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The Historical Relationship between Jewish Views of the Afterlife and Death and Mourning Practices

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Thesis submitted in partial fulfillment of the requirements for Ordination

Hebrew Union College-Jewish Institute of Religion
Graduate Rabbinical Program
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Advisor: Rabbi Dr. Aaron Panken

Dedicated to the memory of

Harold David Rubin
(March 19, 1980 - December 30, 2004)

my beloved brother with whom I await a reunion.

"All mankind is of one author, and is one volume; when one man dies, one chapter is not torn out of the book, but translated into a better language; and every chapter must be so translated; God employs several translators; some pieces are translated by age, some by sickness, some by war, some by justice; but God's hand is in every translation, and his hand shall bind up all our scattered leaves again for that library where every book shall lie open to one another."

John Donne, Meditation 17

"The afterlife is felt to be a reunion and all of life a preparation for it."

Abraham J. Heschel

Summary

The goal of this thesis was to explore the historical relationship between Jewish views of the afterlife and death and mourning rituals. It is divided into four chapters of chronological time periods: biblical, rabbinic, medieval, and modern. The contribution is a summary of theories of the afterlife, death practices, and mourning rituals from each era and an analysis of the relationship between belief and practice. Materials used are philosophical writings, law codes, and sociological data from each time period. Primary sources include the Tenakh, Mishnah, Talmud, and Shulhan Arukh. Secondary sources include articles, books, rabbis manuals, and prayer books.

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Abbreviations

All abbreviations used throughout this thesis are the ancient text abbreviations as specified in the *SBL Handbook of Style for Ancient, Near Eastern, Biblical, and Early Christian Studies* (Massachusetts: Hendrickson Publishers, Inc), 1999.

Gen	Genesis
Exod	Exodus
Lev	Leviticus
Num	Numbers
Deut	Deuteronomy
Josh	Joshua
Judg	Judges
Ruth	Ruth
1-2 Sam	1-2 Samuel
1-2 Kgs	1-2 Kings
1-2 Chr	1-2 Chronicles
Ezra	Ezra
Neh	Nehemiah
Esth	Esther
Job	Job
Ps	Psalms
Prov	Proverbs
Eccl	Ecclesiastes
Song	Song of Songs
Isa	Isaiah
Jer	Jeremiah
Lam	Lamentations
Ezek	Ezekiel
Dan	Daniel
Hos	Hosea
Joel	Joel
Amos	Amos
Obad	Obadiah
Jonah	Jonah
Mic	Micah
Nah	Nahum
Hab	Habakkuk
Zeph	Zephaniah
Hag	Haggai
Zech	Zecharaiah
Mal	Malachi

Introduction

The topic of this thesis— the historical relationship between what we, as Jews, believe happens to us after we die and how we bury and mourn our dead— is of deep personal interest to me. I used to feign that it was not, that my concern for theories of an afterlife and Jewish death practices came from a place of natural curiosity, a response to the widespread and unanswered questions of life and death. That is only partly true.

Personally, my desire to explore and clarify why we do what we do in the face of death has great implications for my life and career. My interest in these issues is inextricably linked to the back-to-back deaths of my brother and grandmother. I undertook this examination as someone who has walked through the valley of the shadow of death herself, and experienced all the anguish and confusion that is inevitably found there.

Professionally, as an aspiring rabbi, I am acutely aware of my generation's existential angst and uncertainties. We struggle with the meaning of life and we struggle with the meaning of death. How do we integrate the two? I have found no subject equivalent to death in its power to turn people toward religion with the toughest and deepest questions. Harold Coward suggests the vitality of a religion is indicated by its ability to provide satisfying answers and rituals to embody those answers in daily life.[1] I agree. It is in the spirit of providing answers (to myself and those I will serve) that I delve into what Judaism, and the thoughts of my precursors, offers historically regarding an afterlife for the dead and a system of mourning for the living.

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[1] Harold Coward, ed., *Life After Death in World Religions* (New York: Orbis Books, 1997), 1.

Death is a constant in all human civilizations, a universal experience, but beliefs and reactions to it differ among societies. Seeing what a culture does in death often reflects how it values life. In most cultures, formal rituals accompany burying and mourning the dead, and Judaism is no different. Our tradition provides for specific observances at stipulated times. As Maurice Lamm titled his now infamous book on traditional practices, there is a 'Jewish way in death and mourning.'[2] Two primary principles guide Jewish ritual and custom: the requirement to show respect for the dead—*kevod hamet*—and the principle of considering what is best for the living— something Anita Diamont calls *kevod hachai.* These are the cornerstones of the Jewish approach to death and grieving.[3]

Humans have continually tried to shed light on the mystery of what lies beyond the grave. No one escapes the fundamental question of whether life exists after death. Often, the conversation of eschatology is one of science versus religion. Those who take on purely scientific attitudes will say, "prove it," while the fundamental religionists will speak of supernal and otherworldly ideas. However, theories of death grounded in science are no more objectively true than religious ones, since there is no proof of what happens to us at the end of life. Rather, there are no truths, only ideas, and as Neil Gillman writes, "All are myths, and the issue is never myth or no myth, but *which*

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[2] Maurice Lamm, *The Jewish Way in Death and Mourning* (New York: Jonathan David Publishers, 1969).
[3] Anita Diamont, *Saying Kaddish: How to Comfort the Dying, Bury the Dead & Mourn as Jew* (New York: Shocken Books, 1998), 6 and Alfred Kolatch, *The Jewish Mourners Book of Why,* (New York: Jonathan David Publishers, Inc., 1993), 1.

myth."[4] Jews are not distinct from other cultures and religions in this regard. We have always searched for answers and have put forth our own myths.

No significant movement in the course of Jewish history has lacked an eschatology. From biblical times to contemporary, Jewish philosophers and scholars have sought to provide an explanation for what happens to us after we die. As is common with Judaism, there is no *one* consistent view through time or across the observance spectrum. Rather, there have been diverse and distinct beliefs about the nature of the soul, bodily resurrection, and the nature of existence after death throughout Jewish history.[5] Jewish ideas regarding an afterlife have continually evolved.

It will be the focus of this thesis to study the relationship between the two aforementioned subjects; between practice and belief. I will seek to answer the question, "How have Jewish death and mourning rituals over time been informed by beliefs of an afterlife?" Four major time periods will be examined: biblical, rabbinic, medieval, and modern. Because Jewish history extends far before the beginning of the Common Era, beliefs of its faith have emerged and developed over time. Tradition has never reduced its conceptions of death, resurrection, the afterlife, and mourning to an authoritative, dogmatic scheme.[6] As this thesis will show, belief and practice have changed and been refined over time.

Based on the biblical viewpoint that death was final, most rituals surrounding death in the Bible were performed for the living. Immortality was only achieved through

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[4] Neil Gillman, *The Death of Death: Resurrection and Immortality in Jewish Thought* (Vermont: Jewish Lights Publishing, 2002), 35.
[5] Kolatch, *The Jewish Mourner's Book of Why,* 267.
[6] Robert Goldenberg, "Bound Up in the Bond of Life: Death and Afterlife in the Jewish Tradition," in *Death and Afterlife: Perspectives of World Religions* (ed. Hiroshi Obayashi; New York: Greenwood Press, 1992), 98.

one's children. Thus, the dead were mourned and the living lived on. Later, in the Rabbinic period, the notion of bodily resurrection developed and texts from the second century onward spoke of it as the ultimate fate. The rabbis are confident in a 'World to Come' after this life. Death and mourning rituals were refined and documented in the Talmud, although the rabbis retained many biblical practices. Medieval Jewish thought distanced itself from tradition with its rationalist thinking, highly influenced by the Greeks. The concept of a dualism of body and spirit was accepted and immortality of the soul became the main focus. Modern Judaism, both in belief and practices surrounding death, varies greatly across the denominations. While resurrection continues to be a defining feature of Orthodox Judaism and a debated notion in Conservative Judaism, the Reform movement rejects a literal belief and prefers an absolute commitment to this life. Similarly, Reform Judaism leaves rabbinic sanction on death rituals open to interpretation, preferring informed choice for the family of the deceased.

The Biblical Period

"If a man dies, can he live again?" Job 14:14

Since the Bible is not one coherent and consistent book, it preserves multiple explanations for death and what happens thereafter. The main message the Bible posited, though, was that death was final. The dead were buried and mourned, and were believed to go to a place called *Sheol.* There are a few references to resurrection and a possible afterlife, but these are exceptions to the rule that death itself was an absolute end. The ancient Israelites borrowed what rudimentary concepts of an afterlife existed in the Bible from surrounding cultures, refining and adjusting them.[7] Life, however, was the focus for Israel's faith, which set her apart from her neighbors.[8] What happened after life was of little concern and mourners behaved accordingly. Grief was standard, but life went on. To understand how the ancients viewed death and reacted to it, we must first examine the origin of death itself in the Bible.

Origins and Views of Death in the Bible

Noticeably, there is no mention of death in the first Genesis creation story (chapter 1). It is not until chapter 2, in the parallel but distinct creation narrative, that the Garden of Eden story is told. Here, death was explained by events that occurred in primeval time. "And the Lord God commanded the man, saying, "Of every tree of the garden you are free to eat; but as for the tree of knowledge of good and bad, you must not

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[7] Rifat Sonsino and Daniel Syme, *What Happens After I Die? Jewish Views of Life After Death* (Northvale: Jason Aronson Inc., 1994), 20.

[8] Consider Egyptian society's belief in an afterlife which translated to ornate and elaborate funerary rites and lack of grief upon death (found in their *Book of the Dead*) or the New Testament, Corinthians 15:55 in which Paul claims, "Death, where is your victory? Death, where is your sting?" or Greek triumphalism at death (see *Phaedo*).

eat of it; for as soon as you eat of it, you shall die" (Gen 2:16-17)[9]. In the story, God explained the punishment for eating the apple in Eden: "...by the sweat of your brow shall you get bread to eat, until you return to the ground—for from it you were taken. For dust you are, and to dust you shall return" (Gen 3:17-19). Thus, death is part of the plan for the human species from the very beginning, written into creation side by side with everything else.

Neil Gillman outlines four possible explanations for the origins of death as represented in Genesis.[10] First, death is part of God's original creation. Second, death is a punishment for the sin of disobedience. Third, death is the result of gaining 'knowledge of good and evil' (in other words, the emergence of self-awareness and humanity). Finally, death may be an independent power that coexists with God and is not under His control. Regardless of the way we retrospectively read the origins of death today, the ancients viewed death in a myriad of ways and reacted accordingly.

Biblical death imagery shows more than one view of death. Some passages paint the picture of death as welcome relief, where "the weary are at rest" (Job 3:17). The psalmist portrayed death as an enemy to be avoided: "...terrors of death assail me" (Ps 55:5). The Bible often described peaceful deaths after rich lives, and rewards of these accomplished lives were received while living. This was the case with Gideon, Isaac, Jacob, Abraham, and David: "Gideon son of Joash died at a good old age..." (Judg 8:32). In these instances of a good death, the dead were said to enjoy a reunion with their ancestors, "[David] died in a good old age, full of days, riches and honor" (1 Chr. 29:28).

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[9] This, and all future biblical translations in this thesis are taken from the *JPS Hebrew-English Tanakh* (Philadelphia: The Jewish Publication Society, 1999).
[10] Gillman, *The Death of Death*, 52.

He then "slept with his fathers" (Kgs 2:10). Ishmael, Isaac, and Jacob were all "gathered to his kin" (Gen 25:17, 35:29, 49:33). God promised Abraham, "You shall go to your ancestors in peace; you shall be buried in a good old age (Gen 15:15). And: "Abraham breathed his last and died in a good old age, an old man and full of years, and was gathered to his people" (Gen 25:8). In these cases, there were no references to an anxious death, or any mention of a life after death.

Theologically, the Israelites knew that death was the great equalizer—at this time, it was believed to be the ultimate fate of all people and God's power over human destiny ended with death. This is illustrated throughout the book of Psalms.

> "Shall he live eternally and never see the grave? For one sees that the wise die, that the foolish and ignorant both perish, leaving their wealth to others. Their grave is their eternal home, the dwelling-place for all generations of those once famous on earth. Man does not abide in honor; he is like the beasts that perish" (Ps 49:10-13).

It was universally accepted at the time that everyone's end is death, as the psalmist wrote, "His breath departs; he returns to the dust; on that day his plans come to nothing" (Ps 146: 2-4).

Thoughts on an Afterlife

Despite the ways in which death was viewed, the Bible is very clear that death was final and there was nothing to anticipate after death. We are told of the death of all biblical characters, save for a few. Only two people in the entire Bible were reported *not* to have died: Enoch (Gen 5:21-24) and Elijah (2 Kgs 2:11). Enoch escaped death for a different fate: "Enoch walked with God; then he was no more, for God took him" (Gen 5:24). The Bible never expanded on this and it is a subject of scholarly debate. Later texts, in the Second Temple and rabbinic periods, played upon Enoch's fate. Elijah is the

other character whose death eludes us. As he was walking with his son Elisha, "Elijah went up to heaven in a whirlwind" (2 Kgs 2:11). Like Enoch's end, Elijah's is never referenced again and is a singular and marginal event in the Bible. Perhaps this is why both characters play a role in the collective Jewish imagination. It was the norm for the ancient Israelites to believe that death was final. We know this for many reasons.

First, no form of reward or punishment after death is mentioned in the Bible. All righteousness and disobedience was handled in this world, within history and the human life span. The Israelites were repeatedly told that obedience is rewarded with military victory, national security, health, and agricultural success (Deut 11:13-15, 28:1-14, Ex 20:12) while evil doing is met with military defeat and exile (Deuteronomy 11:16-17, 28:15-68).[11] People believed that good deeds prolonged life, while evil ones brought death.

Second, the Bible does not expound on the dualistic nature of the body and spirit. Distinguishing itself from Greek philosophy, the Bible does not support the claim that a person is made up of two entities—a soul and its counterpart, the physical body. Instead, there is a different dualism: biblical humans are flesh and blood, personified by a life-giving spark alternatively called *ruah* (Ps 146:4), *nefesh (*Job 41:13), *neshamah* (Kgs 17:17), or *nishmat hayyim* (Gen 2:7).[12] Death, therefore, was understood as the "going out" of one of these terms from the body. The breath of life that God breathed "into" man during the creation story in Genesis (2:7) went out at the end of life. Ecclesiastes 12:7 also illustrated this view: "And the dust returns to the ground as it was, and the lifebreath returns to God who bestowed it."

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[11] Gillman, *The Death of Death*, 64.
[12] Gillman, *The Death of Death*, 76.

Third, the Bible goes out of its way to distance the religious life of the community from their dead. Death was a source of ritual impurity. In the Torah, God explained about animals, "and the following shall make you unclean—whoever touches their carcasses shall be unclean until evening and whoever carries the carcasses of any of them shall wash his clothes and be unclean until evening" (Lev 11:24-25). About humans the text says, "he who touches the corpse of any human being shall be unclean for seven days. Whoever touches a corpse, the body of a person who has died, and does not cleanse himself, defiles the Lord's Tabernacle; that person shall be cut off from Israel" (Num 19:11, 13). Death, of anything, contaminated the lives of the living and separation was so important that violation was punished with 'being cut off from Israel.' This ultimate separation supports the view that no afterlife existed and it was made clear that the dead were to play no part in the lives of the living.

To further distance the dead from the living, there are strong biblical injunctions against consorting with spirits, whose very existence could have hinted at an afterlife. In the Torah, God commanded, "Do not turn to ghosts and do not inquire of familiar spirits, to be defiled by them: I the Lord am your God" (Lev 19:31). Necromancy was strictly prohibited. In Deuteronomy, the Israelites were instructed, "When you enter the land that the Lord your God is giving you, you shall not learn to imitate the abhorrent practices of those nations. Let no one be found among you who....casts spells, or one who consults ghosts or familiar spirits, or one who inquires of the dead" (Deut 18:9,11). In the Torah, God explained the punishment, "And if any person turns to ghosts and familiar spirits and goes astray after them, I will set My face against that person and cut him off from among his people" and later in that chapter, "A man or a woman who has a ghost or a familiar

spirit shall be put to death; they shall be pelted with stones—their bloodguilt shall be upon them" (Lev 20:6, 27).

Why is the punishment so severe? It blurred the line between God and humans. Only God lives eternally while humans die and their death is final.[13] In addition, psychological healing could not be complete if there was no final acceptance of death. Believing that one could continue to communicate with dead relatives would not allow people to grieve properly and move on. For the most part, people adhered to this injunction. No one attempted to speak to Abraham or Jacob or Rachel after his or her death. No one turned to the dead Moses for guidance, even when the Israelites were in dire need of it. There is only one biblical reference to consorting with spirits: 1 Samuel 28.

The only biblical instance of anyone being summoned after death, and actually returning, is in 1 Samuel 28, when Saul seeks out a woman from *En-dor* who claimed to associate with spirits. Samuel was clearly upset that he has been "brought up" from *Sheol*: "Why have you disturbed me and brought me up?" he says to Saul (1 Sam 28:15). Saul explained that he is in great trouble and God was not helping him, forcing him to call on the dead Samuel for advice. This desperate act on the part of King Saul, especially when he enforced God's command himself and made it a law of the land, has large implications for understanding grief psychology, which we will return to in the last section of this thesis. It is important to conclude by pointing out that Samuel returns to *Sheol* immediately after the encounter, where he presumably stayed forever. Thus, this situation is an exception to the rule.

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[13] Gillman, *The Death of Death*, 73.

Destination for the Dead

Although the ancients did not believe in an afterlife, they believed their dead had a destination. Like Samuel, the dead were reported to go to *Sheol.* It is referenced only sixty-six times in the Bible and is often referred to as an underworld; a realm for the dead. We know *Sheol* was underground, as anyone who goes there 'descends' or 'goes down.' Many scholars have sought to link *Sheol* with hell, but this would be erroneous on two counts. First, the idea that *Sheol* was deep in the earth— a pit— was a natural association for a civilization that buried their dead underground, which was not believed to be ruled by evil deities.[14] Second, both the righteous and evil are reported to go to *Sheol*—everyone ends up there. Therefore, we can understand it as a universal place where the dead 'went.'[15]

Even though *Sheol* is a destination after death, and some sort of existence continued, it was a severely compromised continuance. The psalmist lamented,

> "For I am sated with misfortune; I am at the brink of *Sheol.* I am numbered with those who go down to the Pit; I am a helpless man abandoned among the dead like bodies lying in the grave of whom You are mindful no more, and who are cut off from Your care. You have put me at the bottom of the Pit, in the darkest places, in the depths" (Ps 88:4-7).

There was no relationship with God, as the writer continued, "Do You [God] work wonders with the dead? Do the shades rise to praise You? Is Your faithful care recounted in the grave, Your constancy in the place of perdition? Are Your wonders made known in the netherworld, Your beneficent deeds in the land of oblivion?" (Ps 88: 11-13).

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[14] Phillip Johnston, *Shades of Sheol: Death and Afterlife in the Old Testament* (Illinois: InterVarsity Press, 2002), 69.
[15] Gillman, *The Death of Death,* 65.

Further, there was no returning from *Sheol*, relationships within *Sheol,* or contact with those who have gone to *Sheol.* Jacob was inconsolable upon hearing that Joseph has been killed: "I will go down mourning to my son in *Sheol*" (Gen 37:35). He knew he would never see his son again, as a journey to Sheol is one way. And Job knew death was final. On *Sheol*, he commented, "I shall go the way of no return. My spirit is crushed, my days run out; The graveyard waits for me" (Job 16:22-17:1). *Sheol* was usually described as a place of darkness, inactivity, and silence.[16]

Since the term *Sheol* predominantly appears in the prophetic and psalmodic literature, we can assume the writers were reflecting on personal emotions of mortality. The rare references to *Sheol* were most likely the biblical writer's attempt to reconcile life and death. To reiterate, ancient Israel was barely concerned with what happened after death. The focus was on life. Because the Israelites understood the finality of death (and therefore, the importance of life), mourning and grief were natural when death did arrive. Biblically and later, Judaism never softened or tempered its view of the reality and harshness of death.

Specific Accounts of Death and Mourning in the Bible

The Israelites of the Torah mourned their losses. The biblical way in death and grief was that of burying and mourning. Abraham buried Sarah, Isaac and Ishmael buried Abraham, Esau and Jacob buried Isaac, Jacob buried Rachel, Jacob's sons buried him, the Israelites buried Aaron and Moses. Everyone was mourned. Mourning occurred through many different rituals that laid the foundation for our present-day customs. Mourners wept, tore their clothes, wore distinctive clothing, covered themselves with dust, sat and

[16] Johnston, *Shades of Sheol*, 76.

slept on the ground, walked barefoot, and fasted.[17] The frequency and repetition of these rituals indicated strong traditions rather than isolated behavior. The aftermath of Saul, Jonathan, and Abner's death paints a picture of these rituals.

> "David took hold of his clothes and rent them, and so did all the men with him. They lamented and wept, and they fasted until evening for Saul and his son Jonathan..." (2 Sam 1:12).

> "David then ordered Joab and all the troops with him to rend their clothes, gird on sackcloth, and make lament before Abner; and King David himself walked behind the bier. And so they buried Abner at Hebron; the king wept aloud by Abner's grave, and all the troops wept. And the king intoned this dirge over Abner, 'Should Abner have died the death of a churl? Your hands were not bound, Your feet were not put in fetters; But you fell as one falls before treacherous men!' And all the troops continued to weep over him. All the troops came to urge David to eat something while it was still day; but David swore, 'May God do thus to me and more if I eat bread or anything else before sundown'" (2 Sam 3:31-35).

How long people mourned is not consistent in the Bible. The men of Jabesh-Gilead, upon hearing what the Philistines had done to Saul and his sons, "removed the bodies of Saul and his sons from the wall of Beth-san and came to Jabesh and burned them there. Then they took the bones and buried them under the tamarisk tree in Jabesh, and they fasted for seven days" (1 Sam. 31:13). This seven-day period is paralleled in Genesis, when Jacob's family and the Egyptian dignitaries "observed a mourning period of seven days" (Gen. 50:10). Although not a direct derivative, this time period of seven days will later define what is known as *Shivah,* the first seven days after death in which the mourner is surrounded by friends and family.

There is sparse information on funeral customs in the Bible, usually just a line about burial following the death narrative. Consider these three reports from Genesis:

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[17] Johnston, *Shades of Sheol*, 48.

Abraham acquires the first burial plot in the history of the Israelites: "And then Abraham buried his wife Sarah in the cave of the field of Machpelah, facing Mamre—now Hebron—in the land of Canaan" (Gen 23:19). He, too, was buried in the family plot: "His sons, Isaac and Ishmael, buried him [Abraham] in the cave of Machpelah..." (Gen 25:9). And, lastly, Jacob's "sons carried him to the land of Canaan, and buried him in the cave of the field of Machpelah..." (Gen 50:13).

Religious ceremonies and rites are noticeably absent from these reports of burial, perhaps indicating their minimal importance in the ancient world. However, the burial itself was of great importance, formally marking the end of life and changing the relationships and status of the living. We know burial was considered important from several aspects of the biblical narrative.[18] First, most reports of a death of a major figure are accompanied by a record of their burial. This is the case for Abraham, Isaac, Jacob, Joseph, Miriam, Moses, Joshua, Eleazar, Samuel, Abner, Joab, Elisha, eight of the judges, and most of the kings of Israel. Second, we know burial in the family tomb was important from the narratives of Abraham, Gideon, Samson, and Barzillai, and anonymous others who are told in punishment: 'your body shall not come to your ancestral tomb' (1 Kgs 13:22). In some cases, a second burial of the bones is recorded, as Johnston notes was habitual for the time:

> "Re-use of a tomb meant that for each burial one of the rock-cut benches had to be cleared to make way for the new corpse. This involved gathering up the bones of the skeleton lying there and depositing them in a corner of the cave, sometimes in a repository pit cut into the floor for this very purpose."[19]

[18] Johnston, *Shades of Sheol*, 51.
[19] Johnston, *Shades of Sheol*, 61.

Saul's bones were respectfully buried (1 Sam 31:13) and Joseph's bones were removed from Egypt (Ex 13:19). Lastly, everyone in the ancient world deserved burial. Criminals, rebels, and the lowest members of society are all recorded as being buried. Immediate burial was hygienic in ancient times, as the hot climate led to rapid decomposition, but there was also respect paid to the dead by burying them quickly. Still today, Jews follow this custom. The fact that everyone deserved, and most received, a burial is not to say there was not a social hierarchy. Indeed, there were special burial plots for royalty and wealthy families, and community pits in the sand for the lower class. But the way people were buried had more to do with who they were in life than who they would be in an afterlife.

Although there is some scattered evidence of food at burial sites in ancient Palestine, there is no clear evidence this was a regular custom. Jugs and bowls have been found in some graves from Old Testament times, but it is unclear what their contents were intended for. Some believe it was to accompany the body to *Sheol.* Others believe perhaps the food was for the mourners who would come to pay their respects. In either case, there is no evidence of providing ongoing sustenance for the dead. This stands in marked contrast to Egyptian culture at the time, which developed elaborate funeral procedures and food preparations to prepare the dead for passage into the realm of the afterlife. The lack of any religious rites or funerals for the dead confirms that Israelite belief was centered on the living, the here and now. Death was the end, not the beginning of something else.[20]

[20] Johnston, *Shades of Sheol*, 65.

Nothing in the report of Moses's death suggested an afterlife or anticipation of one. It has been pointed out that if anyone might deserve an eternal reward for his service to the Jewish people, it was Moses. The finality of Moses's death and the arguable injustice of his last days of life, "is striking testimony that at this stage, biblical religion knew of no afterlife."[21] In the Torah, God let Moses see the Promised Land just before he died: God said, "This is the land of which I swore to Abraham, Isaac, and Jacob, 'I will assign it to your offspring.' I have let you see it with your own eyes, but you shall not cross there" (Deut 34:4). The account continued,

> "So Moses the servant of the Lord died there, in the land of Moab, at the command of the Lord. He buried him in the valley in the land of Moab, near Beth-peor; and no one knows his burial place to this day. Moses was a hundred and twenty years old when he died; his eyes were undimmed and his vigor unabated. And the Israelites bewailed Moses in the steppes of Moab for thirty days. The period of wailing and mourning for Moses came to an end" (Deut. 34:5-8).

It is noteworthy that Moses is mourned for 30 days and then the period *comes to an end* so that Joshua can take over leadership. Judaism affirmed that life must go on. We see similarities in the death scene of Aaron—power shifted to Eleazar, and he is mourned 30 days. "Moses stripped Aaron of his vestments and put them on his son Eleazar, and Aaron died there on the summit of the mountain. When Moses and Eleazar came down from the mountain, the whole community knew that Aaron had breathed his last. All the house of Israel bewailed Aaron thirty days" (Num 20:28-29). This trend, the thirty days of mourning following death, is the basis for *sheloshim*, still a mourning ritual today.

Texts clearly state that the dead were mourned. Sarah is a good example of this. "Sarah died in Kiriath-arba—now Hebron—in the land of Canaan; and Abraham proceeded to mourn for Sarah and to bewail her. Then Abraham rose from beside his

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[21] Gillman, *The Death of Death*, 65.

dead, and spoke to the Hittites, saying, "I am a resident alien among you; sell me a burial site among you, that I may remove my dead for burial" (Gen 23: 2-4). Sarah is mourned by her son as well: "Isaac then brought her [Rebekah] into the tent of his mother Sarah, and he took Rebekah as his wife. Isaac loved her, and thus found comfort after his mother's death" (Gen 24:67). Contrasting cultures for whom death was a victory, Judaism never welcomed it.

Some death rituals were influenced by surrounding cultures. Jacob asked his sons to bury him with his immediate ancestors in the cave of Machpelah, but he died in Egypt and therefore the rituals surrounding his death mirrored some Egyptian practices. The Egyptians believed that every person needed to be preserved individually, because they needed their own body intact in the afterlife.[22] This stood in contrast to the Israelite funerary practice of being buried collectively in a family tomb. Jacob's death is recorded as follows:

> "Joseph flung himself upon his father's face and wept over him and kissed him. Then Joseph ordered the physicians in his service to embalm his father, and the physicians embalmed Israel. It required forty days, for such is the full period of embalming. The Egyptians bewailed him seventy days; and when the wailing period was over, Joseph spoke to Pharoah's court, saying, "Do me this favor, and lay this appeal before Pharaoh: 'My father made me swear, saying, "I am about to die. Be sure to bury me in the grave which I made ready for myself in the land of Canaan." Now, therefore, let me go up and bury my father; then I shall return.'" And Pharaoh said, "Go up and bury your father, as he made you promise an oath." So Joseph went up to bury his father; and with him went up all the officials of Pharaoh, the senior members of his court, and all of Egypt's dignitaries, together with all of Joseph's household, his brothers, and his father's household; only their children, their flocks, and their herds were left in the region of Goshen. Chariots, too, and horsemen went up with him, it was a very large troop... His sons carried him to the land of Canaan, and buried him in the cave of the field of Machpelah, the field near Mamre, which Abraham had bought for a burial site from Ephron the Hittite" (Gen 50:1-10, 13).

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[22] Rachel S. Hallote, *Death, Burial, and Afterlife in the Biblical World: How the Israelites and Their Neighbors Treated the Dead* (Chicago: Ivan R. Dee, 2001), 117.

A stunning and moving portrayal is the peacemaking that occurred between Joseph and his brothers after their father's death. Since there was no belief in an afterlife, or that the dead could interfere in the lives of the living, Joseph's brothers used Jacob's last wish as leverage with Joseph:

> "When Joseph's brothers saw that their father was dead, they said, 'What if Joseph still bears a grudge against us and pays us back for all the wrong that we did him!' So they sent this message to Joseph, "Before his death, your father left this instruction: So shall you say to Joseph, 'Forgive, I urge you, the offense and guilt of your brothers who treated you so harshly.' Therefore, please forgive the offense of the servants of the God of your father." And Joseph was in tears as they spoke to him" (Gen 50:15-21).

Later, it is made clear that Joseph lived a long and good life, as the book of Genesis closes with his death. The last lines of the chapter tell us, "Joseph died at the age of one hundred and ten years; and he was embalmed and placed in a coffin in Egypt" (Gen 50:26). Before his death, he made his sons swear to carry his bones with them when God delivered them from Egypt, when they entered the Promised Land. There is no mention in either account—Jacob's or Joseph's—of activity after death. The biblical writer is only concerned with final resting places.

Rachel's final resting place had a monument on it, one that Jacob set up for her: "Over her grave Jacob set up a pillar; it is the pillar at Rachel's grave to this day" (Gen 35:20). This is the origin of subsequent erection of tombstones and the modern-day practice of unveiling them.[23]

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[23] David Polish and W. Gunther Plaut, eds., *Rabbi's Manual* (New York: Cetnral Conference of American Rabbis, 1998), 257.

Hints at Resurrection and a World to Come

There are a few vague references in the Bible to resurrection and an afterlife for Jews. Because these texts are scattered and contradict the majority view of the Bible, they did not define the theology of the time. Rather, they were exceptions. However, these are the texts the Rabbis of the rabbinic period built upon to form a new ideology.

Three biblical passages support the idea that God would raise the dead and return them to life. In Isaiah, the prophet warned of God's final judgment and made two references to resurrection. In chapter 25, the prophet explained, "He will destroy death forever. My Lord God will wipe the tears away from all faces and will put an end to the reproach of His people over all the earth..." (Isa 25:8). This text promised resurrection and announced the "death of death."[24] It introduced an age where people will no longer die. In the next chapter, Isaiah continued,

> "We have won no victory on earth; The inhabitants of the world have not come to life! Oh, let your dead revive! Let corpses arise! Awake and shout for joy, You who dwell in the dust!—For your dew is like the dew on fresh growth; You make the land of the shades come to life" (Isa 26:18-19).

In the book of Daniel, chapter 12 is the climax of a section dealing with a vision and an oracle. It opens,

> "At that time, the great prince, Michael, who stands beside the sons of your people, will appear. It will be a time of trouble, the like of which has never been since the nation came into being. At that time, your people will be rescued, all who are found inscribed in the book. Many of those that sleep in the dust of the earth will awake, some to eternal life, others to reproaches, to everlasting abhorrence. And the knowledgeable will be radiant like the bright expanse of sky, and those who lead the many to righteousness will be like the stars forever" (12:1-3).

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[24] Neil Gillman's book is titled *The Death of Death: Resurrection and Immortality in Jewish Thought.*

Daniel asked the meaning of these words, and was told "These words are secret and sealed to the time of the end…But you, go on to the end; you shall rest, and arise to your destiny at the end of the days" (Dan 12:9).

Using these texts as a basis, theological shifts began to take place at the end of the biblical period with the emergence of Rabbinic Judaism. Resurrection remained a central theme but immortality of the soul is also introduced as the biblical period drew to a close. How could such a clear, concrete theology be challenged? Gillman highlights that theology does not exist in a vacuum. Since it always emerges from the experiences of people, one can trace changes of thought to current events of the day. Later traditions would stand the Biblical sources on their head, a "striking testimony to Judaism's power to unearth new and strikingly original layers of meaning in ancient texts…"[25] Rabbinic tradition sought to answer Job's question, "Man expires. Where is he?" (Job 14:10).

[25] Gillman, *The Death of Death,* 81.

The Rabbinic Period (2nd-6th century C.E.)

"They that have been born are destined to die, and they that are dead are destined to be made alive, and they that live after death are destined to be judged...everything is according to the reckoning."

Mishnah Avot 4:22

The rabbinic period, defined by the rabbis of the first few centuries of the Common Era, was pivotal in Jewish history. As David Kraemer explains, "It was they who, on the foundation of traditions inherited from Jewish communities of the late Second Temple period, defined the forms of what would be known simply as 'Judaism' from late antiquity until the modern era."[26] This Judaism, although based on the Judaism that came before, is distinctive in significant ways and reflects the circumstances of the Jewish community at that time. After the war with Rome (67-73 C.E.), and the reality that Jerusalem and the Temple would no longer be the center of the religion, the Rabbis were forced to redefine Judaism. This redirection manifested itself in all areas of Jewish life, matters of death included. In belief, Judaism began to accept that death may represent, instead of the final event in human life, just one event on the timeline. The two doctrines that emerged as the biblical period drew to a close—immortality of the soul and resurrection of the dead—merged to form the core of the Jewish doctrine of the afterlife which became canonical in the Mishnah (3rd century). Corresponding practices surrounding death and mourning were also decreed.

The body of rabbinic literature is vast and developed historically. I will not distinguish between specific time periods nor address this literature chronologically. Rather, the rabbinic period will be treated as a broad historical period and material will be

[26] David Kraemer, *The Meanings of Death in Rabbinic Judaism* (London and New York: Routledge, 2000), 3.

introduced according to subject matter. The Mishnah is the primary textual source from this time period which will be presented to study belief and practices surrounding death.[27] It should be noted, though, that the Mishnah rarely deals with belief and we are not sure if it is an actual guide to practice (as there is no sociological evidence) or an intellectual compendium. Danby offers a clear description of the Mishnah and its role in Judaism:

> "The object of this activity[28] was the preservation, cultivation, and application to life of 'the Law' (*Torah*)...It provided a link between Palestinian and non-Palestinian Judaism strong enough and authoritative enough to endure and to bind together the Jewish people despite their geographical disintegration; it serves as the core of the Babylonian and Palestinian Talmuds...[However], the Mishnah is not an authoritative corpus of the beliefs and practices of Judaism: it is of the nature of Judaism that it can have no such thing. 'The Law', which alone is Jewish doctrine, has in it an inherent principle of the development which, while holding fast to the foundations laid down in the Mosaic legislation, makes it intolerant of dogmatic definition or set creedal forms. Yet, even so, the Mishnah is, after Sinai, the greatest landmark in the history of Judaism; it is Judaism's most authoritative formulation of its religious system at a time when the people of Israel, the faith of Israel, and the Land of Israel were thought of as one and inseparable."[29]

Despite its extensive coverage on matters of Jewish life, the Mishnah fails to outline an organized view of an afterlife, as well as laws and customs relating to death, burial, and mourning. Goldenberg noted this lack of coverage, but concluded, "Nevertheless, there can be no question that classic Judaism had a strong expectation—disorganized, but strong just the same—that certain events will await us all after we die."[30] There are enough scattered references that, if pieced together, paint a clear picture of rabbinic

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[27] All quotes from the Mishnah throughout this thesis are Danby's translation: Herbert Danby, *The Mishnah: Translated from the Hebrew with Introduction and Brief Explanatory Notes* (Oxford: Oxford University Press, 1933).
[28] The activity referenced here is the compilation of the Mishnah by Rabbi Judah the Patriarch ending with the close of the second century AD.
[29] Danby, *The Mishnah*, xiii, xvi.
[30] Goldenberg, "Bound Up in the Bond of Life," 98.

authority. Death in the Mishnah is not regarded as the end, as references to the 'World to Come' are prevalent. Likewise, funeral rites and mourning practices can be found within other sections, namely among discussions of prayer, festivals, and Shabbat.

A Theology of Resurrection and Immortality of the Soul

Unlike what we saw in the traditions presented in the Bible, which posited that people moved to Sheol after death and remained there forever in body and spirit, rabbinic thought encompassed an entirely different conception of human nature. This later thinking viewed humans as a combination of body and soul that could be, and was, separated at death. This gave way to a new set of questions concerning the role of death and the fates of both dualities (i.e. was death liberation for the soul? or misfortune for the body?).[31] As introduced in the biblical section of this thesis, the idea that the physical body would rise again to be reunited with the soul is found in the book of Daniel, dated to 164 B.C.E.[32] One view was that when the Messiah arrived, physical resurrection of the dead would take place. Since the rabbis of this time believed in God's complete omnipotence and creation *ex nihilo* (creation out of nothing), they had no trouble imagining God resurrecting the dead, an impossible feat for humans, but not for God.

As mentioned at the end of the biblical section, there is a clear connection between prevailing circumstances and new theological ideas. Judaism was suffering horribly during this time, as Goldenberg describes,

> "Those loyal to the Torah as traditionally interpreted were being rounded up for torture and death, whereas those eager to violate its rules and worship after the manner of the Greeks were being lavishly rewarded for this act of betrayal. For the first time in history the biblical link between prosperity and virtue, on the one

[31] Goldenberg, "Bound Up in the Bond of Life," 100.
[32] Lawrence M. Wills, "Daniel," in *The Jewish Study Bible* (ed. Adele Berlin and Marc Zvi Brettler; Oxford: Oxford University Press, 2004), 1640.

> hand, and wickedness and suffering, on the other, had been turned inside out. Suddenly those who remained faithful to God's Torah were suffering horribly for just this reason, whereas those who eagerly violated that same Torah in public were receiving great honor and reward. This development offered a violent challenge to traditional conceptions of divine justice, and seemed as well to deny the age-old idea that national fidelity to the holy covenant was the only true basis for national well-being; in time it gave rise to the idea that those who constituted the true nation, which meant those who keep the Torah, would indeed inherit God's blessing, even if they had to be roused from the sleep of death to do this."[33]

This change in philosophy was unquestionably influenced by the Greeks and Persians, who ruled Judea during this time and believed in the separation of body and soul. Plato's *Pheado* made this distinction, explaining that the soul pre-exists the body and also will enjoy eternal existence after the body's demise. For the Greeks, death was a reward; an anticipated liberation. Socrates, contemplating his imminent death, says,

> "There is good hope that on arriving where I am going, if anywhere, I shall acquire what has been our chief preoccupation in our past life, so that the journey that is now ordered for me is full of good hope, as it is also for any other man who believes that his mind has been prepared..."[34]

Although Judaism never embraced this dualism of a permanent soul and impermanent body, it adopted parts of the idea. It did not, though, ever embrace death as a reward or internalize the Greek idea that the body contaminates the soul. On the contrary, Judaism taught the sacredness of the body, having been created in the image of God. In Talmudic tradition, Judaism taught that the soul is distinguished from the body and will separate at death, to be reunited through bodily resurrection and judged before God again as one complete entity.[35] This is consistent with Egyptian thought. Of Egyptian culture, Budge explains,

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[33] Goldenberg, "Bound Up in the Bond of Life," 100.
[34] Plato, "Pheado," in *Plato Complete Works* (ed. John M. Cooper; Indianapolis: Hackett Publishing Company, 1997), 58.
[35] Gillman, *The Death of Death*, 108.

> "There is, however, no doubt that from first to last the Egyptians firmly believed that besides the soul there was some other element of the man that would rise again. The preservation of the corruptible body too was in some way connected with the life in the world to come, and its preservation was necessary to ensure eternal life; otherwise the prayers recited to this end would have been futile and the time honored custom of mummifying the dead would have had no meaning."[36]

After resurrection, the Rabbis believed the united body and soul would enjoy an eternal afterlife. The Mishnah speaks of an *olam haba,* a world to come:

> "All Israelites have a share in the world to come, for it is written, *Thy people also shall be all righteous, they shall inherit the land for ever; the branch of my planting, the work of my hands that I may be glorified.*[37] And these are they that have no share in the world to come: he that says that there is no resurrection of the dead prescribed in the law and [he that says] that the law is not from Heaven, and an Epicurean" (Sanhedrin 10:1).

The Mishnah continues with a lengthy discussion of who specifically does not have a share in the world to come: certain kings and commoners, the generation of the flood, the people of an apostate city, the generation of the wilderness, and so on. It was generally believed that the righteous would be rewarded and the evil, punished. There is no theological detail presented in the Talmud, just debates about rewards and punishments in the afterlife. To promote a model way of life, a number of rabbis argued that certain behaviors (i.e. Torah study, living in Israel, getting married) directly affected one's lot in the afterlife.[38] An example of this is found in Tractate Shabbat:

> "R. Elazar inquired of Rav: Who is a person destined for the World to Come? Rav replied to him by citng the following verse: "*And your ears shall hear something from behind you; someone saying, This is the way, walk in it, whether*

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[36] E.A. Wallis Budge, ed., *The Egyptian Book of the Dead: The Papyrus of Ani,* (New York: Dover Publications, Inc., 1967), lviii.
[37] Isaiah 60:21, as quoted in the Mishnah.
[38] Sonsino and Syme, *What Happens After I Die?,* 25.

> *you turn right or left.*[39] Anyone whose conduct pleases his teachers is destined for the World to Come" (Shabbat 153a).[40]

When the rabbis mention that evildoers 'lose their place' in the world to come, it is not clear where they go. Medieval scholars and philosophers picked up this gap in explanation, and engaged in much theological speculation about the details of both resurrection and the world to come.

It should be noted that not all groups agreed on the doctrines of resurrection and an immortal soul. Two groups opposed each other: the Sadducees and the Pharisees. Josephus writes, albeit two centuries later, of both groups that existed in the second century. On Pharisaic beliefs about the afterlife, Josephus wrote:

> "Their belief is that souls have a deathless vigor, and that beneath the earth there are rewards and punishments according as they have been devoted in life to virtue or vice. For the latter everlasting imprisonment is prescribed; but the former shall have the power to revive and live again; on account of which doctrines they are able to persuade greatly the body of the people..."[41]

In contrast, the Saducees believed that souls died with bodies and therefore denied an afterlife altogether:

> "...[They] rejected theological innovations such as belief in resurrection, rewards, angels and demons, and most apocalyptic speculations. [They] rejected the authority of oral tradition and theological beliefs in an afterlife."[42]

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[39] Isaiah 30:21, as cited in the Talmud.
[40] All quotes from the Talmud throughout this thesis come from the Babylonian Talmud: *Talmud Bavli, The Schottenstein Edition*, (New York: Mesorah Publications, Ltd, 1994).
[41] Flavius Josephus, *Antiquities of the Jews* in *The Works of Flavius Josephus* (ed. and trans. William Whiston; Philadelphia: Grigg and Elliot, 1841), 589.
[42] Henry Jackson Flanders, Jr. and Robert Wilson Crapps and David Anthony Smith, *People of the Covenant: An Introduction to the Hebrew Bible* (Oxford: Oxford University Press, 1996), 496 and 520.

Both groups, among others, were competing to be the authoritative Judaism following the destruction of the Temple. Ultimately, the ideology of the Pharisees dominated the literature, as we have seen in the Mishnah.[43]

In addition to the Mishnah, liturgy believed to have been composed during this time supports the belief in resurrection. Although we do not know exactly when Jews started saying the *Amidah*, we have references. Lawrence Hoffman lists them:

> "A second-century midrash holds that 'the early prophets instituted the practice of the daily recital of the Eighteen Benedictions' (Sifre to Deut. 343). The Babylonian Talmud says, similarly, 'A hundred and twenty elders, including many prophets, instituted the Eighteen Benediction' (Meg. 17b). And the Palestinian Talmud concurs: 'One hundred and twenty men, including about eighty elders and thirty prophets, instituted the daily *Amidah*.'"[44]

The second benediction of the *Amidah* prayer, the *G'vurot*, reads:

> "You are forever mighty, Adonai: giving life to the dead, You are a mightly savior. You sustain life with kindness, giving life to the dead with great mercy, supporting the fallen, healing the sick, and freeing the captive, and keeping faith with sleepers in the dust. Who is like You, master of might, and who resembles You, a King who casuses death and causes life, and causes salvation to flourish! You faithfully give life to the dead. Blessed are You, Adonai, who gives life to the dead."[45]

This prayer, according the aforementioned sources, was traditionally recited three times a day, so its effect on Jewish consciousness at the time (continuing to today) cannot be underscored enough. It is a central passage in Jewish prayer and contains both the biblical reference from Daniel, "maintaining faith with those who sleep in the dust" (Dan 12:2)

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[43] Flanders, Crapps, and Smith, *People of the Covenant*, 496.

[44] Lawrence A. Hoffman, "*How the Amidah Began*: A Jewish Detective Story," in *My People's Prayer Book: Traditional Prayers, Modern Commentaries: The Amidah* (ed. Lawrence A. Hoffman; Vermont: Jewish Lights Publishing, 1998), 17-18. A full discussion on this topic can be found in Lawrence A. Hoffman, *The Canonization of the Synagogue Service* (Notre Dame and London: University of Notre Dame Press, 1979) chapter 3, pages 50-65. See also Joseph Heinemann, *Prayer in the Talmud* (Berlin and New York: Walter de Gruyter, 1977) pages 221-227.

[45] Translation by Lawrence A. Hoffman in *The Amidah, 72-74.*

and the idea from Isaiah "let your dead live" (Isa 26:19). The liturgist, then, has made this belief in resurrection canonical. Every worshipping Jew was saying this, and we presume believing it, three times a day.

The Rabbis felt so certain of resurrection that they tried to trace it back to biblical roots. Sanhedrin 91b is filled with the discussion of the biblical origins of resurrection. Each rabbi has a different passage claiming allusions to resurrection. For example, Rabbi Meir said:

> "Where do we find an allusion to the resurrection of the dead in the written Torah? It is stated: 'Then will Moses and the children of Israel sing this song to the Lord' (Exodus 15:1). 'He sang' is not stated but rather: 'he will sing.' Here we have an allusion to the resurrection of the dead in the written Torah" (Sanhedrin 91b).

Rabbi Yehoshua and Rabbi Hiyya bar Abba also used the future tense in different scriptural verses as their 'proof' of resurrection in the Torah. Still, aside from the references in Daniel and Isaiah, no direct sources can be found in the Torah.

The two doctrines about the afterlife, resurrection (from the references in the Bible) and an immortal soul (originating in Greek thought), are explicit in rabbinic literature. References to it in the Mishnah and in the liturgy of the time constitute a strong claim for its unquestioned authority.[46] Still, there is a frustrating vagueness about the mechanics of how the drama will unfold. Questions of who will be resurrected, when they will be resurrected, in what form they will be resurrected, and what the soul does until that time, are wholly unanswered. Questions of the distinction between the "Age of the Messiah," often referenced in the Talmud, and the "World to Come" are not addressed. The chronology of reunion of body and soul, judgment, and eternal afterlife is

[46] Gillman, *The Death of Death,* 135.

not clear. Instead, the Rabbis are simply putting forth a theory. This theory is reflected in Sanhedrin:

> "The body and the soul can both free themselves from judgment. The body can plead: the soul has sinned, since from the day it left me, I lie like a dumb stone in the grave. The soul can plead: from the day I departed from it, I fly about in the air like a bird." He replied, "I will tell thee a parable. To what can this be compared? To a human king who owned a beautiful orchard which contained splendid figs. He appointed two watchmen, one lame and the other blind. The lame man said to the blind, 'I see beautiful figs in the orchard. Take me on your shoulder that we may take them and eat.' So the lame sat upon the shoulder of the blind, took the figs and ate them. Some time later, the owner of the orchard came and inquired of them: 'Where are those beautiful figs?' The lame man replied: 'Have I feet to walk with?' The blind man replied: 'Have I eyes to see with?' He placed the lame upon the blind and judged them together. So will the Holy One bring the soul, replace it in the body, and judge them together, as it is written: '*He summoned the heavens above, and the earth, for the trial of his people.*'[47] '*He summoned the heavens above*' this refers to the soul; '*and the earth*' to the body" (Sanhedrin 91a-b).

Funeral Rites and Customs

Despite a new theology, the attitude toward death remained a realistic one: death was an inevitable part of life (no matter what came afterward) and there were specific rituals and rules pertaining to the dead. Some directly related to the theology of resurrection, others affected the living more than the dead. Some customs were of biblical origin; others originated in the rabbinic time period. If we collect together all the scattered references of death customs in the Talmud, a clear picture emerges: Jews are commanded never to hasten death. When it does occur, the body was buried as soon as possible—often the same or next day.[48] Embalming and beautification were prohibited. The body was merely washed, the hair combed, the nails trimmed.[49] Water was poured

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[47] Psalm 50:4, as quoted in the Talmud.
[48] Sanhedrin 46b.
[49] Shabbat 23:5.

over the body to purify it while someone recited passages from Song of Songs.[50] The body was clothed in a burial shroud,[51] and laid to rest in a plain pine box.[52] Perhaps this was done so that reintegration into nature was easy.

Jews were prohibited from hastening death. This comes from a portion of the Mishnah discussing Shabbat. It says that no one should touch a dying person, lest they accelerate death:

> "They may make ready [on the Sabbath] all that is needful for the dead, and anoint it and wash it, provided that they do not move any member of it. They may draw the mattress away from beneath it and let it lie on the sand that it may be the longer preserved; they may bind up the chin, not in order to raise it but that it may not sink lower...They may not close a corpse's eyes on the Sabbath; nor may they do so on a weekday at the moment when the soul is departing; and he that closes the eyes [of the dying man] at the moment when the soul is departing, such a one is a shedder of blood" (Shabbat 23:5).

The Talmud continues the discussion:

> "We may not close the eyes of the dead on the Sabbath, nor may we do so on a weekday at the moment of death. Whoever closes the eyes of a dying person at the moment of death is a murderer. This can be compared to the flame of a candle that is flickering and about to go out. If a person places his finger on it, it is immediately extinguished. Similarly, touching the dying person may hasten his death" (Shabbat 151b).

From this section, we also learn about closing the eyes of the dead, anointing and washing the body, removing the pillow from underneath it, placing the dead on the ground, and tying the jaw in place. Washing the body continues today (it is known as *taharah,* purification), but the original references in Numbers 19 tell us that bodies could not be purified and in fact, rendered the living impure. The Mishnah, by confirming that this was the practice, allowed for overturning of certain biblical ideas. The fact that they

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[50] Shabbat 23:5.
[51] Moed Katan 27a-b.
[52] Sanhedrin 46b.

could be done on the Sabbath (as exceptions to the rule) weighted them with valid importance. The rabbis debated the balance between Shabbat preparation and honor for the dead.

There were three steps in laying the dead to rest. The first was burial (as part of a funeral), followed by collecting the bones, and finally, marking the grave. The belief in resurrection had a direct effect on burial customs. Since people would rise from the dead, a new mentality regarding the body 'returning to the Earth' was adopted. It was believed the old body would decompose, but a new body would spring forth from its dust.[53] A small bone in the base of the spine, the *luz* bone, was believed to never entirely disappear and from this, the new body would take form.[54] It became an enormous obligation, then, to assure that Jews would be buried in dry ground so a seed, their *luz* bone, would be planted for their return.

Burying has always been the Jewish way, and is a *mitzvah*, a direct commandment. Finding an untended corpse was known as a *"met mitzvah,"* an obligatory corpse.[55] Immediate burial became the custom, lest something happen to the body while waiting for burial. The need to preserve and bury the dead is also one of the roots of the prohibition of cremation in the Jewish tradition. Thus, bodies that could not be buried (i.e., lost at sea) were believed to suffer the worst possible fate since they would not rise again. And those who left a corpse unburied longer than necessary (in rabbinic times, overnight) were thought to be transgressors. The Talmud explains,

> "From where in Scripture is it derived that one who leaves his deceased relative unburied overnight transgresses a negative commandment? For Scripture states:

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[53] Goldenberg, "Bound Up in the Bond of Life," 101.
[54] The *luz* bone is referenced in Bereishet Rabbah 25 and Mishna Berurah 300:2.
[55] Deuteronomy 21:1-9.

> 'Rather, you shall surely bury him.'[56] From here we learn that one who leaves his deceased relative overnight transgresses a negative commandment" (Sanhedrin 46b).

Psychologists have also pointed out the importance of saying a last goodbye to loved ones who have died.[57] It is understandable, then, how devastating it was to not have confirmation of a family member's death and worse, not have a proper burial for them. Also, cremation and embalming were prohibited because they interfered with the natural decomposition of the body. The biblical idea that man will return to dust was married with the idea that man will rise again.

The idea that man will rise again gave way to considerations of wardrobe- what should the dead be buried in? Rabban Gamaliel, in Moed Katan 27a, created a great equalizer for the final judgment: the burial shroud. Aaron Panken views this as an attempt to prevent embarrassment and feelings of inadequacy among the poor: "Oddly enough, embarrassment was not limited to cases that only concerned the living. In one case, we find alterations in a series of customs that deal with the treatment of the dead in order to prevent embarrassment."[58] The case he references is Moed Katan 27a:

> "Originally, the expense of taking out (i.e. burying) the deceased was even harder on the relatives than his death, to the point that his relatives would leave him and flee; Until Rabban Gamliel came and treated himself lightly by going out in plain linen garments. Following his example the people went out (i.e. were buried) in plain linen garments."

Panken continues, "...the idea of burying both the poor and wealthy in lesser garments is

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[56] Deuteronomy 21:23, as quoted in the Talmud.
[57] William J. Worden, *Grief Counseling and Grief Therapy: A Handbook for the Mental Health Practitioner* (New York: Springer, 1991), 10-18.
[58] Aaron D. Panken, *The Rhetoric of Innovation* (Maryland: University Press of America, Inc.,), 65.

one that has certainly carried on, even into the contemporary Jewish community."[59] Indeed, the practice of donning a plain white burial shroud found its way into customs on Yom Kippur, when we don a *kittel*, the same garment we will be buried in. The aim is to humble us, to make us realize the finite nature of life. In this way, Rabbi Lawrence Hoffman calls it "a rehearsal for death." We give up our daily pleasures, we refrain from eating, drinking, and sexual activity. We immerse ourselves in liturgy stressing man's frailty and we feel our mortality like no other day. Each Yom Kippur is a day of judgment in preparation for the *final* judgment when we will come before God, equal to our fellow man.[60]

On tombs and graves, the Mishnah tells us, "They may hew out tomb-niches or tombs during mid-festival, but [old] niches may be refashioned during mid-festival. During mid-festival they may dig a grave, and make a coffin while the corpse lies in the [selfsame] courtyard" (Moed Katan 1:6). This text builds on the urgency in Deuteronomy 21 to bury the dead immediately: "If a man is guilty of a capital offense and is put to death, and you impale him on a stake, you must not let his corpse remain on the stake overnight, but must bury him the same day" (Deut 21: 22-23). Tractate Shabbat also speaks of the custom of burying in coffins and graves: "If gentiles made a coffin for him or dug a grave for him on the Sabbath, a Jew may be interred in it. But if they did it for a Jew (expressly for a Jew), he may never be interred in it" (Shabbat 151a).

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[59] Panken, *The Rhetoric of Innovation*, 69.
[60] Class lecture given by Lawrence A. Hoffman, Hebrew Union College, September 9, 2003.

The Mishnah, in Baba Batra, explains the requirement of distancing burial from the place of settlement, parallel to biblical practices. The main reason was thought to be ritual impurity.

> "Carcasses, graves, and tanneries may not remain within a space of fifty cubits from the town.[61] Rabbi Akiba says: it may be set up on any side save the west but it may not be within a distance of fifty cubits" (Baba Batra 2:9).

More specifically, the Talmud stipulates where people are to be buried in reference to each other:

> "And just as we do not bury a wicked person next to a righteous one, so too we do not bury a severely wicked person next to someone who is, relatively speaking, only nominally wicked" (Sanhedrin 47a).

The basics of a funeral are discussed in Sanhedrin 46b-47a. In addition to burial, much is documented regarding things that are done for the honor of the deceased versus to benefit the living. The Talmud concluded that both burial and eulogy are for the honor of the deceased. On eulogies, the Talmud decides they are meant primarily to honor the dead. Any honor the speaker receives is in tribute of the dead.

> "They inquired: Is a eulogy delivered for the honor of the living or is it delivered for the honor of the dead?...Scripture states: *And Abraham came to eulogize Sarah and to weep for her.*[62] Now, if you say that a eulogy is delivered for the honor of the living, you will be faced with a difficulty: Is it conceivable that for the honor of Abraham the burial of Sara would be delayed? Had she been asked, Sarah herself would have preferred that her burial be delayed so that Abraham would receive honor through her" (Sanhedrin 46b).

The Rabbis claimed, in Tractate Shabbat (153a), it could be discerned whether or not the deceased is destined to enter the world to come from a person's eulogy and the effect it has on those assembled at his funeral. How? They explain that a righteous person would

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[61] Danby adds that the prevailing wind in Palestine (present day Israel) is from the north-west, 368.

[62] Genesis 23:2, as quoted in the Talmud.

have a stirring eulogy and a wicked one would not. The eulogy, therefore, did not change their fate, only reinforced it. The Rabbis were, in effect, saying, "See to it that you live a righteous life, that your eulogizers will have something to say about you."

Burial was also seen as an honor for the deceased:

> "If one left the deceased unburied overnight for the sake of his honor, for example, to have time to gather crowds form the neighboring cities to attend his funeral, or to bring lamenting women to grieve over his death, or to bring for him a casket or shrouds, in all these cases, he does not transgress any prohibition for anyone who does these things is only doing them for the honor of the deceased" (Sanhedrin 47a).

As mentioned, it was a mitzvah to bury a corpse because it was the first 'necessity' for the future resurrection. Despite believing that the soul leaves the body upon death, it was believed during this time that the dead could still feel and hear.

> "Rabbi Yitzchak said: Worms are as painful to the dead as pins are the flesh of the living. For it is stated: *But his flesh will be pained over itself.*[63] Rav Chisda said: A person's soul mourns over him all of the seven days that follow his death" (Shabbat 152a).

The soul's experience after death is, at first, very much attuned to what is going on:

> "R. Abahu said: Everything that people say in the presence of a corpse is known by that person's soul until the top of the casket is closed over the body prior to burial. Once this occurs, the soul no longer perceives what is said by the living" (Shabbat 152b).

Therefore, certain things were done out of respect for the dead. In some cases, specific to women: "They may not set down the bier in the open street lest they give occasion for lamentation; and the bier of a woman they may never set down, out of respect" (Moed Katan 3:8).

The Burial Kaddish was a prayer (and still is) said after the grave is filled with Earth at the funeral. It is perhaps the strongest statement of belief at this time on the

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[63] Job 14:22, as quoted in the Talmud.

afterlife and resurrection.[64] It is a prayer affirming that God, in His time, will create the world anew, and that the dead will be resurrected for an eternal life. It speaks of the hope that there is a future for the deceased. It begins, "May his great name grow exalted and sanctified in the world which will be renewed and where He will resuscitate the dead and raise them up to eternal life..."[65] The rest of the prayer is identical to the Mourner's Kaddish, explained in the following section.

At the funeral, the Mishnah makes clear the appropriateness of public displays of emotion. People cried out, clapped loudly, and wailed. The crying and noise making gave voice to the collective sadness surrounding death. The ritual lamenting often gave way to spontaneous laments from the whole community. Since this was the case in biblical times as well[66], we see that Judaism has never suggested withholding emotions or retaining composure immediately following death. A healthy outpouring of emotion was not only supported from earliest times, it was *stipulated.* Women were seen as central to the public lamentation of the dead. The Mishnah explains,

> "The women may sing dirges during the Feast but they may not clap their hands. R. Ishmael says: They that are near to the bier may clap their hands. On the first days of the months and at [The Feast of] the Dedication and at Purim they may sing lamentations and clap their hands; but during none of them may they wail. After the corpse has been buried they may not sing lamentations or clap their hands. What is a lamentation? When all sing together. And a wailing? When one begins by herself and all respond after her; for it is written, *Teach your daughters a lament, and every one her neighbor wailing.*[67] But for a time that is to come, it

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[64] It is impossible to know for certain if the Kaddish prayer was already in place in the Rabbinic Period. Lawrence A. Hoffman, in *Canonization of the Synagogue Service* commented, "Though greatly loved and therefore much discussed, we still know very little about how, or even when, it came into being. It is generally considered to be tannaitic or even Pharisaic in origin..." 56.

[65] Rabbi Nosson Scherman and Rabbi Meir Zlotowitz, eds., *The Complete Artscroll Siddur* (New York: Mesorah Publications, Ltd. 1984), 801.

[66] See biblical section of this thesis, Accounts of Death and Mourning Practices

[67] Jeremiah 9:20, as quoted in the Mishnah.

says, *He hath swallowed up death for ever, and the Lord God will wipe away tears from off all faces; and the reproach of his people shall he take away from off all the whole earth: for the Lord hath spoken it'*[68] (Moed Katan 3:8-9).

After the body was buried, it was customary for mourners to pass through rows of friends and people from the community to receive condolences. We learn about this in Berachot where there is a discussion of mourners and saying the *Shema*: "When they have buried the dead and returned, if they can begin [the *Shema*] and finish it before reaching the Row they begin it; but if they can not, they do not begin it. Of them that stand in the Row, they of the inner line are exempt [from reciting the *Shema]* but they of the outer line are not exempt" (Berachot 3:2).

It was customary, after decomposition of the body, for the family to collect the bones and choose a final resting place. It is debatable whether this was considered a time for additional mourning. The Mishnah recorded this in a discussion of laws during Feasts: "R. Meir said: A man may gather together the bones of his father or his mother, since this is to him an occasion for rejoicing. But R. Jose says: It is to him an occasion for mourning. A man may not call for mourning over his dead or make lamentation over him for thirty days before a Feast" (Moed Katan 1:5).

Finally, graves were marked. Examples of this come from two sections of the Mishnah, Moed Katan and Shekalim. In discussing the shekel dues, the Mishnah mentions, "On the 15th thereof they read the *Megillah* in walled cities, and repair the paths and roads and pools of water and perform all public needs and mark the graves" (Shekalim 1:1). Likewise, the Rabbis debated what can be done in the Seventh (sabbatical) year and they decided, "....they may repair roads...and perform all public

[68] Isaiah 25:8, as quoted in the Mishnah.

needs, and mark the graves..." (Moed Katan 1:2). Belief whether or not soul rests at the site of the marker is not addressed.

Mourning Rituals

Mourning rites, like funeral customs, are explained in the Talmud, citing biblical sources. It is not clear why the rites are what they are. They may have been superstitions designed to protect the living from the feared dead (clothes were torn and sandals were removed in order to prevent the dead from attaching themselves to the garments of the living).[69] Following this line of reasoning, mourners smeared ashes on their faces and grew their hair to make themselves unrecognizable to the spirits. However, since Judaism has historically been uninterested in cults of the dead and evil spirits, it is more likely the mourning rituals had psychological and sociological purposes. There is no doubt the rituals prescribed for a Jewish mourner had (and have) great benefit, both for overcoming grief and restoring the cohesion of a group that had been shaken by loss. One is not hard pressed to find congruent facets in modern grief psychology and the Jewish way of mourning. I will revisit this in the 'modern' section of this thesis.

Although burial rituals were directly affected by views of a resurrection and afterlife, most mourning rituals, except certain prayers, seemed to be done for the mourner, regardless of beliefs of what happened to the dead. Halakhah spells out two distinct phases in the process of mourning, and insists on their strict separation. The first phase, *aninut*, is short, beginning with death and ending with burial. The second phase, *avelut*, begins at burial and ends after 30 days.

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[69] Emanuel Feldman, "Death as Estrangement: The Halakha of Mourning," in *Jewish Reflections on Death* (ed. Jack Reimer; New York: Shocken Books, 1974), 84.

Upon hearing of death, mourners tore their clothes and uncovered their shoulders. The Mishnah stipulates,"[During a feast], none save the near of kin may rend their garments and bare the shoulder and be given the food of the mourners..." (Moed Katan 3:7). Tearing one's garments (known as *k'riah*) comes from the biblical period. As previously mentioned, when Jacob saw Joseph's coat covered in blood and believed him to be dead, he tore his clothes. David tore his clothes for King Saul and Job tore his mantle.[70]

> "The tear represents, on one level, the death itself, which 'tears' the loved one from the presence of the living. The violence of the act evokes the violence of the experience and the emotion, the gravity of the loss. Clothes are civilizing elements, symbols of one's entry into society and civilization... Rending one's clothes, therefore, removed one from society, declaring that one who had lost a relative was no longer a part of general society."[71]

The Halakhah is compassionate in this first stage of grief. It never denies the pain of the mourner, or sugar coats the effects of death on those who are living. Therefore, it excuses the mourner from all *mitzvot*: "He whose dead lies unburied before him is exempt from reciting the *Shema*, and from saying the Tefillah, and from wearing phylacteries" (Berachot 3:1). The focus of the mourner was his grief.

Avelut commences after interment and challenges the mourner to the difficult task of starting to restore his life. It does this with a strict timeline to ensure that death and its grief do not encompass the mourner for too long. The period of *Shivah* begins just after burial and lasts seven days. Since it was ancient custom for Jews to cleanse themselves after being close to the deceased (because of issues of purity), it was stipulated that water should be made available at the entrance of a home where *Shivah* is being observed.

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[70] Gen 37:24, 2 Sam 1:11, Job 1:20
[71] Kraemer, *The Meanings of Death in Rabbinic Judaism,* 25.

When a mourner returned from the funeral, a meal was provided by the community. There was much symbolism in this ritual. The meal itself, and eating it, were life-affirming acts that distinguished the living from the deceased. But it is stipulated that the meal be eaten on an overturned couch, denoting an incomplete return to normal life. The Mishnah explains,

> "...and the food of the mourners must be given with the couches set up [in usual fashion]. They may not take [the food] to a house of mourning on a plate or a salver or a flat basket, but in [common] baskets. And they may not say the Benediction of the Mourners during the Feast, but they stand in the row and offer consolation" (Moed Katan 3:7).

He eats closer to the ground, closer to the dead than to the living, who stand. "If mourning is a process by which the mourner re-enters the society of the living, it would be reasonable to see him/her as beginning the process in close connection with the world of the dead."[72] This is why mourners sat on the floor during *shivah*. It comes from the book of Job, where friends comforted him and sat with him on the floor.[73]

Shivah is referenced in many places in the Talmud and has biblical origins. The 'rule of seven' is often mentioned, referring to this time period: "If a man buried his dead three days before the Feast, the rule of the seven [days' mourning] is annulled for him; if eight days before, the rule of the thirty days is annulled for him. For they have said; The Sabbath is included[74] and does not interrupt; but Feasts interrupt and are not included" (Moed Katan 3:5). Feldman outlines the mourning rites regarding *Shivah*: prohibited are cutting hair (based on Lev10:6), washing clothes (based on 2 Sam 14:2), anointing or washing oneself (based on 2 Sam 14:2 and Ps 109:18), marital relations (based on 2 Sam

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[72] Kraemer, *The Meanings of Death in Rabbinic Judaism,* 32.
[73] Job 2:13: "They sat with him on the ground seven days and seven nights."
[74] Danby elaborates that this means 'included in the first seven days of mourning', 210.

12:24) and marriage itself, wearing of shoes (based on Ezek 24:17), working (based on Amos 8:10), studying scripture (based on Ezek 24:17 and Job 2:13), sitting on beds or couches (based on 2 Sam 13:31 and Job 2:13), giving or receiving greetings of well-being (based on Ezek 24:17) for the first 3 days, and offering sacrifices. The requirement was to cover the head (based on Ezek 24:17).[75]

Interestingly, the same injunctions one observed on Yom Kippur are commanded during *shivah*. Prohibitions against washing, the use of cosmetics, ointments, wearing shoes, and having sex would suggest that in some ways, the act of mourning, at least initially, was an act of repentance. The first week encompassed atonement, which was a way for the mourner to expiate his guilt. Prayers in the house of mourning took place everyday, as the Talmud records that Rabbi Judah the Prince gathered a *minyan* to accompany him on a condolence visit to the house of one who had died (Shabbat 152b).

The mourner emerged from the most intense week of mourning in stages, slowly. The Talmud explains, "On the first Sabbath, the mourner does not go to synagogue..." (Moed Katan 82b). The mourner is eased back into society and his community. This time period, *sheloshim,* was also part of *avelut* and lasted 30 days. Most injunctions that were applicable during *shivah* disappear. However, the torn clothing cannot be rewoven, clothes may not be ironed or starched, and hair may still not be cut. In addition, it is prohibited to marry during this time or attend parties.[76] At the end of this period, all these things can be done and the mourner is now a full participant again in society.

Halakhah outlines a final time period in the mourning process for those whose parents have died- the first year (for all other deaths, the official mourning ended after

[75] Feldman, "Death as Estrangement," 86-87.
[76] Moed Katan 82b.

sheloshim).[77] For twelve months after burial, children were instructed to say the Mourner's Kaddish, a declaration of faith in God, everyday.[78]

In summation, the rabbinic period changed the nature of Judaism. New beliefs, in resurrection and immortality of the soul, gave way to new rites regarding the dead. Actions and customs concerning the dead had a purpose reflecting the common beliefs. Many biblical practices were maintained and documented as source material in the Talmud. However, the mourning rituals documented during this time seem to stand independently of this shift in ideology. For the first time, Rabbinic literature offered a structure for the mourner but is not based on the idea of a world to come. One might think that since Jews during this time believed in a final resurrection, and thus an ultimate reunion with friends and family, that the blow of death would be softened or tempered. But this was not the case. Judaism still dealt realistically with both death and its effects on the living. In no way was the idea of an immortal soul used as a 'balm' on the mourners' wounds. Death was never welcomed, and the law stipulated the mourners were to be treated in a certain, gentle way.

A deeper analysis of the mourning rituals and a specific exploration of the doctrine of resurrection will appear in the next two sections, The Medieval Period and The Modern Period.

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[77] Moed Katan 22b.
[78] Berachot 58b.

The Medieval Period (10th-15th century C.E.)

"There is no way in this world to grasp and comprehend the ultimate good which the soul will experience in the world to come...This will be life which is not accompanied by death and good which is not accompanied by evil."
Maimonides, *Hilkhot Teshuvah* 8:1

During the medieval period, a large body of Jewish philosophical teachings emerged. Some of the greatest Jewish thinkers wrote during this time and attempted, like their predecessors, to make sense of their religion and the world around them. Scholars tried to synthesize Torah, as they had inherited it from prior biblical and rabbinic tradition, and philosophy, which was directly influenced by the Greeks. Raphael comments on this challenge, "...in the spirit of the intellectual tenor of the times, the medievalists endeavored to demonstrate that there was no contradiction or conflict between the dictates of rationalism and the dogmas of rabbinic Judaism."[79] The main tensions during this time were between faith and reason: "Revelation and reason, religion and philosophy, faith and knowledge, authority and independent reflection are the various expressions for the dualism in mediaeval thought, which the philosophers and theologians of the time endeavored to reduce to a monism or a unity."[80]

It is important to remember that the impact of this philosophy on the masses was unknown, but thought to be very limited. Only the elite of a community could have comprehended these dense philosophic writings. Gillman expounds,

> "...this body of thought had remarkable little impact on Judaism as it was lived and practiced by generations of Jews throughout this period and thereafter. Very

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[79] Simcha Paull Raphael, *Jewish Views of the Afterlife* (Northvale: Jason Aronson, Inc., 1994), 236.
[80] Isaac Husik, *A History of Mediaeval Jewish Philosophy* (New York: Dover Publications, Inc., 2002), xiii.

> few traces of medieval philosophical thinking can be found in our liturgy, for example, or in the rituals and customs of Jewish life."[81]

However, these writings forged new pathways in the intellectual history of Judaism and added another chapter to evolving Jewish eschatology. Regarding the afterlife specifically, I will examine individual philosophers who touched on it in their writings. To present stipulated death rituals and mourning practices of the times, the *Shulhan Arukh* will be cited.

Philosophical Beliefs of Resurrection and the Afterlife

Saadia ben Joseph (882-942), commonly referred to as Saadia Gaon, was the eminent philosopher of this time. He was a master of traditional Jewish literature and was also influenced by the intellectual forces of his day. He wrote many philosophical treatises and his *magnum opus* was *The Book of Beliefs and Opinions,* seeking to show there was no inconsistency between Torah and reason. His unwavering belief in the afterlife is paraphrased by Husik:

> "That there is another world after this one in which man is rewarded and punished can be proved from reason, from Scripture and from tradition. It is not likely from what we know of God's wisdom and goodness that the measure of happiness intended for the soul is what it gets in this world. For every good here is mixed with evil, the latter even predominating. No one is really content and at peace in this world even if he has reached the top of the ladder of prosperity and honor. There must be a reason for this, which is that the soul has an intuitional longing for the other world which is destined for it....Even when a person is punished with death for a crime committed in this world, the same death is inflicted for one crime as for ten crimes. Hence there must be another world where all inequalities are adjusted..."[82]

Saadia was loyal to biblical and rabbinic tradition, citing examples of literature from each time period supporting the world to come. Why else, he said, would Isaac have

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[81] Gillman, *The Death of Death*, 173.
[82] Husik, *A History of Mediaeval Jewish Philosophy, 43.*

consented to be sacrificed or why should God have expected it? They would not, he said, have done this had they not believed in an existence after death. Further, he had no problem with the idea of resurrection and embraced the classical rabbinic views. As Maimonides would believe after him, God is all-powerful and reviving the dead is perfectly within His power. His views were consistent with those who came before:

> "As the body and the soul form a natural unit during life and a man's conduct is the combined effort of the two constituent parts of his being, it stands to reason that future reward and punishment should be imposed upon body and soul in combination. Hence the doctrine of the resurrection of the body, which is alluded to in the Bible and made into a religious dogma by the Rabbis, has support also in the reason."[83]

Saadia believed there would be two distinct phases of resurrection: one in the messianic era (for Israel's righteous) and another in the world to come (for everyone else). The soul would separate from the body at death and remain in an intermediate state until resurrection, when it would be reunited with the body. Because he believed in an essential unity between body and soul, he rejected ideas of reincarnation.[84] What will the next world look like? Saadia again pulls from rabbinic sources,

> "There will be no eating and drinking in the next world, and hence no need of a heaven and an earth like ours, but there will be place and time, since creatures cannot do without it. There will be no succession of day and night, for these are of use only for our present life and occupations, but will be unnecessary there. There will, however, be a special period for worship."[85]

Following Saadia, Maimonides (1135-1204) treated the afterlife thoroughly. Representing the times in which he lived, Moses ben Maimon thought and wrote from two intellectual traditions: Judaism and Greek philosophy. Although each strand claimed to be 'truth,' he failed to see them as contradictory and sought to integrate the two. His

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[83] Husik, *A History of Mediaeval Jewish Philosophy, 44.*
[84] Raphael, *Jewish Views of the Afterlife,* 244.
[85] Husik, *A History of Mediaeval Jewish Philosophy,* 46.

emphasis was on rationality as the ultimate source of truth and his focus was on reason. For Maimonides, unlike other Jews, there was a primary interest in belief over practice. Although he knew Judaism was a religion of deeds, he believed they were secondary in importance to an authentic belief system.[86] This motivated him to compose the *Mishneh Torah*, a code of law, and stipulate exactly which Jewish beliefs were correct and which were not. Written between 1168 and 1178,

> "The *Mishneh Torah* is a comprehensive codification of the entire body of Jewish law from Scripture, through Talmudic literature and including all responsa, codifications and commentaries on this legal tradition to his day. It was the first such comprehensive survey of the entire body of Jewish law since the Mishnah that had been compiled roughly 1,000 years earlier."[87]

Maimonides, in his landmark work, attempts to eliminate all debate of the Talmud and rules clearly on nearly every subject covered in the Mishnah. Equal to the law are the philosophical and theological underpinnings, which he did not view as independent. To Maimonides, practice was futile without beliefs and in regards to my topic, there was a clear relationship between the two.

The first book of *Mishneh Torah, Sefer Hamadah*, contains a sub-book, *Hilkhot Teshuvah*. Chapter eight of this book exclusively deals with codification of Jewish beliefs of the afterlife. It begins with a discussion about whose soul will receive eternal life in the world to come:

> "The good that is hidden for the righteous is the life in the Age to Come. This is the life which is not accompanied by death and the good which is not accompanied by evil. The righteous will enjoy this eternal and entirely good life; the evil will be cut off from it... Whoever does not merit this life is [truly] dead and will not live forever. Rather, he will be cut off in his wickedness and perish as a beast...After these souls become separated from bodies in this world, they will

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[86] Gillman discusses this "classical Maimonidean conclusion" on p. 145 of *The Death of Death.*

[87] Gillman, *The Death of Death,* 147.

> not merit the life of the world to come. Rather, even in the world to come, they will be cut off."[88]

Although most reward and punishment will not occur in this life, Maimonides maintained, in chapter nine, that we will receive a certain measure of reward in this world as well. How else, he thought, would we make sense of all the Torah says about reward and punishment regarding this life? He resolved,

> "All those statements are true. They have been realized in the past and will be realized in the future. When we fulfill all the mitzvot in the Torah, we will acquire all the benefits of this world. [Conversely,] when we transgress them, the evils written [in the Torah] will occur. Nonetheless, those benefits are not the ultimate reward for the mitzvot, nor are those evils the ultimate retribution to be exacted from someone who transgresses all the mitzvot."[89]

In other words, we must live according to Torah even though most reward will be delayed. This included mitzvot surrounding death and burial.

He went on to explain that in the Age to Come, there will be only souls and no bodies:

> "In the world to come, there is no body or physical form, only the souls of the righteous alone, without a body, like the ministering angels. Since there is no physical form, there is neither eating, drinking, or any of the other bodily functions of this world like sitting, standing, sleeping, death, sadness, laughter, and the like."[90]

Likewise, there will be no bodily pleasures that the soul yearns for in this life because they are needs of the body. Death, he said, only occurs in this life, "for death is an event associated with the body alone."[91] He maintained that the soul is immortal except when it is excessively evil, in which case it will be obliterated and "the retribution beyond which

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[88] *Mishneh Torah, Hilkhot Teshuvah*, 8:1, 174-178. This and all references throughout this thesis come from Moses Maimonides, *Mishneh Torah* (trans. E. Touger; NY: Moznaim Publishing Corporation, 2002).
[89] *Mishneh Torah, Hilkhot Teshuvah*, 9:1, 200-202.
[90] *Mishneh Torah, Hilkhot Teshuvah*, 8:2, 178-9.
[91] *Mishneh Torah, Hilkhot Teshuvah*, 8:3, 184.

there is no greater retribution is that the soul will be cut off and not merit this life as [Numbers 15:31] states: 'This soul shall surely be cut off. His sin shall remain upon him.' This refers to the obliteration of the soul..."[92] Maimonides repeatedly made clear that he saw *karet*, being cut off, as the ultimate punishment and the most total retribution.

He also conceded,

> "There is no way in this world to grasp and comprehend the ultimate good which the soul will experience in the world to come. We only know bodily good and that is what we desire. However, that [ultimate] good is overwhelmingly great and cannot be compared to the good of this world except in a metaphoric sense. In truth, there is no way to compare the good of the soul in the world to come to the bodily goods of this world. Rather, that good is infinitely great, with no comparison or likeness."[93]

He denied that the age to come is in the future, rather, it exists now, parallel to the world we inhabit. It immediately follows the death of each individual. He explained,

> "The Sages did not use the expression 'the world to come' with the intention of implying that [this realm] does not exist at present or that the present realm will be destroyed and then, that realm will come into being. The matter is not so...It is only called the world to come because that life comes to a man after life in this world in which we exist, as souls [enclothed] in bodies. This [realm of existence] is presented to all men at first."[94]

Maimonides does not speak of resurrection at all in the chapter and was criticized and challenged extensively as a result. Decades later, he begrudgingly wrote responses to these inquiries.[95]

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[92] *Mishneh Torah, Hilkhot Teshuvah*, 8:5, 188.
[93] *Mishneh Torah, Hilkhot Teshuva*, 8:6, 190-192.
[94] *Mishneh Torah, Hilkhot Teshuva*, 8:8, 196-198.
[95] Considering the complexities of the topic and his ideas, it is surprising that Maimonides felt so frustrated at having to explain himself, yet in his *Treatise on Resurrection* I:1, he wrote: "It is not at all rare that a person intends to elucidate a fundamental principle in plain and simple language and attempts to eliminate all doubts and to remove the need to for interpretation,- yet ignorant people understand exactly the opposite of the words which the writer sought to explain."

Maimonides' major work that deals with resurrection and the afterlife is his *Treastise on Resurrection.* Written in 1191, it deals with questions posed to him about his earlier works and clarifies his stance: that resurrection will take place with the soul re-entering the body and that the new body will function normally. This is different, he said, from what will take place in the world to come in which souls will exist without physical bodies. His view is contrary to the prevailing one that held that resurrection of the dead and the world to come are a single event.[96]

Maimonides restated his conclusion about resurrection and the world to come, beginning his treatise the following way:

> "And I say that the resurrection of the dead which is widely known and accepted among our people, and which is acknowledged by all branches (of our nation), and which is often cited in prayers and in legends and in supplications composed by the prophets and the greatest of our Sages, and which are found throughout the Talmud and homiletical commentaries on Scripture, means that the soul will return to its body after its separation. This is a premise about which there is no disagreement among the nation and this (matter) requires no interpretation. It is not permissible for any religious Jew to support a man who believes the opposite...Thus, the resurrection of the dead, which is the return of the soul to the body after death, has been mentioned by Daniel in such a way that it cannot be interpreted allegorically."[97]

> "Further, the life following which there is no death, is the life in the world to come because there are no (physical) bodies there. We firmly believe—and this is the truth which every intelligent person accepts—that in the world to come souls without bodies will exist like angels...the existence of the entire body is for the single goal and that is to receive nutrition for the maintenance of the body and for the bearing of children in the likeness (of the parents) in order to maintain the human race. And when that goal is removed because there is no longer a need therefore, that is to say in the world to come—it is clear that the body will not exist."[98]

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[96] Fred Rosner, *Moses Maimonides' Treastise on Resurrection* (Northvale: Jason Aronson Inc., 1997), 15.
[97] Maimonides, *Treastise on Resurrection* (trans. Fred Rosner; New York: Ktav Publishing House, Inc., 1982), IV:21-22. See the last section of the biblical chapter of this thesis for explanation of the Daniel reference.
[98] Maimonides, *Treastise on Resurrection,* IV:24-25.

Maimonides thought the resurrection of the dead will be one of God's miracles, and to deny its probability is to deny every miracle dating back to biblical times: "For such a denial (in the resurrection of the dead) leads to the denial of all miracles (chronicled in the Bible) and the denial of miracles is equivalent to denying the existence of God and the abandonment of our faith. For we do consider the resurrection of the dead to be a cardinal principle of the Torah."[99] Like the rabbis of the Talmud, Maimonides believed that the restoration of life to the dead was no greater miracle than creation of life in the first place. Rosner explains,

> "Maimonides clearly shows the difference between a belief in resurrection which depends upon acceptance of Divine miracles and a belief in the world to come which does not. This understanding of the world to come is in harmony with what he writes in his *Mishneh Torah* (*Hilkhot Shemitah VeYovel* 13:13)."[100]

Gillman summarizes Maimonides' overall doctrine:

> "We die once, our bodies return to the earth and our souls leave the body. Then we are resurrected with our bodies and souls coming together again. Next we die a second time, after which the souls of the righteous enjoy the totally spiritualized and eternal life in the world to come. This is Maimonides' synthesis of Torah and philosophy, of bodily resurrection and spiritual immortality. They do not contradict each other. They are both true, Maimonides insists, but they occur sequentially. The eschatology of the individual is a drama in two acts: First, resurrection of bodies reunited with souls; and then, after our second death, spiritual immortality alone."[101]

Greek philosophy, which was very influential in Jewish thought at the time, suggested a different truth. The philosophers welcomed death because it was a liberation of the soul from the body. The soul was seen as the genuine identity because it could not be destroyed like the body. Therefore, Greek belief was that the body distracted the mind

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[99] Maimonides, *Treastise on Resurrection,* IV:27.
[100] Rosner, *Moses Maimonides' Treastise on Resurrection,* 18.
[101] Gillman, *The Death of Death,* 160.

and soul from intellectual pursuits. Of all the Jewish thinkers, Maimonides was the greatest proponent of this dualism, yet did not take the views as far as the Greeks. Since Judaism exalts the body (created in the image of God), it was difficult for him to renounce a bodily existence in this life. Similarly, he never welcomed death, given Judaism's focus on the immediate, current life. But he did believe in an eternal life for the soul, whenever it came.

Moses ben Nachman, or Nachmanides (1194-1270) was of the same generation as Maimonides and contributed to Judaism's conception of the afterlife. In his major work, *The Law of Man,* he opposed Maimonidean thinking on a number of topics related to the afterlife. The concluding chapter, "The Gate of Reward" is a detailed discussion of Divine judgment, resurrection of the dead, and the World to Come. Contrary to his older contemporary, he believed bodies would be needed in the afterlife, but would be spiritually refined and devoid of physical needs. In addition, he did not think the deceased would have to wait for a collective resurrection to be judged. This, he contended, would happen immediately after death:

> "Each and every person...is subject to judgment at the time of his death, and his fate is decided in accordance with one of...three essential groups: the thoroughly righteous, the thoroughly wicked, and the intermediates."[102]

He was loyal to rabbinic tradition as far as believing in a world to come in which just reward would be given:

> "At the outset, we declare that the reward for all the commandments and their good recompense are a clear matter based on the worlds of our Rabbis that the great principle of reward is life in the World to Come."[103]

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[102] Nachmanides, "The Gate of Reward," in *Rambam: Writings and Discourses* (ed. and trans. Charles B. Chavel; New York: Shilo Publishing House, 1978), 427.
[103] Nachmanides, "The Gate of Reward," 436.

His unique contribution to ideas of the afterlife was his introduction to a new realm— the World of Souls— which one entered immediately following death: "When the man [dies and] departs for his eternal home, his deeds are weighed [again], and he is assigned his due portion in the World of Souls."[104] While the world to come will manifest following resurrection, the World of Souls exists simultaneously with the present one.

Levi ben Gershom, or Gersonides (1288-1344), was another prolific Jewish philosopher who offered views on the afterlife. His main work, *The Wars of the Lord,* specifically addressed immortality of the soul. His contribution to thought in this area was that one achieves immortality through acquiring intellect. Raphael explains,

> "After bodily death, all the knowledge one has accumulated during life is apprehended simultaneously and perpetually. Jus as during life a person experiences pleasure from the act of intellectual contemplation, even more so, after death one is able to fully experience this intellectual enjoyment without any interfering emotional or sensory distractions. This, according to Gersonides, is what is meant by the pleasure of the World to Come as described by the sages."[105]

Like Maimonides, Gersonides understood postmortem existence as the product of the pursuit of intelligence. While certain types of intellect die with the body, Gersonides thought acquired intellect (e.g. mathematics and science) constituted one's immortality.

In summary, these philosophers, and many others, attempted to integrate the tradition they inherited from the rabbis with philosophical teachings. As a result, most of them were very concerned with the immortal soul and had little interest in what would happen in the afterlife. They were all certain there *was* a realm after death, though, which is consistent with the rabbinic period.

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[104] Nachmanides, "The Gate of Reward," 427.
[105] Raphael, *Jewish Views of the Afterlife,* 261.

Death, Burial, and Funeral Rites

The *Shulhan Arukh* is a compendium of Jewish law written in the 16th century by Rabbi Joseph Caro. Many traditional Jews consider this to be the most authoritative law code (yet others are faithful to Maimonides' *Mishneh Torah*). Most practices outlined surrounding death and burial are consistent with the Talmudic practices, although in some cases, they are presented with more or less detail in the *Shulhan Arukh*. Unlike the Talmud, there are clear chapters dealing with topics specifically related to all matters of death:

1. A Dying Person and Guarding of the Body
2. Laws Concerning the Rending of Garments for the Dead
3. Laws of an Onan, on Week Days, Sabbaths and Festivals
4. Laws Relating to Purification and the Shrouds; also the Prohibition to enjoy anything Belonging to the Dead
5. Laws concerning the Removal of the Dead, the Funeral and the Burial Service
6. Laws Concerning the Interment and the Cemetery
7. Laws Concerning Burial on a Festival
8. Laws Concerning a Suicide and a Wicked Person's Death.[106]

Unlike the Talmud, decisions are presented as law, with no deliberation and no citing of earlier sources. It is easy to recognize, however, that these laws are derived from the Talmud.

Chronologically, from the time a person falls ill to the time they are buried, the *Shulhan Arukh* is consistent with rabbinic tradition. Death rituals were informed by views of the afterlife inasmuch as the preceding Talmudic laws were. No dying person was to be touched:

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[106] *Shulhan Arukh* vol. 4, chapters 194 through 201. All citations from the *Shulhan Arukh* throughout this thesis are from Rabbi Solomon Ganzfried, *Shulhan Arukh* (trans. Hyman E. Goldin, LL.B.; New York: Hebrew Publishing Company, 1927).

> "One who is dying is to be considered as a living being in all matters, and it is forbidden to touch him (for fear of accelerating the end) for anyone who touches him is like one who sheds blood....If he be in a long time a dying condition, and it causes great distress to himself and his relatives, it is nevertheless forbidden to hasten his end...if there be a cause that prevents the flight of the soul, such as the noise of knocking, it is permitted to remove that cause, inasmuch as that is not a direct deed which hastens the end."[107]

One gleans the importance of this law by its very detail: great care was to be taken to keep a dying person's arms and legs on the bed because if a limb extends beyond the bed, it cannot be put back in place. However, the law was clear that if the house is on fire, the dying person may be carried out (the only higher priority than the preservation of sacred books in the instance of a burning house).[108] Emphasis was neither on shortening or prolonging life, but rather, on letting nature take its course with no human intervention.

A clear belief was addressed in the *Shulhan Arukh* that the body and soul separated at death. It is explained,

> "From the moment that one is in the grip of death, it is forbidden to leave him, in order that his soul may not leave him while he is all alone, because the soul is astounded when departing from the body. It is a religious duty to stand near the person at the time his soul is about to depart from him."[109]

When those present were sure that the soul has departed, they were instructed to open the windows of the house, say the prayer for the dead, pour out any water in containers in vicinity of the dead, light a candle, and rend their garments (this is elaborated on in great detail in its own chapter). Pertaining to the dead, "The eyes of the dead person should be closed...In bearing the dead person from his bed in order to place him on the ground,

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[107] *Shulhan Arukh*, 4: 194: 1, 89-90.
[108] *Shulhan Arukh*, 4: 194: 3, 90.
[109] *Shulhan Arukh*, 4: 194: 4, 90.

care should be taken to keep him covered, as the laws of decency which must not be infringed by the living apply also to the dead."[110]

The law prescribes there must be a *shomer*, a guard, for the body. This person was exempt from all his religious duties, "for he who is engaged in the performance of one precept is exempt from performing another. If, however, there be two watchers, one watches while the other reads the *Shema* and recites his prayers."[111] It was forbidden to eat or drink in the same room as the dead (unless a partition is made out of necessity).

Procedures consistent with Talmudic practices were observed regarding purification of the body, *tahara,* and the donning of a burial shroud.[112] Throughout these explanations of rituals surrounding death, references to beliefs were made. For example, in prescribing a burial shroud, "We must be careful that the shrouds should be prepared from fine white linen, to indicate the belief in the resurrection of the dead; for R. Hiyya, the son of Joseph said: 'The righteous will rise with their clothes on.'"[113] But practicality was still considered, as a shroud was not to be too costly. In addition to a shroud, a man was wrapped in his *tallit* for burial.

The rules for immediate burial (when possible) and funeral procedures were very similar to earlier laws.[114] Coffins were optional, but when used, were to be simple and able to decompose naturally. Graves can only be shared when deaths occurred in the same family simultaneously, otherwise, "the dead should not be buried close to each other, but they must be separated by a partition which can stand by itself...One coffin

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[110] *Shulhan Arukh*, 4: 194: 7-8, 90.
[111] *Shulhan Arukh*, 4: 194: 10, 91.
[112] A detailed list of these rituals is found in volume 4, chapter 197.
[113] *Shulhan Arukh*, 4: 197: 1, 98.
[114] A detailed list of these laws is found in volume 4, chapters 198 and 199.

should not be placed upon another unless six handbreadths of earth intervene between them."[115] Because bodies would rise for a final judgment, the wicked were not buried next to the righteous, and the dead were rarely removed from their original graves.

Many laws had nothing to do with views of the afterlife. For instance, whether or not the dead could be buried on a festival, proper behavior at a cemetery, and defilement of priests. But as I have shown, there was an inherent link between belief and practice in the way the laws were written.

Mourning Rituals

The mourning rituals, for the most part, stood independently from the philosophical ideas of eschatology of the time. Some, however, are related to the dead more than the living, suggesting that even though mourning rituals may seem predominantly to help the mourner, they also considered what happened after death.

The *Shulchan Arukh* clearly deals with laws of mourning. Nineteen chapters are dedicated to explaining mourning customs.[116] Questions of who, what, when, and how are covered. It begins with laws of the *onan*, a term used for the mourner (immediate family of the deceased) during the time of *aninut*, previously explained as the time from death until burial. The *onan* is instructed to avoid levity out of respect for the dead. He is excused from religious duties and may not be counted in a *minyan.*[117] The restrictions are similar to those outlined in the Mishnah:

> "As long as the dead is not buried, the mourner should not take off his boots, for he may leave his house for the needs of the dead. But to sit on a chair or on a bed, to cohabit, to bathe or to participate in joyous celebration, to greet friends, to take a hair cut, and to study the Torah, all these are prohibited. He is also forbidden to

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[115] *Shulhan Arukh*, 4: 199: 3-5, 103.
[116] These chapters are located in succession at the end of volume 4, chapters 203-220.
[117] *Shulhan Arukh* 4: 196: 1-2, 94.

> work, or even to allow others to work for him, even where a loss is entailed, but where the loss would be very great, he should consult the ecclesiastical authorities."[118]

There were two exceptions. One is for Shabbat, when an *onan* is not subject to normal mourning rituals. Since the dead will not be buried on Shabbat, laws are suspended for these 24 hours. The other is when an infant dies within thirty days from its birth. No funeral was held and no one mourned as an official *onan* in this case: "Burial Service should not be said for a deceased infant less than thirty days old."[119] It was stipulated the child be buried, but no formal rules applied.

From this time, mourning rituals seem nearly identical to those outlined in the Talmud, but often with more detail. For example, it is explained that a meal of condolence is to be supplied to the mourners, but the text goes on to prescribe a meal of condolence for a woman in mourning should be supplied by other women.[120] Other customs of *shivah* were followed: prohibitions included working, bathing, anointing oneself (for a female, applying makeup), wearing leather shoes, studying Torah, marriage, acting joyous, sitting on couches, and doing laundry.[121] Although there is no specific section on *sheloshim*, it is referenced in almost every section as the "thirty days of mourning." The *Shulchan Arukh* offered detailed exceptions to each law, much more so than any code before it. The laws did not evolve per se, but the explanations of them did, and the list of exceptions grew long. Perhaps this took the burden off the rabbis of the time, who would be asked specific questions of exemptions and exceptions. The

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[118] *Shulhan Arukh*, 4: 196: 6, 95.
[119] *Shulhan Arukh* 4: 198: 16, 102.
[120] *Shulhan Arukh*, 4: 205: 4, 117.
[121] *Shulhan Arukh* 4: 208: 1, 120.

Shulhan Arukh was very clear to any reader on these special cases. For example, although bathing was forbidden,

> "A woman who must bathe before immersion is permitted to bathe in warm water after her seven days of mourning. If a woman who gave birth to a child became a mourner, if it be necessary for her to bathe, it is permissible for her to do so even during the seven days of mourning, but on the first day she should not bathe unless it is absolutely necessary."[122]

Rules were eased for any mourner who was forced to observe back-to-back periods of mourning. This practicality, such as the allowance to do laundry, bathe, and conduct business[123] as the second cycle of mourning began, reflects the meaning behind the laws. The laws were to protect the mourner from immediately re-entering society and skipping grief altogether. However, if the stringencies caused hardship (financially) or impracticalities (hygienically), they were eased. It is also suggested this was why babies under thirty days old were not given full burial rites, nor were they expected to be mourned for. Considering high infant mortality rates of the time, and the burden that a full mourning cycle could impose, it was not practical to stipulate it. Psychologically, it was also a sound practice (I will expand on this further in the next section of this thesis).

> The community was instructed to comfort the mourners with a biblical basis: "It is a great meritorious duty to comfort mourners, and we find that the Holy One, blessed by His name, comforted mourners, for it is written: 'And it came to pass after the death of Abraham that God blessed his son Isaac' (Gen xxv, 11), and this is showing kindness to the living as well as to the dead."[124]

Here, then was a simple statement of philosophy: taking care of the living is important, *as well as* respecting the dead. Inherent in this idea is the belief that the dead may still have been aware of events in life.

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[122] *Shulhan Arukh*, 4: 209: 1-2, 122.
[123] These exceptions are listed periodically throughout chapters 209-211.
[124] *Shulhan Arukh*, 4: 207: 1, 119.

The mourner took precedence. Comforters were not to crowd and if "the mourner wishes them to withdraw, they are not permitted to remain with him any longer."[125] Mourners did not even have to rise "before a *Nassi.*"[126] Great import was paid to excusing the mourner from everyday duties and pleasantries and the community was to understand and be sensitive to the loss. The mandate of a minyan for daily prayers in the evening assured that the mourner would not be alone. However, it should be noted the mourner could not ignore his communal responsibilities on certain occasions. On discussing the obligations of Purim, the *Shulhan Arukh* said, "A mourner, even in the first seven days of mourning, is obliged to send gifts to the needy and portions to his friends; he, however, should not send anything of a joyful nature."[127]

Nothing of a joyful nature was permitted to the mourner. A full chapter, "Laws Concerning Rejoicing Forbidden to a Mourner even after the First Seven Days of Mourning" is dedicated to this in the *Shulhan Arukh* (4: 212). No joining in a circumcision feast, wedding celebration, Talmud *siyyum*, extending or accepting invitations for anything celebratory, was permitted.

To mourn was a commandment like anything else, taken so seriously that a witness was stipulated to observe when one was informed of a death and there were specific consequences for one who did not observe mourning.[128] However, excessive grief was forbidden, and these laws are derived from both biblical and rabbinic tradition:

> "It is forbidden to grieve excessively over the dead, for it is written: 'Weep ye not for the dead, neither bemoan him' (Jer. xxii, 10), and our Rabbis, of blessed memory said: Is it possible to say thus? But 'weep ye not for the dead,' means

[125] *Shulhan Arukh*, 4: 207: 1, 119.
[126] *Shulhan Arukh*, 4: 207: 2, 119.
[127] *Shulhan Arukh*, 3: 142: 7, 121
[128] *Shulhan Arukh*, 4, 217 and 218: 1, 131.

> excessively, and 'neither bemoan him' means inordinately. But three days should be allowed for weeping, seven for mourning, and thirty for abstaining from wearing ironed clothes and from cutting the hair. Henceforth, the Holy one, blessed be He says: Ye are not permitted to be more compassionate than I am. Our Rabbis of blessed memory, said again: he who mourns to excess, will have cause to mourn for another death. The foregoing, however, apply only to an ordinary man, but in the case of a scholar, his death should be deplored in proportion to his wisdom. Nevertheless, he should not be mourned for more than thirty days, for he is not greater than Moses our teacher, may he rest in peace, concerning whom it is written: 'And the people mourned for Moses thirty days,' (Deut. xxiv, 8)."[129]

One who does not mourn in accordance with tradition was "cruel" and ignored his duty, not only to the dead, but to himself to "bestir himself, and examine his deeds with fear and anxiety and to repent, perchance he may escape the sword of the Angel of Death."[130] This was the first reference of the rituals being linked to death itself and mostly, this seems like a superstition rather than a statement on the afterlife. However, it is noteworthy that the section on mourning, and hence the entire *Shulhan Arukh,* ends with the following quote: "*He will destroy death forever; and the Lord God will wipe out tears from all faces (Is. xxv, 8). Blessed be He who gives strength to the weary, and imparts much strength to the powerless.*"[131]

Nachmanides, in his introduction to *Torat Ha'adam*, offers thoughts, rather than laws, on mourning:

> "I want now to say what my heart believes and what my mind has proven. Since man is destined to die, and deserves to lie down in the shadow of death, why should we torture ourselves over somebody's death, and weep for the dead, and bemoan him? After all, the living know that they will die. It is puzzling that those who know what will come to pass should then mourn, and call others to lamentation."[132]

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[129] *Shulhan Arukh,* 4, 215: 1, 129.
[130] *Shulhan Arukh*, 4, 215: 3, 130.
[131] *Shulhan Arukh*, 4: 221:8, 137.
[132] Nachmanides, *Torah Ha'adam*, as reprinted in Leon Wieseltier, *Kaddish* (New York: Vintage Books, 1998), 8.

Leon Wieseltier calls this Nachmanides' collision of heart and mind—what one knows must have an effect on what one feels.[133] Yet, the philosopher legitimizes the act of grieving:

> "...I have searched and I have reflected, and in the entire Torah there is no prohibition against mourning and there is no commandment to be consoled. All that was prohibited [in Deuteronomy] was that mourners should cut themselves or shave their foreheads for the dead. But do not put off weeping and do not loathe sighing...It is important for us to understand that mourning is a service of the Lord, which enables us in grief and in belief to contemplate our true end and to know the location of our true home. In accordance with this, it is written [in Ecclesiastes] that 'it is better to go to the house of mourning than to go to the house of feasting, for that is the end of all men, and the living will lay it to his heart."[134]

For untimely deaths, especially, Nachmanides urges mourning:

> "Therefore, if a man dies earlier than most people die, or if a man's child dies, it is fitting that he, and those who love him, grieve and mourn—but their mourning must be such that it is a service of the Lord, in the sense that they mourn over the sins that were the cause of their suffering, and repent of the sins of which they are aware, and atone for the sins of which they are not aware. For the individual in pain to fortify himself with despair and to harden his heart in this regard—that is absolutely wrong."[135]

Thus, says Nachmanides, mourners should not be inconsolable, nor should they ignore their pain.

Both for the living and for the dead, grieving was a process prescribed like any other in the law codes of the Medieval period. Although no new connections between beliefs in the afterlife and rituals surrounding death can be drawn from this period of history, much can be said about the high level of thought that was dedicated to what happened to man after death. There was an innate synthesis between belief and practice

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[133] Wieseltier, *Kaddish*, 8.
[134] Nachmanides, *Torah Ha'adam*, as reprinted in Wieseltier, 8-9.
[135] Nachmanides, *Torah Ha'adam*, as reprinted in Wieseltier, 10.

that the philosophers, especially Maimonides, wrote about. Although not clearly spelled out, actions and customs concerning the dead had to have a purpose. For example, extended prayer on behalf of the dead would have been futile unless a belief existed of some sort of afterlife. And, if there were to be no resurrection, it would not matter whether the righteous were buried among the evil. Although the modern period brought with it all forms of new ritual and practice, these beliefs will remain foundational.

The Modern Period (18th century- present)

"Death, then, is not simply man's coming to an end. It is also entering a beginning."
Abraham J. Heschel

In the late 18th century, Judaism went through another major transformation, triggered by two main events. The Enlightenment and the following political Emancipation cannot be underestimated in terms of their importance. In Gillman's words, these "represented two facets of one single process: Judaism's gradual accommodation, in fits and starts and not always with great enthusiasm, to the political, socioeconomic, cultural and intellectual currents of Western civilization, first in Western Europe and America and eventually in Eastern Europe as well."[136] Politically, emancipation made Jews legal citizens of their respective states. Culturally, enlightenment led Jews into the mainstream to absorb intellectual activity of the community writ large. With the advent of modernity, Jews were open to exploring life outside of Judaism. In America especially, the political and cultural divides that had existed were disappearing. This affected Jewish beliefs and customs across the spectrum of observance.

The circumstances in which Judaism encountered modernity also led to the birth of the Reform Movement and in turn, the Conservative and Orthodox Movement. Beliefs and practices from this point forward vary across the spectrum of these movements because they represent a range in observance. Correspondingly, with respect to death and beliefs of the afterlife, belief and practice vary. In Orthodox communities, preservation of rabbinic beliefs and practices was of utmost importance. This is not to say evolution of did not take place in the modern era, but perhaps with more hesitancy and caution than in

[136] Gillman, *The Death of Death*, 189.

the liberal movements. Among more liberal Jews, the doctrine of resurrection lost ground, as it was seen as primitive and inconsistent with Western thought. The idea of immortality of the soul, however, gained favor. Interestingly, mourning rituals stayed the same as modern psychological analyses found them sound and beneficial. The Reform movement, however, interprets the mourning laws as all other Halakhah: open to liberal interpretation.

Immortality of the Soul vs. Resurrection of the Body

By the middle of the twentieth century, liberal Jews (Reform, Conservative, and Reconstructionist) had rejected the doctrine of resurrection and opted instead for another aspect of the afterlife: spiritual immortality. We see this rejection implicitly and explicitly in three main forms: writings of theologians and thinkers of the time, liturgy, and official platforms of different movements.

Moses Mendelssohn (1729-1786) was symbolic of the Enlightenment. A leader in his day, he argued for integration of Judaism into the broader culture and pushed for learning German to study the best of what was available at the time. He believed Judaism and modernity were completely compatible. In his work, *Phaedon or On the Immortality of the Soul in Three Dialogues,* he argues, as Plato did originally, for the immortality of the soul. However, like the philosophers who came before him, his work was not predominantly for the masses and his audience was believed to be society's intellectual elite. Still, his writings are invaluable because they represent the time in which he lived.

Mendelssohn tried to prove his claim by arguing that the soul is indestructible like all other matter and it must be immortal for three reasons. First, it is inconceivable that God would encourage humans to pursue perfection here on earth while depriving them of

the opportunity to achieve it in death. Second, only through an immortal soul can we reconcile God's providence with the fate of mankind on Earth. Lastly, since humans sacrifice their life for the sake of others, they must continue to exist in some way to make that sacrifice legitimate.[137] Mendelssohn did not discuss the world to come or bodily resurrection, rather, the focus was on the doctrine of spiritual immortality.

Abraham Joshua Heschel (1907-1972) was a rabbi considered by many to be one of the most significant theologians of the 20th century. He was a prolific writer and influential teacher. Heschel was not overly concerned with the afterlife, but certainly dealt with it in some of his writings.

> "The mystery," he wrote, "of an afterlife is related to the mystery of preexistence. A soul does not grow out of nothing. Does it, then, perish and dissolve in nothing? There is a vast continuum preceding individual existence, and it is a legitimate surmise to assume that there is a continuum following individual existence. Human living is always being under way, and death is not the final destination."[138]

While others counter that hope for an eternal life is presumptuous for humanity, Heschel felt the human partnership with God was enough to presuppose spiritual immortality.

> "Indeed, man's hope for eternal life presupposes that there is something about man that is worthy of eternity, that has some affinity to what is divine, that is made in the likeness of the divine...The belief in the immortality of the soul seems to be derived from the belief that man is created in God's image."[139]

Heschel understood the afterlife as the Talmudists did— and he felt that our actions in this lifetime will affect our lot in the next: "Thus, the afterlife is felt to be a reunion and all of life a preparation for it."[140] Although he wrote of eternity as a wonderful existence,

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[137] Gillman, *The Death of Death*, 192.
[138] Abraham J. Heschel, "Death as Homecoming," in *Jewish Reflections on Death* (ed. Jack Reimer; New York: Shocken Books, 1974), 59.
[139] Heschel, "Death as Homecoming," 59, 63.
[140] Heschel, "Death as Homecoming," 64.

there is no understanding that death should be yearned for. If anything, he wrote, it should be resisted until the very end. Every moment should be cherished and viewed as precious. To dwell on death, Heschel said, is not the point. "To be alive is cherished as the highest value."[141]

In addition to the writings of these great thinkers, another type of literature is worthy of examination. Liturgy is invaluable in understanding beliefs of a certain time. Prayers are simply extensions of the people who pray them and prayer books often reflect the current theology of the time. Evolution of thought regarding bodily resurrection and spiritual immortality can be traced in the liturgy of the Modern period. In reference to bodily resurrection, the *Amidah* is a fitting example. The *Gevurot* blessing, with its prominence in the core portion of the liturgy, praises God who 'revives the dead.' Thus, since the first century when this prayer first appeared in Jewish liturgy, Jewish prayer has affirmed the belief in resurrection. Clearly, this posed problems for modern Jewish movements that no longer believed this theologically. The Reform movement was the first to express this shift in theological belief in prayer reform. Abraham Geiger (1810-1874), a Reformer in Germany, said, "From now on, the hope for an afterlife should not be expressed in terms which suggest a future revival, a resurrection of the body; rather, they must stress the immortality of the human soul."[142]

Reform prayer books, from their very beginning, present this shift in thinking. Ellenson summarizes the various solutions over time that different prayer books adopted:

> "Reform, British Liberal, Reconstructionist and Conservative Jews, have generally rejected the belief in bodily resurrection and replaced it with faith in the

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[141] Heschel, "Death as Homecoming," 71.
[142] Gunther Plaut, *The Rise of Reform Judaism: A Sourcebook of its European Origins* (New York: World Union for Progressive Judaism, Ltd., 1963), 157-158.

> immortality of the soul; they have therefore found this blessing's [the *Gevurot*] repeated assurances of resurrection problematic...Many liturgies simply remove the Hebrew altogether, although Isaac Mayer Wise left it in his 1866 High Holy Day service, saying of God (in the English) 'who killeth and reviveth...Blessed be Thou who grantest perpetual life after death'... A completely unambiguous solution can be found in the *Union Prayer Book* which followed David Einhorn in replacing *m'chayeh metim* with another traditional phrase... *notei'a b'tokheinu chayei olam,* 'who has implanted within us immortal life.' More recently, several liberal liturgies have shied away from any sense of an afterlife at all. Two pioneer prayer books of the 1970's (*Gates of Prayer* and the British *Service of the Heart*)—both of which were edited in part by Chaim Stern—substituted *m'chayeh hakol* (literally, 'giving life to everything') and translated it freely as 'all life is your gift,' or more literally, 'gives life to all,' or even 'Source of Life.' Sometimes, the issue is bypassed completely by offering an altogether different prayer in the English suggested by the theme of the Hebrew."[143]

Each movement implicitly states its belief of both immortality of the soul and resurrection in another prayer, *Elohai Nashama*. One contemporary Orthodox prayer book reflects the affirmation of both these principles in this prayer. It reads:

> "My God, the soul You placed within me is pure. You created it, You fashioned it, You breathed it into me, You safeguard it within me, and eventually You will take it from me, and restore it to me in Time to Come. As long as the soul is within me, I gratefully thank You, Hashem, My God and the God of my forefathers, Master of all works, Lord of all souls. Blessed are You, Hashem, Who restores souls to dead bodies."[144]

Similarly, a contemporary Conservative prayer book reads,

> "The soul which You, My God, have given me is pure. You created it, You formed it, You breathed it into me; You keep body and soul together. One day You will take my soul from me, to restore it to me in life eternal. So long as this soul is within me I acknowledge You, Lord my God, my ancestors' God, Master of all creation, sovereign of all souls. Praised are You, Lord who restores the soul to the lifeless, exhausted body."[145]

Finally, in a Reform prayerbook,

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[143] David Ellenson, "How the Modern Prayer Book Evolved," in *My People's Prayer Book: Traditional Prayers, Modern Commentaries: The Amidah* (ed. Lawrence A. Hoffman; Vermont: Jewish Lights Publishing, 1998), 76-77.
[144] Scherman and Zlotowitz, *The Artscroll Siddur,* 19.
[145] Rabbi Jules Harlow, ed., *Siddur Sim Shalom* (New York: the Rabbinical Assembly, 1989), 9-11.

> "The soul that You have given me, O god, is pure! You created and formed it, breathed it into me, and within me You sustain it. So long as I have breath, therefore, I will give thanks to You, my God and the God of all ages, Source of all being, loving Guide of every human spirit. Blessed is the Lord, in whose hands are the souls of all the living and the spirits of all flesh."[146]

The Orthodox and Conservative translations include a line about resurrection and a world to come; about God taking life from mankind and restoring it in the "Time to Come" or the "life eternal." The Reform version omits this line in both Hebrew and English. Similarly, the Orthodox and Conservative translations close the prayer by praising God who gives life to the dead. The Reform translation alters this idea both in the Hebrew and English to better reflect the theology of the movement.

In addition to theological writings and liturgy of the Modern Era, the platforms of modern Jewish movements are a good way to learn official positions of each. The Reform movement, on five occasions, has adopted sets of principles to guide and lead the movement, for the first time in 1869 and most recently in 1999. In defining the boundaries of Reform Judaism, they have "provided a convenient and succinct expression of Reform Judaism's beliefs and practices..."[147] In this way, they are a good indicator of the times. Orthodox Judaism has never adopted a platform because it is not a cohesive, centralized movement. The Conservative movement did not adopt one until 1988.

The Philadelphia Principles, born out of the Conference of American Reform Rabbis in 1869, affirmed: "The belief in bodily resurrection has no religious foundation, and the teaching of immortality is to be expressed exclusively in relation to continued

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[146] Chaim Stern, ed., *Gates of Prayer* (New York: Central Conference of American Rabbis, 1975), 53.
[147] Michael Meyer and Gunther Plaut, *The Reform Judaism Reader: North American Documents* (New York: UAHC Press, 2001), 195.

spiritual existence."[148] In 1885, this idea was restated in the Pittsburgh Platform of the Central Conference of American Rabbis: "We reassert the doctrine of Judaism that the soul of man is immortal, grounding this belief on the divine nature of the human spirit, which forever finds bliss in righteousness and misery in wickedness. We reject as ideas not rooted in Judaism the belief both in bodily resurrection and in Gehenna and Eden (hell and paradise) as abodes for everlasting punishment or reward."[149] Little was said about immortality in the1937 Platform, "Guiding Principles of Reform Judaism" other than "Judaism affirms that man is created in the divine image. His spirit is immortal."[150]

Conservative Judaism, like Reform, settled on spiritual immortality as the only acceptable doctrine for modern Jews.[151] The Conservative rabbi, Robert Gordis, wrote in 1960 that Judaism believes "that physical death does not end all for man, that in some sense man's life is indestructible and his spirit is endowed with immortality."[152] The one statement of Conservative Principles, *Emet Ve-Emunah,* includes a four page statement called "Eschatology: our Vision of the Future." It was drafted by Neil Gillman, and part of it reads,

> "For the individual human being, we affirm that death does not mean extinction and oblivion. This conviction is articulated in our tradition in the two doctrines of the bodily resurrection of the dead and the continuing existence, after death and through eternity, of the individual soul."[153]

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[148] The Philadelphia Principles, article 6, as reprinted in *The Reform Judaism Reader,* 1997.
[149] The Pittsburgh Platform, article 7, as reprinted in *The Reform Judaism Reader, 199.*
[150] Guiding Principles of Reform Judaism, A3, as reprinted in *The Reform Judaism Reader,* 200.
[151] Gillman, *The Death of Death,* 208.
[152] Robert Gordis, *A Faith for Moderns* (New York: Bloch Publishing Company, 1971), 250.
[153] Robert Gordis, *Emet Ve Emunah: Statement of Principles of Conservative Judaism* (New York: The Jewish Theological Seminary of America, The Rabbinic Assembly, The United Synagogue of America, 1988), 28-29.

Although the statement would seem to support both, there is admission afterward that part of the movement interprets resurrection literally while another part, only figuratively. The principles fully support spiritual immortality with no caveat.

The Reconstructionist movement, as well, stood behind spiritual immortality. Mordecai Kaplan (1881-1983), the founder of the Reconstructionist movement, wrote in the introduction to his prayer book,

> "Men and women brought up in the atmosphere of modern science no longer accept the doctrine that the dead will one day come to life. To equate that doctrine with the belief in the immortality of the soul is to read into the text a meaning which the words do not express. That the soul is immortal in the sense that death cannot defeat it, that the human spirit transcends the brief span of the individual life and shares in the eternity of the Divine life can and should be expressed in our prayers. But we do not need for this purpose to use a traditional text which requires a forced interpretation. This prayerbook, therefore, omits the references to the resurrection of the body, but affirms the immortality of the soul, in terms that are in keeping with what modern-minded men can accept as true."[154]

Milton Steinberg, one of Kaplan's students, discusses the world to come in his classic introductory book, *Basic Judaism* (1947). In it, he summarizes that Jewish modernists 'abandon the doctrines of the Resurrection of the body, at least in any literal sense; of an actual, spatial Heaven and Hell; and of eternal damnation." They continue to believe that "though he die, man lives on, and that the scales of cosmic equity always end up in balance."[155]

Another contemporary writer, Leon Weiseltier, wrote, "There is something in human behavior that outlives the physical—not in heaven or hell, but in the understanding. I think of this as the analytical afterlife; and without the analytical afterlife

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[154] Mordecai Kaplan, *Sabbath Prayer Book* (New York: The Jewish Reconstructionist Foundation, Inc., 1945), xxvii-xxviii.
[155] Milton Steinberg, *Basic Judaism* (New York: Harcourt, Brace and Company, 1947),162-164.

I cannot account for the courage and the generosity and the despair that I have witnessed."[156]

Although philosophical writings of the time, liturgy, and platforms offer a sound picture of ideology of a certain time period, it is important to remember that it is impossible to know what individuals *actually* believed and what informed their beliefs. When a movement declares a principle, it is not necessarily, nor commonly, reflective of the whole movement. So, too, with the practices surrounding death and mourning of the Modern period. It will not be the scope of the next section to cover all contemporary Jewish practices, rather to offer a taste of how the Modern Era tried to standardize practice within each movement.

Death and Mourning Rituals

Among all the reforms the Modern Era brought to Judaism, many can be seen in the realm of death rituals. Since there are variances and inconsistencies across the movements, and certainly within the movements, I will present the rituals as described in modern Rabbi's manuals. These manuals are guides, not mandates, for the Rabbis of each movement in North America, and best outline the *proposed* practice of the Jewish communities. Given the diversity of each American community, the variance of beliefs among rabbis, and modern considerations such as travel and cemetery locations, practice varies widely. One employee of a funeral home in Manhattan put it this way:

> "There is no standard of practice here. We offer a full menu of traditional Jewish services, and people choose what they are comfortable with. Rabbis of all denominations preside over funerals here, and based on how observant they are, they either advise the family exactly what to do or leave it to the family's discretion. In my twenty years of working here, I have found most families who

[156] Weiseltier, *Kaddish,* 142-143.

> are not Orthodox make choices based on price and practicality. Maybe their beliefs inform them, maybe not. But we offer everything to everyone."[157]

Whether each death ritual is based on belief in the afterlife cannot be determined with greater precision than in earlier periods, but we can assume the same of the Modern Era as we did from its predecessors. There is a relationship between belief (or non-belief, as the case may be) and practice. For example, people who do not believe in a final judgment, may not choose to bury their loved ones in a shroud. I will present the specifications of the Orthodox movement (as recorded in *The RCA Lifecycle Madrikh),* the Conservative Movement (as recorded in *Moreh Derech: The Rabbinical Assembly Rabbi's Manual)* and the Reform Movement (as recorded in *Maagalai Tsedek: Rabbi's Manual).*

All three manuals specify recitation of the *Viddui,* the confessional prayer before dying. While the Reform and Conservative manuals offer no specific explanation for this practice, the Orthodox manual reads,

> "It is important to meaningfully confess by reciting viduy (confession) prior to passing from this world. It is a way to make amends, to put one's affairs in order prior to death. This expression sharpens the focus on matters of critical importance at this most sensitive time in one's life...Recitation of viduy does not mean that hope is abandoned. Viduy combines the request for forgiveness with hope for the future—whether in this world or in Olam haba. Many have confessed and lived; many who never confessed died. There is no cause-and-effect."[158]

Explicitly, the Orthodox Rabbi's manual confirm their belief in a world to come through the explanation of this prayer.

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[157] Private phone conversation with an employee who wished to remain anonymous from Riverside Memorial Chapel, 331 Amsterdam Avenue, New York, New York.
[158] Rabbi Reuven P. Bulka, ed., *The RCA Lifecycle Madrikh* (New York: Rabbinical Council of America, 1995, 2000), 129.

The manuals fall short of addressing practices prior to the funeral, probably because this is usually not incumbent on the rabbi to do, rather the funeral home or *chevra kaddisha* of the community oversees these rituals. All three movements condone following the traditional practices: *K'riah* (rending of the mourner's garments), *Tahara* (ritual washing of the body), guarding the body, dressing the body in a shroud, and using a plain pine coffin for immediate burial. We know this from contemporary guides that are written to educate the Jewish public.[159]

It should be noted that the Modern Period brought with it advances in medicine and technology that directly affected practices such as autopsy and organ donation. On autopsies, Reform has taken a permissive position, allowing for it when

> "we are assured that it could provide new medical knowledge or relieve the suffering of others, or when the law requires it to establish cause of death. In every case, burial of parts of the body should be arranged. We consider the offering of tissue for transplanting in order to benefit another person a commendable religious act which increases rather than decreases *kevod hamet* the honor due to the deceased."[160]

The Conservative stance is identical to that of Reform, adding "...there can be no greater *kevod hamet* than to bring healing to the living. Therefore, a person may will his eye, or other organs or tissues of this body, for transplantation in other bodies for healing purposes."[161] Thus, even though the Conservative Movement's "official" stance is that

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[159] Although the authors of these books, in their capacity as author, are not official spokesmen for their movements, their books are respected guides and an example of the range of practice. For the Orthodox, Maurice Lamm's *The Jewish Way in Death and Mourning*, p. 6-8. For Conservative, Isaac Klein's *A Guide to Jewish Religious Practice* (New York and Jerusalem: The Jewish theological Seminary of America, 1979, 1992), p. 276-279. For Reform, Mark Washofsky's *Jewish Living: A Guide to Contemporary Reform Practice* (New York: UAHC Press, 2001), p. 186-190. For an exact ruling, one should consult responsa in each movement.

[160] Polish and Plaut, *Rabbi's Manual*, 247.

[161] Klein, *A Guide to Jewish Religious Practice*, 274-275.

resurrection will occur at the end of days, these modern options are encouraged. In Orthodoxy, there is no 'one' position on autopsy and organ donation. Although the Reform Rabbi's Manual says that Orthodoxy wishes to prevent the de-sanctification of the human body and therefore frowns upon intrusion,[162] it is highly debated within the movement. Rav Moshe Feinstein was a respected Halakhic authority and his son-in-law, Dovid Moshe Tendler, reports on his responsa regarding organ donation: "Rav Moshe's *pesak* clearly enunciated the view that it is a great mitzvah to donate organs from the deceased in order to save someone's life."[163]

Each movement frowns upon embalming and cremation, citing traditional sources. Yet, each also recognizes that modern considerations can delay burial and therefore "for sanitary reasons and by requirement of the civil law, it sometimes becomes necessary to embalm a body."[164] Lamm adds that when a lengthy delay in a funeral service becomes mandatory, or when a burial is to take place overseas, Jewish law permits certain forms of embalming.[165] Lamm's view is that Judaism should not allow for cremation in any circumstance:

> "Even if the deceased willed cremation, his wishes must be ignored to observe the will of our father in Heaven. Biblical law takes precedence over the instructions of the deceased. Cremated ashes may not be buried in a Jewish cemetery...Jewish law requires no mourning for the cremated."[166]

Reform and Conservative rabbis, although advised against allowing for cremation, may officiate at a funeral of an individual who has chosen to be cremated and they may be

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[162] Polish and Plaut, *Rabbi's Manual*, 247.
[163] Moshe Dovid Tendler, *Responsa of Rav Moshe Feinstein: Care of the Critically Ill* (New Jersey: KTAV Publishing House, Inc., 1996), 93.
[164] Klein, *A Guide to Jewish Religious Practice*, 276.
[165] Lamm, *The Jewish Way in Death and Mourning*, 15.
[166] Lamm, *The Jewish way in Death and Mourning*, 56-57.

buried in a Jewish cemetery. However, a Conservative rabbi may not say the prayers at the cemetery lest this is regarded as approval.[167]

Kraemer speaks of his shock at how much funeral practices have changed, based on belief of how we view the dead. He attended an Orthodox funeral, for a member of a rabbinic family. He found the family of the deceased receiving condolences from visitors while the deceased lay in her coffin in the front of the room. The whole room, he said, was full of whispering. He reported,

> "I was stunned by the difference between the Talmudic funeral and the modern Orthodox funeral. How could the family accept expressions of sorrow and comfort-how could those attending offer such expressions- when the survivors were not yet even mourners? How could the survivors and the visitors assemble in a side room, ignoring the deceased? How could the large crowd of visitors sit talking, oblivious to the deceased who was lying in front of them. From the perspective of Talmudic tradition, all of this would be considered offensive. What was the meaning of this flagrant disregard of Talmudic (and later Halakhic) prescriptions? As I sat struggling with these questions, the answer to all of them became clear to me. Modern people...do not believe that those who have died know what is going on around them. They do not believe that the deceased are sentient and therefore have actual physical needs. Why not speak in the presence of the dead, then? What harm can quiet talking possibly do? Of course, in the belief of moderns, it is the survivors who have needs (emotional), not the deceased. Attention must therefore turn to them, to the family, in order to begin the job of providing comfort."[168]

What Kraemer discovered is that there is an inevitable relationship between belief and practice. If people believe the dead are conscious of what is happening among the living, practices around them will reflect that belief. If people do not believe that, practices will change to reflect a similar shift *even when the tradition directs otherwise.*

Each movement condones the full traditional mourning rituals from the time of death to the unveiling of a memorial a year later. Although practice and stringency

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[167] Klein, *A Guide to Jewish Religious Practice,* 276 and *Rabbi's Manual,* 248.
[168] Kraemer, *The Meanings of Death in Rabbinic Judaism,* 12.

undoubtedly vary, the Jewish community still is advised to mourn according to tradition. The mourning rituals, to modern mourners, may be less about ideas of an afterlife, and more about the well being of the survivors.

Psychological Insights of the Mourning Rituals

Modern theologians and psychologists have found sensible psychological and sociological benefits in the ancient mourning customs of Judaism. Writers of the modern era highlight the strength and wisdom of these customs and try to address these questions: Why are the rites what they are? What is the rationale and overall purpose of strict laws of mourning?

Audrey Gordon summarizes this wisdom:

> The concept of wisdom (*hokhmah)* in the Bible is not that of sage philosophy or metaphysical abstraction. Wisdom in the Bible means doing what is right in each situation. It is in this sense that the Jewish perspectives on death and the Jewish mourning practices are 'wise.' They are wise because they provide a total framework within which man learns to accept death, to mourn completely, and to live again fully."[169]

Mark Washofsky writes of Reform practice,

> The importance of our mourning practices lies most obviously in the fact that they respond to our deepest spiritual and emotional needs as human beings. All of us experience loss and grief in our lives, and almost all of us, even those who are not religiously observant, tend to look toward the tradition for comfort, for its affirmation of hope against despair, and for its assurance that, even at the darkest times, life itself retains its sanctity...All of this activity on the intellectual, individual, and social level testifies to the great care with which Judaism, as a way of life, has developed the means of expression whereby mourners can confront the reality of death and channel emotions into a productive expression of grief."[170]

Gordon applauds Judaism for not denying death. Halakhah forbids a dishonest approach and forces the living to comes to terms with the idea of death, both before and after death

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[169] Audrey Gordon, "The Psychological Wisdom of the Law," in *Jewish Reflections on Death* (ed. Jack Reimer; New York: Shocken Books, 1974), 95.
[170] Washofsky, *Jewish Living: A Guide to Contemporary Reform Practice,* 185.

itself. "Further," she writes, "the Jewish tradition of never leaving the bedside of the dying is of immense value, not only to the dying person but also to those about to be bereaved."[171]

Soloveitchik wrote that Halakhah encourages the mourner to let go of some of the grief and tries to empower the individual to carry on. He calls this the transformation of despair into intelligent sadness, and self-negation into self-affirmation.[172] This transformation is said to take place at the grave during the recitation of Kaddish. When the mourner extols and glorifies God at his worst and saddest moment, he declares,

> "No matter how powerful death is, notwithstanding the ugly end of man, however terrifying the grave is, however nonsensical and absurd everything appears, no matter how black one's despair is and how nauseating an affair life is, we declare and profess publicly and solemnly that we are not giving up, that we are not surrendering, that we will carry on the work of our ancestors as though nothing has happened, that we will not be satisfied with less than the full realization of the ultimate goal—the establishment of God's kingdom, the resurrection of the dead, and eternal life for man."[173]

Aninut, Soloveitchik wrote, represents the spontaneous and natural human reaction to mourning. He described this outcry,

> "Man responds to his defeat at the hands of death with total resignation and with an all-consuming masochistic, self-devastating black despair. Beaten by the friend, his prayers rejected, enveloped by the hideous darkness, forsaken and lonely, man begins to question his own human singular reality. Doubt develops quickly into a cruel conviction, and doubting man turns into mocking man."[174]

Man mocks the system of the universe, the way of the world, and is faced with the harsh

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[171] Gordon, "The Psychological Wisdom of the Law," 95-96.
[172] Joseph B. Soloveitchik, "The Halakhah of the First Day," in *Jewish Reflections on Death* (ed. Jack Reimer; New York: Shocken Books, 1974), 79.
[173] Soloveitchik, "The Halakhah of the First Day," 80.
[174] Soloveitchik, "The Halakhah of the First Day," 76.

reality that 'man's days are like grass.'[175] This may sound contrary to the Talmud's firm view of an afterlife. If man lives on, why should the Halakhah provide for a mourner's breakdown around death? Soloveitchik explained,

> "In spite of the fact that the Halakha has indomitable faith in eternal life, in immortality, and in a continued transcendental existence for all human beings, it did understand, like a loving, sympathetic mother, man's fright and confusion when confronted with death. Therefore, the Halakha has tolerated those 'crazy,' torturing thoughts and doubts...It permitted the mourner to have his way for a while..."[176]

It was believed that if the mourner was given allotted time to grieve and question, he would find his way back to God when the shock and horror subsided.

Emanuel Feldman pointed out that upon the loss of life, mourners are required to crystallize this recognition into concrete observances. He noted the benefits to the strict laws: "The rigorous halakhah of mourning thus underscores, paradoxically, the heavy Judaic stress on life, and on man's constant relationship with God, community, and himself."[177] The mourning laws are concrete manifestations of the Jewish view of death: death removes man from his relationship with God. The mourning laws, in essence, ask the mourner to behave as if he, himself, were dead. Feldman wrote that qualities and characteristics of a living human being (bathing, caring for oneself, sexual relations) are suspended.[178] He sits on the ground, goes without shoes, is excused from performing *mitzvot*, and is diminished in identity. Even normal greetings are withheld from him. All

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[175] Psalm 103:15, "As for man, his days are like grass. As a flower of the field, so he flourishes."
[176] Soloveitchik, "The Halakhah of the First Day," 77.
[177] Feldman, "Death as Estrangement: The Halakhah of Mourning," 91.
[178] Feldman, "Death as Estrangement: The Halakhah of Mourning," 88.

of this, Feldman asserted, helps the mourner act the way he feels. The rending of garments is a perfect example of this.

Many Jewish mourning books explain the rending of garments as a ritual that ideally reflects how the mourner feels.[179] Wieseltier explained that in this case, the outer layer of the mourner reflects the inner layer: "Life tears you up, so look ripped up. Flaunt your disintegration. A respect for the invisible requires a respect for the visible."[180] But he also acknowledges, perhaps cynically, how this practice has changed in modern times. Some liberal Jews choose to tear a ribbon and pin in to themselves symbolically.

> "The rending of the mourner; this act of violence dignifies the external truth and the internal truth of what has happened...But one of the many novelties that the Jews of America have introduced into the tradition is the practice of pinning a small piece of black crepe to their lapels, so as not to rend their garments. All those hours of shopping must not have been in vain! Ruin a suit? Not in this enlightened age."[181]

Reimer noted that Halakhah provides a necessarily detailed structure for grief of the survivors to prevent it from overtaking us. The community reaches out and embraces the mourner, reminding him he is not alone. They prepare meals and hold services in the house of the bereaved and for a year after, form a *minyan* so he does not pray alone. The Jewish mourning laws, he asserts, may be one of the greatest gifts of our tradition: "In an age such as ours when constant mobility has weakened the sense of neighborhood, and family ties are so attenuated, and anonymity is so great, the sense of community that the Jewish mourning laws provide may be one of their greatest blessings.[182]

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[179] For example, Maurice Lamm's *The Jewish Way in Death and Mourning,* David Kolatch's *The Jewish Mourner's Book of Why,* and Anita Diamont's *Saying Kaddish.*
[180] Weiseltier, *Kaddish,* 65.
[181] Weiseltier, *Kaddish,* 64.
[182] Jack Reimer, ed, *Jewish Reflections on Death* (New York: Shocken Books, 1974), 12.

Thus, the relationship between practice and belief in the Modern Period is strong, and the mourning rituals stand on their own, regarded as necessary for healing of the mourners. Davies remarks on this relationship: "Where the belief in an afterlife exists the death rites are believed to aid the progress of the soul to its rest and peace in God, while for secular Jews the emphasis falls upon the memory of the dead and the comfort of the survivors."[183] Postmodernists have brought yet a whole new wave of thinking, one whose effect has yet to be fully understood.

[183] Jon Davies, "Jewish, Christian and Islamic Destinies," in *Death, Burial and Rebirth in the Religions of Antiquity* (London and New York: Routledge, 1999), 129.

Conclusion

"A season is set for everything, a time for every experience under heaven:
A time for being born and a time for dying...a time for weeping and a time for laughing..."

Ecclesiastes 3:1-2,4

The struggle with the meaning of death is central to the purpose of any religious community today, and has been since antiquity. As David Kraemer wrote, "Because of the presence of death, and because of its unknown and even frightening qualities, one of the first tasks of religion was (and is) to make sense of death."[184] Making sense of death means making sense of life, thus there has always been a balance in Judaism between *kavod hamet* – honor for the dead and *kevod hachai*—honor for the living. In the introduction, I referred these as the cornerstones of the Jewish approach to death and grieving.

Judaism in death is different from other religions, just as in life it is different. No matter how Jewish eschatology has evolved, and we saw that it has, "Judaism is realistic. It knows that death is part of each man's life, and it knows that self-deception does no good."[185] From biblical times to today, despite developing beliefs in an afterlife, Judaism has never welcomed death. It has responded, though, with sound burial and mourning practices to deal with dying as a natural part of life.

I found in my research that there is, indeed, a nexus of practice and belief when it comes to rituals surrounding death—preparation of the dead, burial, and prayers. Over time, funeral rites changed to reflect changes in belief. It would have been futile to pray,

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[184] Kraemer, *The Meanings of Death in Rabbinic Judaism, 3.*
[185] Reimer, *Jewish Reflections on Death,* 9.

for instance, for everlasting life for a loved one if there was no common conception of an everlasting afterlife. We know of no such prayers from the biblical period and know that the Israelites were primarily concerned with living, not with dying.[186] Further, only a belief in resurrection would call for debates over what the dead were buried in or where they were buried, as we find in the Talmud from the rabbinic period. Since medieval thought expounded that the soul was anguished to leave the body, it became a custom to stand near the dying person at the time his soul was about to depart.[187] We saw these changes occur in each time period as new ideas in eschatology were introduced. The connection of practice and belief in modern times is the most defined, partly because we live in a society that encourages critical thinking and partly because religion is only one of many forces that shape decision-making.

I found there is *not* such a clear relationship between practice and belief when it comes to mourning rituals. It seems no matter what one believes happens after death, the sting for the living is still great in the face of loss. Our mourning rituals have always served to walk a mourner back from the depths of grief, back from the 'valley of the shadow of death.' In biblical times, these acts of mourning were spontaneous. In later periods, there was a clear system of mourning prescribed that remains in place today. We have no reason to believe the system fluctuated based on belief. It merely became formalized.

This thesis was hard to write. Although contemplation of death is a good way to stay in touch with what is good in life, it is an exhausting endeavor. However, I have always found Judaism's view of life and death to be sound. It gives me great comfort

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[186] Heschel, "Death as Homecoming," 62.
[187] *Shulhan Arukh*, 4: 194: 4, 90.

that, corresponding to our practices, there are evolving beliefs and reasoning. Although it is difficult to analyze personal belief in the face of overwhelming and sudden grief, it is reassuring to know that the burial and mourning rituals come with the weight of a sustainable tradition behind them.

Jewish thought in this area makes peace with inevitability and does not allow us to engage in the futile attempt to hold on to life. Nor does it deny us grief by denying death as a sorrowful event. In the same breath, it does not allow us to wallow in our grief or focus on death too long. To me, this is the great truth of human existence. One must always be prepared to let go and not hold life too precious. Yet, we are to enjoy ourselves while we are here, and value life to the fullest.

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