch, that we were terrified we had already begun to forget. Clinging almost desperately to the memory, we struggled to hear the words.

As the rabbi's voice intoned the words of the that no one knew but everyone recognized, the coffin seemed to drift down to its final destination. More words were spoken, incantations chanted to protect us from the boundary between the pit and our own lives; a pit which seemed like it could give way and swallow us up with the coffin if we came too close. We closed our ranks and recited the *Kaddish*, the memorial prayer, the prayer we would utter every year on the anniversary of the earthquake that had rocked our world. One more sacred obligation had to be fulfilled. Shovels were grasped, turned backwards, and earth reluctantly, angrily, lovingly pushed onto the grave, landing with a hollow thud that echoed in our hearts and our entrails. Tears mixed with the dirt as the final act of love was performed for what we had lost and would never get back again. Having completed as much as we could of the task of returning to its source that which we were forced to face had never really been ours to keep we began the process of remembering the dead.

The script of this sacred drama still resonates for us. Even among the most secular, there are many for whom the funeral must be "Jewish." It resounds with words

we believe are ancient, in a rhythm choreographed by our history as a people, surviving through time, almost outside of time. A funeral is, in fact, a sacred drama. A drama with a script, with players, and with its own choreography, which, in order to be effective, must accomplish certain tasks, some private, some social or communal. The categories of the "players" include, first, the deceased, the *met* in Hebrew, whose demise causes a rupture in the lives of the mourners; and the community who comes to mourn, pay respects, and to listen. The community will be forced this day to confront their lives in a way that can shake us to our roots.

Along with the deceased, other members of the cast of this sacred drama are the mourners, when there are any. As in Shakespeare's dramas, there is a "crowd" too – the community, often represented by members of the synagogue, workplace, or other social and professional activities in which the deceased or the mourners have been a part. Finally, we have the officiants, usually, rabbis, cantors, or members of the *Hevra Kadisha*; someone who is seen by the community as having the authority to perform the ritual and direct the drama because of greater knowledge of how "it's supposed to be done."

Like other rites of passage, this sacred drama performs many tasks in our lives and in the lives of the community in which we live.¹ Among these tasks the funeral must, in the first instance, help us find a way to dispose of the *met* in a way that comports with the core values of the community, and with our understanding of who and what we are in the world. Henry Abramovitch identifies several other important "tasks" of the funeral.

¹See Abramovitch, Henry, "The Jerusalem Funeral as a Microcosm of the 'Mismeeting' Between Religious and Secular Israelis," in Sobel, Zvi, and Heit-Hallahmi, eds., *Tradition, Innovation, Conflict*, State University of New York Press (Albany:1991), pp.71-99, at pp. 73ff.

One such role is to initiate the mourning process. Another is to provide social support to the mourners, but also, to provide "a renewed sense of togetherness and social solidarity, at the very moment when the continuity and permanence of the social group is threatened by the loss of one of its members."² The third task which Abramovitch describes is ushering the soul of the dead into the afterlife.³ All of the tasks of the funeral are interrelated, and depend on one another to be completed successfully.

Abramovich cites Clifford Geertz as a source for his views:⁴ :

The main formal task of funerals, however, is not with the living, but with the dead. It is concerned with the parallel obligation of appropriate disposal of the corpse while ushering the soul of the dead into the culturally conceived afterlife. This transition is often fraught with dangers and is in part dependent upon the behavior of the mourners. The successful navigation of this transition, however, reenacts a symbolic victory over the reality of death through reference to what Geertz has called a "religious perspective." Although the funeral usually only starts ushering the soul into another realm, it does provide a collective sense that, even in death, there is potential for continuity and even the regeneration of life.⁵

This sacred drama has both public and private meanings which are psychological, sociological and theological. When a funeral is successful as a sacred drama, it permits

²Abramovitch, p. 74. This "task" is part of the task of burial, mentioned above.

³Abramovitch, p. 74.

⁴Abramovitch p. 74.

⁵Abramovitch, p. 74..

the mourners to begin the journey back to life. This is the psychological element. Comfort and support are given to the mourners so that they can begin, and ultimately resolve, the grieving process. Having accepted the loss and healed from its wound they will be able to come to terms with their grief and return to their own lives. How well the funeral does this may indicate how closely the funeral expresses, articulates or embodies the core social and religious values of the community of the mourner.⁶

The third role, escorting the soul of the dead to the afterlife, is especially crucial because it represents a "symbolic victory over death"; for how well the liturgy, a choreography that includes more than just the words of the prayers uttered by the participants, accomplishes this goal, will have a direct impact on the ability of the mourner and the community to accomplish their other tasks of returning to life and assuring the continuity of the community itself. To the extent that the beliefs and values embodied by the liturgy and choreography of the funeral contradict those of the mourners, the ceremony may seem hollow and meaningless and may even impede the ability of the mourner to grieve adequately.⁷

The Jewish rituals of death and burial consist of two elements organized into their by time: *aninut*, begins with the moment of the death; *avelut*, or mourning, commences when the deceased is buried.⁸ But mourning has its own components. It consists of the first seven days, called, *shivah*, which is part of the first thirty days, called *sheloshim*, and the balance of the first year (in traditional Jewish law, just eleven months), which

⁶In his chapter entitled "Lifecycle is Theology" in Bradshaw, Paul F. and Hoffman, Lawrence A., *Life Cycles in Jewish and Christian Worship*, Univ. of Notre Dame Press (Notre Dame: 1993), Hoffman raises an interesting question with regard to the appropriate balance of social values and religious values, see p. 293.

⁷See generally, *Abramovitch*.

⁸Hoffman, *Rites*, p. 217.

terminates with the *yahrtzeit*, or anniversary of the death. The *onen*, from the root 'n.n., for "lament," describes those who will be obligated to mourn for the deceased, the *avelim*. But *avelut* (true mourning) cannot begin until they have discharged certain obligations to the deceased: the preparation of the body, the *met*, for burial, called *taharah*, and burial itself. Burial is the act which frees the *onen*, now an *avel*, to tend to his or her own needs for grief and for healing.⁹ This distinction between *aninut* and *avelut* expresses two fundamental theological principles: *k'vod hamet* and *nichum avelim*.¹⁰ *K'vod hamet*, "honoring the dead," reflects the belief that the dead are still "sentient" – they still hear and feel.¹¹

The funeral itself is the culmination of the obligation of the living toward the dead. The liturgy of the funeral service as it has evolved, and continues to evolve, actually bridges this moment for the mourner: first, it brings us to the cemetery, ushering us into a world we generally fear or (at the very least) are very uncomfortable about. Second, it provides the choreography for actually getting the body of the deceased out of our care and into the ground. And third, it escorts us out of this fearsome and painful place, back to the world of the living where the mourners can tend to their loss and their grief, and begin the healing process.¹²

The liturgy of the Jewish funeral service, as Lawrence A. Hoffman points out,¹³ is a "loose amalgam of psalms and readings, none of it absolutely mandatory," popularly

⁹Klein, Isaac, *A Guide to Jewish Religious Practice*, The Jewish Theological Seminary of America (New York: 1979, 1992), p. 270, citing B. San. 46b, 47a.

¹⁰Langer, *Jewish Funerals*.

¹¹See below, pp. 19 ff.

¹²Washofsky, Mark, *Jewish Living: A Guide to Contemporary Reform Practice*, UAHC Press, (New York: 2001), at p. 185ff.

¹³Bradshaw, Paul F. and Hoffman, Lawrence A., *Life Cycles in Jewish and Christian Worship*, Univ. of Notre Dame Press (Notre Dame: 1993)

associated with death. These include the *Kaddish* and *El Malei Rachamim*, and in more traditional circles, a pastiche of biblical verses beginning with Deuteronomy 32:4, "The Rock, His work is perfect. . . ."¹⁴ The texts of our other liturgical components became fixed over time, especially with the development of printing, but the liturgy of the funeral service continued, as Nachmanides and the Tur after him put it, to remain essentially a matter of local custom.¹⁵ The dead are buried and accompanied to their final resting place with honor and respect. The mourners rend their garments as their hearts are rent, in the company of the community, while they do the work of passing through their grief – literally through the "valley of the shadow of death" (Ps. 23), to begin the return to the world of the living.

Two principles are fundamental to the funeral service: the first is *halvayat hamet*, a derivative from *k'vod hamet*; the second is *nichum avelim*.¹⁶ They both are derived from rabbinic theology, which includes the belief in reward and punishment; and life after death.¹⁷ This theology of reward and punishment, sometimes in this life but most especially in the life to come, was the means by which the Rabbis achieved "symbolic victory over death." Implicit within this system is the belief in the immortality of the soul and a belief in an afterlife, in the *olam haba*. It assured the living of a promise of continuity for the soul of their dead, as for their own soul some day, and connects the living and the dead in one community that will continue to exist, not only in the linear

¹⁴Hoffman, *Rites of Death and Mourning*, p. 232

¹⁵See Chapter 2.3.

¹⁶Langer, Ruth, "Jewish Funerals: A Ritual Description," http://www2.bc.edu/~langerr/Publications/jewish_funerals.htm, downloaded 8-16-05, p. 1.

¹⁷Rottenberg, Ephraim, "Reward and Punishment," in Cohen, Arthur A., and Mendes-Flohr, Paul, eds., *Contemporary Jewish Religious Thought: Original Essays on Critical Concepts, Movements, and Beliefs*, Macmillan Publishers (London: 1988), pp. 827-832, at p. 824.

future of history but also, eventually, in the promise of the end of time in the world to come.

In this system, death is punishment for sin, for scripture teaches, "There is no one so righteous that he has not sinned" (Eccl. 7:20). The central theological principal of the Jewish funeral, *din*, or judgment, reflects the belief that at the moment of death we are judged to determine whether we can enter *olam haba*. According to this belief, "God is the judge before whom humans appear for sentencing. If guilty of sin we are punished; if not, we are held meritorious, acquitted and rewarded."¹⁸ It also assumes that the world of the living and the world of the dead remain in communication with one another, and that the acts of the living have a direct impact on the world of the dead.¹⁹ We can plead for mercy on their behalf as they face judgment, we can even intercede directly in helping to redeem their souls from suffering. In turn, we can benefit from their intercession with the powers on high on our own behalf.²⁰ The funeral service is even known as *Tzidduk HaDin*, the "justification," or acceptance, "of the divine decree."

The funerals of the Geonic period differ from what is described in the Mishna, and draw on further elaboration from the Gemara. But thereafter, very little changes in the reported liturgy of the funeral service until we reach the late Middle Ages. Sylvie Anne Goldberg argues in *Crossing the Jabbok* that these changes reflect the influence of

¹⁸Hoffman, Lawrence. A, "Does God Remember," in Signer, Michael, ed., *Memory and History in Christianity and Judaism*, Univ. of Notre Dame Press (Notre Dame Press: 2001), pp. 41-72, at p. 48.

¹⁹See, e.g. Kraemer, David, *The Meanings of Death in Rabbinic Judaism*, Routledge (London: 2000), pp 108-111.

²⁰Kraemer, at pp. 75, 106-111.

Lurianic Kabbalah on Jewish ideas generally, and especially, on Jewish ideas of death.

Kabbalah changed the funeral liturgy significantly.²¹

In the 17th century, in the wake of the Chmielnicki massacres, a new prayer, a plea, really, was composed and became a cornerstone of the funeral service.²² Borrowing imagery from the Lurianic Kabbalists, it expressed the anguish felt by the Jewish community because of the renewed assaults on its existence. What distinguishes the *El Malei* is not its plea for mercy, but the insertion within it of the name of the individual who is being mourned. *Tzidduk haDin*, recited at the moment of internment, affirms our communal and individual acquiescence to the will of God and acknowledges the order of the universe which depends on God's providence. By contrast, the text of *El Malei* that we find in contemporary manuals and prayerbooks is a plea for mercy for the individual *met*; for the fate of that individual's soul.²³

The element of mercy, of *rachamim*, is central to Jewish tradition, so it is no surprise to find it both in Jewish worship generally and in the funeral service specifically. Mercy seems to me to be a necessary concomitant to a theology in which God is a judge and death is both a form of punishment and the path which brings us to judgment before the throne of the Most High. In fact, already in the prayerbook composed by Rav Amram

²¹Goldberg, Sylvie Anne, *Crossing the Jabbok: Illness and Death in Ashkenazi Judaism in Sixteenth through Nineteenth-Century Prague*, trans. Carol Cosman; University of Cal. Press (1989, 1996, Berkeley), pp. 86, 107-108.

²²Interestingly, although *Goldin* includes *El Malei*, as does *Hertz*, though in a different version, *Baer* omits from his version of *Tzidduk hadin*. Insofar as *Birnbaum* excludes it as well, perhaps this may be attributed to the difference between the abbreviated version of a life cycle event included in a prayerbook and the fuller version that can be provided in a manual. *Baer* includes a similar type of memorial prayer in his life cycle manual, *Totzot Hayim*, Rödelheim: J. Lehrberger, 1882.

²³A copy of the source text for *El Malei* lists the names of the individuals being memorialized, it lists the towns they were from.

Gaon in the 9th century,²⁴ an alternative version of the prayer which embodies this theology of *din*, or judgment, and which gave its name to the funeral service itself, *Tzidduk haDin*, contains a beautiful section which is a plea for mercy upon the deceased. In recognition of our inevitable judgment, and our inescapable powerlessness, we must ultimately throw ourselves on the mercy of the court.

With the insertion of the name of the deceased into *El Malei Rachamim*, perhaps we see the beginning of a shift from a theology of judgment which is inevitably coupled with a plea for *rachamim*, for mercy, to a theology of *zikaron*, of memory. This theology of memory may have had its earliest roots in the *memorbucher* put together after the Crusades, when entire communities were annihilated, and the need arose to memorialize those who had been lost.²⁵ Behind the change was an increase in urbanization during the high Middle Ages and the Renaissance, with the result that society became less corporate and more individual; attention was now paid to the importance of the individual. Today we see this same impulse reflected by inscriptions on the walls of every synagogue and temple; memorial boards large and small, with the names inscribed as a lasting recollection of the lives that have passed, but not been forgotten.

The general format of contemporary Jewish funeral and mourning rituals as we know them today is loosely based on our earliest forms: the *hesped* (the eulogy), *keriah* (the rending of our clothes), standing in rows, *shivah*, *shloshim* – these all go back to late antiquity. Our earliest tradition also gives us the categories we use to think

²⁴ Amram ben Shesna, *Seder Rav Amram Gaon*, Goldschmidt, Shlomo, ed., Mosad Ha Rav Kook (Jerusalem: 1971), pp. 186-188, at p. 186, par. 156.

²⁵ See *Goldberg*, at pp. 36-38.

about²⁶ death and mourning in order to initiate mourning and obtain community support and continuity. Although most Jews don't know the names for their status as *onen* or *avel*, or the names of the basic Jewish principles of the funeral, they understand the requirements of *halvayat hamet* and *k'vod hamet*: a speedy funeral, an honorable eulogy, and the duties of sitting *shivah*.

Beyond our classical texts, we have contemporary funeral liturgies in prayerbooks and Rabbis' Manuals. What we see in these models when we compare them to the traditional model in Hyman Goldin, as well as to one another, reflects the changes in our own Jewish world's understanding of itself, and of what it means to achieve a "symbolic victory over death." The theological focus of the funeral, the texts that express it, and the choreography of the funeral service have had to evolve with our thinking..

In Hoffman's analysis, we have shifted away from *din* as the central theological focus of the funeral and moved instead to a psychological concern with the needs of the mourner -- which is to say we have adopted a theology of comfort.²⁷ This implies that we less and less attend to the task of escorting the dead to an afterlife, meaning that our contemporary funeral liturgy does not accomplish the third of Abramovitch's goals.

Comforting the mourner, *nichum avelim*, has always been a part of the traditional mourning ritual. The funeral service itself is the *limen*, the threshold, over which the mourner steps as he passes from his status as an *onen* to that of an *avel*, when he walks between the rows of those who offer him comfort from the Source of Mercy.²⁸ Hoffman

²⁶ Goldin, Hyman E., *HaMadrikh: The Rabbi's Guide, A Manual of Jewish Religious Rituals, Ceremonials and Customs*, rev. ed, (publisher unknown) (New York: 1939)

²⁷ Hoffman, *Rites*, p. 221.

²⁸ Maimonides, *M.T. Hilchot Avel*, 13:2: "The mourners stand at the left side of the comforters and the comforters pass by the mourners one by one and tell them: "May you

argues that traditionally, the reason the community offers comfort to the mourners is to enable them to properly honor the dead. Such comfort is theological, not psychological or pastoral, and we should not confuse the two.

Today, by contrast, we offer comfort to the mourner for the mourner's sake, in order to "confront the reality of death and 'channel emotions into a productive expression of grief.'" ²⁹ But even if our reason for comforting the mourner has changed, the funeral still has a theological focus. We still achieve, in Geertz's words, "a religious perspective."

Most Jews no longer believe in the world to come, death as punishment for our sins, and the Talmudic notion that we die on account of our own sins. ³⁰ Rather, some of us accept that we just don't know what actually happens to us after we die. We question the very idea of an "immortal soul" and whether there is such a thing as eternity. Many of us may ignore these questions, or agree to leave them unresolved. In any event, rather than rely on the assurance that the deceased will live on in *olam haba*, we have taken responsibility for remembering them here. The central prayer of the funeral service is now *El Malei Rachamim*. The climactic moment occurs when the officiant names the deceased. Furthermore, we have created memorial services, and a Yizkor service, which have been adopted throughout the Jewish world. We utter the names of the deceased, we hang plaques on our walls, and we light Yahrzeit candles every year. "So long as we

be comforted from heaven – *l'nukhamu min ha'shamayim*." Maimonides, *Mishneh Torah, Sefer Shoftim, Hilchot Evel*, pp. 394-495; Hebrew Text with translation, commentaries and notes by Rabbi Eliyahu Touger; Moznaim Publishing Corporation, NY & Jerusalem, 2001, at pp. 478-479.

²⁹ Washofsky, Mark, *Jewish Living: A Guide to Contemporary Reform Practice*, UAHC Press, (New York: 2001), pp.184-204, at p. 185.

³⁰ Shabbat 55a.

live" our prayer book says, "they too shall live."³¹ We create the eternal life of the deceased whenever we utter a name in loving remembrance. It is through memory that we perpetuate the lives of the dead, and create an afterlife for them.

³¹Stern, Chaim, ed., *Gates of Repentance: The New Union Prayerbook for the Days of Awe*, Central Conference of American Rabbis (New York: 1978, 1996), p. 491.

Chapter Two: The Text of the Funeral Service

Mark Washofsky tells us that the entire burial service is known by the name of the prayer that was traditionally the focal point of the service itself, *Tzidduk haDin*, or *Ha Tzur Tamim Po'olo*.³² This thesis analyzes the funeral service as it appears in the traditional version of a contemporary rabbi's manual, *HaMadrikh*,³³ considers only that portion of the funeral which is conducted at the cemetery, and omits an analysis of the suggestions for chapel services included in the rabbis' manuals of the four streams of contemporary Judaism. The differences between the traditional version of the service in *HaMadrikh* and those used by the other streams of Judaism will be discussed in Chapter 3. An overview of these differences is summarized in Appendix IV.

The Goldin Model: A Service of Justice and Comfort³⁴

Written (or revised) at about the same time as *Siddur Avodat Yisrael*,³⁵ and intended for officiants rather than as an annotated edition of a service, Goldin's *HaMadrikh* includes texts, readings and choreography that Baer's standard *Siddur Avodat Yisrael* omits. The *Siddur Avodat Yisrael* model lacks *El Malei Rachamim*, and any reference to recitation of Psalms at the cemetery or graveside. Goldin, on the other hand, includes customs such as standing in rows, hand washing, and the reading of Psalms, as well as a service that is intended to take place in a funeral chapel.

Baer does not mention the eulogy – the *hesped* – because, we can assume, this essential part of the funeral took place outside the cemetery gates, either on the way to the cemetery, or as one entered. In any event, the traditional *hesped* is not a text, but

³²Washofsky, p. 191.

³³See gen. *Goldin*.

³⁴The texts are provided at the end as Appendix I to this thesis.

³⁵Baer, Seligman, *Siddur Avodat Yisrael*, Shoken (Berlin: 1936/1937), pp.586-588.

rather is a topical category, which refers to what people will say at some point in the service about the specific deceased.³⁶ This thesis will not consider the eulogy and its historical development.

The Goldin (*HaMadrikh*) model contains the following elements:

1. *Asher Yatzar Etkhem Ba Din*
2. *Gevurot*
3. *Tzidduk haDin (Ha Tzur Tamim Po'olo)*
4. *El Malei Rakhamim*
5. Psalm 99 or Psalm 16
6. *Kaddish Itkhadata*
7. *Nichum Avelim*: standing in rows
8. Plucking grass, with Psalm 103:14 and Psalm 72:16
9. Hand washing with Isaiah 25:8
10. Psalm 90:17 and Psalm 91 (*Yeshev B'seter Elyion*)

These elements can be divided among the two rubrics of *mitzvot* that characterize the traditional understanding of the Jewish funeral: *halvayat hamet*, accompanying the dead, and *nichum avelim*.³⁷ Items one through six in *Goldin* are all part of the tasks related to disposing of the body and of ushering the soul into the afterlife. Item seven can be characterized as *nichum avelim*, which is the obligation of support and care that is owed by the community to the mourner. Other aspects of *nichum avelim* including the blessings uttered at the home of the *avel* during *shivah*, are outside the scope of this paper.

³⁶Hoffman, *Rites of Death and Mourning*, at p. 228 where Hoffman makes the distinction between structural categories of liturgy and topical categories.

³⁷Langer, *Jewish Funerals: A Ritual Description*.

Items eight, nine and ten are for the third constituency at the funeral, the members of the community who are there for the honor of both the dead and the mourners. These customs and ritual practices, we will see later, provide the participants with a way to make the transition back to their own lives as they turn away from the ultimate liminal space, the graveyard. They, too, have confronted death, and must find a way to return to their own lives.

A chronological overview of the development of the funeral liturgy is attached as Appendix II in the form of a chart.

I. The Elements of the Funeral Service in the Order of *HaMadrikh*

1. *Asher Yatzar Etkhem Ba Din*.³⁸

ברוך אתה יי אלהינו מלך העולם, אשר יצר אתכם
בדין, וזן וכלכל אתכם בדין, והמית אתכם בדין, ויודע
מספר פלגם בדין, ועתיד להחיותם בדין.
ברוך אתה יי מחיה המתים.

Blessed are you, *Adonai* our God, King of the Universe, who formed you in judgment, and fed you and sustained you in judgment, and who killed you in judgment and who will know the number of all of you in judgment, and who will, in the future, return you and bring you to life in judgment. Blessed are you, *Adonai*, who brings the dead to life. (my trans.)

Both Baer and Goldin direct that the words of this blessing should be uttered upon arrival at the cemetery by anyone who has not seen graves in thirty days. This blessing is first found in B'rakhot 58b in a *baraita*. It occurs as one of a series of blessings to be said at different occasions.

תנו רבנן: הרואה קברי ישראל אומר:

³⁸ This prayer is not to be confused with the *Asher Yatzar* which we find in the morning prayers of the Reform Movement, or which is traditionally said after using the bathroom. Each prayer acknowledges a very different aspect of the life we receive from our Creator.

ברוך אשר יצר אתכם בדין וזן אתכם בדין,
וכלכל אתכם בדין, ואסף אתכם בדין, ועתיד להקימכם בדין.

מר בריה דרבינא מסיים בה משמיה דרב נחמן: ויודע מספר
כולכם, והוא עתיד להחיותכם ולקיים אתכם ברוך מחיה המתים.

Our Rabbis taught: On seeing Israelite graves, one should say: Blessed is He who fashioned you in judgment, who fed you in judgment and maintained you in judgment, and in judgment gathered you in, and who will one day raise you up again in judgment. Mar, the son of Rabina, concluded thus in the name of R. Nahman: And who knows the number of all of you; and He will one day revive you and establish you. Blessed is He who revives the dead.³⁹

The *Gemara* adds a *chatimah* by Mar son of Rabina, "*barukh m'chayeh hametim*"

which emphasizes resurrection as the focus of the blessing. It tells us that our lives are given to us and sustained and taken from us at the sole discretion of the "Judge," but as Abudraham discusses in his section on *B'rakhot Hara'yah, ha Shevakh v'ha Hoda'ot, Sha'ar 8*, God's judgment to create us means that we were created and sustained by God, from whom nothing about us is hidden, having created us and numbered our days. However, by adding Mar's *chatimah*, the *Gemara* asserts that this description of our relationship with God is incomplete. The promise of resurrection is an essential aspect of our relationship with God. Having numbered our days and decreed our deaths, it was a central doctrine of rabbinical Judaism that God would also resurrect us to an eternal life in the world to come.⁴⁰

³⁹The Soncino Talmud (1973 Judaica Press, Inc. and 1990 Soncino Press, Ltd.) is a product of Judaica Press, Inc. Brooklyn, NY, cd rom ed.

⁴⁰Cohen, Arthur A., "Resurrection of the Dead", in Cohen, Arthur A., and Mendes-Flohr, Paul, eds., *Contemporary Jewish Religious Thought: Original Essays on Critical Concepts, Movements, and Beliefs*, Macmillan Publishers (London: 1988), pp. 805-813, at p.805.

Abudraham goes on to say that nothing will be hidden from God after our death, and that God will resurrect us to the world to come, if we so merit it. He refers us to his discussion of the *Gevurot* for the *chatimah*, *barukh atah Adonai m'chayeh hametim* where he states that there are three occasions for using this *chatimah*. All three are examples of God's power to revive. We use it, he says, with reference to waking from sleep, for the revival of the land when the rains fall in their season, but especially, about the resurrection of the dead in the world to come.⁴¹

Although the text we have today is not identical to the version in the *baraita*, we can see similarities., Baer points out in his footnotes that there are a great many versions of this blessing, and there is no agreement on a specific text.⁴² It appears in the Rif, the Smag, and in Maimonides in MT Hil. Berachot, 10:10. Baer also cites the Rokeach, Kolbo and Abudraham. I have also found a version in *Seder Rav Amram* which is almost identical to the one in *HaMadrikh*.⁴³ This is the version found in Goldin and in *The Authorized Daily Prayer Book*,⁴⁴ and which the Gemara attributes to Mar son of Rabina,

Although Baer states that there does not seem to be agreement on the text, he does not indicate the source for the version he uses. Baer also tells us that the second part of the version which he uses (*v'yadu'ah mispar kulkhem, etc*) is based on *Pirkei Avot* 4:22:

Mishnah 22. He used to say: the born [are destined] to die, the dead to be brought to life, and the living to be judged; [it is, therefore, for them] to know and to make known, so that it become known, that he is god, he the fashioner, he the creator, he the

⁴¹ Abudraham, מהדורת ורטהימר, ירושלים תשי"ט, my translation.

⁴² Baer, p. 586.

⁴³ See Appendix I for the text of Rav Amram's version.

⁴⁴ Hertz, 1922, cd rom edition, section on Life Cycle.

discerner, he the judge, he the witness, he the complainant, and that he is of a certainty to judge, blessed be he, before whom there is no unrighteousness, nor forgetting, nor respect of persons, nor taking of bribes, for all is his. And know that all is according to the reckoning and let not thy [evil] inclination assure thee that the grave is a place of refuge for thee; for without thy will wast thou fashioned, without thy will wast thou born, without thy will livest thou, without thy will wilt thou die, and without thy will art thou of a certainty to give an account and reckoning before the king of the kings of kings, blessed be he.⁴⁵

The blessing is picked up in our codes and becomes a required blessing upon entering a cemetery.⁴⁶ It is a part of our funeral service because it is *halakhically* required of every individual who has not seen Jewish graves in more than 30 days. Some commentators make a small but significant distinction in the instructions they give for when to recite the blessing. Most follow the Talmud, which says “one who ‘sees’ Israelite graves says.” Baer tells us that both Rav Amram and the Kolbo, however say “one who passes,” *ha over*,. And the Kolbo distinguishes between one who sees the graves, and one who passes among them by offering different texts for each.⁴⁷ One who passes among the graves is told to recite the benediction I have been discussing, while one who sees, *ro'eh*, such graves, is told to recite a line from Isaiah 26:19: “Oh, let Your dead revive! Let corpses arise! Awake and shout for joy, You who dwell in the dust! – For Your dew is

⁴⁵ Pirkei Avot 4:22, *Soncino translation*, cd rom edition.

⁴⁶ See *Tur Orech Chayim* 224:11 and *Shulkhan Aruch, Orech Chayim*, 224:12.

⁴⁷ *Kol bo*, Bar Ilan Responsa, ver 11, text library, ed. ירושלים תשנ"ז.

like the dew on fresh growth; You make the land of the shades come to life."⁴⁸ This difference is determined by how close we have gotten to the dead. The closer we get, the more direct and personal our contact, and thus a different text. In both cases, however, the response is about God's power and the hope of resurrection.

Asher Yatzar Etkhem plays a crucial role in the sacred drama that is the funeral. As we approach the cemetery and enter its precincts, our tradition gives us words with which to acknowledge that we have entered another realm – a place that is unfamiliar and with which we feel uncomfortable. The requirement that we *pray Asher Yatzar Etkhem* if we haven't been in a cemetery for at least thirty days acknowledges that we may not come in contact with the dead very often. And the world of the dead is qualitatively different from that of the living. *Asher Yatzar Etkhem* provides us with a ritual for stepping over the threshold from the world of the living to the world of the dead, a world which, we will see later, can be frightening, or even terrifying.

Asher Yatzar Etkhem expresses some of the theological principles upon which the foundation of the burial service is laid. One principle is that our lives and our deaths completely depend on God's mercy and God's justice, and at some time in the future, God will resurrect us.⁴⁹

Another principle is that the dead, although qualitatively different from us, are still sentient and we can still communicate with them. Though not explicitly expressed, this is apparent because the blessing addresses both God, using *Barukh Atah*, and the dead in their graves, saying *asher yatzar etchem, you*, in the plural. The only "you" that

⁴⁸Stein, David. E. S., managing ed., *JPS Hebrew-English Tanakh*, 2d ed., Jewish Publication Society (Philadelphia: 1999), p. 902.

⁴⁹Other principles will be discussed below, including, that God has mercy and compassion for the mourner, and that death is punishment for our sins.

could be there are the dead themselves. Hoffman points out that “[u]nlike us, the Rabbis did not begin with the idea of a self “who disappears at the moment of death. They held instead that despite the body’s demise, the essential person housed in the body still enjoyed some beyond-the-grave existence.”⁵⁰ Hoffman maintains that rabbinic funeral liturgy can be explained not by seeing it as a way to comfort mourners, but rather as “a reflection of its authors’ conviction that the body alone perishes, while the ‘person’ (who remains alive after death) will, upon resurrection, be reunited with the body.”⁵¹ It is to the part of the person that “remains alive” after death that *Asher Yatzar Etkhem* is addressed.

In *The Meanings of Death in Rabbinic Judaism*,⁵² David Kraemer demonstrates from a variety of Talmudic texts, including Sanhedrin 47a-b, Berakhot 17b-19b, and Shabbat 151a-153a, that “the deceased were believed to know and to feel.”⁵³ He writes that “[h]umans from antiquity to the Enlightenment believed that after death the person lives on in a different but real and conscious state.”⁵⁴ Our Rabbis concurred. Our texts tell us that the soul does not leave the body until the flesh has completely decomposed (which explains the second reburial rituals of *ossilegium* practiced in antiquity⁵⁵). Furthermore, in Shabbat 152a, the Talmud tells us that the soul is in need of comfort for his or her own death. Kraemer concludes that in Berakhot 17b-19b, we see that

⁵⁰Hoffman, *Rites of Death*, p. 215.

⁵¹Hoffman, *Rites of Death*, p. 219.

⁵²Kraemer, David, *The Meanings of Death in Rabbinic Judaism*, Routledge (London: 2000).

⁵³Kraemer, .p. 35. 105.

⁵⁴Kraemer., p. 116.

⁵⁵See, e.g. *Semachot*, ch. 12, Soncino ed., Meyers, Eric M, “The Theological Implications of an Ancient Burial Custom,” *Jewish Quarterly Review*, vol. 62, no. 2, pp. 95-119, at p. 108; see also Kraemer, p. 22, 115.

death is a conscious, sentient state, much as is life. Life and death are not, therefore, radical oppositions. They are instead points on a continuum or, perhaps, more accurately, steps along a single path. On the one end is the awake state of life, a condition distinguished by the highest degree of consciousness and feeling. Closer to death is sleep. When we cross the line to death, we still feel pain and we still know what goes on in our world – in this case, the world of the dead. And we may even know something of what transpires in the other, living world. Death is not oblivion. Death is not the end. Death is something like life, however altered.⁵⁶

The Talmud includes many stories about interactions between the living and the dead. Are these mere folktales, an expression of rabbinic theology, or both?⁵⁷ We can never know exactly what the Rabbis were thinking. Nevertheless, we see that the idea that the soul lives on, not only in some suspended state awaiting resurrection in the world to come, but in a sentient state during the here and now, has helped to shape the funeral liturgy that we inherited from our rabbinic past.

2. Gevurot

אתה גבור לעולם אדני, מחיה מתים אתה, רב להושיע.
מכלל חיים בחדר, מחיה מתים ברחמים רבים, סומך
נופלים, ורופא חולים, ומתיר אסורים, ומקים אמונתו לישיגי
עפר, מי כמותך בעל גבורות ומי דומה לך, מלך מלכות ומחיה
ומצמיח שועה ונאמן אתה להחיות מתים.

⁵⁶Kraemer, p. 111.

⁵⁷Kraemer, pp. 108-110.

The second paragraph appended to *Asher Yatzar Etkhem* in both *HaMadrikh* and *Siddur Avodat Yisrael*, is not included in the funeral liturgy in any of the sources that I reviewed for this thesis; Baer has no comment regarding this paragraph. It is not found in the Tur's discussion of burial, or in the Shulkhan Aruch.⁵⁸ The addition of the *Gevurot*, therefore, must be relatively recent, but its presence is logical. It underscores the message of *Asher Yatzar Etkhem*. We saw Abudraham make the same connection between the *khatimah* of the *beracha* in the Talmud and in the *Gevurot* of the Amidah.⁵⁹

The *Gevurot* articulates our understanding of God's power. That power is manifested to us by God's ability to do the one thing which for us is most clearly beyond the possible: the ability to raise the dead, also known as "*t'khiyat hametim*."⁶⁰ In contrast to our experience of the finality of death and our powerlessness over it, the ability to resurrect the dead emphasizes God's extraordinary power as the sages of the Talmud conceived of God.

3. *Tzidduk haDin (Ha Tzur Tamim Po'olo)*

הצור תמים פָּעֵלוֹ, כִּי כָל דְּרָכָיו מִשְׁפָּט, אֵל אֱמוּנָה וְאֵין עָוֹל, צָדִיק וְיָשָׁר הוּא.
הצור תמים בָּכָל פֶּעַל, מִי יֹאמֶר לוֹ מָה תַּפְעֵל, הַשְׁלִיט בַּמָּטָה וּבַמַּעַל, מִמִּית
וּמִחַיָּה, מוֹדִיד שְׂאוֹל וְיַעַל.
הצור תמים בָּכָל מַעֲשֵׂה, מִי יֹאמֶר אֵלָיו מָה תַּעֲשֶׂה, הָאֹמֵר וְעוֹשֶׂה, חֶסֶד חַנּוּם
לָנוּ תַּעֲשֶׂה, וּבִזְכוּת הַנֶּעֱקָד כָּשָׂה, הַקְשִׁיבָה וְעֲשֶׂה.
צָדִיק בָּכָל דְּרָכָיו, הַצּוֹר תָּמִים, אֶרֶץ אֲפִים וּמֵלֶא רַחֲמִים, חֶמֶל נָא וְחוּס נָא עַל
אֲבוֹת וּבָנִים, כִּי לָךְ אֲדוֹן הַסְּלִיחוֹת וְהַרְחָמִים.
צָדִיק אַתָּה יְיָ לְרַחֲמִית וּלְהַחְיִית, אֲשֶׁר בִּידְךָ פְּקֻדוֹן כָּל רוּחוֹת, חֲלִילָה לָךְ זְכָרוֹנָנוּ
לְמַחֲוֹת, וַיְהִי נָא עֵינֶיךָ בְּרַחֲמִים עָלֵינוּ פְּקוּחוֹת, כִּי לָךְ אֲדוֹן הַרְחָמִים וְהַסְּלִיחוֹת.
אָדָם אִם בֶּן שָׁנָה יִהְיֶה, אוֹ אֶלֶף שָׁנִים יִחְיֶה, מָה יִתְרוֹן לוֹ, כִּלְאֵי הֵיךְ יִהְיֶה, בְּרוּךְ
הַיּוֹם הָאֵמֶת מִמִּית וּמִחַיָּה.
בְּרוּךְ הוּא, כִּי אֵמֶת דִּינוֹ, וּמִשְׁוֹטט הַכֹּל בְּעֵינָיו, וּמַשְׁלֵם לְאָדָם חֲשׁוֹנוֹ וְדִינוֹ.

⁵⁸See Appendix II.

⁵⁹See p. 16 above.

⁶⁰Elbogen, Ismar, *Jewish Liturgy: A Comprehensive History*, Jewish Publication Society (Philadelphia: 1993), p. 39.

והכל לשמו הודיה יתנו.
 ידענו יי כי צדק משפטיו. תצדק בדברך ותזכה בשפטך. ואין להרהר אחר
 מדת שפטך. צדיק אתה יי וישר משפטך.
 דין אמת. שופט צדק ואמת. ברוך דין האמת. שכל משפטיו צדק ואמת.
 נפש כל חי בידך. צדק מלאה ימינה ויכר. רחם על פליטת צאן ירך. ותאמר
 למלאך הרוך ירך.
 גדול העצה ורב העלילות. אשר עיניך פקוחות על כל דרכי בני אדם. לתת
 לאיש כדרכיו וכפרי מעלליו. להגיד כי ישר יי. צורי ולא עולתה בו.
 יי נתן. ויי לקח. יהי שם יי מברך. והוא רחום יכפר עון ולא ישחית. והרבה
 להשיב אפן. ולא יעיר כל חמתו.

Mark Washofsky tells us that traditionally this prayer was the centerpiece of the burial service. The funeral service is named after this prayer because, Washofsky writes, "the proclamation of God's righteousness is a major theme" of the funeral liturgy.⁶¹

Maurice Lamm states that "the *Tzidduk haDin*, or justification of the divine decree, "is a magnificent and moving prayer recited immediately before, or immediately after, the body is interred (depending on local Jewish usage) when the reality of the grave confronts the mourners."⁶² Our Rabbis' Manuals and our codes also tell us that it is recited either immediately before or after the coffin or body is actually lowered into the grave,⁶³ being a matter of local custom.⁶⁴

Citing Zunz, Israel Abrahams asserts that "although portions of it are already cited in the Talmud ... the form in our P.B. [*The Authorized Daily Prayer Book*] (p. 318) is in common use, dating from the Gaonic period. ... The rhymed verses are, however, later."⁶⁵ From Baer's notes, we learn that each of the fourteen verses comes from the

⁶¹ Washofsky, p. 186.

⁶² Lamm, p. 62.

⁶³ Lamm, p. 62. See also, *HaMadrikh*, p. 125, for after interment, citing the *Tur*, Y.D. 376; Baer, before interment, p. 586.

⁶⁴ See, e.g., *Tur*, *Shulkhan Orech*:376.

⁶⁵ Abrahams, Israel, *A Companion to the Authorized Daily Prayerbook*, "Hermon Press (New York: 1966), at p. 226, citing Zunz, *Literaturgeschichte*, p. 21.

fourteen verses comes from the *Tanakh*. Many verses are simply whole lines of text from *Tanakh* – specifically verses 1, 11, 12, 13 and 14. The other verses contain phrases that he has identified as deriving from scriptural sources.⁶⁶ See Appendix III for the sources in the *Tanakh* identified by Baer.

The first three verses appear in *Avodah Zarah* 18a, *Sifrei Deuteronomy* 32, and *Numbers Rabbah* 8, in the story of the martyrdom of Rabbi Hanina ben Teradyon, his wife and their daughter. Rabbi Hanina, a second century Tanna,⁶⁷ admits to teaching Torah and is sentenced to be burned by the Romans, his wife to be slain and his daughter to be sent to a brothel. Each then declared submission to the Divine Judgment, in Hebrew: צדקו עליהם את הדין,

As the three of them went out [from the tribunal] they declared their submission to [the Divine] righteous judgment. [Hanina] quoted: The Rock, His work is perfect; for all his ways are just.⁶⁸ His wife continued: A God of faithfulness and without iniquity, just and right is He;⁶⁹ and the daughter quoted: Great in counsel and mighty in work, whose eyes are open upon all the ways of the sons of men, to give everyone according to his ways, and according to the fruit of his doing.⁷⁰ Said Raba: How great were these righteous ones, in that the three Scriptural passages, expressing submission to Divine justice, readily occurred to

⁶⁶See Baer, pp. 586, 587 and Eisenstein, p.p. 345-346.

⁶⁷Steinzaltz, Adin, *The Talmud: The Steinzaltz Edition, A Reference Guide*, translated by Israel V. Berman, Random House (New York: 1989), at p.33.

⁶⁸Deuteronomy 32:4.

⁶⁹Deuteronomy 32:4.

⁷⁰Jeremiah 32:19, which is now verse 11 of the traditional benediction.

them just at the appropriate time for the declaration of such submission.⁷¹

In Hebrew, the last line of the story reads:

[כמה] גדולים צדיקים הללו, שנזרמנו להן שלש מקראות של צדוק הדין בשעת צדוק הדין.

“How great were these righteous ones that they were able to express three verses of scripture about submission to the righteousness of the judgment at the moment of their righteous judgment.”⁷²

The point of the story is that we must submit to the Divine judgment without questioning God, who is perfect. Furthermore, even in the face of what appears to be meaningless punishment, we will find an opportunity to fulfill our duty to praise God. A more subtle point the story makes is that it helps to be knowledgeable enough to have such verses of Torah on the tip of one's tongue.

The beliefs of the Rabbis allowed them to find meaning in the deaths of even the most righteous. The story of Rabbi Hanina and his family is interrupted with an aside which explains how they must have sinned to merit their judgments. Hanina, it is said, uttered the name of God in public, while practicing reading the Torah. His wife didn't stop him, assuming somehow that she must have been able to. His daughter overheard some important Romans remarking on the beauty of her walk and so she “took particular care of her step.” Even the greatest among us must sin and we merit whatever punishment is visited upon us.

⁷¹Avodah Zarah. 18a, Soncino Classics cd rom edition.

⁷²My translation.

Massekhet *Semachot*⁷³ mentions *Tzidduk haDin* in the context of one's behavior when in the presence of a person who is dying, but not in the context of the funeral, and I could not find a text. The blessing is not mentioned in *Siddur Saadya*, which includes only the additions to *Birkat haMazon* for a house of mourning. The earliest text for *Tzidduk haDin* that I encountered is in *Seder Rav Amram*, from the 9th century.

In the section entitled "Specific Blessings" in the Goldschmidt edition of *Seder Rav Amram*, we find the blessings to be said when passing among (using the word *over*) Israelite graves, as well as the words to say when passing among graves of the "people's of the world."⁷⁴ Goldschmidt indicates that the blessing, a version of *Tzidduk haDin*, is titled "*Tzidduk haDin al haMet*." A copy of the text with my translation is attached as Appendix IV.⁷⁵ A side-by-side comparison of the full text in Goldschmidt with the version in Baer shows some amazing similarities as well as some interesting differences. The first seven verses are almost identical. The versions converge after a section which is very different, with further differences at the end.

The thrust of Amram's version of the prayer is the same as the one in use today, namely, that all of God's deeds are perfect, and that what is required of us is acceptance. Yet, his version has a greater emphasis on God's mercy than does Baer's version, especially in the final verses, which are not in the *Baer* version. The *Baer* text ends with Psalm 78:38:

וְהוּא רַחוּם יְכַפֵּר עוֹן וְלֹא יִשְׁחִית, וְהִרְבָּה לְהַשִּׁיב אָפּוֹ, וְלֹא יַעִיר כָּל חַמְתּוֹ.

⁷³ Cohen, A., trans., "Semachot," *The Minor Tractates of the Talmud*, vol.2, Soncino Press (London: 1965)

⁷⁴ See also Berakhot 18a.

⁷⁵ There is a second version included in the Goldschmidt edition of *Seder Rav Amram*. It is much shorter than the first version, and the verses are not written out in their entirety. This paper will focus only on the longer, fully written-out version.

For he is merciful, forgiving trespass and He will not slaughter. He
frequently will withdraw His anger and will not arouse His wrath.

This line does not end the poem in Amram, but rather, begins a section that
asserts mercy, peace, rest and comfort for the dead. The deceased will be welcomed
before the Most High by messengers of the Merciful One in peace, to the gates of mercy,
compassion and peace:

הנה מקום, הנה מלון, הנה מנוחה, והנה נחלה.
אשרי כל אשר יאמר לו באסיפתו, שלום בואו.
מלאכי השלום הממונים על שערי שלום, הם יצאו לקראתו ויאמרו לו שלום בואו.
מלאכי הרחמים הממונים על שערי רחמים, הם יצאו לקראתו ויאמרו לו שלום בואו.
יבוא שלום ינוחו על משכבו, יבא שלום וינוחו במנוחתו.
יבא שלום וינוחו בבית עולמו.

Behold the place, behold the lodging, behold the comfort, behold the
portion,
Happy are they who can say to him as thye gather together, he comes in
peace.
Angels of peace, appointed to the gates of peace, will go out to him and
say to him he has entered in peace.
Angels of mercy appointed to the gates of mercy will go to him and say to
him he has arrived in peace.
May peace come that they may find rest on its resting place.
May peace come that they may find rest on its resting place.
May peace that they may find rest in the House of Eternity.⁷⁶

This beautiful text reminds us that although judgment and accountability are inevitable,
there is also the possibility of mercy and compassion.

In the Geonic material, we find a reference to *Tzidduk haDin* attributed to Rav
Hai Gaon, who was the Gaon of Pumbeditha from 999 to 1034. . He mentions the prayer
but says, "we do not know its words."⁷⁷ Rav Natronai Gaon⁷⁸ mentions *Tzidduk haDin* in

⁷⁶I chose to provide a very literal translation of these lines.

⁷⁷Lewin, *Mashqin*, p. 41.

response to a question regarding how old the deceased must be before we are required to say *Tzidduk haDin* and "*Yitgadal*." He answers that it is the custom to say "verses of *Tzidduk haDin*" – "*p'sukim shel Tzidduk haDin*,"⁷⁹ if a child is more than 30 days old. He does not refer to a text which is called *Tzidduk haDin*.

The *Machzor Vitry*, the work of Rabbi Simhah of Vitry during the 11th and 12th centuries, contains a section on the *Halakha* of the Mourner.⁸⁰ At the end of paragraph 276, Rabbi Simhah instructs that when the dead is being carried to the cemetery, we rest it in the plaza or courtyard in front of the cemetery. Standing around it, one person says "thusly," *Tzidduk haDin*, "and they respond after him" – perhaps, those standing around repeat after the one who is speaking. In paragraph 277, Rabbi Simhah lays out what may be a version of the text, but also looks like a list of examples of verses that begin with *hatzur tamim pa'alo*, or something similar with regard to God's judgment or God's goodness. Rabbi Simhah tells us that *Tzidduk haDin* is said when the eulogy is delivered, and the written version of the eulogy is then laid under the head of the deceased, to be buried with him.

I was unable to find any mention of *Tzidduk haDin* in Maimonides' *Mishneh Torah* – neither in the section on the laws of mourning nor the section on the laws of prayer. Nachmanides, however, has many references to *Tzidduk haDin* in his *Torat haAdam*, a 13th century work. Nevertheless, he does not include a specific text.⁸¹

⁷⁸Lewin, *Mashqin*, p. 41.

⁷⁹Lewin, *Mashqin*, p. 41.

⁸⁰Hurwitz, Rabbi Simon, ed., *Machzor Vitry*, J. Bulka (Nuremberg: xxx??), pp. 234-249, at p. 246.

⁸¹Chavel, Charles B., ed. *Kitvei Rabenu Moshe ben Nachman*, "Torat ha'Adam," Mosad Rav Kook (Jerusalem: 1963) pp. 9-311.

Nachmanides describes various customs, some which were still practiced in his day, and some which were not. These included withdrawing to an area away from the grave, and sitting and standing seven times after the actual interment. During this ritual, the Ramban tells us that those who were so gathered would first say "*baruch dayan ha-emet*" and then, "similarly, words of *Tzidduk haDin*, briefly."⁸² He remarks that because these customs were not mandatory, but only *reshut*, a great deal of variation existed from one community to another, and many had fallen out of use. However, he does specify that in his time, the *Kaddish* "*de hu-atid'likhdata*" is said, and sets out the text.⁸³

The Ramban also describes the discussion among the *Geonim* as to whether one says *Tzidduk haDin* during *khol hamoed*. He cites Rashi for the proposition that *Tzidduk haDin* is in the nature of praise of God, and is thus permitted on *khol hamoed*, as it is part of the *hesped*, which are words of praise, and not of the burial itself. Apparently, it was customary in many places to say *Tzidduk haDin* on the way to the cemetery, not just in the plaza or courtyard outside of the cemetery after the burial.⁸⁴

Tzidduk haDin is mentioned several times in the *Tur*,⁸⁵ both in *Orach Hayyim* and in *Yoreh Deah*. In *Tur Y.D.*, *siman* 376, the *Tur* quotes the *Rosh* stating that local custom determines which funeral rituals will be performed. He further quotes the *Rosh's* comment that "in his day, "*ha'edna*, upon leaving the cemetery, people rise to stand only once, , and form only one row, and they say *Kaddish*, and that in both *Ashkenaz* and in *Sepharad*, one says *Tzidduk haDin*, and one says *Kaddish*, and one comforts the mourner

⁸²*Torat ha-Adam*, p.153. My translation.

⁸³See the section below at p. xx on the *Kaddish*.

⁸⁴Ramban, *Torat ha Adam*, pp. 152-153.

⁸⁵A *Bar Ilan* search brought up 25 references to *Tzidduk h Din*, when spelled both *malei* and *chaser*.

and accompanies him to his home.” No text is given for which verses are recited, although in O.H. 292, the Tur does refer to the “three verses of your righteousness” in the context of prayers for *mincha* on Shabbat.

After citing the Rosh in O.H. 376, the Tur quotes extensively from the Ramban’s description of the customs from the time of the sages until the Ramban’s own day, without commenting on whether the customs had changed or continued to be practiced.

In the *Shulkhan Aruch*, *Tzidduk haDin* is mentioned at least 17 times in *Yoreh Deah*⁸⁶ but it is unclear whether the prayer is being said at the graveside. In Y.D. 376:4, Caro tells us that “now, it is the custom that after the grave is closed up with dirt (or after the mourner turns away from the dead) we remove shoes or sandals and move a little bit away from the cemetery and one says *Kaddish d’hu-atid l’khadata*, and after we have plucked dirt and grass and thrown them behind our backs, we wash our hands with water.”⁸⁷ There is no mention of the recital of *Tzidduk haDin*, which is usually coupled with the *Kaddish* in the Tur.

On the other hand, in Y.D. 401:6, as part of a discussion of which parts of the funeral liturgy are permissible on *yom tov* and *khol hamoed*, Caro says “one says, *al ha-met* – for or over the dead – *Tzidduk haDin* and *Kaddish*, as is their custom.” Isserles comments that there are those who do say *Tzidduk haDin* on *khol hamoed*, and those who do not. If the custom is not to say it when one does not say *tachanum*, then one would not say it at a burial. This implies that for Isserles, some form of *Tzidduk haDin* is being said regularly at funerals.

⁸⁶ A *Bar Ilan* search for *tzidduk hadin* yielded 17 references, spelled *khaser*.

⁸⁷ S.A. Y.D. 376:4; my translation—one word I couldn’t translate -- *givataam*.

My inability to find many texts for this benediction, beyond the one in *Seder Rav Amram*, and the example in *Machzor Vitry*, together with the several references to saying verses of *Tzidduk haDin*, leads me to agree with Ruth Langer that perhaps *Tzidduk haDin* was a rubric for verses from scripture, which began with the three from the story in Avodah Zarah 18a about Rabbi Hanina and his family. Langer says: "Geonic (post Talmudic early medieval) texts indicate that the prayer has taken its current form as a florilegium of biblical verses. This is a typical literary form for liturgies of this period. ... However, it is typical of Jewish liturgy of this period to assume that people could compose appropriate texts on their own as needed."⁸⁸

This is similar to Hoffman's hypothesis that the *sheva brachot* was once a category of blessings, and that it only became fixed much later. Perhaps *Tzidduk haDin* became a fixed prayer as written *siddurim* became more available. The development of printing made it possible for more people to acquire texts which became standardized. Thus, when Rav Natronai says we utter verses of *Tzidduk haDin*, he may have meant an impromptu and spontaneous utterance based on or beginning with the three verses from Avodah Zarah 18a, and continuing in accordance with the ability of the speaker, similar to the examples in *Machzor Vitry*. Rav Hai says something similar: "And there are those who say *Birkat Rekhava*, several verses of *Tzidduk haDin* and every one adds according to his wisdom and in Bavel there is no such custom as *Birkat Rekhava*."⁸⁹

The Ramban, in his discussion of what was done in earlier times by "*Rabboteinu*" describes the custom of reciting *Tzidduk haDin* only after the grave was covered over and

⁸⁸Langer at fn. 18, citing Kraemer at p. 136.

⁸⁹Lewin, *Ketubot* (1938), p. 33 at the bottom, par. 110; need to check punctuation of text with Larry because it reads as if there is a word missing..

the attendees had withdrawn some distance from it. It was then followed by a recitation of the *Kaddish*.⁹⁰ This order makes sense because *Tzidduk haDin* is composed almost entirely of verses and phrases from the Tanakh, and *Kaddish* ordinarily follows words of Torah.

Tzidduk haDin reiterates the theological themes we saw in *Asher Yatzar Etkhem*: God's power and control, as well as God's justice and mercy. It speaks of a just accounting, and rewards in accordance with one's deeds. *Tzidduk haDin* expresses our acceptance that life and death are solely in God's hands.⁹¹ It is also a plea for mercy and expresses a hope that God's wrath will be turned aside from those who are left behind. *Tzidduk haDin* acknowledges that we cannot understand why we die, and pleads with God to spare those who remain. It also asserts our trust in God, as well as our dependence on God.

Tzidduk haDin does not specifically mention resurrection of the dead – *l'khiyat ha metim* – perhaps because the texts come from the Tanakh, which does not really contain such a concept.⁹² It is possible, however, to see how its pleas for reward based on merit can be read to refer to resurrection and reward in the afterlife. During the Talmudic era, death was believed to be a form of punishment: the wicked die young, and, as Kraemer says "the exit of the soul is believed to be difficult, even tumultuous, and perhaps, painful. The composure of pre-death is displaced before the agonizing experience of death."⁹³ The accounting of the soul will consider the suffering caused by death itself.

⁹⁰Ramban, *Torat ha Adam*, p. 153.

⁹¹Kraemer, pp. 35, 40.

⁹²See, generally Gillman, Neil, *The Death of Death: Resurrection and Immortality in Jewish Thought*, Jewish Lights Publishing (Woodstock, Vt.: 2000)

⁹³Kraemer, p. 73.

Kraemer states, "[s]uffering is viewed as a means of effecting atonement and death, as the most extreme and final suffering, is thus thought a powerful (perhaps, the most powerful) force for realizing personal atonement."⁹⁴

4. *El Malei Rachamim*

Once the deceased has been laid in the grave and covered with earth, the *onen* has become an *avel*. The Mishna teaches that we now turn to comforting the mourners. A more recent tradition, however, postpones the moment when we turn away from the deceased until the Memorial Prayer, *El Malei Rachamim*, has been recited or sung. We must beseech God for mercy specifically for the loved one we have just laid to rest.

Goldin frames the actual burial of the body of the deceased between two texts. First, he has us recite the *Tzidduk haDin*, which as we have seen can be recited either before or after the actual interment,⁹⁵ and then he specifies that "the Rabbi or the Reader" recites the *El Malei Rachamim*.⁹⁶ Baer does not include *El Malei Rachamim* in his text for the *Tzidduk haDin* service. It does appear in Hertz's *Authorized Daily Prayer Book*.⁹⁷

Although this thesis analyzes only the burial liturgy included in *HaMadrikh*, we should note that a funeral may occur in two parts: first, a service at a chapel or sanctuary, either at the cemetery grounds or elsewhere, and second, the graveside service itself. In *HaMarikh*, *El Malei* is recited both at the chapel service and at the graveside service. In her discussion of the chapel portion of the service, Langer says:

⁹⁴Kraemer, p. 73.

⁹⁵*Y.D. siman 376*.

⁹⁶Goldin, p. 128.

⁹⁷Hertz, Joseph H., ed. and trans., *The Authorized Daily Prayerbook*, Bloch Pub. Co., (New York: 1948), cd rom ed.

The funeral (sic) concludes with the chanting of a prayer,
'*El Mal'ei Rachamim* (God full of Compassion), apparently
of late-medieval, *kabbalistic* origin, but today the standard
prayer for the dead, recited on all formal occasions of
remembrance.⁹⁸

Eisenstein knows the prayer, calling it "*tefillah l'nishmat hamet*" – prayer for the
soul of the dead.⁹⁹ He describes *El Malei Rakhamim* as the prayer that is said at the
cemetery after *Tzidduk haDin* or whenever one visits the graves of the dead.¹⁰⁰
Interestingly, in his description of the "*Seder ha'k'vurah*" he makes no mention of the
recitation of *El Malei Rachamim* after *Tzidduk haDin*.¹⁰¹ Hoffman describes the origins
of *El Malei Rachamim* only very briefly, as a liturgical reaction by Polish Jewry after the
Chmielnicki massacres by the Ukrainian Cossack nationalist army.¹⁰² These pogroms
resulted in the decimation of the Jewish communities in the Ukraine. The prayer was
included in the first modern Memorial Service in the Hamburg Reform prayer book of
1819.¹⁰³ Kohler and Dembitz mention that *El Malei Rachamim* is recited in many places
on ordinary Sabbaths, after the Torah and Haftarah readings.¹⁰⁴

According to Sylvie Anne Goldberg, *El Malei Rakhamim* has antecedents that
predate the 17th century, dating at least to the era of the Crusades and perhaps even

⁹⁸ *Langer*, text at footnote 15; her footnotes omitted.

⁹⁹ Eisenstein, David Judah, *Otzar Dinim u'Minhagim*, Hebrew Publishing Co. (New York: 1917), p. 16. My translation.

¹⁰⁰ *Eisenstein*, p. 16.

¹⁰¹ *Eisenstein*, p. 354.

¹⁰² Hoffman, Lawrence, *Gates of Understanding 2: Appreciating the Days of Awe*, Central Conference of American Rabbis (New York: 1984), at pp. 148-149.

¹⁰³ Hoffman, *Gate of Understanding*, pp. 148-149.

¹⁰⁴ Kohler, Kaufmann, and Dembitz, Lewis N., "Hazkarat Neshamot," *The Jewish Encyclopedia*, at www.Jewishencyclopedia.com.

earlier.¹⁰⁵ She asserts that the practice of reciting prayers for the dead may go back as far as the 2nd century of the Common Era.

After the Crusades, "it became customary to read the list of names of victims of the persecutions," preserved in a *Memorbuch*.¹⁰⁶ Goldberg argues that the *Memorbuch* became a vehicle for preserving not only names, but also local customs, "the communities' mnemonic device par excellence, gathering to itself all of the local particularities of the Jews."¹⁰⁷ She asserts that the oldest *Memorbuch* dates to 1600, and that such books proliferated between 1650 and 1750. Joseph Jacobs, however, posits that "the earliest memor-book (sic) extant is that of the community of Nuremberg" which dates to 1296 and "is so complete that it must have had predecessors which served as models for it."¹⁰⁸ These books were taken by Jewish migrants on their wanderings, a portable compendium of the customs and liturgies of their lost communities.¹⁰⁹

Jacobs describes the contents of the *Memorbuch of Nuremberg* as including a history of the persecutions, a martyrology, and among various prayers,

the prayers, found in nearly all the memor-books (sic), for the souls of the spiritual heroes of Israel and of individual benefactors, and the prayers for the dead (*yizkor*), in Hebrew and Old French, for the individual martyrs and the persecuted communities.¹¹⁰

¹⁰⁵Goldberg, Sylvie Anne, *Crossing the Jabbok*, Carol Cosman, trans., Univ. of Cal. Press (Berkeley: 1989), p. 38.

¹⁰⁶Goldberg, p. 37

¹⁰⁷Goldberg, p. 37.

¹⁰⁸But see, Jacobs, Joseph, "Memor Book", Jewish Encyclopedia, at www.Jewishencyclopedia.com.

¹⁰⁹See Goldberg, p. 38.

¹¹⁰Jacobs, "Memor-Book," www.JewishEncyclopedia.com.

Thus, we see that the practice of reciting prayers in honor of the dead is very old, and that forms existed before the 17th century. Nevertheless, the source text for *El Malei Rachamim* is preserved in *Amudei ha-Avodah*, 1648, and could not have been introduced in this form, any earlier.¹¹¹

The development of *El Malei Rachamim* was also heavily influenced by the *Kabbalah*.¹¹² Goldberg says that the *Kabbalah* had a formative impact on the development of our death rituals from the 16th century onwards, particularly through the development of burial societies.¹¹³ She says: "The center of this new mortuary liturgy developed in and expanded outward from Italy with the work of Aaron Berachia of Modena: the *Ma'avar Yabbok*."¹¹⁴ The *Ma'avar Yabok* includes a service for burial, which contains a similar prayer for mercy on the soul of the deceased, with space to insert the name of the deceased.¹¹⁵ *The Zohar* is frequently cited in the mortuary books of this period (17th century) "to explain, comment on, or establish the rituals" of many Jewish burial practices."¹¹⁶

Heilman, who appears to agree with Goldberg, understands the *El Malei Rachamim* to be,

[l]ike so much else that marks the way Jewish tradition deals with death, ... steeped in the mysteries of Kabbalah, depicting the dead as departing on "the wings of the Shechina," the Godly Spirit, to be

¹¹¹ A copy of the text was provided to me by Dr. Hoffman.

¹¹² Heilman, Samuel C., *When a Jew Dies: The Ethnography of a Bereaved Son*, University of Cal. Press (Berkeley: 2001), pp. 72-118, at p. 95.

¹¹³ Goldberg, p. 90 and ff.

¹¹⁴ Goldberg, p. 88.

¹¹⁵ Berachia, *Ma'avar Yabbok* --- find title page in my mess.

¹¹⁶ Goldberg, p. 117

"hidden forever in the secret of her wings" and "bound up in the bond of life" in "the Garden of Eden," where the deceased will at last find "a peaceful rest." Few who listen to these words, even those who understand the Hebrew, can fully comprehend them, although the notion that one yearns for a "peaceful rest" implies that the journey is something other than peaceful or restful. This mystery helps turn the prayer, even for those who can follow the words, into something bordering on incantation, yet another reason the *El Moleh Rachamim* (sic) looms so large in the encounter with death which remains, after all, the greatest of all mysteries.¹¹⁷

In fact, we will see below that some of the customs that are performed at the end of the burial service were originally incantations or actions intended to ward off demons and evil spirits associated with death.

Although Lamm does not include *El Malei Rakhamim* in the text for the burial service, he does include it as part of the "Funeral Service," namely, the chapel or other service that takes place before the deceased is escorted to the cemetery. He refers to it as the "Memorial Prayer," and his only comment is that although it is not technically a lament, it is a prayer specifically "in (sic) behalf of the dead."¹¹⁸ Unlike any of the other prayers said during a funeral, *El Malei Rakhamim* is not only specifically on behalf of the dead, but is on behalf of a specific deceased. Having recited an almost creedal statement of acquiescence to death as judgment, our liturgy has added an unabashed plea for mercy

¹¹⁷Heilman, p. 95.

¹¹⁸Lamm, Maurice, *The Jewish Way in Death and Mourning*, Jonathan David Publishers (New York: 1969), pp. 36-75, at p. 49.

for the deceased, invoking the presence of the *Shekhinah*, and acknowledging, as Heilman puts it, "the mystery of death."

5. Psalm 99 or Psalm 16

The use of Psalms has penetrated into every aspect of Jewish liturgy¹¹⁹ and the use of Psalms at funerals is common, if not ubiquitous. Klein tells us that although "[t]here is no standard or fixed service for funerals ... all prayer books and rabbis' manuals have a form. While there are many variations, they all have certain elements in common. ... The form generally followed at home, and in most cases at the funeral parlor as well, is to recite a Psalm, read a scriptural passage, and chant the memorial prayer, [*El Malei Rachamim*]." ¹²⁰ Despite this detailed description, I did not find any mention of the use of Psalms at the graveside in any of the sources considered for this thesis. I suspect that the use of Psalms could have been discussed in connection with the rituals of the processional to the cemetery and the eulogy, however, which I did not review.

Because they are not required or specified by the tradition, the officiant decides which Psalms to use and where to use them. In our case, Goldin chose Psalm 99 at this point in the service (although he adds other Psalms further on). Rozenberg and Zlotowitz consider Psalm 99 to be "the last in a series of ,Psalms beginning with Psalm 93," and "where the main theme celebrates God's kingship"¹²¹. The Psalm speaks of God's

¹¹⁹Rabinowitz, Louis Isaac, "," *Encyclopedia Judaica*, cd rom ed.

¹²⁰Klein, Isaac, *A Guide to Jewish Religious Practice*, The Jewish Theological Seminary of America (New York: 1979, 1992), p. 279.

¹²¹Rosenberg, Martin S. and Zlotowitz, Bernard M., *The Book of: A New Translation and Commentary*, Jason Aronson Inc. (Northvale, N.J.: 1999), p. 615.

supremacy, awesomeness, justice and compassion. This explains Goldin's choice, as Psalm 99 expresses many of the themes of the other texts used in the funeral.

Psalm 16 echoes many of the same themes. It also expresses the joy of being in God's presence.¹²² In his commentary on Hertz's *Authorized Daily Prayer Book*, Israel Abrahams understands the Psalmist to be expressing the conviction that "the path of life" refers to the immortality of the soul, and is thus appropriate for a funeral.¹²³ Psalm 16 contains the phrase "*shiviti Adonai l'negdi tamid*," which can be translated as "I have set Adonai continually before me."¹²⁴ Although a complete analysis of the language of the selected Psalms is beyond the scope of this thesis, it is obvious that the words of verse ten, "You (God) will not abandon me to Sheol, or let Your faithful one see the Pit," will resonate with those standing at the edge of a grave, peering into the "chasm" gaping before them, a "chasm of undefined, unstructured experience, which Victor Turner defines as liminality."¹²⁵

6. *Kaddish It'khadata*

This version of the *Kaddish* prayer, also referred to as the Burial Kaddish, contains additions that specifically refer to resurrection of the dead and to the restoration of Jerusalem.

Although Elbogen tells us that we "find *Kaddish* connected with the week of mourning already in *Soferim*, where it was to be recited in the mourner's home after the

¹²²Rozenberg, p. 75.

¹²³Abrahams, p. 228.

¹²⁴see, e.g., Rozenberg. [can you be more specific?]

¹²⁵In Hoffman, Lawrence A. *Beyond the Text: A Holistic Approach to Liturgy*, Indiana Univ. Press (Bloomington 1989), p. 42.

recitation of a benediction."¹²⁶ the earliest text I found is in Amram, at section 155.

Amram states that after the burial of the deceased is finished, and after one has said *Tzidduk haDin*, the *Shaliakh* says the Burial *Kaddish*.¹²⁷ Amram's version is slightly different from the versions found in later texts.

This form of *Kaddish* is also found in the Geonic material, where Rav Hai says that after we have recited verses of *Tzidduk haDin* and have "*haspidut al ha kever*" (which may mean eulogized, but because it is over the grave, and not the *met* I believe it means mourned or lamented at the graveside) we say *this Kaddish*, and a version of the text of the *Kaddish Itchadata* is set out.¹²⁸

In his discussion of the post-Talmudic development of our funeral rituals, Kraemer posits that the Geonim needed to explain the use of the *Kaddish* in connection with burial because it had not previously been associated with burial. It was, and still is, recited after speaking words of Torah. Kraemer quotes Rav Natronai, who says:

You should know that *Kaddish*, that is "yitgadal . . .," we have not found it at all [that it should be recited] by [the side of the] deceased, but only after the eulogy or the *zidduk ha-din (sic)*, for any place where there are words of Torah, we respond after them [by saying] "Amen, May His great name. . . ."¹²⁹

¹²⁶Elbogen, Ismar, *Jewish Liturgy: A Comprehensive History*, Jewish Publication Society (Philadelphia: 1993), p.81 Elbogen cites to Soferim, 19:12, although I could only find it in 19:10.

¹²⁷*Seder Rav Amram*, p. 167.

¹²⁸Lewin, *Mashqin*, vol. ?? 1931, p. 41.

¹²⁹Kraemer, p. 137.

After verses of Torah, a form of *Kaddish* is recited which expresses the hope born of belief in *t'khiat ha metim* and *olam haba*: that resurrection will someday be realized. In Kraemer's words: "[e]vidently, upon turning from the just-inhuned deceased, the mourner turns his or her attention to resurrection, which itself is but one part of the awakening of the World to Come."¹³⁰

Maimonides refers to a form of the *Kaddish* which has the same first paragraph as our form of the burial *Kaddish*, but he calls it *Kaddish deRabbanan*. In his comment, he states that this *Kaddish* is used after study, as our present *Kaddish deRabbanan* is used today.¹³¹ Apparently, this is still the practice in Eastern communities, but "Western custom has reserved it for burials."¹³²

In contrast to the Rambam, *Machzor Vitry* refers to and lays out text for a *Kaddish L'itchadata* in the section on *Hilchot Avel*, the Laws of Mourning.¹³³ The Ramban, in the *Torat Ha'adam*, also lays out a text for this form of *Kaddish*, to be recited away from the graveside, after the grave is covered over or filled up.¹³⁴

The Tur lays out a text in Y.D.376, and the *Shulkhan Aruch*, in Y.D. 376:4 uses identical language. It is difficult to determine if Caro is reporting the custom in his own time, or that of the Tur.

Volumes have been written on the history, development and meaning of the *Kaddish*. Elbogen¹³⁵ explains that the rabbinic rule was that "every sermon had to end

¹³⁰Kraemer, p. 137.

¹³¹M.T. Hilchot Tefillah, *Nusach hakadish*, *Sefer Ahavah*, Touger, p. 245.

¹³²Adler, Cyrus, Kohler, Kaufmann, Eisentstein, J.D, and Cohen, Francis, "Kaddish," *Jewish Encyclopedia*, www.JewishEncyclopedia.com, 12/6/2005.

¹³³*Machzor Vitry*, p. 247.

¹³⁴Ramban, p. 155.

¹³⁵Elbogen, pp 80-84

with words of consolation -- that is, references to the messianic age -- and some preachers added another short prayer to these eschatological petitions for the sanctification of the name of God and for the coming of the kingdom of God."¹³⁶ In his description of the history of the *Kaddish*, Elbogen continues,

It was considered to be appropriate for mourning ceremonies because of the eschatological petition at its beginning; the sanctification of the name of God and the coming of God's kingdom are intimately connected, especially in the prophet Ezekiel, with resurrection; and doubtless the word *consolations* was understood as relating to the comforting of mourners. To these real connections was added the mystical conception that the recitation of *Kaddish* has magical powers to influence the living and the dead, and even the response "Amen" after the *Kaddish* was supposed to have power to influence the divine decree.¹³⁷

We also learn that the responsibility of sons to act on behalf of their parents' souls, which is associated with a legend about Rabbi Akiba¹³⁸, became associated with the custom of *Yahrtzeit* which originated, Elbogen says, in Germany.¹³⁹ Elbogen goes on to say that "none of the early law codes, including the *Shulhan 'arukh*, (sic) knows of any binding precepts in connection with [the recitation of *Kaddish* during the year of mourning] but what religious law left optional, religious feeling made sacred . . ."¹⁴⁰

¹³⁶ Elbogen, p. 80.

¹³⁷ Elbogen, p. 82

¹³⁸ *Elbogen*, fn. 8 at p. 82, citing *Tana deve eliyahu zuta*, 23, §17,

¹³⁹ Elbogen, p. 82.

¹⁴⁰ Elbogen, p. 82

We can see the obvious connection between the themes of the *Kaddish* and the themes expressed by the other texts of the funeral service. From the point of view of the rabbis, there could not have been any greater consolation than to utter the words that embody the hope represented by resurrection and the coming of God's Kingdom.

7. *Nichum Avelim*: Standing in Rows

One of the major tasks of the funeral has now been accomplished. The body of the deceased has been disposed of with dignity and in conformity with, we assume, the traditional principles and values of the community. The moment has come for us to find a way to leave the dead behind. We must begin the return back to the world beyond the liminal space of the cemetery, back to the world where the dead and the living do not interact, the boundaries between life and death are not permeable and the distinctions between the dead and the living seem sharp.

Hoffman tells us that in all likelihood, as part of "the normal burial procedure" of the Mishnaic period, before those attending were dismissed from the graveside, they "stood in a row."¹⁴¹ In our Mishnaic text, M.M.K. 3:7, we learn that during a festival, certain funeral practices were prohibited, but other funeral practices were still done:

וְאֵין אוֹמְרִים בְּרֶכֶת אֲבֵלִים בַּמוֹעֵד. אֲבָל עוֹמְדִין בְּשׁוּרָה וּמְנַחֲמִין וּפוֹטְרִין אֶת הָרַבִּים.

And we don't say the *Birkat Avelim* during a festival, but we do stand in rows and we comfort and we dismiss the multitude.¹⁴²

This custom of standing in rows and offering comfort to the mourners dates back at least as far as the Mishnaic period. It is discussed in Berakhot 18a, and Langer points out that it was considered important enough to discharge participants from their

¹⁴¹Hoffman, *Rites*, p. 228.

¹⁴²My translation.

obligations of reciting the *Shema* and the *Tefillah*.¹⁴³ And in Sanhedrin 19a we find a discussion of whether the mourners stood in a row and the guests passed them by to offer comfort, or if the guests stood in a row and the mourners passed them by. Kraemer tells us that the Tosefta, at T. Ber. 2:11, states that two lines of comforters should address the mourners as they leave the grave.¹⁴⁴

Although *Seder Rav Amram* makes no mention of the custom of standing in rows, the Geonim knew of it. Rav Hai describes the different customs in different locales. He says that in some places the mourners pass the people and in others the people pass the mourners, but "in Babylonia we do not stand in the line except for a great sage, in which case the sages pass before them [the people] in a line and the entire people stands."¹⁴⁵

In Lewin, the Geonim consider what is meant by *Birkat Rekhava*.¹⁴⁶ Rav Hai describes a ritual he calls *Birkat Rekhava*, which includes sitting and standing. The mourners, he says, are comforted during the times the people are sitting, but he says, "the people then formed rows around the mourner which is when the mourner would wrap his head, and, he was told, his mourning had officially begun." He continues, "and there are those who say *Birkat Rekhava* – several verses of *Tzidduk haDin* and every one adds according to his wisdom, and in Bavel there is no such custom as *Birkat Rekhava*."¹⁴⁷ This ritual of comfort was known, but no longer practiced.

In M.Q. 3:7 we learn that the liturgical purpose of standing in line was to comfort the mourners: "we stand in line and we comfort" – *u'minachim*. This custom is called

¹⁴³Langer, at fn. 12.

¹⁴⁴Kraemer, pp. 40-41.

¹⁴⁵Kraemer, p. 135, citing Lewin 1931:42-3. (Tractate Mashqin).

¹⁴⁶Lewin, *Ketubot*, p. 33.

¹⁴⁷Lewin, *Ketubot* (1938), p. 33 at the bottom, par. 110.

nichum avelim.¹⁴⁸ Hoffman points out that the practice of standing in rows is coupled with the offer of words of comfort by those gathered with the immediate mourners. Was the comfort derived from being surrounded by the community or from the words offered? What words could comfort the mourners when they are tearing themselves away from one whom they perhaps loved, but whose loss will in any event represent, like the *keriah*, the rending of their clothing, an ineradicable scar on their lives?

The Rambam's description of standing in rows includes the words of comfort offered to the mourners. In M.T. *Hil. Avel*, 13:1 he states:

1. How are mourners comforted? After the deceased is buried, the mourners gather together and stand at the side of the cemetery. All of those who attended the funeral stand around them, line after line.
2. The mourners stand at the left side of the comforters and the comforters pass by the mourners one by one and tell them "May you be comforted from heaven."¹⁴⁹

Although the Ramban indicates that he knows the custom of sitting and standing after the burial, he does not mention standing in rows. His description in *Torat ha-Adam* of the funeral practice in his own time is very brief: burial, taking off one's shoes, and *Kaddish*.¹⁵⁰ The Ramban says that *b'doroteinu*, in our generation, insofar as all of these customs are merely permitted, and none of them are obligatory, their performance

¹⁴⁸Eisenstein, "*Nichum Avelim*," pp. ????

¹⁴⁹Maimonides, *Mishneh Torah, Sefer Shofetim: The Book of Judges*, Rabbi Eliyahu Touger, trans., Moznaim Pub. Corp. (Jerusalem: 2001), p. 478 (footnotes omitted).

¹⁵⁰Ramban, *Torat haAdam*, p. 153.

depends on the customs and practices of the community. *Achshav*, now, he says, they only observe the very simple graveside rites described above.

It seems that the Tur also knows of the custom of standing in rows, but, like the Ramban, tells us that it is no longer customary in his day and reiterates the Ramban's discussion of the practices and brachot being merely *reshut*, permitted, and not obligatory.¹⁵¹ Joseph Caro agrees.¹⁵²

Although the writers of our codes seem to indicate that the practice of standing in rows had been lost, we find it included in contemporary funeral liturgies. Goldin directs those present at a funeral to form rows and recite: "May the Omnipresent comfort you together with all the mourners of Zion and Jerusalem."¹⁵³ The authority he cites for the practice is Eisenstein, however, under the entry for *nichum avelim*. The practice, though not obligatory, may never have been discontinued, although it is impossible to know. Baer makes no mention of standing in rows, and neither does Shlomo Ganzfried in his *Kitzur Shulkhan Aruch*.¹⁵⁴

The presence of those standing in rows, almost physically directing the mourners away from the grave, is part of the comfort being offered to the mourners. But the words being spoken demonstrate that in the Jewish tradition, comfort can come only from Heaven.

8 and 9: Plucking Grass or Throwing Dirt and Hand Washing

¹⁵¹ See also Kraemer, p. 139.

¹⁵² S.A. 376:4.

¹⁵³ Goldin, p. 134, citing *Tur Y.D.* 376.

¹⁵⁴ Ganzfried, Rabbi Shlomo, *Kitzur Shulchon Oruch: The Classic Guide to the Everyday Observance of Jewish Law*, vol. II, ed. and trans. Rabbi Eliyahu Touger, Moznaim Pub. Corp. (New York: 1991), (orig. publ. 1864), p. 745; references are to chapter 199 on burial and departing the cemetery.

The mourner has been escorted away from the grave with words of comfort. It is now time for the others who have attended the funeral to leave the *beit hak 'vurah*, the home of the dead. A number of what Kraemer calls "exit" rituals appear in our texts. These include plucking up grass or dirt and throwing it over one's shoulder or rubbing one's hands with dirt, and then washing one's hands, together with reciting certain verses or whole Psalms, or both.

Goldin tells us "When about to leave the burial-grounds, it is customary for the people to pluck some grass and throw it behind their back saying: 'He remembereth that we are dust.'"¹⁵⁵ Goldin adds: "This custom is symbolical (sic) of the resurrection of the dead, in accordance with that which is written 'And may they blossom out of the city like grass of the earth.'"¹⁵⁶ They should then wash their hands.¹⁵⁷ After washing their hands, they recite the following verse:¹⁵⁸

He will destroy death forever; the Lord God will wipe away
tears from all faces, and He will remove from all the earth
the rebuke of His people; for the Lord hath spoken it.¹⁵⁹

Baer also includes directions for the plucking of grass by everyone upon leaving the cemetery. They are then to recite Psalm 72:16: "and they will sprout like grass from the land," and "He remembers that we are dust" from Psalm 103:14.

These practices appear as early as the Geonic period.¹⁶⁰ While Rav Hai does not mention plucking grass or washing one's hands, he does know of the custom of wiping

¹⁵⁵Psalm 103:14.

¹⁵⁶Psalm 72:16.

¹⁵⁷S.A. Y.D. 176:4 and *Beer Heteb*.

¹⁵⁸Isaiah 25:8.

¹⁵⁹Goldin, p. 134.

one's hands with dirt, but he says that this custom was never observed in Babylonia.¹⁶¹

Rav Paltoi responds to a question about whether hand washing after a burial is obligatory by saying that it is not.¹⁶²

In the 11th century, we find the *Machzor Vitry* states definitively that after the *Kaddish d'hu atid l'itkhadata*, every one picks up either dirt or pebbles (*tzrorot*) and rubs it or spreads them [on, one assumes, their hands] and says: "He remembers that we are dust," and throws it behind him three times, in order to *hafsik*, which means to interrupt or stop, but here must be understood as creating a boundary, between themselves and the dead. Rav Simhah states that "there are those who pluck grasses of the soil and say 'they will sprout like the grass of the field.'"¹⁶³

The Ramban has read about these customs in the work of the Geonim. He agrees with them that the correct explanation is that it reminds us of the three elements in the Biblical ritual of purification: the ashes [of the red heifer], the hyssop and the water, which would purify us from the ritual impurity created by the contact with death.¹⁶⁴

The Tur knows of all of these practices, having read the Geonim¹⁶⁵ and he understands both of the alternative explanations, that is, that these customs are reminiscent of the purification ritual and that grass reminds us of resurrection. However, he mentions none of these practices in his description of what is done in his own day. Both the plucking and throwing of grass and dirt are described as part of the funeral ritual in S.A. Y.D. 376:4, as well as the washing of the hands afterwards.

¹⁶⁰ Kraemer, p. 136.

¹⁶¹ Lewin, *Mashqin*, pp. 41-42.

¹⁶² Lewin, *Mashqin*, pp. 41-42.

¹⁶³ *Machzor Vitry*, pars. 279 and 280, at p.247.

¹⁶⁴ Ramban, pp. 155-156. The ritual of the red heifer is found in Numbers 19.

¹⁶⁵ See Tur Y.D. 376,

Kraemer interprets all of these exit rituals as intended to protect the mourner from "the dangers of death."¹⁶⁶ They are, he says, intended to remind the One who made us out of dirt and clay to protect us from danger and destruction. This comports with those who describe the cemetery as a place filled with the dangers of demons who lurk there, eager to attack the living when they are most vulnerable. Both Abramovitch and Heilman describe the Rabbinic and *Kabbalistic* beliefs about the demons who lurk at the cemetery. These demons were believed to have been the offspring of Lilith and the nocturnal emissions of those deceased (from when they were still alive) who lay buried there.¹⁶⁷ Whether we believe in demons or interpret them to represent our fears about death and mortality, we can understand the need for a ritual which helps us withdraw from the world of the dead.

10. Recitation of Psalms 90:17 and 91 (*Yeshev B'seter Elyion*)

Goldin adds one last set of readings to his funeral service: Psalms 90:17 and 91. Elbogen explains that Psalm 91 follows the *Amidah* recited before *Havdalah*, and is introduced by Psalm 90:17, which together form a liturgical unit.¹⁶⁸ In *Beyond the Text*, Hoffman discusses at length the liminality of *Havdalah*.¹⁶⁹ At the end of the funeral, another extremely liminal time, we have turned our backs on the world of the dead, have washed our hands, and have recited Isaiah 25:8. With Psalm 90:17, we now ask God to bless "whatever Israel undertakes to do in daily life ... for blessing and prosperity."¹⁷⁰ Having completed our obligations to the dead it is once again time to return to our own

¹⁶⁶Kraemer, p. 138.

¹⁶⁷See Abramovitch, pp. 85-92, and Heilman pp. 107-108.

¹⁶⁸Elbogen, p. 102.

¹⁶⁹Hoffman, *Beyond The Text*, pp. 42-45.

¹⁷⁰Rozenberg, p. 573.

lives. A return to life is a return to hope. Our source of hope is God. Goldin then adds Psalm 91, known in the Talmud as "The Song of Plagues."¹⁷¹ The rabbis discuss the effectiveness of chanting verses from this Psalm as protection, especially before going to sleep at night, a time they believed was fraught with danger from demons and spirits.¹⁷²

Goldberg tells us that Psalm 91 is known as the "famous *Shir Shel Pegu'im*." Associated with the customs of sitting and standing seven times after the burial, Goldberg quotes Aaron haCohen of Lunel, an eminent 14th century doctor, who wrote that this Psalm is "the chant against demons" is said to banish evil spirits, and is recited when one stands up, which disengages us from evil spirits as well as from demons.¹⁷³

Abramovitch cites Trachtenberg's *Jewish Magic and Superstition: A Study in Folk Religion* for the proposition that the dying were pictured as surrounded by "evil spirits waiting to pounce," and "that demon spirits were thought to try to gain possession of the corpse in the period between death and burial."¹⁷⁴ Among the rituals "designed to guard against such demon attacks" included the recitation of Psalm 91, an "antidemonic chant."¹⁷⁵ Both Lamm and Klein actually describe the use of this Psalm during the seven stops made during the processional to the cemetery, another fitting place for an incantation against the demons that may be encountered at the habitation of the dead.¹⁷⁶ Goldin ends his graveside service with Psalm 91. The living must disengage from the

¹⁷¹Rozenberg. P. 573; citing Shev. 15b.

¹⁷²See, for example, Hoffman, Lawrence A., *The Canonization of the Synagogue Service*, Univ. of Notre Dame Press, Notre Dame, Indiana, 1979, p. 78.

¹⁷³Goldberg, p. 203.

¹⁷⁴Abramovitch, p. 89.

¹⁷⁵Abramovitch, p. 89.

¹⁷⁶See Lamm, p. 61 and Klein, p. 281, citing S.A.Y.D. 358:3 "*in Rama*," that is, described in Isserles.

dead and somehow cross back over from the dangers of that liminal space to the more familiar world of the living.

Goldberg points out that as our beliefs change, our understanding of our sacred texts change. In all likelihood, Goldin included this psalm not as an actual incantation against demons and spirits, but rather as a final admission of our vulnerability, and the acknowledgment of our yearning for the protection of a mighty, outstretched arm.

Chapter Three: *Zikaron*: A Theology of Personal Memory

A. Comparison of Various Funeral Liturgies

I discussed the historical development of the texts and customs of the traditional funeral service in *HaMadrikh* in Chapter 2. In this chapter, I review how the funeral liturgies found in the rabbis' manuals of the three progressive streams of Judaism differ from the traditional version in Goldin. I also discuss some of the differences among them.¹⁷⁷ It is my contention that, as I described in the opening chapter, the "progressive" or "liberal" streams of Judaism have rejected *Tzidduk haDin* and the theology it represents: resurrection of the dead to life everlasting in the *olam haba*. Instead, the progressive liturgies demonstrate that a new afterlife of personal memory has taken its place.¹⁷⁸

It is important to note that although I continue to use *HaMadrikh* as the model for the traditional funeral service, differences exist even among the versions included in other contemporary, traditional sources. The versions in Baer and Birnbaum¹⁷⁹ differ from Goldin and each other. Baer omits *El Malei Rachamim* and all of the Psalms except the single verses said when throwing grass and hand washing. Baer includes *Kaddish Itkhadata* and the words of comfort spoken for *nichum avelim*: *Hamakom y'nachem etkhem b'tokh sh'ar aveilei tzion virushalayim*, but makes no mention of standing in rows.¹⁸⁰ Birnbaum includes *Tzidduk haDin*, *Kaddish Likh'data*,¹⁸¹ (which he calls the

¹⁷⁷ A side by side comparison of the texts included or omitted in the four Rabbis' Manuals is included as Appendix IV.

¹⁷⁸ The Rabbi's Manual for Conservative Movement also provides an alternative to *Tzidduk haDin*, which I believe has theological implications.

¹⁷⁹ Birnbaum, Philip, trans., *Daily Prayer Book*, Hebrew Publishing Co. (New York: 1949, 1999), pp. 736-740.

¹⁸⁰ Baer, pp. 586-588.

"Mourner's Kaddish" (sic)), and the hand washing ritual, accompanied by the verses from Isaiah 25:8; Psalms 144:3-4, 90:6, 12, 37:37, 49:16, 73:26; and Ecclesiastes 12:7: "He will destroy death forever; the Lord God will wipe away tears from every face, and will remove from all the earth all insult against his people; for the Lord has spoken."¹⁸²

Maurice Lamm discusses the *halakha* of the traditional funeral ritual in his widely respected book, *The Jewish Way in Death and Mourning*.¹⁸³ Lamm does not mention *Asher Yatzar Etkhem* in his description of the funeral service, although he does provide other Hebrew texts and his own commentary.

The differences among the various traditional funeral services serve to underscore the anomalous nature of the funeral liturgy. Langer points out that because traditional Judaism is extremely liturgical, "the lack of specific *halakhah* scripting the funeral is exceptional on all counts."¹⁸⁴

The funeral liturgies of the progressive movements all provide an option for a chapel service. They also include additional readings for both the chapel service and the

¹⁸¹This reflects the Hebrew spelling in Birnbaum. Baer uses "*Lit'khadata*." p. 588. Baer explains that "*Lit'khadata*" is found in Ashkenazi versions, including the *Levush*. Amram and Rambam both use a variant of "*atid l'khadata*." Baer points out that *likh'data*, is in the *piel*, and *lit'khadata* is in the *hitpa'el*. He says that in the *piel*, it means that God will renew the world in the future; that is how Birnbaum translates it: "the world which he will renew." Birnbaum, p. 738. In the *hitpa'el*, Baer asserts, the verb must be read to mean that the world is to renew itself in the future" (p. 588). Insofar as the verb here is reflexive, the *hitpa'el* contains a self-referring meaning. It could also distinguish renewed as in restored as of old (Alkalay, p. 718) from renewed as in entirely new or recreated, which is how Hyman translates the *hitpa'el* form that he uses. As a Reform Jew, I prefer the reflexive sense, imputing responsibility to the world -- that is humanity -- to work toward our renewal, although it is doubtful that this is what Baer meant. He probably had in mind just the passive voice, meaning the world will be renewed -- by God.

¹⁸²Birnbaum, p. 740.

¹⁸³Lamm, Maurice, *The Jewish Way in Death and Mourning*, Jonathan David Publishers (New York: 1969), pp. 36-75.

¹⁸⁴Langer, at fn. 14.

burial service, which, as in *HaMadrikh*, enhance the service by expressing its themes with poetry that authenticates our experience by anchoring it in our tradition. Significant liturgical differences remain, however, among the model services provided by the four streams. For convenience, I list the ten elements of the traditional burial service, and then refer back to each one:

1. *Asher Yatzar Etkhem* and 2. *Gevurot*
3. *Tzidduk haDin* (*haTzur Tamim Po'olo*)
4. *El Malei Rachamim*
5. Psalm 99 or Psalm 16
6. *Kaddish Itkhadata*
7. *Nichum Avelim*: standing in rows
8. Plucking grass: Psalm 103:14 and Psalm 72:16
9. Hand washing and Isaiah 25:8
10. Psalm 90:17 and Psalm 91 (*Yeshev B'seter Elyion*)

For obvious theological reasons, the non- traditional streams of Judaism do not include the *Asher Yatzar Etkhem* blessing. Though *halakhically* required upon entering a cemetery, liberal Jews find it hard to affirm the active will of God in bringing death, especially to children, and do not accept the notion of resurrection.¹⁸⁵ Furthermore, all three progressive streams offer interpretative versions of *Tzidduk haDin*. *Moreh Derekh* (Conservative) and *Madrikh L'Rabanan* (Reconstructionist) offer both the traditional Hebrew version as well as an alternative, also in Hebrew. They also offer creative, rather than literal, English translations. *Maglei Tzedek* (Reform) provides an abbreviated Hebrew version as one of several alternatives to be read before the coffin is lowered. Interestingly, a revision of *Asher Yatzar Etkhem*, along with the *Gevurot*, is one of the alternatives for *Tzidduk haDin*.

¹⁸⁵For the purposes of this discussion, I treat *Asher Yatzar Etkhem* and *Gevurot* as one liturgical unit.

Another major difference between the versions provided by the three progressive streams and the traditional community is that the progressive movements offer *Kaddish Yatom* rather than the Burial Kaddish, either alone or as an alternative. In a popular book on Jewish death practices and mourning customs, Anita Diamant explains that:

the nearly universal substitution of the Mourner's Kaddish [*Kaddish Yatom*] for the Burial Kaddish is done not so much for theological reasons as for practical and compassionate ones. Few people know the Burial Kaddish and many are unable to read it. Even more important, however, is the emotional comfort embedded in the sounds and rhythms of the Mourner's Kaddish, which most Jews associate with grief and comfort even if they cannot read it or do not know the words by heart.¹⁸⁶

Diamant is right when she says that most people do not know the Burial Kaddish. She is mistaken, however, with regard to theology. We know that early in its history the Reform Movement rejected the doctrine of resurrection of the dead.¹⁸⁷ The *Kaddish Lit'khadata*, with its specific reference to resurrection of the body, would certainly have been unacceptable. We know that American Reform actually changed the traditional Mourners' Kaddish itself, adding a paragraph in Hebrew based on the Hamburg prayer book of 1919, which, itself, was dependent on the Sefardi Hashkava rite. Washofsky reports, however that:

¹⁸⁶Diamant, Anita, *Saying Kaddish: How to Comfort the Dying, Bury the Dead, and Mourn as a Jew*, Schocken Books (New York: 1998), pp. 81-82.

¹⁸⁷See, Meyer, Michael A., *Response to Modernity: A History of the Reform Movement in Judaism*, Wayne State Univ. Press (Detroit: 1988, 1990), at pp. 229, 235.

while the text of the traditional *Kaddish Yatom* focuses exclusively upon consolation and hope and does not mention death at all, the *Union Prayer Book's* version includes a paragraph which beseeches God's blessings upon the departed. This paragraph was frequently omitted in Reform synagogues, where congregants preferred to recite the more traditional text, and it does not appear in *Gates of Prayer and Gates of Repentance*.¹⁸⁸

Washofsky is correct regarding the Hebrew which was almost never included. Many congregations did feature the rabbi saying the English version, usually after the recitation of the Hebrew. We shall see that the paragraph emphasizes memory.

Theology did play a part in selecting the version of the *Kaddish* that would be included in the *Reform Rabbi's Manual* and, it is safe to assume, in the others as well.

All four streams of Judaism include the chanting or recitation of *El Malei Rachamim*, often referred to as "the Memorial Prayer."¹⁸⁹ The implications are discussed below.

In addition, the four streams provide a wide array of additional Psalms and readings to choose from so as to enhance the funeral service. This is not surprising, given that the reading of Psalms is completely optional. Among the other optional customs, including the plucking of grass, hand washing and standing in rows, it is interesting to note that only the traditional service includes the plucking of grass. *Moreh Derekh* omits

¹⁸⁸Washofsky, p. 201.

¹⁸⁹See, e.g. Diamant, p. 157, Lamm, p. 48.

hand washing, *Madrikh L' Rabanan* includes it as an option in its "Resources Section,"¹⁹⁰ and *Maglei Tzedek* only refers to it in the notes, with the comment that "The custom is not generally observed in prevailing Reform practice."¹⁹¹

By contrast, however, all movements include some mention of standing in rows and reciting "*Hamakom y'nachem etkhem b'tokh sh'ar aveilei tzion virushalayim.*"¹⁹² This is particularly of note because we saw that the Ramban, the Tur and Caro make no mention of this practice when describing what was done in their own time, although the Rambam does describe it.¹⁹³ I was not able to determine whether the practice had been discontinued and then later revived, or alternatively, taken for granted that there was no need to mention it.

B. From *Din* to *Zikaron*

The traditional funeral liturgy expresses the rabbinic understanding of what it means to "escort the dead to the afterlife,"¹⁹⁴ in which the rabbis believed. Hoffman states that "[f]or the Rabbis, the human self transcended earthly mortality."¹⁹⁵ Most non-traditional Jews, however, no longer believe in an afterlife. This shift is reflected in our non-traditional funeral liturgies.

Based on my comparison, we see a move away from the centrality of *Tzidduk haDin*, which expresses the rabbinical concept of death as judgment, and from *Asher*

¹⁹⁰Reimer, Rabbi Seth Daniel, ed., et al, *Madrikh L' Rabbanan*: Reconstructionist Rabbinical Association Rabbi's Manual, The Reconstructionist Rabbinical Assoc. (Wyncote, Penn.: 1997), pp. D-1-R-6, at p. R-2.

¹⁹¹*Maglei Tzedek*, p. 251.

¹⁹²*HaMadrikh*, p. 134; *Moreh Derekh*, p. E-70; *Maglei Tzedek*, pp. 251 and 161-162 in notes; and *Madrikh L' Rabanan*, p. D-26.

¹⁹³See, *supra*, pp. 45.

¹⁹⁴Abramovitch, p. 74.

¹⁹⁵Hoffman, *Rites*, p. 221.

Yatzar Etkhem, which represents the rabbinical belief in resurrection of the dead and the ultimate reunion of the body with the soul. Hoffman points out that "[e]xcept in very traditional circles, we find no assurances that death must emanate from a beneficent and omniscient God who takes us when the time is ripe but rewards us in the afterlife."¹⁹⁶ Judgment and resurrection are not the focus of the liberal funeral liturgies. Nor do judgment and resurrection serve as a significant source of comfort to most mourners.

In his essay "Immortality,"¹⁹⁷ Alan Arkush explains that Immanuel Kant had "demolished" all proofs of the immortality of the soul, although, Arkush says, "he himself still adhered to the doctrine, identifying it as a postulate of practical reason."¹⁹⁸ Arkush points out that Kant's continued belief in the immortality of the soul was rejected by the "great neo-Kantian" Hermann Cohen. Arkush says that:

Cohen did not altogether repudiate the idea of the immortality of the soul, but radically transformed it. He maintained that certain biblical expressions for death reflect the biblical conception of immortality as 'the historical living on of the individual in the historical continuity of the people.' Ideally, the individual's hopes are not to be focused on his own fate after death, or even on the ongoing life of the nation to which he belongs, but on the progress of mankind as a whole.¹⁹⁹

¹⁹⁶Hoffman, *Rites*, p. 221.

¹⁹⁷Arkush, Alan, "Immortality," in Arthur A. Cohen and Paul Mendes-Flohr, eds., *Contemporary Jewish Religious Thought*, The Free Press (New York: 1972), pp. 479-482.

¹⁹⁸Arkush, p. 481.

¹⁹⁹Arkush, p. 481.

The Reform Movement was heavily influenced by the thinking of Hermann Cohen who "helped shift the focus of Liberal Judaism."²⁰⁰ Although Cohen's vision was messianic, Michael Meyer writes that "[f]or Cohen the focus and significance of messianism lay not in the infinitely distant goal, but in the unending task of moral improvement, in human beings responding to the divine ideal."²⁰¹ Cohen's influence helped propel the Reform Movement's development from "prophetic idealism" to a Judaism focused on social justice.²⁰²

Cohen's messianic modernism, however, could not survive the impact of the Holocaust. Meyer reports that the Holocaust resulted in a "marked theological reorientation in the direction of more traditional views."²⁰³ The influence of Buber and Rosenzweig, in particular, resulted in the development of a "covenant theology" in which the covenant becomes the basis for an "open-ended dialogue between God and Israel."²⁰⁴ Eugene Borowitz articulates the ramifications of covenant theology this way:

For some postmoderns the disillusion with messianic modernism validates a return to classic religiosity with God at its center, powering the recent rise of fundamentalism. But most postmoderns intuit something different: a relationship between God and people that is less God-dominated than the traditional religions taught but also less people-centered than the moderns claimed. They sense the reality of a God who grounds our values yet makes room for

²⁰⁰Meyer, p. 207.

²⁰¹Meyer, p. 206.

²⁰²Meyer, pp. 286-289.

²⁰³Meyer, p. 361.

²⁰⁴Meyer, p. 362.

human independence and calls human beings into an active partnership.²⁰⁵

When taken together, the cessation of belief in death as judgment coupled with an afterlife beyond time, and the adoption of seeing our relationship with God as covenantal partnership, shed light on how our contemporary funeral practices accomplish the third, and perhaps most important, task of the funeral: escorting the soul to the afterlife so that we can still achieve what Geertz called the “symbolic” victory over death.²⁰⁶

All four funeral liturgies examined in this chapter include *El Malei Rachamim*, the “Memorial Prayer,” in which we specifically name the deceased. Heilman says the recitation of “that name, followed *for the first time* publicly in prayer by the words ‘who has gone to his eternity,’ associates the one being mourned with this new classification and identity”²⁰⁷ (*emphasis supplied*). The utterance of the name of the deceased in this context is performative. It effects a transformation -- the dead crossing the threshold into eternity. What, though, is the nature of this “eternity?” No longer is it an afterlife beyond. It is, instead, *zikaron*, living on in the memory of present and future generations.

We can see this from the centrality of *El Malei Rachamim* which names the deceased. It is not only recited at the funeral itself, but also as part of the service for an unveiling, *yahrtzeit* visits to the grave, and during a *Yizkor* service.²⁰⁸ Similarly, the *Yizkor* prayer mentions the names the dead. Heilman asserts that “a collective Jewish

²⁰⁵Borowitz, Eugene B., *Choices in Modern Jewish Thought: A Partisan Guide*, Behrman House, Inc. (West Orange, N.J.: 1983, 1995), p. 289.

²⁰⁶Abramovitch, p. 74.

²⁰⁷Heilman, p. 95.

²⁰⁸See, gen. Diamant.

bond is being expressed here: my dead and all Jewish dead, my loved one and the patriarchs and matriarchs of all of us."²⁰⁹ He writes:

Most compelling, however, are the personal attachments between the bereaved and the dead that *Yizkor* recalls. *Yizkor* gives expression to the longing that the living still harbor for sharing relationships and encounters with those who are dead.²¹⁰

Heilman goes on:

Yizkor makes clear that as long as the dead are remembered, they are not truly dead. The one who recites it faithfully for a parent or a sibling, spouse, child or other friend offers with that recitation evidence of a relationship that still lives; death notwithstanding, the past has not been interred with the bones. *Yizkor* is the sanctification of memory in a collective drama. As Theodor Gaster notes, '*By the very act of remembrance, oblivion and the limitations of the present are defied, death is made irrelevant, and a plane is established on which the dead do indeed meet and mingle with the living. The ceremony is transformed from a memorial of death into an affirmation of life.*' *Yizkor* makes no reference to resurrection, 'for what needs to be affirmed is not that the dead will someday arise from their graves but that even now they are indeed alive.'²¹¹

²⁰⁹Heilman, p. 218.

²¹⁰Heilman, p. 219.

²¹¹Heilman, p. 222, citing Gaster, *Customs and Folkways of Jewish Life*, pp. 182-185.

The power of memory and the need to memorialize takes on a second expression in all four funeral liturgies: the recitation of the *Kaddish*, which, like *El Malei Rachamim*, is known as a “Memorial Prayer” although it does not name the deceased. As we saw above, the form of *Kaddish* used in liberal liturgies, the *Kaddish Yatom* does not refer to death explicitly, but in the 1940 *Union Prayer Book*, we find the following:

The departed whom we now remember [!] have entered into the peace of life eternal. They still live on earth in the acts of goodness they performed and in the hearts of those who cherish their memory. May the beauty of their life abide among us as a loving benediction.²¹²

This form of the *Kaddish* comports with Gaster’s understanding of the function of memory. As *Gaster* says, it is the act of remembrance by which we achieve our “symbolic victory over death.” I believe, however, that our act of remembrance is efficacious because we are in relationship with God – because we are God’s partners.

Robert Levine has written a popular book called *There is No Messiah and You’re It*, which attempts to explain what it means to be in partnership with God²¹³ in the enterprise of making the world a better place. He explains that as God’s partners, we have a moral obligation to act in the world. Borowitz says “the Covenant directs Jews to the future. It calls us to hope and work for *messianic fulfillment* for ourselves and all

²¹²Central Conference of American Rabbis, *The Union Prayerbook for Jewish Worship*, Central Conference of American Rabbis (New York: 1940, 1959), p.76.

²¹³Levine, D.D., Rabbi Robert N., *There is No Messiah and You’re it: The Transformation of Judaism’s Most Provocative Idea*, Jewish Lights Publishing (Woodstock, Vt.: 2003).

humankind.”²¹⁴ Levine explains this to mean that we are “God’s eyes and ears, heart and soul, helpmates in the ongoing struggle against things we cannot understand but must nevertheless overcome.”²¹⁵

The rabbinic notion of the afterlife was inextricably connected to the idea that at some point, time will end and the messianic era will arrive, when the dead will be resurrected and bodies reunited with souls to eternal life in the *olam haba*. Reform Jews reject the idea of bodily resurrection in some future time brought to fruition by a personal messiah. Rather, Reform Judaism takes the position that we were fashioned *b'tzelem elohim*, in the image of God, and that we are God’s partners. We are responsible for bringing the messianic age.

In the same way, we are responsible for escorting the soul of the dead to the afterlife, a concept infused now with *zikaron*.. Our act of remembering escorts the deceased out of history and into memory, beyond time. Memory consists of the stories we tell and the rituals we perform to create our collective identity; through memory we “transmit values and identity to the next generation.”²¹⁶ We tell the stories of our lives at our funerals, *shivah minyanim* and memorial services. We recite memorial prayers to sanctify the moment of remembering.

As Gaster has written, “[b]y the very act of remembrance, oblivion and the limitations of the present are defied, death is made irrelevant.”²¹⁷ Our act of remembering

²¹⁴*Choices*, at 311.

²¹⁵Levine, p. 13.

²¹⁶Signer, Michael A, “Introduction: Memory and History in the Jewish and Christian Traditions,” Michael A. Signer, ed., *Memory and History in Christianity and Judaism*, Univ. of Notre Dame Press (Notre Dame, Ind.: 2001), pp. ix-xv, at p. xii.

²¹⁷Heilman, p. 222, citing Gaster, *Customs and Folkways of Jewish Life*, pp. 182-185.

begins the process of ushering their souls into the only afterlife we know of with any certainty. As God's partners, we remember, and thereby sanctify their memory. "So long as we live," our prayer book says, "they too shall live."²¹⁸

²¹⁸Stern, Chaim, ed., *Gates of Repentance: The New Union Prayerbook for the Days of Awe*, Central Conference of American Rabbis (New York: 1978, 1996), p. 491.

Appendix I

Texts of the Funeral Service

1. *Asher Yatzar Etkhem*

ברוך אתה יי אלהינו מלך העולם, אשר יצר אתכם
בדין, וזן וכלכל אתכם בדין, והמית אתכם בדין, ויודע
מספר כלכם בדין, ועתיד להחיות ולהחיותכם בדין.
ברוך אתה יי מחיה המתים.

Blessed are you, *Adonai* our God, King of the Universe, who formed you in judgment, and fed you and sustained you in judgement, and who killed you in judgment and who will know the number of all of you in judgment, and who will, in the future, return you and bring you to life in judgment. Blessed are you, *Adonai*, who brings the dead to life. (my trans.)

From *Seder Rav Amram*, par. 155:

העובר על קברי ישראל אומר.
ברוך אתה ה' אלהינו מלך העולם אשר יצר אתכם בדין וזן אתכם בדין
וכלכל אתכם בדין, ויודע מספר כלכם בדין והוא עתיד להקימכם בדין,
ולהחיות אתכם לחיי העולם הבא. ברוך אתה ה' מחיה המתים.

2. *Gevurot*

אתה גבור לעולם אדני, מחיה מתים אתה, רב להושיע.
מכלכל חיים ברחמים, מחיה מתים ברחמים רבים, סומך
נופלים, ורופא חולים, ומתיר אסורים, ומקים אמונתו לישגי
עפר, מי כמותך בעל גבורות ומי דומה לך, מלך ממית ומחיה
ומצמיח ישועה, ונאמן אתה להחיות מתים.

You are eternally mighty, my Lord, You revive the dead, You are great in deliverance.

The One who sustains life in kindness, resurrects the dead in great compassion,

Upholding the fallen, healer of the sick, and the one who frees the captives,

The One who keeps faith with those who sleep in the dust,

Who is like you Master of might? Who resembles You?

King of the living and of the dead, Source of Salvation,

And You are faithful, to restore the dead to life. (my trans.)

3. Tzidduk ha din

הצור תמים פעלו, כי כל דרכיו משפט, אל אמונה ואין עול, צדיק וישר הוא.
הצור תמים בכל פעל, מי יאמר לו מה תפעל, השליט במטה ובמזל, ממית
ומחיה, מוריד שאול ויעל.
הצור תמים בכל מעשה, מי יאמר אליו מה תעשה, האומר ועושה, חסד חנם
לנו תעשה, ובזכות הנעקר כשה, הקשיבה ועשה.
צדיק בכל דרכיו, הצור תמים, ארץ אפים ומלא רחמים, חמל נא וחוס נא על
אבות ובנים, כי לך אדון הסליחות והרחמים.
צדיק אתה יי להמית ולהחיות, אשר בידך פקדון כל רוחות, חלילה לך זכרוננו
למחות, ויהיו נא עיניך ברחמים עלינו פקוחות, כי לך אדון רחמים והסליחות.
אדם אם בן שנה יהיה, או אלה שנים יהיה, מה יתרון לו, כלא היה יהיה, ברוך
דין האמת ממית ומחיה.
ברוך הוא, כי אמת דינו, ומשוטט הכל בעינו, ומשלם לאדם חשבוננו ודינו,
והכל לשמו הודיה יתנו.
ידענו יי כי צדק משפטיך, תצדק בדברך ותזכה בשפטך, ואין להרהר אחר
מדת שפטך, צדיק אתה יי וישר משפטיך.
דין אמת, שופט צדק ואמת, ברוך דין האמת, שכל משפטיו צדק ואמת.
נפש כל חי בידך, צדק מלאה ימינה וידה, רחם על פליטת צאן ידך, ותאמר
למלאך הדרך ידך.
גדול העצה ורב העלילה, אשר עיניך פקוחות על כל דרכי בני אדם, לתת
לאיש כדרכיו וכפרי מעלליו, להגיד כי ישר יי, צורי ולא עולתה בו.
יי נתן, ויי לקח, יהי שם יי מברך, והוא רחום וכפר עון ולא משחית, והרבה
להשיב אפו, ולא יעיר כל חמתו.

Translation:²¹⁹

The Rock, His work is perfect and all His ways are just; a faithful God, never false, true and upright is He. The Rock is perfect in every way. Who can question Him about His deeds? God rules below and on high, causing death and giving life to the dead, bringing down to the grave and raising up.

The Rock, perfect in every deed. Who can ask Him, "What are you doing?" His word is fulfillment. Graciously deal with us; through the merit of Isaac who was bound like a lamb, hearken and fulfill.

Just in all His ways, the Rock is perfect, patient, and compassionate. Have pity for parents and children, as forgiveness and compassion are Yours, Adonai.

You are just, Adonai, in causing death and in giving life to the dead. In Your hand are all spirits. far be it from You to blot out our remembrance. Consider us with mercy, for compassion and forgiveness are Yours, Adonai.

What advantage is there for a mortal to live for one or one thousand years? He shall be as though he had not been. Praised is the judge of Truth, who causes death and gives life to the dead.

²¹⁹ *Moreh Derekh*, pp. E-60-E-61.

Praised be He whose judgment is true, who discerns everything, who settles accounts with mortals, whom all acknowledge with praise.

We know, Adonai, that Your judgment is righteous. You are righteous in Your word and pure in Your judgment, and one does not murmur about Your judgment. Just are You and upright are Your judgments. Judge of Truth and Righteousness, praised is the judge of Truth, all of whose judgments are just and true.

The soul of all life is in Your hand. Your might is filled with justice. Have mercy on the remnant of Your flock and say to the destroying angel, "Stay your hand!"

Wondrous in purpose, mighty in deed, You see all the way of mortals, giving each according to his ways and the fruit of his deeds. Proclaim that Adonai is just. He is my Rock in whom there is no flaw.

Adonai has given and Adonai has taken; praised be the name of Adonai. God, being merciful, grants atonement for sin and does not destroy. Time and again God restrains wrath and refuses to let rage be all-consuming.

4. El Malei Rakhamim

אל מלא רחמים, שוכן במרומים, המצא מנוחה נכונה תחת כנפיו
השכינה, במעלות קדושים וטהורים כזהר הרקיע מזהירים, את נשמת
(פלוני) בן (פלוני) שהלך (שהלכה) לעולמו (לעולמה).

בעבור ש(פב"פ) נדב לצדקה בעד הזכרת נשמתו, בגן עדן תהא
מנוחתו. לכן בעל הרחמים יסתירהו (יסתירה) בסתר כנפיו לעולמים,
וצרור בצרור החיים את נשמתו (נשמתה), יי הוא נחלתו (נחלתה),
וינוח (ותנוח) בשלום על משכבו (משכבה), ונאמר אמן.

Translation:

God, whose fullness is compassion,
This One, dwelling on High.
Grant perfect peace under the wings of your Presence,
In the holy and pure heights,
Like the heaven's radiant splendor,
To the soul of _____,
Daughter/son of _____,
Who has now gone on his/her way.

Let Eden be his/her portion.
Please O God of Compassion,
Protect him/her in the cover of your presence forever.
May his/her soul be bound up in the bond of eternal life.
May God be his/her inheritance.
May he/she rest in peace.
And together we say, Amen.²²⁰

²²⁰ Translation by Rabbi Lawrence Kushner, in *Diamant*, at p. 79.

5. Psalm 99²²¹

99

^aThe LORD, enthroned on cherubim, is king,

peoples tremble, the earth quakes.^a

^bThe LORD is great in Zion,

and exalted above all peoples.

^cThey praise Your name as great and awesome:
He is holy!

^dMighty king^b who loves justice,

it was You who established equity,

You who worked righteous judgment in Jacob.

^eExalt the LORD our God

and bow down to His footstool;

He is holy!

^fMoses and Aaron among His priests,

Samuel, among those who call on His name—

when they called to the LORD,

He answered them.

^gHe spoke to them in a pillar of cloud;

they obeyed His decrees,

the law He gave them.

^hO LORD our God, You answered them;

You were a forgiving God for them,

but You exacted retribution for their misdeeds.

ⁱExalt the LORD our God,

and bow toward His holy hill,

for the LORD our God is holy.

^{a-a} Clauses transposed for clarity.

^{b-b} Meaning of Heb. uncertain.

צט

יְהוָה מֶלֶךְ יִרְגָּזוּ עַמִּים

יֵשֶׁב כְּרוּבִים תִּנּוּט הָאָרֶץ:

יְהוָה בְּצִיּוֹן גָּדוֹל

וְרָם הוּא עַל־כָּל־הָעַמִּים:

נִיחָדוּ שְׁמֶךָ גָּדִיל וְנִרְאָא

קָדוֹשׁ הוּא:

יָעֹז מֶלֶךְ מִשְׁפָּט אֱהָב

אֲתָהּ כּוֹנֵנֶת מִיִּשְׁרָאֵל

מִשְׁפָּט וְצִדְקָה בִּיעֲקֹב | אֲתָהּ

עֲשִׂית:

רִומְמוּ יְהוָה אֱלֹהֵינוּ

הַשְׁתַּחֲווּ לַהֲדָם רַגְלָיו

קָדוֹשׁ הוּא:

מֹשֶׁה וְאַהֲרֹן | בְּכֹהֲנָיו

וְשָׁמוּאֵל בִּקְרָאֵי שְׁמוֹ

קְרָאִים * אֱלֹהֵי־יְהוָה

וְהוּא יַעֲנֵם:

בְּעַמּוּד עָנָן יִדְבֹר אֲלֵיהֶם

שָׁמְרוּ עֲדֹתָיו

וְחֹק נִתְּנֵי־לָמוֹ:

* יְהוָה אֱלֹהֵינוּ אֲתָהּ עֲנִיתָם

אֶל נִשְׂא הָיִיתָ לָהֶם

וְנָקָם עַל־עֲלִילוֹתָם:

רִומְמוּ יְהוָה אֱלֹהֵינוּ

הַשְׁתַּחֲווּ לַהֲרַר קִדְשׁוֹ

בִּי־קְדוֹשׁ יְהוָה אֱלֹהֵינוּ:

²²¹ text and translation from the *JPS Tanakh*, p. 1535

6. Kaddish It'khadata

יתגדל ויתקדש שמה רבא בעלמא די הוא עתיד לאתחדתא ולאחדא מתיא
 ולאסקא לחי עלמא ולמבנא קרתא די ירושלם ולשכלל היכלה בגוה
 ולמעקד פלחנא נכראא מארעא ולאנבא פלחנא די שמיא לאתרה וימלך
 קדשא בריך הוא במלכותה ויקרה בתיכון וביומיו ובחיי דכל בית
 ישראל בעגלא ובזמן קריב ואמרו אמן.
 יהא שמה רבא מברך לעלם ולעלמי עלמא
 יתברך וישתבח ויתפאר ויתרומם ויתנשא ויתגדר ויתעלה ויתהלל
 שמה דקדשא בריך הוא לעלא מן כל ברכתא ושירתא תשבחתא
 ונחמתא דאמירן בעלמא ואמרו אמן.
 יהא שלמא רבא מן שמיא וחיים טובים עלינו ועל כל ישראל.
 ואמרו אמן.
 עשה שלום במומיו, הוא יעשה שלום עלינו ועל כל ישראל, ואמרו
 אמן.

Translation²²²

Extolled and hallowed be the name of God in that world which He is to
 create anew, and to revive the dead and to raise them to an everlasting
 life. Then will the city of Jerusalem be rebuilt, the Temple will be
 erected therein, the worship of idols eradicated, and the only true
 heavenly worship restored to its dignity. Oh, may this happen in your
 life-time, and in the life-time of the whole house of Israel, speedily and
 without delay, and say ye, Amen.

(Cong. and repeated by the orphan). May His omnipotent name be
 praised for ever and ever throughout the world.

May the name of the Holy One be praised, glorified, extolled,
 magnified, honored, and most excellently adored, in expression far
 surpassing all homage, hymns, praises and eulogies that can be
 expressed in the world; and say ye, Amen.

May abundance of peace and happy life be bestowed upon us and
 upon all Israel; and say ye, Amen.

May He, who establishes peace in His high heavens, grant through
 His mercy peace to us and to all Israel; and say ye, Amen.

²²² HaMadrikkh, p. 133

Exit Rituals

7. *Nikhum Avelim*: Standing in rows

הַמָּקוֹם יִנַּחֵם אֶתְכֶם בְּתוֹךְ שְׂאֵר אַבְלֵי צִיּוֹן וִירוּשָׁלַיִם.
May the Source of Life comfort you among all the other
mourners of Zion and Jerusalem.

8. Plucking Grass and recitation of part of Psalm 103:14

זָכוֹר כִּי עָפָר אֲנִי.
He remembers that we are dust.

9. Hand washing and recitation of Isaiah 25:8

בִּלְעַד הַמָּוֶת לְנֶצַח, וּמָחָה אֲדֹנָי יְהוִה דִּמְעָה מֵעַל כָּל
פָּנִים, וְחָרַפַּת עַמּוֹ יִסִּיר מֵעַל כָּל הָאָרֶץ כִּי יְיָ דָּבָר.

He will destroy death forever. My Lord GOD will wipe the tears away From all
faces And will put an end to the reproach of His people Over all the earth -- For it
is the LORD who has spoken.²²³

10. Psalm 90:17 and Psalm 91

Psalm 90:17

May the favor of the Lord, our God, be
upon us;
let the work of our hands prosper,
O prosper the work of our hands!

יְיָ וְיִהְיֶה נַעַם אֲדֹנָי אֱלֹהֵינוּ עָלֵינוּ
וּמַעֲשֵׂה יָדֵינוּ כּוֹנֵנָה עָלֵינוּ
וּמַעֲשֵׂה יָדֵינוּ כּוֹנֵנָהוּ:

²²³ JPS Tanakh.

Psalm 91

91 O you who dwell in the shelter of the Most High

and abide in the protection of Shaddai—

²I say of the LORD, my refuge and stronghold,
my God in whom I trust,

³that He will save you from the fowler's trap,
from the destructive plague.

⁴He will cover you with His pinions;
you will find refuge under His wings;

His fidelity is an encircling shield.

⁵You need not fear the terror by night,
or the arrow that flies by day,

⁶the plague that stalks in the darkness,
or the scourge that ravages at noon.

⁷A thousand may fall at your left side,
ten thousand at your right,
but it shall not reach you.

⁸You will see it with your eyes,
you will witness the punishment of the wicked.

⁹Because you took the LORD—my refuge,
the Most High—as your haven,

¹⁰no harm will befall you,
no disease touch your tent.

¹¹For He will order His angels
to guard you wherever you go.

¹²They will carry you in their hands
lest you hurt your foot on a stone.

¹³You will tread on cubs and vipers;
you will trample lions and asps.

¹⁴"Because he is devoted to Me I will deliver him;
I will keep him safe, for he knows My name.

¹⁵When he calls on Me, I will answer him;
I will be with him in distress;

I will rescue him and make him honored;

¹⁶I will let him live to a ripe old age,
and show him My salvation."

צא ישב בסתר עליון

בצל שדי יתלונן:

²אמר ליהוה מחסי ומצודתי

אלהי אבטח-בו:

³כי הוא יצילך מפח יקוש

מדבר הוות:

⁴באברתי | יסך לך

ותחת-כנפיו תחסה

צנה וסחרה אמרו:

⁵לא-תירא מפחד לילה

מחץ יעוף יומם:

⁶מדבר באפל יהלך

מקטב ישוד צהרים:

⁷יפל מצדך | אלף

ורבבה מימינך

אליך לא יגש:

⁸רק בעיניך תביט

ושלמת רשעים תראה:

⁹כי-אתה יהוה מחסי

עליון שמת מעונך:

¹⁰לא-תאנה אליך רעה

ונגע לא-יקרב באהלך:

¹¹כי מלאכיו יצוה-לך

לשמרך בכל-דרךך:

¹²על-כפים ישאוּך

פך-הגף באבן רגלך:

¹³על-שחל ופתן תדרך

תרמס כפיר ותנין:

¹⁴כי בי חשק ואפלטו

אשגבּוּו כי-ידע שמי:

¹⁵יקראני | ואענהו

עמי-אנכי בצרה

אחלצהו ואכבדהו:

¹⁶ארך ימים אשביעהו

ואראהו בישועתי:

Appendix II: A Chronological Overview of Sources for Burial Practices

Burial Rituals and Customs	Mishna	Talmud	Geonic	Amram	Rambam	Ramban	Tur	Shulchan Aruch
Seeing graves: M'chayeh ha meitim		Ber. 58b	[find]	Berachot Prati'yot, ¶155(קנה)	M.T. Berachot: 10:10	--	Or.Ch. 224:11	
Gevurot								
Tziduk ha Din		Avoda Zarah 18, Sifrei Haazinu	Lewin, Mashqin: p. 40, 41	156 – 2 versions; <i>kitvei'yad</i>	mentioned in H. Avel:	mentioned in Torat ha Adam: Sha'ar ha sof, Inyan Ha'Hotzah, p. 102, no text; -- part of procession?	YD 401	YD 401:6
El Malei Rachamim								
Ps 99								
Ps. 19								
Kaddish Kaddish Itchadata Kaddish Yatom			Mashkin, p. 41	157	H. Ber. –as kaddish de rabbanan, not re: funeral	pp. 154-155;	YD 401 – said in rechava	YD 401:6
II. Customs								
Standing in Rows	M. M.K. 3:7-9, San. 2:1,	BT San 4:2, 6; BT San. 19a;			MT. Hil Avel. 13:1-2	--	find	find

Birkat Avelim: Ha'makom Y'nachem etchem, or other version	M. Meg.4:3; M. M.K. 3:7-9	BT Ket. 8a,b;		158	MT. Hil Avel. 13:1-2			
Pulling up grass and Zachor ki afar anachnu								
washing hands and reciting: <i>bila ha mavet</i>								
Ps 90:17, Ps. 91								

Appendix III

Textual Sources for Tzidduk ha Din by Verse, from Baer's Notes

1. הצור תמים פָּעֵלוֹ, כִּי כָל דְּרָכָיו מִשְׁפָּט, אֵל אֱמוּנָה וְאִין עוֹל, צָדִיק וְיָשָׁר הוּא.

WTT Deuteronomy 32:4
הַצּוֹר תָּמִים פָּעֵלוֹ כִּי כָל-דְּרָכָיו מִשְׁפָּט
אֵל אֱמוּנָה וְאִין עוֹל צָדִיק וְיָשָׁר הוּא

^{TNK} Deuteronomy 32:4 The Rock! -- His deeds are perfect, Yea, all His ways are just; A faithful God, never false, True and upright is He.

2. הצור תמים בְּכָל פְּעֵל, מִי יֹאמֶר לוֹ מָה תִּפְעֵל, הַשְׁלִיט בְּמָטָה וּבְמַעַל, מִמֵּית וּמִחַיָּת מוֹרֵד שְׂאוֹל וְעַל

WTT 1 Samuel 2:6
הַצּוֹר מָמָת וּמִחַיָּת מוֹרֵד שְׂאוֹל וְעַל

^{TNK} 1 Samuel 2:6 The LORD deals death and gives life, Casts down into Sheol and raises up.

3. הצור תמים בְּכָל מַעֲשֵׂה, הָאוֹמֵר וְעוֹשֶׂה, חֲסֵד חֲנּוּם לָנוּ תַעֲשֶׂה, וּבִזְכוּת הַנֶּעֱקָד כָּשָׂה, הַשֵּׁנִי מִלְּפָנֶיךָ

WTT Ecclesiastes 8:4
בְּאִשֶּׁר דְּבַר-מֶלֶךְ שְׁלוֹטוֹן

^{TNK} Ecclesiastes 8:4 inasmuch as a king's command is authoritative, and none can say to him, "What are you doing?"

WTT Daniel 9:19
וְעַתָּה אֵל-הָאֱמֶת לְמַעַן אֱלֹהֵי כִי-שִׁמְךָ נִקְרָא עַל-עִירְךָ
וְעַל-עַמְּךָ

^{TNK} Daniel 9:19 O Lord, hear! O Lord, forgive! O Lord, listen, and act without delay for Your own sake, O my God; for Your name is attached to Your city and Your people!"

4. צדיק בכל דרכיו, הצור תמים, ארץ אפים ומלא רחמים, חמל נא וחוס נא על אבות ובנים,
כי לך אדון הסליחות ורחמים.

Baer does not indicate any source text.

5. צדיק אתה יי להמית ולהחיות, אשר [redacted], חלילה לך זכרוננו
למחות, ויהיו נא עיניך ברחמים עלינו פקוחות, כי לך אדון הרחמים והסליחות.

WTT Psalm 31:6a פְּרִיְתָה אוֹתִי יְהוָה אֵל

אֱמֶת

TNK Psalm 31:6 Into Your hand I entrust my spirit; You redeem me, O LORD, faithful
God.

6. אדם אם בו שנה יהיה, או אלף שנים יחיה, מה יתרון לו, כלא היה יהיה, ברוך
דין האמת ממית ומחיה.

no notes in Baer

7. ברוך הוא, כי אמת דינו, ומשוטט הכל בעינו, ומשלים לאדם חשבוננו
ודינו, והכל לשמו הודיה יתנו.

WTT Zechariah 4:10 כִּי מִי בּוֹ לַיּוֹם קִטְנוֹת וְשִׂמְחוֹ וְרָאוּ
אֶת־הָאֶבֶן הַבְּדִיל בְּיַד זְרֻבָּבֶל שֶׁבַע־אֵלֶּה עֵינֵי יְהוָה הַמָּה
מְשׁוֹטְטִים בְּכָל־הָאָרֶץ

TNK Zechariah 4:10 Does anyone scorn a day of small beginnings? When they see the
stone of distinction in the hand of Zerubbabel, they shall rejoice. "Those seven are the
eyes of the LORD, ranging over the whole earth."

WTT 2 Chron16:9 כִּי יְהוָה עֵינָיו מְשׁוֹטְטוֹת בְּכָל־הָאָרֶץ
לְהַתְחַזֵּק עִם־לְבָבָם שָׁלֵם אֵלָיו נִסְפָּלֶתָ עַל־זֹאת כִּי מַעֲתָה
יֵשׁ עִמָּךְ מִלְחָמוֹת

TNK 2 Chronicles 16:9 For the eyes of the LORD range over the entire earth, to give
support to those who are wholeheartedly with Him. You have acted foolishly in this
matter, and henceforth you will be beset by wars."

8. יָדַעְנוּ יי כִּי צָדִיק מִשְׁפָּטִיךָ, תִּצְדֹּק בְּדִבְרֶךָ וְתִזְכֶּה בְּשִׁפְטֶךָ, וְאִין לַהֲרֹחַ אַחֵר
מִדַּת שִׁפְטֶךָ,

Psalm 51:6 ^{WTT} לִי לְבַבְךָ חָטָאתִי וְהָרַע בְּעֵינֶיךָ עָשִׂיתִי לְמַעַן
תִּצְדֹּק בְּדִבְרֶךָ תִּזְכֶּה בְּשִׁפְטֶךָ

^{TNK} Psalm 51:6 Against You alone have I sinned, and done what is evil in Your sight; so
You are just in Your sentence, and right in Your judgment.

^{WTT} Psalm 119:137 [REDACTED]
^{TNK} Psalm 119:137 You are righteous, O LORD; Your rulings are just.

9. דָּין אֱמֶת, שׁוֹפֵט צָדִיק וְאֱמֶת, בְּרוּךְ דָּין הָאֱמֶת, שְׂכָל מִשְׁפָּטֶיךָ צָדִיק וְאֱמֶת.
no notes in Baer

10. נָפֶשׁ כָּל חַי בְּיָדְךָ, צָדִיק מְלָאךָ יְמִינְךָ וְיָדְךָ, רַחֵם עַל פְּלִיטַת צֶאֱן יָדְךָ, וְתֹאמַר
לְמַלְאָךְ תִּרְוֵה יָדְךָ.

Job 12:10 ^{WTT} אֲשֶׁר בְּיָדוֹ נֶפֶשׁ כָּל-חַי וְרוּחַ כָּל-בֶּשֶׂר-אִישׁ

^{TNK} Job 12:10 In His hand is every living soul And the breath of all mankind.

Psalm 48:11 ^{WTT} כְּשִׁמְךָ אֱלֹהִים כֵּן תִּהְלֶתְךָ עַל-קְצוֹי-אָרֶץ
צָדִיק מְלָאךָ יְמִינְךָ

^{TNK} Psalm 48:11 The praise of You, God, like Your name, reaches to the ends of the
earth; Your right hand is filled with beneficence.

2 Samuel 24:16 ^{WTT} וַיִּשְׁלַח יְהוָה הַמַּלְאָךְ יְרוּשָׁלַם לְשַׁחֲתָהּ
וַיִּנָּחֶם יְהוָה אֶל-הָרָעָה וַיֹּאמֶר לְמַלְאָךְ הַמִּשְׁחִית בָּעַם רַב
עָתָה הִרְרֵי יָדְךָ וּמַלְאָךְ יְהוָה הָיָה עִם-גִּרְוֹן (הָאֹרֶנָה)
(הָאֹרֶנָה) הַיְבֵסִי ס

^{TNK} 2 Samuel 24:16 But when the angel extended his hand against Jerusalem to destroy it,
the LORD renounced further punishment and said to the angel who was destroying the
people, "Enough! Stay your hand!" The angel of the LORD was then by the threshing
floor of Araunah the Jebusite.

11. וְזֶלַל מַעֲשֵׂה יָדָיו מִיֵּשֶׁר
וְעָשָׂה כְּכָל דְּרֹשׁוֹ

Jer 32:19
וְעָשָׂה כְּכָל דְּרֹשׁוֹ

^{TNK} **Jeremiah 32:19** wondrous in purpose and mighty in deed, whose eyes observe all the ways of men, so as to repay every man according to his ways, and with the proper fruit of his deeds!

12. לְהַגִּיד כִּי יֵשֶׁר יְיָ, צוּרִי וְלֹא עֹלְתָהּ בּוֹ.

^{WTT} **Psalm 92:16** לְהַגִּיד כִּי-יֵשֶׁר יְהוָה צוּרִי וְלֹא-(עֹלְתָהּ)
[עֹלְתָהּ] בּוֹ

^{TNK} **Psalm 92:16** attesting that the LORD is upright, my rock, in whom there is no wrong.

13. יְיָ מֵתָּה, וְיִגְלַעְתָּ יְדֵי שֹׁמְרֵי מִצְוָתְךָ

^{WTT} **Job 1:21** וַיֹּאמֶר עָרִם (יִצְחָק) [יִצְחָק] מִבֶּטֶן אִמִּי וְעָרִם
אֲשׁוּב שָׁמָּה יְהוָה נָתַן וַיְהִי לָקֵחַ יְהוָה שֵׁם יְהוָה מְבָרָךְ

^{TNK} **Job 1:21** He said, "Naked came I out of my mother's womb, and naked shall I return there; the LORD has given, and the LORD has taken away; blessed be the name of the LORD."

14. וְהוּא רַחוּם יְכַפֵּר עוֹן וְלֹא יִשְׁחִית, וְהִרְבָּה לְהַשִּׁיב אָפּוֹ, וְלֹא יַעִיר כָּל חֲמָתוֹ.

^{WTT} **Psalm 78:38** וְהוּא רַחוּם יְכַפֵּר עוֹן וְלֹא-יִשְׁחִית וְהִרְבָּה
לְהַשִּׁיב אָפּוֹ וְלֹא-יַעִיר כָּל-חֲמָתוֹ

^{TNK} **Psalm 78:38** But He, being merciful, forgave iniquity and would not destroy; He restrained His wrath time and again and did not give full vent to His fury;

Appendix IV: Burial Texts and Rituals in the Rabbi's Manuals

Funeral and Burial Rituals	Ha Madrikh	Moreh Derekh (RA)	Maglei Tzedek (CCAR)	Madrikh L'Rabanan (RRA)
Asher Yatzar -M'chayeh ha meitim	125	not included	not included	not included
Preliminary Readings	124a,160,131	E-12-E-40	112-146	D-6
Hesped	not discussed	E-9-E-10, E-12-E-40: readings before the Hesped	147	not mentioned
Tziduk ha Din	126	E-58-E-64	151-152 (creative version among a variety of other options)	D-18-19 (creative version)
El Malei Rachamim	124b (Chapel) 129 (Graveside)	E-42-43	149 (at chapel or prior to interment)	D-19-D-20
Shoveling		E-157	160-161	DH-1
Additional Psalms	129-132	E-43-47		PD1-34
Kaddish Kaddish Itchadata Kaddish Yatom	133	E-68 (optional) E-68	160	D-24-26 (as an alternative, adds <i>v'al kol yoshvei tevel</i>) D-21-23 (adds <i>v'al kol yoshvei tevel</i>)
Forming Rows	134	E-70	notes p.251	D-26
Ha'makom Y'nachem etchem	134	E-70	161-162	D-27

Pulling up grass and Zachor ki afar anachnu	134	not included	not included	not included
Ps. 91	135			intro readings, D-15;
Washing hands upon return	134		notes p. 251	R-2

Appendix V

Tzidduk ha Din -- Seder Rav Amram

צדוק הדין על המת

הצור תמים פעלו כי כל דרכיו משפט .
אל אמונה ואין עול צדיק וישר הוא.
הצור תמים בכל פועל, ומי יאמר לו מה תפעל.
השליט בתחת ובמעל, ממית ומחיה, מוריד שאול ויעל.
הצור תמים בכל מעשה, ומי יאמר לו מה תעשה.
גוזר ועושה, חנם לנו תעשה.
ובזכות הנעקד כשה, הקשיבה ועשה.
צדיק בכל דרכיו הצור תמים, ארך אפים ומלא רחמים.
חמל נא חוס על אבות ובנים, כי לך אדון סליחות ורחמים.
דיין אמת שופט בצדק ואמת, ברוך דיין האמת.
כי כל מעשיו צדק ואמת. ראש דבריו אמת.
המתים להחיות והחיים להמית.
יתעלה ויתנשא שמו כי הוא אל אלהים אמת.
וכל דרכיו צדק ומשפט ואורחותיו חסד ואמת.
צדק ומשפט כל דרכיו, חסד ואמת אורחותיו, משוא פנים אין לפניו.
עלינו יהמו רחמיו, כי כלנו מעשה ידי.
והוא רחום יכפר עון ולא ישחית, והרבה להשיב אפו ולא יעיר חמתו.

הנה מקום, הנה מלון, הנה מנוחת, והנה נחלה.
אשרי כל אשר יאמר לו באסיפתו, שלום בואו.
מלאכי השלום הממונים על שערי שלום, הם יצאו לקראתו ויאמרו
לו שלום בואו.
מלאכי הרחמים הממונים על שערי רחמים, הם יצאו לקראתו
ויאמרו לו שלום בואו.
יבוא שלום ינוחו על משכבו, יבא שלום וינוחו במנוחתו.
יבא שלום וינוחו בבית עולמו.

The Rock, His work is perfect because all his ways are just.
God of faithfulness, without iniquity, He is righteous and upright.
The Rock, He is perfect in all his work, who will say to him, what is it you do?
The One who rules below and above, dispenses death and restores to life, sending down
to Sheol and raising up.
The Rock, perfect in all his deeds, and who will say to him, what is it you do?
The One who ordains and fulfills, You do for us gratuitously.
By the merit of the one who was bound like a lamb, take notice of us and do.

Righteous in all His ways, the perfect Rock, slow to anger and full of compassion.
Please have pity, spare the parents and the children, because you are the master of pardon and compassion.

Judge of truth, Decisor in righteousness and truth, Blessed is the Judge of truth.
Because all of His deeds are righteous and true. From the beginning His words are true.
Because all of His deeds are righteous and true. The essence of His words are true.

He restores the dead to life and brings death to the living.

Extol and raise up His Name, because He is a God who is the God of truth.

Righteousness and justice are all His roads, kindness and truth are His paths.

All His ways are righteousness and justice, kindness and truth are his paths, He shows no favoritism.

His mercy will descend upon us, because we are all the work of his hands.

He is merciful, He will forgive iniquity and will not slaughter, he often turns away His anger and he will not arouse His wrath.

Behold the place, behold the lodging, behold the comfort, behold the portion,
Happy are they one who can say to him as they gather together, he has come in peace.
Angels of peace, appointed to the gates of peace, will go out to him and say to him he has come in peace.

Angels of mercy appointed to the gates of mercy will go out to him and say to him he has come in peace.

May peace come that they may find rest on its place of repose,

May peace come that they may find rest in its repose,

May peace come that they may find rest in its eternal home.

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