

The Tasks of Grief and the Hallakhah of Mourning

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* *

To Noam, Haviv and Yakir who are a daily blessing to me

To Martha who brings me joy, blessings and goodness

Digest

This thesis set out to meet three goals. First, it was a vehicle through which I set out to study the modern psychological understanding of the grief process. Second, I wanted to use this as an opportunity to study rabbinic text. Third, I wanted to use these resources in order to develop a conceptual framework for an adult education project. The project will help adult Reform Jews to develop a praxis of mourning.

The first goal was met through an examination of several of central works in the field, by Worden, Rando, Bowlby, and others. The examination focused on Worden's schematic of the grieving process that sees four tasks of grief: "To accept the reality of the loss; To work through to the pain of grief; To adjust to an environment in which the deceased is missing; To emotionally relocate the deceased and move on with life."

The second goal was met through a translation of *Shulkhan Arukh Yoreh Deiah* sections 335-374. Preparation of an accurate translation required study of the text with its commentators (chiefly the *Torai Zahav* and the *Siftai Cohen*), its sources in other rabbinic literature, in Bible, and in the Talmud.

The third goal was met through development of a framework that centers around study and comparison of a rabbinic statement about an aspect of mourning, with

a modern psychological insight on the same topic. The framework is appropriate for facilitated small group study.

I have come to believe that there is a high degree of correlation between traditional rabbinical understandings of the grief process and the modern psychological insights. I hope to have the opportunity to pursue the understanding of this correlation in further study in the future.

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Introduction

This thesis is concerned with Jewish practices of mourning. These practices will be examined alongside modern understandings of the psychology of grief. We will apply these understandings to developing a framework for an adult education program. The program will serve to encourage Reform Jews to develop a personal praxis of mourning in the light of traditional Jewish practices, and a modern understanding of the psychological and religious benefits they may find.

The notion of *praxis* is central to this paper. In his seminal work Faith Development and Pastoral Care¹ James Fowler points to Aristotle's differentiation between *praxis*, *theoria*, and *poesis*. *Poesis* is the kind of creative skill that cannot be adequately verbalized.² It is the knowledge of body and senses that gives an ability to dive gracefully into a pool of water, to dance well, to be a skilled worker. *Theoria* is "knowledge born of analytic distance and objectivity."³ For Aristotle, *praxis* was the type of knowledge especially needed for political leadership. He described it as a grounding in the ideals of the community, a

¹Fowler, James W. *Faith Development and Pastoral Care* Fortress Press, Philadelphia, 1987, p.15.

²ibid. p.16.

³op.cit.

challenges of the present moment. *"In praxis these elements or capacities of knowing find integration in a pattern in which action and ongoing reflection interpenetrate."*⁴

Fowler makes the crucial point that: *"...It is important to see that theoria and praxis are not opposites. Nor is one the derivative of the other. They are richly complementary but distinct forms of knowing animated by different interests and contexts and employing different methods."*⁵ Seen in this context, *praxis*, informed by *theoria*, becomes *"both customary and transformative. . . It comprises the ways in which a community does its business - the patterns of action and transaction . . . On the other hand, praxis involves strategic initiatives and intentional action aimed at the transformation of the community toward a more effective realization of its purposes . . ."*⁶

The terms that Fowler offers us are useful in establishing a context for this thesis, which is being written in the midst of a broad contemporary re-examination of Reform attitudes towards traditional practice. Following Rabbi Eugene Borowitz, this re-evaluation is based on acknowledgement of insights derived from modern investigation into human nature. Borowitz cites in particular the study of

⁴ibid.

⁵ibid. p.16.

⁶ibid.

anthropology. Writing almost a decade ago⁷, he pointed out that ceremonies can have a powerful and positive influence on our lives. He noted that the modern understanding of the importance of ritual can have a powerful influence on Reform Jewish praxis. *"In recent years most of us have tried to be less rigidly rationalistic than a previous generation of liberal Jews. We respond to many forms and levels of instruction. We enjoy many emotive and bodily modes of self-expression. So too, not having to turn religion mainly into ideas, we are far more open to ritual in our lives than we were."* One of the illustrations Borowitz uses is the custom of the shiva call: *"Many rites teach us lessons we need to know or be reminded of. We consider it a duty to go to a funeral and we pay our shiva call not only to help the bereaved - have you not often been surprised how much it has been appreciated - but also because of the deep sense of meaning we momentarily recapture then."*⁸ It is the underlying assumption of this thesis that we would do well to allow these shifts in *theoria*, and this new openness to new sources of *theoria*, drawn from the traditional Jewish sphere, and from the realm of psychology, to inform the ongoing development of our Reform Jewish *praxis*.

There is, in a sense, nothing new about this assumption. Reform Judaism has been marked, from the beginning, by its tendency to re-evaluate religious

⁷Borowitz, Eugene *Liberal Judaism* Union of American Hebrew Congregations, 1984, p.414.

⁸*Ibid.* p.421.

practices. The Jewish practices regarding death and mourning are no exception. At the Breslau Conference of 1846 a motion was passed that dealt with mourning practices.⁹ The assembled rabbis declared:

"...the following mourning practices, which have developed from former popular custom, have lost significance and religious value for our time, and, in fact, run contrary to our religious sentiment and are, therefore, to be eliminated:

*The tearing of clothes, allowing the beard to grow, sitting on the ground, elimination of leather footwear, and also those which custom has almost entirely eliminated, namely the prohibitions of washing, bathing, and greeting."*¹⁰

The rabbis went on to delineate a procedure for handling grief and mourning that seemed to them more appropriate:

"The Assembly believes it advisable that the mourner should stay at home during the first three days (and not seven as previously), beginning with the day of interment, provided that higher duties and considerations of health permit it.

⁹For a general discussion of the Breslau conference see Meyer, Michael A. *Response to Modernity: A History of the Reform Movement In Judaism* Oxford University Press, New York, Oxford 1988.

¹⁰Plaut, W. Gunther *The Rise of Reform Judaism A Sourcebook of Its European Origins* World Union For Progressive Judaism, Ltd. New York, 1963, pps.223.

*The Assembly further deems it advisable that the mourner, if at all possible, should refrain from all business on the day of Interment and withdraw from it during the next two days, but that during these days the carrying on of his business through other parties be permitted."*¹¹

Adopted and published in the first volume of the CCAR Yearbook¹², this decision of the Breslau conference laid out a Reform Jewish custom of mourning that is still practiced today in the United States and elsewhere.¹³

In brief, the Breslau Conference effectively reduced the traditional seven day period (*Shiva*) to a three day period.¹⁴ Various customs unique to Jewish practice were discarded. Yet oddly, the decision has nothing to say about what it is that the mourner is supposed to actually do, or to actually experience religiously and emotionally during those three days. This *lacuna* was remarked upon by the moderate rabbi Leopold Stein of Frankfort (1810-1882): "...we should be aware

¹¹ibid.

¹²Central Conference of American Rabbis Yearbook Vol.1, Bloch Publishing and Printing Co., Cincinnati, 1891 (reproduced in 1958 by the CCAR) p.97.

¹³Polish, David (liturgy editor) and Plaut, W. Gunther (Historical and Halachic Notes), *Rabbi's Manual* Central Conference of American Rabbis, New York, 1988-5748, p.252.

¹⁴With regard to modern practice the Rabbi's Manual clarifies that mourners are "encouraged to stay at home during *Shiv-a* ..." however Rabbi Plaut acknowledges that the three day period has "in many places" become the practical norm "though they do not replace it as the desirable norm". see p.252.

*that we are about to eliminate a significant portion of the old code...therefore, we are obligated to set forth brief outlines which contain the quintessence of our thinking in accordance with the religious point of view of our own time. Let us not merely negate present custom. We must be positive lest our resolutions will lack all effectiveness."*¹⁵

The peculiar nature of this silence is highlighted when set against the backdrop of the clear motivation of the rabbis to create a praxis that would speak to the needs of their Jewish congregants; needs with which the rabbis clearly identified and empathized. The reasons given for the reform of Jewish mourning practice were characteristic of the period. They related to the need felt for greater relevance and cultural congruence. Reading accounts of the discussions it is impressive how deeply felt this need was. The rabbis relate their perception of the ineffective results of traditional practices in promoting the expression of the feelings of the mourner; of the inappropriateness that was seen in the very act of *prescribing* practices of mourning that might be felt as burdens by mourners; and of their pronounced discomfort with the concept of death as punishment for sin, that was seen to underlie the traditional practice.

¹⁵Plaut, op.cit. p.224

The alienation from traditional mourning practice was expressed poignantly by a rabbi named Guldenstein¹⁶: *"The mourning practices which have been in vogue until now are, however, no longer the expression of our sentiments but almost elicit the opposite result. They are offensive and do not give solace."*

In 1899 Dr. Moses Mielziner presented a report of a committee on "Funeral Agenda", all of whose recommendations were adopted by the CCAR.¹⁷ In this report the following recommendations were made: The three day period of formal withdrawal from normal pursuits was reiterated. It was deemed "appropriate" that religious services be held at the house of the mourner during the three days. "Oriental" modes of mourning, i.e. sitting on the floor, tearing garments, going barefoot, not shaving, etc. were discouraged as being "out of reason." The committee recommended the appointment of a committee to revise the burial ritual and to create a "collection of religious and ethical material" for "reading in the house of mourning."¹⁸

¹⁶ op.cit. p.223, fnt.8. I have not been able to find any information about this man, other than the fact that he is identified by W. Gunther Plaut as "rabbi in Buchau." This is also the way in which he is described in the first volume of the CCAR *Yearbook* (op.cit. p.95/.

¹⁷ Central Conference of American Rabbis *Yearbook* 1898-99, 5759,p.51.

¹⁸ This last suggestions was referred to a "Committee on Domestic Service" established at the same Conference with the purpose of combatting a perceived "absence of worship in the homes of American Jews. *ibid.* p.54-55. (See particularly remarks by Dr. Voorsanger.)

The next major attempt¹⁹ to grapple with issues of death and mourning came at the CCAR conference in 1913. In the context of a fairly comprehensive report of the Committee on Responsa, Kaufman Kohler and David Neumark prepared an examination the "Kaddish ritual" and of "Mourning Customs in General."²⁰ With regard to the *Kaddish* Kohler and Neumark pointed out that the question of "*How long after the death or burial of the relative is the Kaddish to be recited, and on what day is the Yahrzeit to be observed...*" "*looms up large in the estimate of the people*".²¹ They trace the history of the *kaddish* and suggest that it be recited for twelve months following the death, rather than the eleven month period that is Orthodox practice.²² They recommended marking the *Yahrzeit*.

From the perspective of the psychology of mourning, it is interesting to note that Kohler and Neumark departed from the pattern set by the Breslau conference, in that they dealt directly with emotional issues that can arise out of grief and

¹⁹An issue related to a "mourner's service" was evidently brought up in a letter from Rabbi Krauskopf to the conference in 1900. The content of the letter is not revealed in the *Yearbook* text. Whatever it was, it was evidently buried in the Executive Committee. CCAR *Yearbook* vol.X 1900-5660 p.61.

²⁰Central Conference of American Rabbis, *Yearbook* vol. XIII 1913-5673,p.166.

²¹*ibid.*

²²They point out the "character of crude superstitions" that underlies the custom. It was thought that a sinner suffered for his sins for one year. Therefore "*the Kaddish ought by right to be recited by the son throughout the whole year from the day of burial on...But...it was felt to be rather unbecoming to a son to regard his father as so sinful as to be subject to the full twelve month's punishment in Gehenna*" and so the custom settled for eleven months.

mourning. They based their recommendations on the need to affirm and express the loss of a loved one. *"...we must not lose sight of the respect and pious regard we owe to the departed and of the true sentiment of tender love and affection that must find its proper expression at the loss of the beloved."*²³ They stressed the role of religion in meeting the tasks of grief (as they defined those tasks). *"And religion, above all, must step in to offer its balm of comfort to the bruised heart, to hallow the grief by special hours of devotion and prayer, by abstention from the daily pursuit of business for a certain period and by some expression of sympathy on the part of friends and fellow-members of the congregation."*²⁴

Moreover, they are very sensitive to the potential that the mourning process holds, for religious, spiritual and psychological growth: *"At no time, however, let us speak in deprecating terms of the so-called Kaddish Jews whom only affliction reminds of their sacred obligations and allegiance to the Synagogue; or to religion in general. For after all, we are taught by our Sages: 'Mitok Shelo Lishmah ba Lishmah'(sic). Often people act from lower motives, but are led to act from higher motives, learning to aspire more and more to the higher ideal."*²⁵

²³ibid.178.

²⁴ibid.

²⁵ibid. p.179.

From 1913, the CCAR did not deal in any depth with the issues of death and mourning until 1977 when a resolution was passed on Death and Dying. The language of this resolution represents a radical re-orientation with regard to the value of grief ceremonies and their psychological benefits. *"We view with interest and increasing appreciation the serious confrontation with the dynamics of dying, death and bereavement. The readiness to explore with honesty these areas which have for long been avoided is something which is long overdue. Rabbis are called upon to bring sustenance in times of sorrow. We are being helped and will continue to be aided in helping our congregants face death and mourning with greater human resources because of the contemporary openness. We note with special pride the efforts on the part of many of our colleagues to institute seminars on death and dying within their congregations and on their campuses. The creation of classes in Religious Schools and the writing of informative volumes together with helpful presentations from the pulpit can only serve to make our people better able to understand dying death and bereavement. At this time we call upon one another to make conscious efforts to deal with death openly and realistically. We suggest therefore, that in congregational publications services and other forums we be on guard against using euphemisms that evade the reality of death. In our ceremonial practices, particularly those connected with funerals and unweavings, we should incorporate those customs, many of them flowing from our*

Jewish traditions, that make for a more realistic attitude towards death."²⁶ It is important to see the 1977 resolution in its proper perspective. While it was passed by the Conference, it was not really discussed. It seems fair to say that it represents the insights and personal awareness of its author, Rabbi Hillel Cohn, who chaired the resolutions committee and had been strongly influenced by his work with Elizabeth Kubler-Ross.²⁷ In a sense the very active role of Rabbi Cohn, and the very early stage of the popularization of psychological work with the dying at that time, make it hard to gauge the degree to which this admirable resolution reflected actual Reform Jewish rabbinic attitudes and practice.

The present day Rabbi's Manual follows the model of the Breslau Conference in that it provides little in the way of positive instruction. For the most part it describes *praxis* in the negative sense, i.e. practices we do not perform as Reform Jews. In terms of positive instruction, we are told: "*Mourners are encouraged to stay at home during Shiv-a (except on Sabbaths and festivals, when they should*

²⁶Central Conference of American Rabbis, *Yearbook* Vol.LXXXVII, 1977, 5737, p.85.

²⁷Telephone interview with Rabbi Hillel Cohn of Temple Emanuel in San Bernardino, California, 4 August 1992. Following this interview Rabbi Cohn sent on to me photocopies of numerous sermons he has given, appropriately at Yizkor on Yom Kippur, and also the draft of the CCAR Resolution. The spirit of the resolution permeates his sermons. It is of particular interest that the committee took out of the draft a call for legislation that would recognize a right of patients to die a natural death with dignity. Rabbi Cohn appears to have been ahead of his time, as he was unable to persuade the committee to issue the call for such legislation.

join the congregation in prayer), to refrain from their ordinary pursuits and occupations, and to participate in daily services at home."²⁸

The reform of Jewish Mourning practice is a profound example of the way in which the early Reformers sought to adapt Judaism to the needs of their age. It has the strengths and weaknesses that we have come to associate with the period of early Reform. While the Breslau rabbis show great erudition and courage, it is very hard to get to an understanding of the criteria that governed their decisions. The central factor seems to be one that can best be described as subjective-cultural. Certain practices were felt to be irrelevant or unattractive to a modernized Westernized German Jewish community. Even when we take into account the work of Kohler, Neumark, and Cohn, and other work done individually by Reform rabbis such as Earl Grollman, it does not appear that the Reform rabbinate as a body has done much work on clarifying its position in the area of death and bereavement. Since Reform has not dealt with these issues in any extensive way since then, it would appear that we are still guided by the cultural preferences and specific religious understandings of that long ago era and that far off place.

This thesis is guided by the notion that the process of re-examination is the central pillar of Reform Jewish practice. In the words of the *Gates of Mitzvah*: "*Reform Judaism attempts responses to the conditions of each age in order to make it*

²⁸Rabbi's Manual *ibid.* p.252.

possible for Jews to live their Judaism meaningfully and richly. Such Jewish responses should seek to preserve the continuity of Jewish life and at the same time be sensitive to opportunities for desirable innovation."²⁹ It is in this spirit that the examination of traditional Jewish practices of mourning is being conducted in this thesis. We shall see that the application of modern concepts of the psychology of grief lend new meaning and richness to some long discarded Jewish Hallakhot of mourning. Moreover, modern psychological understandings of the grieving process allow us to find a context in which to develop criteria for adoption or rejection of traditional practice.

The study of the psychology of grief will be structured around the framework suggested by Dr. J. William Worden.³⁰ He has defined four tasks of grief. These are: acceptance of the reality of the loss; experience of the pain of grief; adjustment to the environment in which the deceased is missing; withdrawal of emotional energy and its reinvestment in another relationship. We shall examine these tasks, and then turn to an examination of the laws of mourning in the Jewish tradition.

²⁹Maslin, Simeon J., *The Gates of Mitzvah A Guide to the Jewish Life Cycle* Central Conference of American Rabbis New York 5739, 1979, p.3.

³⁰Worden, J. William *Grief Counseling and Grief Therapy A Handbook for the Mental Health Practitioner* Springer Publishing Company, New York, 1982.

A word of caution is in order with regard to the use of the term *"tasks of grief."* Psychologist Judith Viorst deals with the problem of setting out a "framework" for grief: *"Now many of us find it difficult to hear about phases of mourning without bristling, without the sense that some Julia Child of sorrow is trying to provide us with a step-by-step recipe for the perfect grief. But, if we can hear about phases not as something that we - or others - must go through, but as something that may illuminate what we - or others - have gone or are going through, perhaps we can come to understand why 'sorrow...turns out to be not a state but a process."*³¹

On one level, I find myself in agreement with Viorst. In part this may be another expression of the sensitivity echoed in the reservations that the Breslau rabbis had about regulating the religious aspects of grief. No doubt it is important to refrain from lecturing the bereaved on what they "must" be doing. Yet, I find that Viorst's is a problematic sensitivity, at least in so far as it applies to our conceptualization of the grief process. We as caregivers, it seems to me, have a responsibility sometimes to be the "Julia Child" of sorrow. Our congregants and patients come to us, in part because they hope that we will be able to facilitate their learning to deal with the loss they have suffered. Our ability to be of help to them rests in part in our knowledge that their suffering is part of a process. One of the therapeutic effects we can have on our congregants, it seems to me, is precisely the imparting of a sense that this is indeed a process. It can be worked through.

³¹Viorst, Judith *Necessary Losses: The Loves, Illusions, Dependencies and Impossible Expectations That All of Us have to Give Up in Order to Grow*, Fawcett Gold Medal Books, New York, 1986, p.266.

The sharp despair and pain of immediate loss need not be a permanent condition. In order for this to happen, we to have some idea of the recipe. It is in this sense that I found Worden's terminology helpful and appropriate, and within this context that I have incorporated it into this thesis. I am not going to try to be precise about the use of words like "task" or "phase" or "passage" or any of a number of terms that seem to express a sense of the components of the process of grief.

The second part of this thesis shall examine the traditional Jewish practices of mourning. After a review of Hallakhic sources we shall examine whether there is congruence between the concept of the grief process, the tasks of grief, as delineated by Worden and others, and the process of mourning as it is laid out in the framework of the Hallakhic system. In doing so we will also be examining possible benefits or drawbacks of a new incorporation of aspects of traditional practice into modern Reform praxis.

The Tasks of Grief

Confronting the Reality of Death

According to Professor J. William Worden, the first challenge faced by a human being who has sustained the loss of a loved one is the challenge of coming "face to face with the reality that the person is dead, that the person is gone and will not return."³² Rabbi Earl Grollman expressed poetically the stark reality with which the mourner must come to terms;

"The death has struck

like a tidal wave.

You are cut loose from your

moorings.

You are all but drowning in the

sea of your private sorrow.

The person who has been part of

your life is gone forever.

It is final, irrevocable.

Part of you has died."³³

³²Worden, J. William *Grief Counseling and Grief Therapy A Handbook for the Mental Health Practitioner*, Springer Publishing Company, New York 1982,p.11.

³³Grollman Earl A., *Living when A Loved One Has Died* Beacon Press, Boston, 1977, p.2.

This first task of grief is described in slightly different language by other researchers but there agreement, so far as I can determine, that the first reaction to the death of a loved one is commonly an inability to accept the reality of it.

One of the early investigations of grief as a psychological phenomenon was carried out in the 1940's by Dr. Erich Lindemann³⁴ who was at the time Chief of Psychiatry at Massachusetts General Hospital. Lindemann worked with the survivors of victims of a terrible fire that swept through a nightclub in Boston killing some five hundred people.³⁵ Based on his work with these people Lindemann published a widely cited paper in which he is credited with laying the foundation for much of the modern work on the psychology of grief.³⁶ In setting out Lindemann's findings regarding the stages of grief Dr. Therese A. Rando outlines his description of the first stage: "*Shock and disbelief, which is recognizable by the inability to accept the loss and occasionally the absolute denial that the loss has occurred.*"³⁷ Dr. Rando seems to feel that a stage of outright denial is not an occasional thing, but rather

³⁴Dr. Therese A Rando describes Lindemann as: "the pioneer in grief investigation" see: Rando, Therese A. , *Grief, Dying and Death Clinical Interventions for Caregivers* op.cit.,p.24

³⁵Worden, op.cit. p.19.

³⁶Lindemann, Erich *Symptomatology and Management of Acute Grief* American Journal of Psychiatry, 1944, p.101. I decided not to pursue Lindemann's article. I felt it to be a technical research work, and therefore outside the scope of this thesis. However, I am basing my discussion of his findings on the work of others who followed him, particularly Worden and Rando.

³⁷Rando, *Grief Dying and Death*, op.cit., p.24.

a common part of the process. she calls this first stage the "avoidance phase" although she seems to divide it into two sub-stages, first shock and then denial.³⁸

While Lindemann was a pioneer in the scientific study of the grief process, the intuitive understanding of the initial shock of loss has been described in literature long before it gained scientific definition. In her popular and sensitive book *Necessary Losses* Judith Viorst brings an example of a description of this first stage of grief from the autobiography of Mark Twain: "*It is one of the mysteries of our nature that a man, all unprepared, can receive a thunder-stroke like that and live. There is but one reasonable explanation of it. the intellect is stunned by the shock and but groping gathers the meaning of the words. The power to realize their full import is mercifully wanting. The mind has a dumb sense of vast loss - that is all. It will take mind and memory months and possibly years to gather the details and thus learn and know the whole extent of the loss.*"³⁹

³⁸Rando, Therese A. *Grief, Dying and Death Clinical Interventions for Caregivers*, Research Press Company, Champaign, Illinois, 1984, p.29.

³⁹Clemens, Samuel *The Autobiography of Mark Twain* arranged and edited by Charles Neider, New York, Harper, 1959, p.323. Cited in Viorst, Judith *Necessary Losses The Loves, Illusions, Dependencies and Impossible Expectations That All of Us Have to Give Up in Order to Grow* Fawcett Gold Medal Books New York 1990, p.267.

This sense of the incomprehensible tragedy of loss is reflected in David's lament for Jonathan and Saul. His famous line seems to express the bewilderment felt by survivors:

"Thy beauty, O Israel, upon thy high places is slain!

*How are the mighty fallen!*⁴⁰

Researchers differentiate between this early stage of denial and the kind of denial that can crop up with damaging consequences at later stages in the grief process. There appears to be a consensus that it would be an error to view this early phase of shocked denial as somehow illegitimate, counterproductive, or wrong. This first phase of grief appears to have a valuable cushioning effect. This may have been the therapeutic effect at which Mark Twain marvelled. Viorst puts the need for such a buffering mechanism like this: "Death is one of those facts of life we acknowledge more with our brain than we do with our heart. And often, although our intellect acknowledges the loss, the rest of us will be trying hard to deny it."⁴¹

Dr. Kubler-Ross writes of this early denial (as it appears in terminal patients when

⁴⁰Second Samuel 1:19. *The Holy Scriptures According to The Masoretic Text A New Translation Jewish Publication Society*, Philadelphia, (1917)1966, p.366. [Hence *Old JPS*]. T. Carmi offers two other translations for this verse: "All your glory, O Israel, lies upon your heights! How the heroes have fallen" or alternatively: "Oh Israel! Raise up the dirge over your slain bodies! How the heroes have fallen!" see: Carmi, T. (ed. and translator) *The Penguin Book of Hebrew Verse* Penguin books, New York, 1981, p.154. I find that both of Carmi's suggested translations lack a sense of the first stage, the first task, of grief. I believe that, as is so often the case, the *Old JPS* is the better rendering of the Hebrew into English.

⁴¹Viorst, op. cit. p.267.

they are informed of the incurable nature of their disease and of their impending death): "...I regard it a healthy way of dealing with the uncomfortable and painful situation with which some of these patients have to live for a long time. Denial functions as a buffer after unexpected shocking news, allows the patient to collect himself and, with time, mobilize other, less radical defenses."⁴²

Dr. Rando writes of what she describes as the "Avoidance Phase":

"During this phase there is a desire to avoid the terrible acknowledgement that that which was loved is now lost. The world is shaken and the individual is overwhelmed by the impact. Just as the human body goes into shock after a large enough insult, so too does the human psyche go into shock when confronted with an important loss. It is the natural reaction to the impact of such a blow. During this period the individual may be confused and dazed, unable to comprehend what has happened. A feeling of numbness is quite common.

As recognition starts to seep in and shock starts slowly wearing off, denial immediately crops up. It is only natural that the individual would want or need to deny that such a terrible event has occurred. At this time denial is therapeutic. It functions as a buffer by allowing the individual to absorb the reality of the loss a little at a time, preventing her from being completely overwhelmed by it. It is an

⁴²Kubler-Ross, Elisabeth *On Death and Dying* Macmillan, New York, 1969, p.39.

*'emotional anesthesia' that serves as a protective mechanism for those who have suddenly been confronted with the destruction of the world they used to know.*⁴³

All of the sources that I consulted in preparing this thesis concur that we human beings need time to come to terms with the unthinkable, whether it be the death of a loved one or of our own impending death. Why this should be so, i.e. why the tearing of the connection with a loved one through death engenders so radical a response, requires some discussion of the nature of human attachment. It would appear to be helpful to conceptualize the human experience of the death of a loved one, or of one's knowledge of one's own impending death as the breaking of an attachment. According to Dr. Worden *"Before one can fully comprehend the impact of a loss and the human behavior associated with loss, one must have some understanding of the meaning of attachment."*⁴⁴ Worden refers to the work of John Bowlby as a *"...way for us to conceptualize the tendency in human beings to make strong affectional bonds with others and a way to understand the strong emotional reaction that occurs when those bonds are threatened or broken."*⁴⁵

⁴³Rando, Therese A. *Grief, Dying and Death Clinical Interventions for Caregivers* op.cit.,p.29.

⁴⁴Worden, *Grief Counselling and Grief Therapy*, op. cit. p.7.

⁴⁵ibid.

Bowlby is a British psychiatrist. His book on attachment⁴⁶ sets out a dynamic whereby a child develops at a very early stage in life a need for safety.⁴⁷ This need is met through the development of attachment with significant safety-providers. In a normative state of affairs first there is mother, then at a later point, father and then others. Later in life the foci of intense attachment develop and change towards peers and mates. The mechanism whereby this relationship is regulated and controlled is termed by Bowlby a "behavioral control system". This is in analogy to the concept of a physiological control system such as those that maintain blood pressure or body temperature in homeostasis.⁴⁸ So the behavior of a young child toward its mother is controlled by a set of behavioral systems. These are *"readily activated ...especially by mother's departure or by anything frightening and the stimuli that most effectively terminate the systems are sound, sight, or touch of mother."*⁴⁹ From the perspective of this thesis, it is

⁴⁶Bowlby, John *Attachment and Loss, Volume I, Attachment* second edition, Basic Books, city of publication unknown, 1982.

⁴⁷ibid. p.178. By his own account, Bowlby developed his theory in response to earlier theories of the causes of child ties to caregivers. Those theories focused on four ideas: a kind of learning by the child that mother is where the child's physical needs for warmth and food can be met; a notion of an "in-built" propensity to suck a human breast, that later develops into an awareness that there is a mother attached to that breast; a notion of a primary need for clinging to another human being (independent of the need for food and warmth); and a notion that infants resent having been "driven out" of the womb and so they seek to return.

⁴⁸ibid. p.372. Earlier in the book Bowlby describes homeostasis in the physiological sense: *"...the principle of homeostasis is conceived not only as a tendency for levels to be maintained between certain positive limits but as working to limits set mainly by genetic factors and at points that maximize the likelihood of survival..."* p.23.

⁴⁹ibid. p.179.

significant that the anxiety of the child when the mother is absent is reflected in aggressive behavior; crying, anger, etc. that we can recognize as characteristic of responses to loss.

As the child grows, there is what Viorst might term a "necessary loss" through which the child leaves the safety-provider for longer and longer periods. Yet, that very process is predicated upon the security the child has in the presence of the safety provider, when the child is ready to come back. If the person who is the anchor of this process is not there to come back to, or is in some way incapacitated, the response of the child is one of terrible anxiety. The security the child feels in its safety provider will determine a great deal in terms of the child's ability to form attachments later in life.⁵⁰ In part Bowlby strengthens his analysis by showing parallels in behavior that we share with other species. He points to behavior on the part of animals that closely parallels that of human beings. Worden acknowledges that: *"The mourning responses of animals show what primitive biological processes are at work in humans."* However, he is not

⁵⁰Worden points to the similarity between Bowlby's concept of parents as a "secure base" and Erikson's concept of "basic trust," see Worden. op.cit. p.8. He refers to Erikson, E. *Childhood and Society* Norton, New York, 1950. Bowlby also refers to Erikson, *ibid.* p.340, noting the similarity between "basic trust" and certain aspects of attachment theory. This is done in passing and only once in the second edition of his book, which was published in the same year as Worden's (who I assume was relating to the first edition.) It is not clear to me whether there is an implied criticism in Worden's brief summation and comparison. In any event, I do not see myself sufficiently knowledgeable to determine whether or not such a criticism might be warranted.

prepared to accept that our reactions are entirely parallel to those of other animals.

As Worden puts it: "... there are features of grieving specific only to human beings..."⁵¹

Worden, and Bowlby, are responding to research done by scientists such as Konrad Lorenz (whom they both cite). Lorenz devotes a chapter in his famous book *On Aggression*⁵², to the subject of bond formation among animals. It is an (at times) amusing, (always) exhaustive discussion of bonding behavior among all sorts of cichlids, geese, ducks, and what not. Here is what Lorenz has to say with regard to this question of the biological basis that we share with animals, for the formation of attachments: "*All that I have said in this chapter should be a warning to the spiritual pride of many people. In an animal not even belonging to the favored class of mammals we find a behavior mechanism that keeps certain individuals together for life, and this behavior pattern has become the strongest motive governing all action...On all these points this bond is analogous with those human functions that go hand in hand with the emotions of love and friendship in their purest and noblest form.*" Bowlby's systems-related understanding of behavioral control and homeostasis works well, as an explanation for these striking similarities in behavior. If we are indeed observing a behavior control mechanism

⁵¹ Worden, op.cit. p.9.

⁵² Lorenz, Konrad *On Aggression* Bantam Books, New York 1967, p.211.

at work, than in situations in which the stimuli are similar (i.e. a human child needs to be safe as does a young calf or a foal), there is no reason to think that the control mechanism would be different. The behaviors on the levels controlled by that mechanism are, not surprisingly, similar. Along with that, in areas where stimuli are available to humans that are not available to other creatures, language is a good example, we can expect to find different responses. Bowlby expressed this with a caution that balances Lorenz's almost triumphalist "human-bashing": "*Man is neither a monkey nor a white rat, let alone a canary or a cichlid fish. Man is a species in his own right with certain unusual characteristics. It may be therefore that none of the ideas stemming from studies of lower species is relevant. Yet this seems improbable. In the fields of infant-feeding, of reproduction, and of excretion we share anatomical and physiological features with lower species, and it would be odd were we to share none of the behavioral features that go with them.*"⁵³

This is an oddly old-new insight into the grief behaviors we share with other species. Worden's relates an account of a colleague who described, during Psychiatric Grand Rounds, a case of typical behavior in response to bereavement. Later in the presentation, the colleague revealed that he was describing the behavior of an ostrich.⁵⁴ I was struck by the way in which this echoed the prophet

⁵³Bowlby, op.cit. p.7.

⁵⁴Worden, op.cit.

Micah who wrote⁵⁵: *"For this I will and howl, I will go stripped and naked; I will make a wailing like the jackals, and a mourning like the ostriches. For her wound is incurable; For it is come even unto Judah; It reacheth unto the gate of my people, even to Jerusalem."*

The denial reaction towards an experience of being "little and left, is typical both of Bowlby's conceptualization of separation and of Freud's notion of trauma. In both conceptualizations *"the psychological changes that regularly succeed the prolonged distress of separation are none other than repression, splitting, and denial; and these, of course, are precisely the defensive processes that Freud postulates are the result of trauma."*⁵⁶ Attachment, then, is one of our earliest needs. It exists on a basic level that we share with other species. The breaking of attachment through the death of a loved one attacks us at that very basic level. According to Judith Viorst we try to deny the death of a loved one: *"For the death of someone we love revives our childhood fears of abandonment, the ancient anguish of being little and left."*⁵⁷ Our early response of shocked "repression, splitting and denial", the response of: *"Oh my God, Don't you dare say that he is dead... This can't be happening to me, I must be dreaming... No he can't be dead..."* creates the first passage of grief.

⁵⁵Micah 1:8-9.

⁵⁶Bowlby, op.cit. p.11.

⁵⁷Viorst, *Necessary Losses*, op.cit. p.273.

Worden points out that part of the first task of grief is to come to terms with the fact that there will be no reunion "*at least in this life*" with the dead loved person.⁵⁸

A stark and touching example of healthy recognition of the fact that the loved one is not going to be seen again can be found in the book of Second Samuel. We are told that as part of David's punishment for the murder of Uriah the Hittite his first child by Bathsheba was deathly ill. All the time of the child's illness David fasted and wept and prayed for healing. On the seventh day the child died. David's servants feared to tell him of the death thinking that he might do himself harm: "*And David said unto his servants: Is the child dead? And they said: He is dead. Then David arose from the Earth and washed and anointed himself, and changed his apparel; and he came into the house of the Lord and worshipped; then he came to his own house; and when he required, they set bread before him, and he did eat. Then said his servants unto him: What thing is this that thou hast done? Thou didst fast and weep for the child while it was alive; but when the child was dead, thou didst rise and eat bread. And he said: While the child was yet alive, I fasted and wept; for I said: Who knoweth whether the Lord will not be gracious to me, that the child may live? But now he is dead, wherefore should I fast? Can I bring him back again? I shall go to him, but he will not return to me.*"⁵⁹

⁵⁸ Worden, op.cit. p.11.

⁵⁹ Old JPS, p.379, Second Samuel 12:18.

Rando, as we have noted, breaks up the grief process slightly differently from Worden. She describes a transition from the avoidance phase to what she terms the "Confrontation Phase": *"This painful time when you really, truly learn that your loved one is gone. Each time you expect to see your child step off the school bus, but he is not there; each time you reach across the bed to touch your spouse, but there is only empty space...Each pang of grief, each stab of pain you feel whenever your expectation or desire or need to be with that person is unfulfilled, 'teaches' you again that your loved one is no longer here. You want to resist it. You want the 'lesson' not to be true."*⁶⁰

Worden points out that this is the stage at which searching behavior is characteristic. We may "see" our dead loved one on the street, follow them for a while only to come to the stark realization that: *"No, that isn't my friend. My friend is really dead."*⁶¹

Another common behavior that can occur in the process of working through denial towards the recognition of the finality of the death is called "mummification".⁶² This occurs when the dead loved person's belongings, room, tools, etc., are kept "just

⁶⁰Rando, Therese, A. *Grieving, How to go on Living When Someone You Love Dies*, Lexington Books, Lexington, Mass. 1988, p.22.

⁶¹Worden. op.cit.

⁶²Worden, op.cit.. Worden cites the psychiatrist Geoffrey Gorer as the person who coined this phrase. Gorer's book is entitled *Death, Grief and Mourning in Contemporary Britain*, Cresset, London, 1965.

as they were" so as to be ready when he or she comes back. The differentiation that we made above between early shocked denial, and later prolonged denial, appears to be relevant to the evaluation of this behavior. As Worden points out: *"Parents who lose a child often retain the child's room as it was before the death. This is not unusual in the short term but becomes denial if it goes on for years."*⁶³

People act in other ways to avoid coming to the realization that the loved one has died and will not be met again. Worden cites behavior that is the opposite of the mummification we described above. Some people discard everything that belonged to the deceased, cutting themselves off from anything that might call the dead loved one to mind and force the survivor to deal with the finality of the death. Another "strategy" is the denial of the meaning of the loss. A survivor may belittle the meaning of the loved one in the survivor's life. Worden cites the following statements as examples: *" 'He wasn't a good father', 'We weren't close', or 'I don't miss him.' "*⁶⁴ Dr. Therese Rando cites another avoidance mechanism. She places this behavior in her avoidance phase, and for us it provides a segue into the next task of grief, the feeling of the pain of loss. Rando points out: *"Occasionally the initial response will be an intellectualized acceptance of the death, followed by initiation of seemingly appropriate activities such as comforting*

⁶³ Worden, *ibid.*

⁶⁴ Worden, *ibid.* p.12.

of others or making funeral arrangements. In such a case the loss is recognized, but the emotional response to it is denied. This example illustrates what may be seen later on in grief as well - the denial of the emotions generated by the death.

And My Brother Said Nothing

*My brother came back from the field
dressed in grey. And I was afraid that
my dream might prove false, so at once
I began to count his wounds. And my
brother said nothing.*

*Then I rummaged in the pockets of
the trench-coat and found a field-
dressing, stained and dry. And on a
frayed postcard, her name - beneath a
picture of poppies. And my brother
said nothing.*

*Then I undid the pack and took out his
belongings, memory by memory.
Hurrah, my brother, my brother, the*

hero, now I've found your decorations!

Hurrah, my brother, my brother the
hero, I shall proudly hymn your name!

And my brother said nothing. And my
brother said nothing.

And his blood was crying out from the ground.

-Amir Gilboa⁶⁵

⁶⁵Gilboa, Amir *And My Brother Said Nothing*, in Carmi, T. (ed. and translator) *The Penguin Book of Hebrew Verse*, Penguin Books, New York, 1981, p.559.

Experiencing the Pain of Grief

The second task of grief according to Worden's outline is the experiencing of the pain of grief. For Worden, and for other researchers, this phase is critical to the future mental health of the survivor. *"It is necessary to acknowledge and work through this pain or it will manifest itself through some symptom or other form of aberrant behavior."*⁶⁶

As we move from our examination of the first task to our examination of the second task of grief, we have an opportunity to examine and to compare the relationship that Worden and others see between different tasks. In doing so we may examine several important questions: Is the work sequential? Is one completed before the other is begun? Or is the opposite the case? Does the work on one task carry over into the other?

Worden acknowledges that there is no rule that fixes an unalterable schedule for the completion of each task, yet he does seem to conceptualize his scheme with a great degree of consecutive development. He explains: *"Although the tasks do not necessarily follow a specific order, there is some ordering suggested in the definitions. For example, you cannot handle the emotional impact of a loss until*

⁶⁶Worden, J. William, *Grief Counselling and Grief Therapy A Handbook for the Mental Health Practitioner*, Springer Publishing Company, New York, 1982,p.13.

*you first come to terms with the fact that the loss has happened.*⁶⁷ It seems to me that there is room to question the sequentiality that may be understood in Worden's words. It appears to deny an ongoing process in which the various tasks not only are carried out in parallel, but very much interact and build upon each other.

As we have noted in chapter one, Therese Rando describes the grief process somewhat differently from Worden, dividing it into three phases. We noted that her second phase bridges Worden's first two tasks. She calls that phase "*confrontation*". In her earlier book this seems to be a phase that follows the recognition of the loss, although she is somewhat unclear on this point. It is, nonetheless, a phase in which all of the work of the first task of grief has not necessarily been completed. Shock has largely worn off. *"Denial and disbelief may still occur, but a whole host of new reactions arise that spring from the individual's confrontation with the loss and its implications. It has been characterized as a time of 'angry sadness'."*⁶⁸

Writing four years later, Rando is clearer about the tasks of grief that are being accomplished during this confrontation phase. In her book *Grieving: How to Go*

⁶⁷Worden, op.cit. p.10.

⁶⁸Rando, Therese, *Grief, Dying and Death Clinical Interventions for Caregivers* Research Press Company, Champaign, Illinois, 1984, p.30.

on *Living When Someone You Love Dies* she writes poignantly: "This painful time is when you really, truly learn that your loved one is gone. Each time you expect to see your child step off the school bus, but he is not there; each time you reach across the bed to touch your spouse, but there's only empty space; each time you think about telling your mother about the antics of your children only to remember that you buried her two months ago - each time you are frustrated in your desire to be with your loved one, you 'learn' again that that person is dead."⁶⁹ In Rando's framework the experiencing of the pain of loss is itself an "educational" element that works to enhance the formation of the recognition of the reality of the loss. In terms of Worden's framework, the pain experienced by the survivor is seen as creating the deeper recognition that the loss is final. The survivor's work on what Worden sees as the second task of grief is helping the survivor to accomplish the first task.

Judith Viorst sees the task of acknowledgement of the reality of the loss carried even further through the grief process. She points out: "Some disbelief, some denial, may continue well beyond the initial shock. Indeed, it may take the entire mourning process to make of the impossible - death - a reality."⁷⁰

⁶⁹Lexington Books, Lexington, Massachusetts, 1988, p.22.

⁷⁰Viorst, Judith, *Necessary Losses: The Loves, Illusions, Dependencies and Impossible Expectations That All of Us Have to Give Up in Order to Grow* Fawcett Gold Medal, New York, 1986, p.268.

It is my feeling that there is an important clarification in the dissonance between Rando's framework, Viorst's insight, and that of Worden on this point. I think that Rando's later formulation, and that of Judith Viorst, help us to avoid the pitfall of turning Worden's framework into a straight-jacket. Examining this apparent divergence allows us to arrive at an important understanding regarding the nature of the tasks of grief. Simply put, it is not apparent that there is any reason to assume that one *phase* of grief cannot be characterized by two, or even more, *tasks* of grief. Moreover, I find that Rando is very persuasive. The tasks of grief can overlap and reinforce each other. The relation between them, in her understanding, is fluid and dynamic. In my own experience, I find that Rando's understanding is close to what I have myself gone through. It is closer to what I have perceived in congregants and patients, and in members of my family in grief situations. A rabbinical thesis is no place in which to "settle" a divergence of opinion such as this. Yet, all of us who engage in helping professions have a responsibility to arrive at our own working hypotheses. Without presuming to "second guess" an authority like Worden, I find that I must acknowledge that the second task can be interactive with, enhancing of, integral to, and carried out in parallel with the first. For this reason, I shall be examining certain behavioral reactions to loss under the chapter of the Second Task, even though Worden places them in his discussion of the First Task.

We can now move into a discussion of the actual content of this task. What is it that the survivor is called upon to experience? Worden uses the German word *schmerz* to describe the pain of grief: "...because its broader definition includes the literal physical pain that many people experience and the emotional and behavioral pain associated with loss."⁷¹ Viorst describes this as a phase of "...intense psychic pain. Of weeping and lamentation. Of emotional swings and physical complaints. Of lethargy, hyperactivity, regression (to a needler, 'help me!' stage). Of separation anxiety and helplessness, hopeless despair. And of anger too."⁷²

The response of anger is particularly remarkable, perhaps because so many of us experience it as an unexpected emotional reaction to our loss. Moreover, it is a socially problematic emotional response to loss. Rando states categorically that: "The two emotions in grief that cause tremendous problems because of society's attitudes towards them are anger and guilt."⁷³ Worden notes that anger "...can be one of the most confusing feelings for the survivor, and as such is at the root of many problems in the grieving process."⁷⁴

⁷¹Worden, op.cit. p.13.

⁷²Viorst, op.cit.

⁷³Rando, Therese, *Grieving: How to go On Living when Someone You Love Dies* Lexington Books, Lexington, Mass. 1988, p.29.

⁷⁴Worden, op.cit. p.22.

Worden sees the reaction of anger drawn from two different sources. One of these is the natural frustration that we feel when there was nothing we could do to prevent the loss of our loved one.

The other source of our anger seems to be very deeply ingrained in us. It is an aspect of the issues of attachment, separation and loss that we discussed in chapter one. Bowlby, who develops a four phased schematic of the grief process, sees anger as the significant feature of his second phase: "*Phase of Yearning and Searching for the Lost Figure: Anger*".⁷⁵ Bowlby believes that there is a psychobiological basis for the anger that we often feel in the face of loss. Writing in 1961 he noted: "*there are therefore good biological reasons for every separation to be responded to in an automatic instinctive way with aggressive behavior; irretrievable loss is statistically so unusual that it is not taken into account. In the course of our evolution, it appears, our instinctual equipment has come to be so fashioned that all losses are assumed to be retrievable and are responded to accordingly.*"⁷⁶ In his 1980 work on loss he notes that "*...anger is seen as an intelligible constituent of the urgent though fruitless effort a bereaved person is making to restore the bond that has been severed. So long as anger continues,*

⁷⁵Bowlby, John *Attachment and Loss Volume III: Loss Sadness and Depression*, Basic Books, no publication site listed, 1980, p.86.

⁷⁶Bowlby, John *Processes of Mourning* International Journal of Psycho-Analysis 42:317-40; Cited in Bowlby, John *ibid.* p.91.

It seems, loss is not being accepted as permanent and hope is still lingering on."⁷⁷

Worden illustrates this dynamic with a certain degree of humor. He points to a common children's behavior. He imagines a child lost in a department store. The child feels panic and anxiety at having lost its mother. Then, when mother returns, the child's immediate reaction is to give her a swift kick in the shins. The message that the child is trying to convey, according to Worden is :*"Don't leave me again!"*⁷⁸

The analogy chosen by Rando is even more down to Earth:*"If you try to take a bone away from a dog, he will growl and bite in an angry attempt to stop you from taking it away. How much more the human being protests against losing a loved one!"*⁷⁹ Bowlby states categorically: *"There can in fact be no doubt that in normal mourning anger expressed towards one target or another is the rule."*⁸⁰ He points out that: *"Sudden outbursts of rage are fairly common soon after a loss especially ones that are sudden and/or felt to be untimely, and they carry no adverse prognosis. Should anger and resentment persist beyond the early weeks, however, there are grounds for concern..."*⁸¹

⁷⁷Bowlby, John op. cit. p.91.

⁷⁸Worden, op.cit. p.23.

⁷⁹Rando, *Grieving*, op.cit. p.30.

⁸⁰Bowlby, op.cit. p.29.

⁸¹ibid. p.92.

In explaining this behavior Worden cites Bowlby's view that we are geared towards the kind of loss that we face most often in life. We most often face temporary loss, where our loved one disappears and then is found. Death is a permanent loss. As we see in the quote cited above, Bowlby points out that the vast majority of losses that we experience in our lives are temporary ones. Therefore we develop reaction-mechanisms to those temporary losses. Our natural inclination is to apply those mechanisms in response to death. There is, then, a natural tendency to search for the lost loved one, before coming to terms with the permanence of the loss. Bowlby contextualizes characteristic behavior of mourners in the context of this concept. *"Both crying and screaming are, of course, ways by means of which a child commonly attracts and recovers his missing mother, or some other person who may help him find her; and they occur in grief, we postulate, with the same objective in mind - either consciously or unconsciously."*⁸² We may want to kick when we face the loss of a loved one through death. After all, our anger has worked well for us as a searching technique in the past. However, our anger is just one type of behavior that is connected to our search for the lost loved one.

⁸²Bowlby, *Attachment and Loss Vol. III*, op.cit.p.90.

A startling example of awareness of this searching behavior on the part of mourners is to be found in an anonymously authored piece of Jewish religious poetry from the tenth century⁸³:

Jokhebed went to Egypt and implored
it: 'Egypt, Egypt have you by chance
seen Moses?' 'On your life, Jokhebed,
I have not seen him since the day he
slew all my first born.'

Jokhebed went to the Nile and asked it:
'Nile, Nile, have you by chance seen
Moses?' 'On your life,
Jokhebed, I have not seen him since the day he
turned my water into blood.'

Jokhebed went to the Red Sea and
implored it: 'Sea, sea, have you by
chance seen Moses?' 'On your life,
Jokhebed, I have not seen him since
the day he led the twelve tribes
through me.'

Jokhebed went to the desert and asked
it: 'Desert, desert, have you by chance
seen Moses?' 'On your life, Jokhebed,
I have not seen him since the day he
showered manna upon me for Israel.'

Jokhebed went to Mount Sinai and
implored it: 'Sinai, Sinai, have you by
chance seen Moses?' 'On your life,
Jokhebed, I have not seen him since
the day he descended upon me with the
two tablets of the Law.'

⁸³T. Carmi (ed.), *The Penguin Book of Hebrew Verse*, Viking Penguin Inc., New York, 1981, p.273.

Jokhebed went to the rock and asked it:
'Rock, rock, have you by chance seen
Moses?' 'On your life, Jokhebed, I have
not seen him since the day he struck
me twice with the staff.'

There has never yet arisen in Israel a
prophet like moses, whom the lord knew
face to face.

This section of the poem is entitled *azlat jokhebed*. T. Carmi, the editor and translator of the *Penguin Book of Hebrew Verse* translates the title: *His Mother Looks for his Grave*.⁸⁴ I would respectfully suggest that this translation is mistaken. The problem is not technical (i.e. that this title is not a literal translation of the words) but rather content-related. Carmi's translation is clearly a poetic one. The section of the poem that precedes this is the section that speaks of the death of Moses. Therefore, Carmi most likely concluded that Jokhebed is searching for *the grave* of her dead son. However, this misses the psychological power of this section. Nowhere in the section is Jokhebed asking for the whereabouts of her son's grave. It is her *living* son that she seeks, despite the fact that he is dead. Hence the poignancy of the title, which I would render: *Jokhebed's Helplessness*. Like all of us who have lost a loved one, Jokhebed is helpless to find him but cannot help searching for him.

⁸⁴ *ibid.*

Here is how Judith Viorst describes the experience that the tenth century poet ascribed to Jokhebed: *"This searching expresses itself unconsciously - as restless random activity. But some of us consciously seek the dead as well. Beth looks for her husband by going again and again to all of the places they'd gone to together. Jeffrey stands in the closet among the clothes his wife use to wear, smelling her smell."*⁸⁵

This time the search fails us. When we were children in the department store it worked and Mommy came and we had the opportunity to kick her in the shins. Now, it doesn't work. Our searching behaviors fail us and we begin to appreciate that this is a loss unlike the temporary losses to which we are accustomed. It hurts.

Yet the pain that we feel is critically important to our healing. In some manner the very experience of the pain of the loss has a healing value. Indeed, all of the sources agree that it is not just valuable. It is crucial. Rando is characteristically forthright. She sets out what is at stake in working on the second task in a powerful paragraph worth quoting in full: *"Put very simply, there is no way around it. there is no way around the pain that you naturally feel when someone you love dies. You can try to go over it, under it, or around it. For example, you can try to delay it, or you can try to deny it. You can avoid thinking about the loss, or you*

⁸⁵ Viorst, op. cit. p.272.

*can cut yourself off from your feelings when you do think about it. You can try to minimize your loss, or you can overfocus on other family members' grief and not pay attention to your own. You can say that grief is unnecessary because you will be reunited with your loved one in an afterlife, or you can keep yourself so busy that you never perceive the separation or feel the grief. All of these things will cost you. True, they may work in some fashion for a period of time. Yet, if you want to resolve your grief, if you want to leave the pain behind, if you want to be healthy and symptom-free, if you want someday to have as fulfilled a life as possible, sooner or later you must go through the pain. Going through it is what will help you heal."*⁸⁶

Oddly, while all of the sources I consulted agree on the importance of the experiencing of grief, a clear psychological explanation of the precise dynamics that make this so necessary is strikingly absent. Bowlby offers the clearest conjecture as to why it should be so necessary to experience this pain. Yet, even he couches his explanation in terms that are surprisingly tentative: "*For mourning to have a favourable outcome it appears to be necessary for a bereaved person to endure this buffeting of emotion. Only if he can tolerate the pining, the more or less conscious searching, the seemingly endless examination of how and why the loss occurred, and anger at anyone who might have been responsible, not sparing even the dead person, can he come gradually to recognize and accept that the*

⁸⁶Rando, *Grieving*, op.cit. p.227.

*loss is in truth permanent and that his life must be shaped anew. In this way only does it seem possible for him fully to register that his old patterns of behavior have become redundant and have therefore to be dismantled."*⁸⁷

There are numerous obstacles that can stand in the way of accomplishing this task. First of all, under the most conducive of circumstances, the task itself is daunting. Rando points out that there are very good reasons why a bereaved person finds it hard not to try to deny their grief. *"Unless you are a masochist, no one would ask for the type of pain that comes after the loss of someone loved."*⁸⁸ Worden cites societal pressure. *"Society may be uncomfortable with the mourners' feelings and hence may give the subtle message, 'you don't need to grieve, you are only feeling sorry for yourself.' this interferes with the mourner's own defenses, leading to the denial of the need to grieve . . . "*⁸⁹

Here is the place where well meaning relatives and friends and clergy can do their particular damage. The researcher Geoffrey Gorer writes: *"Giving way to grief is stigmatized as morbid, unhealthy, demoralizing . The proper action of a friend and well-wisher is felt to be distraction of a mourner from his or her grief."*⁹⁰

⁸⁷Bowlby, *Attachment and Loss Vol. III*, op.cit.p.93.

⁸⁸Rando, *Grieving*, op.cit. p.228.

⁸⁹Worden, op. cit. p.13.

⁹⁰Gorer, Geoffrey, *Death, Grief, and Mourning* Doubleday, New York, 1965, p.130. cited in Worden, *ibid*.

Elisabeth Kubler-Ross has this advice for care givers of people working at the second task of grief, words with which we do well to close this chapter: "*Emotional acceptance takes time and work and pain and hurt. Care-Givers, be they professional or laymen, often allow themselves to be trapped into trying to shield and protect the bereaved from pain, only to extend and delay the pain to a later date. We cannot take the pain away. Whereas the grieved person may want withdrawal from reality (who wouldn't?), there is frequently a strong difference between what people want and what they need. We all must be aware of the extreme dangers of delayed, avoided grief and must develop the skills, the openness, the accepting attitude which will allow the grieved person to accept the death he has sustained.*"⁹¹

⁹¹ Kubler-Ross, Elisabeth *Death, the final Stage of Growth* Simon and Schuster, Touchstone Books edition, 1986, p.91.

Adjustment To The Environment in Which the Deceased is Missing

Worden defines as the third task of grief: "*To Adjust to an Environment in Which the Deceased is Missing*".⁹² This is a straightforward title for a human process that is remarkably complicated. Indeed, it seems to me that this third task may be the most complex. I say this because it is in working at task III that the loss is most realistically measured. Here is where the gaping hole in the life of the survivor is mapped out in the context of every day life. Moreover, here is where, it seems to me, the survivor is dealing with issues that are of tremendous concern to us as rabbis, i.e. issues of meaning and purpose.

* *

First we may note the practical aspects of living without a loved one. A widow or widower may be challenged for the first time to carry out tasks that a dead spouse always handled, whether this was getting the kids to school, fixing a leaky faucet, doing the income tax return, making dinner, changing beds . . .

Alongside the logistics of everyday life we encounter the often ugly facts of economic life. The differential in income between men and women may mean that

⁹²Worden, J. William , *Grief Counselling and Grief Therapy A handbook for the Mental Health Practitioner*, Springer Publishing Company, New York, 1982, p.14.

for the family of a dead husband there are stark economic realities to be faced. The widow will simply not be paid an income that will match what her husband would have been paid. Part of the loss of a spouse, then, can be the loss of a standard of living, of business opportunities, of leisure opportunities, of educational possibilities . . . again the list can be endless. In this chapter of the thesis we will be dealing at some length with gender based differences in responding to the loss of a loved one. In this regard it is instructive to note, with Rando, that the economic structure of married life is such that *"Statistics indicate that at all ages widowed females are more likely to live in poverty than widowed males."*⁹³

* *

Beyond these logistic and economic readjustments, there is a more fundamental psychological process going on. Bowlby points out that *"This entails a redefinition of himself as well as of his situation. No longer is he a husband but a widower. No longer is he one of a pair with complementary roles but a singleton(sic)."*⁹⁴ Bowlby ties this in with the searching behavior that is so central to his perception of the grieving process. *"This redefinition of self and situation is as painful as it is crucial, if only because it means relinquishing finally all hope that the lost person*

⁹³See Rando, Therese, *Grieving: How To Go On Living When Someone You Love Dies* Lexington Books, Lexington, Mass. 1988, p.131.

⁹⁴Bowlby, John *Attachment and Loss Volume III: Loss, Sadness and Depression*, Basic Books, no publication site listed, 1980, p.94.

can be recovered and the old situation re-established. Yet until redefinition is achieved not plans for the future can be made."⁹⁵

It is in this redefinition of self that offers opportunities for a the potential for personal growth. This situation can create a painfully ambivalent feeling after the mourning process has been at work for a while and the changes in the survivor are apparent to him or her. I found a beautiful expression of this ambivalence in a short paragraph by Rabbi Harold S. Kushner. Kushner wrote his book *When Bad Things Happen to Good People* following the death of his young son from a bizarre and rare disease called progeria. This disease, that afflicted his son Aaron for some thirteen and a half years, caused Aaron's aging mechanism to progress at an accelerated rate. Aaron died at fourteen years of age. Kushner is clearly a remarkable man, a person who must have had remarkable personal resources of spirit, going into his ordeal. Yet, here is how he describes his development in the course of his grief over his son's disease and death: *"I am a more sensitive person, a more effective pastor, a more sympathetic counselor because of Aaron's life and death than I would ever have been without it. And I would give up all of those gains in a second if I could have my son back. If I could choose, I would forego all the spiritual growth and depth which has come my way because of our experiences, and be what I was fifteen years ago, an average rabbi, an indifferent*

⁹⁵ibid.

counselor, helping some people and unable to help others, and the father of a bright, happy boy. But I cannot choose."⁹⁶

We have already noted the characteristic economic differences between the predicaments of males and females who face widowhood. In regard to the psychological work of the Third Task of Grief, there is also a marked difference in responses by men and by women. A striking illustration of the problems faced with particular intensity by women can be found in a book by Rebecca Rice, entitled *A Time To Mourn*.⁹⁷ This is a memoir of the loss of a much older husband. It is, to my mind unevenly written, but what it loses in writing skill it makes up in authenticity. The author has a gift for emotional honesty.

Rebecca Rice describes an article that she read several months after the death of her husband. It concerned the double suicide of Arthur and Cynthia Koestler. Arthur Koestler was one of the pre-eminent intellectual figures of the mid-twentieth century. He believed in and publicly supported the legalization of euthanasia. He was seventy seven years of age and very ill with Parkinson's disease and

⁹⁶Kushner, Harold *When Bad Things Happen to Good People* Avon Books 1981,p.135.

⁹⁷Rice, Rebecca *a time To Mourn* New American Library, New York, 1990.

leukemia. Rice responded in particular to the death by her own hand of his fifty-five year old wife Cynthia who was in good health: *"In her suicide note, she explained: 'I cannot live without Arthur, despite certain inner resources.' My hands were sweaty and trembling when I finished the article. Like Cynthia Koestler, I was decades younger than an older and more gifted husband. Like her, I had been nurtured by my husband's vivid, larger than life presence and had achieved little on my own account. Like Cynthia Koestler, I had been so close to my husband that I hardly knew where he ended I began. I too possessed 'certain inner resources' but I did not know if they would sustain me. Like this pathetic woman, I sometimes imagined that suicide would be preferable to enduring the bleak hours of widowhood. In a desperate moment, I might have taken a lethal dose of barbiturates, as Cynthia Koestler had. Instead, I began the arduous, often manic, work of making a life without Len."*⁹⁸

In working through her grief, Rice is acutely conscious of the changes in her sense of self. At the end of the preface in her book she describes where she felt herself in the grieving process six years after the death of her husband Len: *"And I return to myself. Not to the one I was before my grieving, but to a wholly other person. To one who has sat, unwillingly, at death's feet and learned how to fear life a little*

⁹⁸ibid. p.xv.

*less and embrace the world a little more, learned how to dance as well as how to
mourn.*⁹⁹

The terrific difficulty that many women face in re-defining themselves after the death of a loved one is reflected in research that has been done on the lives of widows. Bowlby notes the startling reality that while few widows remarry, a relatively high portion of widowers do so.¹⁰⁰ Bowlby cites a study carried out at Harvard¹⁰¹. This study shows similarities and differences between the ways in which widows and widowers react to the loss of a spouse. Bowlby notes that "*in contrast to the marked reluctance of about one-third of the widows even to consider remarriage, majority of widowers moved quickly to think of it. By the end of a year half of them had either already remarried or appeared likely to do so soon (in comparison with only 18 per cent of widows).*"¹⁰²

Rando is very perceptive in her explanation for this phenomenon. She sees a more complicated pattern than does Bowlby. "*There seems to be a general trend, however, indicating that males suffer more physical problems and are more vulnerable to death and disease, especially those under the age of seventy-five*

⁹⁹ibid. p.xviii.

¹⁰⁰Bowlby, op.cit. p.95.

¹⁰¹Glick, I.O., Weiss, R.S. and Parkes, C.M. *The First Year of Bereavement* John Wiley, Interscience, 1974. The reference is taken from Bowlby's presentation.

¹⁰²Bowlby, op.cit. p.105.

and particularly within the time shortly after the death. Yet widowers seem to form new relationships more often and sooner, ... despite their increased morbidity and mortality in the year following the death of their spouse, long-term adjustment for males seems to be better than for females."¹⁰³

Part of the reason for the divergence in the picture painted by Bowlby and by Rando lies, no doubt in the ages of people of whom each speaks. The study upon which Bowlby was commenting dealt with people in their mid-forties. Rando is not so age specific, and from the context it is clear that she is including work on much older people. Despite the different emphases, Rando, like Bowlby, paints the same disturbing picture: *"...while widowers find a decrease in stress over time... Research indicates that widowed females are less likely than widowed males to achieve a satisfactory long-term adjustment to their widowhood."*¹⁰⁴

Worden provides an explanation for this phenomenon when he notes: *"...for women who define their identity through relationships and caring for others, bereavement means not only the loss of a significant other but also the sense of a loss of self."*¹⁰⁵ Rando goes into greater detail, pointing out how women are socialized to define themselves primarily as wives and mothers, while men

¹⁰³Rando, *Grieving* op.cit. p.130.

¹⁰⁴ibid, p.131.

¹⁰⁵Worden, op.cit. p.15.

traditionally define themselves by their occupational roles. Addressing widows she says: *"It has been said that widows must move from seeing themselves as a person's wife to accepting themselves as a widow, and then move on into independent life as a formerly married woman . . . Even for those of you who had a stronger sense of yourself as a separate individual, the loss of a partner in a couple-oriented society will have a strong impact on your identity."*¹⁰⁶

I was particularly struck by the archaic language that Bowlby had to use in the section that we noted above, i.e. "*singleton*", to describe the marital status of a widower. Part of the problem that bereaved people face, it seems to me, is that our language only assists them to a limited degree in defining their new identity. We have a name for a person who loses a spouse, and we have a name for a person who has suffered the death of parents. The one is a widow or widower. The other is an orphan. What do we call a person who has buried a child? What does such a person say, both publicly and privately, when called upon to describe their identity? How do they put a name to their pain? Do they say: *"I am a parent."* Perhaps they say *"I was a parent."* Yet, if they are no longer a parent, whose absence is it that cuts across their lives? Perhaps they might say: *"I have a child. He/she is dead."* Perhaps they might say: *"I had a child."* Each of these

¹⁰⁶Rando, op.cit. p.132.

possibilities represents a potential self-definition. Each is fraught with connotations and hidden weights and meanings that may or may not be part of the identity that the bereaved person is building. Likewise, a sibling who has lost a brother or sister often has no easy linguistic shorthand to describe their loss. So it is with a person who loses a close friend. So with an unmarried person who loses a lover.¹⁰⁷ I feel that this is a very important aspect of the mourner's challenge as told to me by mourners, but I have not found it discussed by the scholars whom I have consulted. It seems to me very hard to put oneself through a process when the society in which we live gives it no name.¹⁰⁸

* *

We have focused on the identity crisis of the third task, as it pertains to widows and widowers, largely because the gender related differences an aspect of the grief process that I found profoundly disturbing. However, this focus is not meant to detract from the challenges facing anyone who has sustained a loss. Whether a parent has died, a child, a friend, the problem is, essentially, similar. To the

¹⁰⁷ For awakening my awareness to this problem I am deeply grateful to my wife, Martha, who has spoken with me of her feelings regarding the 1973 death in an automobile accident of her brother Gene Pulver of blessed memory. I am also grateful to my colleague Laura Metzger of the New York Campus of HUC-JIR who, in a long and powerful conversation at the Wexner Fellowship Summer Institute of 1992, shared with me at length her feelings on the death of her fiancée.

¹⁰⁸ I believe that this is one of the important contributions of the Jewish tradition of mourning, and so we shall return to this issue in the second half of this thesis.

extent that we are defined by our relations with the dead loved one, we are changed by the death.

The third Task challenges us on another plane, to which I will refer as the spiritual. A death of a loved one can challenge us at the very root of our sense of the value and meaning of our lives. Worden refers to this as *"one's sense of the world"*.¹⁰⁹

Worden notes that *"It is not unusual for the bereaved to feel that they have lost direction in life. The bereaved person searches for meaning in the loss and its attendant life changes in order to make sense of it and to regain some control of his or her life."*¹¹⁰

Rando, too, is concerned with the crisis of meaning that can come in the wake of the death of a loved one. *"A major loss often brings a search for meaning, not only meaning regarding the loss but also for the griever's live. Since the continuity of your life has been disrupted, you must develop a new set of assumptions about the world that will account for the death of your loved one and your situation of being with out her."*¹¹¹

¹⁰⁹Worden op.cit.

¹¹⁰Worden, op.cit. p.16.

¹¹¹Rando, Grieving, op.cit. p.258.

It is important to understand that this crisis need not be seen by the bereaved person necessarily as a religious issue. An atheist who has seen as his life's work the building his business in order to pass it on to his son may face a crisis of meaning when that son dies before his time. While it seems to me that the atheist response that the bereaved makes to his or her loss must be heard by a rabbi, a rabbi's response, or at least my response as a rabbi, must be from out of the religious perspective that makes me what I am. It is in that light (*tartei mashma*) that I must examine the spiritual challenge of the Third Task of Grief.

Harold Kushner describes the crisis that befell him upon learning of his son's disease: *"I was a young inexperienced rabbi, not as familiar with the process of grief as I would later come to be, and what I mostly felt that day was a deep, aching sense of unfairness. It didn't make sense. I was a good person. I had tried to do what was right in the sight of God . . . How could this be happening to my family? If God existed, if He was minimally fair, let alone loving and forgiving, how could He do this to me?"*¹¹²

This, it seems to me, is the challenge issued through the mouth of Job's wife: *"Then said his wife unto him: 'dost thou still hold fast thine integrity? blaspheme*

¹¹²Kushner, *When Bad Things Happen to Good People* op.cit. p.2.

*God, and die.*¹¹³ What she is saying is that Job's fundamental belief in a just God can no longer be sustained in the light of the death of his children and destruction of all that made his life enjoyable and worthwhile. While the Book of Job uses the technique of hyperbole to describe soul shaking loss, there is no essential difference between the challenge put in the mouth of Job's wife, and that expressed by Rabbi Kushner. Does the disaster that has befallen me, the loss through death of my loved one, leave me with a system of values and an understanding of the meaning of my life that is viable, that holds its "integrity" in the words of Job's wife.

The central point for us to examine in this thesis is not our own answer to the question posed by Job's wife. Rather, it is the examination of the resources that we are prepared to place in the hands of the mourners with whom we work. The central challenge that I feel as a chaplain/rabbi is to walk a very fine line. On the one hand, I cannot do the grief work for the bereaved person. On the other hand, I can, out of the deepest beliefs that I hold, offer the mourner an assurance. Earl Grollman offers the following advice to mourners. While directed towards the bereaved, it is a profound expression, in open verse, of the fine line that the caregiver must offer the mourner as the mourner works through the crisis of meaning:

¹¹³ Job 2:9 *The Holy Scriptures According to the Masoretic Text* The Jewish Publication Society of America, Philadelphia, Pa. 5727-1966 p.925.

FRIENDS AND OTHERS
WHO CAN HELP YOU

*Grief shared is grief diminished
You are beginning to accept the
companionship of others.
All people need social support.*

*If you have one close, trusted friend,
you are truly fortunate.*

*A person who will share with you
the agony of your grief,
so that on your sorrowing path
you do not walk alone.*

*Accept the strength that can be drawn
from someone who cares about you.*

*But do not allow anyone
to suffocate you, or
to take over your life.¹¹⁴*

Therese Rando notes that there is a period in this crisis of meaning when a mourner may despair of ever finding meaning. *"At first you probably will feel that there is no reason to go on, and you may have to go forth solely on the hope that in time meaning will be restored."*¹¹⁵

It is at this juncture that the rabbi offers a special kind of support. I have found a personal articulation of what can be the nature of that support in the works of

¹¹⁴Grollman, Earl A. *Living When A Loved One Has Died* , Second Edition , Beacon Press, Boston 1977, p.95.

¹¹⁵Rando, *Grieving* op.cit.

Dr. Victor Frankl. Frankl, a pioneering psychiatrist and a student of Adler and Freud, was sent by the Nazis to the concentration camps. His wife died there and a manuscript containing his life's work was destroyed. Acutely ill with typhus, and near death, Frankl came to a realization that the meaning of his own life could not possibly be dependant upon a chance result. Rather, he posits an understanding of the universe that draws on the insights of existentialism and tells us that while we cannot know the meaning of a particular occurrence, we can know that there is meaning to it. We can know that meaning cannot be dependant upon result. For Frankl, it is important that we can know these things even if they lie beyond our cognitive capacities. He points out that there is much that we know through other means. Our very need for meaning he interprets as a clear sign that there is Meaning. quoting Franz Werfel he notes: *"thirst is the surest proof for the existence of water."*¹¹⁶ In counselling a patient he stresses the essentially : *"Sometimes the wisdom of our hearts proves to be deeper than the insight of our brains. And sometimes the most reasonable thing is not to try to be too reasonable."* Frankl does not believe that this is a simple process. One does not wake up one morning and have the meaning of life in one's pillow. Rather, as we noted above, Frankl encountered his own understanding while in a state of loneliness that the rest of us, perhaps, can only imagine . . . lying in a concentration camp infirmary dying

¹¹⁶Frankl, Victor E. *The Will To Meaning Foundations and Applications of Logotherapy* New American Library New York 1969,1988, p.95.

of typhus. *"Man needs the courage to be lonely"* he tells us. Coming from out of this man's experience, we must, I think, attach great weight to this call. Meaning cannot be dependant upon our success, longevity, or even our happiness. *"But if there is meaning, it is unconditional meaning, and neither suffering nor dying can detract from it. And what our patients need"* Frankl tells us, *"is unconditional faith in unconditional meaning."*¹¹⁷

We cannot work out for our patients or our congregants what the answer will be to the challenge posed by Job's wife. Rather, we can assure them in perfect faith that there is Meaning to the pain. We are not free, Frankl tells us, of duress and of pain. Yet we are free to take a position regarding that pain, and in our freedom lies the root and the evidence for the Meaning of our existence.¹¹⁸

Worden tells us that people fail to meet the Third Task by failing to take responsibility for their healing. *"People work against themselves by promoting their own helplessness, by not developing the skills they need to cope, or by withdrawing from the world and not facing up to environmental requirements."*¹¹⁹

¹¹⁷ibid. p.156.

¹¹⁸ibid. p.16.

¹¹⁹Worden, op.cit.

We as clergy have a role to play at this stage of the grief process, that is perhaps unique. By the very nature of our work we stand for Meaning. We stand as an affirmation that human beings can take a position regarding their tragedies. We hopefully offer the courage to be lonely. We can be a factor that encourages taking responsibility in order to find Meaning. It is in this noological adjustment to the world in which the loved one is missing that the survivor will probably find the most daunting ramifications of that seemingly simple challenge to "adjust".

Redirection of Emotional Energy

In his articulation of the fourth task of grief Worden has undergone some considerable development over the last few years. In the first edition of his book he defined the fourth task of grief as "*withdrawal of emotional energy and its reinvestment in another relationship*."¹²⁰ As he explains in the second edition of his book *Grief Counselling and Grief Therapy*, his earlier formulation was based on a perception noted by Freud: "*Mourning has quite a precise physical task to perform: Its function is to detach the survivor's hopes and memories from the dead*."¹²¹ Worden has not changed his view, but he has adjusted his formulation of it in order to prevent misunderstanding.

In the second edition of his book Worden rephrases the fourth phase. He is concerned that his earlier formulation can be misread as implying a certain ease with which emotions could be detached from the dead loved one and reattached elsewhere. "*It sounded too mechanical, like one could merely pull a plug and*

¹²⁰ Worden, J. William *Grief Counseling and Grief Therapy A Handbook for the Mental Health Practitioner* First Edition Springer Publishing Company, New York, 1982. see the introduction to this thesis, especially footnote 30.

¹²¹ Unfortunately, Worden lists the source of this quote as "*Freud, 1913, p.65*", however, in none of his bibliographies does he list a work by Freud from 1913. Therefore, I have not been able to locate Worden's reference which may be found in Worden, J. William *Grief Counselling and Grief Therapy* Second Edition Springer Publishing Company, New York, 1991 p.16.

reattach it someplace else."¹²² In the new edition of his book Worden stresses that "One never loses memories of a significant relationship."¹²³ Therefore the task of a grief counsellor has to be carefully delineated in regard to this task: "The counsellor's task then becomes not to help the bereaved give up their relationship with the deceased, but to help them find an appropriate place for the dead in their emotional lives - a place that will enable them to go on living effectively in the world."¹²⁴

Writing in her earlier book, Rando notes what she describes as "The Reestablishment Phase". Here is how she describes this phase: "... a gradual decline of grief and marks the beginning of the emotional and social reentry back (sic) into the everyday world. Although the old adage 'Once bereaved, always bereaved' is unquestionable, the mourner learns to live with the loss as emotional energy is reinvested in new persons, things and ideas. The loss is not forgotten, but merely put in a special place which, while allowing it to be remembered, also frees the mourner to go on to new attachments without being pathologically tied to the old ones."¹²⁵ In her later book she calls this the "Accommodation Phase".

¹²²Worden, J. William *Grief Counselling and Grief Therapy* Second Edition Springer Publishing Company, New York, 1991 p.16.

¹²³ibid.

¹²⁴ibid. p.17.

¹²⁵Rando, Therese *Grief, Dying and Death Clinical Interventions for Caregivers* Research Press Company, Champaign Illinois 1984, p.35.

She suggests a series of processes "necessary for successful accommodation and resolution of grief". These processes she delineates under a heading entitled "Moving Adaptively In the New Life without Forgetting the Old". She sets out four processes:

- "1. Developing a new relationship with the deceased.
2. Keeping your loved one 'alive' appropriately.
3. Forming a new identity based on your being without this person (sic) and encompassing the changes you have made to adjust to his death.
4. Taking the freed-up emotional energy that used to be invested in your loved one and reinvesting it in other relationships, objects, activities, roles, and hopes that can offer emotional satisfaction back to you."¹²⁶

While the process moves towards some sort of resolution, it often appears to mourners to be quite unending and circular. From the reading I have done, and in considering my own experiences of loss and mourning, it seems to me important

¹²⁶Rando, Therese A. *Grieving: How To Go On Living When Someone You Love Dies*, Lexington Books, Lexington, Mass. 1988, p.232. We have noted that Rando's delineation of the phases of grief is not completely congruent with Worden's. They both describe the same basic processes, but they divide the stages differently. Some of the processes that Rando notes as belonging here we have dealt with under the rubric of the third task of grief.

to remember that, like the other phases/tasks of grief, this fourth task of grief is only partially a linear process. Here is how Judith Viorst describes the "final" phase of the grief process: "...although there still will be times when we weep for, long for, miss our dead, completion means some important degree of recovery and acceptance and adaptation. We recover our stability, our energy, our hopefulness, our capacity to enjoy and invest in life. We accept, despite dreams and fantasies, that the dead will not return to us in this life. We adapt, with enormous difficulty, to the altered circumstances of our life, modifying - in order to survive - our behavior, our expectations, our self-definitions . . ."¹²⁷

Mourners seem often aware of the contradictions in their feelings. On the one hand they speak of a sense that grief will never end. Hayim Nahman Bialik expressed this awful feeling in his poem *al hashekhithah*:

Heaven, beg mercy for me! If there is
a God in you, and a pathway through
you to this God - which I have not
discovered - then pray for me! For my
heart is dead, no longer is there prayer
on my lips; all strength is gone, and
hope is no more. Until when, how

¹²⁷Viorst, Judith *Necessary Losses The Loves, Illusions, Dependencies and Impossible Expectations That All of Us Have to Give Up in Order to Grow* Fawcett Gold Medal, New York, 1990. p.275.

*much longer, until when?*¹²⁸

On the other hand, a mourner who is engaged in the fourth task of grief may feel that the process of grief is somehow being worked through. Yet, it appears that even where there is a feeling of movement towards resolution of grief, it is a complicated movement. Mourners often have a feeling as though they are passing through the same territory again and again. Viorst cites the memoir written by C.S.Lewis describing the death of his wife: "*One keeps on emerging from a phase, but it always recurs. Round and round. Everything repeats. Am I going in circles ...?*"¹²⁹

Along with this feeling of "*going in circles*" there is, nevertheless, clearly a linear aspect to the grief process. After all, many people do recover from the pain of their losses. They do get on with their lives. The best illustration I have encountered of this feeling that so many mourners feel, this sense of going in circles but making some kind of progress in working through grief, was presented by Professor S. Joseph in his class on Grief. He cited a friend, Professor Paul Burrell (professor at the University of Cincinnati) who used a snail-like shape to illustrate his experience of the grief process in mourning the death of his son.

¹²⁸T. Carmi, (ed. and translator) *The Penguin Book of Hebrew Verse* Penguin Books New York, 1981, p.512.

¹²⁹*ibid.* p.276. She is quoting from: Lewis, C.S. *A Grief Observed* Bantam Books, New York, 1963, p.67.

Burrell sees grief as a "quasi-cycle"¹³⁰. It remains "circular" in that it never really ceases to revolve around the death of the loved one. However, using the snail like shape (a spiral outward that starts with the core event of the death of the loved one, we see that the cycle is "linear" in that it gradually gets farther and farther from the core tragic-event. The process is cyclic in that it keeps on returning to earlier phases, but at a greater distance from the core tragic event.¹³¹

We have used the phrase "final" to describe this task/phase in the grieving process. Yet, this is enormously presumptive on our part. I have not been able to escape this trap. Neither have any of the sources that I have read. Despite the fact that Worden asks the question "*When is Mourning Finished?*",¹³² my reading and my work on the experience of grief in my own life leads me to feel a great deal of discomfort whenever we use words like "final" or like "finished".

My discomfort with the notion of "finishing" the grief process has what I consider important ramifications for rabbinical counselling. Mourners often ask: "When does

¹³⁰The term is my own and not Burrell's.

¹³¹This illustration was provided by Professor Samuel K. Joseph in the course of his class on Grief (Education 7) taught at HUC-JIR in the spring of 1992 semester. The source is my notes from class of 18 March 1992.

¹³²Worden, op.cit. p.18.

grief end?" As we noted, this question has no simple answer. Burell's model illustrates how we are distanced from the core event of loss, but never really detached from it. The Israeli poet Yehudah Amichai pointed to the way in which grief does not really "go away" permanently, in a poem entitled *Things that Have Been Lost*:

*From Newspapers and notice boards
I find about things that have been lost
This way I know what people had
And what they love.*

*Once my tired head fell
On my hairy chest and there I found my father's smell
Again, after many years.*

*My memories are like someone
Who can't go back to Czechoslovakia
Or who is afraid to return to Chile.*

*Sometimes I see again
The white vaulted room
With the telegram
On the table.¹³³*

This is a poem that communicates on many levels. I don't presume to exhaust its meaning in one interpretation. However, on at least one level Yehuda Amichai tells us that we can feel the sense of pain over our loss for as long as we have memory of the loss. We may find that memory at any time, even recalling our father's smell from the odor of our own chest.

¹³³ Amichai, Yehuda *Great Tranquillity Questions and Answers* (Glenda Abramson and Tudor Parfitt translators) Harper - Colophon Books New York 1983, p.31

Worden deals with the difficulty of conceiving of "finishing" grief when he points out that: "*Asking when mourning is finished is a little like asking how high is up?*"¹³⁴

Yet, mourners often want to hear that there must come a point at which our grief has been sufficiently worked through, a point at which we can truly get on with our lives even though they will never be what they were.

Rebecca Rice so poignantly expressed her sense of the built-in contradiction, or perhaps the better phrase would be "dynamic tension," that characterized her arrival at a point where she felt that life can somehow go on. She acknowledges that life for her will never return to what it was. She notes (in the section from her book that we read in a previous chapter): "*And I return to myself. Not to the one I was before my grieving, but to a wholly other person.*"¹³⁵ However, that recognition comes side by side with fulfillment of the fourth task of grief.

At the end of her book she writes a letter to Len, her late husband. In the letter she imagines him coming to dinner at her fiancée's apartment, on the first anniversary celebration of her marriage to Len that takes place after Len's death. The imagined situation struck me as bizarre, until I realized how it is a symbolic representation, a metaphor, of the way in which our emotional commitments to our loved ones, past and present, negotiate their proper place in our lives. What Rice

¹³⁴Worden, op.cit.

¹³⁵Rice, Rebecca *a time To Mourn* New American Library, New York, 1990 p.xviii.

has done is to put in narrative form the adjustment that Rando describes in the four points we noted above: *"Then you would take Sean's hand and say how grateful you are that I wasn't alone on my wedding anniversary, how happy you are that I have found him and made an end to mourning."*¹³⁶

Rice's formulation points, to the difficult question with which we are grappling. As a rabbi, I feel a need to work towards some sort of delineation that can act as a guide to me in my work with those who mourn. Where is the point at which those of our congregants who feel a need to do so, can in a healthy way define themselves as someone who *"made an end to mourning"*?

The question has particular significance when we consider the temptations of denial and avoidance that so plague us as we work through the difficult psychological processes of grief. Can we help our congregants by facilitating their ability to tell whether their sense of having made a true end of mourning is genuine or whether it is an attempt at denial?

In a nutshell, Worden offers the following answer to the question: "How do I know if my client has worked through the grieving process?" He writes: *"In my view, mourning is finished when the tasks of mourning are accomplished. It is impossible to set a definitive date for this, yet, within the bereavement literature, there are all*

¹³⁶ibid. p.261.

*sorts of attempts to set dates - four months, one year, two years, never. In a loss of a close relationship I would be suspicious of any full resolution that takes under a year an, for many, two years is not too long*¹³⁷

Having emphasized that there is no set time for grieving, Worden offers a behavioral symptom of what he terms "a completed grief reaction": " . . . when a person is able to think of the deceased without pain. There is always a sense of sadness when you think of someone you have loved and lost, but it is a different kind of sadness - it lacks the wrenching quality it previously had. One can think of the deceased without physical manifestations such as intense crying or feeling a tightness in the chest. Also, mourning is finished when a person can reinvest his or her emotions back into life and in the living."¹³⁸

Rando offers a list of "signs of learning to live healthily with your loss" that stretches for some three pages.¹³⁹ This includes such broad generalizations about behaviors as: "You have returned to your normal levels of psychological, social, and physical functioning in all realms of your life."¹⁴⁰ It also includes physical

¹³⁷Worden, op.cit., p.18.

¹³⁸ibid.

¹³⁹Rando, *Therese Grieving: How To Go On Living When Someone You Love Dies* Lexington Books, Lexington Massachusetts, 1988, p.283.

¹⁴⁰ibid. p.284.

symptoms: *"You no longer feel exhausted, burdened, or wound up all the time."*¹⁴¹ It includes attributes of the relationship with the dead loved one: *"You can concentrate on something besides your deceased loved one."*¹⁴² In all I count some forty one "signs". Rando acknowledges that these are *"only some of the indications that you are learning to live with your loss and are adjusting to your new life accordingly."*¹⁴³ She invites readers to *"Rate yourself on each one as to whether or not 'I am here now,' 'I am a having a little difficulty with this,' or 'I can't do this yet.'"*¹⁴⁴

On one level it is easy to poke fun at a checklist like this. My first reaction was to think that this is as if a human being's emotional responses can be reduced to a sort of laundry list of what needs to be cleaned up. Of course this is unfair. It ignores Rando's caveat that her list is partial.

Moreover, on a deeper level, I find that Rando offers a very useful exercise. It is, indeed, one that I expect to encourage my congregants to use as a resource in their own grief work. The value that I find in Rando's "laundry list" technique is based on the need people have to name their emotions. By working through the

¹⁴¹ *ibid.* p.285.

¹⁴² *ibid.* p.286.

¹⁴³ *ibid.* p.283.

¹⁴⁴ *ibid.*

checklist, one is essentially identifying one's feelings. From my work in Clinical Pastoral training (CPE) I have learned in a very immediate way that this is extremely hard for some people to do, and very much a valuable healing process.

* *

My uneasiness with using terms like "an end to grief" derives most substantively from the understanding that there may be a limit to what we can expect to accomplish in our grieving. Bowlby points to what he terms "emotional loneliness".¹⁴⁵ This he describes as " . . . *the deep and persisting sense of loneliness that the bereaved suffer and which remains largely unalleviated by friendships.* . . ."¹⁴⁶ Bowlby cites the definition of Harvard sociologist Robert S. Weiss who "*defines emotional loneliness as loneliness that can be remedied only by involvement in a mutually committed relationship, without which he found there was no feeling of security. Such potentially long-term relationships are distinct from ordinary friendships and, in adults of Western societies, take only a few forms* . . ."¹⁴⁷ Clearly, not all relationships can be replaced. While many widows and widowers may find a new relationship, how is one to "reinvest" the emotion that went into a relationship with a dead sibling?

¹⁴⁵Bowlby, John *Attachment and Loss Volume III, Loss, Sadness and Depression* BasicBooks, City of Publication unknown, 1980 p.102.

¹⁴⁶ibid.

¹⁴⁷ibid. p.103

In a letter written by *Rambam* in the year 1170 we find an example of the fact that, despite the return to functionality, mourning and memory may accompany each other throughout the life of the survivor. Eight years earlier Maimonides' brother David had drowned while on a commercial expedition in the Indian Ocean: "*On the day I received that terrible news I fell ill and remained in bed for about a year, suffering from a sore boil, fever and depression and was almost given up. About eight years have since passed, but I am still mourning and unable to accept consolation. And how should I console myself? He grew up on my knees, he was my brother, he was my student . . . Now all joy has gone. He has passed away in a foreign land and left me upset of mind. Whenever I see his handwriting or one of his letters, my heart turns upside down and my grief awakens again. In short 'I shall go down to the nether world to my son in mourning.'*"¹⁴⁸

In the context of Maimonides' life, this letter is both poignant and enlightening. During the eight years between his brother's death and the writing of the letter, Maimonides had developed a flourishing career in medicine that, by 1185¹⁴⁹ was to lead to appointment as court physician to Salah - a - Din. In 1168 he had published his great work on the Mishnah, pioneering a new style of Talmudic exposition. In it he had included his thirteen principles (in his commentary on the

¹⁴⁸Katz, Robert L. *Pastoral Care and the Jewish Tradition Empathic Process and Religious Counseling* Fortress Press, Philadelphia, 1985 p.96.

¹⁴⁹Seltzer, Robert M. *Jewish People, Jewish Thought The Jewish Experience in History*, Macmillan Publishing Co., New York, 1980, p.393.

tenth chapter of Sanhedrin) and his Ten Chapters (his preface to Pirkei Avot) ". . . in which Aristotelian ethics, as understood by the Arab philosophers, is bodily transplanted on Jewish soil."¹⁵⁰ We don't know that much about Maimonides' private life at this time. However, insofar as we can judge by the evidence of his continued accomplishment, his letter is very much at odds with our outward impression that he was a man who was "getting on with his life." Prof. Robert L. Katz notes that in this letter "*We can now recognize him (Maimonides E.R.) as one of us, vulnerable and sensitive to hurt.*"¹⁵¹ Bowlby gives us a tool to recognize Maimonides' anguish. Indeed, Maimonides' despair of ever being consoled appears to be an expression of the kind of emotional loneliness that Bowlby describes. What Bowlby says in speaking of widows and widowers who do not marry again, may be heard in the pain expressed in Maimonides' letter: "*For them, we now know, loneliness does not fade with time.*"¹⁵²

The need to have realistic expectations from the grieving process, and an awareness of the ongoing, painful, dynamic tension that continues in our lives following the death of a loved one, is expressed in a letter that Freud wrote to a friend who had lost a son. Worden concludes his chapter with this quote: "*We find a place for what we lose. Although we know that after such a loss the acute stage*

¹⁵⁰Margolis, Max L. and Marx, Alexander *A History of the Jewish People*, The Jewish Publication Society of America, Philadelphia, 5724-1964 p.339.

¹⁵¹Katz, op.cit.

¹⁵²Bowlby, op.cit. p.103.

of mourning will subside, we also know that we shall remain inconsolable and will never find a substitute. No matter what may fill the gap, even if it be filled completely, it nevertheless remains something else."¹⁵³

Worden notes that *"There is a sense in which mourning can be finished, when people regain an interest in life, feel more hopeful, experience gratification again, and adapt to new roles. There is also a sense in which mourning is never finished."*¹⁵⁴

¹⁵³Worden, *ibid.* p.19. (According to his list of references, Worden is quoting from: Freud, E.L. (Ed.), *Letters of Sigmund Freud*, Basic, New York, 1961, p.386.)

¹⁵⁴Worden, *op.cit.*, p.19.

Translation:

Shulkhan Arukh, Yoreh Deiah 335-374

Halakhot Of Visiting Sick Persons and of Medical Care and of a Dying Person
and of a Person in the Very Last Stage of Life Before Death

335 When do we visit the sick person and which sick persons do we visit and how do we pray for them:

1 It is a mitzvah to visit sick persons. Close relatives and friends enter immediately; and other ones after 3 days. And if his illness attacks him suddenly, both [close and distant] enter immediately.

2 Even if [one is] the older, one should go to visit a younger, and even [visit] several times a day, and even if he is the same age and all who do more - this is praiseworthy on condition that one does not bother him:

Rama There are those who say that an enemy may visit a sick person but I don't see it that way. Rather he should not visit a sick person and not comfort a mourner who is his enemy so, so that he [the mourner or sick person] not think that he is happy at his misfortune and [so] he will be nothing [for the mourner] but sorrow. This is how I see it.

3 One who visits the sick should not sit on a bed and not on a chair and not on a bench but [rather, should one] wrap oneself [in a tallit] and sit before him since the *Shekhinah* is above his head:

Rama *This is particularly when the sick person is lying on the ground, since one who sits [on a chair] is higher than he is, but when he [the sick person] lies on a bed, it is permitted to sit on a chair and a bench, and that is the customary practice.*

4 One does not visit the sick person in the first 3 hours of a day because every sick person feels better in the morning and he [the visitor] will not feel [the need to] ask [God] for mercy on him [the sick person]. And not in the last 3 hours of a day since at that time his [the sick person's] illness is weighing upon him and he [the visitor] will despair of asking [God] for mercy upon him.

5 When one asks [God for] mercy upon him, if the one is asking in the presence of the sick person one may ask in any language that one desires but if one is not in his presence [of the sick person] when asking for mercy one must not ask in any but the Holy Tongue:

6 One should include him among the sick of Israel by saying "May God have mercy on him among all the sick of Israel" and on Shabbat one should say "This is Shabbat; we cannot cry out, yet healing is close":

7 We say to him that he ought to think of his affairs, whether he lent or deposited with others or others lent or deposited with him, but that he not be afraid for this reason of death¹⁵⁵.

8 We do not visit those who have diseases of the intestines, and not those who have diseases of the eyes and not those who have diseases of the head, and also all diseases where he is overpowered by unconsciousness¹⁵⁶ and speech is difficult for him, one does not visit him in person¹⁵⁷. Rather we enter the outer part of the house and ask and clarify whether it is necessary to sweep or clean the room, and other questions of this type and we hear of his grief and we ask for mercy upon him:

9 We visit the ill of pagans in order to maintain the peace:

¹⁵⁵ i.e. "We're not saying that you're dying, but . . .

¹⁵⁶ The expression is not translated strictly according to Talmudic Aramaic. The word in the Hebrew is *alma*. The Talmudic Aramaic word for unconsciousness is *Ha'alma*. Contextually, I find that rendering this as "unconsciousness" makes the most sense. This is in line with variations in the Aramaic between rabbinical literature and that of other earlier sources.

See: Krupnik, Baruch and Silberman Dr.A.M. *A Dictionary of the Talmud, the Midrash and the Targum With quotations from the sources [into] Hebrew/English/German* Israelische Auflage Durch Am Olam Tel-Aviv 1970; for Talmudic Aramaic definitions of *Alma* see Vol. II p.183; for definition of *Ha'alma* as unconsciousness see vol I p.247.

¹⁵⁷ lit: "to his face"

10 In regard to those who have diseases of the intestines, a male does not care for a female, but a female may care for a male:

Rama There are those who say that one who has a sick person in his home should go to the Hakham in the city and ask him to ask for mercy on the sick person and it has also been the custom to bless sick people in the synagogue, to give them a new name because changing the name causes the Divine decree to be nullified.

11 Comforting mourners takes precedence over visiting sick persons.

336 Laws Regarding the Doctor¹⁵⁸

1 The Torah has given permission to the doctor to heal. Indeed, it is a mitzvah, included in the principle of "saving lives", and if he refrains [from healing] than he is one who spills blood. And even if there is someone else who can heal the person [one should still practice medicine] since we do not merit to be healed by everyone.¹⁵⁹ No one should deal in healing unless he is expert and no one in the locale is a greater expert than he, otherwise it is considered spilling of blood. And if he practiced healing without the license of a *beit din* he [may be] liable for

¹⁵⁸This might be rendered "healer".

¹⁵⁹The issue is a bit hard to follow, It is as follows: Doctor A should not refuse to do this mitzvah just because Doctor B is involved. Perhaps the patient's zekhut is to be healed by Dr. A and not by Dr. B. The issue involves the possible reluctance of Dr. A. to perform medicine and to leave himself open to the possibility of malpractice (*rofeh sheheizeek* see shakh) He also may question whether it is wise to heal by natural means a person whom God has smitten with disease. Hence, the Torah commanded *him* to do the mitzvah.

monetary compensation for damages even if he is expert. However, if he practiced healing with the permission of the *beit din* and made a mistake and caused damage, he is not liable according to the laws of humanity, though he is liable according to the laws of heaven. If he caused death and the discovered that he did so through error, he shall be exiled on that account.

2 A doctor may not receive compensation for his knowledge and his instructions to the sick person, but he may receive compensation for his effort and for the fact that he cannot do other work while he is healing a patient.

3 If someone has medicines¹⁶⁰ and his sick friend needs them, it is forbidden to him to raise their price beyond what is appropriate¹⁶¹. Moreover, even if the two parties agreed to a higher price, due to the emergency situation, and the medicines were to be found only in his hands, he may have only their usual price. However, if they agreed upon a high fee for the doctor, he must give him the agreed upon sum because the doctor sells his knowledge and that is beyond price.

¹⁶⁰The Hebrew is "*simanim*" which usually means "signs". However, it also carries the meaning of augury and a further meaning, which may be seen as close to "diagnosis", of a "mark of cleanness" that shows that a kosher animal is not ill. There is another possibility that this is a linguistic corruption of the Hebrew "*samim*" meaning "drugs". Alternatively, the meaning may well have been "signs" in the sense of healing totems. IN the context of present day Judaism, I have chosen the meaning of "medicines" even though, strictly speaking, this may not be accurate. See Alkalay, op.cit. p.1759.

¹⁶¹The meaning here is evidently beyond the regular low price.

Rama Even though this is a mitzvah for him to heal the sick person¹⁶² that obligates all people¹⁶³, if a person has an opportunity to perform the mitzvah and does not want to do so except by being paid, he is entitled to that money and a debt owed to him cannot be cancelled¹⁶⁴.

337 When a Sick Person Suffer the Loss of a Relative

1 When a Sick Person Suffer the Loss of a Relative we do not tell him lest he lose his mind. We do not tear his garment and we do not cry and we do not eulogize [the dead person] in front of him lest his heart be broken and we silence those who would comfort him.

338 The Confession of the Sick Person, and How to Present it to Him

1 When the sick person inclines towards death we say to him: "confess", and we say that "many have confessed and not died and many have died and not confessed", and "the reward for confessing is that you live" and "all who confess have a portion in the world to come." Even if he cannot confess aloud he may do

¹⁶² *mitzvat aseh*

¹⁶³ literally "that devolves upon the whole world".

¹⁶⁴ Though only the physician can heal the mitzvah to heal is addressed to the entire community and not to a particular class (cohanim or women, etc.) or to the Doctor in particular.

so in his heart. All of these things are not to be said in front of ignorant people, and not in front of women and not in front of juveniles, lest they cry and break his heart.

2 The order of the confession of a dying person: " I thank you Lord my God and God of my fathers in whose hands lie my healing and my death. May it be your will to heal me with a complete healing and if I die may my death be expiation for all the sins, misdeeds and crimes that I have sinned and that I have transgressed and that I have committed before you and make my portion in the Garden of Eden, and may I be granted the merit of the world to come that is vouchsafed to righteous people."

339 The Laws Concerning The Person in the Final Stages of Dying¹⁶⁵ (And the Recitation of the Acknowledgment of the Divine Judgement) and what are the Proper Signs

1 The dying person has the qualities of a living person for all his affairs. We do not tie his jaw shut¹⁶⁶, we do not anoint him and we do not wash him and we do not block his orifices and we do not take the pillow out from under him and we do not place him upon sand or upon clay¹⁶⁷ and not upon earth and we do not place on his abdomen a bowl or a trowel or a flask of water or a grain of salt and

¹⁶⁵"*in extremis*"

¹⁶⁶literally: tie his cheeks

¹⁶⁷probably referring to a red soil clay floor surface that would be cold and uncomfortable.

we do not announce his imminent death and we do not hire a flutist and wailers and we do not close his eyes until his soul is departed. Should someone close his eyes as he is dying this is spilling of blood. We do not tear garments or remove shoes or eulogize him and we do not bring a coffin into the house with him until he dies and we do not begin the recitation of the acknowledgement of the justice of Divine judgement until his soul departs:

Rama *There are those who say that we do not begin to dig a grave for him even if he [the grave digger] is not in the house with him until after he dies and it is forbidden to dig any grave that will be open until tomorrow, so as not to bury the dead on the same day [that the grave is dug] for, there is a danger in this. It is also forbidden to cause the dead to die sooner such as when someone is dying for a long time and cannot depart, it is forbidden to remove his pillow and cushion from beneath him, since there are those who say that there are feathers of certain birds that cause [prolonging of the dying process]. Also they must not move him from his place and it is forbidden to place the keys of the synagogue under his head so that he may depart but if there is something that causes delay in the departing of the soul, such as there is in close proximity to that house a sound of knocking as from a tree cutter or there is salt on his tongue and these are delaying the departure of the soul, it is permitted to remove it since this is not a [positive] action at all but [merely] the removal of an impediment.*

2 One who has been told "We saw your relative in the last throes of dying three days ago today"¹⁶⁸ must mourn him:

3 We recite the acknowledgement of Divine judgement with the departing of the soul and when we arrive at [the phrase] "the true judge"¹⁶⁹ the mourner tears [his garment]:

4 When a man is inclined to die we are not allowed to leave him so that his soul will not depart when he is alone:

5 It is the custom to spill out all the drawn water in the neighborhood of the dead:

¹⁶⁸Hence - a *goses* is anyone whose death ought to occur within three days.

¹⁶⁹Or "the judge of truth"

Hallakhot of Tearing Garments in Mourning

340 The Essence of Tearing Garments in Mourning, The place of the tear and who should tear their garments and at what time period does one tear.

1 A person who has experienced the death of a close relative¹⁷⁰ and that dead person is of the class of dead persons for whom it is obligatory to mourn¹⁷¹, he [the mourner] must tear his garment on account of him and must tear it while standing. If he tears his garment while sitting he has not fulfilled the commandment:

2 The place in which the tear should be made is anywhere in the neck opening of a shirt, in front. However, if he tore behind or on the side, he has not fulfilled the commandment:

3 The size of the tear is a handsbreadth. If he has [already] torn the garment for one dead person and needs to add to the tear for a [different] dead person, if it is after the seven days of mourning [for the earlier person] than any [additional] tear is enough [for the second dead person]. If it is within the seven days of

¹⁷⁰This is a rendering of the term "*met lo met*". The word "*lo*" implies a strong relationship between the mourner and the dead person.

¹⁷¹See the list of relatives who are obligatory objects of mourning in *Yoreh Deiah* 374:4. The list is couched in terms of those for whom a Cohen becomes ritually unclean by coming into contact with a dead body. These are the people for whom the obligation to mourn takes precedence over other religious obligations.

mourning he must tear [a full] handsbreadth. If it is for his mother or father , even after the seven days of mourning he must tear [the garment] as far as the middle of his chest¹⁷²:

4 Just as one tears one's garment over the death of one's own relative whom one mourns, so must one tear over one whom one's own relative mourns. How [does this work]? If his son's son dies or his brother's son or the brother of his son [presumably a half brother] or if his son is required to tear in the presence of his own son.¹⁷³ Also [a man] should tear his garments over his father in law and mother in law and a woman tears her garments over her father in law and mother in law.

5 One who is present at the time that a soul of a Jewish person departs, he must tear his garment. [This is true] even if he [the dead person] occasionally perpetrated a violation in pursuit of satisfaction of a lust¹⁷⁴ or he let pass the opportunity to carry out a mitzvah because of the effort involved.

¹⁷²literally: "until his heart is revealed"

¹⁷³According to the TAZ this applies to the son's mother if the father has divorced her.

¹⁷⁴literally "an appetite". This refers to the Hallakhic category of "*averot lityavon*", as opposed to "*averot lihakhis*" i.e. violations done out of a deliberate desire to violate the Hallakhic system. See *Pitkhei Teshuvah* number 4.

Rama But if he is a habitual violator we do not mourn over him and even more so for an apostate who has gone over to worship idols¹⁷⁵. There are those who say that we should mourn for an apostate who has been killed by an idolater, and also for a minor who converted to idolatry with his father or mother, since he is like one who is coerced. And there are those who say that we do not mourn [for them]. This latter view is the correct one. [With regard to] those who withdraw from the ways of [Jewish] society, even though we do not mourn for them, we mourn for their children.

6 Over a propitious man¹⁷⁶ who is not suspected of any violation or of any neglect of carrying out mitzvot, whose reputation is not bad, even if he was not learned in Torah and even if he [the mourner] was not present at the [time that] the soul departed, he is required to tear his garment over him provided that he is present with the dead person during the period between death and burial. Men educated [in Torah]¹⁷⁷ need not perform this tearing of their garments.

Rama There are those who say that there is no obligation to tear garments over a propitious man unless the mourner is present at the time of the departure of his soul, but he must cry and mourn for him, and this is the custom - to be lenient and not to require kria:

¹⁷⁵literally "stars and zodiac signs"

¹⁷⁶adam kasher

¹⁷⁷talmidei khakhamim

7 For a religiously learned man¹⁷⁸ or a student¹⁷⁹ who [is sufficiently advanced that] one poses hallakhic questions to him, on any subject and he answers correctly, we tear our garments over him, even if it is after the burial, on the day that one hears, if it is within 30 days, and one tears one's garments over him during the hearing of a eulogy for him, and one tears one's garments to the point where one's heart is exposed. Learned men in all locales have had a custom to tear their garments over each other one handsbreadth even if they are equal [in stature] and neither of them is the teacher of the other.

***Rama** There are those who say that one does not tear one's garments over a learned man unless he was his rabbi or unless one knows his teachings that introduced [new hallakhic rulings], in other words, he was [effectively] his rabbi. This is the custom to adopt the lenient position in these lands.*

8 For his rabbi, from whom most of his knowledge has come, whether it is Bible, or Mishna, or Gemara, [a student] tears through all the layers of his clothes until his chest is revealed, although there are those who say that he does not tear more than a handsbreadth and does not ever stitch [the tear]. Even if [he hears about the death] only from a rumor after 30 days¹⁸⁰, he still tears his garment over him. However, if he did not learn most of his knowledge from him he does not tear

¹⁷⁸ *khakham*

¹⁷⁹ *talmid khakham*

¹⁸⁰ *shemuah rekhoka*

his garment any more than is required regarding [the death of any] other persons over whom he mourns. Even if he learned only one thing from him, whether great or small, he tears his garment over him.

Rama *There are those who say that even a tear that he tears over a rabbi who is not his primary rabbi¹⁸¹, he should never stitch up. With regard to students who sit together and debate and question each other and study together, there are those who say that their case is like that of the rabbi who is not the primary rabbi, and there are those who say that their case is like that of the primary rabbi. There are those who say [that the student] need not tear our garment over any but the rabbi who taught him most of his knowledge, but with regard to colleagues who study together or enlighten [each other] over one thing, this is a mere stringency, [and not a legal requirement] and where it is customary it may be carried out and where it is not customary it is not carried out and it is not taught [as obligatory law]. Therefore it is the practice to follow the lenient practice in these lands.*

9 Over every dead person one tears ones garments a handsbreadth in the outer garment and that is sufficient. However, over a father or a mother one tears through all one's clothes even if one is wearing 10 [layers] until one reveals one's chest¹⁸². If a mourner did not tear each of his garments, he has not fulfilled the

¹⁸¹ *rabbo hamuvhak* means literally his rabbi who is "distinguished" or who "stands out in the light". This would be the rabbi from whom he learns most of the Torah that he knows.

¹⁸² literally, "heart"

commandment and one reprimands him. So long as he is wearing that piece of clothing, even after the thirty days, one says to him: "Tear!":

10 A mourner need not tear his muffler¹⁸³. There are those who say that this is his undergarment that absorbs sweat, and there are those who say that this is an outer garment called a *kafa*¹⁸⁴. The custom is simply that one does not tear the *kafa* over any dead person even one's father and mother. However, one tears for one's father and mother even the coat known as *kamiz'a*¹⁸⁵

Rama In these lands the custom is not like that. Rather, we do not tear the undergarment of flax [that is worn] against sweat, and not the outer cloak, but the other garments are torn for one's father and mother and for other dead persons [we tear] the [layer of] clothes under the outer cloak.

11 Man and Woman are equally obliged to carry out the tearing of garments, but the woman tears the undergarment and then turns it around behind her and then tears the over garment:

¹⁸³literally, "ear piece"

¹⁸⁴evidently a *kaffiyeh*

¹⁸⁵From the french *chemise*.

12 Over all dead persons, if [the mourner] wants to do so he can leave the outside of the garment whole and tear under it, [but] over his mother and father he must tear completely from the outside:

13 Over all dead [the mourner] must tear inside [the garment] in private. Therefore he must reach his hand into [the garment] and tear it where it may not be seen¹⁸⁶. However, over his father and mother he does not tear in any way but from the outside, before all other people:

14 Over all dead person [the mourner] may tear his garment by hand or with an instrument. Over his father and mother [he must tear] by hand. Over all dead persons, if he changes his garment within the 7 days he [may] change and not tear the [second] garment. But, for his father and mother, if he changes any garment within the 7 days he must tear them and never stitch them up, just as with the first [garment].

15 Over all the dead [the mourner] stitches the tear irregularly¹⁸⁷ after 7 days and stitches it completely after thirty days. Over his parents he stitches irregularly

¹⁸⁶literally "in privacy" or "in modesty"

¹⁸⁷The term "*sholef*" is explained by the TAZ as an irregular stitch as opposed to a regular and more permanent kind of stitch called a *m'akheh*.

after 30 days and never stitches [the tear] completely. A woman stitches the tear irregularly immediately, because of her honor.¹⁸⁸

Rama All the time when it is forbidden to stitch irregularly it is forbidden even to attach the top of the tear with a needle. There are places where the custom is to be more stringent even for other dead persons, [i.e.] not to stitch irregularly within 30 days. In that case it is forbidden to attach even the top of the tear with a needle.¹⁸⁹

16 Over every dead person [a mourner] may, if he wants to do so, [tear his clothes so as to] expose his shoulder. Over his father and mother he must expose his shoulder and appear¹⁹⁰ in this fashion before the bier until [the body] is buried. However, if the son is a great man and it is not in accord with his dignity to appear with his shoulder exposed, he need not expose [his shoulder]:

17 A lofty personage¹⁹¹ is [treated] like a father in terms of exposing the shoulder and in terms of tearing [a garment] from the outside, and in terms of stitching the whole [together]. Those who tear their garments over a learned man who has

¹⁸⁸ i.e. the demands of modesty

¹⁸⁹ or perhaps "a pin"

¹⁹⁰ literally "walk"

¹⁹¹ The term "*nas*" is used today for the office known in English as president. It refers to someone "elevated" in stature above the common population. See *mo'ed katan* 22b where it is used to refer to the head of the community.

died, once¹⁹² they have left the presence of the deathbed¹⁹³ they may stitch [the tear] irregularly [immediately] and stitch it completely on the next day. With regard to a wise man about whom word is heard [of his death], [a mourner] may stitch the garment irregularly on the same day and stitch it up properly on the next day. With regard to a lofty personage or to [the mourner's] personal rabbi, [the mourner] may stitch the garment irregularly on the next day and never stitch it up properly. For a learned man one exposes one's right shoulder and for the head of a rabbinical tribunal¹⁹⁴ [one exposes] the left and for a lofty personage [one exposes] both sides. For one's father and mother and for one's personal rabbi one may choose which side, and if he so desires, may expose them both:

18 Over any dead person the mourner does not tear his garment if he heard of the death 30 days after [it took place]. One who has no cloak and has occasion [to hear of a death] within the 7 days tears his garment. After the 7 days he does not tear. For his father and mother one tears his garment at any time [that he does have a chance to do so], no matter how long after their death¹⁹⁵.

¹⁹²Literally "since", meaning "once they have completed the action".

¹⁹³Literally "turned their faces back".

¹⁹⁴a *beit din*.

¹⁹⁵literally "for ever".

19 Just as it is forbidden to stitch up garments [in those cases] where it should not be stitched, so it is forbidden to turn the garment inside out¹⁹⁶ and to stitch it up. Even another person [i.e. not the mourner] who buys the garment may not stitch it up. Therefore, if the mourner comes to sell the garment he must inform him [the purchaser]. If he sold it without informing the purchaser¹⁹⁷ the latter may not stitch it until he knows that this is not one of the tears which may never be stitched. It is forbidden to sell [such a garment] to an idolater:

20 One who tears through a seam or through a gathering¹⁹⁸ and through a hemstitch has not fulfilled the commandment but if he tears through an Alexandri stitch, that is a stitch that lies on the surface¹⁹⁹ above and protrudes below, has fulfilled [the commandment]:

21 A mourner who has [already] torn his garment for a dead person and [suffers] the death of a[nother] person during the 7 days of mourning [for the first] tears another tear. [If it happens] after the 7 days, he adds a bit to the first tear. If he [suffers] the death of a third person after the 7 days of mourning for the second,

¹⁹⁶ Could be: "upside down".

¹⁹⁷ *makhru sham*

¹⁹⁸ This is a way to hold pieces of cloth together in which they are not really stitched.

¹⁹⁹ Literally: "equal", in other words a stitch that is hidden and cannot be seen from the outside of the garment.

he adds a bit to it [the original tear for the first] and so forth until he reaches his navel. He then [should the need arise] moves over three fingers width and tears [a new tear]. If his garment becomes completely torn up in front he [may] turn it around . if it becomes completely torn up on top, he may turn it upside down. If his garment is completely torn from every direction then the mourner becomes like one who has no outer garment {Alcalay renders this as "shirt, jacket, robe, gown, overall, tunic, dressing-gown, bathrobe" see op.cit. p.767} and [so he] does not tear.

22 If a mourner has been told that his father died and he made one tear, and after the 7 days his son died, and he added to the tear, he may re-stitch the lower part of the tear but not the upper. If he has been told that his son is dead and he tore and after 7 days his father died, he does not add to the tear, but rather tears a new tear, since his father and mother cannot be [seen as] a [mere] addendum.

23 One who has suffered the deaths of two people at the same time, or has heard at the same time of the death of two persons tears one tear for both of them. If he has torn his garment and then another person dies he tears another tear either by adding to the original one a handsbreadth, or by moving over three fingers' width and tearing a handsbreadth length. [If he hears] after the 7 days he adds a bit to the first tear. If his father or mother dies at the same time as one of his other relatives, he tears first for his father or his mother until his heart. Then

he moves over three finger's width and tears a handsbreadth length for the other dead person. If his father died and he tore his garment, and after the 7 days of mourning one of his relatives died he adds to the first tear and the lower part he may re-stitch but the upper part he may not. If one of his relatives died and he tore his garment over him, and then his father or his mother died, whether within or outside the 7 days of mourning, he moves over three fingers' width and tears from the side in the edge of the garment. This is because it is necessary to differentiate from the edge, and he tears until he reaches the heart. If his father and mother died at the same time, he tears one tear for both of them:

24 If a mourner has been told that his father died and he tore his garment, and then he was told that it was his son, he has fulfilled the commandment of tearing [without tearing any more], so long as he found out during the discussion [in which he was told about the death]. If he did not find out about it until after the discussion ended, he has not fulfilled the commandment. However, if they told him: "You have [suffered] the death of a person" and he believes it is his father and he tears his garment, and afterwards he finds out that it was his son, he has fulfilled the commandment [without tearing again], even if he didn't find out until after the discussion ended.

25 If [a person] had a sick relative who lost consciousness and he tore his garment over him and afterwards the sick person died during the discussion of

tearing the garment there is no need for a new tear, and if not, then there is a need for a new tear.

26 If a mourner has been told that his father died and he tore his garment over him, and carried out some of the days of mourning, and then he was told that he had not died and he stopped and they came back and told him that his father had [indeed] died as [he was told] first, he has fulfilled the commandment of tearing his garment.

27 With regard to a minor who has [suffered] the death of a person, one tears [his garment] for him:

28 If a person tears his garment in mourning for his dead on the Sabbath, even though he has desecrated the Sabbath he has fulfilled the commandment of tearing his garment.

29 One who tears a stolen garment²⁰⁰ has not fulfilled the commandment.

²⁰⁰The word *gezel* usually means "stolen" or it can mean "oppression". Here I have chosen the word stolen because it is clear that this case is differentiated from the previous case where the *kriah* might be questioned, i.e. of someone who tears a garment on Shabbat.

30 [Over] an infant [of] whom we do not know for certain that he was not born prematurely, who dies within 30 days [of his birth] or even on the thirtieth day, one does not tear one's garment.

31 A mourner does not tear his garment on a festival, not even on the second day of a holiday [added] in the Exile, not even if they are relatives of the dead person. However, on the intermediate days of holidays²⁰¹ [a mourner] tears for each dead person according to what he is [i.e. was at the event] [For example] if he was present at the time the [dead person's] soul departed or if he was a righteous man or a learned man, each according to his own rules as we have clarified.

Rama *There are those who say that the custom is that [the mourner] does not tear his garments on the intermediate days of the holiday except [that he does tear them] for his father or mother. For other dead persons he tears after the intermediate days of the holiday. In a place where there is no custom, the mourner must tear his garment for all of them.*

²⁰¹ *khol Hamo'ed*

32 If the mourner heard during a festival about a recent death, he tears his garments, even if after the festival is over the news would no longer be "recent."²⁰²

33 A person who walks before a dead person in a [previously] torn garment, presenting himself as if he had torn it [to mark the death], but he has not torn it [to mark the death] steals from the living and from the dead.²⁰³

34 If a person says to his friend: "Lend me your cloak so that I can visit my sick father" and he went and found him [his father] dead, he should tear the cloak and [later] stitch it up properly and return [it] to his friend and pay him the cost [or the monetary value] of the tear. However, if he did not tell his friend [for what purpose he was taking the cloak] he may not touch it [in order to tear it as a sign of mourning]:

35 A person who lends his cloak to his friend [in order] to go to the house of mourning may not take it [back] from him until after the days of mourning:

²⁰² According to the TAZ this is because if he received the news after 30 days have passed he will not sit for the seven days of mourning. We would expect to apply the rule that there is no tearing of garments without the sitting of the seven days. Therefore, according to the TAZ, this rule tells us to tear, even though there will not be an opportunity to sit for the seven days.

²⁰³ i.e. deceived them.

36 [We] tear our garments over bad news²⁰⁴. For example, [We tear our garments in a case in which] most of the community gather [because of] a war and they hear that [their forces] were defeated by the enemy, even if only a few of their [soldiers] were killed:

37 A person who hears the name of God being cursed [as by a dying person] or even the cursing of an adjective [used for God]²⁰⁵, must tear his garments when the person cursing God is a Jew. Even one who hears from witnesses how someone cursed God must tear their garments, [although] witnesses need not tear their garments again. A person who sees a Torah scroll being burnt, or tefilin, or even a scroll of one of the prophets or the writings tears two tears in his garment. This applies only when [the scroll] is being burned by force and violence, after a precedent that took place.²⁰⁶

38 A person who sees the cities of Judea in a state of destruction or Jerusalem, or the Temple, must tear his garment.

²⁰⁴ Literally "what is heard" This term usually means "rumors".

²⁰⁵ According to the *Pitkhei Teshuva* this refers to adjectives like "merciful one" (*rakhum*) or "compassionate one" (*khanun*) i.e. what are called "titles for God that may be erased".

²⁰⁶ According to the *Siftei Cohen* this refers to Yehoiakim burning the scroll.

39 All of these tears he may loosely stitch, baste, or gather into non-continuous stitches immediately after the mourning, but they should never be [properly] stitched together ever:

Hallakhot of New Mourning

341 [The Laws] Concerning [a mourner] whose Dead Lies Before Him on Shabbat or on a Holiday, and the Laws of a New Mourner²⁰⁷

1 A person who has lost a loved one over whom he must mourn [in the period] before the burial eats in another house. If he has no other house he eats in the house of a friend. If his friend has no house he creates a partition and eats. Even a sheet is enough if he has fixed its corners in something that does not get carried away by the wind. If there is nothing from which to make a partition, he turns his head away and eats. In any event, even if he is in a different city, he does not sit down at a table or a couch and eat, and he doesn't eat meat and he doesn't drink wine and he doesn't say the motzi blessing or birkat hamazon, and [others] do not bless for him and do not call to bless after a meal. Even if he eats with others who bless, he should not answer after them "amen". [The mourner] is exempt from [performing] all the positive commandments mentioned in the Torah²⁰⁸. [This is the case] even if he does not need to deal with preparing [the dead person] for

²⁰⁷The Hebrew term "*anin*" is a technical term. I have rendered it "new mourner, but the term needs some clarification. Specifically it refers to a person who has just sustained the loss of a loved one. It refers to the mourner in the period between the death of the loved one and the burial.

²⁰⁸See *Pitkhei Teshuvah* under the letter (*zayin*) who quotes the Khakham Tzibur that this refers to positive commandments (i.e. commandments to do something) but does not apply to negative commandments (commandments to refrain from doing something).

the funeral, for example if there are others who are doing [the work] for him. There are those who say that even if he wants to deal more stringently with himself by blessing or answering "amen" after [others] bless, he is not permitted to do so. On Shabbat or on holidays he must eat meat and drink wine and bless and he is obligated to perform all of the mitzvot other than sexual intercourse which is forbidden him. If it is about to become dark in the area in which things can be carried on Shabbat, when he is about to start to deal with the [arrangements] for the dead, he is [subject to the rules of] new mourning and [so] is forbidden [to do] all of them from the hour that the [sky] begins to darken on the area. If he wants to bury [the dead] on the first day of a Holiday [using] non-Jews, he is forbidden them all [the above activities and mitzvot]. More so, on the second day of holidays, when he may bury [the dead person] himself and therefore he is subject to all the laws of new mourning:

2 A person to whom a relative has died on Shabbat eats at the end of Shabbat without [saying] Havdalah and does not pray [the regular prayers], and [also] not on the [next] morning. After the burial he prays the Shacharit, if its time has not passed but he does not pray the [last night's] evening prayer since its time has passed. It is not like [when you] forget and don't pray Aravit. When you pray Shacharit twice. [You don't do that in this case because] you weren't obligated to pray [Aravit]. With regard to Havdalah, he should [pray] Havdalah after the dead person is buried:

3 In a locale where the custom is that special pallbearers carry out the dead, after the relatives have dealt with the arrangements for the burial, the relatives shall turn the dead over to the pallbearers and they shall bury him. From [the moment when] they have turned him over to [the pallbearers] the relatives are allowed to [eat] meat and [to drink] wine, even before they have removed him from the house, since he is no longer their responsibility:

Rama In a case where the dead [must be] carried from town to town, if the destination is close it is as if [the dead person] were lying before him. However, if it is a distant place, for example a two day walk, he [the mourner] is permitted all the above activities until they arrive at the town where he is to be buried:

4 If someone has died in captivity and it is impossible to bury him the relatives are not subject to the laws of new mourning and not of long-term mourning, because they are [assumed] not to have despaired of burying him. The same is the case if the relatives of the dead person are in captivity. They are not subject to the rules of new mourning. The same is true of one who has been killed on the road or taken by a [wild] animal or dragged away in a flood, and [his family] has not despaired of [finding the body and] burying him, the relatives are not subject to the rules of new mourning and not of long-term mourning. We count the seven days and the thirty days from the day that they despair of burying him:

5 All of the time before the dead person is buried, the mourner does not remove his shoes or sandals and is not obligated to cover the head or to overturn the bed²⁰⁹, but it is forbidden to sit or to sleep on the bed even if it is overturned as a sign that sexual intercourse is forbidden:

Rama How much more this includes sexual intercourse and there are those who say that it is forbidden to wash and to anoint oneself and to be joyful and to ask after people and to take a haircut and to work, but it is permitted to leave the entrance to one's house:

6 One who guards the dead, even if [the dead person] is not his, is freed of the obligation to say the Shema and from all the mitzvot stated in the Torah. If there are two, one guards while the other reads the shema and then prays.

²⁰⁹As a sign that *tashmish*, i.e. sexual relations, is forbidden.

Hallakhot of Mourning

342 [Concerning] one who has prepared what is needed for his wedding and [then] suffers the death of a relative over whom he is obligated to mourn.

1 One who has prepared all that is needed for his wedding, [for example] he has baked his bread, slaughtered his meat and poured his wine, and the father of the groom dies, and he is not in a place in which it is convenient to sell [the wedding supplies], and if the wedding is postponed he will lose what he has prepared, or [for example] the mother of the bride dies and the makeup for the women and the decorations are perishable, the dead person is placed in a room. The groom and bride are placed under the wedding canopy²¹⁰, and the groom consummates the marriage and he separates [from her]. Since his wedding took place, the occasion is for him equivalent to a festival and he partakes of the seven days of feasting.²¹¹ Afterwards he carries out the seven days of mourning and during the seven days

²¹⁰That is to say, the wedding ceremony is carried out.

²¹¹The bride is presumed to be a virgin. Therefore the act of sexual union will often have the effect of causing vaginal bleeding. For this reason during the seven days following a wedding the bride is considered to be like a woman who is menstruating and the couple are not allowed to have sexual relations. Therefore the custom is to entertain the bride and groom during those seven days with meals and blessings. After the seven days the couple can resume sexual congress. The TAZ points out that here there are two reasons why the groom may not approach his new bride. First there is the issue of her status as a menstruant (or the equivalent) and second, there is the status of being an *anin* or an *anina* for whom sexual activity is not allowed.

of feasting he should mourn privately²¹² and he is forbidden to make use of the bed²¹³. Therefore, all during the 7 days of feasting and the 7 days of mourning, he sleeps among the men and she sleeps among the women:

Rama *There are those who say that she is forbidden to be alone with him during the day as well as the night and there is no need that there be two watches over them. [It is] enough that he is among the men or she is among the women, and if they are not sleeping in one room there is no need for any watch over them. And there are those who say that a night there must be two watches over them [but] by day they may be together. The custom is that a male minor is placed with the groom and a female minor with the bride and they may not be together without the boy or the girl [present]:*

And in regard to the thirty days, it is not counted until the beginning of the 7 days of mourning. During the entire 7 day period of the wedding ironing [clothing] and cutting hair are permitted. If there is no monetary loss, such as [a case] where it is possible to sell what was prepared, or even where there was a loss and the mother of the groom or the father of the bride died, or one of their other relations, and there is someone who will prepare [the necessities of the wedding] at another time, they are not allowed to delay the mourning. Rather they bury [the dead person] immediately and carry out the 7 days of mourning and afterwards gather

²¹²As opposed to undertaking any of the obvious signs of *avelut*.

²¹³a euphemism for sexual relations

the groom and the bride to the wedding canopy immediately and carry out the seven days of feasting:

343 Commandments Regarding Funerals²¹⁴

1 If a person dies in a town, all the residents of the town are forbidden to work, since anyone who sees a dead person and does not accompany him until it is convenient²¹⁵ is subject to ostracism. However, if there are burial societies²¹⁶ in the city, and each one handles dead persons on its own day it is permissible not to join a funeral procession on a day that is not [the] day [of the group to which one belongs] [except] for one issue. [This exception does not apply] at the time the [dead person] is brought out [of his house]. At the time he is brought out all cease what they are doing, as follows:

2 In a small village one does not greet another when the dead person is in the village.

²¹⁴Literally "accompanying the dead".

²¹⁵Literally "until all his needs are met".

²¹⁶Literally the word khavurot means "groups" or even "gangs" but in this context it is evidently the abbreviated plural for "khevera kadisha" meaning "burial society".

Rama *How much more so does one not greet another when the dead is in the graveyard [waiting to be interred]²¹⁷, but when the dead is not there, one may greet another from a distance of four cubits.*

344 The Obligation to Eulogize, Its Reward, and How and for Whom do we Eulogize

1 It is a great mitzvah to properly eulogize the dead and the heart of the mitzvah is that one raise his voice to say things of the dead that break the heart, so as to increase the weeping and to call to mind his praiseworthy attributes {literally "those things for which he was praised"}. It is forbidden to praise him too much but rather his good qualities are mentioned, and we embellish them only a little bit, so that we don't exaggerate. If he did not have good qualities then nothing is said. [For] a scholar or a righteous man we note their wisdom and their righteousness. Anyone who mentions [qualities] that were not in him, or exaggerates his [good qualities] too much, does a disservice {literally "causes bad"} to himself and to the dead person.

2 Just as we eulogize males so we [should] eulogize females as is their due.

²¹⁷ *Literally "on the graveyard".*

3 In a locale where people are used to hiring wailers to eulogize [the dead person], [the mourner] must hire wailers to eulogize his wife. If he does not want to [then] her father can hire [them] and reclaim the cost from [the husband] against his will:

4 How old must a minor be [in order to be²¹⁸] eulogized?

If he is poor he [must be] five years of age. If he is rich he [must be] six years of age. Children of elderly [people] are like the poor. However, the prayer acknowledging the justice of Divine judgement and the Kaddish are recited for [any] baby over 30 days old.

Rama And it is not the custom to do so until the child is twelve months old and is carried in a bier as described below section 253, paragraph 5:²¹⁹

5 For the children of the rich and the children of the wise, we add a bit in praise of their deeds:

6 A young child who knows to communicate²²⁰ is eulogized by mentioning his own deeds. If he has no deeds [appropriate for a eulogy] we eulogize him through

²¹⁸Literally "when he is".

²¹⁹According to the Shakh the minhag is in fact not according to the Rama.

²²⁰Literally "to negotiate".

the deeds of his forebears, and if they have no deeds [appropriate to a eulogy] we eulogize him through the deeds of his [other relatives]:

7 A bride is eulogized either through the good deeds of her father or the good deeds of her husband:

8 A fetus that is cut²²¹ or castrated, and aborted fetuses, as well as 8 or 9 month old stillborn, and an idolater and slaves, we don't apply ourselves to eulogize and to accompany [in their funeral procession]:

9 Heirs who do not want to pay the salary of the eulogizer are forced [by a Beit Din] to pay the costs:

10 [When] someone has ordered that he not be eulogized we obey him:

11 [The rule] forbidding tearing out of hair as well as scratching [the body] over the dead [are found] in section 180 [of Yoreh Deiah]:

12 The crowd that is hearing the eulogy, so long as the dead person lies before them, take turns and read the Sh'ma and pray. If the dead person is not

²²¹ This refers to the medical procedure where a fetus that endangers the mother's life may be surgically cut into pieces in order to extract it from the womb through the vaginal canal.

lying before them, they sit and read and the recent mourner (*onan*) sits in silence. [When] they stand and pray he says the Prayer of Justification and says "May it be Your Will, O Lord My God, that You set limits [to prevent] our violations [of Halakhah] and the violations of Your People, the House of Israel":

13 After burial eulogizing is interrupted, either for reading the Sh'ma or in order to pray:

14 We don't do two eulogies²²² in the same town unless there are enough people to divide into two so that there will be enough attendance [to hear] each eulogy:

15 We don't do two eulogies in the same town unless there is [a basis] to speak praise of each of them.

16 We do not speak before the dead of anything but what pertains to the dead, for example, the needs for the burial and the eulogy. However, anything else is forbidden. This applies only to words of Torah, but we have nothing against speaking on everyday topics:

²²²i.e. eulogies for two different dead people.

17 It is permitted to recite verses [of Bible] and a sermon [or lesson] in honor of the dead person in proximity to him or in the cemetery.

18 [If] a learned man has died, his school is closed, since he is eulogized for the full seven days of his mourning, but other schools are [kept open and] [studying] Torah even at the time of the eulogy. After the eulogy his students do not gather at the school. Rather, they get together in pairs and study in their homes. If the head of a Beit Din has died all the schools in the city close and those who are used to praying in the synagogue change their seats. If a very prominent rabbi²²³ dies, all of the schools in all of the locales where he is eulogized are closed and after the eulogy [the students] do not gather in the school but get together in pairs and study in their homes. All of the residents of the town praying the home of the mourner, whether on a regular day or on the Shabbat, other than for the reading of the Torah on Shabbat and on Monday and Thursday when Torah is read in the synagogue. They do not shop in the marketplace. Rather, they sit in by families and are doleful all day:

19 The Torah scholars are eulogized, as are their wives, in the synagogue and in the school, but no one else:

²²³This is how I am rendering the term "nasi" in this context.

20 [With regard to] a scholar, a great leader²²⁴ and a sage²²⁵, his body is brought into the school and his bier is placed on the spot from which he used to preach²²⁶ and there he is eulogized. When the bier is taken out he is eulogized until they reach the graveyard. On the seventh day they go to the cemetery and visit him and so it is on the thirtieth day. After 12 months he is visited and [a prayer of] laying to rest²²⁷ [is recited].

345 The Rules of the Suicide, the Excommunicated, the Executed by [order of] a *Belt Din*, and Apostates²²⁸

1 [With regard to] the suicide, we do not deal with him at all. We do not mourn him and do not eulogize him and do not tear our garments in mourning and do not remove our shoes, but rather stand over him in a row and say over him the blessing of the mourners and anything else that is for the honor of²²⁹ the living:

²²⁴This is how I have rendered "aluf".

²²⁵This is how I have rendered the term "gaon", but this is its modern meaning. These terms refer to different aspects of important religious leadership. The meaning in general is that when a great religious leader dies.

²²⁶"Darash" in this context could also be rendered "teach".

²²⁷This is a Sephardic term meaning "yizkor."

²²⁸This is how I have rendered "porshim min a tzibur" in this context.

²²⁹i.e. "for the sake of."

2 Who is [defined] as the suicide? For example, if someone says "He is going up on the roof" and he was seen immediately ascending in fury or despondency and then fell and died, this [person] is presumed to be a suicide. However, if he was found strangled, hanging from a tree or dead and lying on his sword, he is assumed to be as all other dead persons and all is done for him and nothing is prevented:

Rama One who is killed [while] stealing or looting because he is put to death according to the laws of the [non-Jewish] regime, we mourn for him unless this raises danger of a reaction by the regime, but we do not do so for the suicide.

3 A minor who commits suicide is considered as someone who has not committed suicide. The same [is the case] for an adult to kills himself under duress, like King Saul²³⁰. Nothing is prevented for him:

4 An excommunicated person who has died is in the same category as a suicide. We do not tear our clothing, remove our shoes, or eulogize him. We put a stone on his coffin. This applies to one whose [crime] was of licentiousness with respect to the commandments of the Torah. However, if one is excommunicated because of monetary matters, once one is dead he is released from the ban, and therefore we do not put a stone on his coffin but we eulogize him properly.

²³⁰ According to the *Be'er HaGolah* suicide may even have been permitted for King Saul.

5 Anyone who leaves the ways of the community, that is people who took off the yoke of *mitzvot* from around their necks and are not included in *Klal Israel* in Jewish communal activity and in respecting the holidays and synagogue services and houses of study but are as free men unto themselves as though they are of other nations; also apostates or those who turn Jews over to oppressors, [with regard to these] we do not perform the mitzvot of *aninut* or of mourning. Rather their brothers and their other relatives wear white and cover themselves in white and eat and drink and rejoice:

Rama *One who withdraws from the congregation because he does not want to participate in its taxes or fees is mourned for but the other people in town need not stop their work for him in order to deal with [mourning for] him":*

6 A minor of a year or two in age, who has converted out of Judaism with his mother, is not mourned for:

7 One who is lost at sea or drowned in a river or eaten by a beast, we prevent nothing with regard to [mourning for] him:

8 When a coffin is carried from place to place, if the [dead person's] skeleton is still intact, we stand in a row and say the blessing of mourners and comfort mourners if there are mourners [present] who are mourning for him. If the

skeleton is no longer intact we do not stand for him in a row and we do not say the blessing for mourners and we do not comfort mourners:

346 One Whose Relative Has Been Hanged²³¹ in a Town Should Not Live There

1 A person whose husband was hanged in a town or a whose wife was hanged in a town or his father and mother, and the flesh has not been completely consumed, shall not be in that town unless it is as large as Antioch where people do not know each other. He must stay on the other side of town:

347 One Cannot Eulogize Over The Dead Thirty Days Before The Holiday

1 One whose loved one dies before [it is] thirty days before a pilgrimage holiday should not eulogize him once it is thirty days before the holiday. Even in a case where he may eulogize a loved one who died within the thirty days, when it is permitted to eulogize him and even when he died on the evening of the holiday, it is [nevertheless] forbidden to eulogize along with that person, the dead person who died before thirty days prior to the holiday:

²³¹The text literally means "crucified". However, for the *akharonim*, who lived in a society where crucifixion was not practiced, this was a synonym for hanging. In the original source, *Masekhet Smakhot* it referred specifically to crucifixion.

2 [If] one hears news of a death within thirty days before the pilgrimage holiday, it seems to me that it is permissible to eulogize him even if [the news] is distant²³²:

3 Our custom of lamenting the dead at the close of a year and remembering the souls [of the departed] seems to me not to be included in this rule and is permitted close to the pilgrimage holiday:

348 The Rule of Burning the Property of the Dead, and of the One Who Says "Don't Bury Me"

1 We burn [the belongings] of Kings, their bed and implements, but for ²³³common folk it is forbidden:

2 One who says "Do not bury me [at the expense of] my property is not listened to. Rather, we take the cost of all of the needs of the funeral from his heirs and the cost of all that is regularly done for the family, even the stone over the grave. This applies when the heirs inherited money from their father:

²³²i.e. It reports a death that took place over 30 days before.

²³³Usually the term "*hediot*" means uneducated person because it is contrasted with rabbinic scholars as in "*beit din shel hediot*", but in this context it appears to apply to "common" people." It may be also be translated as "lay people."

3 Even someone who has no money who orders that he not be buried is not listened to:

349 Interdiction Against Using the Dead and His Shrouds

1 The shrouds of a dead person, whether an idolater or a Jew, are forbidden for exploitation²³⁴, only when he has ordered them for use [for covering his own body] and they were put on [his body]. However, filling the order in and of itself, even if he [had them] made for his needs after his death, is not forbidden, since an order [of merchandise in and of itself] signifies nothing²³⁵. Likewise if he has put them on and not ordered them for this purpose, benefit may be derived from them:

2 Ornaments of the dead person attached to his body, such as a wig and such, are forbidden just as is the dead person himself. This is referring to conditions where there is no specific [expression of the dead person's will]. However, if he ordered that the body ornaments that are attached to him be given

²³⁴The word *hana'ah* in this context means the derivation of profit, although its less technical meaning would be enjoyment.

²³⁵The meaning here is evidently that in and of itself the order of the cloth that was used for a shroud (or for the burial clothes in general) is not a reliable indicator that these will be used as a shroud.

to his son or daughter or for some other purpose, it is permitted. However, his own hair may not be made use of, even if he so ordered:

Rama *A woman who is going to be executed may give her own hair to be used, even though [it is in expectation] of her sentence²³⁶, it is not forbidden until she is executed:*

3 If his father and mother throw objects on him [as he is lowered into the grave] it is a mitzvah for others to recover them if they have not touched the pallet upon which he is being buried:

Rama *And if he saved them he must guard them and if he returns them to the father and mother and they again throw them [so that] they are forbidden for use, the returner must pay their worth since he is like one who has thrown something among packs of animals and brigands:*

But if they touched it they are forbidden if they belong to the person who threw them and he threw them so that they would be buried with the dead person:

Rama *The sheet of the tahara and the tools used to carry the dead are not forbidden since they were not placed there in order that they be buried with him:*

4 Anyone who puts many objects in [the grave] with the dead is in the class of someone who violates the law against wanton destruction²³⁷:

²³⁶ Literally: "her sentence."

²³⁷ "bal tashkhit"

350 Things That Are Done For The Dead That Are Not [Classified As] Amorite Practices.

1 If [the mourners] want to, the hair of a bride may be undone [revealed] and the face of a groom may be revealed and pen and ink may be placed at his side and his key and notebook may be in his coffin to relieve²³⁸ anguish. Marriage canopies may be made for brides and grooms and may be hung with things that are not [in the category of] things that produce necessities of life²³⁹. Things that [belonged to the dead] that produce necessities of life are forbidden [to place in the coffin] because they are forbidden to be used.²⁴⁰

351 The Rules of Mixed Mingled Fabrics²⁴¹ and Fringes for the Dead

1 The shrouds of the dead may be of mixed fabrics:

2 The dead may not be buried in [any talit but] a talit that has ritual fringes:

²³⁸Literally "because of".

²³⁹I have rendered the term "*okhel nefesh*" as necessities. See for an example of the use of this term: Mishnah Baba Metzia 9:13.

²⁴⁰The technical term is "*hana'ah*" meaning "enjoyed". An example of forbidding the enjoyment of a product lies in Leviticus 19:20 where the fruit of trees is forbidden in the first three years of the trees life.

²⁴¹The term "kilaim" means mingled things in general. Alcalay renders this as hybrid, hybridism, diverse or mingled seeds. An example he gives is Leviticus 19:19 which forbids wearing garments of "two kinds of stuff".

Rama *There are those who say that there need not be ritual fringes, and it was their custom to bury the dead in ritual fringes but [fringes] that were rendered unfit for use or one of them was wound up:*

352 What Clothes Are Used for Burying and A Man Does Not Dress A Woman

1 We do not bury the dead in expensive shrouds, even for the highest²⁴² of Israel:

2 It is customary to bury in white clothes:

3 Men do not wrap and tie [the bodies of] women but women wrap and tie [the bodies of] men:

4 We close the eyes of the dead and if his mouth has opened we tie his jaw²⁴³ and we stop up the orifices of his body after we wash him in various spices and cut his hair:

²⁴²The term "Nasi" is used today to mean President. In its context here it means generally a respected, perhaps an aristocratic, personage.

²⁴³Literally "his cheeks".

Rama And his nails and we wash him thoroughly everywhere so that he will be clean from all impurity and we daub his head in eggs taken out of their shell [to symbolize that] this is a circle that eternally repeats:

353 How Do We Take Out The Dead, [Whether] Great Or Small and in What Bed?

1 Originally we used to reveal the faces of the rich and cover the faces of the poor because they would darken in a year of drought and the living poor would be embarrassed. A rule was established that we cover the faces of all:

2 We do not place Torah scroll on the bed of a Torah scholar ²⁴⁴

3 It is [appropriate to] the honor of a learned man to remove him through the door and not to pass him [out] over ²⁴⁵ rooftops. [He should be removed] in the original bed and not moved from bed to bed:

4 An infant of 30 days is taken out to the graveyard by being held in close embrace and not in a coffin and is buried in the presence of one woman and two

²⁴⁴ "*talmid khakham*":

²⁴⁵ Literally: "through"

men but not one man and two women because [of the concern over] impropriety²⁴⁶. We do not stand in a row and we do not say over him the mourner's blessing and we do not say the comforting of mourners, even if we know that he was nine months in the womb;

5 [Once] he is 30 full days old he goes out in a small coffin²⁴⁷ that is carried on the arms²⁴⁸. We stand in a row over him and we say the mourner's blessing and we comfort mourners. Once he is 12 months of age he goes out in a bed. Anyone who goes out in a bed is bewailed by many and [anyone] who does not go out in a bed is not bewailed by many. Anyone who is known to many, many will deal with him²⁴⁹. Anyone who is not known by many, the many who do not know him need not deal with him.

6 A boy who dies before he is circumcised is circumcised over his grave and is given a name;

²⁴⁶ Literally the term used here is "*yikhud*" which means union and generally refers to sexual union. However, I have translated this as impropriety because in the context it is clear that the text is not concerned over actual sexual acts, but rather with the appearance of things in line with the mores of the time.

²⁴⁷ The term used in the text is "*gluskema*" which is actually a small coffin used for secondary burial of bones once the flesh has rotted away. I believe that the intention may be to refer simply to a "small coffin" appropriate in size to the body of a youngster..

²⁴⁸ See printers note in the text.

²⁴⁹ i.e. will follow his coffin.

7 A dead person is not taken out in a bed unless his head and most of his body are present²⁵⁰.

354 A City That Has Two Dead, Which Has Priority

1 [In] a city that has two dead people we take out the [one who died] first and afterwards we take out the [one who died] second. If they were waiting with the first²⁵¹, then we take out the second. If [the dead are] a learned man and a student, we take out the learned man first. If they are a learned man and an uneducated man we take out the learned man first. [If they are] a man and a woman, we take out the woman because she is more likely to be disgraced.²⁵² When the first has been taken out and buried we do not stand in line over him and we do not say the mourner's prayer over him and we do not comfort mourners until the second one has been taken out and buried. [Then] we stand in a row and [offer] comfort. The public attendees are released²⁵³. We do not comfort two

²⁵⁰ Literally: exist

²⁵¹ This refers, for example, to a case where the family is waiting for relatives to arrive.

²⁵² *nivul hamet* is "desecration" of the dead - a woman's modesty is such a high concern that to leave her without burial is a worse sin than to leave a man.

²⁵³ i.e. they have fulfilled the mitzvah

mourners two mourners at the same time unless they are of equal stature²⁵⁴ and reputation²⁵⁵.

355 Matters That Are More Important For a Woman Than For A Man

1 We do not place the bed of a woman in the street out of concern for her honor:

356 [Funds] Raised For The Needs of The Dead That Were Left Over

1 [If there is] a dead person who has not got [the money to afford] the necessities of burial, and money was raised for him, and there was some left over from what had been raised for this dead person, it shall be given to his heirs, and if not, it shall be used for the needs of other dead persons:

357 Interdiction Against Leaving the Dead Unburied and When is it Permissible to Leave the Dead Unburied

1 It is forbidden to leave the dead unburied unless we leave him unburied in order to honor him, to bring him a coffin and shroud or wailers or [to wait for] relatives to come or to inform surrounding communities:

²⁵⁴Literally "equal honor."

²⁵⁵Literally the term "*kilusin*" means "praise."

2 [With regard to] the dead in general it is praiseworthy to hurry to bury them²⁵⁶. However, for his father and mother [if a person hurries to bury them] it is condemnable²⁵⁷, unless it is the evening before Shabbat or a holiday or rain is beating down on his [parents'] bed:

358 The Pallbearers are Exempt From Reading the Shema

1 The pallbearers and their replacements and the replacements of their replacements, whether they are before the bed or are behind it are exempt [from reciting the *Shema*] because they are needed to carry the bed²⁵⁸. The rest of those accompanying the dead person, who are not needed [for the carrying of] the bed, are obligated to recite the *Shema*:

2 We do not take out the dead when it is close to the time for reciting the *Shema*. [We take him out] so long as there is time to take him out and bury him before the hour of reciting the *Shema* but if we started to take him out we do not stop in order to recite [the *Shema*].

Rama *It is required to refrain from burying him until they can estimate that most of the community has already prayed and there is no difference in this between the*

²⁵⁶Literally: "To remove his bed."

²⁵⁷The term "*miguneh*" can also carry the connotation of "disgusting". The term is used in modern Hebrew in the additional sense of "indecent."

²⁵⁸Literally "because the bed needs them."

recitation of the Shema for the morning and the evening, [although] there are those who ease the rule with regard to the evening since the time for reciting [the shema] can be [anytime] through the night:

3 In a locale where there are special organized groups of pallbearers²⁵⁹ they are forbidden to wear shoes, to prevent a case where a shoe will come off and [the community] will be delayed in fulfilling its mitzvah:

Rama There are places where the custom was that the mourners leave the house first and those people who are close to them²⁶⁰ [come out] after them and those people who are [more] distant from them place the dead person on the bed and the mourners and the close [friends and relatives] carry the bed on their shoulders and afterwards the rest of the community [follows]. There are those who say that when we reach the cemetery the procession stops every four paces, before he is buried. And it is the present custom to stop with him two or three times before we say the justification of God's justice and on days when we do not recite that we need not stop with him:

359 The Place From Which The Dead and The Mourners Exit

²⁵⁹Literally: "special shoulders."

²⁶⁰The word "krovim" usually means "relatives" but in this context I believe that it has a somewhat broader meaning.

1 In locales where it has been the custom for women to exit before the bed they exit before the bed, and in a locale where it has been the custom that they exit after the bed they exit. However, at the present time it is a custom that they go out after the bed and this should not be changed:

2 We should prevent women from going out to the graveyard after the bed:

360 A Dead Person, A Bride, A Circumcision: Which Takes Precedence?

1 If a dead person and a bride chance to be in the same place²⁶¹ the dead person is removed from the presence of the bride. Also, if there is not [enough population] in the town to [attend] both [functions] we first bring the bride under the hupa and afterwards bury the dead. However, once she has been brought under the Hupa and a person [faces a choice in that he can] either comfort a mourner or rejoice with a groom, comforting a mourner has priority. The feeding²⁶² of a mourner has priority over the feast for a groom. This applies when it is possible to do both, but if it is not possible to do both, the feast for a groom takes precedence. A dead person and a circumcision. the circumcision comes first

²⁶¹ Literally "encounter each other."

²⁶² *siadat havra'ah*

However, if the dead person is a corpse that has no one else to bury it²⁶³, the [burial of the] corpse comes first:

361 A Funeral For A Dead Person and the Cancelling of Study of Torah for [Participation In] his Funeral

1 We cancel Torah study in order to accompany the dead. For someone who taught Mishnah, there is no limit: even if he is [already] accompanied by several thousands, study is cancelled for him. For someone who learned Bible and Mishnah but still had not taught students, if there are 600 thousand [accompanying him already] then it is not necessary to cancel [study] for him. For someone who has not learned Bible and Mishnah, since there is someone to deal with him there is no need to cancel for him. This applies when there are ten people accompanying him. With regard to a woman, there are those who say that the rule is the same as for a person who learned Bible and Mishnah and there are those who say that the rule is the same as for those who have not learned Bible and Mishnah. Therefore the custom is to deal with the woman and the infant by easing the stringency of the rule and we do not cancel Torah study for [such a] dead person when there is someone who will deal with him²⁶⁴ and [take care of]

²⁶³ Presumably except the parent of the newborn.

²⁶⁴ S/c. The meaning is actually "her" but the word "met" (dead person) is masculine.

all his needs. Rather, [the student should] study Torah and does not have to go out and see if there is someone with the dead person or not, since [i.e. this applies in the case where] there is someone who can finish their Torah study earlier [and so can take care of the dead person. For very young students we do not cancel [torah study] at all:

2 This refers to the case in which we cancel Torah study in order to accompany him at the time he is taken out but during the time that he is lying [waiting] to be buried we do not cancel torah study unless there are organized groups in the town and each one deals with [the dead] on its day, and when it is not its day it is permitted to study among other work and at the hour when [the body] is taken out they stop doing other work and come to accompany him even if he did not learn Bible and Mishnah since we do not differentiate between those who have not learned Bible and Mishnah except with regard to cancelling Torah study, but with regard to other work, even if he did not study Bible and Mishnah we learned [above] that everything is cancelled and we come to accompany him. If there are no organized groups in the town, all of the craftsmen must stop their work and deal with the dead person until he is buried, but they need not cancel Torah study except at the hour that he is taken out, as we said:

3 Anyone who sees the dead and does not accompany him violates the principle of ridiculing the weak²⁶⁵ and is subject to ostracism. He must at least accompany the dead person or four cubits²⁶⁶.

4 Even in a situation where there is no requirement to accompany the dead, it is required to stand in his presence:

5 [With regard to] a coffin that is being transferred from locale to locale, if the skeleton is extant, it is required to accompany him as at the hour when the dead person is taken out:

362 [The Requirement] To Bury In The Ground and Whether We Bury Two Dead Persons Together

²⁶⁵Alcalay renders this (p.1136) as "ridiculing the poor" which is its general usage, but in this context the word "*rash*" has another broader connotation which I think it is appropriate to show in the translation. According to Gesenius *rashash* means "beat down, shatter". The word *rash* spelled *resh alef shin* means "poor." In the famous story of the poor man's lamb (see II Samuel 12:1-4) the poverty of the poor man is used as an analogy to the relative weakness of Uriah the Hittite, who could not oppose David's abuse of him.

²⁶⁶An "*ama*" is a measurement that is usually said to be a "cubit" which is the length of a forearm.

1 [One who] places his dead in a coffin and does not bury him in the ground violates [the interdiction against] leaving the dead unburied²⁶⁷. If he put him in a coffin and then buried it in the ground he has not violated it, and in any event it is proper to bury him in the ground even in countries outside of the Land of Israel:

2 We place the dead person on his back with his head facing up like a person who is sleeping:

3 We do not bury two dead alongside each other unless there is a wall of the grave that divides between them. Also not a dead person alongside bones and not bones alongside a dead person. However, we bury a man with his young daughter and a woman with her young son and with her son's young son. This is the rule: If they slept beside each other in life, they can be buried together in death:

4 We do not place two coffins one on top of the other and if they did then we force them to take away the upper one. [However] if there are six handbreadth of dirt between them, it is permitted:

²⁶⁷"*meillin et hamet*". See Deuteronomy 21:23 where the commandment is given that even the body of an executed criminal may not be left unburied. The expression found there "*kavor tikverenu*", meaning "you shall surely bury him" is understood in Halakhic Midrash to indicate that the commandment to bury the dead is a Toraitic commandment (*midoraitah*) and that it is a positive commandment (*mitzvat aseh*). See Sanhedrin 46b and Yerushalmi Nazir chapter 7 law 1. See also Torah Temimah, Deuteronomy 21:23 (p.147).

5 We do not bury an evil man with a righteous man or even an utterly evil man with a somewhat evil man, and likewise, we do not bury a righteous man, a decent²⁶⁸ man or a mediocre man with an extremely righteous man:

6 We do not bury together two people who hated each other:

363 The Interdiction Against Removing The Dead Person And Bones From Their Place

1 We do not remove the dead person and the bones, not from an honorable grave to another honorable grave, and not from a degraded grave to a degraded grave and not from a degraded grave to an honorable grave and it goes without saying, not from an honorable grave to a degraded grave. However, to his own [property]²⁶⁹ [he may be moved] even from an honorable to a degraded since it is pleasing for a man that he rest with his forefathers and also in order to bury him in the Land of Israel it is permitted. If he was placed there [temporarily] on

²⁶⁸The text uses the term "kasher." The Taz renders this ""*kaf shin*" which would be the abbreviation for *kol sheken* meaning "how much more is this true". The phrase would then read "we don't bury a righteous how much more do we not bury not an average man next to an extremely righteous man." In either rendering the meaning of the rule is clear. A righteous man is not to be buried with a person who evil, and not even with someone who is merely "decent" or "average".

²⁶⁹This is how I have rendered the term "*uvtokh shelo*" following the *torei zahav*.

condition that he be moved [later] it is permitted for any reasons. Also, if he is not being preserved in this grave, because there is a suspicion that pagans will take him out or that water will get in to it or that it is a discovered grave, then it is a mitzvah to remove him.

2 We do not remove the dead from a town that has graves to a [different] town unless it is from outside the Land of Israel to the Land of Israel:

Rama Or in order to take him to his ancestral burial place. If he ordered to take him from one place to another or he ordered that he be buried in his home and not in the cemetery, he is listened to. It is permitted to spread lye on him in order to consume the flesh quickly so as to transport him to the place that he ordered.

3 We do not gather the bones from a coffin or from the grave next to it in order to bury another dead person or in order to [save] space:

4 In a locale where it is customary to bury in pits without a coffin and then to gather the bones and [re]bury them in a coffin, it is permitted:

5 It is not forbidden to make use of a coffin that has been emptied. If it is made of stone or pottery it should be broken and if it is of wood it should be burned:

6 One who finds splinters²⁷⁰ in a graveyard should not move them from their place:

7 It is forbidden to open a grave after the funeral is over even if the heirs appeal to open it in order to check if he sprouted two hairs²⁷¹.

364 A mausoleum²⁷² may not be made use of but the ground in which a grave was located {This refers to the ground that was intended to be the final location of a grave and is not longer in use as a grave because for one reason or another the body is not there} is not forbidden:

Rama *There are those who say that the earth that has been taken from a grave site and has been returned to the grave site is detached and then put back and is forbidden for other uses. There are those who further forbid to sit on the stone that is a grave marker, and there are those who disagree and permit it. The tools that are used to dig and to bury with are permitted to be used but they should not be used unless the gabai has allowed it as with other charitable donations.*

That this constructed grave is always forbidden for use, applies only if it was built for the dead person and he was placed in it even if the intention was to move him,

²⁷⁰This is how I render the term "*nisarim*". The *Shakh* explains this as splinters of coffins. Therefore there is a presumption that a body has been removed from the coffin of which these are the splinters.

²⁷¹This is in order to determine if the dead person was of the age of legal capacity to buy and sell. see *Turei Zahav*.

²⁷²This is how I have rendered "*kever shel binyan*".

and even if only a stillborn child was placed in it. However if it was built for him and he was never placed in it, it is permitted [for use] and so it is if he was placed in it with the intention to remove him and it was not ordered beforehand, it is permitted [for use] after he has been removed. However, if they put him [in it] in order to be in it forever, it is forbidden [for use] even after he has been removed, even if it was not built for him. If it was not built for him and he was put in it and a floor²⁷³ was added for him, [nevertheless] the whole is forbidden for use after he has been removed and even if he was buried there with the intention of removing him, and if the price of the floor that was added for him [is paid] and it is removed, it alone is forbidden and the rest of the mausoleum is permitted [for use]:

2 A grave that is discovered is permitted for clearing out. Once it is cleared out, it is a clean²⁷⁴ place and permitted for use. A known grave is forbidden to be cleared out. If it has been cleared out it is an unclean place and forbidden to use. The Rambam reads: a discovered cave may be cleared and [once it is] cleared its site is unclean and forbidden for use. A known grave is forbidden to be cleared. Once it has [nevertheless] been cleared its site is clean and permitted for use:

²⁷³ This is how I have rendered the term "*dimus*", following the printer's note. I have not been able to find any other source for this rendering, but it makes sense in this context.

²⁷⁴ "*tahor*"

3 A discovered corpse²⁷⁵ whom a person has found in a field and buried there, even if the owner of the field did not know²⁷⁶ is forbidden to be removed because a *met mitzvah* purchases his place and any who find him must bury him in the place where he is found. If he found him on the boundary between two fields he must remove him from there so that the crowd does not pitch tents²⁷⁷ over him. If he found him between an unworked field and a plowed but unsown field he should move him to the unworked field. Between a plowed but unsown field and a sown field, he should move him to the plowed but unsown field. Between a field of crops to an orchard, he should move him to the field of crops, between an orchard and a vineyard he should move him to the orchard. If both fields are the same, he should move him to the closer one. If the two of them are equidistant, he should move them to whichever one he wants. [This is true only] in one condition, that he found him outside the area²⁷⁸ [of the town], but if he is within the boundary he must bring him to the cemetery and he is not termed a martyr unless his head and most of his body are found:

²⁷⁵*met mitzvah*

²⁷⁶This could also be rendered "did not agree."

²⁷⁷Should tents (or other temporary shelters) be erected set up over the grave the corpse would cause the tumah of any who sit in them. This relates to the issue of *tumat ohel*. See section 371.

²⁷⁸This is the "*tekhum*" that is the demarcated boundary of the town in which it is permitted to carry on the Sabbath.

4 If a Jew is found killed he shall be buried as he was found without shrouds and even his shoes may not be removed:

Rama *This is what is done to a pregnant woman who dies or to someone who falls and dies. There are those who say that we dress them in a shroud over their clothes. The custom has been that we do not make a shroud for them as for other dead but bury them in their clothes and over the [we spread] a sheet as [with] other dead:*

5 A grave that causes damage to the public, such as [one that] is built close to a road, even if it was built with the agreement of the owner of the field, maybe moved and its site is clean and forbidden for use if the grave was there first. However, if the road was there first, the site is permitted for use:

6 A grave that has been removed where [the site] is permitted for use, shall not be used as a silo or a storage place for wood or a storage place for valuable items:

7 One who digs a grave for his father [but] buries him somewhere else, shall not ever be buried there himself out of honor to his father, but someone else may be buried in it:

365 One Who Digs A Grave Is Exempt From Reading The Shema and How Far
Must Graves Be From The Town

1 One who digs a crypt²⁷⁹ for the dead is exempt from reading the Shema and from prayer and from tefillin and from all the mitzvot stated in the Torah. However, if they are two [workers] and it is the time of the reading of the Shema one comes out [of the pit] and reads the Shema and prays and returns and digs and his colleague goes up and reads the 'Shema and prays. This applies to a pit that cannot be dug except by one person [at a time] of if there is room for both of them to work at the same time, they are exempt:

2 Graves are removed fifty cubits from the town:

366 The Rule Concerning One Who Sells A Grave And A Woman Who Has
Inherited A Grave From Her Family

1 [In the case of] one who has sold his grave and the way to his grave, the place of the meeting of his mourners²⁸⁰ and the place of his eulogy, his family members may come and bury him [in the grave that he sold] against the will of the purchaser and [they must] return the fee:

²⁷⁹ "kukh."

²⁸⁰ "ma'amad"

2 A woman who has inherited a grave from her family is buried in it herself but not her descendants unless she saw them in her life:

3 If her father says "be buried next to me" and her husband says "be buried next to me", she is buried next to her husband, [although] there are those who read²⁸¹ that she is buried next to her father. If she has sons²⁸² and she says [bury me] next to my sons, she is buried next to her sons:

4 If her father says "don't bury her next to me" and her husband says "don't bury her next to me" she is buried next to her husband:

367 We Bury The Dead Of The Idolaters²⁸³ and The Interdiction Against Walking in the Cemetery in Tefillin and Fringes

1 We bury the dead of the *akum* and comfort their mourners because of the ways of peace²⁸⁴;

²⁸¹ i.e. There is a variant version of the text in Masekhet Smakhot.

²⁸² This may also be rendered "children."

²⁸³ The term "*akum*" is an acronym for *ovdei kukhavim umazalot* meaning "worshippers of stars and fortunes". The term means idolaters, but in a general way is also used to mean non-Jews.

²⁸⁴ This term refers to a Halakhic principle that allows us to relax the normal legal restrictions when necessary to preserve peace between ourselves and the Gentiles.

2 One should not walk in the cemetery or within 4 *amot* of a dead person with tefillin on his head because of [the principle of not] ridiculing the weak, but if the tefillin are covered it is permitted:

3 One should not walk in the cemetery or within 4 *amot* of a dead person or of a grave with a Torah scroll in his arms, or read from it or pray and this is also the rule [regarding] reciting by heart, it is forbidden to read except in honor of the dead as we shall clarify:

4 It is permitted to enter a cemetery or within 4 *amot* of a dead person or of a grave wearing fringes, so long as they are not dragged along the grave, but if they are dragging [on the ground] they are forbidden because of [the principle of] not ridiculing the weak. This refers to those days when they used to suspend fringes from their everyday clothing, but today when we only wear fringes in order to fulfill the mitzvah, it is forbidden even if they are not dragging. This applies when the fringes are revealed, but when they are hidden, it is permitted:

5 There are those whose custom it is to tie two fringes on opposite corners together when they enter the cemetery. But this custom is useless²⁸⁵ :

²⁸⁵i.e. It is still forbidden to wear fringes in this way in the cemetery.

6 Once he has distanced himself 4 *amot* [he may] read and pray and even within sight of the grave or the cemetery and if there is a partition it is permitted behind the partition even within 4 *amot* of the grave:

368 Not To Act With Frivolity in the Cemetery

1 In a cemetery we do not act with frivolity²⁸⁶ and we do not [allow] cattle to graze in them and we do not put watercourses through them and we do not make short cuts through them, and we do not gather grasses in them and if someone gathered them for the needs of the cemetery, they should be burned on the site: **Rama** Also, one is not to take from the land permanently attached to the grave²⁸⁷ even though it is it is permitted to be used. All this is only because of respect for the dead and therefore if it is needed for medicinal purposes it is it is permitted. It is also permitted to make use of the grass on the graves or the fruit from trees above them [in order to meet] the needs of the graves. For example [in a case] where the ruler is an idolater who [allows] cattle to wander over the graves and it is not possible to protest except through a mammoth expense and the community cannot raise the money, [than] these things are sold in order to get them money to save the graves from the hand of the idolater since this is [for the] honor of the

²⁸⁶This could also be rendered "improperly."

²⁸⁷"*karka olam*"

dead. If there is nothing [growing] on the graves that can be sold in order to meet the expense, if the community can raise the money or they can protest at much less expense, they must protest if there is no fear that the ruler will become aggressive towards them, but if that is not the case, they need not protest:

2 The fruit of trees that are planted in the graveyard may be gathered since they are not planted on the graves themselves:

3 A new grave may be measured and sold and divided, but an old grave is not measured and not sold and not divided:

369 Against What Uncleaness²⁸⁸ Is The Priest Warned²⁸⁹

1 The priest is warned against becoming unclean by touching the corpse, or every uncleaness that comes from him, or the head marker or the supporting stone or the limb of a living animal²⁹⁰ that does not have the potential to recover if it is connected or a tree that casts its shadow on land and whose branches can be separated from each other when a source of uncleaness lies under one of them and we don't know which, or stones that have fallen from the fence and a

²⁸⁸ "tuma"

²⁸⁹ i.e. "What Uncleaness is Forbidden to the Priest."

²⁹⁰ "eiver min hakhai"

source of uncleanness lies under one of them and we don't know which, and also a plowed field that has a grave in it and we don't know where, and any land outside the Land of Israel²⁹¹ is forbidden for a Cohen to become unclean by them:

Rama *There are those who say that it is forbidden to priests to become unclean through contact with a sword that has become unclean through contact with a dead person, but there are those who ease the restrictions of the rule and that has become the custom, to ease the restrictions and we are not worried about this:*

370 Who Is Considered Dead Even Though He Is Still Alive

1 Someone whose neck is broken and most of his flesh with it and also someone from whose back the flesh has been torn, like a fish, even if he is still alive, he is considered as a dead person and causes uncleanness. However, a dying person and someone who has been cut with two signs²⁹² or a wounded person who has many wounds, do not cause uncleanness until their souls depart. However, in any event, it is forbidden to enter a home in which there is a dying person:

²⁹¹The *Shakh* explains that this refers to ancient times when the High Priest was forbidden to leave *Eretz Israel* since non-Jews in foreign countries had the custom of burying their dead anywhere, so the High Priest would not be able to avoid *tumah*.

²⁹²i.e. whose esophagus and windpipe are both cut.

371 The Rule Of The Tent, How It Brings Uncleaness

1 It is forbidden to a priest to enter into a tent when a dead person lies in it even if it is very large, and even into a different house or upper floor that is open to that house because of [any] opening in it that is one hand's breadth by one hand's breadth [in size] and connects the two buildings [unless] the opening is blocked and then he may enter the other house since the blockage divides [it from the source of uncleanness] even if [the division] is not left there permanently. However, this applies only where the entire opening has been blocked, but if he did not block the entire opening but only left it smaller than a hand's breadth, if they intended [the partition to] remain permanently there is enough and it divides from the source of uncleanness so that [the uncleanness] does not pass, and if not²⁹³ it is not enough:

Rama *Anything that receives uncleanness cannot divide [a clean area] from uncleanness. Also a window is not a partition unless it can stand without support:*

2 In the case of a chimney between a house and an upper floor that does not have a opening of a handsbreadth and there is an olive size²⁹⁴ from the dead

²⁹³i.e. if the source of uncleanness is only temporarily located in the next house

²⁹⁴This is a standard measure used to describe a very small amount of volume.

person, to the bed in the house opposite the chimney, the house is clean and the upper floor is unclean:

3 In a case of two rooms that are open to the house and in each of them there is a half of an olive size of the dead person and their doors are locked, the house is unclean and they are clean but if the doors are open, they are unclean:

4 In a case of a courtyard surrounded by projections and porches and there is uncleanness in one of the houses, if all of the openings of the houses and windows are closed, the uncleanness goes out to [the area] underneath the projections and porches and if a window is open or another opening from another side and those [openings] on the courtyard side are all locked there is no uncleanness that goes out [to the area] underneath the projections, but if one of them [the windows] facing the projections is open the uncleanness goes out from the house to [the area] under the projections. Also, if the uncleanness under the projections goes in from underneath them to the house. Therefore, where rooftops project outward above and outward from the openings of houses and uncleanness is [to be found] in one of the houses, all of the houses whose openings are open are unclean.

Rama Two roofs that do not touch each other, even though there is only less than three handsbreadths between them, this is not a connection for purposes of

uncleanness, since we do not apply the rule of "connection"²⁹⁵ for purposes of stringency. However, if they were one above the other, even though they do not touch, we say it hits the higher one and it is as if they touched. The priests cannot force the relatives of the dead person to take out the dead person from his place in order that they be allowed to enter their home except in the place where the custom is to take out all dead persons:

5 It is forbidden to come within four *amot* of a dead person or of a grave, if the grave is not marked by high partitions that are ten hands breadths high, but if it is marked by high partitions of ten hands breadths, or by a ditch of ten hands breadths he need not distance himself from it more than four hands breadths:

6 [In the case of] a dead person lying in a boat, if it is small and rocks when you step into it, it is forbidden for a priest to enter it:

372 Permission For Uncleanness In A Place Of Mitzvah And The Rules Concerning The Graves Of Idolaters

1 Even though a Cohen is forbidden to enter a plowed field in which a grave has been lost or into lands outside of *Eretz Israel*, if he has to go there in order

²⁹⁵As we do for example with a *sukkah*, in order to render the *skhakh* kosher.

to marry a wife or to study Torah and he has no other way he can go through there even if he only passes through there. And so it is with a mourner who passes through there [one] can follow after him in order to comfort him. Likewise he may subject himself to uncleanness that is decreed by the rabbis²⁹⁶ in order to press a case against Gentiles, since he is like one who is saving from their hands²⁹⁷, and so it is with all that is similar:

Rama [in the case of] a priest who is lying naked²⁹⁸ in a tent and does not know that there is a dead person there, [one] does not tell him but rather calls him in an ordinary way to exit, so that he will dress himself first, but if he has been told it is forbidden to wait until he dresses himself and [this applies] especially if he is in the tent of the dead person which is uncleanness from the Torah²⁹⁹, but if he is in a plowed field containing an unmarked grave or in a part of the Land of Israel owned by non-Jews, which is an uncleanness by ruling of the Rabbis, he should dress himself first since the propriety³⁰⁰ of people created in God's image is a great concern as is clear in section 63 when we discuss mixed things³⁰¹:

²⁹⁶i.e. *midirabanan*

²⁹⁷i.e. He is rescuing his money from them.

²⁹⁸This is the most remarkable rule in this entire section. I wonder if it has ever been carried out . . . and if someone was there with a camera!

²⁹⁹The is the class of laws that are *midoraitah*, directly from the Torah, in differentiation from the laws that are from the Rabbis, *midirabanan*.

³⁰⁰"*kavod*" usually is used to mean "honor" or "respect".

³⁰¹"*kilaim*"

2 It is proper for a priest to be careful not to walk over the graves of idolaters:

373 Which Priest Is Warned About Uncleanness And Which Dead Person Causes Uncleanness And For How Long:

1 Just at the priest is warned not to become unclean, so are the adults warned about the children³⁰².

2 Even one who is disfigured³⁰³ is warned against becoming unclean but an offspring of union between a priest and a woman who is forbidden to him, and a woman of priestly descent is permitted to become unclean:

3 All of those dead mentioned in the chapter³⁰⁴ as [people for whom] the priest becomes unclean, it is a mitzvah for him to become unclean for them and if he did not want to become unclean for them he is made unclean against his will. It is the same for the man and for the woman:

4 These are the relatives for whom he becomes unclean: His wife to whom he is married and she is permitted to marry a priest, but one who is not permitted

³⁰²i.e. To keep priests who are children from *tumah*.

³⁰³A priest who is disfigured is disqualified from priestly functions.

³⁰⁴This refers to Leviticus 21 which lists the cases in which a Cohen may take on uncleanness in order to mourn relatives.

or divorced or engaged, he does not act as a new mourner for her and does not become unclean for her and she, likewise does not act as a new mourner for him and does not take on uncleanness for him. He becomes unclean for his mother, even if she is deposed [from the priestly class], and for his son and daughter we know were not born prematurely, or are from thirty days of age and onwards, even if they are disqualified [for priesthood], unless they are the children of a concubine or a non-Jewish wife and for his brothers and sisters from the same father even if they are disqualified [for priesthood], but for his brother and sister from his mother he does not become unclean, and also does not become unclean for his sister who is betrothed, even if she is betrothed to a priest or if she has been raped or seduced, but he does become unclean for his sister who has been divorced and is engaged and is older and *mukat etz*³⁰⁵ and he becomes unclean for a wife who is a levirate even if he wrote in her marriage contract that if she dies childless her dowry returns to her fathers house:

5 All of these for whom he becomes unclean, even if it is not [strictly] necessary, [although] there are those who say specifically [only when] necessary.

³⁰⁵This term literally means "struck by a tree". In *Masekhet k'tubot* 11: it is explained by *Rashi* that this refers to a woman who has been struck in the vagina by a piece of wood, and so has lost her hymen. The category of *mukat etz* can then be understood to refer to any woman who has accidentally had her hymen punctured and cannot show the signs of virginity by bleeding at first sexual contact with her husband when her marriage is consummated. The Talmud protects her by declaring that a husband will not be heard by a *belt din* if he tries to withdraw from the marriage claiming that she is not a virgin.

Rama With regard to the first argument, even if he lost a dead person on the Shabbat when it is impossible to bury him in the same day, it is permitted to become unclean for him and to guard him so that he does not lie in disgrace. However, it is proper to construct the rule severely in accord with the first argument so that he should not become unclean only for the purposes of burial, to bring a coffin and shroud:

6 He becomes unclean for them only until the funeral:

7 It is forbidden to a priest to become unclean from a dead person even in the period that he is unclean from his relatives. Therefore, a priest must be careful, when he buries his dead, to bury him at the end of the cemetery so as not to enter the cemetery and not to be made unclean from the other graves:

8 A priest whose parents have departed from the ways of the community, for example those who fabricate lies to the authorities to turn over Jews, does not become unclean over them, and not for those executed by a Beit Din, and not for those who commit suicide and not for those where there is doubt, for example, [a case] where infants may have been confused at birth or a doubt about the first being 9 and the second being 7³⁰⁶.

³⁰⁶ I believe that this refers to the months of age that delineate the scale of doubt between the two infants.

9 A priest may not become unclean from of a limb from a living animal of his father and not over a bone from the bones of his father and a gatherer of bones does not become unclean for them even though the spinal cord is [still] extent. If any part of it is missing he does not become unclean for it since it does not cause uncleanness, only a whole one [does]. However, there are those who say that this applies when it is missing after death, but if a part of his body is missing during his life and he dies, [the priest] becomes unclean for it even though it is not whole:

374 A Priest Takes On Uncleanness For An Unburied Corpse Found Along The Way³⁰⁷ And For a Prominent Jew And For His Rabbi And For What Dead Persons Do We Mourn

1 It is a mitzvah to become unclean for an unburied corpse found along the way even if [the priest] is a high priest and a *nazir* and is on his way to slaughter his Passover sacrifice and to circumcise his son³⁰⁸ and he found an unburied corpse, he surely becomes unclean for him:

2 A person is not termed an unburied corpse for the purpose of this rule, unless his head and most of his body are extent. Moreover, if he found his head

³⁰⁷ *met mitzvah*

³⁰⁸ All of these are examples of periods when a person wants to be especially sure to be ritually clean. This is hyperbolic and is intended to show how important it is to become unclean for these types of dead people.

and most of his body except for one organ, he [may later] become unclean for that organ.

3 Who is [considered] an unburied corpse? [One who] is found on the road or in a town of idolaters and has no one to bury him and from the place where he is found he could not call [for help from] an Israelite³⁰⁹ to come and take care of him and to bury him. It is forbidden [for the priest] to move from there and to leave the dead lying even in order to go to a town to bring people to bury [him]. Rather, he should become unclean himself and bury him. However, if there are Jews near to the place where the dead lies, and the finder of the dead can call them and they answer him and come and bury him this is not an unburied corpse of the type over which the priest should become unclean. Rather he should call them and they bury. Once the residents of the town have arrived and [the dead] has all his needs [met], [the priest] leaves³¹⁰.

Rama *There are those who say [that] if he does not find [someone] to bury³ him except for payment, he is not obligated to hire from his own [resources] but [may] become unclean if he so desires. [If] a dead person is found and we do not know if he is a Jew or an idolater, we go and inquire what most of the people there are.*

³⁰⁹This term is used to connote "Jews".

³¹⁰Literally "pulls back his hands."

If we cannot apply the rule of a fixed locale, than we assume that [the Jewishness of the corpse is [only] half proven³¹¹;

4 All of the relatives for whom the priest becomes unclean, and these are: his father and mother and his son and daughter and his brother and unmarried sister from his father and his wife, [he also] mourns for them. The rabbis have added to them his brother and sister from his mother, whether [his sister is] unmarried or married and his married sister from his father, who are mourned for even though the priest does not become unclean for them. Just as he mourns for his wife, so she mourns for him, and particularly for his legitimate wife who is married [to him] but for the disqualified wife or the fiancé he does not mourn. However [for his] son and daughter and brother and sister even if they are disqualified [from priesthood] he mourns for them other than for his son and daughter and brother and sister from a concubine or a non-Jew for whom he does not mourn:

5 A convert to Judaism and his children or a slave who was liberated and his mother, do not mourn for each other:

³¹¹i.e. If we cannot tell what most of the people are, than we assume that half of them are Jewish in which case the corpse has only a 50% chance of being Jewish. According to the *Siftei Cohen*, this means that it cannot be determined to the necessary degree, and therefore the priest is not justified in becoming unclean for the unidentified dead person:

6 Anyone for whom [the priest] mourns, mourns with him if his relative dies. This applies when the dead are lying before him, but when the dead are not lying before him they do not have to mourn, except for his wife who, even though he mourns for her he does not mourn with her but over her father or mother [he mourns] out of respect for his father-in-law and mother-in-law. However, for her brother and sister or her son or daughter by another man he does not mourn with her. In any event he cannot force her to dress up³¹² but she can pour him a cup, offer him a bed, wash his face hands and feet, and she does not mourn with him unless her father-in-law or mother-in-law have died, but for his other relatives who died she does not mourn:

Rama And there are those who say that at this time it is the custom to ease the restrictions of this rule [regarding] those who mourn with him, since this is not for any reason except the honor of the mourners and now all are accustomed to forgo³¹³ [the honor]. Also, it is the custom in our time not to mourn at all with the mourners, and anyone who enforces this rule strictly is considered odd. In any event, the custom has been that all the relatives of the dead person who may not give evidence in his affairs, show some mourning themselves, all through the first week, that is until after the first Shabbat, they do not wash and do not change some of their clothes as they would with other Shabatot (the great sages of Austria

³¹²The term "lihitchashet" literally means "to decorate ones' self".

³¹³The word "makhul", according to Alcalay (p.1263) means "pardoned, forgiven".

acted in this fashion) and there are places in which the custom was to act [even] more strictly in other regards, the main one of which is as I have written. All of this [is done] upon hearing [of the] recent death, or being present at the death but [in the case of] hearing after thirty days of a death that took place, this mourning has no place at all. If someone wants to enforce the rule strictly with himself and to mourn for someone he need not mourn for, or to wear black for his relative, we do not prevent him [from doing so]:

7 We do not mourn with the relatives for whom we must mourn unless they are mourning over a relation who is direct, such as when a son or brother mourns his son or daughter, but over a relation through their marriage, such as if the wife of his son died or the wife of his brother or the husband of his daughter or the husband of his sister, he does not mourn over them:

8 A baby of thirty days, and the thirtieth day is included, is not mourned for even if his hair and fingernails are complete. From that [age] and on he mourns for him unless it becomes known that he was born after 8 months if we know that he was [born] after 9 full months, for example if a man had relations with his wife and then did not do so again and the baby was born after 9 full months, even if he died on the day he was born, we mourn him.³¹⁴

³¹⁴This rule is very unclear to me. It seems to state that a baby born after 9 full months of pregnancy is considered to be 30 days old, or at least we mourn
(continued...)

9 There are those who say that [in the case of] twins, when one dies within the thirty days and the other lives [on] and dies after thirty days, we do not mourn him:

10 Over his rabbi who taught him wisdom it is the custom to carry out the rules of new mourning³¹⁵ except that [one should] bless and call to *Birkat Hamazon* and mourn him by removing one's shoes and carrying out all the rules of mourning for one day:

11 For a great leader³¹⁶, even though all become unclean for him, we do not mourn over him:

Rama And there are those who say that we do not mourn over the first son or eldest son who dies to a person, but the custom is a mistaken custom. Rather, we are obligated to mourn for them, and in any case, this custom has infiltrated our city that a father and mother do not follow their first child to the cemetery.

³¹⁴(...continued)

for him as if he were. This contradicts the sense of the rule, that we do not mourn for a non-viable baby, and the 30 day rule is a test of the baby's viability. That would suggest that we do not mourn for any baby who dies before the end of the tenth month after conception, whether the baby was born prematurely or not. This confusion appears to be echoed in the *Siftel Cohen*.

³¹⁵aninut,

³¹⁶nasi.

There are those who say that we do not mourn because of shock³¹⁷, and I have heard that some have made that their custom:

³¹⁷The term "biatutah" actually means "fright", but I believe that in this context, Isserlis is referring to what we today would call "shock".

Proposed Adult Education Program On Issues Of Grief

Introduction

In the third section of this thesis I offer an educational framework that can guide Reform Jewish adults towards study of issues of grief and mourning using the insights of modern psychology and of Jewish tradition. The goals of these studies may be seen on several levels. They will facilitate a definition by the students of a *praxis* of mourning that will be spiritually and psychologically meaningful. On a profound level the goal is that this definition of praxis have important ramifications for the quality of the Jewish life of the student.

Adult education has a special place in Reform Judaism. The Commission on Jewish Education expressed this in the introduction to the Guide to Jewish Study that forms the model for this projected program: *"Why should we study? Reform Judaism's Commission on Jewish Education believes that we nurture the holy, the God-like and the sacred through Jewish study. Study permits us to merit the title of God's people, and live our lives in special ways. Study helps us define the ways in which we can initiate the divine image by caring for people as God's caring is described in our Siddur: 'to lift up the fallen, and heal the sick, to feed the hungry and clothe the naked.' Study is Torah. The act of Torah study praises God and brings God closer to us . . . The deed is the highest form of mitzvah: Talmud Torah k'neged kulam, the study of Torah excels them all. Jewish*

education is a response to the obligations set before us as a covenant people. As we learn and teach, we discover our potential to be . . . Jews."³¹⁸

In a sense, then, Reform Judaism can be said to be about the discovery of our potential to be Jews. Rabbi Borowitz points out: "*All modernist theories of Judaism uphold the principle of autonomy, that authority ultimately is vested in the individual mind and will.*"³¹⁹ Borowitz calls on us to go beyond the modernist emphasis on individual autonomous "*personhood-in-general*"³²⁰ and to answer our existential questions "*as Jewish selves.*"³²¹ ". . . if Jews could confront their Judaism as Jewish selves and not as autonomous persons-in-general, I contend that they would find Jewish law and lore the single best source of guidance as to how they ought to live. Rooted in Israel's corporate faithfulness to God, they would want their lives substantially structured by their people's understanding of how its past present and future should shape daily existence. But as autonomous Jewish selves, they would personally establish the validity of every halakhic and

³¹⁸Commission on Jewish Education *Welcome to the World of Torah: A Guide to Jewish Study*, Volume 1, UAHC Press, New York, N.Y., no year of publication given, p.1.

³¹⁹Borowitz, Eugene *Renewing The Covenant A Theology for the Postmodern Jew* Jewish Publication Society, Philadelphia, New York, Jerusalem 5752/1991 p.17.

³²⁰*ibid.* p.294.

³²¹*ibid.*

*communal prescription by their own conscious deliberation.*³²² In this expression of Reform theology, which I personally find highly persuasive, study by adult Reform Jews is a core value. It is essential to that conscious deliberation. The acquisition of knowledge and awareness of the multi-levelled content of Jewish sources (along with their integration with the insights gained from modern secular knowledge) lead to a clarification of personal *prax/s*. That process of clarification is, I believe, the core of Jewish authenticity to which Borowitz refers.

³²² *ibid.*

The Framework

As noted above, this framework is based on the structure delineated in the publication of the Commission on Jewish Education entitled *Welcome to the World of Torah A Guide To Jewish Study*. It is intended for use in adult education. Like the Commission's *Guide* this framework lends itself to individual study, to study with a partner, or to more structured work in a classroom like environment with a number of adult students. However, while the framework can be used in all of these settings, it is conceived of as most effectively used when the material is first encountered in small groups that are facilitated by a rabbi. Facilitation is helpful because of the intimate and profound nature of the issues with which this framework deals, i.e. grief, loss and death, coupled with the advantages that flow from having a facilitator who is versed in Jewish sources. An effort should be made to conduct the sessions of the group in a comfortable atmosphere, perhaps in the rabbi's study or in a library, or in the home of a congregant.

Since Jewish study is endless and endlessly fruitful, the hope is that adults who encounter passages from important books will then be motivated to read the source from which the quote is drawn. In order to encourage individuals to access the sources used in the framework, an effort has been made to chose from books that can be found in public libraries, book stores and in temple libraries.

Each schematic in the framework is recommended for one or more 90 minute sessions. Since this is a proposal for a framework, only one such schematic is actually presented. The subject of that schematic is *Hesped*. Similar schematics can be planned for every stage of the mourning and burial processes.

The framework opens with an introduction that is designed to encourage the student to pursue the course of study. After that the study plan is outlined, step by step. Finally the sources are presented, one at a time. The final section seeks to pose questions for consideration by the students.

Guide to Jewish Study of Mourning

Introduction

Congratulations on your courage. You have chosen to examine an event that most of us try to ignore. We all die. Before we die, we may experience the deaths of our loved ones. These experiences are so devastating that we tend to ignore them, as if not thinking about them will make them go away. Yet, in facing death we need not rely only on our own resources. Our Jewish traditions have been facilitating the grieving of Jewish people form millennia. You have chosen to examine parts of that tradition in order to arrive at a ritual that will work for you. We hope that the examination of our ancient traditions in the light of modern psychological insights, will help you in attaining that goal. Beyond that, you will be engaging in a Jewish pursuit of the utmost importance. In examining these sources and in deciding on your sense of meaningful ritual, you will be enhancing your ability to live a life of Jewish authenticity. *tzeh u'Imad!* Go and learn!

A STUDY PLAN

1. Read the Hebrew word out loud. Transliteration is not foolproof, but don't let that get in your way. With continued usage you will soon become comfortable with the word and with its pronunciation. The translation of the word attempts to briefly capture the essence of it. However, a deeper understanding of the underlying concepts will be better achieved by considering the impact of the contents of two texts featured in the next two steps.

2. Step Two contains a quote from the text of the *Shulkhan Arukh* that talks about the mitzvah that the Hebrew word is used to describe. Read this carefully and then compare it to the text presented in step three.

3. Step three contains a quote from a modern source that deals with the psychology of grief and mourning. For the most part these are drawn from a book entitled *Grief Counselling and Grief Therapy: A handbook for the Mental Health Practitioner* by Harvard psychologist J. William Worden.

4. Step four provides you with a freelance opportunity. The text may or may not come from traditional Jewish sources, but it represents a thought-provoking selection which is often the focus of a Jewish study experience. Step four offers an opportunity for creative synthesis. What is the message that you read in this

fourth selection, in the light to the readings from the previous steps in the study plan? Recall the original meaning that you attached to the Hebrew word. Has your original understanding of the Hebrew word changed in any way?

5. In the Jewish tradition prayer and learning are interwoven and often indistinguishable. This step is designed to model that relationship by offering an opportunity to experience it. With this in mind, read, meditate on, and recite the Study as Worship selection that is presented.


6. Consider the question that is highlighted in this step.

SCHEMATIC

1. HESPED

"EULOGY OF THE DEAD, LAMENTATION, FUNERAL ORATION"

2. SHULKHAN ARUKH

 "It is a great mitzvah to properly eulogize the dead and the heart of the mitzvah is that one raise his voice to say things of the dead that break the heart, so as to increase the weeping and to call to mind his praiseworthy attributes. It is forbidden to praise him too much but rather his good qualities are mentioned and we embellish them only a little bit, so that we don't exaggerate. If he did not have good qualities then nothing is said. For a scholar or a righteous man we note their wisdom and their righteousness. Anyone who mentions qualities that were not in him, or exaggerates his good qualities too much, does a disservice to himself and to the dead person."³²³

3. FACILITATING GRIEF THROUGH FUNERAL RITUAL

"The funeral service can give people an opportunity to express thoughts and feelings about the deceased. Earlier we saw how important it was to verbalize one's thoughts and feelings about the dead person. In its best tradition, the funeral can provide this opportunity. However, there is a greater tendency to overidealize and over eulogize a person at a funeral. The best situation is one in which people can express both the things that they are going to miss about the lost loved one and things that they are not going to miss, even though some may consider this inappropriate. The funeral service can help the grief process as it allows people to talk about the deceased."³²⁴

³²³ Yoreh Deiah 344 section 1.

³²⁴ Worden, J. William *Grief Counseling and Grief Therapy A Handbook for the Mental Health Practitioner* second edition Springer Publishing Co. New York 1991, p.61.

4. TARGET TEXT

Recovery

Accept Your Loss

Your loved one has not
'gone away on a long journey'
'passed on'
'departed'
'passed away'
'expired'

Your loved one has *died*.

Try to avoid evasions, euphemisms,
fairy tales.

Give up the world of fantasy.

What is -
what cannot be changed -
must be accepted.

Even though it may be the most
difficult thing you have ever done,
you must now face reality.

The denial of tragedy is not
mental health.

Mental health is the recognition
of pain and the attempt to
live with it.

The funeral is over.
The flowers have withered.
Now the loss becomes real.
Your loved one *is dead*.

Can you say the word *dead* ?

Try.

Death is a fact, a bitter fact.

5. Study is Worship

Isaiah

"A voice says: "Cry out!
And I say: What shall I
Cry? All flesh is grass,
and all its beauty is like
the flower of the field.
The grass withers, the
flower fades, when a
wind of the Lord blows
upon it. Surely the people
are grass. The grass
wither, the flower fades,
but the word of our God
shall endure forever."³²⁶

6. The Process Begins

How can our practice of Jewish ritual of *hesped* help us to realize the reality of the death of a loved one? Why do both the *Shulkhan Arukh* and the Handbook for the Mental Health Practitioner discourage us from overidealizing the dead person when we eulogize him/her? The common practice among Reform Jews is often for the rabbi to deliver the *hesped*. If that is the case when you are a mourner, how can you help the rabbi to prepare a *hesped* that will give you the help that you need to facilitate your grief?

³²⁶Isaiah 40:6-8. See Rabbi's Manual, Funeral Service, p.151.

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