

# **Jewish Laws and Customs Regarding Death and Mourning**



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## Introduction

The working definition of Jewish mourner is a person who mourns one's father, mother, son, daughter, brother, sister, husband, or wife. The loss of other relatives and friends, even when grief is present, is not considered as mourning by Jewish law.

The Sages of the Mishna<sup>1</sup> teach us that we are born involuntarily and die involuntarily. We have no say in when we are born and, similarly, we have no say in when G-d takes us. That is where the analogy ends. The trials and pains of birth, both for the infant and its mother, are rewarded with the experience of life. The trials and pains of death result in a deep void and a confrontation with the unknown that can be a crushing experience for the living. While we do understand birth, we know nothing about death. We cannot explain rationally what happens after death. What we do know is that our emotions become shattered when we encounter the death of our close relatives and friends.

Nevertheless, we are resilient. We refuse to surrender completely to this unknown. If rational reflection cannot serve us, we will resort to the non-rational. Where reason stops, mysticism takes over. Consequently, in matters of death and mourning the mystical breaks through the barriers of rational religion, and we, as Jews, seek relief from the trauma of our loss and find answers to our search for comprehension in mystic conceptions.

It is important to bear in mind certain fundamental principles of Jewish thinking as they relate to the dead. A major principle is that we were formed from the dust of the earth and, after our sojourn in this physical world, we must return to the dust of the earth. "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."<sup>2</sup> This understanding has far-reaching implications. Is cremation permissible according to Jewish Law? Is it permissible, according to Jewish Law, to place a body in a vault on a shelf? To both questions the traditional Jewish answer is a categorical "No!" since in both instances the body is not returned to the earth.

Another basic principle is that the body of a deceased person is entitled to relatively the same respect and dignity accorded to the living. Here, the principle of lo'eg la-rash, "ridiculing the unfortunate," applies. For example, one should not wear a tallit in the proximity of a deceased, because the living person thereby is

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<sup>1</sup> Avot 4:22

<sup>2</sup> Genesis 3:19

guilty of arrogance. He deliberately demonstrates his fulfillment of a Mitzvah in the presence of the unfortunate, the deceased who cannot perform the Mitzvah.

Finally, Jewish thinking impresses upon us that the element which bestows on humans a certain measure of sanctity is our souls. The body is composed of metals, chemicals and various organic matter. The body is profane; it is for this reason that we are asked to wash our hands upon leaving a cemetery. We cleanse ourselves symbolically of the impurities and defilement represented by the interred bodies. While it is important to practice respect and reverence to a cemetery, to ascribe sanctity to it is alien to our thinking.

The rule is that when death takes place the eyes of the deceased must immediately be closed, preferably by a son or some other member of the family. Several reasons are offered:

- (a) According to the Kabbalah, we are not privileged to observe simultaneously in both worlds, the physical and the spiritual. As long as our eyes are open to this world, we cannot behold the glory of the other world. Therefore, upon death, the eyes of the deceased are closed immediately.
- (b) Others take an opposite view. Upon death, we come to meet our Heavenly Maker. It is unbecoming for those eyes that are beholding the Shekhinah (the Presence of G-d) to also look upon mundane things.
- (c) The believing Jew looks forward to the day of Resurrection. One's eyes cannot open to a radically new phenomenon unless they were first closed.<sup>3</sup>
- (d) While a person is alive, the eyes are responsible for the pursuit of sinful things. The eyes saw and helped the person lust; the eyes noticed and the person became greedy. The son or another member of the family closes the eyes of the deceased as if saying, "Our parent was never guilty of such behavior. Our parent's eyes only looked for the benefit of the children and family."<sup>4</sup>
- (e) That the son is expected to close the eyes of his departed father is deduced from the Torah, where G-d speaks to the apprehensive Jacob and assures him, "And Joseph shall put his hand upon your eyes."<sup>5</sup>

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<sup>3</sup> Hayye Avraham p. 54a

<sup>4</sup> Minhage Yeshurun p. 309

<sup>5</sup> Genesis 46:4

- (f) In some communities it is customary to spread dust on the eyes of the deceased to underscore the moral: "See what happens to eyes that lusted. They are now like the dust of the earth."<sup>6</sup>

Immediately after death the body is covered and placed on the ground. The reasons for this practice are:

- (a) A deceased person is an unbecoming sight. Before people come to attend to the deceased, the body should be covered so that the dead person may be remembered as alive and not as dead.<sup>7</sup>
- (b) In the laws of ritual purity as first described in Leviticus and further expounded upon by our Sages of the Talmud, the dead body is a primary source of tum'ah, defilement, and it imparts impurity to what it rests on with the exception of soil. By placing the body on the ground we avoid the ritual defilement.<sup>8</sup>

Once the body is placed on the floor, candles are lit and placed beside it. The basis for this custom is the scriptural verse "For the commandment is a lamp and the law is light."<sup>9</sup> The Scriptures also compare the soul of a person to light: "The soul of a man is the lamp of the Lord."<sup>10</sup> Therefore, a lit candle is placed near the one whose soul had just departed in order to express what is taught in yet another scriptural verse: "When you walk, it shall lead you; when you lie down, it shall watch over you."<sup>11</sup> That is to say that the light of the good deeds performed by the deceased during our lifetime will accompany our souls to their heavenly rest.<sup>12</sup> Among Yemenite Jews the custom of lighting candles is unknown.<sup>13</sup>

A custom that has come down from ancient times dictates that we pour out all the stored-up water in the vicinity of the home of the deceased, in front of the house of the deceased. There are a number of attempts to account for this custom:

- (a) In many civilizations, water was a precious commodity that was not to be wasted. The sudden appearance of a puddle of water in front of a home would serve as a sign that a death had occurred there.

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<sup>6</sup> Hayye Avraham p. 54a

<sup>7</sup> Sefer HaMatamim p. 14

<sup>8</sup> Ta'ame HaMinhagim p. 429

<sup>9</sup> Proverbs 6:23

<sup>10</sup> Proverbs 20:27

<sup>11</sup> Proverbs 6:22

<sup>12</sup> Sefer HaMat'amim, Part 2 p

<sup>13</sup> Halikhot Teman 248

- (b) When spilled, water spreads in all directions. This is a physical demonstration that G-d's attribute of loving-kindness will spread over the soul of this newly departed person.
- (c) In the religious life of the Jew, water is of prime importance as a cleansing and purifying agent. We now waste water to remind us that our pursuit of things of value is, in reality, truly misguided.
- (d) According to the Aggadah (Talmudic stories), the Children of Israel were accompanied in the desert by a rolling stone that poured forth water. In the Scriptures we find, "And Miriam died there and was buried there. And there was no water for the Congregation."<sup>14</sup> The moment this prophetess died, the water, which had flowed until now only in her merit, ceased flowing from the stone. We want to demonstrate that the same is true of the deceased lying before us. We are showing that this was a righteous person by pouring out all the water, symbolizing that as a result of this person's demise there is no water.<sup>15</sup>

One authority minimizes this custom as not especially important. In fact, he contends that in a densely populated area pouring water on the ground may cause unforeseen difficulties, especially in the winter.<sup>16</sup>

### **Chevra Kadisha - Holy Society**

Every organized Jewish community has its Chevra Kadisha, "Holy Society," whose members are dedicated to the burying of the dead. Why the appellation "holy" when they are exposed to the impurity and defilement of the dead bodies? The name, it is suggested, is a euphemism: to save them the embarrassment that would arise from being called "The Society of the Defiled," they are referred to as the "Holy Society." Another reason is that "Holy" is synonymous with ritual preparation. These people are always ready for their grim task of preparing the body for proper burial. Indeed, one must be inclined to piety and holiness to participate reverently in burying the dead.<sup>17</sup>

It is this Chevra Kadisha that washes the body and dresses it in white linen shrouds. To prevent families in vying with each other to provide elaborate garments for the dead, the Sages of the Talmud ordained that the dead should all

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<sup>14</sup> Numbers 20: 1, 2

<sup>15</sup> Sefer HaMat'amim p. 15

<sup>16</sup> Aruch HaShulchan, Yoreh De'ah 339 par. 9

<sup>17</sup> Sefer HaMat'amim P. 9 1

be clothed in simple, white, linen shrouds - the rich and the poor alike.<sup>18</sup> One authority, however, without challenging the basic rule of a white linen shroud, does recommend to choose linen of a better quality. His opinion is based on the concept of Resurrection. It would be most appropriate for the dead to rise dressed in the finest linen to greet the Messiah.<sup>19</sup>

Another reason for white linen is that in Temple times, Yom Kippur was the only day in the year when the High Priest would enter the Holy of Holies, dressed in simple, white, linen garments. There he would make confession and ask forgiveness for his sins and for the sins of the people. From this we gather that when one stands alone in confrontation with his Maker, he should be humble and contrite, wearing simple, white, unadorned linen garments.<sup>20</sup>

After the body is dressed, if the deceased was a man, it is wrapped in a tallit. Why is the tallit, a sacred object, inserted in the defilement of a burial casket? In fact, there is a disagreement concerning this practice. In the opinion of some authorities the deceased should be wrapped in a tallit in order to avoid lo'eg larash, "scoffing at the dead." Jews know that the tzitzitot on the tallit are there to remind us about the six-hundred-thirteen Mitzvot. When the Chevra Kadisha, who are attending to the body, and the people who follow the funeral procession all wear garments with tzitzitot, it would be an affront to the deceased who cannot fulfill this Mitzvah. Therefore, it is suggested, the body should be taken out to the cemetery wrapped in a proper tallit with its tzitzitot, but before interment one of the fringes should be removed thus rendering the tallit unfit for religious use. In this way violation of the prohibition against lo'eg la-rash will be avoided without relegating a kosher tallit to the grave.

Those who oppose the placing of a tallit in a coffin argue that if we were to bury everyone in a tallit, including those who during their lifetime had been lax in the performance of this Mitzvah, it would be a most blatant case of lo'eg la-rash, ridiculing the deceased. To cover a dead person in a tallit when that person never wore one in his lifetime is considered as ridicule. Even so, the prevailing practice is to wrap the dead in a tallit.<sup>21</sup>

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<sup>18</sup> Mo'ed Katan 27b

<sup>19</sup> Tur Yoreh De'ah, Perishah 352 (1)

<sup>20</sup> Sefer HaMatamim, Part 2 p. 9

<sup>21</sup> Aruch HaShulchan, 351 pars. 2, 3; Taame HaMinhagim p. 433

## *Keri'ah - The Tearing*

The ritual of Keri'ah, the tearing of a garment as a sign of mourning, is performed at different stages in the various Jewish communities. There are those who perform this ritual immediately following the death of the relative. Others do so before the funeral procession commences; some wait until interment.<sup>22</sup>

The tearing of a black ribbon or garment is an outward sign of grief and mourning and signifies that the mourner is confronting death head-on. The prevailing custom is to tear the ribbon or clothing on the mourner's right side, but on the left side (closest to the heart) is reserved for someone mourning a father or mother.

What is the source of Keri'ah? In recounting the death of Aaron's sons, the Torah relates that G-d ordered Aaron, "The hair of your head you shall not grow long, and your garments you shall not rend."<sup>23</sup> Since G-d deemed it necessary to instruct Aaron not to rend his clothes, we conclude that relatives are required to do so in all other instances of bereavement.

Another source for the rite of Keri'ah for a bereaved is, "Then arose the King (David) and rent his garments."<sup>24</sup> One authority advances a pragmatic reason for Keri'ah. Taking into account the shock experienced by the mourner upon learning of the death of a relative, in order to divert his grief and his thoughts of the dead, the mourner is asked to tear clothes. This gratuitous destruction of property should divert the mourner's thoughts from grief and bring some relief, if only for a brief moment.<sup>25</sup>

Grief for the loss of a parent is generally different than is the grief for loss of a brother, sister, son, daughter, or spouse - the seven relations for whom Jewish law requires Keri'ah. To demonstrate this, in the case of a mother or father, the clothes are rent on the left side opposite the heart, while in all other cases, the clothing are torn on the right side.

There are additional distinctions between the Keri'ah for a parent and that for other relatives: For a parent we rend every garment we happen to be wearing, except the one touching the body. For all others, we only tear the outer garment. Where it becomes necessary to change the torn garment during the initial period of mourning, the Shiva (first seven days), we do not rend the garment into which we have changed. However, out of respect to our deceased parents, we do. If the

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<sup>22</sup> Aruch HaShulchan, 340 par. 3

<sup>23</sup> Leviticus 10:6

<sup>24</sup> 11 Samuel 13:31

<sup>25</sup> Hayye Avraham p. 54b



news of the death of a close relative reaches us at least thirty days after the event, we are exempt from Keri'ah. In the case of a parent, the rite is mandatory regardless of the time that has elapsed in between. The garment torn for a parent may never be rewoven or invisibly repaired. For all others, we may do so after thirty days.<sup>26</sup>

Keri'ah is performed while the mourner is standing. The precedent for this is the scriptural verse, "Then arose Job and rent his robe."<sup>27</sup> The tear must be at least a handbreadth in length, again based on a scriptural precedent. When the messenger informed David that King Saul and his son Jonathan had fallen in battle, David, we are told, took hold of his clothes and rent them.<sup>28</sup> By the words "took hold," it is inferred that King David's hand fully gripped and tore his garment.

Finally, a stranger must make the initial tear so that the mourner will feel the grief all the more. There is a certain degree of humiliation when a stranger performs the Keri'ah.<sup>29</sup>

## **Burial**

It is mandatory to perform the burial as soon as possible, preferably on the day of death. This ruling is derived from the Scriptures where the Torah speaks of the criminal executed by hanging, "His body shall not remain all night on the tree, but you shall surely bury him on that day."<sup>30</sup> When one dies in Jerusalem during the day, he is buried the same night. Another source for the prohibition of halanat hamet "postponement of burial," is "And Miriam died there, and was buried there."<sup>31</sup> The proximity of the words "died" and "buried" indicates that the burial took place immediately after death.<sup>32</sup>

The Zohar offers two mystical reasons why burial should not be delayed.

- (a) The soul that dwelt in the body for so many years is grief-stricken at the departure and this grief lasts as long as the body is not buried.
- (b) By not burying our dead immediately, we may be interfering with G-d's plan. Possibly when the soul left the body, G-d intended to transfer that soul into

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<sup>26</sup> Aruch HaShulchan, 340 pars. 8, 9 13, 14, 16

<sup>27</sup> Job 1:20

<sup>28</sup> II Samuel 1:11

<sup>29</sup> Minhage Yeshurun p. 333

<sup>30</sup> Deuteronomy 21:23, Aruch HaShulchan, 357 par. 1

<sup>31</sup> Numbers 10:1

<sup>32</sup> Minhage Yeshurun pp. 315, 316

another body. However, this transmigration of a soul to a living body cannot occur while the dead body lies unburied.<sup>33</sup>

After all the preparations are completed, the burial takes place. The basic rule that the dead must be buried has its origin in the Torah: "For dust you are and unto dust you shall return."<sup>34</sup> The human body is not to be disposed of in any other manner. In view of this, even the severed limb of a living person must be buried in the ground. Even a stillborn infant or a miscarried fetus must be buried according to Jewish law.<sup>35</sup>

There is a pronounced difference in custom concerning the interring of the body. In Jerusalem and among Oriental communities elsewhere, it is customary to place the body directly into the grave with only the sides lined with stones and planks. All this is based on, "From dust you come; unto dust you shall return." In other communities, the body is placed in a wooden casket, and so lowered into the grave. To comply with the requirement, "From dust you come and unto dust you return," holes are bored in several places in the casket so that the soil can penetrate. The wood of the casket will eventually disintegrate into dust; a metal casket is forbidden. In fact, even the use of metal nails in the casket is frowned upon.<sup>36</sup>

Before the person is buried, any jewelry worn by the deceased must be removed. This practice has its basis in the incident involving the Golden Calf in the desert. There, the people removed their jewelry and contributed it towards the making and the worship of a Golden Calf. Now, when the deceased goes back to G-d, we invoke the maxim "En kategor na'aseh sanegor" "the accuser cannot serve as a defender." In other words, it was gold jewelry that brought down retribution upon the Jew; Let us not wear jewelry when we must appear before the Heavenly Court. If one was inadvertently buried wearing his jewelry, the grave would be reopened in the case of a man but not in the case of a woman, since the women refused to contribute to the making of the Golden Calf.<sup>37</sup>

As the pallbearers escort the body to its final resting place, the entourage makes seven stops to correspond to the seven times that Solomon uses the word "vanity" in describing our life on earth.<sup>38</sup> At each stop, Psalm 91 is recited. The

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<sup>33</sup> Hayye Avraham p. 54b

<sup>34</sup> Genesis 3:19

<sup>35</sup> Taame HaMinhagim p. 447-448

<sup>36</sup> Minhage Yeshurun p. 314

<sup>37</sup> Taame HaMinhagim p. 449

<sup>38</sup> Ecclesiastes 1:2

moral to be learned is that most of our pursuits during our lifetime are vanities. In some communities the same procedure of stopping seven times is observed upon returning from the grave.<sup>39</sup>

The body is lowered into the grave with the head facing towards the west and the feet towards the east. This demonstrates our belief in the Resurrection of the dead, because the resurrected will rise facing east, the direction in which we pray.<sup>40</sup>

It is customary for those attending the funeral to participate in filling in the grave. The implication is, "From dust you came to us. Now that you are departed we return you to your origin." The shovel, however, is not passed from hand to hand. As each person stops, the shovel is placed down and only then does the next person pick it up. This conveys the lesson that death teaches that in life nothing can really be claimed as one's own. Were one to hand the spade directly to another, it suggests ownership.<sup>41</sup>

Those not given the opportunity to use the spade should put a handful of soil or some stones into the grave as their participation in the burial.<sup>42</sup>

In many communities, before the body was lowered into the grave, those in attendance would approach and place the palms of their hands upon the casket. This custom is explained in terms of the similarity between the broken tablets and the dead. When Moses descended from Mount Sinai to find the people worshipping the Golden Calf, he smashed the two tablets. The broken tablets were gathered up and placed into the Ark that accompanied the Children of Israel during their journey through the desert. The remains of the deceased have also been placed in a box. By placing our ten fingers that symbolize the Ten Commandments, we demonstrate that "The deceased was a righteous person who in life observed all the Ten Commandments."<sup>43</sup>

### ***Kaddish - Memorial Prayer***

Kaddish is an Aramaic word which means "holy" or "sanctity."

Mourners first recite the Kaddish at the cemetery after the burial.

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<sup>39</sup> Hayye Avraham p. 55a; Taame HaMinhagim p. 436

<sup>40</sup> Sefer HaMatamim p. 16

<sup>41</sup> Taame HaMinhagim p. 439

<sup>42</sup> Hayye Avraham p. 55a

<sup>43</sup> Minhage Yeshurun p. 315

The Kaddish is not a prayer about death. It is an affirmation of life and our faith in G-d. It reaffirms the mourners' relationship with G-d and G-d's will in this world.

At graveside the Kaddish is recited completely by the mourners alone. The friends and other relatives, in attendance, recite the appropriate congregational responses. Kaddish is traditionally recited in the presence of ten or more adults.

### *The Shurah - The Line*

As long as the dead lies unburied, the grief of the bereaved is so intense that it is almost impossible to accept any words of consolation. As the Rabbis put it: "And do not comfort the mourner in the hour when the dead lies there."<sup>44</sup> Once the grave is covered, the people attending the funeral form two lines called Shurah (literally "line" or "row"). The bereaved then pass between the lines as those present say, "May the Omnipresent comfort you among the rest of the mourners of Zion and Jerusalem." This marks the end of the Aninut and the beginning of Avelut, "mourning".<sup>45</sup>

It is a popular custom to tear up grass and throw it over the shoulder before leaving the cemetery. Several reasons have been suggested:

- (a) To demonstrate the grief that we experience at the sudden demise of a beloved one who was uprooted from our family. This is symbolized by tearing up the grass.
- (b) Just as the grass that was torn up grows back, so will it be with the deceased. At the time of the Resurrection, he will return to life again.<sup>46</sup>
- (c) Jewish laws forbid having any material benefit from the grounds of a cemetery, such as eating the fruit of a tree growing there or using its wood. Tearing a few blades of grass and throwing it over our shoulders serves as a reminder of this prohibition.<sup>47</sup>
- (d) Vegetation is the basic food of the animal kingdom. Even man, the most exalted of all creatures feeds on the fruit of the earth. By uprooting a handful of grass we say to the deceased: "Until now you sustained yourself from the plants of the earth; henceforth you will benefit from the spiritual sustenance provided in Heaven."<sup>48</sup>

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<sup>44</sup> Avot 4:18

<sup>45</sup> Tur Yoreh De'ah 376

<sup>46</sup> Aruch HaShulchan 376 par. 10

<sup>47</sup> Otzar Yisrael Vol. 9 p. 92

<sup>48</sup> Minhage Yeshurun p. 318

- (e) According to Kabbalah the soul of the departed escorts the body together with the funeral cortege until the burial is completed. The soul may not leave for its Heavenly rest until the living permit it. By throwing a handful of grass over our shoulder after the interment, we signal to the soul that it may now take its final leave of the body.<sup>49</sup>

Before leaving the cemetery we are required to wash our hands but not to dry them with toweling. The following explanations are offered:

- (a) The Torah prescribes a procedure for the purification of one who had become defiled by coming in contact with the dead.<sup>50</sup> We are told that a red heifer was slaughtered and burned to ashes that were then mixed in water. A twig of a hyssop plant was dipped in the water, which was then sprinkled upon the defiled person. A vestige of this ritual was carried over to our present funeral practice of taking earth (resembling ashes) and throwing it over our shoulders together with the grass that symbolizes the hyssop twigs. The water with which we wash our hands represents the water of the mixture.
- (b) By washing our hands, we demonstrate that we are not guilty of the death of this person. Neither by word nor deed did we cause the death.<sup>51</sup>
- (c) We wash our hands without drying them because we do not wish to leave the impression that we are wiping away all memories of the deceased.<sup>52</sup>

In Jerusalem, the sons of a deceased father are not permitted to follow the funeral procession to the cemetery. This peculiar custom is based on the Kabbalistic notion that from the semen that the deceased may have unintentionally emitted during his lifetime demon-like spirits were born. At the funeral, these quasi-sons would join the legitimate offspring and by their presence would cause distress to the departed soul. To keep them away, the legitimate progeny refrains from accompanying their father to the cemetery.<sup>53</sup>

### **Death of a Parent on the Wedding Day**

An interesting problem arises in the rare event when the father of the groom or the mother of the bride dies on the wedding day. Do we cancel the wedding

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<sup>49</sup> Hayye Avraham p. 55a

<sup>50</sup> Numbers 19:1-13

<sup>51</sup> Sefer HaMatamim p. 16

<sup>52</sup> Hayye Avraham p.55b

<sup>53</sup> Minhage Yeshurun 317

because of the bereavement of the bride or groom, or should the wedding be held as scheduled and the funeral postponed? The Sages of the Talmud ruled that the wedding takes priority. The funeral is held immediately after the ceremony, but the mourning period does not commence until after the seven days of nuptial rejoicing. This sequence was instituted because in ancient times the father was the only one who attended to the arrangements of the wedding of a son and the mother was the only one who looked after the needs of her daughter's marriage. By postponing the wedding to a later date, there would be no one to make the necessary arrangements. In more recent times, since relatives and friends, as well as caterers attend to wedding arrangements, it has become the custom to first bury the dead, observe the period of mourning, and then have the wedding.<sup>54</sup>

### **Upon Returning From The Cemetery**

It is customary to place a bowl of water with a cup at the entrance of the home for those returning from the cemetery. This is a tradition from the early post-Talmudic period. It is done "to dispel the spirits of uncleanness" which cling to one's person, these being "the demons that follow them home." It can be seen metaphorically as a ritual cleansing from a place of death to a place of life. The mystical custom is to pour water over each hand three times.

The Shiva candle is lit immediately on returning from the cemetery. It officially marks the beginning of the 7 days of mourning. The Bible teaches, "the light of G-d is the soul of humankind"<sup>55</sup> The Shiva candle is therefore symbolic of the soul of the deceased.

### ***The First Mourner's Meal***

Upon returning from the cemetery, the Se'udat Havra'ah, "Meal with Friends," the first meal of the mourner is brought in by neighbors, as the mourner may not eat one's own food. The source for this custom as for many other mourning customs is "And eat not the bread of other men."<sup>56</sup> The Prophet Ezekiel was enjoined from following the general mourning practice. Ordinary people do not partake of their own meal following the funeral. The Prophet, however, was ordered to eat his own bread. It is customary to bring eggs because they are round in shape. Life, too, goes in cycles: one generation dies and a new generation is born.<sup>57</sup>

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<sup>54</sup> Tur Yoreh De'ah 342; Aruch HaShulchan 342 par. 8

<sup>55</sup> Proverbs 20:27

<sup>56</sup> Ezekiel 24:17

<sup>57</sup> Minhage Yeshurun p. 301

## Four Periods of Mourning

Jewish Law prescribes four separate and distinct periods of mourning. In each phase, the intensity of the mourning diminishes. It is not that the pain is expected to recede automatically with the passage of time. It is, however, the Jewish outlook on life and death that is translated into personalized action. As Jews, we are expected to face reality and make the proper adjustment to situations that are beyond our control. It may be difficult for us who have sustained great loss to reconcile ourselves to this reality, but we must make every effort to return to normal activity.

### *Aninut*

Aninut is the period between death and burial. The person is called an onen. During this time the onen is excused from performing any and all religious commandments, even from reciting the Shema. The immediate family, the children, for instance, is expected to attend to the funeral arrangements and thus would be unable to concentrate on prayer. The onen may not wear tefillin, as the Talmud<sup>58</sup> figures out from the instructions that G-d gave the Prophet Ezekiel after the death of his wife: "Your pe'er (Glory) bind around your head."<sup>59</sup> The Rabbis take the word pe'er to mean tefillin. If G-d gave specific instructions to the prophet to put on his tefillin, an every day obligation, then all other mourners must be exempt.<sup>60</sup>

The source for this period of Aninut is the verse in the Torah<sup>61</sup> relating that Aaron, who had lost two sons on that day, said to Moses: "and if I had eaten the sin-offering today, would it have been pleasing in the eyes of the Lord? And when Moses heard this, it was pleasing in his eyes." Not even the High Priest, Aaron, was to lead a normal life on the day that death had occurred in his family. In another source, the Torah tells us that when a Jew brought tithes to the Temple, the person's confession included: "I have not eaten thereof be-oni, (in my mourning)."<sup>62</sup> This would imply that on the day of Aninut, the person making the confession did not indulge in any other pleasurable activity.<sup>63</sup>

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<sup>58</sup> Berachot 11a

<sup>59</sup> Ezekiel 24:17

<sup>60</sup> Hayye Avraham p. 56a

<sup>61</sup> Leviticus 10: 19

<sup>62</sup> Deuteronomy 26:14

<sup>63</sup> Aruch HaShulchan, 341 par. 3

To sum it up, the onen is exempt from all religious practices but is forbidden to eat and drink at a festive table, cut one's hair, wash one's clothes, bathe or have conjugal relations.

### *Shiva*

Shiva which means "seven." This interval begins with setimat ha-golel, "the closing of the grave."<sup>64</sup> After the burial, as the original shock begins to wear off, we begin to think with some measure of lucidity. The Sages expected us to give totally express our shattered emotions during the next seven days of Shiva.<sup>65</sup> Jews are expected to give full expression of our grief in the following ways:

1. Jews are not allowed to wear shoes. This comes from when G-d told the Prophet Ezekiel to wear shoes after the death of his wife. It follows that all others are barred from doing so. Later authorities ruled that only leather shoes are prohibited because these are worn for pleasure. Also, new garments or freshly laundered or ironed garments may not be worn.
2. Jews are forbidden to wash oneself. Scripture relates that at the time when David was grieving over Absalom, a woman was summoned and she was told, "Feign, I pray you as though you mourn, and do not anoint yourself with oil."<sup>66</sup> Bathing is equivalent to anointing with oil.
3. Conjugal relations are forbidden based on the Scriptural verse that tells of David comforting his wife Bathsheba, "And he went unto her and lay with her."<sup>67</sup> First came the period of comforting and Shiva. Only after that did King David have intimate relations with her.
4. Jews must refrain from work. The basis for this ruling too, is Scriptural, as it says "And I will change your feasts into mourning."<sup>68</sup> The Prophet compares the feast to days of mourning and the Sages, therefore, deduce that just as work is prohibited during the feast days, so must it be during the period of mourning.
5. Haircuts are forbidden. Here again, if G-d commanded Aaron to cut his hair during his period of mourning because he was the High Priest,<sup>69</sup> it follows that all others may not.

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<sup>64</sup> Aruch HaShulchan, 375 par. 1

<sup>65</sup> Aruch ha-Shuthan, 380 par. 1

<sup>66</sup> II Samuel 14:2

<sup>67</sup> I Samuel 12:24

<sup>68</sup> Amos 8: 10

<sup>69</sup> Leviticus 10:6



6. The mourner is not allowed to greet people. G-d instructs the Prophet who is mourning for his wife: "Sigh in silence."<sup>70</sup>
7. The mourner must not be sitting on a chair. The basis of this custom again is in Scriptures, as it says, "Then arose the King and rent his garments and laid himself on the earth."<sup>71</sup>
8. A mourner may not participate, not even as a passive spectator, in any happy or joyous events, such as weddings. However, although confined to the home during the week of Shiva, the mourner is permitted to dress, wear shoes, and leave the house to attend services in the synagogue on Friday evening and Saturday morning. The sanctity and serenity of the Sabbath override personal grief.<sup>72</sup>
9. During the Shiva, a mourner is forbidden to engage in learning Torah since, in the words of the Psalmist, "The precepts of the Lord (i.e. the Torah) are right, gladdening the heart."<sup>73</sup> For the same reason, he is not to be called up to the Torah, not even on Shabbat. He is allowed, however, to study the laws of mourning and those parts of Scriptures that may induce grief, such as the book of Job.<sup>74</sup>

One of the most conspicuous customs of the Shiva is the covering all the mirrors in the house of the mourners. There is no known source for this custom in the early Rabbinic literature. The earliest reference to it is from the Middle Ages. The following reasons are given for this quaint practice:

- (a) A mirror is used for personal grooming and for cosmetic purposes. It is instrumental in creating a level of frivolity. This is contrary to the feeling of grief that behooves the mourner.
- (b) Observing someone of the opposite sex "fixing themselves up" in front of a mirror may arouse sexual interests within the mourner.
- (c) During the Shiva it is customary to hold daily prayer services in the house of the mourner. It is forbidden to pray in front of one's own image reflected in the mirror.<sup>75</sup>

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<sup>70</sup> Ezekiel 24:17

<sup>71</sup> 11 Samuel 13:31

<sup>72</sup> Aruch HaShuchan, 400 par. 5

<sup>73</sup> Psalms 19:9

<sup>74</sup> Aruch HaShuchan, 384 pars. 1, 4, 8

<sup>75</sup> Kol Bo Al Avelut 1, p. 262

- (d) During Shiva, it is customary to sit low as a symbol of "being brought low" in grief.

It is customary to change one's seat in the synagogue during the mourning period. To be removed from one's accustomed place and away from one's usual neighbors adds to the feeling of loss and grief.<sup>76</sup>

It is important to realize that if a mourner's livelihood is at risk by being away for the full seven days, three days of Shiva may be observed. Real need must be obvious for this practice, however.

Shiva ends on the morning of the seventh day. The candle is blown out in silence. The mourners take a walk around the block, as a way of taking a first step back into the world. There are those who suggest that the soul of the deceased abides with the mourners. The soul is there to comfort the family. This first walk is for the mourners to escort the soul out of the house, indicating that they are going to be all right.

### ***Sheloshim - Thirty Days***

During this period, the mourner moves away even further from the intensity of the original depression. After a week of intensive mourning and meditation, the mourner must face reality and resume a normal life. This is accomplished even though the mourner may still feel the pain of the loss. The mourner must continue to earn a living. The mourner may bathe for cleanliness, but not for pleasure. All other prohibitions of the Shiva still remain in effect. While the seven days of Shiva are deducted from Sheloshim, and since most prohibitions of the Shiva also extend into the next twenty-three days, we refer to the entire period as Sheloshim.

Sheloshim has no explicit basis in the Torah as it is Rabbinic law. The basis of Sheloshim is found in the Torah when it discusses a woman captured as the spoils of war and says, "And she shall remain in your house and weep for her father and mother a full month."<sup>77</sup>

Major holidays affect both Shiva and Sheloshim. The Talmud<sup>78</sup> teaches that if a major holiday falls during the Shiva, the rest of the Shiva is not to be observed. For example, if Shiva commenced on a Monday and a Festival such as Passover, Shavuot, or Sukkot began that same evening, the mourner celebrates the Festival

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<sup>76</sup> Aruch HaShulchan, 393 par. 12

<sup>77</sup> Deuteronomy 21:13, Minhage Yeshurun p. 334

<sup>78</sup> Mo'ed Katan 19b

like everyone else and rules governing the period of Shiva are abrogated. It is even conceivable that, in certain circumstances, the entire Sheloshim be nullified. An example of this is on Sukkot, since the last day, Shemini Atzeret, is identified as a holiday in its own right. Hence, if one began Shiva on the day before Sukkot, the advent of the holiday would terminate the Shiva, and the eighth day, Shemini Atzeret, would cancel the next stage of the mourning, the Sheloshim. It is further practiced in many communities that if Yizkor is recited during Shiva, the Shiva is considered over. To avoid this, many mourners purposely avoid saying Yizkor during Shiva, but the Rabbis do not prefer this practice. Apparently, and admittedly, this is pure conjecture to think that the Sages required us to forgo our personal emotions in favor of the national observances of all the people.<sup>79</sup>

### ***Final Period of Mourning***

Whereas mourning continues for an additional eleven months for parents, it ends for all other relatives after thirty days. Those who are mourning for a mother or a father should avoid happy events, festive occasions, and amusements. Other prohibitions concerning the person of the mourner for the first thirty days are lifted. The mourner may now bathe, take hair cuts, wash and iron clothes, and engage in appropriate conjugal relations. The Rabbis also permit marriage during these eleven months, but specify simple, not overly festive ceremonies.

The Biblical commandment of "Be fruitful and multiply"<sup>80</sup> overrides the laws of mourning. On the other hand, they counseled a man bereaved of his wife not to remarry for a full year. Neither should a husband forget his first wife so soon nor should the husband enter into a second marriage while still retaining a sentimental attachment to the first wife. On the other hand, a wife who lost a husband is permitted to remarry after she had waited three months. This waiting period is to ascertain that she had not become pregnant by her first husband. Apparently, the Rabbis felt that it is much more difficult for a woman to live alone than for a man.<sup>81</sup>

The rules concerning the Sheloshim plus the following eleven months (eleven months) remain in effect during the entire period. The one exception is that beginning with the burial, Kaddish, the mourner's prayer, is recited for only eleven months. The reason not to state the prayer for the entire year is to demonstrate that the parent was not an absolute sinner.

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<sup>79</sup> Aruch HaShulchan, 399 pars. 1, 12, 19

<sup>80</sup> Genesis 1:28

<sup>81</sup> Aruch HaShulchan, 392 pars. 1, 3, 4, 5

## History of Kaddish

The history of the Kaddish dates back to the ancient days of the Talmud. We are told that the son's reciting the Kaddish raises the soul of the parent from purgatory to paradise.<sup>82</sup> No man, born of woman, is entirely free of sin, and every deceased person will spend some time in purgatory to atone for misdeeds. G-d takes note when the deceased person's child walks in the paths of righteousness and recites the Kaddish, which is an affirmation of His Omnipotence and Omnipresence. Furthermore, He credits this merit to the soul of the departed, elevating it to a higher spiritual level.

The story is told in the Midrash that Rabbi Yochanan ben Zakkai encountered a man on the street, gathering twigs. The Rabbi knew that this man had died and inquired why he was not in his Heavenly abode. The man (or perhaps the shadow of a man) replied, "I have no one to deliver me from purgatory and I was given the humiliating chore of picking up twigs in the street. Please, Rabbi, take my son and teach him to read so that he may recite the Kaddish and deliver me from purgatory." If a child would recite Kaddish for the full year it would seem to assume that his parent was a sinner. By saying Kaddish only eleven months, the child demonstrates the belief that the parent must have done some good deeds and is to be given credit for them.<sup>83</sup>

The Kaddish is traditionally recited in the Aramaic language. This is because in the days of the Talmud, Aramaic, not Hebrew, was the spoken language of the people. To make sure that the ordinary layman could comprehend the meaning and significance of the Kaddish, in which G-d is extolled, especially during a period of grief and despair, the Rabbis instituted having this prayer said in Aramaic, the language of the people.<sup>84</sup>

In Oriental communities, during the twelve months of mourning, the child moves about the synagogue and distributes flower petals and perfume among the congregants. This custom was intended to demonstrate the child's firm belief that the parent was enjoying the pleasant fragrance of Paradise.<sup>85</sup>

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<sup>82</sup> Tanna de-be Eliyahu Zutah, Chap. 17

<sup>83</sup> Bet Yoseph, Yoreh De'ah, 376; Minhage Yeshurun p. 324; Ta'ame HaMinhagim p. 458

<sup>84</sup> Taame HaMinhagim p. 459

<sup>85</sup> Ben Ish Hai p: 176

## Erecting a Matzevah - Monument

Erecting a monument on a grave is a custom dating back to ancient times. Ezekiel says: "And those that thus travel will pass through the land and when anyone sees a human bone he will set up a sign by it."<sup>86</sup> Thus, the monument is to serve as the visible sign indicating where a human being lies buried. The common custom in Jerusalem requires that a monument be erected immediately after thirty days, so that the grave shall not be left unmarked for any lengthy time. While this custom is followed throughout the world, the more popular custom is to wait until the year of mourning is over. The following two reasons for this have been suggested:

- (a) During the first twelve months following the death of a relative, while the grief is still acute, there is no need to add to the pain by requiring the children to attend to the tombstone.
- (b) A basic reason for the monument is to keep the memory of the departed alive. During the first twelve months, it is unlikely that anyone would forget his departed relative. Hence, there is no need for any stone to serve as a reminder.<sup>87</sup>

In recent times, especially in the United States, the Matzevah is dedicated in a ceremony called "unveiling." As stated above, this dedication of the stone marker may be done anytime between the end of Sheloshim and the anniversary of the death. A cloth is removed from the stone in the presence of the immediate family and friends. Special Psalms and prayers may be said.

The top of the stone often has the Hebrew letters פ"נ (pay"nun) standing for "Here lies buried". On the bottom are the five Hebrew letters תנצב"ח (tuf nun tzadi bet, hay" (תְּנַצְבְּחַ תְּשִׁמוּתֵיהֶם צְרוּרוֹת בְּצִרוּר הַחַיִּים) meaning "May his (her) soul be bound up in the bond of life eternal."

While no one knows for sure, the custom of leaving pebbles on the grave may date back to biblical days when individuals were buried under piles of stones. Today, they are left as tokens to show that people have been there to visit and to remember. Another explanation is that it is to remind us of G-d -- so often referred to as יְשַׁרְאֵל צוּר, (tzur Yis'rah'ail) Rock of Israel.

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<sup>86</sup> Ezekiel 39:15

<sup>87</sup> Sefer HaMatamim p. 91

## Yahrzeit - Anniversary of Death

Yahrzeit is a Yiddish word meaning "a year's time". Each year the anniversary of the death is commemorated according to the Hebrew calendar. This day is observed as a solemn day of remembrance. On the first anniversary the Yahrzeit is commemorated on the anniversary of the day of the funeral. From then on, it is observed on the anniversary of the day of death. This signifies the end of the mourning period and is helpful in bringing closure to the family.

A Yahrzeit candle is lit on the eve of the date in the home, symbolic of the soul and spirit of the deceased. It burns for 24 hours.

It is customary for mourners to attend synagogue beginning with the evening Ma'ariv the night before, followed by the morning service and concluding with the Mincha afternoon service. Here the Kaddish is recited. One may attend services on the closest Shabbat before the anniversary date, to receive an Aliyah to the Torah (the **עֵל מַלְיָא רַחֲמִים** - Eil Maley Rachamim, the special memorial prayer, may be recited at this time), or other honor.

Tzedukah, "charity" is to be given in memory of the deceased.

If one forgets to observe the Yahrzeit, it should be observed when remembered.

The Yahrzeit is observed in two different ways.

- (a) By fasting on the anniversary of the death of parents, the pain of the loss is revived and the shattering experience relived. Unless one is physically unable to endure the fast, a Jew should refrain from eating on that day as a sign of grief.
- (b) In Hasidic circles the opposite position is taken. The knowledge that the deceased is ascending, step-by-step, year after year, to even higher levels in the spiritual realm of Paradise is cause for celebration. In the Hasidic world the Yahrzeit constitutes a day of Hillula - the joyful adoration of G-d.<sup>88</sup> This is also the reason for the Hillula for Rabbi Shimon ben Yohai, the reputed author of the Zohar. On Lag B'Omer, the thirty-third day between Passover and Shavuot, tens of thousands of people gather in Meron, Israel, the gravesite of this sainted sage, to rejoice in prayer and seek his intercession on behalf of the living. Candles and bonfires are lit in memory of this

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<sup>88</sup> Aruch HaShulchan, 376 par. 13; Taame HaMinhagim pp. 477-478; Minhage Yeshurun p. 326

spiritual giant. Particularly is this tomb sacred to the Sephardi Jews and the Ashkenazi Jews who observe the Sephardi ritual.<sup>89</sup>

A candle is lit to burn during the day of the Yahrzeit. As already noted, the soul of man is likened to the light of G-d.<sup>90</sup>

### **Yizkor - Memorial Prayers**

Special prayers are recited in the synagogue on the concluding day of all major holidays. By reciting Yizkor, the children demonstrate before the congregation that the parent who instilled in them a religious commitment lives on as evidenced through their coming to the synagogue to worship G-d and memorialize their loved ones.

During Yizkor, those whose parents are living leave the synagogue for two reasons. First, if one remains, upon hearing the congregants memorializing their parents, they may inadvertently join them in doing likewise for their own living parents. Secondly, even if they remained silent, they would be out of place, seeming disrespectful by not participating.

In Sephardi congregations the individual does not memorialize their beloved ones. Instead, the cantor recites the prayer and the congregants merely mention the name of the deceased. Consequently, even those whose parents are living are permitted and encouraged to remain in the synagogue during Yizkor.<sup>91</sup>

### **Summary**

We have discussed only those rituals and customs of burial and mourning which Jewish communities most commonly observe the world over. In addition to these, virtually every Chevra Kadisha in the old country had its own time-honored traditions concerning the details of preparing the body and the funeral. These many differences live on in the different communities and congregations throughout the modern world.

Whatever these differences and regional variations, all the rites and practices of funeral and mourning have their basis in two fundamental tenets of Judaism. Those are, the immortality of the soul and the resurrection of the dead. The latter is inseparably fused with our belief in the ultimate redemption of Israel.

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<sup>89</sup> Minhage Yeshurun p. 87

<sup>90</sup> Minhage Yeshurun p. 327

<sup>91</sup> Sefer HaTodaah Vol. I p. 56

Prior to reciting the El Maley Rachamim, prayer for the peace of the departed soul, the casket is lowered into the ground, an eloquent expression of these beliefs, the eulogy (hesped) is delivered at the funeral. It is customarily concluded with the words of the Prophet Isaiah when comforting the People of Israel. Isaiah said, "*He will swallow up death forever, and the Lord G-d will wipe away tears from all faces, and the disgrace of His people will He take away from all the earth . . .*"<sup>92</sup>

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<sup>92</sup> Isaiah 25:8