Ruben Schindler

Dr. Schindler is Senior Lecturer in the School of Social Work at Bar Ilan University in Ramat Gan, Israel.

THE HALAKHIC FRAMEWORK OF MOURNING AND BEREAVEMENT

Its Implications in Dealing with Crisis

INTRODUCTION[1]

During the mourning period social customs[2] and religious observations determine the roles to be played by members of the deceased person's family. Judaism has long recognized that the individual confronting grief is faced with deep emotional stress which often creates problem solving situations. When there is difficulty or inability to utilize problem solving mechanisms, a state of crisis ensues and a person in mourning is generally confronted with a crisis situation. In Judaism the bereaved is helped to deal with his crisis through a defined halakhic framework.

It has become recognized that the mourning process can become a therapeutic tool in helping the bereaved deal more realistically with his loss. This is particularly true when a halakhic approach is introduced which provides clear directions for mourning. Such a framework creates structure and support, thus facilitating his return to society. This essay will analyze the halakhic outlook on mourning and bereavement.

I

Jewish Law requires the bereaved to mourn his loss.[3] His personal and natural grief are to be aired. The intensity of the grief is so powerful that a separate period prior to burial is given to the bereaved to express his pain. Lindemann noted that normal grief reactions are characterized by a

> light sense of unreality, a feeling of increased emotional distance from other people . . . a tendency to respond with irritability and anger, a wish not to be bothered by others . . . What is done is done with a lack of zest as though one were simply going through the motions of living.[4]

The Halakhah describes this state as *Aninut.*[5] An *Onen* is someone in deep distress unable to deal with reality at hand. Very much aware of the emotional and psychological dimensions of the bereaved during this period, the rabbis perceptibly pointed out:

> There is no one to carry his heavy burden.[6]

He is alone with his tragic loss. His ability to concentrate and communicate is limited indeed. As the commentaries suggest, "Because he has seen the deceased before him, his mind is weakened."[7] Confrontation with death not only breaks the soul but weakens the mind. The bereaved is thus exempt from performing precepts. Rabbi Soloveitchik puts it in these terms:

> *Aninut* represents the spontaneous human reaction to death. Man responds to his defeat at the hands of death with total resignation and with an all-consuming masochistic self-devastating black despair. Halakhah has never tried to gloss over the sorrowful ugly spectacle of dying man. In spite of the fact that the Halakhah has indomitable faith in eternal life, in immortality and in continued transcendental existence for all human beings . . . It did understand man's fright and confusion when confronted with death. It permitted the mourner to be relieved of all *mitzvot.*[8]

The Halakhah was not only concerned with paying tribute to the deceased, being sympathetic to the bereaved, but was equally concerned with enabling the individual to deal with his loss.

An opportunity for psychological release is thus afforded in the halakhic framework of mourning through the *kreiah,* the rending of garments.[9] Prior to interment and the formal mourning period, the tearing is performed. This is not mere ceremony. It allows the mourner to give expression[10] to his deep anger by means of a controlled, religiously sanctioned, act of destruction. The act must be performed by the mourner and cannot be carried out by someone else.[11] According to the Talmud,[12] any rending

of clothes not carried out in the flush of grief without full emotional involvement is not considered appropriate.[13] The rabbis are quite explicit that there can be no substitutes for this rite through symbolic or other forms. Masochistic or deviant behavior, such as cutting one's flesh or rending one's hair is inappropriate and prohibited. It should be noted that the tearing rite is obligatory through the *Shiva* period, if circumstances may have prevented him from performing this act at an earlier time. Furthermore, if the act has not been properly performed then, it should be carried out during the *Shiva*. Three days after burial is particularly appropriate since the emotional stress and anger is at its peak.[14]

An important function of the mourning process is to work through and dissipate anger. Lindemann noted that the duration of the grief is dependent on the success with which a person did his "grief work."[15] Anger should be viewed as a normal component of grief. A study of Parkes suggests that anger was at its peak during the first month of the mourning period. Anger was described as a general irritability and bitteness. The reaction "was one of an intense impulse to action generally aggressive, which was being rigidly controlled."[16]

The *Hesped,* eulogy, delivered after the burial, serves as a tribute to the deceased. Its major function is to honor the dead.[17] It is suggested, however, that the *Hesped* has an additional dimension which includes the quality of psychological relief. *Bechi* — weeping for the deceased, as noted by Hirsch, enables one to "tear one's feeling and emotion.[18] The *Yoreh Deah* notes that the virtues of the deceased should be enumerated in order to create the climate for natural expression and crying.[19] A commentary to the *Yoreh Deah* has noted that

> Whoever increases one's crying, the Lord counts him and assures him a place in the House of Treasures.[20]

The potential therapeutic effect on the bereaved can be appreciated by the instruction given to the one responsible for delivery of the eulogy. The Talmud notes:

> It is obligatory for the eulogizer to raise his voice and speak in terms which will break the heart.[21]

A catharsis is created through release of thoughts and feelings without bonds or restrictions. The Halakhah tells us to break accepted barriers to mourning and allow the bereaved to cry publicly without shame. Thus at the conclusion of the *Hesped,* the mourner is required to recite the *Kaddish,* a prayer which

> blends the internal spirit of the mourner, imperceptibly healing his psychological wounds.[22]

Maurice Lamm notes:

> The very words offer implicit comfort . . . It transfers subliminally the fixed inner gaze of the mourner from the departed to the living, from crisis to peace, from despair to hope, from isolation to community.[23]

Upon departure from the grave an act of support and comfort is expressed to the bereaved. Those present at the funeral form themselves into two rows through which the mourner passes. They recite,

> May the Omnipresent comfort you together with all the mourners of Zion and Jerusalem.[24]

Once the period of *Aninut* comes to a close, the mourner begins to harness his energies and is directed to begin the return to normal functioning. Rabbi Soloveitchik notes:

> The Halakhah showed so much tolerance for the mourner during the stage of *Aninut* and let him float with the tide of black despair — now forcefully and with a shift of emphasis — commands him that with interment (*setimat hagolel*) the first phase of grief comes abruptly to a close, and a second phase — that of *avelut* begins.[25]

II

It has been suggested that a normal cause of grief reaction sets in when the bereaved starts to emancipate himself from the bondage of the deceased.[26] A major observation (worthy of note be-

cause of its implications for the helping professions) is that the person or family in crisis becomes more susceptible to the influence of "significant others" in the environment. Moreover, the degree of activity of the helping person does not have to be high. Rapoport notes:

> a little help rationally directed and purposefully focused at a strategic time is more effective than more extensive help given at a period of less emotional accessibility.[27]

Jewish law assures that the mourner is not alone in his grief. There are societal obligations to offer support, to restore equilibrium, to ease the transition which the mourner is unlikely to arrive at by himself. The Halakhah turns to the community and seeks its partnership in assisting and helping the bereaved with his difficult burden.

The rabbis require that the mourner's first meal after interment be supplied by friends or neighbors.[28] Maimonides indicates in the laws of mourning:

> On the first day of mourning it is prohibited for the bereaved . . . to eat from his own food.[29]

This meal is referred to as *Seudat Havraah* — the meal of condolence. The *Shulkhan Arukh* provides us with an interesting psychological approach in relation to the source of this meal. The bereaved, it notes, is anxious over his loss. He identifies with the deceased to the point where death is his only comfort.[30] The mourner is so caught up with his loss he neither has interest in or desire for food. It is therefore the duty of the community to supply the mourner with his first meal.[31] The act is not a mere gesture of good will but direct intervention to assist the bereaved in his return to society. The Halakhah was very specific in placing upon society the responsibility of assisting the mourner during this early period. The Talmud has noted:

> *Tevo Kllalah LeSchenim Shitzrichu LeEchol Mi Shelo.* A curse will come upon those neighbors if the mourner has to provide his own food.[32]

Some scholars suggest that the meal of condolence is a Biblical commandment underscoring even further the aspect of community intervention during the initial stage of mourning. For it is during the very period of mourning the bereaved is dazed and needs help with the simplest decisions. Furthermore there is need for accepting the bereaved as he is, with all the irrational thoughts and distorted responses.[33]

To a large extent the Halakhah within the mourning structure requires "significant others" to offer support and acceptance. The natural tendency for the mourner to withdraw and regress into his loneliness is dramatically countered by the community's obligation to ease his transition into society. Lindemann has noted that the

> bereaved is surprised to find how large a part of his customary activity has some meaningful relationship in his contacts with the deceased and has now lost its significance. Especially the habits of social interaction . . . This loss leads to a strong dependence on anyone who will stimulate the bereaved to activity and serve as the initiating agent.[34]

In times of actual disaster Rapoport notes supporting features tend to mobilize energy for reaching out by others. Thus she indicates:

> The individual or group can draw comfort, support and need satisfaction from the network of human relationship.[35]

III

Nichum Avelim, comforting the bereaved, is a sacred obligation devolving upon every Jew. The book of Genesis relates to us that God visited Isaac in order to comfort him upon Abraham's death.[36] The Talmud notes:

> God comforts the bereaved, so must you.[37]

There are differing opinions when the act of visiting the bereaved commences. The Talmud notes that visiting the bereaved should commence from the third day, following burial. This is

based on the view that *Gimel Yamim LeBechi* — "three days for weeping." The mourner is so caught up with his grief, he simply is unable to receive anyone.[38] The mourner's shock is so great that death has not yet taken on reality.[39] Therefore the waiting period for consolation. A contemporary scholar has indicated that visiting the bereaved during the first three days of mourning is permissible.[40] The mourner is comforted at the conclusion of the interment thus commencing with the aid of consolation at an early period.

The procedure for consoling mourners is stated by Maimonides:

> After the body is buried the mourners assemble and station themselves at the border of the cemetery. All who have escorted the dead stand around them, forming themselves into rows, row after row, each consisting of no less than ten people including the mourners.[41]

This brief ceremony at the grave site is continued in all its efficacy when the mourner returns home. Visiting the bereaved is not a mere act of being courteous. As Lamm has noted:

> The fundamental purpose of the condolence call during the *shiva* is to relieve the mourner of the intolerable burden of intense loneliness. The sum effect of the visitation of many friends and relations, some long forgotten . . . is the softening of loneliness, the relief of the heavy burden of internalized despair. It is a beckoning with open arms for the mourner to return to society.[42]

It is perhaps not surprising to find that during the periods of Jewish history it was necessary to convey condolence calls on the Sabbath and holidays.[43] In communities where this was not the practice, visitation nevertheless was carried out to *Leyashev Dato* — "to ease the mind."[44] Consoling the bereaved is an act of benevolence of the highest order. It is the view of Maimonides that if one has to decide over consoling the bereaved or visiting the sick (*bikkor cholim*)

> the duty of comforting mourners takes precedence over the duty of visiting the sick because comforting mourners is an act of benevolence towards the living and the dead.[45]

The Rambam goes further and states that identifying and sympathizing with the bereaved is so great that visiting mourners is comparable with the precept of "Thou shalt love thy neighbor as thyself."[46]

The Halakhah is extremely sensitive to the feelings and emotions of the mourner. The bereaved's ability to deal with his loss is a process which develops gradually; it cannot be forced. Halakhah therefore leaves it to the mourner to set the tone, lead discussion, and provide direction for those that call upon him. His reactions, both verbal and non-verbal should be carefully considered. He initiates conversation and curtails discussion.[47] He is left to choose when to harness his energies and resources. Sensitivity to the emotions and personal needs are so great that in some communities it was customary for consolers to leave the house of the bereaved by the simple nodding of his head.[48]

Finally, the concept of mutual support emerges in the Halakhah when tragedy strikes for a number of families concurrently. It is quite clear on this point that both families are required to console, support and sustain each other's grief.[49]

IV

The five stages of mourning as prescribed in Jewish Law provide a highly structured framework for the bereaved to deal with his loss. At the conclusion of the *Shivah* period, the seven days following burial, certain mourning practices and obligations come to a close. For example, the wearing of non-leather shoes, prohibition of the study of Torah and marital relations are included in these practices.

Sheloshim — The 30 days following burial (including the *Shivah*) is a particularly significant period. Other mourner's practices extend to the full year in the case of loss of one's parents. At the end of the 12-month period (including *Sheloshim*) all mourning is to cease.

The rabbis look with disfavor when mourning is carried too far. Maimonides notes:

> One should not weep for the dead more than three days nor lament for him more than seven days.[50]

Some note that weeping should not extend more than thirty days. Mention is made of Moses.

> The children of Israel wept for Moses thirty days, so weeping in the mourning for Moses was ended.[51]

In the tractate of *Yevamot* the Talmud indicates that David wanted to eulogize Saul, but did not, because twelve months were already passed.[52]

An excess of mourning, too much preoccupation with the deceased, continuous reference to the past, has prompted the rabbis to state with insight,

> Whoever indulges in grief to excess over his dead will weep for another.[53]

In this context note the pertinent remarks of Rabbi Soloveitchik. He states:

> The Halakhah tells man: death is indeed something ugly and frightening, something grisly and monstrous . . . Nevertheless, the Halakhah adds, death must not confuse man. He must not plunge himself into total darkness because of death. On the contrary, the Halakhah asserts, death gives man the opportunity to display greatness and to act heroically; to build, even though he knows that he will not live to enjoy the sight of the magnificent edifice in whose construction he is engaged.[54]

Ritual observance plays a critical part in helping the bereaved overcome his anguish and grief. Both Gorer[55] and Parkes[56] have indicated that a decline in the ritual of mourning leads to mental ill health among bereaved people. The latter underscores the point that

> Those who fail to express their distress within the first week or two of the bereavement are more likely than others to become disturbed later.

In the research undertaken by Gorer, a direct correlation was found between the Jewish *Shivah* and ritual support for grief. He

found that very concentrated and overt mourning that took place during the first seven days of bereavement to be of therapeutic value.[57]

Tentative observations gathered from mourners of the *Yom Kippur* War suggested that non-observant members of society seek ritual in dealing with grief. They are searching for meaningful and significant ways to express their bereavement. Assistance offered will naturally take on many forms. The inclusion of ritual should no doubt add both curative and preventive importance for those so deeply immersed in crisis.

NOTES

I. I am indebted to Professor Benyamin Yanoov, Florence Mittwoch and Dr. Pesach Schindler for their helpful comments on this paper.

2. Note the pertinent article by Phyllis Palgi, "The Socio-cultural Expressions and Implications of Death, Mourning and Bereavement Arising Out of the War Situation in Israel." *The Israel Annals of Psychiatry and Related Disciplines,* Vol. 2, No. 4, December, 1972, pp. 301-329.

3. The source of mourning for seven days is derived from the book of Genesis 50:10; 30 days from the book of Deuteronomy, 21:13.

4. Erich Lindemann, "Symptomatology and Management of Acute Grief," in Howard J. Porad (Ed.) *Crisis Intervention,* New York, Family Service Association of America, 1965, p. 10.

5. *Aninut* is the time between death and burial. The mourner is exempt from religious requirements.

6. *Berakhot Yerushalmi* 83, 4a.

7. *Devarim Rabbah, Vayelech,* Moses Mirking (Ed.) Jerusalem, Yavneh Press, 1962, p. 250.

8. Joseph B. Soloveitchik, *Eulogy for Tolner Rebbe,* Abraham R. Besdin (Ed.), Rabbinical Council of America, June 1972, pp. 2-3, mimeographed.

9. Leviticus 10:6.

10. The time of the tearing according to the view of the *Shulkhan Arukh* must be performed immediately upon hearing the tragic news. In some communities the tearing is performed prior to the interment either at home or at the cemetery.

11. *Arukh HaShulkhan,* 340:12.

12. *Moed Katan,* 24a.

13. *Yoreh Deah, Hilkhot Avelut* (Laws of Mourning), 340.

14. *Shulkhan Arukh,* 190.

15. Lindemann, *op. cit.*, p. 10.

16. Colin Murry Parkes, *Bereavement,* New York, International University Press, 1965, p. 80.

17. Talmud Bavli, *Sanhedrin,* 46b.

18. *Commentary on Genesis,* Samson Raphael Hirsch (Ed.), London, Honigard Sons, 1959, 23:2.

19. *Yoreh Deah, op. cit.,* 244a.

20. *Siftey HaCohen, Yoreh Deah, ibid.,* 344a.

21. *Berakhot* 6a.

22. Maurice Lamm, *The Jewish Way in Death and Mourning,* pp. 154-155.

23. *Ibid.,* p. 155.

24. *Talmud Yerushalmi, Berakhot* 3:2.

25. Soloveitchik, *op. cit.,* p. 3.

26. Lydia Rapoport, "The State of Crisis: Some Theoretical Considerations," in Howard J. Porad (Ed.), *Crisis Intervention,* New York Family Service Association of America, 1965, pp. 22-23.

27. *Ibid.,* p. 23.

28. *Ezekiel* 24:17.

29. Maimonides, *The Laws of Avelut* (Mourning), 4:9.

30. *Shulkhan Arukh, Laws of Mourning.* He notes "The mourner is worried and concerned about his loss. He is not strong enough to eat. His desire is to die. It is therefore obligatory for him to eat from others."

31. There is some controversy as to whether the meal of condolence is an obligation to be carried out for the full day after interment, or limited to the first meal.

32. *Talmud Yerushalmi, Moed Katan* 3:1.

33. Parkes, *op. cit.,* p. 154.

34. Lindemann, *op. cit.,* p. 3.

35. Rapoport, *op. cit.,* p. 31.

36. Genesis 25:11.

37. *Soteh* 14a.

38. *Moed Katan* 21b.

39. *Yebamot* 120a.

40. Y. M. Tuchatzinski, *Gesher HaHayim,* Israel Solomon, pub. 1948, ch. 20:5.

41. Maimonides, *Laws of Mourning* 13:6.

42. Lamm, *op. cit.,* p. 136.

43. *Sukkot* 41b.

44. Yaktiel Greenwald, *Kol Bo Avelut,* New York, Philip Feldheim, 1973, p. 298.

45. Maimonides, *The Laws of Mourning,* 13:6. But according to the *Radbaz,* visiting the sick takes precedence over consoling mourners. The *Radbaz's* point of view is quite clear. Visiting the sick, he notes, enables the ill person to carry on living. If this precept is not fulfilled it is considered *Sfichat Damim* or spilling of blood in vain.

46. Maimonides, *Laws of Mourning* 14:1.

47. *Ibid.,* 14:1.

48. Greenwald, *op. cit.*, p. 257.
49. *Ibid.*, p. 297.
50. Maimonides, *Laws of Mourning*, ch. 13:11.
51. Deuteronomy 34:8.
52. *Yevamot* 79b.
53. *Moed Katan* 21b.
54. Soloveitchik, *op. cit.*, p. 3.
55. Geoffrey Gorer, *Death, Grief and Mourning in Contemporary Britain*, London, Cresset, 1965.
56. Parkes, *op. cit.*, p. 159.
57. Gorer, *op. cit.*, p. 123.